

97-1 proposed
amended

Rec. 10/30/97
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ORDINANCE NO. _____

ORDINANCE OF THE SUPERVISORS OF ARARAT TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF BY OWNERS OR BY THE TOWNSHIP; AND FIXING PENALTIES FOR VIOLATION.

WHEREAS, it is in the best interest and general welfare of the citizens and the residents of Ararat Township to be able to pursue all legitimate, lawful and reasonable uses of private and public property within the Township, so long as the same does not interfere with the health or welfare of others, nor interfere with their legitimate enjoyment of their rights of person or property; and,

WHEREAS, it is in the best interest and general welfare of the said citizens and residents to prohibit and abate any nuisance upon private or public property within the Township,

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Ararat Township as follows:

Section 1. Definitions For the purposes of this ordinance, the following terms, phrases and words and their derivations shall have the meaning given herein. When not inconsistent with the context, the present tense includes the future, the singular includes the plural, the masculine includes the feminine and neuter, and the word "shall" is always mandatory.

"Code Officer" is a person employed by the Township who shall be empowered and his duties shall be to enforce this ordinance according to the mandates of Act 127 of 1996, the Township Code, as amended. He is a law enforcement officer under the terms of the Code and the Pennsylvania Rules of Criminal Procedure.

"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 their rights of person or property, or which may be a threat to the health or safety of any person or property.

"Owner" refers to any person owning, leasing, occupying or having charge of any premises within the Township.

"Person" is any natural person, firm, partnership, association, corporation or organization of any kind.

"Residential property" is any property that is not regulated as commercial or industrial property.

"Supervisors" are members of the Board of Supervisors of Ararat Township.

"Township" is Ararat Township, Susquehanna County, Pennsylvania.

"Trailer" includes house trailers, camper trailers, and trailer bodies of any kind.

SECTION 2. NUISANCES DECLARED ILLEGAL. Nuisances, as defined in this ordinance, and including but not limited to the following, are hereby declared to be illegal:

A) Storing or accumulating garbage, rubbish, tires, unserviceable appliances or machinery, or unregistered vehicles on residential property. Normal farm vehicles, serviceable off-road vehicles, vehicles which are garaged and up to two (2) unregistered vehicles which are stored out of sight of any public highway and which are not otherwise a safety hazard, are specifically exempt from this definition of nuisance. The improper storage of hazardous substances regulated by other governmental agencies is beyond the scope of this ordinance.

B) Maintaining or causing to be maintained any dangerous structure, including but not limited to abandoned or unoccupied buildings or parts of buildings or trailers in a

state of dilapidation or disrepair.

C) Littering, dropping or depositing litter anywhere in Ararat Township.

SECTION 3. ENFORCEMENT. The code officer shall enforce violations relating to building, housing, property maintenance, health, fire, and public safety as summary offenses under the Pennsylvania Rules of Criminal Procedure, pursuant to the mandate of Act 172 of 1996, as amended.

The code officer shall enforce violations relating to litter pursuant to civil procedure, unless the said litter constitutes a threat to health or public safety.

Upon conviction, the violator shall pay a fine of not less than fifty (\$50.00) dollars nor more than six hundred (\$600.00) dollars, or in the case of a violation causing imminent danger, one thousand (\$1,000) dollars, and the costs of prosecution and, in default of payment of such fine and costs, may be imprisoned for not more than ten (10) days, and each day's continuance of a violation may constitute a separate offense.

The Supervisors may direct that the nuisance be removed, abated or mitigated by the Township by whatever means they deem necessary and the cost thereof, together with a penalty of 10%, be collected from the owner, and the Township may collect the same by means of an action in assumpsit or may file a municipal claim or lien therefor against such real estate, or by means of a complaint in equity may compel the owner to remove, abate or mitigate the said nuisance.

The Supervisors may seek such other relief as any court of competent jurisdiction is empowered to afford.

SECTION 4. CONSTRUCTION WITH OTHER LAWS. This ordinance shall be construed within the context of the constitution and laws of the Commonwealth and shall not be

construed to abrogate or repeal any of said laws or regulations derived therefrom.

SECTION 5. SEVERABILITY. If any section, phrase or portion of this ordinance is held invalid, such holding shall not affect the remaining portions hereof.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective immediately upon adoption hereof.

ORDAINED AND ENACTED at a duly assembled public meeting by the Ararat Township Board of Supervisors this ____ day of _____, 19__.

By: _____

Board of Supervisors

ATTEST:

Secretary