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PART 1
NUISANCES

§10-101. Definitions.

As used in this Part:

WASTE - all materials constituting solid waste as defined in the Solid Waste Management Act, P.L. 380, No. 197, enacted July 7, 1980, 35 P.S. 6018.103, as amended.

(Ord. 695, 8/14/1986, §1)

§10-102. Keeping and Dumping of Waste.

The Council of the Borough of East McKeesport hereby declares to be a nuisance the keeping or dumping of waste upon one's property or dumping said waste upon the property of another within the confines of the Borough of East McKeesport.

(Ord. 695, 8/14/1986, §2)

§10-103. Maintaining a Nuisance.

It shall be illegal to maintain a nuisance as set forth herein within the Borough of East McKeesport or to dump or cause to be dumped any waste upon one's own property, or the property of another within the Borough of East McKeesport. The storage of waste in waste disposal containers for collection by a waste disposal firm pursuant to a private contract or a contract with the Borough of East McKeesport shall not be deemed to be a nuisance within the terms of this Part.

(Ord. 695, 8/14/1986, §3)

§10-104. Inspecting of Properties.

The Building Inspector and appropriate law enforcement officials of the Borough shall inspect various properties within the Borough shall inspect various properties within the Borough of East McKeesport to determine the presence of such material as set forth herein.

(Ord. 695, 8/14/1986, §4)

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§10-105. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 695*, 8/14/1986, §5; as amended by *Ord. 828*, 6/12/2003, §1)

PART 2

REFUSE MATERIAL AND ABANDONED VEHICLES

§10-201. Purpose.

The Council deems it to be in the best interests of the residents of the Borough that Council provide for the orderly abatement of nuisances and to make regulations deems necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough and its residents.

(Ord. 618, 5/31/1973, §1)

§10-202. Nuisances.

It shall be unlawful for the owner or occupier of any property within the territorial limits of the Borough of East McKeesport to permit to exist therein any nuisance including, but not limited to, dangerous structures, garbage, rubbish, other refuse material, abandoned or junked vehicles, unsightly weeds, etc.

(Ord. 618, 5/31/1973, §2)

§10-203. Removal of Nuisances.

Except in cases of extreme emergency in which the Borough Council, or its employees or officials, shall deem it necessary to immediately remove dangerous nuisances, the owner or occupier of property containing any of the heretofore listed nuisances, shall be notified to remove same, in default of which the Borough may cause the same to be done and may collect the cost thereof, together with a penalty of 10% of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or may seek relief by complaint in equity.

(Ord. 618, 5/31/1973, §3)

§10-204. Notification to Remove.

The notice to remove nuisances shall be given personally to the owner or the occupant, or by registered or certified mail, or by posting of the premises, or by publication and shall provide for a minimum of 10 days for the abatement of such nuisance.

(Ord. 618, 5/31/1973, §4)

HEALTH AND SAFETY

§10-205. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 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. 618, 5/31/1973, §§5, 6; as amended by Ord. 828, 6/12/2003,§1)

PART 3

GRASS AND WEEDS

§10-301. Prohibiting Certain Growth.

No person, firm or corporation as owner or occupant in possession of any property within the Borough of East McKeesport shall permit any grass, weeds or other noxious vegetation whatsoever, not edible or planted for some useful or ornamental purpose whatsoever to grow or remain upon such premises in excess of a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any noxious and filthy deposit or to create and produce pollen nor permit any ornamental tree, shrub or other vegetation planted upon the property line at street intersections to remain untrimmed so as to interfere with proper view of said intersection and the flow of traffic and in any event not to exceed a height of 3 feet above the average street level of the abutting streets.

(Ord. 612, 12/14/1972, §1)

§10-302. Nuisance.

Any grass, weeds, ornamental tree or shrub or other vegetation growing upon any premises in said Borough in violation of §10-301 of this Part is hereby declared to be a nuisance and detrimental to the health, safety and welfare of the inhabitants of the Borough.

(Ord. 612, 12/14/1972, §2)

§10-303. Notice.

The Borough Secretary, the Street Commissioner or either of them is hereby authorized to give notice by personal service or registered United States mail to the owner or occupant, as the case may be, of any premises whereon grass, weeds, ornamental tree or shrub or other vegetation is growing and being in violation of the provisions of §10-301 of this Part directing and requiring such occupant to remove, trim or cut the same so as to conform to the requirements of this Part within 5 days after issuance of such notice, and in the event that any person, firm or corporation shall neglect, fail or refuse to comply with such notice within said stated time, the Borough authorities may remove, trim or cut such grass, weeds, ornamental tree or shrub or other vegetation, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such violator in the manner provided by law.

(Ord. 612, 12/14/1972, §3)

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§10-304. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 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. 612, 12/14/1972, §4; as amended by Ord. 828, 6/12/2003, §1)

PART 4

FOOD SAFETY

§10-401. Intent and Purpose.

It is the intent and purpose of the Borough to regulate the sanitary conditions relating to the sale, display and transportation of articles of food in the Borough of East McKeesport.

(Ord. 727, --/1990, §I)

§10-402. Definitions.

As used in this Part, the following terms shall have the meanings indicated unless a different meaning appears clearly from the context:

FOOD STORE - any store, shop, stand or vehicle from which are sold or offered for sale, fruits, vegetables, meats or dairy products.

PERSON - any natural person, association, partnership, firm or corporation.

(Ord. 727, --/1990, §II)

§10-403. Sanitary Conditions of Food Stores.

1. All food stores within the Borough of East McKeesport shall be at all times kept in a clean and sanitary condition by the person conducting the same free from offensive odors or any accumulation of animal or vegetable matter, and shall at all times be open to any authorized agent of the Borough or of the Board of Health of Allegheny County.
2. Any person conducting a food store within the Borough of East McKeesport shall display all articles of food in accordance with all existing regulations of the Allegheny County Health Department and shall at all times be opened to inspection by an authorized agent of the Borough or of the Board of Health of Allegheny County.
3. All outdoor displays of fruits and vegetables shall be done in a way so that the fruits and vegetables are displayed at least 3 feet off the ground.

(Ord. 727, --/1990, §III)

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§10-404. Fines and Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 727, --/1990, §IV; as amended by Ord. 828, 6/12/2003, §1*)

PART 5

COUNTY DEPARTMENT OF HEALTH

§10-501. Becoming Subject to the Jurisdiction of the County Department of Health.

Upon the establishment of the County Department of Allegheny County, the Borough of East McKeesport will cease to exercise any of the public health functions vested in it by law and become subject to the jurisdiction of the said County Department of Health.

(Ord. 476, 11/8/1956, §1)

PART 6

JUNKED MOTOR VEHICLES OR JUNK MOTOR VEHICLE TRAILERS

§10-601. Definitions.

The following words, when used in this Part, shall have the following meaning unless otherwise clearly apparent from the context:

BOROUGH DESIGNATED GARAGE - any garage or garages with whom the proper officials of the Borough of East McKeesport have entered into a contract for the purpose of towing vehicles.

IMPOUNDED - a vehicle shall be deemed to be impounded at such time as the parking violation tag is affixed and the towing service is notified by the Police Department.

IN TOW - a vehicle shall be deemed to be in tow at such time as any chain, rope or any other means of linking the cars together shall be attached.

JUNKED MOTOR VEHICLE - any motor vehicle in such a state of disrepair as to be incapable of being moved on its own power or with any tire missing, or with one or more wheels missing, or in a dismantled or partially dismantled condition, or without current registration plate or without current inspection and emission stickers.

JUNKED MOTOR VEHICLE TRAILER - any trailer designed for attachment to a motor vehicle for the purpose of transportation of persons or goods, where such trailer is in such state of disrepair as to have any tire missing, or with one or more wheels missing or in a dismantled or partially dismantled condition or without a current registration plate.

PREMISES or **PROPERTY** - any lot or piece of ground within the Borough of East McKeesport.

VEHICLES - for the purpose of this Part, all autos, tractors, trucks, truck-tractors, trailers and other vehicles of any kind.

(Ord. 851, 4/14/2005, §1)

§10-602. Private Property Storage or Parking.

The outdoor storage or parking of one or more junked motor vehicles or junk motor vehicle trailers, or any combination thereof, for a period of seven consecutive days on any lot or piece of ground within the Borough of East McKeesport is hereby declared to be a public nuisance per se and is prohibited.

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(Ord. 851, 4/14/2005, §2)

§10-603. Public Property Storage or Parking.

The outdoor storage or parking of any junked motor vehicle or junked motor vehicle trailer on any street or public property for a period of more than 72 hours is hereby declared a public nuisance per se and is prohibited.

(Ord. 851, 4/14/2005, §3)

§10-604. Notice/Costs.

1. The East McKeesport Police Department shall notify the owners of the private property where such junked motor vehicles and/or junked motor vehicle trailers are unlawfully stored, directing that the same be removed within 10 days of such notice. Notice may be given by either regular first class United States Mail, by certified or registered mail, by personal service or by posting the premises.
2. If such junked motor vehicles and/or junked motor vehicle trailers are not so removed within the notice period, the East McKeesport Police Department shall cause the same to be done. All costs and expenses of such removal, together with a penalty of 10%, may be charged against the owner of the property from which the junked vehicles were removed.

(Ord. 851, 4/14/2005, §4)

§10-605. Exceptions.

The provisions of §§10-602 and 10-604 of this Part shall not apply to properties in districts where such storage and parking are otherwise lawful under any ordinance and shall further not apply where approval is or has been obtained for the temporary outdoor storage of damaged vehicles awaiting repair.

(Ord. 851, 4/14/2005, §5)

§10-606. Removal.

As to such junked motor vehicles or trailers parked or stored on streets or public property, the same may be removed forthwith by the East McKeesport Police Department. The costs and expenses of such removal and subsequent storage shall be charged to the owner of such vehicle.

(Ord. 851, 4/14/2005, §6)

§10-607. Report of Removal.

The person removing or directing the removal of any vehicle shall immediately make a report thereof to the Chief of Police. The report to contain the registration number and the location of the pound to which said vehicle has been removed and the reason for its removal.

(Ord. 851, 4/14/2005, §7)

§10-608. Record of Impoundment.

The Chief of Police shall keep a record of all vehicles impounded and be able at all times to furnish the owners or agents thereof with information as to the place of impounding.

(Ord. 851, 4/14/2005, §8)

§10-609. Impoundment Release.

Any vehicle impounded by virtue of this Part and before the same is placed in tow may be released to its owner or his agent upon payment of the proper towing and storage charge to the Borough designated tower.

(Ord. 851, 4/14/2005, §9)

§10-610. Towing Release.

Any vehicle taken in tow and unclaimed by its owner for a period of time exceeding 24 hours will be released to its owner or his agent upon payment of the proper towing storage charge referred to in §10-609.

(Ord. 851, 4/14/2005, §10)

§10-611. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not operate or relieve the owner from liability from any fine or penalty for violation of any law or ordinance on account of which the vehicle was impounded and further the payment of such charges shall constitute a waiver of any right to recover back the money so paid.

(Ord. 851, 4/14/2005, §11)

§10-612. Towing Notice.

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The police officer removing or directing the removal of any vehicle under the provisions of this Part shall affix securely a towing notice form to bear the license number of the vehicle, the date, time place and nature of the violation and the name or identifying badge number of the officer removing or directing the removal of the vehicle.

(Ord. 851, 4/14/2005, §12)

§10-613. Designated Tower.

The Borough designated tower shall agree to the following:

- A. To remove any and all illegally parked vehicles within the Borough at the call of any police officer of said Borough.
- B. The rates that are to be charged for the removal of the said illegally parked, wrecked, abandoned or seized motor vehicles shall not be changed except upon thirty days notice to the Borough Council and only upon their approval of the said change.

(Ord. 851, 4/14/2005, §13)

§10-614. Penalties.

In addition to the remedies set forth above, any person, firm or corporation violating any provision of this Part shall, upon conviction, pay a fine in an amount not exceeding \$500 or shall be subject to a period not exceeding 30 days in the Allegheny County Jail.

(Ord. 851, 4/14/2005, §14)

§10-615. Provisions.

The provisions of this Part shall not be construed in any way so as to broaden or enlarge the rights of private property owners for the storage or maintenance of junked motor vehicles and junked motor vehicle trailers.

(Ord. 851, 4/14/2005, §15)

§10-616. Enactment.

This Part is enacted under the Police Powers of the Borough, specifically §1202, subsection 5 of the Pennsylvania Borough Code, providing for the prohibition and removal of nuisances.

(Ord. 851, 4/14/2005, §16)

PART 7

NEIGHBORHOOD BLIGHT PROTECTIONS AND ENFORCEMENT

§10-701. Definitions.

For the purpose of this Part, the following terms shall have the meanings indicated:

BOARD - a Zoning Hearing Board or other body granted jurisdiction to render decisions in accordance with the Pennsylvania Municipalities Planning Code, the State Borough Code, the Code of the Borough of East McKeesport or a board authorized to act in a similar manner by law.

BOROUGH - the Borough of East McKeesport, Allegheny County, Pennsylvania.

BUILDING - a residential, commercial or industrial building or structure and the land appurtenant to it.

BOROUGH CODE - a building, housing, property maintenance, fire, health or other, public safety ordinance enacted or adopted by the Borough, including those ordinances, regulations and resolutions which establish and assess fees for municipal services and privileges such as sewer, water, refuse collection and parking/parking arrangements. For purposes of this Part, the term does not include a subdivision and land development ordinance or a zoning ordinance enacted by the Borough.

MUNICIPAL PERMIT(S) - privileges related to real property granted by a municipality such as the Borough, including, but not limited to, building permits, parking permits, occupancy permits, and special exceptions or variances from zoning ordinances. The term includes approvals pursuant to land use ordinance other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

MUNICIPAL SERVICE(S) - services provided at a cost by the Borough or other municipal entity, including water service, sanitary sewer service, refuse collection and parking allotments/facilities, which benefit individual properties and also serve to benefit the overall welfare, safety and health of all residents of the Borough.

OWNER - a holder of title to residential, commercial or industrial real estate, other than a mortgage lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record.

PUBLIC NUISANCE - property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the appropriate Borough official a public nuisance in accordance with the Code of the Borough of East McKeesport, as amended.

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SERIOUS VIOLATION - a violation of a State law or Borough code (as both terms are defined herein) or other applicable code that poses an imminent threat to the health and safety of the dwelling occupant, occupants in surrounding structures or passersby. Property found to be a public nuisance is also considered to be a serious violation.

STATE LAW - a statute of the Commonwealth or a regulation of an agency charged with the administration and enforcement of Commonwealth law.

SUBSTANTIAL STEP - an affirmative action as determined by a Borough official or officer of the court on the part of the property owner or managing agent to remedy a serious violation of State law or Borough code including, but not limited to, physical improvements or repairs to the property.

TAX DELINQUENT PROPERTY - tax delinquent real property as defined under the Real Estate Tax Sale Law (P.L. 1368, No. 542), the Municipal Claim and Tax Lien Law (P.L. 207, No. 153) or the Second Class City Treasurer's Sale and Collection Act (P. L. 876, No. 171) located in any municipality in this Commonwealth.

(Ord. 897, 3/8/2012, §I)

§10-702. Legal Action to Be Taken Against Owners.

In addition to any other remedy available at law, including those remedies available under the Neighborhood Blight Reclamation and Revitalization Act (Act 90 of 2010), remedies available in equity or other remedies as provided for in the Code of the Borough of East McKeesport, the Borough may institute the following actions against the owner of any property that is in serious violation of a Borough Code or for failure to correct a condition which causes the property to be regarded as a public nuisance:

- A. An *in personam* action may be initiated for a continuing violation for which the owner takes no substantial step to correct within the 6 months following receipt of an order by the Borough to correct the violation, unless the order is subject to a pending appeal before an administrative agency or court. Notwithstanding any law limiting the form of action for the recovery of penalties by a municipality for the violation of a Borough code, the Borough may recover, in a single action under this section, an amount equal to the penalties imposed against the owner and any costs of remediation lawfully incurred by, or on behalf of, the Borough to remedy any code violation.
- B. A proceeding in equity.
- C. A lien may be placed against the assets of an owner of real property that is in serious violation of Borough code or is regarded as a public nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property for an adjudication under either an *In personam* action or a proceeding in equity as set forth above. In the case of an

owner that is an association or trust, this does not authorize a lien to be placed upon the individual assets or the general partner, trustee, limited partner, shareholder, member or beneficiary of the association or trust except as otherwise allowed by law.

(Ord. 897, 3/8/2012, §II)

§10-703. Out-of-State Owners, Service of Process upon Associations and Trusts.

1. A person who lives or has a principal place of residence outside this Commonwealth, who owns property in this Commonwealth against which Borough code or other applicable code violations have been cited and the person is charged under 18 Pa.C.S. (relating to crimes and offenses), and who has been properly notified of the violations may be extradited to this Commonwealth to face criminal prosecution to the full extent allowed and in the manner authorized by 42 Pa.C.S. Ch. 91 (relating to detainers and extradition).
2. Where, after reasonable efforts, service of process for a notice or citation for any Borough Code or other applicable code violations for any real property owned by an association or trust cannot be accomplished by handing a copy of the notice or citation to an executive officer, partner, or trustee of the association or trust or to the manager, trustee or clerk in charge of the property, the delivery of the notice or citation may occur by registered, certified or United States express mail, accompanied by a delivery confirmation:
 - A. To the registered office of the association or trust.
 - B. Where the association or trust does not have registered office, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice on the property and by handing a copy of the notice or citation to the person in charge of the property at that time.

(Ord. 897, 3/8/2012, §III)

§10-704. Permit Denials.

1. The Borough or a Board may deny issuing to an applicant a municipal permit if the applicant owns real property in any municipality in this Commonwealth for which there exists on the real property:
 - A. Tax and/or municipal services delinquencies on account of the actions of the owner.
 - B. A serious violation and the owner has taken no substantial step to correct the serious violation within 6 months following notification of the violation and for which fines, penalties or a judgment to abate or correct were imposed by a

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magisterial district judge or municipal court or a judgment at law or in equity was imposed by a court of common pleas. No denial shall be permitted if a judgment is subject to a stay or supersedeas by order of court, or if the municipal permit is necessary to correct a violation of State law or Borough code.

2. The municipal permit denial as above described shall not apply to an applicant's delinquency on taxes and/or municipal services charges that are under appeal or otherwise contested through a court or administrative process.
3. In issuing a denial of a municipal permit, the Borough or the Board shall indicate the street address, the municipality and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate State agency, municipality or school district in the form specified by such entity.
4. All municipal permits denied in accordance with this Section may be withheld by the Borough until an applicant obtains a letter of compliance from the appropriate State agency, municipality or school district indicating the following:
 - A. The property in question has no tax or municipal services delinquencies.
 - B. The property in question is now in compliance with State law, Borough code or other applicable codes.
 - C. The owner of the property has presented and the appropriate entity has accepted a plan to begin remediation of a serious violation of State law, Borough code or other applicable codes.
5. If a letter of compliance or a letter of noncompliance, as the case may be, is not issued within 45 days of the request, the property shall be deemed to be in compliance for the purposes of this Section. The appropriate State agency, municipality or school district shall specify the form in which the request for a compliance letter shall be made. Such letters shall be verified by the appropriate municipal officials before issuing to the applicant a municipal permit.
6. Boards, including the Borough Zoning Hearing Board, may deny approval of municipal permits, which includes special exception approval and variance relief, if warranted as set forth above to the extent that approval of such a municipal permit is within the jurisdiction of the Board.
7. The Borough may appear to present evidence that the applicant is subject to denial by a Board in accordance with this Section.
8. A municipal permit may only be denied to an applicant other than an owner if the applicant is acting under the direction or with the permission of the owner and that owner owns real property that is subject to denial as set forth herein above.

(Ord. 897, 3/8/2012, §IV)

§10-705. Inherited Property Relief.

Where property is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violations or to enter into a remediation agreement with the Borough to avoid subjecting the devisee's or heir's other properties to asset attachment or denial of municipal permits and approvals on other properties owned by the devisee or heir. Such opportunity shall be given at the Borough's discretion and subject to the revocation upon the devisee or heir's failure to proceed with a payment plan, or to progress forward and complete a remediation plan.

(Ord. 897, 3/8/2012, §V)

PART 8
YARD SALE PERMITS

§10-801. Definitions.

The following terms shall have the meanings indicated:

BOROUGH - this Borough.

HOUSEHOLD - the individual who applies for a permit and anyone who resides in that individual's residence.

PERMIT - the form that must be obtained, completed and submitted along with the respective fee to the Borough Secretary prior to conducting a yard sale.

YARD SALE - any public sale of goods on residential property including, but not limited to, the residential properties, garage, home, lawn, or yard.

(Ord. 912, 8/8/2013)

§10-802. Yard Sale Permit Required.

1. It shall be unlawful for any individual, group, or corporation to conduct within the Borough a yard sale or permit a yard sale to be held within the Borough on residential property under the individual, group, or corporation's control without first obtaining a yard sale permit from the Borough.
2. Any individual, group, or corporation conducting a yard sale within the Borough or outside the Borough limits or any individual, group, or corporation posting advertisements within the Borough limits for a yard sale to be held inside or outside the Borough limits shall remove from within the Borough right-of-way all signs, flyers, posters, and bulletins no later than the date after the yard sale. Should the yard sale for any reason not be held all signs, flyers, posters, and bulletins advertising the yard sale, must be removed no later than the scheduled last day for the yard sale.

(Ord. 912, 8/8/2013)

§10-803. Frequency and Duration Limitations.

1. Two yard sales are permissible per household in any 12-month period.
2. The maximum duration of any yard sale shall be 2 consecutive calendar days.

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3. The approved yard sale must be held within 15 days of the issuance of the permit for that yard sale.

(Ord. 912, 8/8/2013)

§10-804. Permit Application.

Any individual, group, or corporation wishing to conduct a yard sale may obtain a permit from the Borough at the Borough building during normal business hours.

(Ord. 912, 8/8/2013)

§10-805. Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$50 and prosecution costs for the first offense; \$100 plus prosecution costs for the second offense; \$300 for the third offense and any offense thereafter.

(Ord. 912, 8/8/2013)

§10-806. Enforcement.

Any police officer is hereby authorized to act on behalf of the Borough.

(Ord. 912, 8/8/2013)