

ORDINANCE NUMBER 44

AN ORDINANCE TO AMEND ORDINANCE # 25 ENACTED ON NOVEMBER 24, 1980, TO PROHIBIT NUISANCES AS FOLLOWS: TO PROHIBIT THE DUMPING, STORAGE, OR ACCUMULATION OF JUNK ON PUBLIC OR PRIVATE PROPERTY; TO PROHIBIT THE STORAGE OR ACCUMULATION OF JUNKED OR ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY; TO PROHIBIT ANY DANGEROUS STRUCTURE OR EXCAVATION; TO PROHIBIT THE DRAINAGE OF ANY WATER ONTO HIGHWAYS OR ADJACENT PROPERTY; TO PROHIBIT THE DEPOSITING OF MATERIAL HAZARDOUS TO VEHICULAR TRAFFIC ONTO HIGHWAYS WITHIN THE TOWNSHIP; TO PROHIBIT THE CARRYING ON OF ANY OFFENSIVE MANUFACTURE OR BUSINESS IN THE TOWNSHIP OF WAYNE, ERIE COUNTY, PENNSYLVANIA; AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS THEREOF AND REPEALING INCONSISTENT OR CONFLICTING ORDINANCES.

WHEREAS, the Board of Supervisors of Wayne Township, Erie 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, Section 702 (c) (l) XII, as amended, (53 P.S. 65712), 1933, May 1, P.L. 103, Art VII of the Second Class Township code authorizes townships of the second class to prohibit nuisances, to remove same and to impose penalties thereof;

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

SECTION 1; DEFINITIONS. The following words when used in this ordinance shall have the meaning prescribed to them in this section, except in those instances when the context clearly indicates a different meaning.

- A. Person – Every natural person, association, partnership, or corporation. The single shall include the plural. Whenever used in connection with prescribing or imposing penalty or both, the term as applied to partnership shall mean the partner or any of them and as applied to corporation or associations shall mean the officers thereof.
- B. Junk – Tractors, tractor parts, trailers and trailer parts, machinery, and machinery parts outside of a fully enclosed building not in full and complete working order, industrial by-products and waste of every kind and nature, discarded lumbering and building materials, scrap metals, glass, other salvable materials and all kinds and sorts of material commonly classified as junk.
- C. Junked or Abandoned Vehicles – Any vehicle outside of a fully enclosed building not in full and complete working order and without current registration plates or any vehicle stored for resale as junk metal or any vehicle outside of a fully enclosed building stored for selling parts therefrom.

- D. Garbage or Rubbish – All miscellaneous materials not otherwise included herein, including, but not limited to, such items as waste and refuse of all kinds resulting from the ordinary conduct of business or housekeeping.
- E. Owner – Person owning, leasing, occupying, or having charge of any premises within the township
- F. Nuisance – 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 person and property.

SECTION 2 NUISANCES DECLARED ILLEGAL. The following nuisances are declared to be illegal

- A. To dump, store, or accumulate or cause or allow to be dumped, stored or accumulated any garbage, rubbish, junk on any land, public or private.
- B. To store or cause to be stored abandoned or junked vehicles on public or private property.
- 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 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.
- D. Draining or flowing, or allowing to drain or flow, any water or drainage from within a structure situated upon property along a public highway, road, street, avenue, lane, or alley in the township into or upon the cartway or traveled portion of any highway, road, street, avenue, lane, or alley in the township, except where provision has been made in said 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 or allowing any well or cistern to be, or remain, uncovered.
- G. Allowing or permitting any excavation, arterial excavation, or obstruction on or adjoining any highway, road, street, avenue, lane, or alley to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
- H. Pushing, shoveling or otherwise depositing snow, manure, mud, debris, and material hazardous to vehicular traffic upon the cartway or traveled portion of any public highway, road, street, avenue, lane, or alley which is maintained by the township, or by the Commonwealth of Pa. and allowing same to remain thereon.
- I. The carrying on of any offensive manufacture or business.

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

1. By making personal delivery of the notice to the owner,
2. By handing a copy of the notice at the residence of the owner to any 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;
3. By fixing a copy of the notice to the door at the entrance of the premises in violation;
4. By mailing a copy of the notice to the last known address of the owner by certified mail;
5. By publishing a copy of the notice in a local newspaper of general circulation within Wayne Township, Erie 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 materials to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of Section 2 (F) (G) (H) 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:

1. He shall be guilty of a violation of this Ordinance, and shall, upon conviction thereof, pay a fine of not more than Three Hundred and No/100ths (\$300.00) Dollars, and the costs of prosecution, 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.
2. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the cost 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 violations, 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 INCONSISTENT ORDINANCES. All ordinances or any part thereof inconsistent with the provisions of this Ordinance are hereby repealed.

ENACTED AND ORGAINED into law by the Supervisors of Wayne Township, Erie County, Pennsylvania, this 26TH day of June, 1989 to be effective five (5) days from the date hereof.

SUPERVISORS OF WAYNE TOWNSHIP

As recorded on page 210-213 of the Wayne Township Ordinance Book