

**TOWNSHIP OF SHAMOKIN
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2009 - 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.

Findings

The outdoor storage of junk, trash/garbage/rubbish, abandoned or junked vehicles, and dangerous structures upon private property within Shamokin Township is hereby declared to be detrimental to the health, safety and general welfare of the community, aesthetically unattractive and detracting from the enjoyment of the environment by said residence, tending to depreciate neighborhood property values, and is an infringement on their properties and homes. The same also constitutes a potential nuisance to the children of the community and may imperil their safety. The fuel tanks of abandoned, junked or discarded vehicles containing gasoline or gasoline fumes constitute an ever present danger of explosion. The abandoned, junked or discarded vehicles or junk also contain broken glass and sharp metal edges, and usually are stored or abandoned with batteries containing harmful acids. The control of the outdoor storage of junk, trash/garbage/rubbish, abandoned vehicles, and dangerous structures is therefore regulated for the preservation of the health, safety and general welfare of the community.

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 or junked 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 or Junked Vehicle – any vehicle designed for travel on the public highways which fails to bear a current inspection sticker or current registration plates and/or validating sticker, or any vehicle, which may or may not be moved under its own power and has any one of the following physical defects:

- (a) broken windshields, mirrors or any other glass, with sharp edges;
- (b) one or more flat or opened tires or tubes which could permit vermin harborage;
- (c) missing doors, windows, hood, trunk, or other body parts which could permit animal harborage;
- (d) any body parts with sharp edges including holes resulting from rust;
- (e) missing tires resulting in unsafe suspension of the motor vehicle;

- (f) upholstery which is torn or open which could permit animal and/or vermin harborage;
- (g) broken head lamps or tail lamps with sharp edges;
- (h) disassembled chasis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle;
- (i) protruding sharp objects from the chasis;
- (j) broken vehicle frame suspended from the ground in an unstable manner;
- (k) leaking or damaged oil pan or gas tank which could cause fire or explosion;
- (l) exposed battery containing acid;
- (m) inoperable locking mechanism for doors or trunk;
- (n) open or damaged floor boards including trunk and fire wall;
- (o) damaged bumpers pulled away from the perimeter of the vehicle;
- (p) broken grill with protruding edges;
- (q) loose or damaged metal trim and clips;
- (r) broken communication equipment antenna;
- (s) suspended on unstable support;
- (t) such other defects which could threaten the health, safety and welfare of the citizens of Shamokin Township.

An abandoned vehicle for the purpose of this ordinance is also declared to be one which meets the definition of an abandoned vehicle pursuant to the terms of the Vehicle Code, 75 Pa. C.S.A. §101 *et. seq.* An abandoned vehicle 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.

Shamokin Township Code Enforcement Officer - A person appointed by the Board of Supervisors to administer and implement the provisions of this Ordinance. Said person to be appointed at the reorganization meeting by Resolution of the Board of Supervisors of Shamokin Township.

SECTION 3

An initial determination as to the classification of a structure or structures as a "dangerous structure" shall be made by the Shamokin Township Code Enforcement Officer of the Township of Shamokin. Factors which shall be relied upon by the Shamokin Township Code Enforcement Officer 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 Shamokin Township Code Enforcement Officer, impact upon the health, safety and welfare of the inhabitants of the Township of Shamokin.

SECTION 4

If the Shamokin Township Code Enforcement Officer 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 Shamokin Township Code Enforcement Officer 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 5 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 Shamokin Township Code Enforcement Officer 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 Shamokin Township Code Enforcement Officer, 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 to the property owner to correct the condition or structure shall be determined by the Shamokin Township Code Enforcement Officer, but in no event shall be less than forty-five (45) days.

SECTION 7 **Penalty for Violation**

This Ordinance regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution and shall be enforced pursuant to 53 P.S. §66601(c.1)(2).

1. Enforcement thereof shall be by an action before a district judge 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 the Pennsylvania Rules of Criminal Procedure (relating to trial and summary cases). The Board of Supervisors hereby set a fine of not less than One Hundred (\$100.00) Dollars and no greater than One Thousand (\$1,000.00) Dollars per violation, and the cost of prosecution, and, in default of payment of such fine and cost of prosecution, to undergo imprisonment

of not more than ten (10) days, provided, further, that each day a violation exists constitutes a separate offense, for which a separate fine may be assessed.

2. Upon the default or failure of the owner to abate the nuisance, or to remove or repair the dangerous 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 written notice to the owner of the existence of a default by him in correcting the nuisance or in 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 cost, shall be levied upon the owner. The Township shall be authorized to the same in an action in assumpsit. The cost of removal and penalty may be entered as a lien against such property in accordance with the existing provisions of the law.

3. 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 8

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.

SECTION 9

As of the effective date of this Ordinance, Ordinance No. 2008-3 of the Township of Shamokin, Northumberland County, Pennsylvania, and any other ordinance inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED by the Board of Supervisors of Shamokin Township this 9th day of December, 2009.

ATTEST:

Stephanie A. McKinney
Stephanie A. McKinney
Secretary/Treasurer

SHAMOKIN TOWNSHIP BOARD OF SUPERVISORS

Thomas A. Carl
Tom Carl - Chairman

Gregory Rachau
Gregory Rachau - Vice-Chairman

John Klinger
John Klinger - Supervisor