

ORDINANCE NUMBER 1A

AN ORINANCE TO BE KNOWN AS THE "NUISANCE ORDINANCE OF THE TOWNSHIP OF BRADYS BEND, ARMSTRONG COUNTY, PENNSYLVANIA", PROHIBITING NUISANCES ON PUBLIC AND PRIVATE PROPERTY WITHIN SAID TOWNSHIP AND PROVIDING FOR THE HEALTH, COMFORT AND SAFETY OF THE CITIZENS OF SAID TOWNSHIP AND FOR THE REMOVAL, CORRECTION AND/OR ABATEMENT OF SAID NUISANCES AND FIXING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE.

WHEREAS, The Township Supervisors deem it to be in the best interest and general welfare of the citizens and the residents of this Township to prohibit the unreasonable, unwarrantable, and/or unlawful use of public or private property which cause injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate enjoyment of their rights of person or property ; and

WHEREAS, the Second Class Township Code , act of 1933, MAY 1, PL103, No. 69, 1529 (53P.S. 66529 et. seq.), authorizes the Township to prohibit nuisances.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted ordained by the Supervisors of the Township of BRADYS BEND as follows:

SECTION 1. DEFINITIONS. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

(A) "TOWNSHIP" IS THE TOWNSHIP OF BRADYS BEND, ARMSTRONG COUNTY, PENNSYLVANIA.

(B) "SUPERVISORS" ARE THE ELECTED MEMBERS OF THE BOARD OF SUPERVISORS OF BRADY'S BEND TOWNSHIP, ARMSTRONG COUNTY, PENNSYLVANIA.

(C) "OWNER" IS ANY OR EITHER PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION, COMPANY OR ORGANIZATION OF ANY KIND.

(D) "PERSON" IS ANY NATURAL PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION, COMPANY OR ORGANIZATION OF ANY KIND.

(E) "NUISANCE" IS THE UNREASONABLE, UNWARRANTABLE OR UNLAWFUL USE OF PUBLIC OR PRIVATE PROPERTY WHICH CAUSES INJURY, DAMAGE, HURT, INCONVENIENCE, ANNOYANCE OR DISCOMFORT TO ANY PERSON IN THE LEGITIMATE EXERCISE OF HIS REASONABLE RIGHTS OF PERSON OR PROPERTY.

(F) "ABANDONED VEHICLE" IS ANY VEHICLE (OTHER THAN A PEDAL CYCLE) THAT IS LEFT UNATTENDED ON PUBLIC PROPERTY, OR ALONG A PUBLIC ROADWAY OR THAT HAS REMAINED UNMOVED ON A PUBLIC PROPERTY OR ALONG A PUBLIC ROADWAY FOR A PERIOD OF SEVEN (7) DAYS OR ANY VEHICLE LOCATED ON PRIVATE PROPERTY THAT HAS NOT HAD A VALID CERTIFICATE OF STATE INSPECTION AND A VALID STATE REGISTRATION FOR A PERIOD OF NINETY (90) DAYS. THE ABOVE NOTWITHSTANDING EACH PROPERTY OWNER, OR IF THE PROPERTY IS HELD IN JOINT NAME, ALL PROPERTY OWNERS ON THAT PARCEL COLLECTIVELY SHALL BE ENTITLED TO MAINTAIN INDEFINATELY ON HIS PROPERTY ONE (1) VEHICLE WITHOUT A CURRENT CERTIFICATE OF STATE INSPECTION AND VALID STATE REGISTRATION WHICH SHALL NOT BE CONSIDERED AN "ABANDONED VEHICLE" FOR THE PURPOSES OF THIS ORDINANCE.

(G) "DANGEROUS STRUCTURES" ARE DEFINED AS FOLLOWS:

(a) THOSE WHOSE INTERIOR WALLS OR OTHER VERTICAL STRUCTURAL 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;

(b) THOSE WHICH, EXCLUSIVE OF THE FOUNDATION, SHOW DAMAGE OR DETERIORATION TO THIRTY-THREE PERCENT (33%) OF THE SUPPORTING MEMBER OR MEMBERS, OR DAMAGE OR DETERIORATION TO FIFTY PERCENT (50%) OF THE NONSUPPORTING ENCLOSING OR OUTSIDE WALLS OR COVERING;

(c) THOSE WHICH HAVE IMPROPERLY DISTRIBUTED LOADS UPON THE FLOOR OR ROOF OR IN WHICH THE SAME ARE OVERLOADED, OR WHICH HAVE INSUFFICIENT STRENGTH TO BE REASONABLY SAFE FOR THE PURPOSE USED;

(d) 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;

(e) 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 THOSE LIVING THEREIN;

(f) THOSE WHICH HAVE PARTS THEREOF WHICH ARE SO ATTACHED THAT THEY MAY FALL AND INJURE PROPERTY OR MEMBERS OF THE PUBLIC;

(g) THOSE WHICH LACK ILLUMINATION, VENTILATION OR SANITATION FACILITIES OR BECAUSE OF ANOTHER CONDITION ARE UNSAFE, UNSANITARY OR DANGEROUS TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE OCCUPANTS OR THE PUBLIC;

(h) THOSE WHICH BECAUSE OF THEIR LOCATION ARE UNSANITARY, OR OTHERWISE DANGEROUS TO THE HEALTH OR SAFETY OF THE OCCUPANTS OR THE PUBLIC.

SECTION 2 NUISANCES DECLARED ILLEGAL.- Nuisances, including but not limited to the following, are hereby declared to be illegal:

(A) Storage or accumulation of garbage or rubbish, junk, abandoned vehicles or discarded properties of any nature, including but not limited to refrigerators, electric or gas ranges, worn out tires, plumbing or electrical fixtures, building supplies, tree limbs, grass or other vegetation, in or on any public or private property, vacant or occupied, within the Township, or to maintain any accumulations of such materials in or on any public or private property, vacant or occupied, within said Township that creates a condition that endangers the safety, health or comfort of the citizens and the residents of the Township.

(B) To permit drainage of flowing by pipe or other channels, whether natural or artificial, any foul or offensive waste or drainage from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, offensive, water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane or alley, or from any property into or upon any joining property.

(C) Carrying on or maintaining any offensive manufacturing or business activity anywhere within the Township that creates a condition which endangers the safety, health or comfort of the citizens of the Township.

(D) Trailer parks, camp grounds, or other densely populated private owned facilities or enterprises shall provide dumpsters and / or garbage service to its residents.

(E) To allow or permit any excavation, material which has been excavated or obstruction on or adjoining any highway, street, road or sidewalk to remain opened or exposed without the same being secured by a barricade, temporary fence or other protective materials in said Township.

(F) To dump or otherwise dispose of any garbage, rubbish or other refuse materials on any public or private property vacant or occupied within said Township.

(G) To refuse or fail to comply with all the provisions of the "Dog Law", Act of 1982, Dec 7, P. L.784, No. 225, Sections 101, et seq. (3 P.S. 459-101, et seq.) and in addition, the owner or keeper of every dog shall at all times keep such dog either confined or within an enclosure from which it cannot escape, or, firmly secured by means of a collar and chain or other devise so that it cannot stray beyond the premises on which secured, and under control to such extent that such dog or dogs shall not bark for an unreason-ably long or loud manner so as to disturb other residents of said Township.

(H) To maintain or allow any dangerous structure on property located within the Township as defined in Section 1 above pursuant to the Second Class Township Code , 53 P. S. 66533.

SECTION 3 WRITTEN NOTICE TO VIOLATORS REQUIRED.

Whenever a condition constituting a nuisance is permitted, ~~or~~ maintained or in existence and a written, signed and dated complaint concerning said condition has been received by the Township from a Township resident or property owner, the Township shall cause written notice to be served upon the owner in one of the following ways:

(A) By making personal hand delivery of the notice to the owner; or.

(B) By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(C) By fixing a copy of the notice to the door at the entrance of the premises in violation or by posting the premises in violation with a copy of the notice if there are no buildings thereon; or

(D) By mailing a copy of the notice to the last known address of the owner by certified mail; or

(E) By publishing a copy of the notice in a local newspaper once a week for three (3) successive weeks.

Such notice shall set forth in what respects such condition constitutes a nuisance, and whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations, or otherwise in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within a time to be specified in said notice and thereafter to comply fully with the terms of said notice by not later than the time specified in the notice for full compliance. Any such measures shall be taken at the owner's sole expense. The above notwithstanding, if the circumstances require immediate corrective measures, such notice shall require the owner to comply immediately with the terms thereof.

SECTION 4 PENALTY FOR VIOLATION. If the owner after receiving due notice refuses or fails to comply with the terms thereof:

(A) He shall be guilty of a violation of this ordinance and shall upon being found liable therefore, pay a fine of not more than _____ **\$100.00** _____ dollars for the first violation and _____ **\$300.00** _____ dollars for each subsequent violation by the same person who violates this ordinance or permits a violation hereof, plus all court costs and reasonable attorney's fees, and subsequent offense. Each day after the date specified by the written notice required by Section 3 above that the nuisance remains

unabated shall constitute a separate and additional violation of this Ordinance.

(B) The Township may direct the removal, repairs or alteration, as the case may be to be done by the Township and the cost thereof with a penalty of ten (10) percent may be collected form the owner of the premises by action of assumpsit or the Township may file a municipal claim or lien therefore against such real estate.

(C) The Township may by means of a complaint in equity compel the owner to remedy the nuisance or to seek other relief as such Court is empowered to afford.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 5.5 REPEALER. Any prior ordinance or part of any such prior ordinance inconsistent herewith is hereby repealed.

SECTION 6. EFFECTIVE DATE, This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED this 30 day of December, 2009 in lawful session duly assembled.

TOWNSHIP OF BRADYS

BEND

ARMSTRONG

COUNTY,

PENNSYLVANIA

Supervisor

By: James J. Curran

Supervisor

By: Jeffrey D'Young

By: Ronald E. Ford
Supervisor

ATTEST:

Shirley Marshall (SEAL)
Secretary

