

ORDINANCE NO. 1 - 2003

A ORDINANCE OF THE BOROUGH OF FOXBURG, CLARION COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES WITHIN THE BOROUGH, INCLUDING BUT NOT LIMITED TO ABANDONED MOTOR VEHICLES, JUNK MOTOR VEHICLES, ABANDONED OR JUNK PERSONAL PROPERTY, DANGEROUS STRUCTURES, ACCUMULATION OF GARBAGE, RUBBISH OR SOLID WASTE AS DEFINED IN THE FOXBURG BOROUGH SOLID WASTE ORDINANCE 3-1979, AND FAILURE TO CUT AND REMOVE GRASS, WEEDS, BRUSH, OR OTHER VEGETATION IN EXCESS OF SIX INCHES, AND PROVIDING FOR THE REMOVAL, CORRECTION OR ABATEMENT OF NUISANCES WITHIN THE BOROUGH, PROVIDING FOR THE REMOVAL THEREOF BY THE BOROUGH AND FIXING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF FOXBURG, Clarion County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1 SHORT TITLE

This Ordinance shall be known and may be cited as the Foxburg Borough Nuisance Ordinance 1-2003.

SECTION 2 DEFINITIONS

The following words and phrases shall have the meanings indicated below:

1. Abandoned Motor Vehicle: A motor vehicle which is or has been deserted or relinquished from the purposes the said vehicle was initially intended for, and any motor vehicle which does not properly display a current license plate or inspection sticker as required by the

Pennsylvania State Motor Vehicle Code.

2. Junk Vehicle: Any motor vehicle valueless except as junk.
3. Motor Vehicle: Any car, truck, bus, and/or any item which was or is intended to be fueled and self-propelled.
4. Property Owner: Any person, corporation, or other legal entity owning, leasing, occupying or having charge of any premises within the Borough of Foxburg.
5. Abandoned or Junk Personal Property: Personal property which is or has been deserted or relinquished and is unused, including but not limited to machinery, equipment, appliances, and furniture.
6. Dangerous Structures: All the buildings or structures which have any or all of the following defects:
 - a. Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation.
 - b. Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life and safety, morals, or the general health and welfare of the occupant or the people of the Borough.
 - c. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation.
 - d. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living and are likely to cause accident, sickness, or disease, so as to work injury to the health, morals, safety or

general welfare of those living therein as well as other citizens of the Borough.

e. Those which have parts thereof which are so attached that they might fail or fall and injure members of the public or an adjoining property; or

f. Those which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Borough.

7. Nuisance:

a. Abandoned motor vehicles;

b. Junk motor vehicles;

c. Abandoned or junk personal property;

d. Dangerous structures;

e. Accumulation of garbage, rubbish or solid waste as defined in the Foxburg Borough Solid Waste Ordinance 3-1979; and

f. Failure to cut and remove grass, weeds, brush, or other vegetation in excess of six inches.

SECTION 3
REMOVAL

It shall be the responsibility of the property owner to remove and abate all nuisances.

SECTION 4
NOTICE

Whenever it is found that any property owner maintains a nuisance or nuisances within the Borough of Foxburg, the Borough Council, by its employees or agents, shall serve written notice upon the person maintaining such nuisance. The written notice shall reasonably describe the condition that constitutes a nuisance and shall require that the property owner make such nuisance safe and shall require the nuisance to be made safe, corrected or be removed within ten (10) days

of the service of the notice. The written notice shall be served in the following ways:

1. By making personal delivery of the notice to the property owner.
2. By handing a copy of the notice at the residence of the property owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence.
3. By fixing a copy of the notice to the door at the entrance of the premises in violation.
4. By mailing a copy of the notice to the last known address of the property owner by certified mail.
5. By publishing a copy of the notice in a newspaper of general circulation in the Borough of Foxburg once a week for three successive weeks.

SECTION 5 VIOLATION

Any property owner who or which shall violate or fail, neglect, or refuse to comply with any notice provided herein shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and may, at the discretion of the court, be sentenced to a term of imprisonment not to exceed ninety (90) days, or both. Each day that a nuisance exists on an owner's property after failure to comply with the notice sent in accordance herein, shall constitute a separate violation of the ordinance.

Foxburg Borough may remove any nuisance and collect the costs thereof, together with the penalty of ten (10%) percent of such costs, in the manner provided by law for the collection of municipal claims, or by any other legal action, including an action in equity.

SECTION 6 REPEALER

The following ordinances are repealed:

1. The Dangerous Building Ordinance 2-1995;
2. The Abandoned and Junk Vehicle Ordinance 4-1979;
3. The Vegetation Ordinance 1-1995; and
4. Any ordinance whose provisions are expressly inconsistent herewith, or dealing with the same or similar subject matter of this ordinance.

SECTION 7
EFFECTIVE DATE

This Ordinance shall be effective immediately upon adoption by the Council and approved by the Mayor.

The Borough Solicitor is directed to file a copy of this Ordinance at the Clarion County Courthouse.

If any section of this Ordinance shall be found to be invalid, the other sections of this Ordinance shall not be affected thereby.

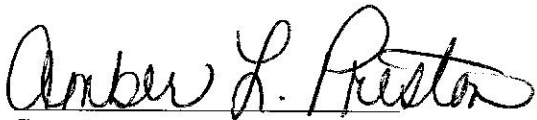
All Ordinances or parts thereof in conflict herewith be and the same are hereby repealed.

THIS ORDINANCE shall be effective within five (5) days after adopted by the Council and approved by the Mayor.

ENACTED AND ORDAINED this 7th day of APRIL, 2003.


ATTEST:

FOXBURG BOROUGH COUNCIL


Secretary

By: 
JAMES R. PRESTON, PRESIDENT

THIS ORDINANCE examined and approved by me this 7th day of APRIL,
2003.


Mayor