

Part 1**Property Nuisances****§10-101. Intent.**

This Part is passed for the protection of the health, safety, morals, general welfare and property of the inhabitants of the Township of Williams, Dauphin County, Pennsylvania.

(Ord. 01-2010, 10/14/2010)

§10-102. 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 or rubbish.

(2) Junk material, including, but not limited to, unused or abandoned machinery, equipment or appliance.

(3) Other junk, including, but not limited to, any and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvable materials.

B. Storing or accumulating abandoned or junked motor vehicles.

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 as permitted by applicable zoning ordinances; or storing or accumulating in an unordered 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, lavatories, water closets, swimming pools, privies, or cess pools 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 in the Township into or upon any said 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 dwelling situate upon property along public highway, road, street, avenue, lane or alley in the Township into or upon the cartway or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

F. Burning of garbage, 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 vegetation beyond the following restrictions: permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, in excess of a height of 8 inches, or permitting any such grass, weeds, or any vegetation to throw off any unpleasant or noxious odor, or to conceal any rubbish, garbage, trash or any other filthy deposit.

Exception. The provisions of this paragraph pertaining to the permissible height of vegetation within the Township shall not apply to any property which is utilized predominantly for agricultural purposes within the Township.

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

J. Interfering with the flow of a stream, creek or other waterway by means of a dam or other construction, unless authorized by law.

K. Removing the embankment of a stream so as to alter the natural flow of the stream.

L. 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.

M. 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.

N. Annoyance or discomfort to persons beyond the boundaries of that property.

O. Interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property.

P. Disturbance to or interference with the peaceful use of the property of others within the Township, in every case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood.

Q. Specifically, the word "nuisance" shall include, but shall not be limited to, the following:

(1) Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises from which the sound emanates.

(2) Operation of gasoline-powered lawn mowers or gasoline-powered chainsaws on any weekday before 7 a.m. or on any Sunday before 12 noon.

(3) Operating model airplanes equipped with gasoline engines on any public street or on any public ground, including any park or playground.

(4) Keeping or harboring any dog or other animal or fowl which, by frequent howling or barking or other noise or odor, annoys or disturbs the neighborhood or a number of persons.

(5) Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises:

- (a) Open wells or cisterns.
 - (b) Open excavations.
 - (c) Unfinished buildings, foundations or other structures.
 - (d) Buildings or structures damaged or partially destroyed or in a state of disrepair that endangers the adjacent properties.
 - (e) Dangerous placement of materials or equipment.
 - (f) Lakes, ponds or swimming pools not properly safeguarded; stagnant water in pools in which mosquitoes, flies or insects multiply.
 - (g) Sidewalks in a state of disrepair or danger.
- (6) Carrying on any building or road construction, excavation or trenching or the operation of heavy equipment or trucks in connection with any such operation, at any time on Sunday or a legal holiday or on any other day of the year at any time between 7 p.m. and 7 a.m. without a special permit issued by the Secretary. That special permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in a manner or in such a place that the public or residents will not be annoyed or disturbed by the work.
- (7) Carrying on construction work in such a manner that dirt is carried by wind onto adjacent properties or that mud is tracked or drained into streets adjacent to the project.
- (8) Washing, tracking or otherwise depositing dirt, mud, soil, stone or debris upon or onto the pavement of any street, without removing that material before 5 p.m. of the day on which it was deposited on the street.
- (9) Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, fly ash, dust, mud, dirt, acid, noxious or offensive fumes, gases or odors to be discharged into the air or to be carried off the premises; or, to cause any water to become polluted by sewage, industrial wastes, acid or other substance; or to cause a glare from lights, or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.
- (10) Planting or placing trees, shrubs or other obstructions which would prevent persons driving vehicles on public streets from obtaining a clear view of traffic.
- (11) The failure of the property owner, not later than 24 hours after snow has ceased to fall, to clear or cause to be cleared a pathway in the sidewalk upon which such property abuts. Such pathway shall be not less than 30 inches in width and shall be thoroughly cleared to the extent of snow and ice or other obstruction.

(Ord. 01-2010, 10/14/2010)

§10-103. Creation or Maintenance Restricted; Removal or Abatement; Performance of Work by Township.

1. It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Township.

2. Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Township, shall, within 10 days after notice from the Board to do so, remove or abate that nuisance. If that person shall fail, neglect or refuse to abate the nuisance within that time limit, Board shall have authority, in person or by its agents and/or employees, to remove or abate that nuisance, and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, Board shall collect the cost and expense of the abatement or removal from the person who created, continued, caused or maintained the nuisance and/or permitted it to exist, and who had failed, neglected or refused to remove or abate the nuisance, with an additional amount of 10 percent, in the manner provided for the collection of municipal claims, or by an action in assumpsit, provided that such cost and expense may be in addition to any penalty imposed under §10-104.

(Ord. 01-2010, 10/14/2010)

§10-104. Violations and Penalties.

Any person who shall violate any provision of this Part shall, for each and every violation, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated, after the expiration of 10 days following the issuance of the notice referred to in §10-103, shall constitute a separate offense.

(Ord. 01-2010, 10/14/2010)

§10-105. Exceptions.

This Part shall not be construed to be the sole means for abatement of nuisances within the Township, and nothing shall preclude any person from proceeding, individually or with other injured persons, to effect the abatement of a private nuisance. Furthermore, in the exercise of the powers conferred in this Part, the Township may institute proceedings in equity.

(Ord. 01-2010, 10/14/2010)

Part 2**Motor Vehicle Nuisances****§10-201. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Abandoned or junked motor vehicles—any motor vehicle in nonserviceable condition or any motor vehicle not having both a current State inspection sticker and current registration plate. Any such motor vehicle is considered to be a nuisance under the terms of this Part.

Motor vehicle—any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

Nuisance—any condition which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Township.

Owner—the actual owner, agent, custodian or lessee of the property on which motor vehicles are stored, whether an individual, partnership, association or corporation.

Person—a natural person, firm, partnership, association, corporation or other legal entity.

(Ord. 01-2010, 10/14/2010)

§10-202. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person and/or owner to maintain a motor vehicle nuisance upon their property within the Township of Williams. A motor vehicle nuisance shall include an abandoned or junked motor vehicle as that term is defined in this Part.

(Ord. 01-2010, 10/14/2010)

§10-203. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 01-2010, 10/14/2010)