

the day before, day of and day after the 4th of July of any year, during the hours of 9 a.m. to 12:00 p.m. unless otherwise authorized by the Borough. Use and/or explosion during any other dates and/or times shall be prohibited.

SECTION 3. WRITTEN NOTICE TO VIOLATORS: Whenever a condition constituting a nuisance is permitted or maintained Council shall cause written notice to be served upon the owner in one of the following manners:

1. By making personal delivery of the notice to the owners; or
2. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the premises in violation; or
4. By mailing a copy of the notice to the last known address of the owner by certified mail; or
5. By publishing a copy of the notice in a local newspaper of general circulation within Blair County, Pennsylvania, once a week for three (3) successive weeks. Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Borough, or whether the situation can be corrected by repairs, alterations or by fencing or boarding, or in some way confining and limiting the nuisance.

Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of Section 2(B), (F), (I), (J), or (K) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

SECTION 4. PENALTY FOR VIOLATION: This Ordinance regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to 53 P. S. 6660 1 (c. 1)(2).

1. Enforcement thereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Borough Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 83(c) (relating to trial and summary cases). The Council hereby sets a criminal fine in the amount of not less than One Hundred (\$100.00) Dollars and not more than One Thousand (\$1,000.00) Dollars per violation, and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than Ten (10) days, provided, further, that each day's continuance of a violation shall constitute a separate event.
2. The Borough Council may direct the removal, repair, or alterations, as the case may be, to be

done by the Borough and to certify the costs thereof to the Borough solicitor, the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations which date shall be determined by the certificate of the person doing such work, and filed with the Borough Secretary.

3. The Borough, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

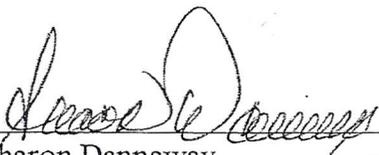
SECTION 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof,

SECTION 6. REPEALER: Any Ordinance, or part of an Ordinance, of the Borough of Tyrone, Blair County, Pennsylvania, conflicting with this Ordinance or any part thereof hereby is repealed insofar as the same affects this Ordinance. More specifically, in addition to any other inconsistent Ordinance or part thereof, this Ordinance hereby repeals and replaces in its entirety, Ordinance 779, a copy of which is attached hereto for the sole purpose of satisfying the Borough Home Rule Charter.

SECTION 7. EFFECTIVE DATE: This Ordinance shall become effective at the earliest possible date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Tyrone by the Borough Council on this 14th day of December 2005.

ATTEST:



Sharon Dannaway,
Manager/Secretary

BOROUGH OF TYRONE

By: 

Patricia S. Stoner
Mayor/President of Council