

ORDINANCE NO. 88

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PROHIBITING  
NUISANCES ON PRIVATE OR PUBLIC PROPERTY WITHIN THE  
TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF BY THE  
TOWNSHIP; AND FIXING PENALTIES FOR VIOLATION; AND  
REPEALING ORDINANCE NO. 66 AND REENACTING CERTAIN  
PORTIONS THEREOF

WHEREAS, The Board of Supervisors deems 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, Art. VII, S702, cl. XII, as amended, 53 P.S. S65712, authorizes townships of the second class to prohibit nuisances, to remove same, and to impose penalties therefore; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 66 on April 21, 1980, prohibiting nuisances in the Township; and

WHEREAS, the Board of Supervisors desire to make certain changes to Sections 2 and 3 of said Ordinance No. 66 and to provide for a procedure for the giving of written notice of violations of the Ordinance, and to reenact the remaining portions of said Ordinance.

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

SECTION 1. 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 used in the present 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 Washington, Franklin County, Pennsylvania.
- (2) "Board of Supervisors" is the Board of Supervisors of Washington Township, Franklin 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 or organization of any kind.
- (5) "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 in the legitimate enjoyment of his reasonable rights of person or property.

SECTION 2. NUISANCES IN FACT PROHIBITED. The following activities or actions shall be prohibited as nuisances when, based upon actual conditions in the Township, they constitute nuisances in fact:

- (A) Storing or accumulating, or causing to be stored or accumulated, the following:
  - (1) Garbage or rubbish.
  - (2) Junk material (including but not limited to unused or abandoned machinery, equipment, or appliances, or parts thereof).
  - (3) Other junk (including but not limited to any and all forms of waste and refuse of any type of material, including scrap metal, glass, industrial waste and other salvable materials.
- (B) Storing or accumulating abandoned or junked motor vehicles or parts thereof.
- (C) Storing or accumulated more than three (3) antique or collector motor vehicles for restoration neither sheltered by a building nor enclosed behind an evergreen or solid fence of a minimum height of eight (8') feet; or storing or accumulating in an unordered fashion three or less antique or collector motor vehicles for restoration.
- (D) Drainage 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, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any other foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane, or alley; or from any property into or upon any adjoining property.

- (E) Drainage or flowing, or allowing to drain or flow, any water or drainage from within dwellings situate upon property along any public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of a drainage ditch or other wise.
- (F) Burning garbage, 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) Refusing or failing to cut and destroy ragweed, chicory, thistle, golden rod, poison oak, sumac, or other similar vegetation which has grown above the height of twelve (12") inches.
- (I) Permitting or allowing any well or cistern to be or remain uncovered.
- (J) Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise.
- (K) Removing the embankment of a stream so as to alter the natural flow of the stream.
- (L) Pushing, shoveling, or otherwise depositing snow upon the cartway or traveled portion of any public highway, road, or street which is maintained by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- (M) Allowing or permittine 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.

SECTION 3. WRITTEN NOTICE TO VIOLATORS REQUIRED. Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors, the Township Manager, the Township Code Enforcement Officer, or the Township Police Department shall cause written notice to be served upon the owner in one of the following ways:

- (A) By making personal delivery of the notice to the owner.

- (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.
- (C) By fixing a copy of the notice to the door at the entrance of the premises in violation.
- (D) By mailing a copy of the notice to the last known address of the owner by certified mail.
- (E) By publishing a copy of the notice in the local newspaper once a week for three successive weeks.

SECTION 4. WRITTEN NOTICE PROCEDURE. Written notice of a violation or violations of the provisions of this Ordinance shall be in accordance with the following:

- (1) 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 condition can be corrected by repairs, alterations, mowing, or by fencing or boarding or in some way confining and limiting the nuisance.
- (2) Such notice shall require the owner to commence action in accordance with the terms thereof within the period of time specified hereinafter, and thereafter to comply fully with its terms with reasonable dispatch, all material to be supplied and work done at the owner's expense.
  - (a) In the case of violations of Section 2(F), (I), (L) or (M), such notice shall require the owner to immediately comply with the terms thereof.
  - (b) In the case of violations of Section 2(A) (1), (D), E), (H), (J) or (K), such notice shall require the owner to comply with the terms thereof within seven (7) days.
  - (c) In the case of violations of Section 2 (A) (2), 2 (A) (3), (B), (C) or (G), such notice shall require the owner to comply with the terms thereof within twenty-one (21) days.

SECTION 5. PENALTY FOR VIOLATION. If the owner after receiving due notice refuses 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 Three Hundred (\$300.00) dollars and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, shall be imprisoned for not more than ten (10) days; provided, each day's continuance of

a violation shall constitute a separate offense.

- (2) The Board of Supervisors may direct the removal, repairs or alterations, as the case may be, to be done by the Township and the cost thereof with a penalty of 10% may be collected from the owner of the premises by an action of assumpsit or may file a municipal claim or lien therefore against such real estate.
- (3) The Township by means of a complaint in equity may compel the owner to do so or seek such other relief as such court is empowered to afford.

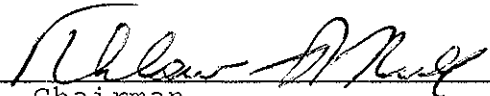
SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

SECTION 7. REPEALER. Ordinance No. 66, enacted April 21, 1980, is repealed in its entirety.

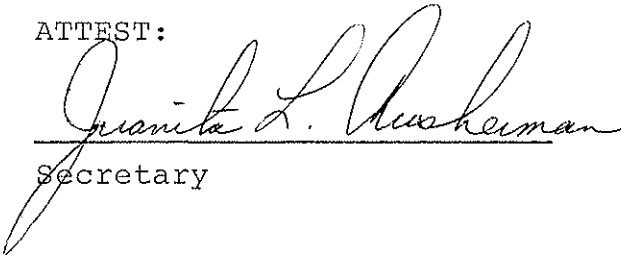
SECTION 8. EFFECTIVE DATE. This ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED this 7th day of May, 1984, in lawful session duly assembled.

TOWNSHIP OF WASHINGTON  
FRANKLIN COUNTY, PENNSYLVANIA

By   
Chairman,  
Board of Supervisors

ATTEST:

  
Secretary