

**ORDINANCE NO. 141-06
EAST TAYLOR TOWNSHIP
CAMBRIA COUNTY, PA.**

AN ORDINANCE OF EAST TAYLOR TOWNSHIP, CAMBRIA COUNTY, PA.
AMENDING TOWNSHIP ORDINANCE NO.1973 - 43 PROHIBITING PUBLIC
NUISANCES WITHIN THE TOWNSHIP, PROVIDING FOR ERADICATION OF
SAME, AND PROVIDING FOR PENALTIES FOR NON-COMPLIANCE

This Ordinance shall be known as the Amended East Taylor Township Nuisance Ordinance. Township Ordinance No. 1973 - 42 is hereby amended as follows:

1102. **Public Nuisances Unlawful.** It shall be unlawful for any owner of real or personal property, tenant, lessee, licensee, or other person utilizing or occupying said property with the permission of the owner or tenant to maintain, carry-on, or permit with existence or maintenance of an offensive or hazardous condition or violation on property within the limits of the Township of East Taylor, Cambria County, Pennsylvania. (***Ord.43, 04/27/1973, sec.2***)

5103. **Definition.** An offensive or hazardous condition or situation shall be defined as including, but not limited to, the following activities when they adversely affect the health, safety, morals or general welfare of persons and property (including animals) within the Township:

A. The accumulation of or permitting the accumulation of trash, garbage, refuse or rubbish on private or public property. Minimum compliance shall require any amount of trash, garbage, refuse or rubbish to be kept, at least **six (6') feet** within the boundary line of any property whereon it is kept.

B. The storage, accumulation or permitting the storage or accumulation of abandoned, wrecked or junked automobiles, scrap metal or other scrap materials on private or public property. However, a landowner, his tenant, licensee or immediate family member thereof may keep not more than **two (2)** uninspected or unlicensed motor vehicles on the property if some are kept within a garage or enclosure or covered by a tarpaulin or other cover which prevents access by children or animals.

C. The carrying on of any offensive manufacture or business, or any other use or activity upon property that by reason of noxious odors or flames, excessive illumination, excessive noise, vibration or dust or air pollution unreasonably interferes with the reasonable use, comfort and enjoyment of the occupants in the vicinity, or endangers the health or safety of the occupants of property in the vicinity.

D. The existence of any dangerous structure, or improvement on public or private grounds, which constitutes a fire hazard, or endangers surrounding buildings, or shelters rats or other vermin, or constitutes an attraction to children playing thereabouts, and a hazard to their safety, or which is unsafe for human occupancy or use.

E. The burning of any paper, rags, automobiles, machines or other waste materials, which results in the emission of excessive noxious odors, or which cause fire hazards, or which pollute the air.

F. The storage of gasoline, kerosene or other petroleum products above ground or underground, without complying with the regulations thereto adopted by the Pennsylvania State Police, and/or the Pennsylvania Department of Environmental Resources.

G. The maintenance or existence of any unfenced or inadequately fenced excavation which constitutes a hazard to children or other persons in the vicinity, and by failure to adequately light said excavation as a safeguard for the protection of other persons in the vicinity.

H. The use of private property in such manner as to unreasonably interfere with the reasonable enjoyment of property by occupants of property in the vicinity by creating unsightly conditions and appearances said premises.

I. The maintenance or existence of any other condition on private or public property which constitutes a fire hazard, or endangers surrounding buildings, or results in the sheltering of rats or other vermin, or constitutes an attraction to children and a hazard to their safety, or otherwise, endangers the health or safety of occupants of property in the vicinity, the failure, to reasonably and promptly remove snow, or any other kind of debris or matter from sidewalks abutting on private property.

(Ordinance 43, 04/27/1973, sec.3: as amended by Ordinance 120-94, 08/16/1994)

104. **Exceptions. Public nuisances shall not include the following:**

- A. The accumulation or burning of small amounts of materials in a reasonable and normal manner premises on which the person resides.
2. The temporary storage of any item preparatory removal from the premises.
- C. The carrying on of any manufacture or business in a under any license or permit issued by the Township, or in any other proper and lawful manner.

(Ordinance 43, 04/27/1973, sec.4.)

105. **Violations.** In the event any person shall maintain a public nuisance as heretofore defined, the Supervisors of East Taylor Township, upon determining that such public nuisance exists or is being maintained, at their option, may singly severally proceed as follows:

- A. Commence summary proceeding to collect penalty as provided under sec.106 of this Part.
- B. Order the termination of the public nuisance or the removal or abatement of the dangerous structure, improvement or excavation by causing written notice to be served personally or by registered or certified mail upon the owner, tenant, lessee or other person utilizing or occupying said, premises, or upon any agent of the owner or if the identity or whereabouts of the owner be unknown, by posting the notice conspicuously upon the offending premises. The notice shall specify the condition complained of and shall require the owner and his tenant, lessee, or other person utilizing or occupying said property to commence corrective action as therein set forth within **ten (10) days** and to complete such corrective action fully within a reasonable time thereafter. If appropriate, the Supervisors may require the corrective action to be fully completed within the **ten (10) day** period.
- C. Should any person cause or permit the continuation of a public nuisance without the commencement of corrective action within **ten (10) days** from the date of the receipt of the notice specified in subsection (B) hereof, or if such person shall fail to proceed to complete corrective action within the time specified in the notice, the Supervisors may cause the removal, correction or abatement of the public nuisance by such means as shall appear necessary to the Township Supervisors. The Township shall in such event, where necessary, have the right and power to enter into the offending premises to accomplish the foregoing.
- D. In the event the Township shall have expended moneys to remove, correct or abate any public nuisance under the terms of this Part, it may recover the cost thereof, a penalty of five (5) percent and a reasonable attorney's fee by municipal claim proceedings under the Act of May 16, 1923, P.L. 207, as amended; or by such other remedies as may be provided by law, at the election of the Township.

E. In lieu, of removal, correction or abatement of any public nuisance by the Township, the Township may, whenever the Supervisors deem it appropriate, institute proceedings in the Court of Common Pleas of Cambria County, Pa. to compel the removal, correction or abatement of such condition, and to seek such other relief as the said Court is empowered to afford.

(Ordinance 43, 04/27/1973, sec.5)

106. **Penalties.** Any person, firm or corporation who shall violate any provision of this Part, upon being found liable thereof in an action brought before a district justice in a civil enforcement proceeding shall pay a judgment of not more than \$1,000 plus costs and reasonable attorney's fees and in default of payment shall serve a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate violation. ***(Ord. 43, 04/27/1973, sec.6; as amended by Ord.120-94, 08/16/199; as amended by Ord.130-98, 06/16/1998)***

107. **Remedies Cumulative.** The remedies provided for the enforcement of the provisions of this Part, or of any remedy afforded by law shall not be deemed mutually exclusive and may be employed simultaneously or consecutively, at the discretion of the Township of East Taylor. ***(Ord. 43, 04/27/1973, sec.7)***

108. That all other Township Ordinances, or parts thereof, are hereby repealed I so far as they are inconsistent herewith.

109. That this Ordinance shall become effective upon passage by the Township Supervisors.

ORDAINED AND ENACTED BY THE SUPERVISORS OF EAST TAYLOR TOWNSHIP, this 22nd day of May 2006.