

**PENN LAKE PARK BOROUGH**

**ORDINANCE NO. 2 OF 1997**

AN ORDINANCE OF THE BOROUGH OF PENN LAKE PARK, LUZERNE COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES ON PRIVATE OR PUBLIC PROPERTY WITHIN THE BOROUGH; PROVIDING FOR REMOVAL THEREOF BY THE BOROUGH; AND FIXING PENALTIES FOR VIOLATION.

WHEREAS, the Council of the Borough of Penn Lake Park has deemed it to be in the best interest and general welfare of the citizens and the residents of this Borough to prohibit nuisances on private or public property within the Borough; and

WHEREAS, Section 1006 of the Borough Code 1966, February 1, P.L. (1965-), No. 581 §1006, as amended in 1980, December 12, P.L. 1194, No. 220, §1, effective in 60 days, authorizes a Borough to enact, revise, repeal and amend such bylaws, rules, regulations, ordinances and resolutions, as it shall deem beneficial to the Borough and to provide for the enforcement of same;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained as follows:

SECTION I. DEFINITIONS. 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.

- A. "Borough" is the Borough of Penn Lake Park, Luzerne County, Pennsylvania.
- B. "Council" is the Borough Council of Penn Lake Park, Luzerne County, Pennsylvania.
- C. "Code Enforcement Officer" is the person authorized by Penn Lake Park Borough Council to administer and enforce applicable codes and ordinances of Penn Lake Park Borough, including the provisions of this ordinance.
- D. "Owner" is the owners, tenants, lessees and/or occupants of any lot or premises within the corporate limits of the Borough.

E. "Person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.

F. "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 person or property.

G. "Abandoned vehicles" is a vehicle (other than a pedalcycle):

1. that is inoperable and is left unattended on public property for more than forty-eight (48) hours;
2. that has remained illegally on public property for a period of more than forty-eight (48) hours.
3. that is inoperable or without a valid registration plate or certificate of inspection or title left unattended on or along a highway; or
4. that has remained on private property with or without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

Vehicles and equipment used or to be used in construction or in the operation of maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

H. "Junked vehicles" is any motor vehicle, valueless except as junk.

SECTION II. NUISANCES DECLARED ILLEGAL. Nuisances, including but not limited to the following, are hereby declared to be illegal, upon confirmation by the Code Enforcement Officer:

A. Storing or accumulating the following:

1. Garbage or rubbish;

2. Junk material (including but not limited to unused or abandoned machinery, equipment or appliances);

3. 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 salvageable materials).

B. It shall be unlawful to store, or deposit any abandoned or junked vehicle or part thereof in or on any highway or public or private property, vacant or occupied, within the Borough of Penn Lake Park.

C. 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 any adjoining property.

D. 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, street, road, avenue, lane or alley, except where provisions have been made in said cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

E. Burning garbage, tires or tar products.

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

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

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

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

J. 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 or by the Commonwealth of Pennsylvania and allowing same to remain thereon.

K. Allowing or permitting any excavation, arterial excavation or obstruction, or on 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.

L. Allowing or permitting grass or weeds to grow to a height of more than twelve (12") inches upon any private property, vacant or occupied, which might cover or hide any garbage, refuse or other material or provide shelter and harborage for rodents, mosquitoes or other disease-carrying vectors.

SECTION III. WRITTEN NOTICE TO VIOLATORS REQUIRED. Whenever a condition constituting a nuisance is permitted or maintained, the Code Enforcement Officer shall cause written notice to be served upon the owner in one of the following ways:

- A. By making personal delivery of the notice to the owner.
- B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides. If no adult member of the family is found, then handing a copy of the notice to an adult person in charge of such residence.
- C. By fixing a copy of the notice to the door at the entrance of the premises in violation.
- D. By mailing a copy of the notice to the last known address of the owner by certified mail.
- E. By publishing a copy of the notice in the local newspaper once a week for three (3) successive weeks.

Such notice shall set forth in what respects such condition constitutes a nuisance and whether removal is necessary and required by the Borough, 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-one (21) days and thereafter to comply fully with its terms with reasonable dispatch, all material to be supplied and work done at the owner's expense provided, however, that if the violation charged is under Section II(E), (G), (J) or (K), and if the

circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

SECTION IV. PENALTY FOR VIOLATION. If the owner, after receiving due notice, refuses to comply with the terms thereof:

A. The owner shall be guilty of a violation of this Ordinance and shall, upon conviction thereof, pay a fine of not more than Three Hundred (\$300) Dollars and the costs of prosecution and, in default of payment of such fine and costs of prosecution, shall be imprisoned for not more than ten (10) days; provided each day's continuance of a violation shall constitute a separate offense.

B. The Borough Council may direct the removal, repairs or alternations, as the case may be, to be done by the Borough and the cost thereof with a penalty of ten (10%) percent may be collected from the owner of the premises by an action of assumpsit or the Borough may file a municipal claim or lien therefore against such real estate.

C. The Borough, by means of a complaint in equity, may compel the owner to do so or seek such other relief as such court is empowered to afford.

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

SECTION VI. REPEALER. All ordinances, parts of ordinances, resolutions or parts of resolutions inconsistent or in conflict with this ordinance, including Ordinance No. 10 of 1976, as amended and Ordinance No. 5 of 1996, in their entirety, are hereby repealed to the extent of such inconsistency.

ENACTED AND ORDAINED this 14<sup>th</sup> day of January, 1997,  
in lawful session duly assembled.

Attest:

Teresa Wojciechowska  
Secretary

The Borough of Penn Lake Park

Alvin W. Wilson  
Chairman of the Council  
[Signature]  
Mayor

## Amendment to Penn Lake Ordinance #2 of 1997 Prohibiting Nuisances

The language in Section III is changed from:

SECTION III. WRITTEN NOTICE TO VIOLATORS REQUIRED. Whenever a condition constituting a nuisance is permitted or maintained, the Code Enforcement Officer shall cause written notice to be served upon the owner in one of the following ways:

To:

“Whenever a condition constituting a nuisance is permitted or maintained, the **Zoning Officer, Law Enforcement Officer, or Penn Lake Borough Council person** shall cause written notice to be served upon the owner in one of the following ways:”