

## Chapter 74

### NUISANCES

§ 74-1. Title.

§ 74-2. Purpose.

§ 74-3. Prohibitions; applicability.

§ 74-4. Compliance and notice.

§ 74-5. Remedies; violations and penalties.

[**HISTORY:** Adopted by the Borough Council of the Borough of Delmont by Ord. No. 91-3, as amended through 2000. Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Property maintenance — See Ch. 93.

Zoning — See Ch. 130.

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§ 74-1. Title.

This chapter shall be known as the “Delmont Nuisance and Junk Ordinance.”

§ 74-2. Purpose.

The purpose of this chapter is to remove or eliminate conditions of nuisance(s) within the Borough of Delmont to protect the health, safety and welfare of the borough citizens and community at large.

§ 74-3. Prohibitions; applicability.

- A. No person(s), firm(s), corporation(s) or entity(ies) owning or occupying a property within the borough shall permit, leave or cause to be left or accumulated on any street, lane, alley, private or public property the following items, materials or personalty where said condition creates a nuisance, fire or health hazard, or is detrimental to the health and safety, cleanliness and comfort of the community within the borough and/or the inhabitants of the borough. The following conditions and/or items or materials are prohibited:
- (1) Any garbage, rubbish, waste material and debris of any kind, junk, scrapped or wrecked motor vehicles and/or trailers, flammable articles, or stored vehicles without a current inspection sticker, current vehicle registration or current license.
  - (2) Any accumulation or storage of garbage, rubbish, waste material, vegetation and debris of any kind, junk, scrapped or wrecked/unused motor vehicles or trailers, flammable articles, or stored vehicles without a current inspection sticker, current vehicle registration.
  - (3) Any storage or accumulation of construction materials or construction equipment.

- (4) Any natural vegetation condition, including but not limited to weeds, grass, bushes and/or hedges, where said condition creates a fire hazard, health hazard or a nuisance to the community or abutting residents and/or landowners.
  - (5) All residential or commercial properties or lawns that are uncared for with vegetation, including but not limited to grass, weeds, bushes or other natural vegetation (other than trees) that exceed 14 inches in height from ground level.
- B. This section shall not be applied to agricultural products that are consumed on premises or off premises unless said agricultural vegetation creates a health or safety nuisance to the community or abutting residents and/or landowners or the agricultural use violates the Delmont Zoning Ordinance.

**§ 74-4. Compliance and notice.**

The borough is hereby authorized and directed to give notice by personal service or by United States Mail to the owner or occupant or agent of any violation(s) of this chapter's provisions, requiring such owner or occupant to conform with the requirements of this chapter within a minimum of five days after issuance of such notice.

**§ 74-5. Remedies; violations and penalties.**

- A. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the borough authorities may remove the violation(s). The cost thereof, together with any additional payment authorized by law, may be collected by the borough from such person, firm or corporation in the manner provided by law for the collection of municipal claims or by an action of assumpsit; and/or
- B. Any person, partnership, corporation or other entity who violates the provisions of this chapter shall, upon being found liable therefor by a judicial proceeding commenced by the municipality, and where there is a first offense, shall be liable as follows:
  - (1) Judgment of not more than \$500; and/or
  - (2) All court costs and costs of prosecution, including borough attorney's expenses incurred in prosecution.
- C. Any person, partnership, corporation or other entity who violates the provisions of this chapter shall, upon being found liable therefor by a judicial proceeding commenced by the municipality, and where there is a second and subsequent offense, shall be liable as follows:
  - (1) Judgment of not more than \$1,000; and/or
  - (2) All court costs and costs of prosecution, including Borough attorney's expenses incurred in prosecution.
- D. Continuing violations of Subsections B and C. Each day that a violation continues, the District Justice shall find a separate violation calculated after the fifth day following the

date of the District Justice determination of violation. Thereafter, each day that the violation continues shall constitute a separate violation.

- E. In addition to the other powers herein set forth for violation of this chapter, the borough may institute proceedings in courts of equity.