

# Ordinance # 32

## NUISANCES ON PRIVATE AND PUBLIC PROPERTY

"WHEREAS, The Council deems it to be in the best interest and general welfare of the citizens and the residents of this borough to prohibit the unreasonable, unwarrantable, or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate enjoyment of the rights of person or property.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Council of the Borough, as follows:

### 1. SHORT TITLE

This ordinance shall be known and may be cited as the "Borough of Little Meadows Nuisance Ordinance"

### 2. DEFINITIONS.

For the purpose 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 past tense include the future, words in the plural number include the singular number, and words in the singular include the plural number, and the word "shall" is always mandatory and not merely directory.

(1) "Borough" is the Borough of Little Meadows, Susquehanna County, Pennsylvania.

(2) "Council" is the Council of the Borough of Little Meadows, Susquehanna County, Pennsylvania.

(3) "Owner" is a person owning, leasing, occupying or having charge of any premises within the Borough.

(4) "person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.

(5) "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 pursuit of his reasonable rights to person or property.

**2. NUISANCES DECLARED ILLEGAL.** Nuisances, including but not limited to the following, are hereby declared illegal.

(A) Storing or accumulating garbage or rubbish, broken appliances, tires, machinery or any other item that is in a state of disrepair and unserviceable.

(B) Maintaining or causing to be maintained any dangerous structure, including, but not limited to abandoned or unoccupied buildings or parts of buildings in a state of delapidation or disrepair.

(C) Maintaining or causing to be maintained any animals or animal shelters, including but not limited to kennels, pens, and paddocks that create objectionable odors, noises or other health hazards.

(D) Maintaining or causing to be maintained landscaping, lawns, grass, or the general appearance of residential property that degrades adjacent properties or neighborhood, creating a breeding grounds for pests and vermin or causing a hazard to egress the property.

**4. WRITTEN NOTICE TO VIOLATORS REQUIRED.** Whenever a condition constituting a nuisance is permitted or maintained, the Council shall cause written notice to be served upon the owner in one of the following ways:

(A) By making a personal delivery of the notice to the owner.

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

(C) By fixing a copy of the notice to the door at the entrance of the premises in violation.

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

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

Such notices shall set forth in what respects such conditions constitutes a nuisance and whether removal is necessary and required by the Borough, or whether the situation can be corrected by repairs, alterations, or fencing, or boarding, or in some way confining the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within ten (10) days and thereafter to comply fully with its terms with reasonable dispatch, all materials to be supplied and work done at the owners expense; provided however, if circumstances require immediate corrective measures, such notices shall require the owner to immediately comply with the terms thereof.

**5. PENALTY OF VIOLATION** If the owner after receiving due notice refuses to comply with the terms thereof:

(A) He shall be guilty of a violation of this ordinance and shall upon conviction thereof; pay a fine of not more than three hundred (\$300.00) dollars and the costs of prosecution and, in default of payment of such fine and costs of prosecution shall be imprisoned for not more than ten (10) days; provided each day's continuance of a violation shall constitute a separate offense.

6. BOROUGH TO INSTITUTE LEGAL PROCEEDINGS.

In addition to all other remedies or penalties, the Borough of Little Meadows may institute legal proceedings in a court of law or in equity to obtain damages and equitable relief from the offense herein defined as a nuisance.

7. 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 jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

Charles W. Barnum VP 6/10/91  
Alan J. Juremini  
MAYOR  
6/10/91

Jerry F. Fungo, Secretary 6/10/91