

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 42 – PROPERTY MAINTENANCE

[HISTORY: Adopted by the Council of the Borough of Northumberland: Article I, 9-3-57 as Ord. No. 180; Article II, 5-2-67 as Ord. No. 238; Article III, 10-6-81 as Ord. No. 364. Section 42-3A and 42-5 amended upon adoption of Code; see Ch. 1, General Provisions. Other amendments noted where applicable.]

General References: Peace and good order - see Ch. 90.
Streets and sidewalks - see Ch. 50.

ARTICLE I – UNLAWFUL GROWTH OF GRASS AND WEEDS

[Adopted September 3, 1957 as Ord. No. 180; Amended October 29, 1986 as Ord. No. 392; Amended March 3, 2020 by Ord. No. 2020-2; Amended December 2022 by Ord. No. 2022-A]

42.1.01 Duty to cut grass and weeds. (42-1)

[Amended 2022-12- by Ord. No. 2022-A]

It shall be the duty of any person, firm or corporation owning, occupying or leasing any property within Northumberland Borough to ensure that no grass, weeds or vegetation whatsoever, aside from edible plants or those planted for ornamental purposes, grows or remains upon such premises, or upon the grass plot along the street or sidewalk abutting such premises, at a height in excess of six (6) inches, or throws off any unpleasant or noxious odor or conceals any filthy deposit. It shall further be unlawful for any person, firm or corporation to place or cause to be placed grass, weed, brush or other vegetation clippings on the roadway. The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant of any premises in the case of premises occupied by other than the owner thereof, shall be responsible for the removal, trimming and cutting of all grass, weeds or other vegetation growing or remaining upon such premises in violation of this provision.

42.1.02 Nuisance. (42-2)

The growth of grass or weeds above the height of six inches within the Borough is declared to be a nuisance.

42.1.03 Violations and penalties. (42-3)

Any officer or employee of the Borough designated for the purpose of enforcing this Ordinance ("Enforcement Officer"), is hereby authorized to give notice, by personal service or by mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of Section 42.1.01 of the Code of the Borough of Northumberland, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this chapter within five (5) days after issuance of such notice. Should any person, firm or corporation neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough Enforcement Officer shall be empowered to issue a quality of life ticket to said individual assessing a fine of \$25.00 due to be paid to the Borough within ten (10) days. Each day a violation remains unremedied following the expiration of the period of time stated in the notice shall constitute a separate and independent violation for which a quality of life ticket may be issued. Northumberland Borough Council may designate any Enforcement Officer charged with enforcement of this provision by resolution. Should any person, firm or corporation fail to pay any quality of life ticket or appeal said ticket in the manner set forth in Section 42.1.07, upon conviction thereon, shall be sentenced to pay a fine of not less than \$50.00 nor more than \$300.00 for each violation, plus costs of prosecution, with each day's violation constituting a separate offense, and notice to the offender of subsequent violations shall not be necessary in order to constitute an

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offense. Borough Council may amend the fines and penalties established herein by resolution. [Amended by Ord. No. 2020-2]

42.1.04 Borough may cut and bill owner. (42-4)

Should the owner of real estate within the Borough fail to comply with this Article within five (5) days after being notified to do so, the Borough may cut and mow the grass and weeds and bill the owner for the costs hereof. Such action by the Borough shall not preclude it from pursuing other remedies available to it under the Article or otherwise.

42.1.05 Lien. (42-5)

The Borough's cost of cutting and mowing grass and weeds and the amount of all fines and penalties may be entered by the Borough against the property upon which the grass and weeds were growing in violation of this Article.

42.1.06 Proceeding to force compliance. (42-6)

In addition to any other remedies available to the Borough under this Article or otherwise, the Borough may institute proceedings in the courts to require owners of real estate within the Borough to comply with the provisions of this Article.

42.1.07 Appeal from Quality of Life Ticket

Any person, firm or corporation to which the Borough Enforcement Officer issues a quality of life ticket for violation of this Chapter may appeal the ticket and finding of violation by submitting a written request to appeal to the Borough Manager within ten (10) days of the date of violation ticket, stating their reasons for appeal, and accompanied by the fine amount. The Board of appeals shall meet within fifteen (15) days of the filing of an appeal to consider the merits of the appeal. The meeting shall be public and the appellants, his representatives, the enforcing officer and any other person whose interests may be affected by the matter shall be heard. Within thirty (30) days of the submission of the appeal, Northumberland Borough, through a determination made by the Board of Appeals appointed by Borough Council pursuant to Chapter 30 of the Code of the Borough of Northumberland, may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines, or penalty amounts as deemed appropriate, and shall issue written notice of its decision along with any refunds applicable. **Failure to timely appeal the violation ticket will be deemed an admission of liability for the violation and shall render the violation ticket final.** An appeal from the violation ticket and/or notice of violation issued under this Chapter shall act as an automatic stay of the violation appealed. Any person, firm or corporation aggrieved by the final decision of the Board of Appeals following a timely appeal may obtain judicial review by filing with the Court of Common Pleas of Northumberland County, within 30 days from the date of the Board of Appeal's determination, a petition praying that the decision be set aside in whole or in part. The stay provided in this section shall remain in effect during the pendency of the appeal before the Board of Appeals and during the pendency of any subsequent appeals from the Board of Appeal's decision to the courts of this commonwealth. [Amended by Ord. No. 2020-2]

ARTICLE II – ABANDONED MATERIALS AND STRUCTURES

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[Adopted 5-2-67 as Ord. No. 238; Amended 9-6-05 by Ord. No. 2005-1]

42.2.01 Declaration of nuisance. (42-7)

[Amended 9-6-05 by Ord. No. 2005-1]

It is declared as a nuisance to accumulate garbage, junk and rubbish and to store abandoned or junked automobiles in the Borough of Northumberland, except on public dumping grounds; and it is directed that all dangerous structures on public or private grounds shall be prohibited in the Borough of Northumberland, Pennsylvania.

All porches, carports, sheds and yards, open and visible to the public eye or adjacent to sidewalks utilized by the public shall remain free of discarded or broken household furnishings, dumpsters, appliances, junk, etc. and similar items, excluding the type designed for use in such structures. Such structures and areas shall be kept in a sanitary and orderly manner, free of litter, rubbish and garbage not stored in approved covered containers as required by law. All such discarded items and their containers shall be removed from such structures or areas within 24 hours.

For purposes of this Section, an abandoned or junked automobile shall be deemed to include any automobile, trailer or other titled vehicle whose state of disrepair is such that it poses a risk of harm to children or other members of the public, or poses a risk of attracting and/or serving as shelter for snakes, vermin, insects or other wild animals.

For purposes of this Article, the term "RUBBISH" shall have the same meaning as that term is defined in Article III, Section 42-11 of this Code, as amended from time to time. [Added 9-5-06 by Ord. No. 2006-8]

42.2.02 Notice to remove; penalties. (42-8)

[Amended 2-6-73 by Ord. No. 273A3]

Upon complaint, the owner or occupier shall first be given a ten-day written notice to remove said garbage, junk, rubbish or abandoned or junked automobiles or to remove any dangerous structure from private or public grounds. Upon his or her conviction before a district Magistrate having jurisdiction of a failure to remove said items from his or her premises, he or she shall be sentenced to pay a fine, together with costs of prosecution, or to imprisonment in the county jail, or both.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

42.2.03 Removal by the borough; costs. (42-9)

After written notice has been given to the owners or occupiers of the real estate, requesting the removal of garbage, junk and rubbish or abandoned or junked automobiles, or removal of any dangerous structures, and if, after the expiration of ten (10) day from date of the notice, the notice has not been complied with, the Borough of Northumberland, by its duly elected officers or employees, may cause to be removed said items and shall be entitled to collect the costs of said removal, plus a penalty of ten (10%), from the owners or occupiers of the real estate, in the manner provided by law for the collection of municipal claims or by action of assumpsit.

42.2.04 Additional remedy. (42-10)

The borough may also institute in the Superior Court a proceeding to prohibit any of said nuisances and to cause to be removed said objectionable items from private or public property.

ARTICLE III – FIRES AND AIR POLLUTION

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[Adopted 10-6-81 as Ord. No. 364; Amended 6-7-2011 by Ord. No. 2011-3]

42.3.01 Definitions. (42-11)

As used in this Article, the following terms shall have the meanings indicated:

Furnace

Any enclosed device specifically designed for the burning of any material for the production of heat.

Garbage

All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

Incinerator

Any device specifically designed for the destruction of refuse, sewage, sludge or any other combustible material by burning.

Open Fire

Any fire in which any material is burned outside a building.

Person

Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

Refuse

Garbage, rubbish and trade waste.

Rubbish

Solids not considered to be highly flammable or explosive, including, but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, metal cans or barrels (including, but not limited to, barrels and other receptacles, the primary purpose for which is the open burning of rubbish), glass crockery, masonry and other similar materials. [Amended 9-5-06 by Ord. No. 2006-8]

Salvage Operation

Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

Space Heater

Same as "furnace."

Stove

Any enclosed device specifically designed for the burning of any material for the production of heat or for cooking purposes, and any outdoor "patio stove" or chimenea designed primarily for the production of heat or for cooking purposes in connection with recreational use. [Amended 9-5-06 by Ord. No. 2006-8]

Trade Waste

All solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry, including but not limited to plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.

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42.3.02 Prohibited acts; exceptions. (42-12)

[Amended 9-5-06 by Ord. 2006-8]

A. No person shall do any of the following:

1. Ignite or feed an open fire for the destruction of refuse, or in the conduct of a salvage operation in any public or private place in the Borough of Northumberland.
2. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control in the Borough of Northumberland.
3. Attempt to burn, or cause, suffer, allow or permit any attempt to burn or any burning of any refuse with the exception of stove wood, and the minimum amount of dry paper necessary to serve as kindling therefore, in any stove, space heater or furnace.

B. Exceptions.

1. Open fires may be set in the performance of any official duty of any public officer if the fire is necessary for the prevention of a fire hazard which cannot be abated by other means or the protection of public health.
2. Open fires may be set with the approval of the authorized enforcement agent of this Article, provided that:
 - a) Rubbish only is burned.
 - b) There is no practical available alternative method for the disposal of the material to be burned.
 - c) No hazardous or other objectionable condition will be created by such burning.

42.3.03 Violations and penalties. (42-13)

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

ARTICLE IV – WOOD-FIRED BOILER

[Adopted 7-7-2011 as Ord. No. 2011-3]

42.4.01 Applicability

Except as otherwise provided, this ordinance applies to the installation and use of all outdoor wood-fired boilers within the Borough of Northumberland.

- A. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

42.4.02 Purpose and Scope

Whereas the Borough Council of the Borough of Northumberland has determined that air pollution from outdoor wood-fired boilers may be detrimental to the health, comfort, living conditions, welfare, and safety of

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the citizens of the Borough of Northumberland it is hereby declared to be the policy of the Borough of Northumberland to safeguard the citizens of the Borough of Northumberland from such air pollution.

42.4.03 Definitions

The following words, terms, and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

APCA Air Pollution Control Act

Clean wood Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

EPA United States Environmental Protection Agency

Council Borough Council of the Borough of Northumberland.

Borough Borough of Northumberland.

Outdoor wood-fired boiler Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

1. Designed to burn clean wood or other approved solid fuels;
2. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
3. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Phase 2 outdoor wood-fired boiler an outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

Person Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Responsible official Person designated by the municipality to be responsible for the administration and enforcement of this ordinance.

Stack Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

42.4.04 Regulations

- A. On or after May 1, 2011, no person shall install an outdoor wood-fired boiler in the Borough;
- B. On or after May 1, 2011, only outdoor wood-fired boiler previously installed may be used or operated in the Borough and must be used and operated in accordance with the following provisions:
 1. Particulate Standard Requirements for New Outdoor Wood-Fired Boilers
No person shall use or operate an outdoor wood-fired boiler that is not a Phase 2 Outdoor Wood-fired Boiler.
 2. Setback Requirements for New Outdoor Wood-fired Boilers
No person shall use or operate an outdoor wood-fired boiler unless it is installed at least 150 feet from the nearest property line.

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3. Stack Height Requirements for Existing Outdoor Wood-fired boilers

No person shall use or operate an outdoor wood-fired boiler that was installed before May 1, 2011 unless it has a permanently attached stack with a minimum stack height of 10 feet above the ground that also extends at least two feet above the highest peak of any residence located less than 500 feet from the outdoor wood-fired boiler. However, if the existing outdoor wood-fired boiler is a Phase 2 outdoor wood-fired boiler, it may be located closer than 500 feet, but no less than 150 feet from any residence.

4. Reconstruction of Existing Outdoor Wood-fired boilers

If an outdoor wood-fired boiler that was installed prior to May 1, 2011 becomes more than fifty percent (50%) tore down, physically deteriorated, decayed or inoperable, it shall not be rebuilt or restored and must be disconnected from all structures. If the condition of the outdoor wood-fired boiler violates any other ordinance of the Borough, the Borough may order its removal from the property in accordance with the applicable ordinance.

5. Fuel Requirements for Outdoor Wood-fired Boilers

No person that uses or operates an outdoor wood-fired boiler shall use a fuel other than the following:

- Clean wood
- Wood pellets made from clean wood
- Home heating oil, natural gas, propane or other fuel that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers

6. Prohibited Fuels for Outdoor Wood-fired Boilers

No person shall burn any of the following items in an outdoor wood-fired boiler:

- Any material not listed in 42.4.04.B.5
- Treated or painted wood
- Furniture
- Garbage
- Tires
- Lawn clippings or yard waste
- Material containing plastic
- Material containing rubber
- Waste petroleum products
- Paints and paint thinners
- Chemicals
- Any hazardous waste
- Coal
- Glossy colored paper
- Construction and demolition debris
- Plywood
- Particleboard
- Salt-water driftwood
- Manure

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- Animal carcasses
 - Asphalt products
 - Any material that causes a noxious odor or a condition that creates a nuisance
7. Prohibition of Operation for Outdoor Wood-fired Boilers
8. No person shall use or operate an outdoor wood-fired boiler between the dates of May 1 and September 30. VI.8. Regulatory Requirements for Outdoor Wood-fired Boilers. No person shall use or operate an outdoor wood-fired boiler unless it complies with all existing state and local regulations. The following is a list of some, but not all, regulations of this Commonwealth that could apply include:
- 25 Pa. Code Section 121.7 – Prohibition of Air Pollution
 - 25 Pa. Code Section 123.1 – Fugitive Emissions
 - 25 Pa. Code Section 123.31 – Odor Emissions
 - 25 Pa. Code Section 123.41 – Visible Emissions
 - Section 8 of the APCA, 35 P.S. Section 4008 – Unlawful Conduct
 - Section 13 of the APCA, 35 P.S. Section 4013 – Public Nuisances

9. Permits for Outdoor Wood-fired Boilers

No person shall use or operate an outdoor wood-fired boiler unless a permit is obtained from the Responsible Official. Any person who desires to use or operate an outdoor wood-fired boiler must submit an application for a permit to use or operate an outdoor wood-fired boiler with the Responsible Official within ninety (90) days of the enactment of this ordinance. The application shall include the specifications for the wood-fired boiler, a sketch of the proposed location of the wood-fired boiler and the date of installation. The sketch shall accurately depict the distances between the wood-fired boiler and any building and property line. The person desiring a permit to use or operate on outdoor wood-fired boiler must also submit a non-refundable permit application fee to the Responsible Official. The Council may from to time set or amend, by Resolution, the permit application fee. The Responsible Official, upon receipt of an application for the use and operation of an outdoor wood-fired boiler (including specifications and sketch) and the appropriate permit application fee, shall review the permit to determine if the proposed wood-fired boiler is in compliance with this ordinance. If the application and proposed wood-fired boiler are in compliance with this ordinance, the Responsible Official shall issue the permit for the use and operation of a wood-fired boiler in accordance with the information provided in the application and the provisions of this ordinance. No permit shall be issued for a wood-fired boiler that was not installed on or before June 7, 2011. The Borough reserves the right to temporarily suspend a permit if weather conditions make the operation of the wood-fired boiler dangerous or a nuisance. The failure to obtain a permit or the failure to comply with the conditions of a permit, shall be considered violations of this ordinance. Any violation of the ordinance or permit conditions shall void the permit. Failure to obtain a permit or to comply with the conditions of a permit, shall be subject to the penalties listed in 42.4.05, 42.4.06, 42.4.07, 42.4.08 of this ordinance.

42.4.05 Enforcement Orders

- A. The Borough and the Responsible Official shall have the power and duty to enforce the provisions of this ordinance.
- B. The Borough may issue such orders as are necessary to aid in the enforcement of the provisions of this ordinance. These orders shall include, but shall not be limited to: orders requiring persons to cease

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unlawful use of outdoor wood-fired boilers, which is in violation of any provision of production of information. Such an order may be issued if the Borough finds that any person in violation of any provision of this ordinance.

- C. The Borough may, in its order, require compliance with this ordinance.
- D. An order issued under this section shall take effect upon notice, unless the order specifies otherwise. An appeal to the Council of the Borough's order shall not act as a supersedes, provided, however, that, upon application and for cause shown, the Council may issue such a supersedes under rules established by the Council.
- E. The authority of the Borough to issue an order under this section is in addition to any remedy or penalty that may be imposed pursuant to this ordinance. The failure to comply with any such order is hereby declared to be a public nuisance.

42.4.06 Responsibility of Owners and Operators

- A. Whenever the Responsible Official finds that illegal operation of an outdoor wood- fired boiler is occurring in the Borough, in contravention of the requirements of Section VI above, the Responsible Official may order the owner or operator to take corrective action in a manner satisfactory to the Borough, or the Responsible Official may order the owner or operator to allow access to the land by the Responsible Official or a third party to take such action.
- B. For purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, the Borough may collect the amount in the same manner as civil penalties are assessed and collected following the process for assessment and collection of a civil penalty contained in 42.4.08 of this ordinance.

42.4.07 Criminal Penalties

Any person who violates any provision of this ordinance or any order of the Borough issued pursuant to this ordinance commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00) for each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment for ninety (90) days for each separate offense. Employees of the Borough authorized to conduct inspections or investigations are hereby declared to be law enforcement officers authorized to issue or file citations for summary violations under this ordinance, and the code officer and/or solicitor are hereby authorized to prosecute these offenses. For purposes of this section, a summary offense may be prosecuted before any district justice in this Borough. There is no accelerated rehabilitative disposition authorized for a summary offense.

42.4.08 Civil Penalties

- A. In addition to proceeding under any other remedy available at law or in equity for a violation of a provision of this ordinance or any order issued pursuant to this ordinance, the Borough may assess a civil penalty for the violation. The penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not exceed twenty-five thousand dollars (\$25,000.00) per day for each violation. In determining the amount of the penalty, the Borough shall consider the willfulness of the violation; damage to air, soil, water, or other natural resources of the Borough or their uses; financial benefit to the person in consequence of the violation; deterrence of future violations; cost to the Borough; the size of the source or facility; the compliance history of the source; the severity and duration of the violation; degree of cooperation in resolving the violation; the speed with which compliance is ultimately achieved; whether the violation was voluntarily reported; other factors unique to the owners or operators of the source or facility; and other relevant factors.

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B. When the Borough proposes to assess a civil penalty, it shall inform the person of the proposed amount of the penalty. The person charged with the penalty shall then have thirty (30) days to pay the proposed penalty in full; or if the person wishes to contest the amount of the penalty or the fact of the violation to the extent not already established, the person shall forward the proposed amount of the penalty to the Council within the thirty (30) day period for placement in an escrow account with the State Treasurer or any Commonwealth bank, or post an appeal bond to the Council within thirty (30) days in the amount of the proposed penalty, provided that such bond is executed by a surety licensed to do business in the Commonwealth and is satisfactory to the Borough. If, through administrative or final judicial review of the proposed penalty, it is determined that no violation occurred or that the amount of the penalty shall be reduced, the Council shall, within thirty (30) days, remit the appropriate amount to the person with any interest accumulated by the escrow deposit. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless the appellant alleges financial inability to prepay the penalty or to post the appeal bond. The Council shall conduct a hearing to consider the appellant's alleged inability to pay within thirty (30) days of the date of the appeal. The Council may waive the requirement to prepay the civil penalty or to post an appeal bond if the appellant demonstrates and the Council finds that the appellant is financially unable to pay. The Council shall issue an order within thirty (30) days of the date of the hearing to consider the appellant's alleged inability to pay. The amount assessed after administrative hearing or after waiver of administrative hearing shall be payable to the Borough and shall be collectible in any manner provided by law for the collection of debts, including the collection of interest on the penalty amount computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) from the date of assessment of the penalty. If any person liable to pay any such penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall constitute a debt of such person, as may be appropriate, to the Borough. The debt shall constitute a lien on all property owned by said person when a notice of lien incorporating a description of the property of the person subject to the action is duly filed with the prothonotary of the court of common pleas where the property is located. The prothonotary shall promptly enter upon the civil judgment or order docket, at no cost to the Borough, the name and address of the person, as may be appropriate, and the amount of the lien as set forth in the notice of lien. Upon entry by the prothonotary, the lien shall attach to the revenues and all real and personal property of the person, whether or not the person is solvent. The notice of lien, filed pursuant to this Section, which affects the property of the person shall create a lien with priority over all subsequent claims or liens which are filed against the person, but it shall not affect any valid lien, right, or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien under this section.

42.4.09 Unlawful Conduct

It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this ordinance or to fail to comply with any order or other requirement of the Borough; or to cause a public nuisance; or to hinder, obstruct, prevent, or interfere with the Borough or its personnel in their performance of any duty hereunder, including denying the Responsible Official access to the source or facility.

42.4.10 Public Nuisances

A violation of this ordinance or of any order issued by the Borough under this ordinance shall constitute a public nuisance. The Borough shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the Borough may recover the expenses of abatement following the process for assessment and collection of a civil penalty contained in 42.4.08.

Whenever the nuisance is maintained or continued contrary to this ordinance or any order issued pursuant to

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this ordinance, the nuisance may be abatable in the manner provided by this ordinance. Any person who causes the public nuisance shall be liable for the cost of abatement.