

ORDINANCE NO. 110

AN ORDINANCE DECLARING UNLAWFUL THE CREATION OR MAINTENANCE OF NUISANCES OR DANGEROUS STRUCTURES, PROVIDING FOR THE REMOVAL BY THE TOWNSHIP AFTER NOTICE TO THE OWNER AND PRESCRIBING PENALTIES FOR VIOLATIONS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of New Sewickley, Beaver County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Definitions

As used in this Ordinance the following terms shall have the meanings indicated:

DANGEROUS STRUCTURE:

A building or other structure that, by reason of damage or deterioration for any reason, including but not limited to fire, explosion, water, old age, or act of God, is in a condition that presents a danger of personal injury to individuals who may enter same, provided, however, that in any case, consideration of the location of the dangerous structure and the nature and condition of the surrounding neighborhood shall be taken.

NUISANCE:

A. Any use of property within the Township or any condition upon any property within the Township that, other than infrequently or occasionally, shall cause or result in annoyance or disturbance to persons beyond the boundaries of such property and/or danger and interference to the public health and/or safety of persons in the Township and/or disturbance to or interference with the peaceful use of the property of others in the Township; provided, however, that in any case, consideration of the location of the use or condition and nature and condition of the surrounding neighborhood shall be taken.

B. The accumulation and open storage of garbage, refuse, trash or junk as defined herein, shall be considered a nuisance when the accumulation or storage results in the conditions described in Section A.

(i) Garbage: all waste, animal or vegetable, such as but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, rooming houses and all other deleterious substances.

(ii) Refuse: waste, rubbish, garbage, trash and other material of any kind that has been discarded, rejected, cast aside or thrown away.

(iii) Trash: Rubbish such as feathers, ashes, tin cans, paper, boxes, glass, wood, shrubs, yard clippings, leaves, tree trimmings and similar matter.

(iv) Junk: Discarded materials, articles or things including but not limited to non-licensed vehicles, refrigerators, stoves and household appliances, scrap metal and plastic.

PERSON:

Any natural person, partnership, association, firm or corporation.

Section 2 - Restrictions

It shall be unlawful for any person to create, maintain or permit any nuisance or dangerous structure anywhere within the Township.

Section 3 - Notices to Remove

The Ordinance Enforcement Officer of the Township of New Sewickley shall, upon finding that a condition of any premises within the township Constitutes a nuisance or dangerous structure, give notice of such findings to the owner or occupier to remove the nuisance or dangerous structure within a period of fifteen (15) days from the date of such notice.

Section 4 - Appeal

The findings of the Ordinance Enforcement Officer that a condition is in fact a nuisance or dangerous structure shall be binding upon the owner or occupier of such premises unless an appeal is made by the owner or occupier to the Board of supervisors within a period of fifteen (15) days, in which case all proceedings shall be stayed pending the action of the Board of Supervisors on the finding of the Ordinance Enforcement Officer.

Section 5 - Order to be final

The Township Board of Supervisors, at a public meeting to be held within forty-five (45) days after the appeal is filed shall hear the appeal and make such order with respect to the premises as it considers proper and such decision shall be final.

Section 6 - Authorizing to proceed with removal

In the event of a default in the removal of such nuisance or dangerous structure by the owner or occupier of the premises upon which it is found, within the further period of fifteen (15) days from the action of the Board of Supervisors in sustaining such findings of nuisance or dangerous structure, the Ordinance Enforcement Officer is hereby authorized to proceed with the removal thereof for and on behalf of the Township and collect the cost thereof, together with a penalty of ten (10%) of such cost, in the manner provided by law.

Section 7 - Violations and Penalties

Any person who shall violate any provisions of this Ordinance shall be guilty of a summary offense and, upon conviction thereof before the District Magistrate, be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars and costs of prosecution and, in default of payment of such fines and costs, to be imprisoned in the county jail for a period not exceeding thirty (30) days; provided further that each day's continuance of the maintenance of any nuisance, after the expiration of the initial fifteen (15) days referred to in Section 1 of this Ordinance shall constitute a separate violation.

Section 8 - Courts of Equity

The Board of Supervisors may seek relief or abate any nuisance that is found pursuant to this ordinance in a Court of Equity.

ORDAINED AND ENACTED into Law this 2nd day of June, 1987.

TOWNSHIP OF NEW SEWICKLEY

BY: Duane J. Rape  
Chairman