

ORDINANCE NO. 1990-1

AN ORDINANCE OF CONEWANGO TOWNSHIP, WARREN COUNTY, PENNSYLVANIA, PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF CONEWANGO TOWNSHIP BY PROHIBITING DEFINED NUISANCES; DEFINING NUISANCES; AUTHORIZING THE PLACING OF LIENS AND THE RECOVERING OF COSTS OF ABATEMENT OF NUISANCES BY THE SUPERVISORS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING ORDINANCES INCONSISTENT HEREWITH.

AND NOW, this 9th day of April, 1990, the Supervisors of Conewango Township, Warren County, Pennsylvania, do hereby Enact and Ordain as follows:

WHEREAS, the Supervisors of Conewango 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, empowered to prohibit nuisances; and

WHEREAS, the abandonment and maintenance of garbage, rubbish, buildings, structures, automobiles, junk, old machinery, used building materials, rubble and other articles unsuitable to the uses for which they were originally intended have created and will create private and public nuisances, rendering it difficult to keep public and private premises orderly and unobstructed and will attract rodents, induce mischief, endanger the health, welfare and safety of the citizens and people of the Township.

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

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 and consumption of food, trash, refuse and all material no longer being used or suited for its initial intended use.

JUNK - Any material, including but not limited to old rope, 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 Conewango Township, Warren County, Pennsylvania.

TOWNSHIP - Conewango Township, Warren County, Pennsylvania.

TITLE

This Ordinance shall be known and may be cited as the Conewango Township Nuisance Ordinance of 1990.

ARTICLE I

Section 1. HEALTH HAZARDS & NUISANCES PROHIBITED.

It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance or health hazard to the residents of Conewango Township. While not necessarily intended to be a comprehensive list, the establishment, maintenance, operation or continuance of any the following at any time within Conewango Township, is hereby declared to be 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 has any of the following physical defects:

1. Broken windshields, 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 vermin harborage.
4. Any exposed body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit vermin harborage.
7. Broken headlamps or tail-lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.
10. Any vehicle or part thereof suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunk.
14. Open or damaged floor boards including trunk and firewall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.
19. Such other defects which the Supervisors might deem threaten

the health, safety and welfare of the citizens of Conewango Township.

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 shall deem to be a health hazard, potential health hazard or nuisance.

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 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. Buildings or structures whose interior walls or other vertical structural members list, lean, or buckle to such an extent that block line passing through the center of gravity falls outside of the middle third of its base.
5. Buildings or structures which, exclusive of the foundation, show thirty (30%) percent or more of damage or deterioration of the supporting members, or fifty (50%) percent or more of damage or deterioration of the nonsupporting interior or outside walls or covering.

6. Buildings or structures 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.
7. Buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to life or safety of the occupants or to others in the vicinity.
8. Buildings or structures which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity.
9. Buildings or structures having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, fire escapes or other means of access and egress.
10. Buildings or structures, parts of which are so attached that they may fail and injure members of the public or cause damage to property.
11. Any other condition which, the Supervisors shall deem to be a health hazard, potential health hazard or nuisance.

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

ARTICLE II

Section 1. INVESTIGATION AND DECLARATION OF NUISANCES.

Whenever it shall be reported or come to the attention of any Township official or Township police officer that any building, structure, automobile, junk or other condition is in a dangerous condition, which might constitute a threat or potential threat to the health, safety or welfare of the citizens of

the Township, the Board shall immediately cause an investigation to be made of such condition. Said investigation shall be made and conducted by one or more of the members of the Board. The Board may, after investigation, find and declare any or all of the conditions defined or set forth in Article I, Section 1 of this Ordinance as a nuisance or health hazard, to be a nuisance in fact.

Section 2. NOTICE TO ABATE NUISANCES.

Upon finding that creation and maintenance of any of the above conditions is a nuisance in fact, the Supervisors may give the owner or lessee 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, repair 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 said person, lessee or owner of the property cannot be found.

ARTICLE III

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 (\$100) and not exceeding Five Hundred Dollars (\$500), and in default of payment thereof, may be sentenced to the County jail or workhouse 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 said Second Class Township Code.

Section 2. ABATEMENT OF NUISANCES 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 be determined to 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 of the premises. The costs of such removal, together with the penalties and attorney fees of up to Five Hundred Dollars (\$500) 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 or part of Ordinances are hereby repealed in so far 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 9th day of April, 1990.

BOARD OF SUPERVISORS OF CONEWANGO TOWNSHIP:

Russell H. Jackson
Evelyn L. Howard
Kenneth C. Matthews

ATTEST:

Charles W. Baum
Secretary

