

Ordinance No. _____
of the
Township of Jackson, Cambria County Pennsylvania

AN ORDINANCE OF THE TOWNSHIP OF JACKSON IDENTIFYING AND
PROHIBITING THE MAINTENANCE OF NUISANCES UPON PUBLIC AND PRIVATE
PROPERTY, AUTHORIZING ENFORCEMENT ACTIONS AND ESTABLISHING
PENALTIES FOR THE VIOLATION

Made this ____ day of May, 2011 at a regularly scheduled and duly advertised public meeting of the Board of Supervisors of the Township of Jackson, County of Cambria, Commonwealth of Pennsylvania.

Whereas, there is a need to regulate certain activities which create danger or reduce the property values of residents of the Township of Jackson, and

Whereas, The Township of Jackson, is a municipality organized and operating under the authorizations set forth in the Second Class Township Code including but not limited to sections 1529 and 1533, and

Whereas, there are currently activities and dangerous structures within the township which warrant abatement in order to benefit the general public welfare

Now Therefore, be it ordained and enacted by the Board of Supervisors of Jackson Township;

ARTICLE I Definitions

“Automobile” or “Motor Vehicle” Shall also include other items of personal property such as equipment, machinery , appliances or other items of personal property.

“Hazardous Substances” : Substances which, upon released into the atmosphere, water, or soil, or which, in direct contact with the skin, eyes, or mucous membranes, or as additives to food, cause health risks to humans or animals through absorption, inhalation, or ingestion. The term includes any substance rendered unsafe through improper handling, transportation, or storage.

“Owner” shall refer to either the owner of real property upon which a nuisance is located, or the owner of personal property constituting a nuisance.

ARTICLE II Prohibited Activities

The following activities are declared to constitute public nuisances and shall not be permitted to be carried out within the confines of the Township of Jackson;

- 1) Manufacture, distribution or storage of illegal drugs , or storage and use of hazardous chemicals in a manner which can reasonably be expected to lead to the pollution of ground or surface water.

- 2) Obstruction of public roads or right of ways
- 3) Except for growing crops or pasture actually being utilized for domestic farm animals, it shall be a nuisance to permit the growth of grass, weeds or noxious plants greater than twelve inches in height within 500 feet of any occupied residential, commercial or institutional structure. This shall not apply to undisturbed and uncleared forest lands.
- 4) Storage of abandoned or junked automobiles or other vehicles, which can be demonstrated to present a danger to the public from either of the following; i) potential for pollution, or, ii) harboring wild animals or pests, or, iii) presenting an attractive nuisance to children, or, iv) in a state of disrepair involving broken glass, sharp edges, leaking fluids, or broken lock assemblies, except in compliance with a junkyard permit and compliance with applicable regulations under ordinances.
- 5) Maintenance of a dangerous structure or building, in which a danger exists by virtue of; i) lack of structural integrity or, ii) the presence of hazardous substances in a form other than permitted by law, or iii) attractive nuisances not adequately secured to prevent the entrance of children, or iv), fire hazards, or v) otherwise in a state of substantial disrepair.
- 6) Unreasonable noise, which is not reasonably necessary as part of a business or is otherwise avoidable by implementation of reasonable measures, which can be heard at a neighboring residence or business, including but not limited to;
 - a) amplified sound,
 - b) dog barking for more than 10 continuous minutes.

noise nuisances should be considered on a case by case basis weighing the utility of the noise to a persons business or occupation and the ease which with the noise could be abated.
- 7) The Board of Supervisors may declare an activity or condition of property, not otherwise provided for in this or other ordinances of the township to be a public nuisance by motion at a public meeting, pursuant to the authorization set forth in section 1529 of the Second Class Township Code. Such motion shall contain a short statement of reasons for the action, which shall be recorded in township minutes.
- 8) Any activity which has been acknowledged as a nuisance by the various courts of the Commonwealth of Pennsylvania.

ARTICLE III Abatement of Nuisance

- 1) The Board of Supervisors, or their designated Enforcement Officer, may require the owner to remove any nuisance or dangerous structure on public or private grounds.

- 2) The Board of Supervisors or their designated Enforcement Officer, shall notify any owner of the existence of a nuisance and the requirement to abate it. Notice shall be provided by one of the following methods;
 - a) certified mail to the property owner, or owner of the personal property constituting the nuisance at their residence, or
 - b) where the owner is unknown or cannot be located, then by posting the land structure or personal property constituting the nuisance, or
 - c) another method which is reasonably expected to notify the person.
- 3) The Notice to abate the nuisance shall contain a time within which the nuisance must be abated, which shall be based upon the circumstances but not less than 5 days nor more than 30 days. The Board of Supervisors, or their designated Enforcement Officer, may grant an extension of time for abatement upon good cause shown.

ARTICLE IV Remedies upon Default

Where the owner fails to abate a nuisance within the time prescribed, the Board of Supervisors may in their discretion;

- 1) File an citation with the local magistrate for violation of this ordinance, or
- 2) Bring an action in the Court of Common Pleas of Cambria County to compel compliance by the owner with the provisions of this ordinance, or
- 3) Perform the work necessary to abate the nuisance and assess the costs against the owner in a manner prescribed by law.

Actions for enforcement of this ordinance may be brought by, the Chairman of the Township Board of Supervisors, the Township Codes Enforcement Officer, any township police officer, or other person designated by motion of the Board of Supervisors at a duly advertised public meeting.

ARTICLE V Penalties

Violation of this Ordinance shall be punishable by a fine in an amount not to exceed \$600.00 and imposition of legal costs as required by law. Each day that a nuisance continues shall be deemed a separate violation subject to a separate fine up to the maximum amount.

ARTICLE VI Repealler

This ordinance is intended to be in addition to other township ordinances dealing with particular and specific situations and activities and shall not act as a repealler of any such prior ordinance. The declaration of nuisances contained herein and procedures set forth, are not intended to supercede or

preempt or displace any prior township rules, regulations or findings with respect to public or private nuisances.

ARTICLE VII Severability

In the event that any part of this ordinance is found to be void or without legal effect, it is the intention of the Supervisors that the remaining portions of this ordinance shall remain in effect.

ARTICLE VIII Effective Date

This ordinance shall take effect, 5 days following adoption

Adopted by the Township of Jackson on the date set forth above

By: THE JACKSON TOWNSHIP SUPERVISORS

(Seal)

Bruce Baker, Supervisor

John Wallet, Supervisor

Attest: _____
Secretary

Mark Westrick, Supervisor