

ORDINANCE NO. 1998 - 4

AN ORDINANCE OF THE BOROUGH OF ROARING SPRING, BLAIR COUNTY,
PENNSYLVANIA, FOR THE AMENDMENT OF ORDINANCE NO. 1976-1
REGARDING PROTECTION OF THE PUBLIC HEALTH; DEFINING NUISANCES
AND DECLARING CERTAIN CONDITIONS, PLACES, AND THINGS TO BE
NUISANCES, AND PROHIBITING THE SAME; PROVIDING FOR THE
ABATEMENT THEREOF AND PENALTIES FOR THE VIOLATION THEREOF;
AND REPEALING AND AMENDING PARTS OF PREVIOUS ORDINANCES.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council
of the Borough of Roaring Spring, Blair County, Pennsylvania:

Section 1. That for the purpose of this Ordinance, the word "Person"
wherever used in said Ordinance, shall be held and construed to mean and
include natural persons of either sex, firms, co-partnerships and corporations,
and all associations of natural persons, whether acting by themselves, or by a
servant or employee.

Section 2. Nuisance - Generally Defined. A nuisance consists in doing
an unlawful act or omitting to perform a duty or suffering or permitting any
condition or thing to be or exist, which act, omissions, condition, or thing, either:

- (1) Injures or endangers the comfort, repose, health
or safety of other persons.
- (2) Unlawfully interferes with, obstructs or tends to obstruct
or render dangerous for passage any streams, public park, square,
street or highway, in the Borough of Roaring Spring; or
- (3) In any way tenders other persons insecure in life of the use
of property; or,

(4) Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property.

Section 3. Nuisance - Specifically Defined. Without limiting the foregoing general definition, the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, parkway, or other private or public place in the Borough of Roaring Spring, or any one or more of the following, disordered, disturbing, unsanitary, fly-producing, rat harboring, disease-causing places, conditions, or things, that is to say:

(1) Any putrid or unwholesome remains of any part of any dead animal, fish, or fowl.

(2) The maintaining of any open pits or other excavations which are two (2) feet or more in depth and which are not protected by a suitable means.

(3) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.

(4) Filthy, littered, or trash-covered cellars, house yards, barn yards, stable yards, factory yards, vacant areas in rear of stores, vacant lots, houses, buildings or premises.

(5) The allowance of any grass, weeds or any type of plant growth

which shall be left to grow in excess of six (6) inches above the ground with the exception of trees, shrubs, bushes, flowering plants or vegetable plants which are properly trimmed and maintained, shall constitute a nuisance.

(6) Any loud, offensive noises made by any means, including but not limited to motor vehicles, planes, boats, or cycles of any kind, whether moving or stationary, constitute a nuisance.

(7) Tin cans, bottles, glass, cans, ashes, small pieces of scrap, iron, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all such trash or abandoned material unless the same may be kept in covered bins, or galvanized iron receptacles approved by the Health Officer.

(8) Trash, litter, rags, accumulation of empty barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw, or other packing material, timber not neatly piled, scrap iron, tin, or any other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire danger.

(9) Any unsightly building, billboards, or other structures, or any old abandoned or partly destroyed building or structure.

(10) All places used or maintained as junk yards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out,

wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, for the storing or leaving of any machinery or equipment used by a contractor or builder or by other persons which said places are kept so as to interfere with the comfortable enjoyment of life of property by others.

(11) A motor vehicle nuisance which shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- a. Broken windshields, mirrors or other glass, with sharp edges.
- b. One or more flat or open tires or tubes which could permit vermin harborage.
- c. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- d. Any body parts with sharp edges, including holes resulting from rust.
- e. Missing tires resulting in unsafe suspension of the motor vehicle.
- f. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- g. Broken headlamps or tail lamps with sharp edges.
- h. Disassembled chassis parts apart from the motor vehicle

stored in a disorderly fashion or loose in or on the vehicle.

- i. Protruding sharp objects from the chassis.
- j. Broken vehicle frame suspended from the ground in an unsafe manner.
- k. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- l. Exposed battery containing acid.
- m. Inoperable locking mechanism for doors or trunk.
- n. Open or damaged floor boards, including trunk and firewall.
- o. Damaged bumpers pulled away from the perimeter or vehicle.
- p. Broken grill with protruding edges.
- q. Loose or damaged metal trim and clips.
- r. Broken communication equipment antennae.
- s. Suspended or unstable supports.
- t. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Roaring Spring.

Section 4. Every agent or owner of any unoccupied building in the Borough of Roaring Spring shall keep the same securely closed at all times against persons who may enter and commit a nuisance therein.

Section 5. It shall be unlawful for any person to enter any unoccupied building and commit a nuisance therein.

Section 6. Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property caused by the former owner, is liable therefore in the same manner as the owner who created it.

Section 7. It shall be unlawful for any person to erect, contrive, cause, suffer, permit, continue or maintain a nuisance as herein defined or prohibited.

Section 8. Every person who shall violate any of the provisions of this Ordinance shall be guilty of an offense, and upon conviction thereof, shall be punished by a fine not exceeding Three Hundred (\$300) Dollars, including such sums as may be fixed for the abatement thereof, or in default of payment thereof, to imprisonment in the county prison for a period not exceeding ninety (90) days, or both.

Section 9. In the event an owner and/or occupant of any premises violates this Ordinance by causing, maintaining or permitting to exist a public nuisance on said premises, the Borough Council may give or cause to be given written notice to said owner and/or occupant to remove or abate said public nuisance. The notice shall state that unless the said public nuisance shall have been removed or abated within such reasonable time as specified therein (but not less than ten (10) days) after the giving of notice, the Borough Council may enter said premises and remove or abate such public nuisance or cause it to be entered and removed or abated at the cost and expense of said owner and/or

occupant. The Borough Council is hereby authorized to collect the cost of such removal or abatement, together with penalty of not more than ten (10) percent thereof, from the owner and/or occupant by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim.

Section 10. Each day's continuance of anything prohibited by this Ordinance shall be a separate offense thereunder.

Section 11. If any section or provision of this Ordinance shall be held void or unconstitutional, all other sections and all other provisions of the Ordinance which are not so held void or unconstitutional shall continue in full force and effect.

Section 12. The provisions of this Ordinance shall be cumulative, and in addition to the provisions on the now existing Ordinances of the Borough of Roaring Spring.

Section 13. This Ordinance shall repeal Ordinance No. 1976-1 heretofore in effect in the Borough of Roaring Spring.

ADOPTED, this 8th day of June, 1998.

BOROUGH OF ROARING SPRING

ATTEST:

Lisa C. Gates

By: Rockell Warner

NOW, THIS Ordinance is approved.

day of

Paul J. Halanger 1998, the within