

AN ORDINANCE PROHIBITING ANY NUISANCE, DANGEROUS STRUCTURES ACCUMULATIONS OF REFUSE ON PUBLIC OR PRIVATE PROPERTY IN THE BOROUGH OF KOPPEL AND PROVIDING FOR ABATEMENT OR REMOVAL OF THE SAME TOGETHER WITH IMPOSITION OF FINES AND PENALTIES FOR VIOLATIONS THEREOF.

The Council of the Borough of Koppel, Beaver County, Pennsylvania, under authority of Act No. 581, 1966, February 1, as amended, hereby enacts as follows:

SECTION 1. It is hereby declared to be unlawful to allow, perform or permit to be performed by any person in ownership or control in any fashion of any real estate in the Borough of Koppel any of the following acts. When such acts or permitted conditions endanger the public cleanliness, health, safety or general welfare of the Borough of Koppel:

1.1 To maintain or allow the existence of any nuisance or dangerous structure as herein defined.

1.2 To accumulate or allow to accumulate out of doors any refuse or discarded materials, including but not limited to unlicensed motor vehicles of any description or parts thereof; or furniture, appliances, containers, equipment, tools or building supplies when discarded or not in immediate use.

1.3 Any violation of this Section is declared hereby to be a nuisance.

SECTION 2. Where the existence of acts or conditions prohibited herein come to the attention of Borough Council, Council by proper Resolution or through a member of Council duly authorized to act under this Ordinance, or through any other person elected or employed and duly authorized by Council to carry out enforcement of this Ordinance shall transmit by regular mail to any person or persons natural or corporate that are responsible for such unlawful acts or

conditions a notice to repair, remove or abate said nuisance. Such written notice shall conform to the following procedures and standards:

2.1 A party adjudged responsible for the nuisance shall be directed to abate the same by appropriate means in not less than ten (10) days of the receipt of written notice or more than thirty (30) days from said receipt unless a longer or shorter period is stipulated by Resolution of Council due to unusual circumstances such as would either greatly endanger the public health and welfare by allowing the nuisance to continue for ten (10) days, or work a hardship or injustice on the responsible person by compelling abatement in less than thirty (30) days.

2.2 Written notice as required above shall be addressed to the party known or believed to be responsible for ownership or maintenance of the property in nuisance in question, and shall provide a reasonably accurate description of the substance or condition deemed to be a nuisance hereunder together with the nature of the action required to abate said nuisance. Said notice shall also contain the following language:

"If you do not believe yourself to be responsible for the conditions complained of above, or do not own the premises involved or are not in control of it, you should execute the enclosed Affidavit, have it notarized before a Notary Public and return it to the undersigned personally or by certified mail within ten (10) days of the date hereof".

2.3 Service of the written notice provided for herein upon the person deemed responsible may be accomplished by regular mail, by handing a copy of the notice to him personally by any adult, by leaving a copy of the same with any adult member of his family or the family with which he resides or any adult employee if the location complained of is that of an office business or other commercial enterprise, by certified or registered mail, or by conspicuous posting of the same on the offending property, structure or substance if the whereabouts or identity of the responsible person is unknown.

2.4 In the event that the abating action required by Council or other authorized party is not performed within thirty (30) days of the date of the Notice given or other such time period as allowed by Council, the Borough of Koppel may direct that the necessary abating action be performed either by independent contractor or its own employees as in the judgment of Council seems best, and collect the costs thereof from the responsible party or parties together with a penalty of ten (10%) percent in the manner provided by law for the assessment and collection of municipal claims, by Action of Assumpsit, or by Action in Equity.

SECTION 3. Definition Section. For the purposes of enforcement and interpretation of this Ordinance the following terms shall include but not be limited to the following meanings:

3.1 Nuisance; this term refers to any condition which presents unreasonable danger to persons in the neighborhood, public health, cleanliness, safety and general wellbeing of the citizens of the Borough. Included are structures of any nature that serve no reasonable purpose and which present a hazard to human safety, fire hazard or other hazard to the community, accumulations of any garbage or refuse materials, storage outdoors of abandoned or junked motor vehicles, equipment, appliances or parts. This term shall not include structures or articles which are in the process of renovation or repair, where, in the judgment of Council such renovation or repair is being carried out in a reasonably prompt and satisfactory manner.

3.2 A dangerous structure which is so deteriorated as to present substantial danger to human safety by reason of potential collapse or structural failure. This term shall also include any structure intended for human habitation which is unfit for the same by reason of deterioration, lack of repair or unsanitary or unhealthful state of uncleanness.

3.3 Garbage and refuse shall mean any and all vegetable, animal or mineral organic or inorganic waste materials resulting from the preparations, storage or consumption of food together with any and all types of discarded personal property of any nature whatsoever.

3.4 Abandoned motor vehicle shall mean any motor vehicle stored outside of a garage or fully enclosed building which is not furnished with a current inspection sticker and registration plates, or any motor vehicle held for resale, together with any and all spare automobile parts or components unless the same are stored inside a fully enclosed building.

SECTION 4. Any person failing to abate the nuisance upon the direction of Council or other authorized person shall be deemed to be in violation of this Ordinance, and, shall, upon Summary Conviction thereof before any District Magistrate or Court of Common Pleas of Beaver County be sentenced to pay a fine of not less than \$50.00 Dollars and not more than \$300.00 Dollars for each offense together with costs, or in default of the payment of fine and costs to be imprisoned for a period not to exceed ten (10) days. An offense hereunder shall mean an unlawful unabated addition as perscribed by this Ordinance for each day the same continues subsequent to the time period allowed by Council for abatement thereof.

SECTION 5. Any Ordinances or parts of Ordinances passed heretofore which are in conflict of the provisions of this Ordinance are hereby repealed.

SECTION 6. The provisions in this Ordinance shall be deemed severable ^{if} so that/any portion thereof shall be determined to be illegal or otherwise invalid such determination shall not in anyway impair enforcement of any remaining legal sections or portions thereof, it being the intent of the Council of the Borough of Koppel that this Ordinance would have been adopted as to all legal portions to the same intent as if such illegal or otherwise invalid portions had not been included herein.

SECTION 7. This ordinance shall become effective the 1st day of June, 1974.

ENACTED AND ADOPTED THIS 12th day of December, 1973.
First reading of ordinance.

ATTEST:

Carmello Petrandrea
SECRETARY

Julius De Luca
JULIUS DELUCA
PRESIDENT OF COUNCIL

Examined and approved by me this 14th day of May, 1974.

Fred Botte
FRED BOTTE
MAYOR