

ORDINANCE NO 1-92

PINE GROVE TOWNSHIP NUISANCE ORDINANCE OF 1992

AND NOW, this 8th day of December, 1992, the Supervisors of Pine Grove Township, Warren County, Pennsylvania, do hereby Enact and Ordain as follows:

WHEREAS, the Supervisors of Pine Grove Township are by virtue of the Laws and Constitution of the Commonwealth of Pennsylvania, including the provisions of the Act of 1957, May 20th, P.L. 174, Section 5, 53 P.S. Section 65712, as may be amended, empowered to prohibit nuisances.

NOW, THEREFORE, the Supervisors do Enact and Ordain, and it is Enacted and Ordained, for Pine Grove Township, Warren County, Pennsylvania, as follows:

ARTICLE I (GENERAL)

SECTION 1. TITLE.

This Ordinance shall be known and may be cited as the Pine Grove Township Nuisance Ordinance of 1992.

SECTION 2. DEFINITIONS.

The following words when used in this Ordinance or any accompanying Resolution shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

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

JUNK - Any material, including but not limited to appliances, machinery, metal, parts of machinery, glass, wood, containers, equipment and the like no longer suitable for its intended use but which may be turned to some minor, incidental or other use.

LESSEE - The person to whom the owner of property has granted possession, either by express statement or by implication.

MOTOR VEHICLE - Every device of motive power in, upon or by which any person or property may be or at one time might have been transported.

NUISANCE - Any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Township.

OWNER - The actual owner or custodian of the property on which vehicles, machinery, equipment or materials are stored, or where buildings,

structures or operations are located or where other alleged hazards or nuisances are in existence, whether individual, partnership, association or corporation.

PERSON - Every natural person, association, partnership or corporation. The singular shall include the plural. Whenever used in connection with prescribing or imposing penalty, or both, the term as applied to a partnership shall mean the partners or any of them and as applied to corporations or associations shall mean the officer(s) thereof.

RUBBISH - All putrescible solid wastes (except body wastes) including solid market and industrial wastes and all non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as solid market and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials, no longer suitable for its intended use and which cannot be turned to some minor, incidental or other use.

SUPERVISORS - Board of Supervisors of Pine Grove Township, Warren County, Pennsylvania.

TOWNSHIP - Pine Grove Township, Warren County, Pennsylvania.

ARTICLE II (NUISANCES)

SECTION 1. NUISANCES PROHIBITED

It shall be unlawful for any person to create or maintain any condition upon premises owned or occupied by them which could directly or indirectly cause a nuisance to the general public or residents of the Township. While not necessarily intended to be a comprehensive list, the establishment, maintenance, operating or continuance of any of the following at any time within the Township, may be deemed to constitute a nuisance under the terms of this Ordinance.

A. The maintenance or storage by an Owner or Lessee of a motor vehicle which is unable to move under its own power and which motor vehicle: has rusted, broken or sharp edges; missing tires or other components resulting in unsafe suspension of the motor vehicle; ripped upholstery or other conditions which could permit vermin harborage; has leaking or damaged oil pan, gas tank or other fluid container; or such other defects which the Supervisors may upon investigation determine threaten the health, safety and welfare of the citizens of the Township or the general public.

B. The unsheltered storage or maintenance of junk or the storage or maintenance of garbage, rubbish or any other material if any of the following conditions exist with respect thereto:

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

2. Openings or areas which are conducive to the harboring of vermin.
3. Storage in any manner which would allow the junk, garbage, rubbish or material, or any part thereof, to easily shift, tilt or fall from its original storage position.
4. The presence of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents or poisons.
5. Any other condition which the Supervisors may upon investigation determine threaten the health, safety and welfare of the citizens of the Township or the general public.

C. The maintenance of abandoned or neglected buildings, structures, sidewalks or premises, which shall pose or constitute any of the following conditions or hazards:

1. A fire hazard to adjoining structures and other property within the Township.
2. A danger of collapse or infestation by vermin.
3. An area which is or which might potentially serve as an area of play or attraction for children of the Township or the public in general.
4. Any other condition which the Supervisors may upon investigation determine threaten the health, safety and welfare of the citizens of the Township or the general public.

D. The setting, maintenance, operation, conduct or permitting of the establishment and maintenance of fire, combustion or any manufacturing, commercial or other process which is or shall be accompanied by periodic or occasional omissions of smoke, sparks, ash particles, burned sawdust or debris, or the creation and spreading of ash, debris or like material on surrounding or adjacent property to the annoyance, disturbance and detriment of adjoining property owners, residents, passers-by and the traveling public.

SECTION 2. PROCEDURE.

A. Whenever it shall be reported or come to the attention of any Township Supervisors that a nuisance may exist, the Supervisor(s) or a person designated by the Supervisors shall investigate said alleged nuisance. Upon receiving the report of said investigation, the Supervisors may, by Resolution, declare any or all of the conditions defined or set forth in Article II, Section 1, of this Ordinance to be a nuisance in fact.

B. No further action shall be taken in the event the Supervisors shall fail to pass a Resolution declaring said condition(s) as a nuisance in fact.

C. Upon resolving that any of the above conditions is a nuisance, the Supervisors shall give the Owner or Lessee (or both) of the property upon which said nuisance is located and any person permitting the maintenance of such a nuisance, at least fifteen (15) days' notice to completely remove or abate the same. Said notice shall be sent by certified mail, return receipt

requested, may be delivered in person, or may be posted upon the premises if the mailing address of said person, Lessee or Owner of the property cannot reasonably be found.

ARTICLE III (ENFORCEMENT)

SECTION 1. VIOLATIONS OF THIS ORDINANCE.

Any person, who after the delivery or posting of the notice provided for in Article II, Section 2, continues the maintenance of conduct declared to be a nuisance or who fails to take remedies to abate said nuisance when directed to do so shall be determined to be guilty of a violation of this Ordinance and, upon conviction thereof before a District Justice by a summary proceeding, be sentenced to pay a fine not less than One Hundred Dollars (\$100) and not exceeding Six Hundred Dollars (\$600), and in default of payment thereof, may be sentenced to the County jail for a period not exceeding thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense. All of said proceedings and sentencing shall be in accord with the provisions of the Second Class Township Code and as the same shall be amended.

SECTION 2. ABATEMENT OF NUISANCE BY SUPERVISORS.

In addition to or instead of invoking the penalties set forth in the preceding paragraph, the Supervisors may, in the event of any continued violations of this Ordinance which shall constitute a nuisance in fact, remove any nuisance, hazard or dangerous structure on public or private grounds or otherwise abate the nuisance and collect the cost of such removal or abatement together with any penalties as may have been rendered in summary proceedings, from the owner and/or lessee of the premises. The costs of such removal, together with the penalties and attorney fees of up to One Thousand Dollars (\$1,000) may be levied against the property and recovered by the Township in the manner prescribed for the levying and collection of municipal liens.

SECTION 3. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any provision or phrase shall be held to be unconstitutional or invalid, such decision shall not affect the validity of any of the remaining provisions or phrases hereof, it being the intention of the Supervisors to enact and adopt each section independently of every other section.

SECTION 4. REPEALER.

All Ordinances of parts of Ordinances and Resolutions, including Pine Grove Township Nuisance Ordinance of 1967, are hereby repealed insofar as they may be inconsistent herewith.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective upon the expiration of five (5) days from its enactment.

ORDAINED and ENACTED this 8th day of December, 1992.

ATTEST:

Judy Waskeris
Secretary

SUPERVISORS OF PINE GROVE TOWNSHIP:

M. L. Bliss
Clifford Cable
John A. Carter