

AN ORDINANCE OF THE BOROUGH OF MONT ALTO, FRANKLIN COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES ON PUBLIC OR PRIVATE PROPERTY WITHIN THE BOROUGH; PROVIDING FOR THE REMOVAL THEREOF AND AFFIXING PENALTIES, DEFINITIONS AND REPEALERS.

Be it ordained and enacted and it is hereby ordained and enacted by the Town Council of the Borough of Mont Alto, Franklin County, Pennsylvania, as follows:

SECTION 1: PURPOSE.

The Borough Council of the Borough of Mont Alto, Franklin County, Pennsylvania, has determined it to be in the best interest and the general welfare of the citizens and the residents of the Borough 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 personal property.

SECTION 2: DESIGNATION OF NUISANCE.

Nuisance includes, but is not limited to the following, are hereby declared to be illegal:

- A. Storing or accumulating the following:
 - (a) Garbage or rubbish;
 - (b) Junk material (including but not limited to unused or abandoned machinery, equipment or appliances); or
 - (c) 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.
- C. Storing or accumulating more than three (3) antique or collector motor vehicles for restoration neither sheltered by a building nor enclosed behind an evergreen or solid fence of a minimum height of either (8) feet, or storing or accumulating in an unordered fashion three or less antique or collector motor vehicles for restoration.
- D. Drainage or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or

any other foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Borough, into or upon any said highway, road, street, avenue, lane or alley or from any property into or upon an adjoining property.

E. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwellings situated upon property along any public highway, road, street, avenue, lane or alley in the Borough into or upon the cartway or traveled portion of any said highway, road, street, avenue, lane, or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

F. Burning garbage, tires, or tar products.

G. Maintenance or causing to be maintained any dangerous structure, including but not limited to abandoned or unoccupied buildings or parts of building in a state of dilapidation or disrepair.

H. Refusing or failing to cut and destroy ragweed, chicory, thistle, golden rod, poison ivy, poison oak, sumac or other similar vegetation.

I. Permitting or allowing any well or cistern to be or remain uncovered.

J. Interfering with the flow of a stream, creek or other waterway by means of dam construction or otherwise.

K. Removing the embankment of a stream so as to alter the natural flow of the stream.

L. Pushing, shoveling, or otherwise depositing snow upon the cartway or traveled portion of any public highway, road, or street which is maintained by this Borough of by the Commonwealth of Pennsylvania, and allowing same to remain thereof.

M. 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.

N. Harboring, allowing or permitting dogs or other domestic animals to bark or otherwise make noise which unreasonable annoys adjacent property owners or otherwise creates a nuisance.

O. The following loud, disturbing and unnecessary noises:

- (a) The sounding or permitting to be sounded any horn or a signaling device of any automobile, motorcycle, bus, truck or other vehicle except as a warning pursuant to the provisions of the Pennsylvania Motor Vehicle Code.

SECTION 3:

Any person who creates, continues, causes, maintains, or permits to exist any nuisance at any place within the Borough, shall, within ten (10) days after notice from counsel to do so, remove or abate conditions. If that person fails, neglects or refuses to abate the nuisance within the time limit, counsel shall have the authority, in persons or by its agent and/or employees, to remove or abate the nuisance and in doing so shall have the authority to enter upon the property of the person in default. Thereupon, counsel shall collect the costs and expense of their abatement or removal of the person who created, continues, caused or maintained the nuisance in/or permitted it to exist, that person having failed, neglected, or refused to remove or abate the nuisance within an additional amount of 10% in the manner provided for the collection of municipal claims or by an action in assumpsit. Provided the costs and expense may be an addition to any penalty imposed under Section 6 of this Ordinance.

SECTION 4: NOISE FROM PREMISES.

No person owning, or in possession or control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall disturb or destroy the peace in the neighborhood as measured at the property line in which such building or premises is situated, or be dangerous or detrimental to health.

SECTION 5:

This ordinance shall not be construed to be the sole means for abatement of nuisances within the Borough and nothing shall preclude any person from proceeding individually or with other injured persons, to effect the abatement of a private nuisance. Furthermore, in exercise of the powers conferred in this ordinance, the Borough may institute proceedings in equity.

SECTION 6:

Any person who violates any provision of this Ordinance be guilty of an offense and for every such offense shall upon conviction, be sentenced to pay a fine of not more than \$300.00 and costs and prosecution, and, in default of payment of filing and costs, to imprisonment for not more than 30 days, provided, each day of which a violation shall exist or continue to exist after notice from counsel and provided in Section 3 of this Ordinance, shall constitute a separate offense.

SECTION 7: DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this ordinance.

- A. Borough shall mean the Borough of Mont Alto, Franklin County, Pennsylvania.
- B. 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 personal property.
- C. Person shall mean and include any individual, firm, corporation, association or partnership.

SECTION 8: SEPARABILITY.

If any section or provision of this ordinance be decided by the court to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 9: REPEALER.

All other Borough ordinances, or part of other ordinances in conflict herewith, are hereby repealed.

SECTION 10: EFFECTIVE DATE.

The ordinance shall be effective upon the date of its adoption.

Ordained and enacted into an Ordinance this 7th day of May , 1984.

BOROUGH OF MONT ALTO

Attest:

Bernice L. Bumbard
Secretary of Town Council

John W. Wagoner
President of Town Council

Approved this 7th day of

May , 1984.

John W. Wagoner
Mayor, acting