

CENTRE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO 2019 - 165

**AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, DECLARING ACCUMULATIONS OF GARBAGE AND RUBBISH AND/OR STORAGE OF TWO OR MORE ABANDONED OR JUNK AUTOMOBILES ON PROPERTY LOCATED WITHIN CENTRE TOWNSHIP TO BE NUISANCES, PROHIBITING SUCH NUISANCES, AND PROVIDING PENALTIES AND ENFORCEMENT REMEDIES FOR THE ABATEMENT OF SUCH NUISANCES**

**WHEREAS**, the Township of Centre ("Centre") is a Second Class Township in the Commonwealth of Pennsylvania; and

**WHEREAS**, the Pennsylvania Second Class Township Code, 53 P.S. § 66529, authorizes the Township to enact regulations to prohibit nuisances including but not limited to the storage of abandoned or junk automobiles; and

**WHEREAS**, the Board of Supervisors of the Township of Centre finds that both the existence of garbage and rubbish, and the storage of two (2) or more abandoned or junked automobiles on private or public properties in the Township, pose danger to the public health, safety and welfare, and therefore constitute nuisances; and

**WHEREAS**, the Board of Supervisors of the Township of Centre therefore desires to prohibit such nuisances within the Township of Centre.

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania, it is hereby enacted and ordained by the authority of the same as follows:

**Section 1. Definitions.**

Unless otherwise expressly stated, the following words and phrases shall be construed, throughout this Ordinance, to the meanings herein indicated:

Abandoned and/or Junked Automobiles: Motor vehicles that are or are partially dismantled, unused, unusable, wrecked or disabled stored within the confines of Township at a location other than that of a junkyard currently licensed by Township which cannot safely or legally be operated on the streets or highways of the Township of Centre.

Automobile: See Motor Vehicle.

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Motor Vehicle: Any type of mechanical device propelled by motor, engine, or other power source, intended for or used for, the transporting of persons and/or property, including trailers, semi-trailers, or other wheeled devices drawn thereby.

Nuisance: Any condition or use of real property and/or any structure thereon, and any condition or use of any mechanical device, including motor vehicles, which shall constitute a hazard or threat, or a potential threat, to the health, safety or welfare to the residents of the Township of Centre.

Owner: Any person having title, legal or equitable, whole or partial, whether by deed, mortgage, lease or other contract, to real estate within the Township of Centre.

Person: Any individual(s), partnership(s), association(s), firm(s) and/or corporation(s) or other group acting as a unit.

Refuse: Waste, rubbish, garbage, trash, or any material of any kind that has been discarded, rejected case aside or thrown away as worthless.

Rubbish: Combustible and non-combustible waste materials, except garbage, including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastic, tin cans, metals, mineral matter, glass, crockery and other similar materials, scrap metal and other forms of scrap, salvaged or discarded furniture, salvaged or discharged large household appliances such as stoves, refrigerators, freezers, dishwashers, washing machines and/or dryers and commodes, salvaged and/or discarded building materials and salvaged or discarded machinery.

Township: the Township of Centre, Berks County, Pennsylvania.

## **Section 2. Accumulations of Garbage and Rubbish and Storage of Two or More Abandoned or Junked Automobiles a Nuisance.**

Both the accumulation of garbage and rubbish, and the storage of two (2) or more abandoned or junked automobiles, on public or private property in the Township of Centre are hereby declared to be nuisances.

## **Section 3. Accumulation of Garbage and Storage of Two or More Abandoned or Junked Automobiles Unlawful.**

It shall be unlawful for any person or persons, corporation, partnership, unincorporated associations or any entity thereof, to permit the accumulation of garbage and rubbish or the storage of two (2) or more abandoned or junked automobiles, on public or private property within the limits of Township of Centre, Berks County, Pennsylvania.

**Section 4. Penalties.**

In the event any person or persons, corporation, partnership, unincorporated association or any entity thereof shall violate any provision of this Ordinance, the Board of Supervisors shall order the removal of any such accumulation of garbage and rubbish, and the removal of abandoned or junked automobiles from public or private grounds after 10 days written notice to the owner or owners of the premises to do so and, upon default of the owner or owners of the premises to remove such accumulation of garbage and rubbish or such abandoned automobiles, the Board of Supervisors may remove the same and collect the costs of such removal and, such person, firm or corporation, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

**Section 5. Repeal of Ordinances.**

Any ordinance or part of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

**Section 6. Severability.**

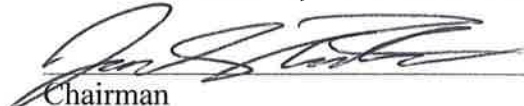
If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Centre hereby declare that they would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.


**Section 7. Effective Date.**

This Ordinance shall become effective at the earliest date permitted by law.

**ENACTED AND ORDAINED** as an Ordinance of Centre Township, Berks County, Pennsylvania, this 24th day of December, 2019

**BOARD OF SUPERVISORS OF  
CENTRE TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA**

  
Chairman

  
Vice Chairman

  
Member

ATTEST:

  
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 20 19 - 165 enacted by the Board of Supervisors of Centre Township, Berks County, Pennsylvania at a public meeting held on December 27, 2019, pursuant to notice as required by law.

Dated: 12/27/2019

Cheyl A. Haus  
Township Secretary