

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CAMBRIA  
SUSQUEHANNA TOWNSHIP

ORDINANCE NO. 12

AN ORDINANCE PROHIBITING PUBLIC NUISANCES; AUTHORIZING REMOVAL OR ABATEMENT BY THE BOARD OF SUPERVISORS, COLLECTION OF THE COSTS THEREOF AND IMPOSITION OF A PENALTY IN THE EVENT THE OWNER OR OCCUPANT FAILS TO REMOVE OR ABATE A PUBLIC NUISANCE OR DANGEROUS STRUCTURE; CREATING A CRIMINAL OFFENCE AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND AUTHORIZING THE BOARD OF SUPERVISORS TO INSTITUTE EQUITABLE PROCEEDINGS TO ENFORCE THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Susquehanna Township, Cambria County, Pennsylvania.

SECTION 1 - TITLE

This Ordinance shall be known as the "Susquehanna Township Nuisance Ordinance."

SECTION 2 - DEFINITION

PUBLIC NUISANCE is the doing of or failure to do something that injuriously affects safety, health or morals of the public, or works some substantial annoyance, inconvenience, discomfort or hurt to the public.

SECTION 3 - NUISANCE PROHIBITION

No person, persons, corporation, partnership, association or any entity whatsoever, shall cause, continue, maintain, or permit to exist a public nuisance, on private or public property in Susquehanna Township, Cambria County, Pennsylvania; including but not limited to, accumulations of garbage and rubbish, storage of abandoned or junked automobiles, carrying on of any offensive manufacture business, permitting a dangerous building or structure to exist or failing to remove or safely maintain an unused or abandoned septic tank or well, and PROVIDED that such act or omission constitutes a nuisance in fact.

SECTION 4 - REMEDIES AND PENALTIES

(a) REMOVAL BY TOWNSHIP. In the event an owner and/or occupant of any premises violates Section 3 of this Ordinance by causing, maintaining, or

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or permitting to exist a public nuisance on said premises, the Board of Supervisors may give or cause to be given written notice to said owner and/or occupant to remove or abate said public nuisance. The notice shall state that unless the said public nuisance shall have been removed or abated within such reasonable time as specified therein (but not less than ten (10) days after the giving of notice), the Board of Supervisors may remove or abate such public nuisance or cause it to be removed or abated at the cost and expense of said owner and/or occupant. The Board of Supervisors is hereby authorized to collect the cost of such removal or abatement, together with a penalty of not less than ten (10) dollars nor more than one hundred fifty (150) dollars, from the owner and/or occupant by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim.

(b) CRIMINAL OFFENSE. Any person, persons, corporation, partnership, association or other entity whatsoever who violates Section 3 of this ordinance by causing, maintaining or permitting to exist a public nuisance is guilty of a criminal offense, and upon summary conviction thereof, by summary proceedings brought in the name of Susquehanna Township before any justice of the peace or magistrate, shall be sentenced to pay a fine of not less than twenty-five (25) dollars nor more than three hundred (300) dollars together with the costs of prosecution, and in default of payment to undergo imprisonment in the Cambria County Jail for a period of not more than thirty (30) days. Each day such violation is continued, maintained or permitted to exist shall constitute a separate offense punishable by like fines or imprisonment.

(c) EQUITABLE PROCEEDINGS. The Board of Supervisors may institute proceedings, in the name of Susquehanna Township, in the Civil Division of the Court of Common Pleas of Cambria County for equitable relief in enforcing the provisions of this ordinance.

(d) ELECTION. The Board of Supervisors may, in their discretion, utilize any one or more of the above provisions and the use of any one provision shall not constitute an election or bar to the use of any other provision.

SECTION 5 - SEVERABILITY

The provisions of this ordinance are severable and if any of its provisions shall be held illegal, invalid or unconstitutional the Decrees of Court shall not affect or impair any of the remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

SECTION 6 - REPEALS

All ordinances and resolutions and all parts thereof which are in conflict with this ordinance are repealed to the extent of the conflict.

SECTION 7 - EFFECTIVE DATE

The effective date of this ordinance shall be five (5) days after the ordaining and enactment thereof.

ORDAINED AND ENACTED as an Ordinance of Susquehanna Township this 30 day of September, 1974.

ATTEST:

SUSQUEHANNA TOWNSHIP  
BOARD OF SUPERVISORS

Alvin Byrnes  
Secretary

By: Stanley Gemuse  
President

APPROVED:

Edward J. Herdy  
Supervisor

By: Vasil Fisanick  
Vasil Fisanick, Esq., Solicitor

Alvin Byrnes  
Supervisor