

BOROUGH OF FORD CITY

ORDINANCE NO. 627

AN ORDINANCE OF THE BOROUGH OF FORD CITY, ARMSTRONG COUNTY, PENNSYLVANIA, PROHIBITING THE ERECTION, OPERATION, OR MAINTENANCE OF A JUNK YARD WITHIN THE BOROUGH LIMITS, PROVIDING FOR DECLARATION OF PUBLIC NUISANCE, AND PENALTIES PROVIDED FOR VIOLATIONS.

THE FORD CITY BOROUGH COUNCIL FINDS THAT THE ACCUMULATION, COLLECTION, OR STORAGE OF USED OR SECONDHAND GOODS, CHEMICALS AND MATERIALS CREATES A DANGER AND HAZARD TO THE HEALTH AND WELFARE OF THE CITIZENS OF THE BOROUGH OF FORD CITY BECAUSE SUCH CONDITIONS PROVIDE A BREEDING GROUND FOR RODENTS AND OTHER VERMIN, CREATE AN ATTRACTIVE NUISANCE FOR CHILDREN, AND INCREASE THE RISKS OF FIRE OR SPREADING OF HAZARDOUS CHEMICALS OR FUMES.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Ford City Borough Council, and is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as "The Ford City Borough Junk Yard Ordinance".

SECTION 2. DEFINITIONS

(1) BOROUGH shall mean the Borough of Ford City.

(2) JUNK YARD shall mean any business with the primary function of accumulating, storing for an indefinite time period, and/or displaying old, used, broken, dilapidated, discarded, salvaged, or inoperable items, materials or chemicals for potential resale or sale of cannibalized usable parts, whether or not enclosed within a building. Specifically excluded from this definition are antique shops; used book stores; thrift shops for clothing, household articles, toys or hand tools; one time auction sites; charity drop off points; repair shops; licensed used car dealers; and retail stores which take in trade items for the consideration or the convenience of the purchaser of new items.

SECTION 3. PROHIBITION OF JUNK YARD

No person, partnership, firm, corporation, or other entity existing under law, shall create, erect, operate, or maintain or occupy any land within the Borough as a junk yard.

SECTION 4. DECLARATION OF PUBLIC NUISANCE

The erection, creation, operation or maintenance of a junk yard or the occupation of any lands for such purposes within the Borough is hereby declared to be a public nuisance.

SECTION 5. PENALTIES

Any person violating any of the provisions of this ordinance shall be liable on conviction thereof to a penalty not exceeding Three Hundred (\$300.00) Dollars per day and/or imprisonment for a term not in excess of thirty (30) days for each and every offense. Whenever such person shall have been notified by the Borough by service of summons in a prosecution or in any other way that he is committing such violation of this ordinance, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

SECTION 6. REMEDIES

In case of violation of any of the provisions of this ordinance, the proper officer of the Borough, in addition to other remedies, may institute in the name of the Borough, any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful act and to restrain or abate such violation.

SECTION 7. VALIDITY

The provisions of this ordinance are severable, and if any of

its provisions or any part of any provision shall be held unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Borough that this ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

SECTION 8. REPEAL

Any ordinance or parts of any ordinance conflicting with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflicts.

SECTION 9. EFFECTIVE DATE

This ordinance shall be effective immediately.

ORDAINED AND ENACTED into law, this 17th day of October, 1995.

BOROUGH OF FORD CITY

ATTEST
(SEAL)

Connie Urabowsky
Secretary

Jerry Mikko
BY: President

Approved as to form:

Borough Solicitor