

Ordinance 230

AN ORDINANCE PROHIBITING NUISANCES AND CERTAIN ACTS WITHIN THE TOWNSHIP OF SOUTH LONDONDERRY 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, HEREOF, 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

DEFINITIONS: 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, or having charge of any premises within the Township.
5. **"Resident"** is any person occupying any premises within the Township.
6. **"Person"** is any natural person.

7. **“Group(s)”** is any firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.
8. **"Vegetation"** is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.
9. **"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.
10. **"Motor Vehicle"** means any self-propelled vehicle that is designed or used for transporting people, goods, or property upon streets, roads, or public spaces and is powered by an engine or motor. This includes, but is not limited to, automobiles, motorcycles, scooters, mopeds, all-terrain vehicles (ATVs), and similar conveyances, regardless of whether they are intended for on-road or off-road use. This definition excludes motorized wheelchairs or other mobility devices designed for individuals with disabilities.
11. **"Abandoned or Junked Motor Vehicles"** is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate for 60 days.
12. **“Noise”** is any sound that is unwanted or causes a disturbance.

Section 2

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

A. Storing, accumulating or discarding the following:

1. Garbage, trash, refuse or rubbish.

- a. 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, except 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 people of ordinary sensibilities in the vicinity. It shall be unlawful for any individual, firm or corporation to store more than 14 days of garbage as defined by this ordinance which may pose potential health and safety problems to the community.
- b. It shall be unlawful for any person or persons to place any trash or discarded materials of any type in any trash receptacle, dumpster,

or container owned or leased by another person or business without permission as covered under PA Title 18, Section 3962.b.

- c. It shall be unlawful for any person or persons to place any trash or discarded materials of any type on any private or public property owned or leased by another person or business without the consent of the owner, lesser, or person in control of said property, public property shall include but not be limited to any property, street, highway, right of way, or park maintained by South Londonderry Township or any other government entity.
- d. It shall be unlawful to store, accumulate or maintain any 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.

2. Abandoned or junked motor vehicles.

- a. It shall be unlawful to store or accumulate 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 removed in 30 days, or if at vehicle repair business, 60 days from the date of official notice from the Township.
- b. The following shall be exempt from this section of the ordinance:
 - 1. Motor vehicles which are stored on the premises awaiting the making of repairs to said vehicles for the purpose of rendering them operable, provided that such motor vehicles shall not remain on the premises for such purposes for a period in excess of sixty (60) days.
 - 2. Motor vehicles which qualify for licensing as an “Antique” or “Classic” by the Commonwealth of Pennsylvania, so long as such motor vehicles are assembled with substantially all essential parts and are in a reasonable state of repair and preservation.
 - 3. Lawfully permitted junkyards.

B. Accumulation of snow or ice.

- 1. It shall be unlawful to permit snow and ice to remain on sidewalks located along public streets or any other sidewalks normally available to public use for no more than twenty-four (24) hours after frozen precipitation has stopped falling.

2. It shall be unlawful to push or shovel or otherwise deposit snow upon any traveled portion of any public highway, road or street which is maintained by the Township or Commonwealth of Pennsylvania and allowing the same to remain thereon.
 - a. This section shall be enforceable against any of the following: A property owner, a tenant, or any person in control of the property.

C. Maintenance of grass and weeds.

1. It shall be unlawful to permit 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.

a. Exemptions

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

D. Drainage from property and maintenance of cisterns.

1. It shall be unlawful to drain or flow, or allow the draining or flowing, whether natural or artificial, of any foul or offensive water or drainage from any part of the property, whether interior or exterior, onto or along any highway, road, street, avenue, lane, or alley; or from any property onto or upon any adjoining property by means of a pipe or other channel.
2. It shall be unlawful to permit or allow any well, cistern or any other item or structure, not including natural ponds, that can hold or retain water to be or remain uncovered.

E. Structures.

1. It shall be unlawful to Maintain or cause-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. Open excavations.

1. Any unattended excavation shall be protected by a barricade or similar device sufficient to warn any persons approaching from any direction, of the boundaries of said excavation. In residential areas, barricades must be erected in such manner as to prevent children from entering the site by walking or

crawling beneath the barricade. Any unattended excavation, which exists during periods of darkness, must additionally include flashing amber warning lights on all sides.

- a. This section shall be enforceable against the person or people who created the excavation, and/or if they cannot be identified, the owner of the property.

G. Traffic hazards and foreign materials.

1. It shall be unlawful for any person to deposit, or permit to be deposited, any foreign material onto a public sidewalk, street, roadway, or publicly maintained right of way, which would pose a hazard to, or interfere with the normal flow or direction of motor vehicle or pedestrian traffic. Foreign materials shall include but not be limited to stones, mud, earth, concrete, or building materials.
2. Any person or persons responsible for depositing said materials, shall immediately clean and remove the materials from the affected areas. Failure to do so shall make the responsible parties civilly liable to South Londonderry Township for the reasonable cost of removing the same in addition to any penalties.
3. It shall be unlawful to obstruct in any way any public sidewalk, alley, street or road within the Township.

H. Prohibited noise and disturbances.

- a. **Noise Disturbance; Hours:** No person shall play, use, operate or permit to be played, used or operated any radio, television, phonograph, jukebox, musical instrument or other device for the production or reproduction of sound with louder volume than is necessary and convenient for the hearing of the person so playing, using or operating such instrument or device and such person who are voluntary listeners thereto or in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants. The use or operation of any such radio, television, phonograph, jukebox, musical instrument or other device between the hours of 10:00 p.m. and 7:00 a.m., that is plainly audible, shall be prima facie evidence of a violation of this chapter.
- b. **Construction Operations:** No person shall, from Monday through Saturday between the hours of 6:00 p.m. and 7:00 a.m. or on Sunday, in conducting any excavation, demolition, erection, alteration, repair or

other building operation within 1,000 feet of any dwelling or business property, operate or use any steam shovels, tractors, excavators, pneumatic hammers, pile drivers, derricks, steam or electric hoists or any tools or equipment which shall make any plainly audible noise, except in cases of urgent necessity in the interests of public safety

- c. **Hours Noisy Operations Prohibited:** No person shall create any plainly audible noise in connection with the loading or unloading of any vehicle or the opening or destruction of any bales, boxes, crates or other containers, between the hours of 9:00 p.m. and 6:00 a.m.
- d. **Disturbing the Peace Noise:** No person shall create any plainly audible noise that disturbs the peace, quiet, and comfort of the neighboring inhabitants or persons in any public space or public right-of-way. Furthermore, noise of such character, intensity or duration detrimental to the life or health of any individual is prohibited.
- e. **Operation of Motor Vehicles:** It shall be unlawful for any person to operate or permit another person to operate any motor vehicle within the Township:
 - (1) In such a manner as to create loud, offensive, unnecessary or unusual noise that is plainly audible so as to disturb or interfere with the peace and quiet of other persons or interfere with the operator's ability to hear audible safety warnings.
 - (2) In such a manner as to sound the horn or other warning device for an unnecessary or unreasonable period of time.

3. Exemptions: The following activities shall be exempt from the provisions of this ordinance:

- a. Emergency work, including fire, police, or medical services.
- b. Authorized public events or entertainment activities, including parades, concerts, or festivals, as permitted by the Township.
- c. Agricultural operations in rural or agricultural zones.
- d. Lawn and landscape care.
- e. Engine brake use outside of restricted areas.

I. Firearms, Spring or Air operated guns.

- 1. It shall be unlawful to discharge or cause to be discharged any firearm, spring or air operated weapon of any type within one hundred fifty (150) yards of any occupied building without the written permission of the property owner.

2. It shall be unlawful for any person to discharge any air, or spring-operated weapon at any animal for the purpose of injuring or killing said animal, with exception to rodent control and legitimate agricultural functions.
3. No person less than 15 years of age shall carry or discharge any air or spring-operated weapon unless accompanied by a parent, guardian, or person over the age of 18 acting in loco parentis, unless on private property with the consent of the owner.
4. This section shall be applicable to any air gun, air pistol, spring gun, spring pistol, BB gun, or pellet gun or similar implement which is not a firearm which impels a pellet or BB of any kind with a force that can be reasonably expected to cause bodily harm.
5. It shall be unlawful for any person to discharge any air or spring-operated weapon in a manner which allows the projectile to land, travel through, or end its path of trajectory on the property of another without prior authorization.

Section 3

ENFORCEMENT:

- A. The following sections of this Ordinance are exempted from enforcement by the Code Enforcement Officer, and shall be the responsibility of the South Londonderry Township Police Department:
 - a. Sections: "I." Firearms, Spring or Air operated guns.
 - b. The Code Enforcement Officer and the Police Department may devise a customary practice of enforcement assignment, with the approval of the Township Manager and/or the Chief of Police.
- B. Upon receiving a complaint or information of any nuisance or other acts prohibited by this ordinance, the South Londonderry Township Police Department shall conduct an investigation. If the complaint or information is found to be true, for the first offense, a written warning shall be issued to the owner, and a copy of this ordinance shall accompany the warning. Upon second or subsequent offense a summary citation prepared in accordance with the Pennsylvania Rules of Criminal Procedure and South Londonderry Township shall be issued against the owner of the Property and/or any other person or people in violation of any section of this ordinance.

Section 4

PENALTIES:

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).

- A. 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 conviction 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 conviction(s). Each days violation of any provision of this ordinance shall constitute a separate offense.
- B. 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.
- 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 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

REPEALER: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Specifically, Ordinance 185, Ordinance 171, Ordinance 168, Ordinance 143, Ordinance 50, Ordinance 38, Ordinance 30, Ordinance 23 and Ordinance 3 are repealed in their entirety.

This repeal shall not affect any rights or obligations that have accrued under these ordinances prior to the effective date of this ordinance.

DULY ORDAINED AND ENACTED this _____ day of _____, 20____, 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

Attest:

Secretary

Faith Bucks

Jack Custer

William Bova