

BOROUGH OF PORTLAND
NORTHAMPTON COUNTY
ORDINANCE NO. 2022-2

AN ORDINANCE PROVIDING FOR THE PROHIBITION AND REMOVAL OF NUISANCES AND DANGEROUS STRUCTURES AND CONDITIONS.

WHEREAS, the Borough of Code, 53 P.S. § 46202(4), (5) & (74), permits the enactment of an ordinance for the prohibition and removal of nuisances and dangerous structures and conditions; whereas, the Borough of Council finds that the existence of nuisances and dangerous structures or conditions in the Borough threatens the peace, health, safety and welfare of Borough residents; and

WHEREAS, Council deems it desirable to adopt uniform procedures for the prohibition and removal of nuisances and dangerous structures and conditions.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council, Borough of Portland, Northampton County, Pennsylvania, that:

Section 1. Definitions

NUISANCE - any condition or use of a premises or of a building which is unreasonable, unwarranted or unlawful and/or

which causes, tends to cause, or unreasonably threatens to cause, injury, damage, hurt, inconvenience, annoyance or discomfort to the public or any specific person in the legitimate enjoyment of such person's legal and reasonable uses of said person's property or Borough property or which causes or tends to cause diminution in the value of other property in the neighborhood.

PERSON - as used in this Ordinance, shall mean any natural person, firm, association, partnership or corporation.

REFUSE or RUBBISH - refuse or rubbish shall mean, but not be limited to, the following: any waste paper, sweepings, ashes, household waste, glass, metal, furniture, rotted wood products, vehicle parts and accessories, abandoned and junked vehicles, or any other detrimental substance.

ABANDONED or JUNKED VEHICLES - one or more unlicensed or inoperable automobiles, or other vehicles, which remain on the property for more than 90 days.

Section 2. Unlawful to Maintain Nuisances

It shall be unlawful for any person to maintain, or permit to be maintained, a nuisance on any property owned or occupied by such person within the limits of the Borough of Portland, including specifically, but not limited to, a nuisance on any property within the right of way of any Borough street.

Section 3. Unlawful to Maintain Conditions
Detrimental to Health

It shall be unlawful for any person to maintain, or permit to be maintained, on any property owned or occupied by such person within the limits of the Borough of Portland any condition detrimental to health, safety or welfare of the public. Any such condition shall constitute a nuisance.

Section 4. Unlawful to Accumulate Garbage, Refuse
or Rubbish.

It shall be unlawful for any person to accumulate or cause or permit the accumulation of garbage, refuse or rubbish on public or private grounds within the limits of the Borough of Portland and any such accumulation shall constitute a nuisance.

Section 5. Unlawful to Store Abandoned or Junked
Automobiles

It shall be unlawful for any person to store or cause or permit the storage of any abandoned or junked automobiles on public or private ground within the limits of the Borough of Portland, and any such storage shall constitute a nuisance.

Section 6. Dangerous Structures and Conditions

It shall be unlawful for any person to have, cause or permit the existence of any dangerous structure or condition on public or private grounds within the limits of the Borough of Portland.

Section 7. Unlawful Accumulation of Weeds and Grass

It shall be unlawful for any person being the owner or occupant of any real estate within the limits of the Borough of Portland to permit the growth of any weeds or grass thereon to a height in excess of 12 inches. Any such accumulation of weeds and grass shall constitute a nuisance.

Section 8. Abatement of Nuisances

In the event any person shall violate any of the provisions of this Ordinance, the Borough Council may order the abatement or removal of any such nuisance or dangerous structure or condition by the owner or occupier of such grounds. If, after five days written notice to such owner or occupier to do so and, upon default of the owners or occupiers of such grounds to abate or remove such nuisance or dangerous structure or condition as so ordered, the Borough may abate or remove the same or cause its abatement or removal, and collect the cost thereof, together with interest at the legal rate, reasonable attorney's fees, and a penalty of 10% of such costs, in the manner provided by law.

Section 9. Summary Offense

Any violation or failure to comply with any provision of this Ordinance shall constitute a summary offense. Any person, firm or corporation who shall violate any provision of

this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of a minimum of three-hundred dollars (\$300.00) and not more than one-thousand dollars (\$1,000.00), together with costs of prosecution; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

Imposition of the aforesaid fine and/or imprisonment, however, shall not relieve any responsible person from civil liability to the Borough of Portland as provided herein.

Section 10. Severability

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 remaining provisions, sentences, clauses, sections or other parts of this ordinance. It is hereby declared as the intent of the Borough Council that such remainder shall be and shall remain in full force and effect.

Section 11. Repealer

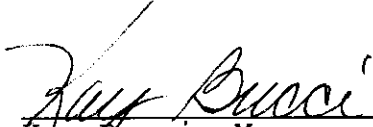
Any part of any Borough Ordinance inconsistent with this Ordinance is hereby repealed.

Section 12. Effective Date

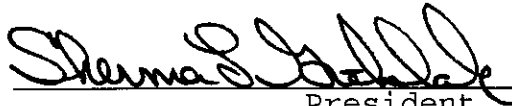
This Ordinance shall be effective immediately.

ORDAINED AND ENACTED this 7th day of January,

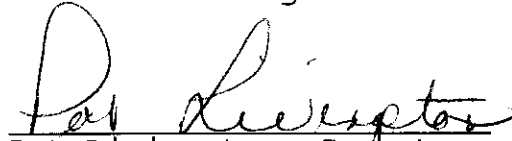
2002.



Kay Bucci, Mayor
Portland Borough Council



, President
Portland Borough Council



Pat Livingston, Secretary
Portland Borough Council

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