

ORDINANCE NO. 343

AN ORDINANCE OF THE BOROUGH OF FREEPORT, ARMSTRONG COUNTY, PENNSYLVANIA, PROHIBITING THE STORAGE OF ABANDONED OR JUNKED AUTOMOBILES OR THE ACCUMULATION OF JUNK MATERIALS ON PUBLIC OR PRIVATE PROPERTY OTHER THAN AT A DULY LICENSED JUNK YARD PERMITTED WITHIN THE GEORGRAPHICAL LIMITS OF THE BOROUGH, AND PRESCRIBING PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF, THE PURPOSE OF THIS ORDINANCE BEING TO DEFINE AND CLARIFY THE DEFINITION OF "JUNKED AUTOMOBILE" DESCRIBED THEREIN, AND TO LIMIT THE APPLICABILITY OF THE ORDINANCE FOR "OFF-THE-ROAD" VEHICLES, USED SOLELY IN COMMERCIAL FARMING AND BUSINESS FOR PROFIT OPERATIONS.

**BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Freeport, Armstrong County, Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1.** This Ordinance shall be known and may be cited as Freeport Borough Abandoned and Junked Automobile and Junk Accumulation Ordinance.

**Section 2.** Definitions. The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except in those contexts which clearly indicate a different meaning:

**A. Person:** Every natural person, association, or corporation whenever used in any clause prescribing or imposing a fine, or penalty of imprisonment in default, thereof, the term applied to associations shall mean member thereof, and as applied to corporations shall mean the president or secretary thereof.

**B. Junked Automobile:** Any automobile or vehicle outside of a building which is either fully enclosed or enclosed on three (3) sides, and as to which if any one of the following five (5) conditions are found to exist, either by itself or in conjunction with the existence of any other condition recited herein, constitutes a per se violation of this Ordinance:

(I) Automobile or vehicle is not in full, complete and safe working order sufficient to pass state vehicle inspection; or

(ii) Automobile or vehicle does not presently have a current state inspection sticker displayed outside said vehicle in its proper location; or

(iii) Automobile or vehicle does not presently have a state registration plate and sticker displayed on said vehicle in its proper location; or

(iv) Automobile or vehicle is being stored for the purpose of selling parts therefrom; or

(v) Automobile or vehicle is being stored for the purpose of resale as junk and/or scrap metal, or for resale of materials from the vehicle.

**C. Junk:** Any and all forms of waste and refuse of any type or material, including but not limited to scrap metal, junked motor vehicles, glass, industrial waste or any other type of salvageable material. This shall include refuse or garbage, unless the same is contained within fully enclosed containers made of impermeable material and are air and water tight.

**D. Calendar Day:** A period of twenty-four (24) hours measured from midnight of any calendar day.

**Section 3.** Violations and Exceptions.

**A. Violations:** It shall be unlawful for any person to store any abandoned or junked automobile or to accumulate junk or waste materials on private or public property within the geographical boundaries of the Borough of Freeport, Armstrong County, Pennsylvania, for any portion of a calendar day. The storage of any automobile as hereinafter prohibited under Section 3, or the accumulation and/or storage of junk or waste material for more than one (1) calendar day, shall constitute a separate and distinct violation of this Ordinance;

**B. Exceptions:**

(I) Nothing contained in this Ordinance shall be construed to prohibit or render unlawful the storage of abandoned or junked vehicles, or the accumulation of junk or other scrap materials, within the confines of a junk yard located within the Borough, so long as the

same is duly licensed and operating under the provisions of a separate Ordinance of this Borough.

(ii) Any vehicle owned and operated exclusively for commercial farming and/or business for profit operations, said vehicle not being used at any time or for any purpose on a public thoroughfare, street, highway or roadway dedicated to public use, is not required to pass a state inspection, display a state inspection sticker, or display a state registration plate or sticker, as set forth, for purposes of violations in Section 2.B.(i), (ii), (iii), above or enforcement of the provisions of this Ordinance.

**Section 4. Enforcement.** Any person upon summary conviction before a District Magistrate of violating any provision of Section 3 of this Ordinance, shall for the first offense be sentenced to pay a fine of not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00), and for each and every subsequent offense be sentenced to pay a fine of not less than Twenty-Five Dollars (\$25.00), nor more than Three Hundred Dollars (\$300.00), and in default thereof for a first or subsequent offense shall undergo imprisonment for not less than Five (5) days nor more than Thirty (30) days.

**Section 5. Prosecution.** All prosecutions shall be brought in the name of the Borough of Freeport by its duly appointed police or code enforcement officer(s) before the appropriate District Magistrate having jurisdiction over the subject matter and parties involved, and shall be commenced by citation or private complaint. Proceedings shall be conducted in accordance with prosecution of a summary offense, as defined in Titles 18 and 42 of the Pennsylvania Code.

**Section 6. Severability.** The provisions of this Ordinance are severable; if any sections, clauses, sentences, parts or provisions thereof shall be held illegal, unconstitutional

or invalid for any reason, the decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is the intent of the Borough Council of the Borough of Freeport that this Ordinance would have been adopted and interpreted within the reasonable meaning of the words, phrases and provisions set forth herein, as if such illegal, unconstitutional or invalid section, clause, sentence, part or provision had not been originally included.

**Section 7.** This Ordinance shall become effective on the 1st day of October, 2001, or within five (5) days following passage of the same.

**Section 8.** All prior Ordinances, or parts of prior Ordinances and Amendments thereto, inconsistent herewith, are hereby repealed.

**BE IT HEREBY ORDAINED AND ENACTED** by the Borough Council of the Borough of Freeport, Armstrong County, Pennsylvania, at a regular meeting of said Borough Council held on this 1st day of October, 2001.

Attest:

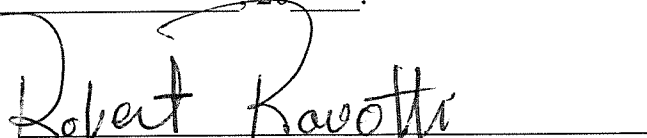


Secretary  
Grace Ravotti

By: 

President of Council  
James M. Seagriff, Jr.

Approved this 1st day of October, 2001.



Mayor  
Robert Ravotti

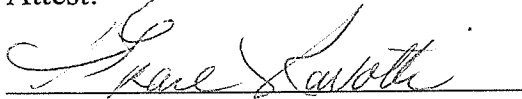
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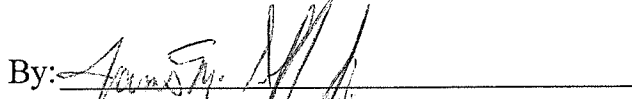
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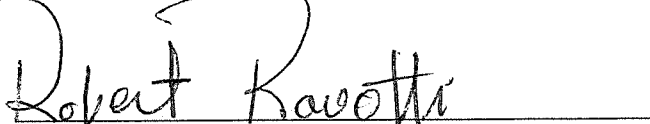


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