

Chapter 123

NUISANCES

[HISTORY: Adopted by the Borough Council of the Borough of Chester Heights 12-2-1991 by Ord. No. 120. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 97.

Solid waste — See Ch. 158.

ARTICLE I

Vegetation

§ 123-1. Declaration of nuisances.

The growth, maintenance or accumulation of weeds, grasses, trees, vines, bushes or other vegetable growth upon any lot, yard, area or piece of ground within the Borough of Chester Heights is declared to constitute a public nuisance wherever and whenever the same shall cause or contribute to the causing of any of the following conditions to exist:

- A. The said weeds, bushes, etc., shall encroach upon any sidewalk, street, alley or roadway to the inconvenience, danger, annoyance or impediment of persons passing on said streets or sidewalks, etc.
- B. The said weeds, bushes, etc., shall prevent the clear view of motor traffic by users of the adjoining streets.
- C. The said weeds, bushes, etc., shall cause or create an unreasonable risk of fire.
- D. The said weeds, bushes, etc., shall in any way be an unreasonable detriment to the health or safety of the public.

§ 123-2. Notice of violation.

Whenever any condition as set forth in § 123-1 of this chapter shall be found to exist, the Secretary of the Borough of Chester Heights shall notify in writing the owner, tenant, occupier or agent of the property where the violation exists to remove or abate the condition within 10 days. Notice shall be served upon the said owner, tenant, occupier, or agent either personally or by registered mail or by posting of the premises if none of the above can be found or ascertained.

§ 123-3. Violations and penalties; costs of removal.

In the event that the said notice is not complied with and the said nuisance abated as directed within 10 days of date of delivery of said notice, the Chester Heights Borough Council, or its duly elected representative may, at its, or his, election and discretion, take either of the following actions:

- A. Cause the arrest of the violator, who shall thereafter be given a hearing before any District Justice and, if found guilty as charged by the said District Justice, shall be subject to a fine not exceeding \$50 per day for every day of violation beyond the date of service of notice upon the violator under § 123-2 herein, with imprisonment in the county jail not to exceed 30 days in default of payment thereof.
- B. Cause the condition to be removed or abated by a contractor retained by the Borough. Thereafter, the cost of such removal or abatement plus a service charge of \$250 shall be certified to the Borough Secretary. The Borough Secretary shall then collect the same by a civil action before any District Justice or collect by other lawful means.

ARTICLE II
Littering

§ 123-4. Prohibited acts.

It shall be unlawful for any person or persons, firm or corporation to throw, place or be a party of any throwing or placing of any papers, bottles, cans or other rubbish, trash, debris, abandoned motor vehicle or parts related thereto, equipment parts, or waste materials on any yard, vacant lot, public area, sidewalk, driveway, street or public highway in the Borough.

§ 123-5. Notice of violation.

Whenever any condition as set forth in § 123-4 of this chapter shall be found to exist, the Secretary of the Borough of Chester Heights shall notify in writing the owner, tenant, occupier or agent of the property where the violation exists to remove or abate the condition in such manner and within such time as the said officer shall direct. Notice shall be served upon the said owner, tenant, occupier or agent either personally or by registered mail or by posting of the premises if none of the above can be found or ascertained.

§ 123-6. Violation and penalties: costs of removal.

In the event that the said notice is not complied with and the said nuisance abated as directed within 10 days of date of delivery of said notice, the Chester Heights Borough Council, or its duly elected representative, may, at its, or his, election and discretion, take either of the following actions:

- A. Cause the arrest of the violator, who shall thereafter be given a hearing before any District Justice and, if found guilty as charged by the said District Justice, shall be subject to a fine not exceeding \$50 per day for every day of violation beyond the date of service of notice upon the violator under § 123-5 herein, with imprisonment in the county jail not to exceed 30 days in default of payment thereof.
- B. Cause the condition to be removed or abated by a contractor retained by the Borough. Thereafter, the cost of such removal or abatement plus a service charge of \$250 shall be certified to the Borough Secretary. The Borough Secretary shall then collect the same by a civil action before any District Justice or collect by other lawful means.