

ORDINANCE NO. 59

DONEGAL TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE PROHIBITING CERTAIN NUISANCES AND ESTABLISHING  
REMEDIES, FINES AND PENALTIES FOR VIOLATIONS.

WHEREAS, Donegal Township, Butler County, Pennsylvania is a township of the second class; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66529, authorizes townships of the second class to prohibit nuisances; and

WHEREAS, the Board of Supervisors of Donegal Township hereby determines, declares and finds that certain nuisances cause injury, damage, hurt, inconvenience, annoyance, discomfort or obstruct the reasonable and comfortable possession, use or enjoyment of public and/or private property; and

WHEREAS, the Board of Supervisors of Donegal Township desire to prohibit certain nuisances and regulate building, housing, property maintenance, health, fire, public safety, water, air or noise pollution, in order to protect the health, safety, general welfare and interests of the general public and residents of Donegal Township.

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

SECTION 1: DEFINITIONS. The following words, terms and phrases, as used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

- A. "Township" means the Township of Donegal, Butler County, Pennsylvania, a township of the second class.
- B. "Board of Supervisors" means the Board of Supervisors of Donegal Township.
- C. "Effluent" means liquid waste or discharge originating from, but not limited to, sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, cesspools, or septic systems.
- D. "Garbage" or "Household Waste" means the waste resulting from the handling, preparation, cooking or consumption of food, or from the handling, storage or sale of produce. Garbage or household wastes shall not include leaves, grass clippings, or mulch heaps maintained for gardening purposes.

E. “Noxious Plants” include, but are not limited to, ragweed, poison ivy/oak/sumac, must or nodding thistle, Canada thistle, bull or spear thistle, jimsonweed, mile-a-minute, kudzu vine, shattercane, Johnson grass, purple loose strife, and multi-for a rose.

F. “Nuisance” means an activity or condition which arises from the unreasonable, unwarrantable, or unlawful use of public or private property which endangers life or health, gives offense to senses, violates laws of decency, or obstructs the reasonable and comfortable possession, use or enjoyment of public or private property.

G. “Person” means any individual, corporation, firm, association, partnership, public utility, trust, estate, public or private institution, group, Commonwealth or local agency, political subdivision, and any legal successor, representative, or agency of the foregoing.

H. “Refuse” or “Rubbish” includes (1) combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, leaves, wood furniture, bedding, tires, plastic fiberglass, rubber; (2) noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste, vehicle parts, paint, batteries; and (3) street rubbish, including, but not limited to, street sweepings, dirt, and catch-basin dirt. Refuse or rubbish shall not include earth, wastes from building operations, leaves, grass clippings, cornstalks, stubble or other vegetable material generated in the course of harvesting agricultural crops.

I. “Releasing” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

SECTION 2: PROHIBITED NUISANCES. The following activities are hereby classified as nuisances and, as such, it shall be unlawful for any person to:

A. Dangerous Building and Structures. Own, keep, maintain or permit any dangerous building or structure, including, but not limited to, buildings that are abandoned or unoccupied, or buildings or structures in a state of dilapidation or disrepair.

B. Dumping. Dump, throw, spread or deposit and permit to remain any garbage, household waste, dust, ash, refuse or other material subject to decay or decomposition, including, but not limited to, animal carcass, fish, shellfish, paper, glass, tires, cans, offal into the environment or on any public highway, road, street, lane, or alley.

C. Garbage and Household Waste. Store or accumulate garbage, household waste, or other materials subject to decay, except in tightly covered containers.

D. Grass and Weeds. Permit or allow grass or weeds to grow to a height of eighteen (18) inches or more.

E. Refuse and Rubbish. Store or accumulate refuse or rubbish, except in tightly covered containers, or to permit refuse or rubbish by wind or other means to migrate onto any street or road or onto any other person's property.

F. Septic Systems. Permit or maintain open vaults, drains, failed cesspools or failed septic systems.

G. Waterways. Alter or interfere with the natural flow of a stream, creek or other waterway, by means of constructing a dam, altering the embankment or channel of the waterway, or otherwise.

H. Animals and Pets – Roaming. Permit or cause to permit animals or pets, including, but not limited to, dogs, cats, cattle, horses, mules sheep, goats, geese, ducks or swine, to roam or be at large upon adjoining property or any public highway, road, street, lane, or alley. "At large" means that the animal or pet is unconfined, free, roaming or on the loose. An animal or pet shall not be considered "at large" if it is on a leash or under the positive physical control of the owner or agent of the owner.

I. Animals and Pets – Noise. Except for legitimate agricultural activities, keep, permit or cause to permit animals or pets, including but not limited to, dogs, cats, cattle, horses, mules sheep, goats, geese, ducks or swine, which annoy, disturb, injure or endangers the comfort, health, safety or peace of others and which can be heard a distance of 150 feet beyond the owner's property line between the hours of 11:00 p.m. and 7:00 a.m.

J. Lights. Spot, flood or otherwise shine lights, including, but not limited to, incandescent, strobe, sodium or mercury vapor, so as to: (1) impede the safe movement of traffic upon any public highway, road, street, lane, or alley; (2) annoy, disturb or otherwise prevent another person from enjoying the privacy of their own property; (3) illuminate any sign or property with flashing, rotating, sequential, strobe, otherwise moving lights; or (4) resemble a traffic signal, railroad signal, or any other form of traffic control devise, visible to the motoring public upon any public highway, road, street, lane, or alley.

K. Liquids. Release any foul or offensive liquids or effluent into the environment or into or upon any public highway, road, street, lane, or alley.

L. Noise. Amplify, play, make or cause noise by any manner, including, but not limited to, voices, home stereos, vehicular sound systems, portable "boom boxes", musical instruments, horns, bells, chimes, or explosions, which annoys, disturbs, injures or endangers the comfort, health, safety, or peace of others and which can be heard a distance of 150 feet from its source between the hours of 11:00 p.m. and 7:00 a.m.

M. Odors. Permit or cause the emission of any offensive or foul odor, scent, effluvium, emanation or fume, except as considered normal and customary in farming activities or manufacturing activities.

P. Road Hazards. Place, throw, or deposit on any public highway, road, street, lane or alley any dangerous object, chemical, material or substance, including, but not limited to, tacks, nails, metal, glass, flammable liquids, hazardous chemicals, materials or substances, or other similar items, which may cause injury to person or damage to property.

Q. Road Obstructions. Deposit and permit to remain any material, including, but not limited to, mud, dirt, coal, wood, brick, stone, gravel, clay, sand, or rubbish. Upon any public highway, road, street, lane or alley or in the rights-of-ways of such cartways.

R. Signs. Post, paste or fasten any printed, painted or written signs, show bills, placard, circular, advertisement or material upon any tree, telegraph, telephone or electric light pole, unless previously authorized by the Board of Supervisors. This provision shall not apply to political signs that are free standing and placed entirely on the owner's property and off of any cartway right-of-way.

S. Wells and Cisterns. Permit or allow any well or cistern to be, or remain, uncovered.

T. Yard Trimmings. Push, shovel, or otherwise deposit tree and/or bush trimmings, leaves, or lawn/yard clippings or burn the same upon any public highway, road, street, lane, or alley, or upon public rights-of-way of such cartways, including, but not limited to, drainage ditches, culverts, or pipes within such rights-of-way, and allow such material to remain thereon.

### SECTION 3: REMEDIES.

A. In addition to or in lieu of other remedies, enforcement proceedings may be initiated by serving a citation by hand delivery to the occupant of the property on which the violation is occurring or by registered or certified mail upon the owner of record and/or occupant of the property on which the violation is occurring. The citation shall contain, at a minimum, the following information:

1. The name of the owner of record, occupant or any other person against whom the Township intends to take enforcement action.

2. The address of the property on which the violation is occurring.

3. The specific violation(s), citing in each instance the applicable provision(s) of this Ordinance.

4. Date before which corrective measures must be completed, according to the following schedules:

- a. The citation shall require that corrective measures for violations of Subsection 2(A) through (G), above be completed within ten (10) days of the date of service of the citation.

b. The citation shall require that corrective measures for violations of Subsections (H) through (T), above, be completed immediately upon service of the citation.

5. The maximum fine which may be imposed for failure to comply with the citation within the time specified, is as follows:

- a. For violations of Subsections 2.A through 2.G above:
  - i. For the first violation of a Subsection: a written warning.
  - ii. For the second violation of a Subsection: a Two-hundred-fifty Dollar (\$250.00) fine.
  - iii. For the third violation of a Subsection: a Five-hundred Dollar (\$500.00) fine.
  - iv. For the fourth violation of a Subsection: a Seven-hundred-fifty Dollar (\$750.00) fine.
  - v. For the fifth and each subsequent violation of a Subsection: a One-thousand Dollar (\$1,000.00) fine.
- b. For violations of Subsections 2.H through 2.T above:
  - i. For the first and second violation of a Subsection: a written warning.
  - ii. For the third violation of a Subsection: a One-hundred Dollar (\$100.00) fine.
  - iii. For the fourth violation of a Subsection: a Two-hundred Dollar (\$200.00) fine.
  - iv. For the fifth violation of a Subsection: a Three-hundred Dollar (\$300.00) fine.
  - v. For the sixth of a Subsection: a Four-hundred Dollar (\$400.00) fine.
  - vi. For the seventh and each subsequent violation of a Subsection: a Five-hundred Dollar (\$500.00) fine.

B. In addition to or in lieu of other remedies, the Board of Supervisors may direct that corrective measures be commenced and/or completed by the Township and the cost thereof be certified to the Township secretary. The Township secretary shall invoice the owner of the property for the full cost of the corrective measures within fifteen (15) days of completion of the corrective measures. If the owner fails or refuses to pay the full cost within thirty (30) days of receipt of the invoice, the Township secretary shall turn the matter over to the Township solicitor. Thereafter, the solicitor shall file a municipal claim against the property on which the violation occurred in the amount of the full cost of the corrective measures plus legal costs and reasonable attorneys' fees.

C. In addition to or in lieu of other remedies, the Township may take such other lawful action as is necessary to prevent or remedy any violation, or bring action to enjoin any violation of this Ordinance.

#### SECTION 4: FINES/PENALTIES

A. Any person who violates Subsections 2.A through 2.I of this ordinance or any amendment thereto shall, upon conviction thereof in a summary offense proceeding before a district magistrate, pay a fine of not less than Two-hundred-fifty Dollars (\$250.00) dollars and not more than One-thousand Dollars (\$1,000.00) per violation, as set forth in Section 3.A.5.a., above, including additional daily penalties for continuing violations, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Subsection of the Ordinance which is found to have been violated. All fines and penalties collected shall be paid over to the Township.

B. Any person who violates Subsections 2.J through 2.V of this ordinance or any amendment thereto shall, upon conviction thereof in a summary offense proceeding before a district magistrate, pay a fine of not less than One-hundred Dollars (\$100.00) dollars and not more than Five-hundred Dollars (\$500.00) per violation, as set forth in Section 3.A.5.b., above, including additional daily penalties for continuing violations, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Subsection of the Ordinance which is found to have been violated. All fines and penalties collected shall be paid over to the Township.

#### SECTION 5: SEVERABILITY

If a final decision of a court of competent jurisdiction holds any section, subsection, sentence, clause, phrase, or part of this Ordinance to be illegal or unconstitutional, such determination shall not affect or impair any of the remaining sections, subsections, sentences, clauses, phrases, or parts of this Ordinance and the remainder of this Ordinance shall remain in full force and effect. It is hereby declared as the intent of the Township that the sections, subsections, sentences, clauses, phrases, or parts of this Ordinance shall be severable and that this Ordinance would have been adopted as if any such illegal or unconstitutional section, subsection, sentence, clause, phrase, or parts had not been included.

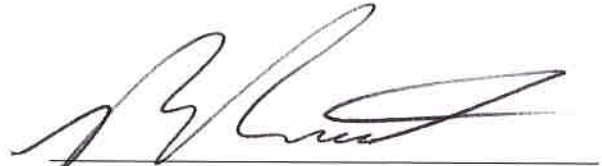
#### SECTION 6: SCOPE

This Ordinance is intended to supplement existing ordinances in regulating activities or conditions hereby classified as nuisances. As such this Ordinance does not repeal or amend any prior enacted ordinance nor does this Ordinance limit the enforcement of any prior enacted ordinance. Moreover, this Ordinance does not apply to Agricultural Security Areas as established by Donegal Township. To the extent that this Ordinance is inconsistent with any prior enacted ordinances, the terms and provisions of this Ordinance shall prevail.

SECTION 7: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after its adoption.

Duly presented and ENACTED AND ORDAINED into law at a regular meeting of the Board of Supervisors of Donegal Township, Butler County, Pennsylvania held this 8 day of November, 2023.

DONEGAL TOWNSHIP BOARD OF  
SUPERVISORS

  
Ryan Ritzert, Chairman

  
Michael Haid

  
Dalton Geibel



ATTEST:

  
Leslie Stewart, Secretary