

**HOWE TOWNSHIP
PERRY COUNTY, PENNSYLVANIA**

ORDINANCE NO.: _____

**AN ORDINANCE OF HOWE TOWNSHIP REGULATING
AND PROHIBITING NUISANCES, SETTING FORTH
NOTICE AND ENFORCEMENT PROCEDURES AND
ADOPTING PENALTIES FOR VIOLATION OF SUCH
ORDINANCE.**

WHEREAS, Section 1529 of the Pennsylvania Second Class Township Code, as amended, authorizes and empowers a Board of Supervisors to adopt an ordinance prohibiting nuisances, including, but not limited to, the storage of abandoned or junked automobiles, on public and private property; and

WHEREAS, the Board of Supervisors of Howe Township, Perry County, desire to adopt an ordinance regulating and prohibiting nuisances, which ordinance the Board of Supervisors finds to be in the interest of the health, safety and welfare of the residents of Howe Township.

NOW, THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Howe Township, Perry County, Pennsylvania, and by and through the authorities of the same, as follows:

SECTION 1.

Short Title. This Ordinance shall be known as and cited to as the “Howe Township Nuisance Ordinance.”

SECTION 2.

Prohibited Acts. No person, firm or corporation shall do any act or omit to perform a duty or permit a condition or thing to exist, which act, omission, condition or thing is defined below as a nuisance.

SECTION 3.

Acts Declared Nuisances. The following acts, omissions, places, conditions and things are hereby defined and declared to be nuisances, which include the erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, avenue, alley, parkway or other private or public place in the Township, or any one (1) or more of the following disordered, disturbing, unsanitary, fly-producing, rat harboring, disease causing places, conditions or things:

A. Any putrid, unsound or unwholesome bones, meat, hides, skins of the whole or any part of dead animal, fish or fowl.

B. Vaults, cesspools, dumps, pits of like places which are not securely protected from flies or rats, or which are foul or malodorous.

C. Filthy, littered or trash covered house yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings, or premises.

D. Stagnant water in swimming pools or on swimming pool covers in which mosquitoes, flies, or insects multiply; provided, however, that this condition shall not include ponds, lakes or other naturally existing condition.

E. Weeds, grass or plants over nine (9") inches in height or which provide rodent harborage, or weeds or plants which are poisonous or noxious growing in yards, vacant lots or along public roads in the Township, which may pollute the neighborhood or constitute a danger to health. This does not apply to agricultural fields.

F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or trash or abandoned material unless the same is kept in covered bins or receptacles approved by the Township.

G. Any and all places where abandoned, unlicensed or unregistered vehicles are stored (exclusive of an approved junkyard or repair facility) where one or more of the following conditions exist:

1. The presence of weeds or other plant growth surrounding the vehicle;
2. Evidence that the vehicle has not been in a working condition for a period in excess of three (3) months;
3. Obvious damage or neglect including, but not limited to flat or missing tires, excessive rust or corrosion, broken windows or mirrors, torn or missing cushions, upholstery or seats, jagged or damaged metal, or unrepaired accident damage; or
4. Leaking fluids, such as gasoline, oil, brake fluid, coolants or other liquids.

This section specifically excludes agricultural vehicles and equipment, such as tractors, combines, farm wagons, plows, etc.

H. Trash, litter, upholstered furniture, rags, accumulation of empty barrels, boxes, carts, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, tires, lumber not neatly piled, scrap iron, tin or other metal not neatly piled or anything in which flies or rats may breed or multiply or which may be a fire danger, unused and discarded household goods and appliances. This includes trash or litter in trash bags or other containers at random or unauthorized locations on a property without authorization to do so, i.e. dumping, excluding approved trash bags placed for collection by a trash hauler.

I. All refrigerators and freezers that are non-working, or not used for storage of food, feed or other agricultural supplies shall have all doors removed while placed outside for any purpose in order to prevent access to any individual, wherein possible physical harm or injury or death may result.

SECTION 4.

Notice; Cost. Howe Township, or any officer, employee or agent thereof including, but not limited to, Zoning Officer, Codes Enforcement Officer, or Township or State Police Office, is hereby authorized to notify any owner or occupant of any said property, personally or by certified United States mail, return receipt requested, or by posting such notice upon the premises, to remove or eliminate any nuisance on said person's property within ten (10) days of the date of the notice. In the event a certified mailing is refused or returned, notice may be sent by United States, regular mail to the address for the owner of the property as listed in the tax duplicate. Upon the failure of such owner or occupant to comply with the Township's orders within such period of time, the Township Zoning Enforcement Officer shall refer the matter to the Board of Supervisors for further action, which may include an extension of time to comply with such notice; the Township Supervisors, the Zoning Officer, or any officer, employee or agent of the Township may be authorized and directed, at its option, to enter upon such premises and remove and eliminate the nuisance contained thereon or to file a citation with the magisterial district judge as provided for herein. The cost of such entry, removal or elimination, together with an administrative fee of ten (10%) percent of the amount thereof, shall be paid of such owner or occupant within ten (10) days from the date of notification of the cost and administrative fee. In the event the owner or occupier refuses to pay the cost and penalty, the same shall be filed and entered as a lien against said premises and shall be collected in the manner provided by law for the collection of municipal liens.

SECTION 5.

Penalties. Any person violating or permitting the violation of any of the terms or provisions of this Ordinance shall be subject to a summary criminal proceeding before the Magisterial District Judge pursuant to the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon finding of a violation hereunder, a fine in a sum not less than One Hundred Fifty (\$150.00) Dollars and not exceeding One Thousand (\$1,000.00) Dollars, plus the costs of prosecution, including court costs and reasonable attorney fees incurred by the Township to prosecute the violation, shall be imposed. In the event such fine, fees and costs remain unpaid, such person may be subject to imprisonment in the Perry County Jail for a period of up to thirty

(30) days. Each day's violation shall constitute a separate offense under this Chapter. This remedy is cumulative with any and all other remedies set forth in this Ordinance.

SECTION 6.

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of Howe Township, Perry County, Pennsylvania, this _____ day of _____ 2017.

ATTEST

HOWE TOWNSHIP

Secretary

By: _____ (SEAL)
Chairman

By: _____
Vice-Chairman

By: _____
Member

