

### WARRIOR RUN BOROUGH ORDINANCE 2011-3

#### **AN ORDINANCE OF THE BOROUGH OF WARRIOR RUN, COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA, NUISANCE**

**NOW**, it is hereby **ORDAINED** and **ENACTED** by the Borough of **WARRIOR RUN**, County of Luzerne, Commonwealth of Pennsylvania, that:

#### **SECTION I: DEFINITIONS**

For the purposes of this Part, the word "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- A. Injures or endangers the comfort, repose, health or safety of others.
- B. Offends decency.
- C. Is offensive to the senses.
- D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage.
- E. In any way renders other persons insecure in life or the use of property.
- F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

#### **SECTION II: ILLUSTRATIVE ENUMERATION OF NUISANCES**

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance: provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- A. Weeds, grass or other rank vegetation to a height greater than 6 inches on the average.
- B. Accumulation of dead weeds, grass or brush.
- C. Poison ivy, ragweed or other poisonous plants, or plants detrimental to health growing on any lot in such a manner that any part of such

vegetation shall extend upon, overhang or border any public place or such as to allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

- D. Trees, shrubs, plants or vegetation which overhangs any sidewalk or street, or which grown thereon in a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, including the interruption or interference with the clear vision of pedestrians or persons operating vehicles thereon.
- E. Trees, shrubs, plants or vegetation which interferes with electrical poles, wires, pipes or fixtures, or the roots of which interfere with or cause the surface of the street, sidewalk or curb to be upheaved or disturbed.
- F. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- G. Any condition which provides harborage for rats, mice, snakes and other vermin.
- H. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- I. All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- J. All disagreeable or obnoxious odors and stenchs, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenchs.
- K. The carcasses of animals and fowl not disposed of within a reasonable time after death.
- L. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- M. Any building, structure or other place or location where any activity which is in violation of local, State or Federal law is conducted, performed, or maintained.



- N. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- O. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

### **SECTION III: NUISANCE PROHIBITION**

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

### **SECTION IV: NOTICE TO ABATE**

Whenever a nuisance is found to exist within the Borough, the Borough Chief of Police or some other duly designated officer of the Borough shall give ten (10) days written notice to the owner or occupant of -the property upon which such nuisance exists or upon the causing or maintaining the nuisance.

### **SECTION V: CONTENTS OF NOTICE TO ABATE**

The notice to abate a nuisance issued under the provisions of this Part shall contain:

- A. An order to abate the nuisance or to request a hearing within a stated time, which shall be responsible under the circumstances.
- B. The location of the nuisance, if the same is stationary.
- C. A description of what constitutes the nuisance.
- D. A statement of acts necessary to abate the nuisance.
- E. A statement that if the nuisance is not abated as directed, and no request for hearing is made within the prescribed time, the Borough will abate such nuisance and assess the cost thereof against such person.

### **SECTION VI: SERVICE OF NOTICE**

Proper service of any notice under this Part shall be by personal service upon the person responsible for the nuisance or the owner authorized property management agent, or occupant of the premises. Alternatively, such service may be made to such person by registered mail and return receipt requested.

## **SECTION VII: ABATEMENT BY BOROUGH**

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of the Part to abate the same, the Borough Chief of Police or other duly designated officer of the Borough shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

## **SECTION VIII: EMERGENCY ABATEMENT BY BOROUGH**

When, in the opinion of the Borough Police Chief or other duly designated officer, there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the Police Chief or other duly designated officer is hereby authorized and empowered, without any notice or hearing to order and require such premises to be vacated. The Borough Police Chief or other duly designated officer shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

## **SECTION IX: BOROUGH'S COSTS DECLARED LIEN**

Any and all costs incurred by the Borough in the abatement of a nuisance under the provisions of this Part shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law.

## **SECTION X: ADDITIONAL REMEDIES**

The Borough may pursue the additional remedies under this Part as authorized by the Pennsylvania Statutes, as reenacted, revised and amended, by the institution of proceedings in courts of equity.

## **SECTION XI: ENABLING AUTHORITY**

This Part is enacted pursuant to the authority granted in the Pennsylvania Consolidated Statutes.

## **SECTION XII: PENALTY**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs or to a term of imprisonment not to exceed 90 days, or both. Each day that a violation of this Part continues shall constitute a separate offense.

ORDAINED and ENACTED by the Borough Council of the Borough of  
WARRIOR RUN, this 14<sup>th</sup> day of February, 2011.

WARRIOR RUN BOROUGH

By: Robert T. Daylida  
ROBERT T. DAYLIDA, President

ATTEST:

Dolores Mynes  
DOLORES MYNES, Secretary

Passed and adopted this 14 day of February, 2011.

James Brodgerski

JAMES BRODGINSKI, Mayor