

## CATHARINE TOWNSHIP ORDINANCE NO. 72

AN ORDINANCE OF CATHARINE TOWNSHIP, BLAIR COUNTY, PENNSYLVANIA, DEFINING PUBLIC NUISANCE AND, DECLARING PUBLIC NUISANCE TO BE IN VIOLATION OF SAID ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATION OF SAID ORDINANCE.

The Supervisors of Catharine Township in accordance with the powers granted unto them by the Second Class Township Code, 53 P.S. Section 65101 et seq as supplemented and amended hereby enact the following:

Section 1: This Ordinance shall be known and designated as the Catharine Township Nuisance Ordinance.

Section 2: Definition: A public nuisance is the doing of or failure to do something which is injurious or damaging to the health and safety of the public or works a substantial annoyance, inconvenience, discomfort or harm to the public. A public nuisance includes, but is not limited to:

- a. The accumulation of unreasonably large amounts of garbage or rubbish or trash or refuse or other discarded items. This ordinance shall not be construed to find a violation for household or agricultural or horticultural items held for disposal in a timely manner;
- b. The carrying on of any offensive manufacture or business;
- c. The failure to repair or remove any building or structure which is dangerous to the public;
- d. Maintaining or keeping more than two abandoned or junked vehicles, or any of the following items which are abandoned or junked: refrigerators, stoves, washing machines, dryers, dishwashers, microwaves or similar items, outside of a fully enclosed structure (that is, a structure, with walls all around and a roof over its entirety, which does not allow entry to the aforesaid items except by the owner of the aforesaid items and persons with specific authorization from the owner to be in the fully enclosed structure with the aforesaid items) except a person or entity with a valid Catharine Township Junk and Salvage Yard License and said Junk and Salvage Yard is in full compliance with all applicable Catharine Township and Pennsylvania and United States ordinances, laws, rules, regulations, or other requirements; tractors or farm equipment or horticultural equipment are not subjects of this Ordinance and shall not be the basis of any violation of this Ordinance; any vehicle exempt from registration because it is a farm vehicle under

75 Pa. C.S.A. 1302(10) (or under any future amendment of that provision of law) shall not be considered abandoned or junked and shall not be the basis of any violation of this Ordinance.

- e. Making or causing to be made or allowing to be made, in a location owned by or leased by or under the control or direction or supervision, of any person or entity (as more particularly set forth in Section 3 hereof), any noise, sound, or sounds, by any person, persons, animal, animals, or any inanimate object, which noise, sound, or sounds is or are so loud at the boundary of the premises such that the noise, sound, or sounds causes or cause a substantial annoyance, inconvenience, discomfort, or harm to persons not on the premises from which the noise, sound, or sounds is or are made; the Board of Supervisors of Catharine Township takes notice in the construction of this ordinance that noise, sound, or sounds made after 11:00 p.m. and before 7:00 a.m., prevailing time, have a greater potential to cause substantial annoyance, inconvenience, discomfort, or harm than noise, sound, or sounds made at other times. This Ordinance shall not be construed to limit the noise, sound, or sounds of any police, fire, ambulance, or other emergency vehicle or any fire siren or fire bell from any fire station or firehouse, or any siren, bell or chime from any House of Worship or from any School or School House;
- f. Maintaining or keeping more than ten used vehicle tires, except a person or entity with a valid Catharine Township Junk and Salvage Yard License and said Junk and Salvage Yard is in full compliance with all applicable Catharine Township and Pennsylvania and United States ordinances, laws, rules, regulations and other requirements and also excepting tires in use for agricultural or horticultural purposes (such as tires placed upon a cover over silage).
- g. Dumping, casting or otherwise depositing any paper, earth, mud, brick, stone, coal, wood, ashes, mortar, glass, lime, shavings, garbage, rubbish, trash, refuse, discarded items, scrapings, manure, filth, cans, bottles, plastic, plastic containers or items or substances of any kind on any sidewalk, or any state or municipal street, or any state or municipal road, or any state or municipal highway, or any state or municipal alley.

**Section 3:** It is in violation of this ordinance for any person, persons, corporation, partnership, limited liability company, association, or any other individual or entity of any type or nature to cause, continue, maintain or permit to exist a public nuisance in Catharine Township, Blair County, Pennsylvania.

**Section 4:** This ordinance shall be enforced by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and this ordinance shall be construed in accordance with 53 P.S. 66601(c.1)(2).

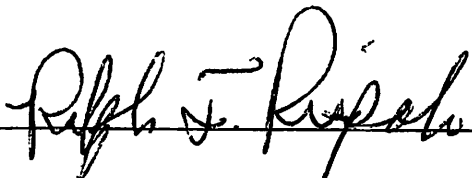
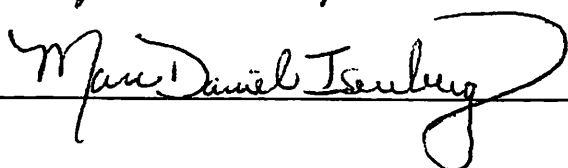

Section 5: Any person, firm, corporation, limited liability company, partnership or any other entity who or which violates the provisions of this ordinance shall upon conviction thereof shall pay a fine of not less than \$100 and not more than \$1,000 for each violation plus court costs.

Section 6: Ordinance No. 14 and Ordinance No. 27 are hereby repealed.

Section 7: All ordinances, resolutions, or parts thereof inconsistent herewith are hereby repealed.

Section 8: If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Catharine that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or part thereof not been included herein.

Section 9: This ordinance shall be effective five days after the date of its adoption.

  
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