

ORDINANCE NO. 2 OF 2012

AN ORDINANCE OF THE BOROUGH OF RIMERSBURG, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING POWERS TO ABATE A NUISANCE AND PENALIZE INDIVIDUALS CREATING A NUISANCE.

WITNESSETH:

WHEREAS, Rimersburg Borough Council has determined that the existing powers to enforce Borough Ordinances are not sufficient; and

WHEREAS, the power is deemed necessary and beneficial to the public, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:

PART 1

SECTION 1.00 DEFINITION OF NUISANCE.

1. Accumulations of garbage and rubbish, such as, but not limited to, newspapers, cans, glass and any other accumulation of materials or items which are recognized as having not value.
2. Abandoned or junked automobiles, trucks, appliances, furniture.
3. Accumulation of material deemed as a safety hazard or health hazard.
4. Dangerous structures.

PART 2

SECTION 2.00 NUISANCE ABATEMENT PROCEDURE.

Rimersburg Borough shall have the power, authority and right to prohibit and remove any nuisance as defined in Section 1.00 of this Ordinance. Prior to taking action under this Section, Borough Council shall give the owner of the real estate upon which the nuisance is located written notice to remove the nuisance within thirty (30) days of receipt of the notice. If any person, firm or corporation fails to remove the nuisance within the thirty (30) day period, then in such case, Rimersburg Borough may remove or cause to be removed the nuisance and collect the cost thereof, together with a penalty of ten (10%) per cent of such cost, in the

manner provided by law for the collection of municipal claims or by action in assumpsit. Rimersburg Borough shall also have the right to seek equitable relief.

SECTION 2.05 RECURRENCE OF NUISANCE.

Any subsequent recurrence of a nuisance previously cited under the same Subsection of Section 1.00 of this Ordinance shall not require additional notice of violation before action is taken under Section 2.00.

SECTION 2.10 FAILURE TO COMPLY CONSTITUTES SUMMARY VIOLATION.

In the event that the owner of real estate upon which a nuisance exists fails to remove the nuisance within the thirty (30) day period described in Section 2.00 above, then upon conviction thereof by a Magistrate of competent jurisdiction, the property owner shall be guilty of a summary violation and sentenced to a fine of not less than One Hundred (\$100.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, together with costs of prosecution or imprisonment for not more than ninety (90) days, or both. Each day that the nuisance remains after the expiration of the thirty (30) day notice period shall constitute a separate offense.

PART 3

SECTION 3.00 EFFECTIVE DATE.

This Ordinance shall be effective upon passage.

SECTION 3.10 REPEALER.

Ordinance No. 5-91 regulating the storage of abandoned automobiles on private property with Rimersburg Borough is hereby repealed. Any other Ordinances or parts of any Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as the same affects this Ordinance.

ORDAINED AND ENACTED into law by the Rimersburg Borough Council, in lawful session assembled, this 11th day of December, 2012.

ATTEST:

RIMERSBURG BOROUGH COUNCIL

Eric E. Kline
Borough Secretary

[Signature]
President of Council

EXAMINED AND APPROVED THIS 11th DAY OF December, 2012.

[Signature]
Rimersburg Borough Mayor