

NUISANCE ORDINANCE

ORDINANCE NO. 2014-01

AN ORDINANCE REGULATING VARIOUS CONDUCT AND ACTIVITIES WHICH ARE HEREIN CLASSIFIED AS NUISANCES AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE IN MANORVILLE BOROUGH, ARMSTRONG COUNTY, PENNSYLVANIA; FURTHER PROVIDING FOR THE SCOPE AND SEVERABILITY HEREOF.

ARTICLE 1. PURPOSE AND INTENT – That in order to protect the general public against the nuisance caused by the conduct, behavior and activities herein defined with the resulting detriment and danger to the public health, safety, interest, convenience and necessity, regulation thereof is required and to that end the purpose of this ordinance is specifically declared to be as follows:

SECTION 1: To protect the general public against the unlawful activities, behavior, and conduct herein defined as nuisances.

SECTION 2: To protect the local residents use and enjoyment of their property against trespassing by the activities, behavior and conduct herein defined as nuisances.

SECTION 3: To protect the general public against the health and safety menace and the expense incident to the activities, behavior and conduct herein defined as nuisances.

SECTION 4: To preserve to the people their constitutional right to preserve the ordinary rules of decency, good morals and public order by regulating the conduct herein defined as nuisances.

ARTICLE II. PUBLIC NUISANCE – The following are hereby declared to be public nuisances:

A. The physical condition or use of any premises regarded as a public nuisance at common law.

B. Any physical condition, use or occupancy of any premises or appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures.

C. Any premises that has unsanitary sewage or plumbing facilities.

D. Any premises unsafe for human habitation or use.

E. Any premises which is manifestly capable of being a fire hazard or is manifestly unsafe or unsecure as to endanger life, limb or property.

F. Any premises from which the plumbing, heating, or other facilities required by the Pennsylvania Uniform Construction Code for habitation have been removed or from which utilities have been disconnected, destroyed or rendered ineffective and the required precautions against trespassers have not been provided.

G. Any premises that is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds.

H. Any structure or building that because of dilapidation, deterioration, decay, damage by fire, or otherwise, is open, vacant or abandoned to the extent that it is in danger of collapse or failure such that it is dangerous to anyone on or near the premises.

I. Any premises on which brush, cut or dead limbs, building materials or scrap material is stored and said items are not used or removed for thirty (30) days or more.

J. Any premises on which tires or automobile or truck parts are located and not located in an enclosure if said items are not used or removed for thirty (30) days or more.

K. Conducting of any activities or maintenance of any conditions causative of an infestation of vermin.

L. Keeping of diseased animals.

M. Permitting or maintaining a ponding of water which acts as a breeding ground for mosquitoes carrying the Nile Virus or other diseases.

N. Keeping more than 5 cats and/or 5 dogs in a structure or building.

O. Storage of explosives.

P. Harboring a vicious dog.

Q. Conducting a house of prostitution.

R. Loud and disturbing noises;

S. Bad odors, smoke, dust, and or excessive vibration.

T. Erecting, setting up, establishing, maintaining, keeping, or continuing to keep, or cause to be erected, set up, established, maintained, kept or continued to be kept, anything that

unreasonably interferes with the general public good, health, safety, peace, comfort, or convenience.

ARTICLE III. VIOLATIONS AND PENALTIES. Erecting, setting up, establishing, maintaining, keeping, causing, permitting, or creating a Public Nuisance, as defined herein, by any person, individual, or business within the territorial limits of Manorville Borough is prohibited. Any person, individual, or business found guilty of erecting, setting up, establishing, maintaining, keeping, causing, permitting or creating a Public Nuisance, as defined herein, within the territorial limits of Manorville Borough, upon failure to stop, eliminate, or cease such Public Nuisance after reasonable notice to do so, shall be guilty of a summary offense and upon conviction thereof liable to pay a fine not more than \$1,000, unless a different fine is otherwise provided for by Pennsylvania State Law or other Manorville Borough Ordinance, in which case the other fine shall be applied. In addition, the following shall apply:

A. It shall be a separate offense for each day, or part of a day, in which a violation of this ordinance is found to exist.

B. In addition to any fine assessed for violation of this ordinance, court costs and reasonable attorney's fees incurred by Manorville Borough in the enforcement of this ordinance shall be assessed against the person, individual, or business found guilty of violating this ordinance.

C. Manorville Borough shall have the option to enforce this ordinance by filing an action in equity to have the Court order the person, individual, or business to stop, eliminate, or cease such Public Nuisance. In such case, court costs and reasonable attorney's fees incurred by Manorville Borough in the enforcement of this ordinance shall be assessed against the person, individual, or business found guilty of violating this ordinance.

ARTICLE IV. SCOPE: This Ordinance is a supplement to existing ordinances regulating behavior that may be classified as a nuisance and establishes additional conduct that constitutes a nuisance. This ordinance does not repeal or amend any prior enacted ordinances to the extent of limiting the enforcement of such ordinances.

ARTICLE V. SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not effect the other provisions or applications of this Ordinance which can be given effect without the invalid

provision, and to this end, the provisions of this Ordinance are declared severable.

ENACTED AND ORDAINED this 7th day of April, 2014, by the Borough Council of the Borough of Manorville, Armstrong County, Pennsylvania.

ATTEST:

MANORVILLE BOROUGH COUNCIL

(SEAL)

Joan A. Zuchan

Secretary

Nancy A. Burch

Council President

Approved this 7th day of April, 2014.

Todd A. Gladyszewski

Mayor