

Ordinance 7-2000 – Nuisances Ordinance

AN ORDINANCE OF THE TOWNSHIP OF STROUD, MONROE COUNTY, PENNSYLVANIA, READOPTING AND REENACTING AN ORDINANCE PROHIBITING NUISANCES, INCLUDING BUT NOT LIMITED TO STORING OR ACCUMULATING GARBAGE OR RUBBISH, JUNK MATERIAL, ABANDONED OR JUNKED MOTOR VEHICLES, OFFENSIVE DRAINAGE, BURNING OF TIRES, MAINTAINING ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDINGS IN A STATE OF DILAPIDATION OR DISREPAIR, ALLOWING OPEN PITS OR EXCAVATIONS, DEPOSITING SNOW ON PUBLIC ROADS, ALLOWING CONSTANT BARKING OR RUNNING AT LARGE OF ANY DOG, AND OTHER OFFENSIVE CONDUCT; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES AFTER NOTICE TO THE OWNERS TO DO SO; PROVIDING FOR THE COLLECTION THE COSTS OF SUCH ABATEMENT OR REMOVAL BY THE TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, deems 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 ore public property which causes injury, damage, harm, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, Section 1529 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, found at 53 P.S. 66529, authorizes the Board of Supervisors to prohibit nuisances, including but not limited to, accumulations of garbage and rubbish, and the storage of abandoned or junked automobile, and the carrying on of any offensive activity, to remove same, and to impose penalties therefore; and

WHEREAS, Section 1530 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, found at 53 P.S. 66530, authorizes the Board of Supervisors to prohibit and regulate the running at large of dogs; and

WHEREAS, Section 1533 of the Second class Township Code Act of May 1, 1933, P.L. 103, as amended, found at 53 P.S. 66533, authorizes the Board of Supervisors to require the owner to remove any nuisance or dangerous structure on public or private grounds after notice to the owner to do so, and to remove the nuisance or structure and collect the cost of the removal, together with the penalty imposed by ordinance, from the owner; and

WHEREAS, the Board of Supervisors enacted Ordinance No. 204 on September 19, 1994, to prohibit nuisances, and desire to amend and comprehensively replace the said Ordinance No. 204 with this Ordinance No. 7 of 2000, as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1:

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.

- A. Township is the Township of Stroud, which is located in Monroe County, Pennsylvania.
- B. Board of Supervisors is the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania.
- C. Owner is a person owning, leasing, occupying, or having charge of any premises within the Township.
- D. Person is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.
- E. Vegetation is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purposes.
- F. Nuisance is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, harm, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his or her reasonable rights of person or property.
- G. Abandoned or Junked Motor Vehicle is any vehicle in non-serviceable condition, or without having a current inspection sticker or current registration plate.
- H. Shopping Cart is any push cart of the type or types which are commonly provided by grocery stores, drug stores, department stores, home improvements centers, or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets, and, incidentally, from the stores to a place outside the store but on the same property as the store.

Section 2:

NUISANCES DECLARED ILLEGAL AND PROHIBITED:

- 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, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials, unless such items are held for resale, in a manner such that they cannot be seen from any public highway, road, street, avenue, lane or alley, stream, or public property, which is maintained by the Township, or by the Commonwealth of Pennsylvania.
- B. Storing or accumulating abandoned or junked motor vehicles that can be seen from any public highway, road, street avenue, lane or alley, stream, or public property, which is maintained by the Township, or by the Commonwealth of Pennsylvania. All such vehicles must be moved within thirty (30) days, or, if at vehicle repair businesses, within sixty (60) days.
- C. Storing or accumulating more than three (3) antique or collector motor vehicles for restoration which are neither sheltered by a building nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances; or storing or accumulating in an unordered fashion three (3) or less antique or collector motor vehicles for registration.

- 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, wash 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, or from any property into or upon any adjoining property.
- E. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwellings situate upon property along any 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.
- F. Burning of tires or tar products.
- 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 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 ordinance.
- I. Permitting or allowing any well, cistern, or open pit to be or remain uncovered.
- J. 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.
- K. Allowing or permitting any excavation, material excavated, or obstruction, 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.
- L. The uncontrolled use of shopping carts, including but not limited to the following:
 - 1. Failure on the part of a store owner offering the use of shopping carts as part of customer service to retrieve shopping carts that have been taken off-site within twenty-four (24) hours of being alerted to the presence of the off-site shopping cart.
 - 2. Failure on the part of a store owner offering the use of shopping carts as a part of customer service to corral shopping carts at a frequency sufficient to prevent the carts being taken off-site.
 - 3. Failure on the part of a store owner offering the use of shopping carts as a part of customer service to corral shopping carts at a frequency sufficient to prevent a limitation in available parking or a decrease in safe internal traffic circulation.
 - 4. Removal of a shopping cart from the premises of any store without the expressed written consent of the cart owner.
 - 5. Failure of any real private property owner to return a shopping cart left on that owner's property or failure to contact the owner of the shopping cart and make the owner aware that a shopping cart has been taken off-site.
- M. Failing to remove snow from any sidewalk, right-of-way, driveway, or parking lot open to public use within twenty-four (24) hours of the end of the most recent snowfall.
- N. Failure on the part of the owner, custodian or keeper of any dog to curb constant barking of any such dog.
- O. Allowing a dog to run at large at any time, either upon any of the streets, roads, alleys or public grounds in the Township, or upon the property of another than the owner, custodian or keeper of such dog, unless accompanied by and under the immediate control of such owner, custodian or keeper.

- P. Storing or accumulating tires or other material suitable as breeding habitat for mosquitoes outside for more than three (3) days between the months of March and October and for more than one (1) week during any other time of the year.
- Q. Discharging stormwater or redirecting stormwater in a manner where flooding, excessive wetness, erosion, or other damage occurs to an adjacent property without that property owner's expressed written approval.
- R. Causing any noise not in compliance with the performance standards addressing noise in the Stroud Township Zoning Ordinance.
- S. Causing any vibration not in compliance with the performance standards addressing noise in the Stroud Township Zoning Ordinance.
- T. Causing glare not in compliance with the performance standards addressing glare in the Stroud Township Zoning Ordinance or directing any exterior light in a manner that it shines onto an adjacent property or into an adjacent building without the expressed written permission of the adjacent property owner.
- U. Allowing trash dumpsters or waste containers to overflow or to be kept or maintained without lids so as to prevent accidental fire or malicious mischief.

SECTION 3:

WRITTEN NOTICE TO VIOLATORS REQUIRED:

Whenever a condition constituting a nuisance is created or maintained, the Board of Supervisors 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 the person 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 a local newspaper of general circulation within Monroe 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 reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any provision 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:

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

- F. The owner shall be guilty of a violation of this ordinance, and shall, upon summary conviction thereof, pay a fine of not more than One Thousand (\$1,000.00) Dollars and the costs of prosecution, including but not limited to attorney's fees, engineering fees, and court costs, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ten (10) days, provided further, that each day's continuance of a violation shall constitute a separate offense.
- G. The Board of Supervisors may direct the removal, repair, or alteration, 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, and which claim shall be filed against the owner of the subject premises in the manner allowed by law for the filing of a municipal lien.
- H. 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 thereof.

SECTION 6:

REPEALER:

Ordinance Nos. 70 and 204, and all amendments thereto, are hereby expressly repealed. All other ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed or rescinded.

SECTION 7

EFFECTIVE DATE:

This ordinance shall take effect five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, this 1st day of May, 2000.