

**PERRY TOWNSHIP
NUISANCE ORDINANCE - REVISED 2012
NUMBER 11-8-12**

An Ordinance of the Perry Township Board of Supervisors, Lawrence County, Pennsylvania, prohibiting nuisances on private or public property within the township; providing for the enforcement compliance thereof by the township; and fixing penalties for violations.

WHEREAS, the Perry Township Board of Supervisors deems it to be in the best interest and general welfare of the residents of Perry Township to prohibit the lawful or unlawful use of private or public property which causes injury, damage, or endangerment to the health, safety, and/or welfare to others in their rights of person or property.

WHEREAS, Section 702 of the Second Class Township Code, 53 P.S. 66601 authorize fines and imposition of court costs and reasonable attorney fees for violation of ordinances.

THEREFORE, it is enacted and ordained by the Perry Township Board of Supervisors, as follows:

SECTION I. DEFINITIONS.

For the purposes 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.

- A. "Township" is the Township of Perry, Lawrence County, Pennsylvania.
- B. "Board of Supervisors" is the Board of Supervisors of Perry Township, Lawrence County, Pennsylvania.
- C. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
- D. "Person" is any natural person, firm, partnership, association, corporation, company or entity of any kind.
- E. "Nuisance" is the use of public or private property, which causes injury, damage, or endangerment to the health, safety, and/or welfare of any person in the legitimate enjoyment of his rights of person or property.
- F. "Abandoned vehicles" is any vehicle other than a pedal cycle:
 - 1. That is inoperable and is left unattended for more than forty-eight (48) hours whether on public or private property or on or along a highway.
- G. "Junked vehicle" is any inoperable motor vehicle, with or without a valid registration plate or certificate of inspection, that is in one or more of the following conditions:
 - 1. The junked vehicle is among other debris and/or junk strewn about the property.
 - 2. The junked vehicle is in close proximity to a public sidewalk or public street frequently used by children.
 - 3. The junked vehicle is leaking hazardous substances.
 - 4. The junked vehicle is causing a pest infestation.
- H. "Inoperable motor vehicle" is any motor vehicle that cannot be operated or moved under its own power.
- I. "Dangerous Structures" are hereby defined as any structure that is in a state of disrepair and in danger of collapse.

SECTION II. NUISANCES DECLARED UNLAWFUL.

Nuisances, included, but not limited to the following, are hereby declared to be unlawful:

- A. Storing or accumulating of the following:
 - 1. Garbage or rubbish.
 - 2. Junk items (including but not limited to unused or abandoned machinery equipment or appliances).
 - 3. Other junk items (including but not limited to any and all forms of waste and refuse of any type of material, including scrap metal, glass, industrial waste, vehicle parts, and other salvable materials).
 - 4. Junked vehicles, as defined in Section I. G.
- B. It shall be unlawful to store or deposit any abandoned or junked vehicle or part thereof, in, or on any highway.

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- C. Drainage or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any water or drainage from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any other foul or offensive water/drainage of any kind, from property along any public highway, road, street, avenue, lane, township right of way, or alley in the township into or upon any said highway, road street, avenue, lane, township right of way, or alley; or from any property into or upon any adjoining property.
- D. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwellings situated on property along any public highway, road, street, avenue, lane, township right of way, or alley in the Township into or upon the cart-way or traveled portion of any said highway, street, road, avenue, lane, township right of way, or alley, except where provision has been made in said cart-way or traveled portion for said drainage by means of a drainage ditch or otherwise.
- E. Any hazardous or dangerous structure, open foundation, open well or cistern, including but not limited to abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.
- F. Pushing, shoveling, or otherwise depositing snow or other materials upon the township right of way, the cart-way or traveled portion of any public highway, road, or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing the same to remain thereon.
- G. Allowing or permitting any excavation, material excavated, or obstruction, on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
- H. Interference with or altering any township maintenance work or interference with any township employee/official in the process of completing their township responsibilities.
- I. Dangerous structures are hereby determined to be unlawful and subject to the penalties. Furthermore, in addition to the penalties, the Township, through the Township Solicitor, shall have the authority to commence and Action In Equity in the Court of Common Pleas of Lawrence County, to obtain an Order of Court to allow the demolition of the dangerous structure, and then to place a lien against the premises for the cost incurred for the demolition costs and for the costs incurred relative to the action filed in the Court of Common Pleas.

SECTION III. EXCEPTIONS

“Equipment”:

- A. Whether operable or inoperable, equipment used in the function of farming procedures or construction shall be exempt from the “abandoned or junked” vehicle status as long as said equipment does not create damage, injury, or endangerment to the health, safety or welfare of any person.
- B. Vehicles and equipment used or to be used in road maintenance projects, construction, farming operations, or in the operation of maintenance of public utility facilities, which are left in a manner that does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

“Other Junk Items”:

- A. “Other junk items” being collected or dismantled for recycling that is stored in containers, and or is located in a confined or fenced location. Such items shall not be kept for extended time periods and shall be kept so as not to cause any health, safety or welfare violations.

SECTION IV. WRITTEN NOTICE TO VIOLATORS REQUIRED.

Whenever a condition constituting a nuisance is identified and located in the township, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following ways:

- A. By making a personal delivery of the notice to the owner: 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.
- B. By fixing a copy of the notice to the door at the entrance of the premises in violation.

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C. 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 respects such condition constitutes a nuisance, and 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 comply with the ordinance and shall have the required action completed within fifteen (15) days. All material to be supplied and work done at the owner's expense; provided, however, that if the violation charged is under Section II (E), (F), (G), or (H), and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

Owners and persons who, after enactment of this ordinance, receive written notification of violations that were present on their property before said ordinance enactment, shall bring said violations into compliance within the time limit of one hundred eighty (180) days from the ordinance effective date.

SECTION V. ENFORCEMENT AND PENALTIES.

- A. Enforcement of this ordinance shall be by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
- B. Upon conviction of a violation of this ordinance, criminal fines not to exceed one thousand (\$1,000) dollars per violation may be imposed as well as incarceration to the extent allowed by law for the punishment of summary offenses.
- C. Each day's continuance of a violation shall constitute a separate violation.
- D. This ordinance may also be enforced through an action in equity brought in the Court of Common Pleas of Lawrence County. In addition to the fines prescribed in this ordinance, the Court of Common Pleas may direct the defendant to pay the court costs and attorney's fees incurred by the Township.

SECTION VI. SEVERABILITY.

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

SECTION VII. EFFECTIVE DATE.

This ordinance shall become effective five (5) days after the adoption thereof.

SECTION VIII. REPEALER.

Ordinance No. 4 of 1996, Ordinance No. 3-14-02, Ordinance 3-14-02 Amendment dated 6-9-05 and Ordinance No. 1-3-05-2 are hereby repealed upon the effective date of this ordinance.

ENACTED AND ORDAINED this 8th day of November, 2012.

SEAL

Supervisor

Supervisor

Attest: Secretary

Supervisor