

PALMYRA TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 96-2005

AN ORDINANCE PROHIBITING NUISANCES ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP, PROVIDING FOR THE REMOVAL THEREOF BY THE TOWNSHIP; ESTABLISHING THE RIGHT OF THE TOWNSHIP TO COLLECT THE COSTS ASSOCIATED WITH THE SAID REMOVAL BY THE TOWNSHIP; AND, ESTABLISHING PENALTIES FOR VIOLATIONS.

SECTION 1 - SHORT TITLE..... 1
SECTION 2 - PURPOSE 1
SECTION 3 - NUISANCES ENUMERATED AND DECLARED ILLEGAL 1
SECTION 4 - DEFINITIONS 2
SECTION 5 - ENFORCEMENT OFFICER 4
SECTION 6 - INSPECTIONS AND ACCESS 5
SECTION 7 - ACTION ON COMPLAINTS 5
SECTION 8 - NOTICE TO VIOLATORS 5
SECTION 9 - VIOLATIONS AND PALMYRA TOWNSHIP ACTION TO ABATE NUISANCES . . . 5
SECTION 10 - PENALTIES FOR VIOLATIONS 6
SECTION 11- SEVERABILITY 6
SECTION 12 - EFFECTIVE DATE 6

BE IT ENACTED AND ORDAINED by the Township of Palmyra, Pike County, Pennsylvania, under the authority granted by the Pennsylvania Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69), Reenacted and amended July 10, 1947 (P.L. 1481, No 567), as amended; and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1-- SHORT TITLE

This Ordinance shall be known and may be cited as THE NUISANCE ORDINANCE OF PALMYRA TOWNSHIP.

SECTION 2 -- PURPOSE

The Board of Supervisors of Palmyra Township, Pike County, Pennsylvania, are charged with the duty to protect and provide for the health, safety and general welfare of the citizens of Palmyra Township. The Board of Supervisors has determined it to be in the best interest of the health, safety and general welfare of the citizens of Palmyra Township to prohibit unreasonable, unwarrantable or unlawful courses of conduct or the use of private or public property which causes or may cause injury, damage, hurt, inconvenience, annoyance, interference, or discomfort to others in the legitimate use and enjoyment of their rights of person or property.

SECTION 3 - NUISANCES ENUMERATED AND DECLARED ILLEGAL

In the interest of protecting and promoting the public health, safety and welfare, nuisances, including, but not limited to, the following, are hereby declared to be illegal and it shall be unlawful for any person or persons to make, maintain, cause or permit to be made, maintained or caused any such nuisance:

A. Storing, accumulating or depositing of the following:

- 1. Waste or garbage
2. Junk, except at a bona fide junk yard meeting the requirements of the Palmyra Township Zoning Ordinance and the Palmyra Township Junk and Rubbish Regulation Ordinance.

B. The outside storage or deposit on a lot of:

1. Two (2) or more abandoned or junked vehicles.
2. One (1) or more mobile/manufactured homes that are not in habitable condition.
3. One (1) or more of any vehicle, including antique and collector vehicles, which are stored in a disorderly manner.

This shall not prohibit the operation of a bona fide vehicle repair/towing business in compliance with the Palmyra Township Zoning Ordinance.

- C. Burning of any tires, tar products, plastic, waste or garbage, or any other material which emits any noxious or annoying fumes, smoke or gases, except for burning of leaves, brush, and paper products conducted in accord with the Palmyra Township Burning Ordinance.
- D. Any dangerous building.
- E. Permitting the growth of any vegetation which presents a public safety hazard by limiting the vision or right-of-way of travelers on any public road, or which has been permitted to grow to conceal any violation of this Ordinance. This shall not affect any requirement for screening provided in accord with any other Palmyra Township ordinances.
- F. Permitting or allowing any well, cistern, or similar structure to be, or remain uncovered.
- G. Pushing, shoveling or otherwise depositing snow or other material upon the shoulders or traveled portion of any public road.
- H. Any noise source, including, but not limited to, music, loud speakers, barking dogs, vehicles, tools or equipment, which due to intensity, frequency, duration, location, lack of shielding or other reason which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate use and enjoyment of their rights of person or property.
- I. Any light source which due to intensity, frequency, duration, location, lack of shielding or other reason causes any direct or sky-reflected glare visible at the property line of the property on which the light source is located; or which causes any safety hazard to any driver on any public or private road.
- J. Any other such action, non-action, situation or physical object which by its nature is deemed by the Board of Supervisors to constitute a public nuisance under the terms of this Ordinance.

SECTION 4 - DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words and derivations thereof shall have the meaning given in this Section 1.

Abandoned or Junked Vehicle - Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition. (See definition of *good operating and road-worthy condition*.)

Antique Vehicle - Any vehicle twenty-five (25) years or older which has been restored to good operating and road-worthy condition. (See definition of *good operating and road-worthy condition*.)

Collector Vehicle - Any vehicle of limited manufactured production from the present to twenty-four (24) years old, in good operating and road-worthy condition. (See definition of *good operating and road-worthy condition*.)

Board of Supervisors, or Board - The Board of Supervisors of the Palmyra Township of , Pike County, Pennsylvania.

Dangerous Building - Any building or structure which has any one or combination of the following defects:

- A. Damage by fire, wind, or other causes which make the building or structure dangerous to life, safety, or the general health and welfare of the occupants, the citizens of the Palmyra Township, or the public at large.
- B. So dilapidated, decayed, unsafe, unsanitary, rodent infested or which fail to provide the amenities essential to decent living that the said building or structure is unfit for human habitation or is likely to cause accidents, sickness, or disease.
- C. Parts which are so attached that the said parts may fall and injure the occupants, the citizens of the Palmyra Township, or the public at large.
- D. Not adequately and properly ventilated.
- E. Does not have facilities for the discharge of all household sewage and graywater wastes into a public or private system meeting Palmyra Township and state standards.
- F. A general condition which is unsafe, unsanitary or dangerous to the general health and welfare of the occupants, the citizens of the Palmyra Township, or the public at large.

Enclosed Building - Any structure having a roof supported by fully enclosed exterior weight-bearing walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature. Temporary structures such as tents or tarpaulins, and trailers, boxes and other containers are not considered buildings.

Good Operating and Road-Worthy Condition: - A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely and legally operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

Junk - Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

- A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
- B. Used lumber, boxes, crates and pallets;
- C. Used tires;
- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- E. Mobile/manufactured homes that are not in habitable condition; and,
- F. Abandoned or junked vehicles.

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.
- C. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Township Zoning Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Vehicle sales lots managed by licensed vehicle dealers operated in accord with the Township Zoning Ordinance shall not be considered junk yards. The following shall also be considered junk yards:

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition.

Nuisance - Any unreasonable, unwarrantable or unlawful course of conduct or use of private or public property which causes or may cause injury, damage, hurt, inconvenience, annoyance, interference, or discomfort to others in the legitimate use and enjoyment of their rights of person or property.

Owner - The person owning, leasing, renting, occupying or having charge of any premises in the Palmyra Township.

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

Public Road - Any street, highway, road, or alley maintained by the Palmyra Township or by the Commonwealth of Pennsylvania

Screened: Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Palmyra Township Board of Supervisors.

Palmyra Township - The Township of Palmyra, Pike County, Pennsylvania.

Vegetation - Any grass, weed, vegetable, crop, shrub, or other plant.

Vehicle, - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Waste or Garbage - Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste. Including solid, liquid, semi-solid or containing gaseous materials resulting from industrial and mining operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility or any other material defined by the Pennsylvania Department of Environmental Protection as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

SECTION 5 - ENFORCEMENT OFFICER

The Board of Supervisors may appoint one or more Enforcement Officers, who may be an individual, firm or agency of the Palmyra Township, to conduct inspections, make reports and administer other parts of this Ordinance as determined by the Board of Supervisors. In the conduct of his duties, the Enforcement Officer, with the authorization of the Board of Supervisors, may engage the services of competent engineers or other consultants to determine the nature and extent of any nuisance.

SECTION 6 - INSPECTIONS AND ACCESS

- A. All places and premises in the Palmyra Township shall be subject to inspection by the Board of Supervisors or Enforcement Officer if the Palmyra Township has reason to believe that any provision of this Ordinance is being violated, provided the owner of the premises grants permission for such inspection or the Palmyra Township has obtained the necessary authority in accord with applicable law.
- B. Provided access is effected in accord with this Section 4, it shall be unlawful for any person to hinder, delay, resist or prevent the Board of Supervisors or Enforcement Officer from having full access to any place or premises upon which a violation of this Ordinance is believed to exist.

SECTION 7 - ACTION ON COMPLAINTS

Upon receipt of a complaint, the Palmyra Township shall not be obligated to proceed with any action to determine if a violation of this Ordinance exists unless such complaint is made in writing, and it includes the name and address of the person registering the complaint. The Palmyra Township maintain the confidentiality of the name and address of the person registering the complaint unless otherwise required by law to release such information.

SECTION 8 - NOTICE TO VIOLATORS

- A. Service of Notice - Whenever the Board of Supervisors, or the Enforcement Officer, determines that a nuisance exists in the Palmyra Township, the Board, or the Enforcement Officer, shall prepare a written notice to be served on the owner and/or tenant of the premises on which the nuisance is located or originates. The written notice shall be served by one or more of the following methods:
 - 1. Personal delivery.
 - 2. Fixing a copy to the door of the building on the premises of the violation.
 - 3. Certified mail to the last known address of the owner.
 - 4. Publishing in the Palmyra Township's official newspaper once each week for two (2) consecutive weeks.
- B. Public Property - If a nuisance is found on any public property or premises, or on any public road right-of-way, notice in writing shall be given to the person responsible for the nuisance in accord with this Ordinance and all other provisions of this Ordinance shall apply.

C. Content of Notice

- 1. The notice shall enumerate the conditions which constitute the nuisance and what action is required to abate the nuisance. Such actions may include, but shall not be limited to, demolition, repairs, alterations, fencing, discontinuance, removal, screening, and/or covering.
- 2. The notice shall include a time frame for the abatement of the nuisance, with such time frame established by the Board, or its duly appointed representative, based upon the nature of the nuisance and providing a reasonable period for the owner to take the required action. However, in no case shall the period for abatement of the nuisance exceed ninety (90) days from the time notice is served upon the owner; and, in certain cases, immediate correction may be required.

SECTION 9 - VIOLATIONS AND PALMYRA TOWNSHIP ACTION TO ABATE NUISANCES

- A. Compliance - Failure to comply with any provision of this Ordinance, and/or failure to comply with an order to abate a nuisance, shall be violations of this Ordinance.

B. Palmyra Township Removal - All costs associated with the abatement of the nuisance, including, but not limited to materials and labor, shall be borne by the owner of premises upon which the nuisance is located or originates. If the violator fails to abate the nuisance within the specified time period, the Palmyra Township may effect such removal and clearing, and the cost of the same, plus twenty (20) percent thereof, shall be paid by the or violator. The recovery of such costs of abatement, may be in addition to the penalty prescribed in §7 of this Ordinance. The Palmyra Township may also take enforcement action under the terms of this Ordinance. All property deemed junk under the terms of this Ordinance which remains on the premises after the time period specified in the notice shall be presumed to be abandoned and to be of no value and the same may be disposed of by the Palmyra Township on behalf of the violator in accord with all applicable laws.

SECTION 10 - PENALTIES FOR VIOLATIONS

Failure to comply with any provision of this Ordinance, and/or failure to comply with an order to abate a nuisance, shall be violations of this Ordinance. Any person who has violated or permitted the violation of any of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a fine of not less than six hundred dollars (\$600.00) but not more than one thousand dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Palmyra Township as a result thereof. Each day that a violation continues shall constitute a separate violation. All fines, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Palmyra Township. If the defendant neither pays nor timely appeals the judgement, the Palmyra Township may enforce the judgement pursuant to the rules of civil procedure.

SECTION 11- SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION 12 - EFFECTIVE DATE

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


ENACTED AND ORDAINED into law by the Board of Supervisors of Palmyra Township, Pike County, Pennsylvania, this 20th day of December of 2005.



Thomas A. Simons, Chairman

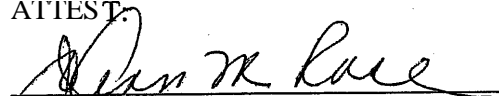


Eric J. Ehrardt, Vice-Chairman



Kenneth Coutts, Secretary

ATTEST:



Jo-Ann M. Rose,