

**TOWNSHIP OF SHAMOKIN
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2005-1

AN ORDINANCE TO PROHIBIT NUISANCES, INCLUDING BUT NOT LIMITED TO, JUNK, TRASH/GARBAGE/RUBBISH, ABANDONED VEHICLES, AND/OR DANGEROUS STRUCTURES AND TO REQUIRE THE ABATEMENT OR REMOVAL THEREOF FROM ANY PUBLIC OR PRIVATE GROUND AFTER NOTICE TO THE OWNER TO DO SO; PROVIDING FOR THE COLLECTION OF THE COST OF SUCH REMOVAL BY THE TOWNSHIP UPON THE OWNER'S DEFAULT; PRESCRIBING PENALTIES FOR VIOLATION THEREOF, AND PROVIDING ALTERNATIVE REMEDIES ON THE PART OF THE TOWNSHIP.

BE IT ORDAINED by the SUPERVISORS OF THE TOWNSHIP OF SHAMOKIN at a regular meeting assembled, and it is hereby ordained and enacted as follows:

SECTION 1. The Board of Supervisors of Shamokin Township hereby prohibits and makes it unlawful for any nuisances, including but not limited to: junk, trash, garbage, abandoned vehicles, and/or dangerous structures to be located on any public or private grounds within the Township of Shamokin.

SECTION 2. Definitions:

Nuisance – unreasonable or unlawful use of private property which cause injury, damage, hurt, inconvenience, annoyance, discomfort to any person or resident effected by the same.

Junk – including but not limited to, unused or abandoned machinery, equipment or appliances, all forms of waste and refuse type materials, including scrap metal, tires, glass, industrial waste or the like, that can be seen from any public street, highway, road, etc. of the township or state.

Trash/ Garbage/ Rubbish - including but not limited to trash, paper, cartons, boxes, barrels (not actively used for lawful burning), wood, furniture, bedding, metals, cans, etc., that can be seen from any public street, highway, road, etc. of the township or state.

Abandoned Vehicle – any vehicle in non-service condition or without having both current inspection sticker and current registration plate, that can be seen from any public street, highway, road, etc. of the township or state. This shall not include active restoration or repair situations which are covered and out of sight while the work is performed which shall be done in a timely manner.

Dangerous Structure – an abandoned or unoccupied building in a state of disrepair which creates a danger to others and/or is unsightly.

SECTION 3. An initial determination as to the classification of a structure or structures as a “dangerous structure” shall be made by the Board of Supervisors of the Township of Shamokin. Factors which shall be relied upon by the Board of Supervisors in making said determination, while not exclusive, shall include the utilization of the structure, the accessibility of the structure to children, the likelihood of the structure, if left unattended, in becoming a fire hazard to the community at large, the impact of the structure, and the surrounding grounds, upon the community as a breeding place for rodents, or other disease carrying animals or insects, and the condition of the premises at large which may, in the opinion of the Board of Supervisors, impact upon the health, safety and welfare of the inhabitants of the Township of Shamokin.

SECTION 4. If the Board of Supervisors of Shamokin Township decides that a nuisance is in existence, pursuant to the guidelines as hereinbefore set forth, and that said nuisance should be abated, or that a dangerous structure should be removed or repaired, the Board of Supervisors shall send a notice of the existence of the nuisance or dangerous structure to the record owner of the structure, together with any known lessee thereof. In the event that the owner of the structure cannot be found, the notice required pursuant to the terms of this Section shall be made by posting such notice on the building or nuisance location at a conspicuous location thereon.

SECTION 5. The content of the notice required pursuant to Section 4 hereof shall include the date upon which the notice is given, the name and last known address of the owner of said premises, and a listing of all conditions known to the Board of Supervisors which have resulted in the premises or structure being declared to be a nuisance or dangerous structure. In addition thereto, the aforesaid Notice shall set forth what actions or repairs are necessary, in the opinion of the Board of Supervisors, to abate the said nuisance or repair the dangerous structure.

SECTION 6. The owner of the premises shall, within ten (10) days after actual or constructive receipt of the Notice hereinbefore set forth, commence repairs or removal of the dangerous structure or nuisance. Thereafter, a reasonable time shall be allowed to the owner to repair or remove the structure or condition. The actual amount of time afforded the property owner to correct the condition or structure shall be determined by the Board of Supervisors, but in no event shall be less than forty-five (45) days.

SECTION 7. If the owner desires a hearing on said matter before the Board of Supervisors of Shamokin Township, the said owner shall notify the board in writing within ten (10) days after the date of said notice. A hearing shall then be granted to the owner at a time to be fixed by the Board, but in

no event later than thirty (30) days after such request. During the time required for a hearing hereunder, the time frame for repairs as hereinabove set forth shall be stated. After the hearing before the Board, the owner, in the event that an adverse decision was rendered to the owner, shall have the right to appeal the decision of the board to the Court of Common Pleas of Northumberland County, Pennsylvania. Upon determination of the Board pursuant to the provisions of this paragraph, the time for repairs as hereinabove set forth shall commence, and shall continue to run unless stayed by further Order of Court. In addition, the owner may take whatever other legal steps he deems necessary to protect his interest, provided that he notifies the Board within ten (10) days of the receipt or posting of notices above-described of such action.

SECTION 8. The Board shall, in its decision to abate a nuisance or order the removal or repair of a structure, state the reasons which make this decision necessary, as hereinabove required.

SECTION 9. Upon the default or failure of the owner to abate the nuisance, or to remove or repair the structure as required by the Board of Supervisors of Shamokin Township, the Township may, in its sole discretion, take such actions as are necessary to abate the nuisance, or remove or repair the dangerous structure. Such action by the Board of Supervisors shall be taken only upon ten (10) days prior written notice to the owner of the existence of a default by him in correcting the nuisance or removing or repairing the structure, and further of the Township's intention to abate or remove the same. The cost of such abatement or removal, together with a penalty of ten (10%) percent of such costs, shall be levied upon the owner. The Township shall be authorized to the same in an action in assumpsit. The cost of removal and the penalty may be entered as a lien against such property in accordance with existing provisions of the law.

SECTION 10. Remedies afforded to the Township pursuant to the terms of this Ordinance are not exclusive, and the Township shall not be precluded hereby from instituting proceedings in a Court of Equity, and hereby reserves its right to pursue any other remedies, legal or equitable, that may otherwise be available to the Township.

SECTION 11. The notice of the board order shall clearly specify:

- (1) The place and manner of the nuisance or anticipated nuisance as determined by the Board;
- (2) The nature or condition thereof;
- (3) The Board's order with respect to the nuisance or anticipated nuisance;
- (4) The name or names of the person or persons found by the Board to be responsible therefore or concerned therewith and the name of the owner, if any, of the land or premises involved;
- (5) The date of the Board's order and the number of days therefrom allowed for compliance with it;
- (6) The alternative remedy of the Board in case of noncompliance or default by the owner or responsible party; and
- (7) Notice that the person or persons affected may apply to the Board within the time fixed in the notice, for a hearing, and after hearing, if an adverse decision is rendered by the Board of Supervisors, the right of the affected party to appeal to the Court of Common Pleas of Northumberland County, Pennsylvania, or the right to take any other legal action required to protect the owner.

SECTION 12. If the owner or responsible party, after receiving due notice, refuses to comply with any of the provisions of this Ordinance, he shall, upon conviction in accordance with Pennsylvania Rules of Criminal Procedure, be punishable by a fine of not less than One Hundred

(\$100.00) Dollars nor not more than Three Hundred (\$300.00) Dollars and the costs of such proceedings. The continuation of such violation may be punished as set forth above for each separate offense. Each day the violation exists may constitute a separate day. The penal provisions of this Ordinance are non-exclusive, and the Township reserves all other rights afforded to it in this Ordinance, or otherwise available at law or in equity. Each day a violation exists constitutes a separate violation of this Ordinance, for which a separate fine may be assessed.

SECTION 13. The provisions of this Ordinance are separable, and in the event that the provisions of any one Section hereunder shall be determined to be unconstitutional or contrary to existing law, such Section shall be stricken, where possible, and the remainder of this Ordinance shall remain in full force and effect.

DULY ENACTED AND ORDAINED this 12th day of October, 2005, by the Board of Supervisors of Shamokin Township, Northumberland County, Pennsylvania, in public session duly assembled.

ATTEST:

Stephanie A McKinney
Secretary

SHAMOKIN TOWNSHIP BOARD OF SUPERVISORS

BY: James J. Reigh
Chairman

Colin J. Galt
Doug Bachan