

ORDINANCE NO. 2017-1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF JUNIATA TOWNSHIP, HUNTINGDON COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF BY THE TOWNSHIP; AND FIXING PENALTIES FOR VIOLATION

WHEREAS, the Board of Supervisors deems it to be in the best interests and general welfare of the citizens and the residents of this Township 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 their rights of any person or property; and

WHEREAS, the Second-Class Township Code, 53 P.S. section 66529, authorizes Townships to prohibit nuisances, to remove same, and to impose penalties therefor.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of this Township, 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.

- (1) "Township" is the Township of Juniata, Huntingdon County, Pennsylvania.
- (2) "Board of Supervisors" is the Board of Supervisors of Juniata Township, Huntingdon County, Pennsylvania
- (3) "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
- (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 legitimate enjoyment of his reasonable rights of person or property.

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

(A) Storing or accumulating the following:

(1) Garbage or rubbish.

(2) Junk material (including but not limited to unused or abandoned machinery, equipment or appliances)

(3) Other junk (including but not limited to any and all forms of waste and refuse of any type of material, including scrap metal, glass, industrial waste and other salvable materials .

(B) Storing or accumulating abandoned or junked motor vehicles .

(1) Any unlicensed vehicles, which in any manner is in the process of being dismantled for any reason shall be housed within a structure. No parts of such vehicle shall be stored or otherwise maintained- outside of the structure.

(2) Any unlicensed vehicle not in the process of dismantling shall be stored and maintained either within a structure or behind a substantial screen which provides visual protection to all adjoining properties.

(C) Burning garbage, tires, or tar products .

(D) 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 dilapidation or disrepair.

(E) Permitting or allowing any well or cistern to be or remain uncovered.

(F) Pushing, shoveling, or otherwise depositing snow upon the cart way or traveled portion of the public highway, road, or street which is maintained by this Township or by the Commonwealth of Pennsylvania, and allowing the same to remain thereon.

(G) Allowing or permitting any excavation, material excavated or obstruction, on or adjoining any highway, street or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

(H) Creating excessive noises of such intensity as to cause any group of persons of normal sensibilities on premises other than the premises wherein the noise is created or upon any public highway or road within the Township, severe annoyance and discomfort or is of such intensity as to prohibit or seriously interfere with normal conversation between persons, where such noise is of a continuous nature or of a continuous duration of time in excess of five(5) minutes or any such noise that occurs for any period of time

more than three (3) times within any twenty-four (24) hour period. This section shall not apply to Fire, Police or Ambulance sirens or alarms. nor to trains and motor vehicles.

SECTION 3. WRITTEN NOTICE TO VIOLATORS REQUIRED. Whenever a condition constitutes a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following ways:

(A) By making 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 with whom 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(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 by fencing or boarding or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within twenty-one (21) days and thereafter to comply fully with its terms with reasonable dispatch, all material to be supplied and work done at the owner's expense; provided, however, that if the violation charged is under Section 2(C), (E), (F) or (G), and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

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

(1) That person shall be guilty of a violation of this Ordinance, such violation to be a summary offense, and upon conviction thereof that person shall pay the costs of prosecution and shall be sentenced to pay a fine of not more than \$500.00 and/or to undergo imprisonment for not more than ten (10) days; provided, that each day of continuing the violation after due notice and time for compliance have been given constitutes a separate offense.

(2) The Board of Supervisors may direct the removal, repairs or alterations, 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 from the owner of the premises by an action of assumpsit or may file a municipal claim or lien therefor against such real estate.

(3) The Township by means of a complaint in equity may compel the owner to do so or seek such 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 hereof.

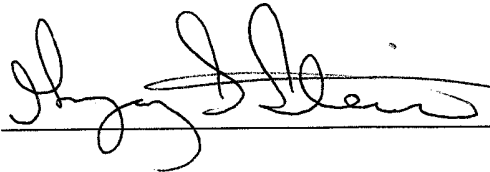
SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective Immediately upon adoption.

ENACTED AND ORDAINED this 5 th day of December, 2017.

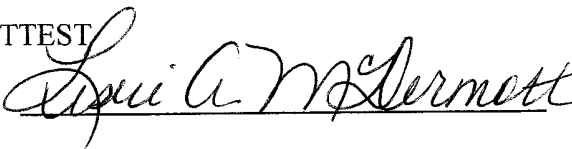
TOWNSHIP OF JUNIATA, COUNTY OF  
HUNTINGDON, PENNSYLVANIA  
BY

  
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ATTEST

  
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