

BOROUGH OF APOLLO
COUNTY OF ARMSTRONG
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 286-21

AN ORDINANCE TO ESTABLISH AND DEFINE **NUISANCES** WITHIN
THE BOROUGH OF APOLLO, TO ESTABLISH AND DEFINE ABATEMENT
CRITERIA, TO ESTABLISH AND SET FINES FOR FAILURE TO COMPLY
AND TO REPEAL ORDINANCE NO. A-206-81.

I. Scope

It is the intent of this Ordinance to protect the general health, safety and welfare of the citizens and residents of Apollo Borough; to prohibit the unreasonable, unwarrantable or unlawful use of private and public property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property.

II. Definitions

1. The term "person" as used in this Ordinance shall include all natural persons, associations, firms, partnerships and corporations.
2. The term "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:
 - i. Injures or endangers the comfort, repose, health or safety of others; or
 - ii. Offends decency; or
 - iii. Is offensive to the senses; or
 - iv. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
 - v. In any way renders other persons insecure in life or the use of property; or
 - vi. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others

III. Nuisances Declared Unlawful

It shall be unlawful for any person to dump, store or accumulate or cause or permit the dumping, storing or accumulation upon any public or private property within the Borough of Apollo, or to create or maintain any nuisance as hereafter declared.

- A. Inoperable, unregistered and/or uninspected motor vehicles which are not confined within a permitted structure.

- B. Junk material, including but not limited to unused, discarded or abandoned machinery, vehicle part, equipment or appliances, which are not confined within a permitted structure.
- C. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- D. The burning of garbage, trash, tires, tar products, non-wood materials or any material which produces noxious or offensive smoke, fumes or odor.
- E. Any condition which provides harborage for rats, mice, snakes and other vermin.
- F. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinary dangerous fire hazard in the vicinity where it is located.
- G. All unnecessary or unauthorized noises and annoying vibrations, including but not limited to animal noises.
- H. Weeds, grass or other rank vegetation to a height greater than six (6) inches on the average.
- I. Accumulation of dead weeds, grass or brush.
- J. Poison ivy, ragweed or other poisonous plants, or plants detrimental to health growing on any lot in such a manner that any of such vegetation shall extend upon, overhang or border any public place or such as to allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.
- K. Trees, shrubs, plants or vegetation which overhangs any sidewalk or street, or which grows thereon in a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, including the interruption or interference with the clear vision of pedestrians or persons operating vehicles thereon.
- L. Trees, shrubs, plants or vegetation which interferes with electrical poles, wires, pipes or fixtures, or the roots of which interfere with or cause the surface of the street, sidewalk or curb to be upheaved or disturbed.
- M. The pushing, shoveling or otherwise deposition of snow or any other material upon the road and/or traveled portion of any public highway, road, street or Borough right-of-way which is maintained by this Borough or by the Commonwealth of Pennsylvania, allowing the same to remain thereon.
- N. The creating, maintaining or continuing of any use, activity or condition upon property within the Borough which is defined in this article as a nuisance.

IV. Violations and Penalties

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50.00 nor more than \$500.00 and costs of prosecution.

V. Removal or Abatement of Nuisances

Any person who shall create, continue, cause, maintain or permit any nuisance within the Borough of Apollo shall, within 14 days after written notice from the Borough, remove, abate and remediate such nuisance. In the event that appropriate action as described hereinbefore is not taken within the time limit set forth, the Borough may, in its sole discretion, cause the removal, abatement or remediation of such nuisance, including entrance upon the premises upon

which the nuisance is located. All costs and expenses as reasonably incurred in the abatement, removal or remediation of such nuisance, together with an additional such of ten percent (10%) of such costs and expenses shall be charged against and collected from the person or persons violating the provisions of this Ordinance. Any such costs of abatement shall be in addition to any fines/penalties assessed for violations under Section IV above.

VI. Borough's Costs Declared Lien

Any and all costs incurred by the Borough of Apollo in the abatement of a nuisance under the provisions of this Ordinance shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law.

VII. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any such reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the portions hereof.

VIII. Repealer

All ordinances or parts of ordinances that are inconsistent herewith shall be and the same expressly are repealed. Specifically, Ordinances Nos. A-160-72, A-180-78, A-189-79 and A-206-81 are hereby repealed.

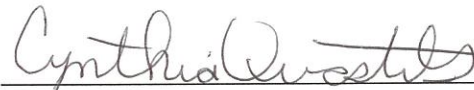
IX. Effective Date.

This Ordinance shall become effective immediately upon its enactment and as otherwise provided by law.

ORDAINED and ENACTED by the Borough Council of Apollo in lawful session duly assembled this 28th day of October, 2021.



John Steele, President
Apollo Borough Council



Cynthia Virostek, Mayor
Apollo Borough

ATTEST:



Deana Shupe, Secretary/Treasurer
Apollo Borough