

## **ORDINANCE NO. 19**

An Ordinance Defining Nuisances, Prohibiting The Creation Or Maintenance Of Nuisances, Providing For The Removal Or Abatement Of Nuisances And Proscribing Penalties For Violations.

The Borough of Mill Village ordains as follows:

### **SECTION 1.**

The word “Nuisance”, as used in this ordinance, shall mean any use of property within the Borough, or any condition upon property within the Borough, that other than infrequently, causes or results in (a) annoyance or discomfort to a reasonable person of normal sensibilities beyond the boundaries of that property; (b) interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property; and/or (c) disturbance to or interference with the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the “Acts of Nuisance” may include but shall not be limited to the following:

- (1) Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises from which the same shall emanate.
- (2) Operation of all-terrain vehicles, snowmobiles, and/or unlicensed motorized recreational vehicles on any public street or sidewalk or any public ground, including any playground.
- (3) Keeping or harboring any dog or other animal or fowl, which by continuous howling or barking or other noise or odor shall annoy or disturb the neighborhood or a number of persons. If any animal is being provoked, that person shall be responsible for the disturbance.
- (4) Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises:
  - a. Open wells or cisterns
  - b. Open excavations
  - c. Unfinished building, foundation or other structures
  - d. Building or structures damaged or partially destroyed or in a state of disrepair or danger
  - e. Dangerous placement or storage of vehicles, materials or equipment
  - f. Lake, ponds or swimming pools not properly safeguarded
  - g. Stagnant water in pools in which mosquitoes, flies or insects multiply
- (5) Carrying on construction work in such a manner that dirt is carried by the wind onto adjacent properties of that mud is tracked or drained into street adjacent to the project.
- (6) Washing, tracking or otherwise depositing dirt, mud, soil, stone or debris upon or onto the pavement of any street, without removing the same before 5:00 p.m. of the day on which the same was deposited thereupon.
- (7) Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, fly ash, dust, mud, dirt, acid, noxious or offensive fumes, gases, or odors to be discharged into the air, or to be carried off the premises, or to cause any water to become polluted by sewage, industrial wastes, acid or other substance, or to cause annoyance to residents or interference with the normal use of adjacent properties in accordance with State environmental regulations.
- (8) Creating or maintaining “attractive nuisances”, which is the leaving of a dangerous instrumentality which by its character is dangerous and attractive to children and in a place frequented by children, as listed in Section 1, Part 4.
  - a. The word “person” as used in this Ordinance shall mean and include any natural person, partnership, association, firm or corporation.
  - b. In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine include the feminine and neuter.

### **SECTION 2.**

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough.

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**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 written notice from entire Council to do so, remove or abate that nuisance. If that person fails, neglects or refuses to abate the nuisance within the time limit, Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance and in so doing shall have authority to enter upon the property of the person in default. Thereupon, Council shall collect the cost and expense of the abatement or removal from the person who created, continues, caused or maintained the nuisance and/or permitted it to exist, that person having failed, neglected or refused to remove or abate the nuisance, with an additional amount of ten (10) percent in the manner provided for the collection of municipal claims or by an action in assumpsit. Provided, the cost and expense may be in addition to any penalty imposed under Section Four (4) of this Ordinance.

**SECTION 4.**

Any person who violates any provision of this Ordinance will 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 of prosecution, and in default of payment of fine and costs, to imprisonment for not more than thirty (30) days. Provided: Each day on which a violation shall exist or continue to exist, after notice from Council as provided in Section Three (3) of this Ordinance, shall constitute a separate offense.

**SECTION 5.**

This Ordinance shall not be constructed 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 the exercise of the power conferred in this Ordinance, the Borough may institute proceedings in equity.

ORDAINED AND ENACTED in Council at a meeting thereof held this Twenty-Fifth day of September, 1986.

Mill Village Borough Council

<u>David A. Dearborn</u> President	<u>Patrick J. Rice</u> Mayor
<u>Julia A. Hunter</u>	<u>William H. Dinsmore</u>
<u>Dennis J. Skladanowski</u>	<u>Jordan W. Donachy</u>
<u>Edward Falconer</u>	

ATTEST: Mary S. Powell  
Secretary