

TYRONE TOWNSHIP

NUISANCE ORDINANCE

ORDINANCE NO. 2014-04

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF TYRONE TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES, STORING OR ACCUMULATING ABANDONED OR JUNKED MOTOR VEHICLES, JUNK MATERIAL, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDING IN A STATE OF DILAPIDATION OR DISREPAIR ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP: PROVIDING FOR THE REMOVAL THEREOF ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP, AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Tyrone Township, Adams County, Pennsylvania deem it to be in the best interests and general welfare of the citizens and the residents of this Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public 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, Act 60 of 1995 (53 P.S. §66529) authorizes Townships of the Second Class to prohibit nuisances, to remove same, and to impose penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Tyrone Township, Adams County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS

For the purpose 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.

"Township" is the Township of Tyrone, which is located within the confines of Adams County, Pennsylvania.

"Board of Supervisors" is the Board of Supervisors of Tyrone Township, Adams County.

"Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.

"Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

"Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

"Nuisance" is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

"Abandoned or Junked Motor Vehicles" is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

SECTION 2. NUISANCES DECLARED ILLEGAL

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

A. Storing or Accumulating the following:

1. Garbage, ashes, refuse or rubbish.

(a) Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to any individual, firm or corporation to store more than 14 days of garbage as defined by this ordinance which may pose a potential health and safety problems to the community.

(b) Refuse/rubbish: Combustible trash, including paper, cartons, boxes, barrels, wood furniture, bedding; noncombustible trash, including metals, tin cans, metal furniture. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the township excepting in a covered container.

(c) Ashes: Residue from fire used for cooking and for heating buildings.

2. Junk Material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials that can be seen from any

public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania.

B. Storing or accumulating abandoned or junked motor vehicles

C. Storing or accumulating antique or collector motor vehicles for restoration which are neither sheltered by a building, nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances.

D. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley or from any property into or upon any adjoining property.

E. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

F. Burning of tires, tar products or garbage.

G. Maintaining or causing to be maintained, any dangerous or unsafe structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.

H. Permitting the growth of any grass, weeds, or noxious weeds, in excess of two feet in height or length on lots situated within a residential area.

I. Permitting or allowing any well or cistern to be, or remain, uncovered.

J. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.

K. Allowing or permitting any excavation, excavated material or obstruction on or within the right-of-way of any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

L. Allowing or permitting constructed ponds or pools of stagnant water that provide a breeding place for mosquitoes.

M. Allowing or permitting any activity or business that is carried on or maintained so as to constitute a danger to any person or an offensive manufacture or business.

O. Keeping of animals in a manner that causes injury, damage, hurt, inconvenience to any person or resident in the legitimate enjoyment of his reasonable rights of person or property including but not limited to:

1. by permitting excessive noise (including barking of dogs, etc.)
2. by permitting odors
3. by creating health and safety hazards
4. by failure to adequately dispose of fecal matter
5. by failure to maintain animals within the boundary of the property
6. by harboring exotic wildlife without a permit

SECTION 3. WRITTEN NOTICE TO VIOLATORS REQUIRED

Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

A. By making personal delivery of the notice to the owners; or

B. 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

C. By fixing a copy of the notice to the door at the entrance of the premises in violation;
or

D. By mailing a copy of the notice to the last known address of the owner by certified mail.

Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, 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 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. 566601(c.1)(2).

A. 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 Township 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 in summary cases). The Board of Supervisors hereby set a criminal fine in the amount of 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.

B. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township 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 Township Secretary.

C. The Township, 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

Except as set forth herein, all Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of any inconsistencies. This Ordinance specifically repeals and replaces Ordinance No. 6, enacted December 28, 1976.

SECTION 7. SCOPE

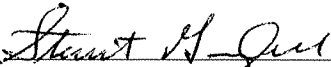
This Ordinance does not repeal or amend any other prior enacted ordinances to the extent of limiting the enforcement of such ordinances. Nothing in this Ordinance is intended nor shall conflict with any provisions of the or laws of the Commonwealth of Pennsylvania that might preempt the application of this Ordinance.

SECTION 8. EFFECTIVE DATE

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


ENACTED AND ORDAINED into law by the Township of Tyrone, Adams County, Pennsylvania, this 22ND day of OCTOBER, 2014.

ATTEST:



Stewart Graybill, Secretary

TYRONE TOWNSHIP
BOARD OF SUPERVISORS

BY: 

Russell Raub, Chairman