

ORDINANCE NUMBER 390

AN AMENDMENT TO ORDINANCE NO. 214 AND ORDINANCE NO. 386 TO BE KNOWN AS THE "NUISANCE ORDINANCE OF THE BOROUGH OF EMLENTON, VENANGO COUNTY, PENNSYLVANIA", PROHIBITING NUISANCES: BEING THE ACCUMULATION OF GARBAGE AND RUBBISH; DANGEROUS STRUCTURES; GRASS OR WEEDS OR ANY VEGETATION WHATSOEVER NOT EDIBLE OR ORNAMENTAL WHICH IS NOXIOUS; THE EXISTENCE OF OPEN WELLS; AND UNSIGHTLY JUNK ON PUBLIC AND PRIVATE PROPERTY WITHIN SAID BOROUGH AND PROVIDING FOR THE HEALTH, COMFORT AND SAFETY OF THE CITIZENS OF SAID BOROUGH AND FOR THE REMOVAL, CORRECTION AND/OR ABATEMENT OF SAID NUISANCES AND FIXING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE.

WHEREAS, the Borough Council deems it to be in the best interest and general welfare of the citizens and the residents of this Borough to prohibit the unreasonable, unwarrantable, and/or unlawful use of public or private 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, the Borough Code, Act of June 23, 1931, (53 P.S. §§ 45101, et seq., 53 P.S. §46201, et seq., as amended), authorizes the Borough to prohibit nuisances.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Borough Council of the Borough of Emlenton, as follows:

SECTION 1. DEFINITIONS.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent 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.

ABANDONED VEHICLE - Any vehicle (other than a pedal cycle) that is inoperable and is left unattended on public property, or that has remained illegally on public property for a period of time, or without a valid registration plate or certificate of inspection or title left unattended on or along a highway, or that has remained on private property with or without the consent of the owner or operator or person in control of the property. Vehicles and equipment used or to be used in construction or in the operation or maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

BOROUGH - The Borough of Emlenton, Venango County, Pennsylvania.

COUNCIL - The elected members of the Borough Council of the Borough of Emlenton, Venango County, Pennsylvania.

DANGEROUS BUILDINGS - all the buildings or structures which have any or all of the following defects; and all such buildings or structures shall be deemed "dangerous buildings" as:

1. Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation.
2. Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life and safety, morals, or the general health and welfare of the occupant or the people of the Borough.
3. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which is so utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation.
4. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which are so utterly fail to provide the amenities essential to decent living and are likely to cause accidents, sickness, or disease, so as to work injury to the health, morals, safety or general welfare of those living therein as well as other citizens of the Borough.
5. Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property, or
6. Those which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Borough.

EXTERIOR PROPERTY AREAS – The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE – The animal and vegetable waste resulting from the handling, preparation cooking and consumption of food.

INFESTATION – The presence within or contiguous to a structure or premises of insects, rats, vermin or other pests.

JUNK - Any material, including vehicles, machinery and equipment, which is valueless except for scrap and salvage.

MOTOR VEHICLE - Any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to: automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the road vehicles.

MOTOR VEHICLE ACCESSORIES - Any part or parts of any motor vehicle.

MOTOR VEHICLE ATTACHMENTS – Any devise designed to be pulled by or attached to a motor vehicle.

MOTOR VEHICLE NUISANCE – A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

1. Broken windshields, mirrors or other glass with sharp edges.
2. One or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hoods, trucks, or other body parts which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.
7. Broken headlamps or tail lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.
10. Broken vehicle frames suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunks.
14. Open or damaged floor boards including trunk and fire wall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips, broken communications equipment and antenna.
18. Suspended on unstable supports.
19. Such other defects which could threaten the health, safety and welfare of the citizens of the borough.

NUISANCE - The unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate exercise of his reasonable rights of person or property. Everything that endangers life or health, gives offense to senses, violates the laws of decency, or obstructs reasonable and comfortable use of property including public, private, and mixed.

NUISANCE OFFICIAL – The official who is charged with the administration and enforcement of this Ordinance, or any duly authorized representative, including, but not

limited to a Borough employee or a police officer. The Nuisance Official, or any duly authorized representative, shall have all authority necessary to enforce the provisions of this act, including instituting summary citation proceedings.

OWNER - Any or either person, firm, partnership, association, corporation, company or organization of any kind having charge of any premises within the Borough.

OPERATOR – Any person who has charge, care or control of a structure or premises which is let or offered for occupancy, including but not limited to tenants.

PERSON - Any natural person, firm, partnership, association, corporation, company or organization of any kind.

PREMISES – A lot, plot or parcel of land, including the buildings or structures thereon.

PUBLIC NUISANCE – Includes, but is not limited to, the following:

1. The physical condition or use of any premises regarded as a public nuisance at common law.
2. Any physical condition, use or occupancy of any premises appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures.
3. Any premises which has unsanitary sewage or plumbing facilities.
4. Any premises designated as unsafe for human habitation or use.
5. Any premises which is manifestly capable of being a fire hazard or are manifestly unsafe or insecure as to endanger life, limb or property.
6. Any premises from which the plumbing, heating and/or facilities required by this code have been removed or from which utilities have been disconnected, destroyed or rendered ineffective or from which utilities have been disconnected, destroyed or rendered ineffective or the required precautions against trespassers have not been provided.
7. Any premises which is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds.
8. Any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction overcrowded, open, vacant or abandoned, damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

RUBBISH – Combustible and noncombustible waste materials except garbage, and the term shall include the residue from burning of wood, coal, coke and other combustible materials, including but not limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, bedding, appliances and dust and other similar materials.

STRUCTURE – That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open-grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

SECTION 2. NUISANCES DECLARED ILLEGAL.

Nuisances, including but not limited to the following, are hereby declared to be illegal:

- (A) Storage or accumulation of garbage or rubbish, junk, abandoned vehicles or discarded properties of any nature, including but not limited to refrigerators, electric or gas ranges, worn out tires, plumbing or electrical fixtures, building supplies, tree limbs, grass or other vegetation, in or on any public or private property, vacant or occupied, within the Borough, or to maintain any accumulations of such materials in or on any public or private property, vacant or occupied, within said Borough that creates a condition that endangers the safety, health or comfort of the citizens and the residents of the Borough.
- (B) Unlawful keeping of non-domestic animals and reasonable standards on number and smell sanitation, etc.
- (C) To permit drainage or flowing by pipe or other channels, whether natural or artificial, any foul or offensive waste or drainage from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever or any other foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Borough into or upon any said highway, road, street, avenue, lane or alley; or from any property into or upon any adjoining property.
- (D) Carrying on or maintaining any offensive manufacturing or business activity anywhere within the Borough that creates a condition which endangers the safety, health or comfort of the citizens of the Borough.
- (E) Burning garbage, tires or tar products within the Borough.
- (F) Refusing to cut or failing to cut any grass, ragweed, chicory, thistle, golden rod, poison ivy, poison oak, sumac, grass of all types and kinds or similar vegetation, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height or ten (10) inches; or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit.
- (G) Burning or cause to be burned, any leaves or grass or refuse of similar nature and kind upon the street, alleys, roads and highways in the Borough of Emlenton

(H) To allow or permit any excavation, material which has been excavated, or obstruction on or adjoining any highway, street, road or sidewalk to remain opened or exposed without the same being secured by a barricade, temporary fence or other protective materials in said Borough.

(I) To allow or permit the existence of any well or other deep or dangerous hole upon any premises within the Borough of Emlenton without having carefully plugged or covered the same.

(J) To dump or otherwise dispose of any garbage, rubbish or other refuse materials on any public or private property vacant or occupied within said Borough.

(K) To refuse or fail to comply with all the provisions of the "Dog Law", Act of 1982, Dec. 7, P.L. 784, No. 225, Sections 101, et seq. (3 P.S. §459-101, et seq.) and in addition, the owner or operator or keeper of every dog shall at all times keep such dog either confined or within an enclosure from which it cannot escape, or, firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which secured, and, under control to such extent that such dog or dogs shall not bark for an unreasonably long or loud manner so as to disturb other residents of said Borough.

(L) Maintaining, causing to be maintained, erecting, using, occupying or owning any unsafe or dangerous structure(s) pursuant to The Borough Code, Section 46202 and Section 4 of this ordinance.

(M) To own or have custody of any junked motor vehicle or motor vehicle accessories which create a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street or highway within the Borough for a period of more than thirty (30) days. It shall further be unlawful for any person, after notification, to move any junked motor vehicle, or motor vehicle accessories constituting a public nuisance hereunder, to any other private property upon which storage is not permitted, or onto any public highway or other public property for purposes of storage.

(N) The parking or locating of motor vehicles or motor vehicle attachments as to impede egress and regress on public sidewalks, roadways or throughway or locating any personal property to block or impede or disturb pedestrian or motor vehicle traffic is hereby prohibited.

SECTION 3. DANGEROUS BUILDINGS

A) – Dangerous Buildings as Nuisances

1. All "dangerous buildings" are hereby declared to be public nuisances and shall be repaired, vacated and/or demolished.

2. Each day a nuisance in the form of a dangerous buildings continues after notice is given that said dangerous building is to be repaired, vacated and/or demolished, shall constitute a separate offense in violation of this Ordinance.

(B) – Investigation Procedure: Whenever it is reported or comes to the attention of any person, citizen, Borough official or police officer that any building or structure completed or on the process of construction or any portion thereof is in a dangerous condition, such person shall report the same to the Borough Secretary or to the Mayor, the Borough Council, Police Officer or an employee of the Borough. A Borough official or a committee or a Police Officer will make an investigation and examine the building or structure reported. If the official, committee, or Police Officer making the investigation believes that the structure is a dangerous building, then a report of the investigation specifying the condition of the structure and in what respect it is dangerous shall be made and filed in the Borough Office. The report may recommend whether the building can be repaired or whether it shall be removed as a dangerous building.

SECTION 4. MAINTENANCE OF PROPERTIES

(A) Sanitation. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.

(B) Containers. The owner or operator of every establishment producing garbage, a vegetable waste or other recyclable material shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

(C) Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or with any structure located thereon. Stagnant water shall be determined as any accumulation that has not disbursed within seven days of the last recorded local rainfall. Exception: Water retention areas and/or reservoirs approved by the Nuisance Official.

(D) Insect and rat control. An owner or operator of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner or operator.

(E) Weeds. All lots shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs; provided, however, that this term shall not

include cultivated flowers and gardens.

(F) Public nuisance. All exterior property areas and premises shall be maintained in such a manner so as not to constitute a public nuisance.

(G) Motor vehicles in residential areas. Not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and said vehicle shall not at any time be in a state of disassembly, disrepair, nor shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in a residential district unless said work is performed inside a structure or similarly enclosed area designed and approved for such purposes. In addition, not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district if such motor vehicle constitutes a motor vehicle nuisance.

(H) Any owner, operator, person, firm or corporation, owning or controlling any property within the Borough, shall as provided in this Ordinance, trim or cut all grass or weeds or other vegetation whatsoever, no planted or used for some agricultural or ornamental purpose. No such person, firm, or corporation shall permit to grow upon property owned by it any grass, weeds, or other vegetation which does emit any unpleasant or noxious odor or which does conceal any filthy deposit. Any grass, weeds or other vegetation growing upon any premises in the Borough on violation of any of the provisions of this Section or any other Section of this ordinance, is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

(I) Any person, owner or operator of a property shall remove, trim or cut to height of 4 inches or less, all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance in accordance with the following minimum schedule: at least one time prior to May 31st of each year; at least one time between June 15th and August 31st of each year; and at least one time between September 1st and the end of the growing season. Provided, however, that no owner or operator shall at any time permit any grass, weeds, or other vegetation to grow on their property to a height in excess of 10 inches.

(J) The Borough Council may give notice by publication in a local newspaper, at least one time during the months of April or May of each year, of the dates established for cuttings. The Borough Council or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service, by United States Mail or by posting the property, or by handing to the owner or operator of any premises whereon grass, weeds, or other vegetation or growing or remaining in violation of the provisions of this Ordinance, directing and requiring such owner or operator to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Ordinance, within five (5) days after the issuance of such notice. In case any owner, operator, 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, trim or cut such grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by the Law, may be collected by the Borough from such owner, operator, person, firm or corporation, in the manner provided by Law.

(K) Any owner, operator, person, firm, or corporation owning any property within the Borough shall remove all accumulation of snow or ice from the sidewalk within 24 hours after the ceasing of the snowfall or ice storm, or the formation of ice. No owner, operator, person, firm, or corporation, shall deposit or cause to be deposited any snow, ice, hail, or sleet upon any plowed portion of a Borough street or road. The Borough Council or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service, by United States Mail or by posting the property, to the owner or operator of any premises informing the owner or operator that they are in violation of the provisions of this Section, and ordering said owner or operator to immediately comply with such notice, the Borough authorities may clear the premises of all snow or ice, and the cost thereof, together with any additional penalty authorized by the Law, may be collected by the Borough from such person, firm or corporation, in the manner provided by Law.

(L) No owner, operator, person, firm, or corporation owning property within the Borough shall permit the accumulation or storage of any junk on said property. For the purpose of this Ordinance, the term "junk" shall include any discarded material or article including, but not limited to, scrap metal, scrapped, abandoned or junked machinery; and paper or glass waste. Junk shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

(M) No owner, operator, person, firm, or corporation owning property within the Borough shall permit the outside storage or deposit of any motor vehicle, recreational vehicle, or parts thereof, not displaying a valid current registration issued by the Commonwealth of Pennsylvania Bureau of Motor Vehicles, Department of Transportation. The definition of "motor vehicle" set forth in the Pennsylvania Motor Vehicle (75 Pa.C.S.101 et seq.) is incorporated by reference herein and made a part hereof. Provided, however, that this Section 3 shall not apply to the storage of motor vehicles, recreational vehicles, or parts thereof by licensed auto dealers nor the storage of motor vehicles, recreational vehicles, or parts thereof within a fully enclosed garage or other building.

SECTION 5. INVESTIGATION OF THE PREMISES.

The mayor, building inspector, nuisance enforcement officer and/or Police Officer on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected violation of this Ordinance.

SECTION 6. NOTICE TO VIOLATORS REQUIRED.

Whenever a condition constituting a nuisance is permitted or maintained or is in existence and said condition has been received by the Borough from a Borough resident or property owner or operator, or observed by the mayor, building inspector, nuisance enforcement officer and/or police, the Borough shall cause written notice to be served upon the owner or operator in one of the following ways:

- (A) By making personal delivery of the notice to the owner or operator.
- (B) By handing a copy of the notice at the residence of the owner or operator or to an adult member of the family with which they resides; but if no adult member of the family is found, than to an adult person in charge of such residence.
- (C) By fixing a copy of the notice to the door at the entrance of the premises in violation or by posting the premises in violation with a copy of the notice if there are no buildings thereon.
- (D) By mailing a copy of the notice to the last known address of the owner or operator by certified mail return receipt requested and by first class mail postage prepaid
- (E) By publishing a copy of the notice in a local newspaper once a week for three (3) successive weeks.

Such notice shall set forth:

1. Nature of Complaint;
2. Description and location of the violation;
3. Statement that the violation shall be remedied or removed from the premises no later than fourteen (14) days from the date of notification or within seventy-two (72) hours for subsequent violations during the same calendar year. If such violation is a dangerous structure violation, owner or operator must commence remedying the situation within 10 days and complete remediation within 60 days. The owner or operator shall comply fully with the terms and reasonable dispatch, all material and work to be done and supplied at the owner or operator's sole expense;
4. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties; and
5. Statement that if remedy or removal is made within the time limits specified, notification thereof shall be given in writing to the mayor, building inspector, nuisance enforcement officer and/or police officer.
6. Statement of the penalties provided for noncompliance with such notice.

PROVIDED, HOWEVER, that if the circumstances require immediate corrective measures, such notice shall require the owner or operator to comply immediately with the terms thereof.

(F) - Emergency Cases: In cases where it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous building, the Council shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected as provided for in Section 7 (C) of this Ordinance.

SECTION 7. PENALTY FOR VIOLATION.

If the owner or operator after receiving due notice refuses or fails to comply with the terms thereof:

(A) They shall be guilty of a violation of this ordinance and shall upon conviction thereof, before a Magisterial District Judge having jurisdiction, shall be fined not less than Twenty-five (\$25.00) Dollars and not more than the statutory maximum for enforcement of a summary offense under the borough code as prescribed 53 P.S. § 48321, plus costs of prosecution, after summary proceedings brought in the name of the Borough before said Magisterial District Judge. In default of payment of such fines and costs of prosecution, shall be imprisoned to the extent allowed by law for the punishment of summary offenses, PROVIDED, each days continuance of a violation shall constitute a separate offense.

(B) The Borough may direct the removal, repairs or alterations, as the case may be, to be done by the Borough and the cost thereof with a penalty of ten (10%) percent may be collected from the owner or operator of the premises by a civil action or the Borough may file a municipal claim or lien therefore against such real estate. [53 P.S. §46202(4) (16), as amended].

(C) Any person having an interest in any building who fails to comply with any notice or order to repair, vacate, or demolish any dangerous building within ninety (90) days of the receipt of such notice, by such failure does empower the Council to cause such building or structure to be repaired, vacated or demolished by the Borough and to cause the costs of such repair, vacation or demolition together with a penalty of ten (10%) per cent to be charged upon the land upon which the building exists as a municipal lien, or alternatively to recover such costs and penalty in a suit at law against the owner or operator but failing to recover same to have the judgment therefore to be charged upon the land as a lien; and, this subsection is separate from in addition to the fine, penalty and costs which may be imposed by any other sub-section of this section.

(D) The Borough may by means of an action in assumpsit to compel the owner or operator to remedy the nuisance or to seek other relief as such Court is empowered to afford.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

SECTION 9. REPEALER.

All other ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 10. REGULATIONS.

It shall be within the discretion of the Council to enact appropriate further regulations prohibiting nuisance to the extent that such regulations are within the Councils ability to prohibit nuisance permitted by the Borough Code (53 P.S. §46201. et seq.)

SECTION 11. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after the adoption hereof.

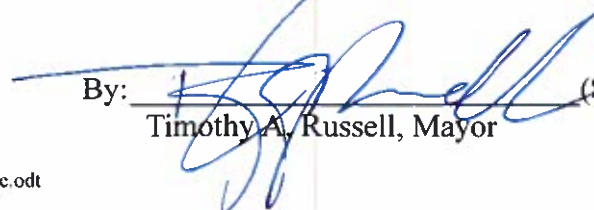
ENACTED AND ORDAINED this 3 day of Sept, 2013, in lawful session duly assembled.

BOROUGH OF EMLENTON,
VENANGO COUNTY, PENNSYLVANIA:

ATTEST:

 (SEAL)
Secretary

By:  (SEAL)
Barry Louise, President

By:  (SEAL)
Timothy A. Russell, Mayor

APPENDIX

DEAR owner or operator/OCCUPANT:

This notice is to inform you that the property located at

has been found to be in violation of Ordinance _____, known as The "Nuisance Ordinance of the Borough of Emlenton, Venango County, Pennsylvania" due to the following violations:

This violation shall be remedied or removed from the premises no later than fourteen (14) days from the date of notification or within seventy-two (72) hours for subsequent violations during the same calendar year. If such violation is a dangerous structure violation, owner or operator must commence remedying the situation within 10 days and complete remediation within 60 days. owner or operator shall comply fully with the terms and reasonable dispatch, all material and work to be done and supplied at the owner or operator's sole expense.

Removal from your property located above to another location upon which storage is not permitted is prohibited and shall subject the owner or operator to additional penalties. If remedy or removal is made within the time limits specified, notification thereof shall be given in writing to the mayor, inspector, nuisance officer, and/or police officer.

If you are found guilty of a violation of this ordinance and shall upon conviction thereof, before a Magisterial District Judge having jurisdiction, shall be fined not less than Twenty-five (\$25.00) Dollars and not more than the statutory maximum for enforcement of a summary offense under the borough code as prescribed 53 P.S. § 48321, plus costs of prosecution, after summary proceedings brought in the name of the Borough before said Magisterial District Judge. In default of payment of such fines and costs of prosecution, shall be imprisoned to the extent allows by law for the punishment of summary offenses, PROVIDED, each days continuance of a violation shall constitute a separate offense.

The Borough may direct the removal, repairs or alterations, as the case may be, to be done by the Borough and the cost thereof with a penalty of ten (10%) percent may be collected from the owner or operator of the premises by a civil action or the Borough may file a municipal claim or lien therefore against such real estate. [53 P.S. §46202, as amended].

Failure to comply with an order to repair, vacate, or demolish any dangerous building within ninety (90) days of the receipt of such notice, by such failure does empower the Council to cause such building or structure to be repaired, vacated or demolished by the Borough and to cause the costs of such repair, vacation or demolition together with a penalty of ten (10%) per cent to be charged upon the land upon which the building exists as a municipal lien, or alternatively to recover such costs and penalty in a suit at law against the owner or operator or owner or operators but failing to recover same to have the judgment therefore to be charged upon the land as a lien; and, this subsection is separate from in addition to the fine, penalty and costs which may be imposed by any other sub-section of this section.

Any questions about this notice may be directed to the Emlenton Borough Office at _____ Hill Street, PO Box 537, Emlenton, PA 16373 (724) 867-8611. You must send notice to this office once you have remedied the violation mentioned above.

Sincerely,

**Proof of Publication in The Derrick
UNDER ACT NO. 587, APPROVED MAY 16, 1929**

STATE OF PENNSYLVANIA

ss:

COUNTY OF VENANGO

Carla Sheatz, of Venango Newspapers, of the County and State aforesaid, being duly sworn, deposes and says that THE DERRICK, newspaper of general circulation published at Oil City, Pa., County and State aforesaid was established in 1871, since which time THE DERRICK has been regularly issued in said county, and that the printed notice or publication attached hereto is exactly the same as printed in the regular edition and issue of the said THE DERRICK on the following dates, viz:

21st of August, 2013

Affiant further deposes that she is authorized by VENANGO NEWSPAPERS, agent for said THE DERRICK to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character or publication are true.

COPY OF NOTICE OF PUBLICATION

Carla Sheatz

Sworn to and subscribed before me this
21st day of August, 2013

Michelle M. Schwab

NOTARIAL SEAL
Michelle M. Schwab, Notary Public
Oil City, Venango County, Pennsylvania
My Commission Expires December 08, 2014

PUBLIC NOTICE

The following Venango County municipalities will consider an Ordinance for Prohibiting Nuisances and the costs and penalties incurred for violation thereof at the following times and locations:

Embleton Borough,
Tuesday, September 3, 2013, at 7:00 p.m. at the Embleton Borough Office located in the Crawford Center, Embleton.

Clintonville Borough,
Tuesday September 3, 2013, at 7:00 p.m., at 109 Franklin Street, Clintonville.

The full text may be obtained by contacting the Township Solicitor, Scott W. Schreffler, Esquire.

808 Main Street,
P.O. Box 99
Embleton, PA 16373
(724) 867-5921

STATEMENT OF ADVERTISING COST

Lynn, King & Schreffler, P.C. PO Box 99 Embleton PA 16373	#3264310
The VENANGO NEWSPAPERS, Dr. Agent for The Derrick For publishing the notice or publication attached hereto on the above dates	204.90
Probating same	11.00
Total	215.90

Publisher's Receipt for Advertising Costs

VENANGO NEWSPAPERS, agent for THE DERRICK hereby acknowledges receipt of the aforesaid notice and publication costs, and certifies that the same have been duly paid.

By _____