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**PART 1**  
**PUBLIC NUISANCES**

**§101. SHORT TITLE.**

This Part shall be known as the "Portage Borough Public Nuisance Ordinance."

(Ord. 306, 5/7/1973, §1)

**§102. NUISANCES PROHIBITED.**

It shall be unlawful for any person to maintain, carry on, cause or allow the existence or maintenance of a public nuisance within the limits of the Borough of Portage, Cambria County, Pennsylvania.

(Ord. 306, 5/7/1973, §2)

**§103. NUISANCES DEFINED.**

Public nuisances shall be defined as including, but not limited to, the following activities when they adversely affect the health, safety, morals or general welfare of the Borough:

- A. The accumulation of or permitting the accumulation of trash, garbage, refuse or rubbish on private or public property.
- B. The storage, accumulation or permitting the storage or accumulation of abandoned, wrecked or junked automobiles, scrap metal or other scrap materials on private or public property (except in places where a junkyard business is regularly conducted within the Borough limits and in accordance with the laws of the Commonwealth of Pennsylvania, and the Borough ordinances).
- C. The carrying on of any offensive manufacturer or business, or any other use or activity upon property that by raising noxious odors or fumes, excessive elimination, excessive noise, vibration or dust or air pollution unreasonably interferes with the reasonable use, comfort and enjoyment of property in the vicinity, or endangers the health or safety of the occupants of property in the vicinity.
- D. The existence of any dangerous structure or improvement on public or private grounds, which constitutes it a fire hazard, or endangers surrounding buildings, or shelters rats or other vermin, or constitutes an attraction to children playing thereabout, and a hazard to their safety or which is unsafe for human occupancy.

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- E. The burning of any paper, rags, automobiles, machines or other waste materials, which results in the omission of excessive noxious odors or which cause fire hazards or which pollutes the air.
- F. The storage of gasoline, kerosene or other petroleum products above ground or underground, without complying with the regulations thereto adopted by the Pennsylvania State Police.
- G. The maintenance or existence of any unfenced or inadequately fenced excavation which constitutes a hazard to children or other persons in the vicinity, and by failure to adequately light said excavation as a safeguard for the protection of other persons in the vicinity.
- H. The use of private property in such manner as to unreasonably interfere with the reasonable enjoyment of property by occupants of property in the vicinity by creating unsightly conditions and appearances in said premises.
- I. The maintenance or existence of any other condition on private or public property which constitutes a fire hazard or endangers surrounding buildings, or results in the sheltering of rats or other vermin, or constitutes an attraction to children and a hazard to their safety, or otherwise endangers the health and safety of occupants of property in the vicinity, the failure to reasonably and promptly remove snow, or other kind of debris or matter from sidewalks abutting on private property.

(Ord. 306, 5/7/1973, §3)

### §104. EXCLUSIONS.

Public nuisances shall not include the following:

- A. The temporary storage of any item preparatory to its removal from the premises. Storage in excess of 30 days is presumed to be permanent storage. [Ord. 3-1999]
- B. The carrying on of any manufacture or business in a manner permitted under any license or permit issued by the Borough or in any other proper and lawful manner.

(Ord. 306, 5/7/1973, §4; as amended by Ord. 3-1999, 4/5/1999)

### §105. ENFORCEMENT.

In the event any person shall maintain a public nuisance, as heretofore defined, the Borough of Portage, upon determining that such public nuisance exists or is being maintained, at its option, may singularly or severally proceed as follows: [Ord. 3-1999]

- A. Commence a summary proceeding to collect a penalty as provided under §106, for the violation of this Part.
- B. Order the termination of the public nuisance or the removal or abatement of the dangerous structure, improvement or excavation by causing written notice to be served personally or by registered or certified mail upon the owner and any occupant of said premises, or upon any agent of the owner or if the identify or whereabouts of the owner be unknown, by posting the notice conspicuously upon the offending premises. The notice shall specify the condition complained of and shall require the owner to commence corrective action as therein set forth within 10 days and to complete such corrective action fully within a reasonable time thereafter. If appropriate, the Borough of Portage may require the corrective action to be fully completed within the 10 day notice period. [Ord. 3-1999]
- C. Should any person cause or permit the continuation of a public nuisance without the commencement of corrective action within 10 days from the date of the receipt of the notice specified in (B), hereof, or if such person shall fail to proceed to complete the corrective action within the time specified in the notice, the Borough of Portage may cause the removal, correction or abatement of the public nuisance by such means as appear necessary to the Borough of Portage. The Borough shall, in such event, where necessary, have the right and power to enter into the offending premises to accomplish the foregoing. [Ord. 3-1999]
- D. In the event the Borough shall have expended monies to remove, correct or abate any public nuisance under the terms of this Part, it may recover the costs thereof, together with a penalty of 10% of such costs and an attorney's fee of 5% by municipal claim proceedings under the Act of May 16, 1923, P.L. 207, as amended; or by such other remedies as may be provided by law, at the election of the Borough.
- E. In lieu of removal, correction or abatement of any public nuisance by the Borough, the Borough may, whenever the Borough of Portage deems it appropriate, institute proceedings in the courts of equity to compel the removal, correction or abatement of such condition, and to seek such other relief as the court is empowered to afford. [Ord. 3-1999]

(Ord. 306, 5/7/1973, §5; as amended by Ord. 2-1978, 4/3/1978; and by Ord. 3-1999, 4/5/1999)

#### §106. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 306, 5/7/1973, §6; as amended by Ord. 3-1999, 4/5/1999)

**§107. REMEDIES NOT MUTUALLY EXCLUSIVE.**

The remedies herein provided for the enforcement of the provisions of this Part, or of any remedy afforded by law, shall not be deemed mutually exclusive and may be empowered simultaneously or consecutively, at the direction of the Borough of Portage.

(Ord. 306, 5/7/1973, §7)

**PART 2**

**WEED CONTROL**

**§201. NOXIOUS WEEDS PROHIBITED.**

From and after the passage of this Part, it shall be unlawful for any person, firm or corporation owning or having an interest in any real estate in the Borough of Portage to permit weeds and similar vegetation, not edible or planted for some useful or ornamental purpose, to grow or remain on the premises owned by them in the Borough of Portage, and all such vegetation are hereby declared to be nuisances and detrimental to the health, safety and comfort of the inhabitants of the Borough of Portage.

(Ord. 265, 1/3/1967, §1)

**§202. REMOVAL BY BOROUGH; COLLECTION OF COSTS.**

All weeds or other vegetation permitted to grow or remain contrary to the provisions of this Part shall be cut and removed under the direction of the Street Commissioner and the cost thereof, together with the penalties provided by law, shall be collected by lien or by action in assumpsit or any other such manner as shall be provided by law.

(Ord. 265, 1/3/1967, §2)

**§203. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 265, 1/3/1967, §3; as amended by Ord. 3-1999, 4/5/1999; and by Ord. 4-2000, 2/7/2000)



PART 3

ADMINISTRATION OF HEALTH LAWS

**§301. ADMINISTRATION OF HEALTH LAWS.**

The Department of Health of the Commonwealth of Pennsylvania be and it is by this Part requested, under the provisions of the Administrative Code of 1929, Article 21, §2102, to take over the administration of the health laws within the Borough of Portage, Cambria County, Pennsylvania, at the expense of the Department of Health.

(Res. 5, 2/1/1960, §1)

**§302. AUTHORIZATION OF OFFICERS.**

The proper officers of the Borough be and they are hereby authorized and directed to send a copy of this Part to the Department of Health for the purpose of making known to said department the request herein incorporated.

(Res. 5, 2/1/1960, §2)



**PART 4**

**JUNKYARDS AND SALVAGE YARDS**

**§401. FINDINGS.**

The Council of the Borough of Portage finds that it is in the public interest and for the public health, safety and welfare to regulate the establishment and maintenance of junkyards, salvage yards and automotive dismantlers and recyclers within Portage Borough.

(Ord. 8-2000, 9/5/2000, §1)

**§402. SHORT TITLE.**

This Part shall be referred to as the "Junkyard and Salvage Yard Ordinance."

(Ord. 8-2000, 9/5/2000, §2)

**§403. DEFINITIONS.**

**AUTOMOTIVE DISMANTLER AND RECYCLER** - any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled vehicles or vehicle parts or both.

**JUNK** - scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel and other old or scrap ferrous or nonferrous material, including wrecked, scrapped, ruined, dismantled or junked vehicles or parts thereof.

**JUNK VEHICLE** - for purpose of this Part, a vehicle shall be considered junk when it displays the following characteristics:

- A. The vehicle is physically inoperable.
- B. The vehicle does not display a valid registration plate.
- C. The vehicle does not display a valid certificate of inspection and displays one or more of the following dangerous/unhealthy conditions:
  - (1) Broken windshield, mirrors or other glass, with sharp edges.
  - (2) One or more flat or open tires or tubes which could permit vermin harborage.
  - (3) Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.

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- (4) Any body parts with sharp edges including holes resulting from rust.
- (5) Upholstery which is torn or open which could permit animal and/or vermin harborage.
- (6) Broken headlamps or tail lamps with sharp edges.
- (7) Protruding sharp objects from the chassis.
- (8) Leaking or damaged oil tray or gas tank which could cause fire or explosion.
- (9) Exposed battery containing acid.
- (10) Broken grill with protruding edges.
- (11) Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Portage.

**JUNKYARD** - any outdoor establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling junk, and the term shall include garbage dumps, sanitary fills and automotive dismantlers and recyclers.

**SALVAGE YARD** - any outdoor establishment or place of business engaged in acquiring and dismantling used, wrecked, damaged, abandoned or salvage vehicles for the purpose of selling the usable parts and selling the remaining hulk materials for recycling or processing.

**VEHICLE** - every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

(Ord. 8-2000, 9/5/2000, §3)

### **§404. ESTABLISHMENT OF JUNKYARDS OR SALVAGE YARDS PROHIBITED.**

1. The Council of the Borough of Portage hereby declares junkyards and salvage yards to be an abatable public nuisance and prohibits the establishment and maintenance of junkyards and salvage yards within the Borough limits.
2. This Section shall not apply to any junkyard or salvage business currently in operation within the Borough at the time of the enactment of this Part; however, the existing junkyards and salvage yards shall be subject to the regulatory provisions contained herein in §408.
3. This exemption for established junkyard and salvage businesses shall not apply to private property owners who, by the condition of their property, are presently in violation of any existing Borough ordinance.

(Ord. 8-2000, 9/5/2000, §4)

**§405. JUNKED VEHICLES ON PRIVATE PROPERTY PROHIBITED.**

Any property owner or leasee who allows any junked vehicle(s) as defined by §403 to remain on the property shall be deemed to be operating a junkyard and same shall be considered an abatable public nuisance pursuant to §404 hereof.

(Ord. 8-2000, 9/5/2000, §5)

**§406. LICENSE.**

1. No person or other business entity shall continue to operate a junkyard or salvage yard in the Borough of Portage without having obtained a license therefor from the Council. Such license shall state the name of the person or entity to whom the license is issued, the location of the entire junkyard or salvage yard premises and shall be posted conspicuously upon the premises.
2. The license shall be issued for a term of 1 year beginning January 1 and ending December 31 of the same year and shall be renewed annually on or before the first day of January of each year.
3. The annual fee for the license required by this Section shall be \$100.
4. This Section shall become effective January 1, 2001.

(Ord. 8-2000, 9/5/2000, §6)

**§407. INSPECTIONS.**

Every junkyard and salvage yard licensed within the Borough shall be subject to inspection during reasonable hours of the day by any member of the Council or duly authorized agent thereof, who shall be and hereby is authorized to make regular inspections of the licensed premises for the purpose of determining whether said licensee has maintained and operated the premises in full compliance with the provisions of this Part and such further regulations as may hereafter be ordained by the Borough.

(Ord. 8-2000, 9/5/2000, §7)

**§408. REGULATIONS.**

Every person or entity licensed pursuant to this Part shall constantly maintain the licensed premises in accordance with the regulations imposed by the Council, specifically:

- A. No junk shall be stored or accumulated nor shall any structure be erected within 25 feet of the side and rear lines of the licensed premises nor within 75 feet of any existing dwelling house erected upon premises adjacent to the licensed premises.

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Nor shall any junk be stored or accumulated or any structure be erected that is used in connection with said junkyard or salvage yard within 40 feet of that line of the licensed premises abutting a public street or highway within the Borough of Portage. Nothing contained in this subsection shall apply to existing structures pertaining to and being used in connection with junkyards or salvage yards presently established and operating.

- B. The licensed premises must be enclosed by a fence or wall not less than 6 feet in height. If the licensee shall elect to comply with this subsection via the installation of a chain-link or other type of fencing that is otherwise transparent, then said licensee shall also be required to install and maintain evergreen "screen plantings" surrounding the area enclosed by the transparent fencing.
- C. No two or more vehicles or major parts thereof may be stacked on top of one another so as to protrude above the fence required by subsection (B) hereof. In no event shall more than three vehicles or major parts thereof be stacked on top of one another.
- D. A 20-foot space between all rows of junk must be maintained at all times.
- E. No junk may be maintained or stored within 20 feet of any river, stream or other watercourse or supply.
- F. Whenever any vehicle shall be received at such premises as junk, all gasoline and oil shall be drained and removed therefrom. This requirement shall be performed in compliance with any and all Federal, State and/or local laws or regulations as may be in effect.
- G. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents or vermin.
- H. No garbage or other organic waste shall be stored in such premises.
- I. All junk shall be maintained at the licensed premises in a neat and orderly fashion.
- J. No junkyard or salvage yard shall operate in violation of the any other Borough ordinance as may be in effect.

(O-rd. 8-2000, 9/5/2000, §8)

**§409. FEDERAL OR COMMONWEALTH REGULATIONS.**

The requirements and regulations contained in this Part are in addition to any Federal or Commonwealth laws, rules or regulations, and a license from the Borough shall not be deemed or construed in any way to certify compliance with any Federal or Commonwealth requirements which may be in effect from time to time.

(Ord. 8-2000, 9/5/2000, §9)

**§410. SEVERABILITY.**

The provisions of this Part are severable and if any of the provisions hereof shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the legislative intent that this Part would have been adopted had such unconstitutional provisions not been included herein.

(Ord. 8-2000, 9/5/2000, §10)

**§411. PENALTIES.**

1. Any person or business entity who shall violate §§404, 405 or 408 of this Part shall be subject to a fine not to exceed \$1,000. Each day that a violation of any of said Sections continues to exist shall constitute a separate offense.
2. Any person or business entity who shall violate §406 of this Part shall be subject to a fine not to exceed \$600. Each day that a violation of said Section continues to exist shall constitute a separate offense.
3. In addition to the penalties provided for this Section, the Borough may institute proceedings in the courts of equity to remove, abate or correct any violation of any Section of this Part. In the event the Borough shall have expended moneys to remove, correct or abate any violations of this Part, the Borough may recover the costs thereof together with a penalty of 10% of such costs and an attorney's fee of 5%.
4. The remedies provided for in this Section shall not be deemed mutually exclusive and may be initiated simultaneously or consecutively in the Borough's sole discretion.

(Ord. 8-2000, 9/5/2000, §11)

