

**TOWNSHIP OF LIGONIER  
ORDINANCE NO. 2000-14**

AN ORDINANCE OF THE TOWNSHIP OF LIGONIER, WESTMORELAND COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES ON PRIVATE OR PUBLIC PROPERTY IN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF BY THE TOWNSHIP; AND FIXING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the citizens and the residents of this Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance or discomfort, to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, Section 702 of the Second Class Township Code, 1933, May 1, P.L. 103, Article VII, §702, cl. XII, as amended, 53 P.S. §65712, authorizes Townships of the Second Class to prohibit nuisances, to remove same, and to impose penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of this Township, as follows:

**SECTION I: DEFINITIONS:**

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

1. "Township" is the TOWNSHIP OF LIGONIER, Westmoreland County, Pennsylvania.
2. "Board of Supervisors" is the BOARD OF SUPERVISORS OF LIGONIER TOWNSHIP, Westmoreland County, Pennsylvania.
3. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
4. "Person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.
5. "Nuisance" is any activity, conduct, condition or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to the public or such part of the public as necessarily comes in contact with such activity, conduct or condition, and which adversely affects the same safety, health, morals or general welfare, including aesthetics.

**SECTION II: NUISANCES DECLARED ILLEGAL**

It shall be unlawful for any person to create or maintain either directly or indirectly, a nuisance within the Township of Ligonier. Nuisances under this ordinance shall be limited to the following:

1. The presence of any garbage or rubbish which shall or may afford food, harborage, or breeding areas for vermin unless the same is kept in covered receptacles

designed and manufactured for the storage of such items; and, further, provided that the same shall remain on said premises for a period of no longer than ten (10) days;

2. The presence of rubbish which by its nature or due to its storage has sharp or protruding edges or parts which pose a present or potential danger to any person;
3. The presence of equipment, rubbish, machinery, material, vehicles or any parts thereof in any manner which would allow the same to easily shift, tilt or fall from such position;
4. Maintaining, causing to be maintained or permitting the existence of any dangerous building, structure or physical condition on any property, including but not limited to abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or repair;

### SECTION III: ENFORCEMENT, SERVICE OF NOTICES AND OTHERS

1. Whenever the Township determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, they shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:
  - A. Be put in writing;
  - B. Include a statement of the reasons why it is being issued;
  - C. Allow a reasonable time for the performance of any act it requires;
  - D. Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth of Pennsylvania.

Such notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

2. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Ordinance, and who has been given a period of time by the Code Enforcement Officer of the Township of Ligonier to cure said violation, may request in writing, of the Supervisors of the Township of Ligonier, an additional reasonable period of time to correct the aforesaid violation; provided, that such person shall file said written request within ten (10) days after the date the notice was received. Said written request shall set forth a brief statement for the reason for the request, the period of time requested, and a statement that the person will correct said violation within the period of time requested. Upon receipt of said written request, the Supervisors of the Township of Ligonier shall view said property and determine whether or not an additional period of time would be appropriate under the circumstances.
3. In the event the Supervisors of the Township of Ligonier determine that it is appropriate to grant

an additional period of time, they shall notify the person, in writing, of the additional time period granted to said person. Upon receipt of the same, and within five (5) days after receipt of the same, the person shall return to the Township of Ligonier a written acceptance of the time period established by the Supervisors of the Township of Ligonier. Said acceptance shall be on a form provided to said person by the Township of Ligonier. In the event that the person does not comply with the time periods established, the Supervisors of the Township of Ligonier may then proceed to enforce the provisions of Ordinance No. \_\_\_\_\_ by either an action in equity or a Complaint filed by the Code Enforcement Officer before the local District Magistrate.

4. Whenever the Supervisors find that any emergency exists which requires immediate action to protect the public health, safety, morals or general welfare, they may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as they deem necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately.

#### SECTION IV: PENALTIES

Any person who shall violate any provision of this Ordinance, shall upon conviction be punished by a fine of not more than FIVE HUNDRED (\$500.00) DOLLARS, or by imprisonment of not more than thirty (30) days or both, and each day's failure to comply with any such provision shall constitute a separate violation.

#### SECTION V: CONFLICT OF ORDINANCES; EFFECT OF PARTIAL VALIDITY

1. In any case where a provision of this Ordinance is found to be in conflict with a provision of any Ordinance existing on the effective date of this Ordinance, the provision of which establishes the higher standard for the promotion and protection of the health, safety, morals and general welfare of the people shall prevail. In any case, where a provision of any other Ordinance existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health, safety, morals and general welfare of the people, the provisions of this Ordinance shall be deemed to prevail, and such other Ordinances are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.
2. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

#### SECTION VI: PUBLIC NUISANCE ABATEMENT

In addition to the penalties heretofore set forth in this Ordinance, any activity, conduct or condition occurring or existing in violation of this Ordinance is hereby declared to be a public nuisance. The Township is authorized to require the removal of any such nuisance by the owner or occupier of the premises upon which such nuisance exists. If the owner or occupier fails, neglects or refuses to remove any such nuisance after being ordered to do so by the Township, the Township may cause the same to be done, and collect the cost thereof, together with a penalty of ten (10%) percent of such cost, in the manner provided by law for the collection of municipal claims, or by an action of assumpsit, or the Township may see relief in equity.

ORDAINED AN ENACTED this \_\_\_\_\_ Day of \_\_\_\_\_, 1999.

TOWNSHIP OF LIGONIER:

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

ATTEST: (SEAL)

\_\_\_\_\_  
Secretary

CERTIFICATION: This ordinance was adopted by the Ligonier Township Supervisors on September 12, 2000.