

ORDINANCE NO. 200

An Ordinance of the Borough of Patterson Heights empowering the Borough to prohibit and remove any nuisance, including but not limited to accumulations of garbage and rubbish, the storage of abandoned or junked automobiles, any dangerous structure, on public or private property, the maintenance of an open cistern, cesspool, refuse or other unhealthy and/or unsanitary condition, and the maintenance of animals on private property in an offensive, unhealthy or unsanitary manner, and to require the removal of such nuisance by the owner and/or occupier of such grounds, in default of which the Borough may cause the same to be done and may collect the cost of such removal together with such penalty as is prescribed herein; and providing for the collection thereof; and providing for liens; and providing for penalties for violation thereof; and revoking inconsistent ordinances.

Pursuant to the authority granted by Pamphlet Law No. 581, Section 1202, of February 1, 1966, as amended, the Borough of Patterson Heights does hereby

Section 1 The Council hereby declares that the accumulation of garbage and rubbish, except in a proper container for the purpose of prompt disposal, constitutes a nuisance and is hereby prohibited.

Section 2 The Council hereby declares that the storage of abandoned or junked automobiles or other motor vehicles on public or private property in such a manner as to constitute a nuisance

is hereby prohibited. It is hereby provided that junked automobiles shall include any partially dismantled or inoperative motor vehicles not bearing a current registration license plate and inspection sticker, and which is not in the process of immediate repair.

Section 3 The Council hereby declares that the maintenance of animals on private property in an offensive, unhealthy or unsanitary manner shall constitute a nuisance and is hereby prohibited.

Section 4 The Council hereby declares that a dangerous structure on either public or private grounds constitutes a nuisance and is hereby prohibited. It is hereby provided that a dangerous structure shall be one that constitutes a danger to the public health because of its condition and which may cause or aid in the spread of disease, or injury to the occupants of it or neighboring structures or because of its condition constitutes or creates a fire hazard or because of its condition is liable to cause injury or damage by collapse.

Section 5 The Council hereby declares that the maintenance of an open cistern, cesspool, refuse or other unhealthy and/or unsanitary condition is hereby declared to be a nuisance and is hereby prohibited.

Section 6 Both the owner and occupier of all grounds within the Borough are hereby prohibited from maintaining any nuisance, including but not limited to the items herein set forth and the violation thereof shall be subject to all the terms, conditions and penalties provided for in this Ordinance.

Section 7 The determination of the existence of a nuisance within the terms and provisions of this Ordinance shall be made by the Council after a hearing held on the matter. Times for hearings will be designated by the Council and notice of the hearing will be given by certified mail addressed to the owner and occupier of the property alleged to be in violation of this Ordinance. Said notice will be given at least ten (10) days prior to said hearing.

Section 8 Upon determination of the existence of a nuisance under the terms and provisions of this Ordinance, the Borough Secretary shall, by certified mail addressed to the last known address of the owner and occupier of such property, give notice requiring the abatement or removal of said nuisance within such period of time as is set forth in the Notice, but in no event will said period be less than fifteen (15) days. If the property is not occupied and the whereabouts or identity of the owner is unknown than notice shall be given posting said notice on the property. Upon failure of the owner or occupier to abate or remove the nuisance, the Borough may cause the same to be done and shall be entitled to collect the cost of removal or abatement of such nuisance. Collection of said cost shall be accomplished 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. In the exercise of the powers herein conferred, the Borough may seek relief by bill in equity.

Section 9 Upon the determination of the existence of a nuisance under the terms and provisions of this Ordinance, the

owner and occupier of the premises shall be deemed in violation of this Ordinance and shall be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars and not more than Six hundred (\$600.00) Dollars and the costs of prosecution thereof in the manner provided by the Borough Code and upon failure to pay said fine and costs of prosecution thereof in the manner provided by the Borough Code. It is further provided that each day's violation after expiration of the time set forth in the Notice to abate or remove the nuisance shall constitute a separate offense. The fine and costs herein provided shall be in addition to the cost of removal permitted to be recovered by the terms and provisions of Pamphlet Law 202, No. 53 of April 28, 1978 as amended.

Section 10 All sections, paragraphs or parts of this Ordinance are severable and if any section, paragraph or portion shall be declared invalid or unconstitutional, the same shall not affect the validity of any or all other provisions, sections, paragraphs and portions or parts of this Ordinance. It is hereby declared that it is the intent of the Borough that this Ordinance would have been adopted as if such unconstitutional, illegal, or invalid, sentence, clause or section or part thereof had not been included herein.

Section 11 Any Ordinance or part of any ordinance conflicting with this Ordinance is hereby repealed insofar as the same is inconsistent herewith.

Section 12 This Ordinance shall become effective five (5) days after adoption and notice of adoption as provided by law.

PATERSON HEIGHTS BOROUGH

Carl A. Arnold  
President of Council

Attest.  
[Signature]  
Secretary

APPROVED this 4<sup>th</sup> day of Dec. 1989.

[Signature]  
Mayor