

Ordinance No. 185

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTH LONDONDERRY TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES, STORING OR ACCUMULATING ABANDONED OR JUNKED MOTOR VEHICLES, JUNK MATERIAL, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDING IN A STATE OF DILAPIDATION OR DISREPAIR ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP, AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of South Londonderry Township, Lebanon County, Pennsylvania deem 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, Act 60 of 1995, (53 P.S. §66529) authorizes Townships of the Second Class to prohibit nuisances, to remove same and to impose Penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of South Londonderry Township, Lebanon County, Pennsylvania, as follows:

Section 1. DEFINITION: For the purpose 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.

1. "Township" is the Township of South Londonderry, which is located within the confines of Lebanon County, Pennsylvania.

2. "Board of Supervisors" is the Board of Supervisors of South Londonderry Township, Lebanon County.

3. "Code Enforcement Officer" is the duly constituted municipal official designated to administer and enforce the Ordinance in accordance with its literal terms.

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

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

6. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

7. "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 or resident in the legitimate enjoyment of his reasonable rights of a person or property.

8. "Abandoned or Junked Motor Vehicles" is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

Section 2. 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, ashes, refuse or rubbish.

(a) Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to any individual, firm or corporation to store more than 14 days of garbage as defined by this ordinance which may pose a potential health and safety problems to the community.

2. Junk Material, including, but 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, that can be seen from any adjoining property or public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania.

B. Storing or accumulating abandoned or junked motor vehicles, which can be seen from any adjoining property or public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania. All such vehicles must be moved in 30 days, or if at vehicle repair business, 60 days.

C. 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, 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; or from any property into or upon any adjoining property.

D. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

E. 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.

F. 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 exceed six (6") inches in height.

1. Exemptions

a. All or part of any property designated as a natural area under the South Londonderry Township Natural Areas Program.

b. Agricultural properties with meadows and/or fallow fields, which are consistent with normal agricultural practices and the Right to Farm Act.

G. Permitting or allowing any well or cistern to be, or remain, uncovered.

H. 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.

I. Permitting or allowing snow and/or ice to remain on sidewalks located along public streets or any other sidewalks normally available to public use for more than twenty-four (24) hours after frozen precipitation has stopped falling.

J. Allowing or permitting any excavation 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.

K. Depositing or permitting to be deposited, any foreign material onto a public sidewalk, street, roadway, storm sewer system or publicly maintained right of way, which would pose or create a hazard. Foreign materials shall include but not limited to, stones, mud, earth, concrete or building materials.

L. Burning of tires, tar products or garbage.

Section 3. WRITTEN NOTICE TO VIOLATORS REQUIRED: Whenever a condition constituting a nuisance is permitted or maintained Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

1. By making personal delivery of the notice to the owners; or

2. 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; or

3. By fixing a copy of the notice to the door at the entrance of the premises in violation;
or

4. By mailing a copy of the notice to the last known address of the owner by certified mail; or

5. By publishing a copy of the notice in a local newspaper of general circulation within Lebanon County, Pennsylvania, once a week for three (3) successive weeks. 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 twenty (20) 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 2(F), (I), (j) , or (K) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

Section 4. PENALTY FOR VIOLATION: This Ordinance regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to 53 P.S. 566601(c.1)(2).

1. Any person who violates any provisions of this Ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars plus costs of prosecution for the first violation and a fine of not less than two hundred (\$200.00) dollars and not more than one thousand (\$1,000.00) dollars plus costs of prosecution for the second or subsequent violations. Each days violation of any provision of this ordinance shall constitute a separate offense

2. The Board of Supervisors or their duly appointed agent may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township solicitor, the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.

3. 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.

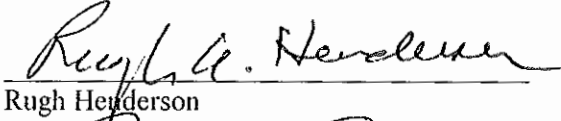
Section 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof,

Section 6. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

DULY ORDAINED AND ENACTED this 12th day of October, 2010, by the Board of Supervisors of the Township of South Londonderry, Lebanon County, Pennsylvania in lawful session duly assembled.

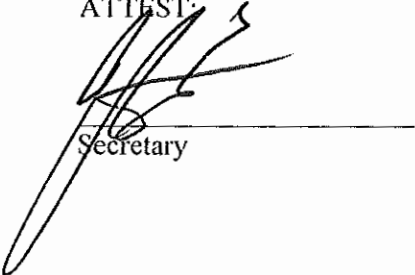
BOARD OF SUPERVISORS
SOUTH LONDONDERRY TOWNSHIP


L. Philip Rothermel, Chairman


Rugh Henderson


William Ames

ATTEST:


Secretary