

ORDINANCE NO. 92 - 3

AN ORDINANCE OF PENN TOWNSHIP, SNYDER COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES ON PRIVATE OR PUBLIC PROPERTY, INCLUDING THOSE CAUSED BY THE STORAGE OF ABANDONED OR JUNKED AUTOMOBILES, ACCUMULATIONS OF GARBAGE AND RUBBISH, OR THE CARRYING ON OF ANY OFFENSIVE MANUFACTURE OR BUSINESS; PROVIDING FOR THE REMOVAL OF ANY NUISANCE AFTER NOTICE TO THE OWNER OR THE PERSON CONDUCTING OR CREATING THE NUISANCE TO DO SO; PROVIDING FOR THE COLLECTION OF THE COST OF SUCH REMOVAL UPON THE PERSON'S FAILURE TO REMOVE THE NUISANCE; AND PROVIDING PENALTIES FOR VIOLATION.

The Board of Supervisors of Penn Township, Snyder County, Pennsylvania, enacts and ordains as follows:

SECTION 1. Title. This Ordinance shall be known as the Penn Township Nuisance Ordinance.

SECTION 2. Authority For Ordinance. This Ordinance is adopted in conformance with and pursuant to authority granted by Sections 65712, 65741, and 65762 of the Pennsylvania Second Class Township Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended.

SECTION 3. Purpose. This Ordinance is enacted for the health, safety, and welfare of the Township by prohibiting nuisances on private or public property in the Township.

SECTION 4. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Abandoned Vehicle - A motor vehicle which is physically inoperable and is left unattended on a highway or other public property for more than 48 hours, or which has remained illegally on a highway or other public property for more than 48 hours, or which is left unattended on or along a highway for more than 48 hours and does not bear a valid registration plate, a certificate of inspection, and an ascertainable vehicle identification number, or which has remained on private property without the consent of the owner or person in control of the property for more than 48 hours. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities that are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned.

Junked Vehicle - A motor vehicle which is disabled, discarded, or incapable of operation in any manner because of the deterioration or destruction of its parts.

Motor Vehicle - A vehicle which is self-propelled but not operated on rails or propelled solely by human power or by electric power from overhead trolley wires.

Nuisance - An unreasonable, unwarrantable, or unlawful use of property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to another in the legitimate enjoyment of reasonable rights of persons or property or to an indefinite number of persons.

Person - Any natural individual, partnership, association, corporation, or other group or entity which is the subject of legal rights and duties. Whenever used in any clause prescribing or imposing a penalty, *person*, when applied to firms, partnerships, or associations, shall mean the partners or members thereof, and when applied to corporations, the officers thereof.

Supervisors - The Board of Supervisors of Penn Township, Snyder County, Pennsylvania.

Township - Penn Township, Snyder County, Pennsylvania.

SECTION 5. Nuisances Prohibited. No person shall conduct or create a nuisance on private or public property within the Township, including such nuisances caused by the storage of abandoned or junked automobiles, the accumulation of garbage or rubbish, or the carrying on of any offensive manufacture or business. An activity prohibited under this Ordinance must be determined to be a nuisance in fact, and this Ordinance is not intended to declare any activity a nuisance per se.

SECTION 6. Notice. The Township shall give notice to the owner of property on which the nuisance occurs or to the person who has conducted or created the nuisance to remove the nuisance within 30 days of the date of the notice.

SECTION 7. Collection Of Costs Of Removal. If the person who has received the notice to remove the nuisance fails to do so within the time designated, the Township may remove the nuisance and collect the costs of removal from the person by summary proceedings, or in the manner provided for the collection of municipal claims, or by an action of assumpsit without the filing of a municipal claim. The Township, however, may not collect the costs of removal by summary proceedings from the owner of property who has not himself conducted or created the nuisance.

SECTION 8. Equity Proceedings. In the exercise of the powers of this Ordinance, the Township may institute proceedings in courts of equity.

SECTION 9. Violation. Any person who conducts or creates a nuisance within the Township shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00 and costs, including costs of removal of a nuisance, for each and every offense and, in default of said fine and costs, to undergo imprisonment in the Snyder County Prison for a period not in excess of 30 days. Such fine or penalty shall be in addition to any other penalty imposed by any other section of this Ordinance.

SECTION 10. Severability. If any clause, provision, sentence, section, or part of this Ordinance shall be held to be invalid or illegal, such invalidity or illegality shall not affect or impair any remaining part of this Ordinance, it being the intent of the Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION 11. Number And Gender. The use of the singular in this Ordinance shall include the plural, and the use of the neuter shall include the feminine and masculine.

SECTION 12. Repeal. All other Township ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

SECTION 13. Effective Date. This Ordinance shall become effective 5 days after its enactment.

DULY ENACTED AND ORDAINED this 4th day of August, 1992, by the Board of Supervisors of Penn Township, Snyder County, Pennsylvania, in lawful session duly assembled after proper notice having been given.

PENN TOWNSHIP
SNYDER COUNTY, PENNSYLVANIA

ATTEST:

Jane Girard
TOWNSHIP SECRETARY

(Penn Township Seal)

Don H. Passman
CHAIRMAN

Clyde Holtapple
SUPERVISOR

C K Klekner
SUPERVISOR

CERTIFICATION

I, June Aurand, Secretary of the Board of Supervisors of the Township of Penn, Snyder County, Pennsylvania, hereby attest and certify that the foregoing is a true and correct copy of Penn Township Ordinance No. 92 - 3, which was duly enacted at the regular meeting of the Board of Supervisors of Penn Township on August 4th, 1992.



June Aurand - Penn Township Secretary

(Penn Township Seal)