

NUISANCE ORDINANCE

**MARION TOWNSHIP
BEAVER COUNTY
PENNSYLVANIA**

ADOPTED DECEMBER 11, 2000

ORDINANCE NO. 2000-2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MARION TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES, DANGEROUS STRUCTURES, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDINGS IN A STATE OF DILAPIDATION OR DISREPAIR ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP: PROVIDING FOR THE REMOVAL THEREOF AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP, AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Marion Township, Beaver County, Pennsylvania deem it to be in the best interests and general welfare of the citizens and the residents of this Township to prohibit the unreasonable or unlawful use of private or public property which may adversely affect the general health, safety and welfare of the residents or the Township generally; and

WHEREAS, Act 60 of 1995, (53 P.S. §66529) authorizes Townships of the Second Class to prohibit nuisances and to remove dangerous structures and to impose penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Marion Township, Beaver County, Pennsylvania, as follows:

ARTICLE I. NUISANCES

Section 1. DEFINITION: For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

1. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
2. "Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

3. "Nuisance" is the unreasonable or unlawful use of public or private property which may adversely affect the general health, safety and welfare of the residents or the Township generally.

Section 2. NUISANCES DECLARED ILLEGAL: Nuisances, including, but not limited to the following, are hereby declared to be illegal:

A. Any dangerous structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair on private or public property.

B. Storing or Accumulating Junk, as that term is defined in Marion Township Ordinance No. 64-1, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other materials.

Section 3. WRITTEN NOTICE TO VIOLATORS REQUIRED: Whenever a condition constituting a Nuisance is permitted or maintained the Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

1. By making personal delivery of the notice to the Owner; or
2. By handing a copy of the notice at the residence of the Owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the premises in violation;
or
4. By mailing a copy of the notice to the last known address of the Owner by certified mail; or
5. By publishing a copy of the notice in a local newspaper of general circulation within Beaver County, Pennsylvania, once a week for two (2) successive weeks. Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or boarding, or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if, in the opinion of the Township, the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

Section 4. PENALTY FOR VIOLATION: This Ordinance regulates building, housing, property, maintenance, health, fire and public safety, and shall be enforced pursuant to 53 P.S. 66601(c.1)(2).

1. Enforcement thereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 83(c) (relating to trial and

summary cases). The Board of Supervisors hereby set a criminal fine in an amount not exceeding One Thousand (\$1,000.00) Dollars per violation, and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, provided, further, that each day's continuance of a violation shall constitute a separate event.

2. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township or its agents and to certify the costs thereof to the Township Solicitor. The cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, repairs and alterations which date shall be determined by the certificate of the person doing such work, and shall be filed with the Township Secretary.

3. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation. or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

Section 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof,

Section 6. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED into law by the Township of Marion, Beaver County, Pennsylvania, this 11th day of DECEMBER, 2000.

ATTEST:

Marilyn Zona
Secretary

MARION TOWNSHIP
BOARD OF SUPERVISORS

BY: D. P. 17 D.
Chairman

Herman Krause

James H. Weil