

**LEWIS TOWNSHIP
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

Ordinance 2008-05

AN ORDINANCE OF THE TOWNSHIP OF LEWIS, NORTHUMBERLAND COUNTY, PENNSYLVANIA PROHIBITING NUISANCES ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF BY THE TOWNSHIP; AND FIXING PENALTIES FOR VIOLATION.

BE IT ENACTED and ORDAINED by the Board of Supervisors of Lewis Township, Northumberland County, Pennsylvania, 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 “Lewis Township Nuisance Ordinance of 2008”.

Section 2. 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.

Abandoned Vehicles – a vehicle (other than a pedal cycle):

- (1) That is inoperable and is left unattended on public property for more than thirty (30) days.
- (2) That has remained illegally on public property for a period of more than thirty (30) days.
- (3) Without a valid registration plate or certificate of inspection or title left unattended on or along a highway.
- (4) That has remained on private property with or without the consent of the owner or person in control of the property for more than thirty (30) days and does not have (a) a valid registration plate and (b) current certificate of inspection.

Vehicles and equipment used or to be used in construction or in the operation of maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned.

Board of Supervisors – the Board of Supervisors of Lewis Township, Northumberland County, Pennsylvania.

Junked Vehicles – any motor vehicle, valueless except for junk.

Nuisance – 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.

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

Person – any natural person, firm, partnership, association, corporation, company or organization of any kind.

Township – the Township of Lewis, Northumberland County, Pennsylvania.

Section 3. Nuisances Declared Illegal

Nuisances including, but not limited to, the following, are hereby declared to be illegal:

(A) Storing or accumulating the following:

- (1) Garbage or rubbish
- (2) Junk material (including, but not limited to, unused or abandoned machinery, equipment or appliances).
- (3) Other junk (including, but not limited to, any and all forms of waste and refuse of any type of materials, including scrap material, glass, industrial waste and other salvable materials).

(B) It shall be unlawful to store or deposit any abandoned or junked vehicle or part thereof, in, or on any highway or public or private property, vacant or occupied, within the Township.

(C) Storing or accumulating more than three (3) antique motor vehicles for restoration which are neither sheltered by a building nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinance or storing or accumulating in an unorderly fashion three (3) or less antique or collector motor

vehicles for restoration.

(D) Draining or flowing or allowing to drain or flow, any water or drainage from within dwellings situated 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, street, road, 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 otherwise.

(E) 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, water stands, 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 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.

(F) Burning of garbage, tires or tar products except to ignite bush.

(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 or allowing any well or cistern to be or remain uncovered.

(I) Interfering with the flow of a stream, creek or other waterway by means of a dam or other construction, unless authorized by law.

(J) Removing the embankment of a stream so as to alter the natural flow of the stream.

(K) 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.

(L) Allowing or permitting excavation or obstruction, on or adjoining any highway, road or street, to remain open or exposed without the same being secured by a barricade, temporary fence or other protective material.

(M) The maintenance or storage by an owner or lessee of a motor vehicle which is unable to move under its own power and has any of the following physical defects:

(1) Broken windshields, mirrors or other glass, with sharp edges.

- (2) One or more flat or open tires or tubes which could permit vermin harborage.
- (3) Missing doors, windows, hood, trunk or other body parts which could permit vermin harborage.
- (4) Any exposed body parts with sharp edges including holes resulting from rust.
- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit vermin harborage.
- (7) Broken headlamps or tail lamps with sharp edges.
- (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion loose in or on the vehicle.
- (9) Protruding sharp objects from the chassis.
- (10) Any vehicle or part thereof suspended from the ground in an unstable manner.
- (11) Leaking or damaged oil pan or gas tank.
- (12) Exposed battery containing acid.
- (13) Inoperable locking mechanism for doors or trunk.
- (14) Open or damaged floor boards including trunk and firewall.
- (15) Damaged bumpers pulled away from the perimeter of the vehicle.
- (16) Broken grill with protruding edges.
- (17) Loose or damaged metal trim and clips.
- (18) Broken communication equipment antennae.

(N) The unsheltered storage or maintenance of junk or the storage or maintenance of garbage, rubbish or any other material if any of the following conditions exist with respect thereto:

- (1) Broken glass or metal parts with sharp or protruding edges.
 - (2) Openings or areas which are conducive to the harboring of vermin.
 - (3) Storage in any manner which would allow the junk, garbage, rubbish or material in any part thereof, to easily shift, tilt or fall from its original storage position.
 - (4) The presence of any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents or poisons.
- (O) The maintenance of abandoned or neglected buildings, structures, sidewalks or premises, which shall pose or constitute any of the following conditions or hazards:
- (1) A fire hazard to adjoining structures and other property within the Township.
 - (2) A danger of infestation by vermin.
 - (3) An area which is or might potentially serve as an area of play or attraction for children of the Township or the public in general.
 - (4) Buildings or structures whose interior walls or other vertical structural members list, lean or buckle to such an extent that block lines passing through the center of gravity falls outside the middle third of its base.
 - (5) Buildings or structures which, exclusive of the foundation, show 30% or more of damage or deterioration of the supporting members 50% or more of damage or deterioration of the nonsupporting interior or outside walls or covering.
 - (6) Buildings or structures which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
 - (7) Buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to life or safety of the occupants or to others in the vicinity.
 - (8) Buildings or structures which have become or are dilapidated, decayed or unsafe so that they are unfit for human habitation or are likely to cause injury to the occupants or to others in the vicinity.

(9) Buildings or structures having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, fire escapes or other means of access and egress.

(10) Buildings or structures, parts of which are so attached that they may fail and injure members of the public or cause damage to property.

(P) The setting maintenance, operation, conduct or permitting of the establishment and maintenance of fire, combustion or manufacturing, commercial or other processes which is or shall be accompanied by constant, periodic or occasional emission of smoke, sparks, ash particles, burnt sawdust and debris or the creation and spreading of ash, debris, poisons and other like materials on surrounding or adjacent property to the annoyance, disturbance and detriment of surrounding property owners, residents, passers-by and the traveling public.

(Q) Maintaining or permitting any grass or weeds or vegetation which are not normally edible or planted for some useful or ornamental purpose, to grow or remain upon such premises, if such grass, weeds or vegetation are located within one hundred (100) feet of any dwelling and

1. Exceed a height of sixteen (16) inches; or
2. Emit any unpleasant or noxious odor; or
3. Conceal any garbage, rubbish, trash or junk or filthy deposit.

Section 4 Written Notice to Violator Required.

1. Whenever a condition constituting a nuisance is permitted or maintained, the Township Zoning Officer shall cause written notice to be served upon the owner in one of the following manners:

- 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.

2. 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 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 commence action in accordance with the terms thereof within thirty (30) 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 any of the provisions of Section 3(E), (G), (J) or (K) and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

Section 5 Penalty for Violation.

If the owner, after receiving due notice, refuses to comply with the terms thereof:

A. Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

B. The Board of Supervisors may direct the removal or repairs or alterations, as the case may be, to be done by the Township and the costs thereof with a penalty of ten percent (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.

C. 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.

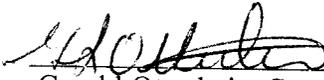
Section 6 Effective Date

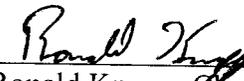
This ordinance shall be effective within five (5) days.

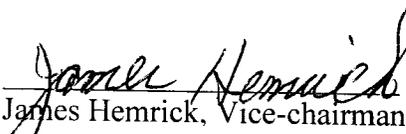
ORDAINED AND ENACTED this 3rd day of September 2008.

ATTEST:

TOWNSHIP OF LEWIS


Gerald Otterbein, Secretary

By 
Ronald Knopp, Chairman

By 
James Hemrick, Vice-chairman

By 
Willard Murray, Supervisor