

PENN TOWNSHIP

ORDINANCE NO. 2007-2

AN ORDINANCE OF THE TOWNSHIP OF PENN, CUMBERLAND COUNTY, PENNSYLVANIA, WHICH AMENDS THE "NUISANCE ORDINANCE" OF 1993-2. WHICH PROHIBITS NUISANCES, STORING OR ACCUMULATING ABANDONED OR JUNKED MOTOR VEHICLES, JUNK MATERIAL, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDINGS 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 Penn Township, Cumberland 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, Section 702 of the Second Class Township Code, 1933, May 1, P.L. 103, Article 7, 702(c)(1)(xxi), as amended (53 P.S. 65712), 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 Penn Township, Cumberland County, Pennsylvania, as follows:

Section 1

DEFINITION: For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings 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.

1. "Township" is the Township of Penn, which is located within the confines of Cumberland County, Pennsylvania.

2. "Board of Supervisors" is the Board of Supervisors of Penn Township, Cumberland County, Pennsylvania.

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

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

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

6. "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 or her reasonable rights of a person or property, **and also any condition upon public or private land which is offensive to the senses, including, but not limited to, visual, noise and smell. In addition, the conditions set forth in Section 2 are hereby declared to be part of this definition and declared to be a nuisance.**

7. "Abandoned or junked motor vehicles" is an vehicle in a non-serviceable condition or without having both a current inspection sticker and current registration plate.

8. "Normal agricultural operations" are the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the

production and preparation for market or poultry, livestock and their products, and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is not less than ten (10) contiguous acres in area or if less than ten (10) contiguous acres in area, has an anticipated yearly gross income of at least Ten Thousand Dollars (\$10,000.00).

Section 2

NUISANCES DECLARED ILLEGAL: Nuisances, including but not limited to the following, are hereby declared to be illegal unless part of "normal agricultural operations" as defined above:

- A. Storing or accumulating the following for an unreasonable period of time:
 - 1. **Garbage, food waste, trash, worthless or nonsensical matter, or rubbish;**
 - 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 or other salvageable materials.
- B. Storing or accumulating more than three abandoned or junk motor vehicles. **An abandoned or junked motor vehicle shall include vehicles which have no valid state registration, or vehicles which do not have current inspection;**
- C. **Storing or accumulating more than three antique or collector motor vehicles for restoration which are neither sheltered by a building nor enclosed by an evergreen or solid fence as permitted by the applicable Township 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 a dwelling situated upon property along public highways, roads, streets, avenues, lanes or alleys 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, or tar products;

G. Maintaining or causing to be maintained any dangerous 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, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, in excess of a height of twelve (12) inches or permitting any such grass, weeds, or any vegetation to throw off any unpleasant or noxious odor, or to conceal any rubbish, garbage, trash or other violation of this Ordinance;

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, material excavated or obstruction on or adjoining any **property**, highway, street or road, to remain opened or exposed without the same being secured by a barricade, temporary fence or other protective materials.

Section 3

WRITTEN NOTICE TO VIOLATORS REQUIRED Whenever a condition that constitutes a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in any one of the following manners:

1. By making personal delivery of the notice to the owners;
2. By handing a copy of the notice at the residence of the owner to an adult member of the family with whom he resides, but if no adult member of the family is found, then to an adult person in charge of such residence at the time;
3. By fixing a copy of the notice to the door at the entrance of the premises in violation;
4. By mailing a copy of the notice to the last known address of the owner or record by certified mail; or
5. By publishing a copy of the notice in a local newspaper of general circulation within Cumberland County, Pennsylvania, once a week for three successive weeks.

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 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 the circumstances require immediate corrective measures in the opinion of the Board of Supervisors, such notice shall require the owner to immediately comply with the terms thereof.

Section 4

PENALTY FOR VIOLATION: If the owner, after receiving due notice, refuses or fails to comply with the terms thereof:

1. He shall be guilty of a violation of this Ordinance, and shall, upon conviction thereof, pay a fine of not more than One Thousand Dollars (\$1,000.00) and the costs of prosecution, and in default of payment of such fine and costs of prosecution. **A violator shall be found to commit a separate offence for each twenty day period, beyond the initial twenty day period, that the violation has not been corrected. Any fine imposed hereunder shall include interest at 10% per annum compounded every twenty days that the violation exists.**

2. The Board of Supervisors may direct the removal, repair or alterations, as the case may be, to be done by the Township **or by the contracting of the work out by the Township to an independent contractor** and to certify the costs thereof to the Township Solicitor, the costs of such removal, repairs or alteration 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.

3. 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 other such relief as any such court of competent jurisdiction is empowered to afford.

Section 5

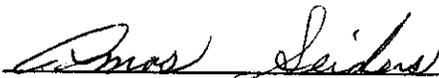
SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect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

Section 6

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

DULY PRESENTED ENACTED AND ORDAINED at a regular meeting of the Board of Supervisors of Penn Township, Cumberland County, held the 12TH day of APRIL, 2007.

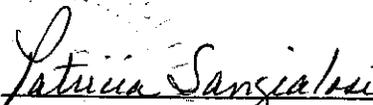
BOARD OF SUPERVISORS
PENN TOWNSHIP


AMOS SEIDERS, Chairman, Board of Supervisors


KENNETH SHEAFFER, Vice Chairman


CLYDE BARRICK, Supervisor

ATTEST:


Township Secretary

Township Seal)