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PART 1

GRASS AND WEEDS

§101. GRASS, WEEDS AND CERTAIN OTHER VEGETATION NOT PERMIT-TED UNDER CERTAIN CIRCUMSTANCES.

No person, firm or corporation owning or occupying any property within the Borough of Bedford shall permit any grass or weeds or any vegetation whatsoever, exclusive of trees, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 6 inches, to throw off any unpleasant or noxious odor, to conceal any filthy deposit or to create or produce pollen.

(Ord. 8/6/1962, §1)

§102. GRASS, WEEDS AND CERTAIN OTHER VEGETATION A NUISANCE UNDER CERTAIN CIRCUMSTANCES.

Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of §101 is hereby declared to be unlawful and is declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough and the same is hereby prohibited.

(Ord. 8/6/1962, §2)

§103. RESPONSIBILITY FOR REMOVING, TRIMMING OR CUTTING GRASS, WEEDS AND OTHER VEGETATION.

The owner of any premises as to vacant premises, or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the §101 of this Part.

(Ord. 8/6/1962, §3)

§104. NOTICE TO REMOVE, TRIM OR CUT.

1. The Borough Council, or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of the §101 of this Part, directing and requiring such occupant to remove, trim or cut grass, weeds or vegetation so as to conform to the requirements of this Part within 5 days after issuance of such notice.

2. Whenever it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Council of the Borough of Bedford or any officer or employee of the Borough designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exits, a notice or order directing and requiring that such nuisance be abated within 5 days. [Ord. 2-2001]

(Ord. 8/6/1962, §4; as amended by Ord. 2-2001, 7/2/2001)

§105. AUTHORITY FOR BOROUGH TO REMOVE, TRIM OR CUT GRASS, WEEDS AND OTHER VEGETATION; COLLECTION OF COSTS PLUS $50

In case any person, firm or corporation shall neglect, fail or refuse to comply with the notice provided in §104, within the period stated therein, the Borough authorities may cause such grass, weeds or vegetation to be removed, trimmed or cut. There is hereby imposed a charge of $50 plus the actual cost involved for each time the Borough shall cause such grass, weeds or vegetation to be removed, trimmed or cut; and the owner or occupant, as the case may be, of the premises shall be billed after the same has been completed.

(Ord. 8/6/1962, §5; as amended by Ord. 2-2001, 7/2/2001)

§106. PENALTY ADDED TO UNPAID CHARGES; FILING OF LIEN.

Should any bill or bills for the removing, trimming or cutting of grass, weeds or vegetation be unpaid, a penalty of 10% shall be added to such bill or bills and a lien shall be filed against the premises in the same manner as other municipal claims are filed. In addition, attorney's fees shall be assessed and collected in accordance with the procedure therefor established by the Borough.

(Ord. 8/6/1962, §6; as amended by Ord. 2-2001, 7/2/2001)

§107. PENALTY 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 less than $20 nor more than $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. 8/6/1962, §7; as amended by Ord. 2-2001, 7/2/2001)

PART 2

PROPERTY MAINTENANCE

§201. SHORT TITLE.

This Part shall be known and cited as the "Bedford Borough Property Maintenance Ordinance."

(Ord. 2-94, 9/11/1994, §1)

§202. PREFACE.

Recognizing the need within the Borough to establish certain minimum health and safety requirements for buildings, structures or properties, this Part hereby establishes standards which the Borough of Bedford considers to be fair and essential in meeting those minimum requirements.

(Ord. 2-94, 9/11/1994, §2)

§203. DEFINITIONS.

BUILDING - a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT - an open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

DANGEROUS BUILDING - all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

(1) Those whose interior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

(2) Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration to 50% of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.

(5) Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of the occupants or the public.

(6) Those which have parts thereof which are so attached that they may fall and work injury to the health, safety or general welfare of the occupants or the public, or cause damage to public property.

(7) Those which lack illumination, ventilation or sanitation facilities or, because of another condition, are unsafe, unsanitary or otherwise dangerous to the health, safety or general welfare of the occupants or the public.

(8) Those which, because of their location, are unsanitary or otherwise dangerous to the health, safety or general welfare of the occupants or the public.

(9) Those existing in violation of any provision of the codes or other ordinances of the Borough of Bedford.

[Ord. 2-2001]

GARBAGE - all animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - the presence of insects, rodents, vermin and/or other pests.

LESSEE - owner for the purpose of this Part, when the lessor holds the lessee responsible for maintenance and repairs.

LOT - plot, tracts, premises or parcel of land, with or without improvements thereto.

MOTOR VEHICLE - Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

NUISANCE - any condition, structure or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Borough of Bedford.

OWNER - any person or persons, jointly and severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

PERSON - a natural person, firm, partnership, association, corporation or other legal entity.

REFUSE - all solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

RUBBISH - combustible and noncombustible waste materials, including garbage, refuse, glass, metal, paper, wood, rags, cartons, boxes, rubber, leather, tin cans, bottles, mineral matter, crockery, lumber, wire, pipe, broken stone or cement, tree branches, plant growth, building materials, plumbing or electrical materials, furniture or scrap iron.

UNOCCUPIED HAZARD - any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than 6 months, with either doors, windows or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than 6 months.

YARD - any open space on the same lot with a building and, for the most part, unobstructed from the ground up.

(Ord. 2-94, 9/11/1994, §3; as amended by Ord. 2-2001, 7/2/2001)

§204. APPLICATION.

The provisions of this Part shall supplement local laws, ordinances or regulations existing in the Borough of Bedford or those of the Commonwealth of Pennsylvania. Where a provision of this Part is found to be in conflict with any provision of a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establish the higher standard shall prevail.

(Ord. 2-94, 9/11/1994, §4)

§205. BUILDINGS AND STRUCTURES.

1. It shall be unlawful for any person, owner or lessee of any building or structure to fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.

2. It shall be unlawful for any person, owner or lessee of any unoccupied building or structure to fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.

3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Borough of Bedford, remove, or cause the removal of, the building and/or structure.

4. It shall be unlawful for any person, firm or corporation to allow a dangerous building and/or structure to exist. [Ord. 2-2001]

5. Persons, firms or corporations owning dangerous buildings or structures shall, upon direction of the Borough of Bedford, remove or cause the removal of the dangerous building and/or structure. [Ord. 2-2001]

(Ord. 2-94, 9/11/1994, §5; as amended by Ord. 2-2001, 7/2/2001)

§206. YARDS, LOTS, PARKING AREAS AND OTHER OPEN AREAS.

1. It shall be unlawful for any person, owner or lessee to permit:

   A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.

   B. The development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots.

   C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.

   D. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.

2. It shall be unlawful for any person, owner or lessee to permit rubbish to be stored, maintained or accumulated upon any yard, lot, parking area or other private grounds or in or upon any porch, carport, breezeway or unenclosed garage or areas open to the public view of such person, owner or lessee within the Borough of Bedford.

(Ord. 2-94, 9/11/1994, §6)

§207. MOTOR VEHICLE NUISANCES.

1. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the private property of such person, owner or lessee, or upon the public streets, alleys or ways, within the Borough of Bedford, except as provided in subsections (2) and (3) hereof. A motor vehicle nuisance shall include any motor vehicle which does not bear a current license and registration sticker and a current inspection sticker or is unable to move under its own power or which has any of the following physical defects: (Ord. 2006-1, 4/3/2006)

   A. Broken windshields, mirrors or other glass, with sharp edges.

   B. One or more flat or open tires.

C. Missing doors, windows, hood, trunk or other body parts.

D. Any body parts with sharp edges including holes resulting from rust.

E. Missing tires resulting in unsafe suspension of the motor vehicle.

F. Broken headlamps or tail lamps with sharp edges.

G. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.

H. Protruding sharp objects from the chassis.

I. Broken vehicle frame suspended from the ground in an unstable manner.

J. Leaking or damaged oil pan or gas tank.

K. Exposed battery containing acid.

L. Inoperable locking mechanism for doors or trunk.

M. Open or damaged floor boards including trunk and fire-wall.

N. Damaged bumpers pulled away from the perimeter of vehicle.

O. Broken grill with protruding edges.

P. Loose or damaged metal trim and clips.

Q. Broken communication equipment antennae.

R. Suspended or unstable supports.

S. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Bedford.

2. Any person, owner or lessee who has one or more motor vehicle nuisances may store such vehicle(s) in the Borough of Bedford only within a garage or other completely enclosed building.

3. Any person, owner or lessee lawfully engaged in the business of repairing or temporarily storing motor vehicles may store a motor vehicle nuisance on the private property of such person, owner or lessee provided that the storage of any one particular motor vehicle nuisance shall not exceed 60 days and further providing that such business is located within the C-1 Commercial District - Central, the C-2 Commercial District - Highway or the Commercial/Manufacturing/Residential District as defined in Chapter 27 of the Borough of Bedford Code of Ordinances or is in another zoning district as a lawful nonconforming use pursuant to Chapter 27, Part 4, of the Borough of Bedford Code of Ordinances. [Ord. 2-2001]

(Ord. 2-94, 9/11/1994, §7; as amended by Ord. 2-2001, 7/2/2001; and by Ord. 2006-1, 4/3/2006)

§208. STORAGE OF NUISANCES PROHIBITED.

1. It shall be unlawful for any person, owner or lessee to store or maintain or permit to be stored or maintained any abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment, or construction materials on private property, except as provided in subsection (2) hereof. Such storage shall constitute an additional violation if any of the following conditions exist:

   A. Broken glass or metal parts with sharp or protruding edges.

   B. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt or fall from its original storage position.

   C. Containers of any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons.

2. Storage of such items as listed in subsection (1) hereof on private property shall be permitted only within a garage or other completely enclosed building.

(Ord. 2-94, 9/11/1994, §8)

§209. INFESTATION, PREVENTION AND CORRECTION.

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse. All containers and devices intended for the storage of garbage and refuse shall be kept on the customer's property, either within the confines of the side or rear yards or within a building, until the night before scheduled pickup at which time they may be placed on the edge of the sidewalk or street. (Ord. 2006-1, 4/3/2006)

3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

(Ord. 2-94, 9/11/1994, §9; as amended by Ord. 2006-1, 4/3/2006)

§210. MISCELLANEOUS PROVISIONS.

It shall be unlawful for any person, owner or lessee to permit any refrigerator, freezer

and/or other similar storage chest to be discarded, abandoned or stored in any place or location without first completely removing any and all locking devices and/or doors.
A nuisance is hereby also declared to be any other use of property or course of conduct, irrespective of actual trespass against others, that produces a material annoyance, inconvenience, discomfort or hurt to the life, health or well-being of the community. It shall be unlawful for any person, owner or lessee to commit any nuisance as hereinabove defined within the Borough of Bedford.

(Ord. 2-94, 9/11/1994, §10)

§211. RESPONSIBILITIES OF OCCUPANTS.

Any occupant of a premises shall be responsible for compliance with the provisions of this Part with respect to the maintenance of that part of the premises which he occupies and/or controls.

(Ord. 2-94, 9/11/1994, §11)

§212. RESPONSIBILITIES OF OWNERS.

Any owner of premises shall comply with the provisions of this Part as well as occupants, regardless of any agreements between owners and occupants as to which party shall assume such responsibility.

(Ord. 2-94, 9/11/1994, §12)

§213. INSPECTION.

1. The Borough of Bedford may, or may cause, through an authorized representative of the Borough of Bedford, entry onto the premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough of Bedford for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereto.

2. Whenever the Borough of Bedford or its authorized representative find that an emergency exists which requires immediate action to protect the public health it may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Part, such an order shall be effective immediately. Any person, firm or corporation to whom such an order is directed shall comply therewith immediately but, upon petition to the Borough or its authorized representative, shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the Borough or its authorized representative shall continue such order in effect or modify it or revoke it. The cost of abating such emergency shall be collected in the same manner as provided herein for other cases.

[Ord. 2-2001]

(Ord. 2-94, 9/11/1994, §13; as amended by Ord. 2-2001, 7/2/2001)

§214. AUTHORITY TO REMEDY VIOLATIONS.

The Borough of Bedford shall have the authority to take measures to correct the conditions which are a violation of this Part and collect the cost of such corrections plus 10% of all costs. The Borough of Bedford, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 2-94, 9/11/1994, §14)

§215. PENALTIES.

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 $100 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. 2-94, 9/11/1994, §15; as amended by Ord. 2-2001, 7/2/2001)

§216. OWNERS SEVERALLY RESPONSIBLE.

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part. (Ord. 2-94, 9/11/1994, §16)

§217. REMEDIES NOT MUTUALLY EXCLUSIVE.

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough of Bedford.

(Ord. 2-94, 9/11/1994, §17)

PART 3

MAXIMUM SOUND LEVELS

§301. PURPOSE AND SCOPE.

It is the purpose and scope of this Part to regulate sound levels that vehicles, appliances and equipment shall be allowed to produce and also to provide for the prohibition of other kinds of prohibited noises. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of the Borough of Bedford.

(Ord. 2-2001, 7/2/2001)

§302. APPLICATION.

1. All types of vehicles, appliances and equipment, whether privately or publicly owned.

2. To sounds of any duration.

3. To both owner and operator of vehicles, appliances, equipment, devices, animals or any other object creating noises.

(Ord. 2-2001, 7/2/2001)

§303. EXEMPTIONS.

1. Police, fire, ambulance and other governmental emergency vehicles or pieces of equipment.

2. Back-up alarm devices on trucks and other equipment when installed and operated in accordance with Society of Automotive Engineers recommended practice J944, "Criteria for Back-Up Alarm Devices."

3. Governmental warning devices (i.e., civil defense or fire siren).

4. School, civic, marching or similar bands when practicing on school property, performing at school functions or other functions approved by the Council of the Borough of Bedford.

(Ord. 2-2001, 7/2/2001)

§304. DEFINITIONS.

The following words, when used in this Part, shall have the following meaning unless the context clearly indicates a different meaning:

EQUIPMENT - any devices or combination of devices to accomplish a desired end, such as chainsaw, bulldozer, etc.

OWNER - any person who, alone or jointly or severally with other persons, has legal title to any premises, vehicle or other equipment. This includes any person who has charge, care or control over any premises, vehicle or piece of equipment.

PERSON - any person, firm, partnership, association or corporation.
(Ord. 2-2001, 7/2/2001)

§305. ENFORCEMENT.

1. Abatement. Any emission of noise from any source in excess of the limitation established in or pursuant to this Part, herein described, shall be deemed and is hereby declared to be a public nuisance and may be abated, in addition to administrative proceedings, fines and penalties herein provided. Such abatement may be made by any police officer or other person duly designated by Borough Council, or may be made by order of the Court of Common Pleas of Bedford County on complaint or petition filed on behalf of the Borough of Bedford.

2. Nothing in this Part shall be construed to impair any cause of action, or legal remedy therefor, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise in such place or manner or at such levels which may give rise to such cause of action.

(Ord. 2-2001, 7/2/2001)

§306. NOISE LIMITATIONS.

1. General. No person shall make, permit or cause to be made, any excessive noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound amplifying or other similar electronic device, unless said person has obtained a special permit from the Borough of Bedford as provided in this Part.

2. Musical Instruments. No person shall use or perform on any hand organ or other musical instrument or device, for pay or in expectation of payment, in any public way or public open space of the Borough of Bedford before 6 A.M. or after 6 P.M. of the day, unless said person has obtained a special permit from the Borough of Bedford.

3. Noise From Premises. No person owning or in possession or control of any building or premises shall use the same, permit the use of the same or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation if such use shall, by noise emitted therefrom or by the boisterous nature, disturb or destroy the peace of the neighborhood.

4. Equipment Noise. It shall be unlawful for any person to use any pile driver,

shovel, hammer, derrick, hoist, tractor, roller or other mechanical equipment operated by fuel or electric power, from 9 P.M. to 6 A.M. of the following day, except for emergency work on public improvements, work of public utilities and municipal services.

5. Noise In Handling Refuse Cans. No person shall make any unnecessary noise in the handling of ash, trash and garbage cans, either in loading or unloading, whether full or empty.

6. Noise In the Vicinity of Hospitals, Schools and Churches. No person shall make any unnecessary noise in the vicinity of any hospital, or church during the hours of public worship or school during school hours.

7. Unlawful to Keep Noisy Animals. No person shall keep or permit to be kept, harbor or otherwise maintain any animal which shall disturb the quiet of any public street or other public place or of any neighborhood. Provided, however, that a noisy animal shall be defined as one or more animals which makes noises habitually, so as to constitute annoyance to a person of ordinary sensibilities.

8. Noise by Peddlers. No peddler or other person who plies a trade or calling of any nature on the streets of the Borough of Bedford shall use any horn, bell or other sound instrument to make any noise tending to disturb the peace and quiet of the neighborhood for the purpose of directing attention to his/her wares, trade or calling.

9. Use of Horns and Other Devices On Vehicles. No person, operating any vehicle other than the police, fire, public service or ambulance operators, shall sound any horn, bell, gong, siren or whistle, except for the ordinary horn installed on such vehicle by the manufacturer, or sound any horn, except when reasonably necessary to prevent accidents or to otherwise comply with the law of motor vehicles.

10. Use of Radios, Stereos or Similar Devices in Vehicles. No person shall use any radio, stereo, communications equipment or similar device from or within a vehicle unless the volume of the sound, music or noise emitted thereby is kept at a level which is not audible at a distance of 15 feet or more from the vehicle.

11. The operational performance standards established by this Part shall not apply to any public performance being conducted in accordance with the provisions of a special permit obtained from the Borough of Bedford for the conduct thereof.

(Ord. 2-2001, 7/2/2001)

§307. PENALTIES.

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 $20 nor more than $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. 2-2001, 7/2/2001)

PART 4

IDLING OF MOTOR VEHICLES

§401. DEFINITIONS.

EMERGENCY SERVICE VEHICLES – any specially equipped motor vehicle operated by an ambulance, emergency management, fire or police department, agency, service or association.

IDLE – the operation of the engine of a motor vehicle at a time when the motor vehicle is not being moved regardless of whether the transmission of the motor vehicle is in park or in gear and regardless of whether the accelerator is fully engaged, partially engaged or fully released.

MOTOR VEHICLE – a self-propelled vehicle designed primarily for transporting persons or property including, but not limited to trucks, truck tractors, motor homes, buses, vans and passenger cars.

PERSON – any individual, natural person, association, partnership, firm, corporation, institution, agency, authority, instrumentality of federal, state or local government, or other legal entity.

(Ord. 2006-1, 4/3/2006)

§402. IDLING OF MOTOR VEHICLES.

No person shall permit, cause, suffer or allow the engine of a motor vehicle to idle within the Borough of Bedford, whether on public or private property, for a period of time in excess of two (2) consecutive minutes, except under the following conditions:

1. The engine may be idled for a period of up to five (5) minutes within any sixty (60) minute period when the ambient temperature is less than 32º F (0º C).

2. The engine may be idled for a period of up to twenty (20) minutes within any sixty (60) minute period when the ambient temperature is less than 20º F (-7º C).

3. The engine may be idled for a period of up to twenty (20) minutes within any sixty (60) minute period for buses equipped with air conditioning and non-open able windows when the ambient temperature is greater than 75º F.

4. Where the physical configuration of a school requires a queue of buses for the sequential discharge or pickup of students, and the queue of buses is actively engaged in the discharge of students or awaiting the pickup of students.

   When stopped at an official traffic control device or signal.

5. When stopped at the direction of a uniformed police officer or other person authorized to direct traffic by the Vehicle Code.

6. When the motor vehicle is being used in connection with the construction, repair or maintenance of a public street, public utility or public works project.

7. When the motor vehicle is an emergency service vehicle.

(Ord. 2006-1, 4/3/2006)

§403. RESPONSIBILITY FOR COMPLIANCE.

The owner of a motor vehicle and the person or persons in control of the motor vehicle shall each be responsible for compliance with the terms of this Part.

(Ord. 2006-1, 4/3/2006)

§404. PENALTIES.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than $50.00 nor more than $1,000.00 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

(Ord. 2006-1, 4/3/2006)

PART 5

EXTERNAL FUEL BURNING DEVICES

§501. DEFINITION.

EXTERNAL FUEL BURNING DEVICE – any equipment, device or apparatus which is installed, affixed or situate outdoors and not situate within a building intended for habitation by humans which is used for the primary purpose of combustion of fuel to produce heat for energy as a heating system, or component thereof, which provides heat or hot water to the principal structure, to a structure used for human or animal habitation or occupancy, or to any accessory uses or structures, including, but not limited to residences, businesses, garages, warehouses, greenhouses, swimming pools or spas.

(Ord. 2008-6, 9/2/2008)

§502. PROHIBITION.

All future external fuel burning devices are hereby prohibited within the Borough of Bedford.

(Ord. 2008-6, 9/2/2008)

§503. GRANDFATHER CLAUSE.

This Ordinance shall not be construed to be retroactive and shall not require the removal of any external fuel burning device in existence and installed within the Borough at the effective date of this Ordinance. All external fuel burning devices which are subject to this grandfather clause, however, shall be further subject to the provisions of Section 504.

(Ord. 2008-6, 9/2/2008)

§504. PERMITTING AND REGULATION OF GRANDFATHERED DEVICES.

The owner of an external fuel burning device which is grandfathered pursuant to Section 503 shall obtain a permit for the device from the Borough Office within sixty (60) days after the effective date of this Ordinance. The permit shall allow continued use of the external fuel burning devices subject to the following provisions:

1. It shall be used in a manner that complies with all manufacturer's specifications.

2. It shall not be used to burn green, wet, decaying, treated or painted wood, manure, leaves, rubbish, garbage, plastic, rubber or any material not recommended for burning by the manufacturer of the external fuel burning device.

3. Firewood or other sources of fuel recommended by the manufacturer of the external fuel burning device, which are being stockpiled for the purpose of being burned in the external fuel burning device, shall be neatly stacked and stored under a waterproof cover.

4. It shall be used in a manner so as to assure that smoke, fumes or odors are not dispensed to other properties or public streets.

5. It shall not be moved without written approval from the Borough unless it is being permanently removed from the Borough.

6. It shall be cleaned and maintained to assure that it is in proper operating condition. In the event the device is damaged more than fifty (50%) percent or it is physically deteriorated or decayed, it must be torn down and removed from the property.

7. Ashes and waste shall be disposed of promptly, in a lawful manner, and shall not be permitted to accumulate on the property.

8. It shall only be utilized for the sole purpose of furnishing heat and/or hot water to a structure during the period October 1 through April 30 and shall not be operated for any reason any other time of the year.

9. Acceptance of a permit shall be deemed consent by the property owner for any authorized officer, agent or representative of the Borough to enter the property for the purpose of inspecting the external fuel burning device to assure compliance with the terms of the permit.

(Ord. 2008-6, 9/2/2008; as amended by Ord. 2009-3, 9/1/2009)

§505. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand ($1,000.00) Dollars and in default of payment of said fine, to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Ordinance continues, shall constitute a separate offense.

(Ord. 2008-6, 9/2/2008)

§506. SEVERABILITY.

If any sentence, clause, section or part of this Ordinance is for any reason be found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Ordinance. It is hereby declared as the intent of the Borough that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

(Ord. 2008-6, 9/2/2008)