

ORDINANCE NO. 203- 2013 SERIES

AN ORDINANCE OF THE TOWNSHIP OF SADBURY, CRAWFORD COUNTY, PENNSYLVANIA DEFINING CERTAIN ACTIVITIES IN THE TOWNSHIP OF SADBURY, WHICH ACTIVITIES CONSTITUTE A NUISANCE.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Sadsbury, Crawford County, Pennsylvania and it is hereby enacted and ordained as follows:

Section 1. TITLE.

This Ordinance shall be known as the Sadsbury Township Nuisance Ordinance.

Section 2. DEFINITIONS.

For the purpose of this section 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 sense 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 or JUNK MOTOR VEHICLE - any vehicle in a non-serviceable condition or a vehicle which does not have both a current inspection sticker and a current registration plate attached to it.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township of Sadsbury, Crawford County, Pennsylvania.

JUNK MATERIAL - includes but is not limited to unused or abandoned machinery, equipment or appliances and all forms of waste and refuse of any type of materials including scrap metal, glass, industrial waste and other salvageable materials unless for resale that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township of Sadsbury or by the Commonwealth of Pennsylvania. The term "junk material" shall not include machinery and equipment located on property that is being utilized by the owner or tenant of said property and actively engaged in utilizing said property for agricultural and related activities, including but not limited to: general farming; dairying; pasturage; gardening; animal and poultry husbandry; butchery; forestry; horticulture; floriculture; and nursery operations and the pressing of fruit.

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

PERSON - a natural person, firm, partnership, association, corporation, company, club, copartnership, society or any organization of any kind.

TOWNSHIP - the Township of Sadsbury, Crawford 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 junk material.
- B. Storing or accumulating abandoned or junk motor vehicles that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township of Sadsbury, Crawford County, Pennsylvania or by the Commonwealth of Pennsylvania. All such vehicles must be moved within 60 days or if at a vehicle repair business within 90 days.
- C. Storing or accumulating more than three antique or collector motor vehicles for restoration which are neither sheltered by a building nor enclosed behind an evergreen or solid fence or storing or accumulating in a non-orderly fashion three or less antique or collector motor vehicles for restoration.
- D. 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, washstands, laboratories, 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 or from any property into or upon any adjoining property.
- E. Permitting the growth of any grass, weeds, noxious weeds or any vegetation whatsoever not edible or planted for some useful, legal or ornamental purpose to conceal any rubbish, garbage, trash or any other violation of this section.
- F. Permitting or allowing any well or cistern to remain uncovered.
- G. Allowing or permitting any excavation, material excavation or obstruction on or adjoining any highway, street or road to remain open or exposed without the same being secured by a barricade, temporary fence or other protective materials.
- H. Defacing public or private property. It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners or vehicles within the Township. Examples of defacing shall include, but not be limited to the following: application of paint, inks and dyes; affixing of any printed materials such as signs or posters.

Section 4. WRITTEN NOTICE TO VIOLATORS REQUIRED.

Whenever a condition that constitutes a nuisance as defined in this section is permitted or maintained, the Board of Supervisors of Sadsbury Township shall cause a 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 whom 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.

Section 5. PENALTY FOR VIOLATION.

This section regulates building, housing, property maintenance, health, fire and public safety and shall be enforced pursuant to the provisions of the Act of Assembly known as the Second Class Township Code and specifically pursuant to 53 PS 56601 (C.1)(2).

- A. Enforcement thereof shall be by an action before a district magistrate in the same manner provided for in the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pennsylvania Rules of Criminal Procedure No. 83(3) (relating to trials in summary cases). The Board of Supervisors of Sadsbury Township hereby set a criminal fine in the amount of \$300.00 per violation and the cost of prosecution and in default of payment of such fine and costs of prosecution to undergo imprisonment for not more than 10 days provided, however, that each day's continuance of such a violation shall constitute a separate event.
- B. The Board of Supervisors of Sadsbury Township may direct the removal, repair or alteration as the case may be to be done by the Township and the cost of such removal, repair or alteration shall be determined by the certificate of the person doing such work and shall be filed with the Township Secretary and thereafter the same shall be certified to the Township Solicitor for the purpose of placing a lien upon the premises.
- C. The Township by means of a Complaint in Equity may compel the owner of the premises to comply with the terms of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

Section 6. REPEALER.

All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

Section 7. SEVERABILITY.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Sadsbury Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 8. EFFECTIVE DATE.

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

ENACTED AND ORDAINED into an Ordinance this 13th day of August, 2013 by the Board of Supervisors of the Township of Sadsbury, Crawford County, Pennsylvania.

ATTEST:

TOWNSHIP OF SADSBUURY, CRAWFORD
COUNTY, PENNSYLVANIA

Rose A. Murreau
Secretary

Kevin R. VanHorn
Chairman

Roy W. Whaley

Lyle E. Hoodler