

# ORDINANCE NO. 2019-1

## AN ORDINANCE OF THE BOROUGH OF SNYDERTOWN, NORTHUMBERLAND COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES.

**WHEREAS**, the law and, specifically, the Borough Code, generally authorizes Snyderdowntown Borough Council to protect the health, safety, and general welfare of the citizens of Snyderdowntown Borough; and

**WHEREAS**, Council, as authorized by the Borough Code, deems it to be in the best interests and general welfare of the citizens and residents of this Borough to prohibit the use of private or public property which causes injury, damage, harm, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property.

**NOW, THEREFORE**, be it ordained and enacted by the Council of the Borough of Snyderdowntown, and it is hereby Ordained and Enacted by authority of the same as follows:

**Section 1: Short Title.** This Ordinance shall be known and may be cited as the “Health and Nuisance Ordinance of the Borough of Snyderdowntown”.

**Section 2: Purpose.** This Ordinance is adopted for the purposes of promoting public health, life, safety, welfare, peace, decency, dignity, reasonable and comfortable use of property and the tranquility of the community of the Borough of Snyderdowntown, County of Northumberland and Commonwealth of Pennsylvania.

### **Section 3: Definitions and Word Usage.**

A. Certain words and terms are used in this Ordinance for the purposes hereof and are defined as follows:

- (1) **Borough.** The Borough of Snyderstown, County of Northumberland and Commonwealth of Pennsylvania.
- (2) **Owner.** A person owning, leasing, occupying or having charge of any premises within the Borough.
- (3) **Nuisance.** Such activity, existence of a condition or state of being which, based upon actual conditions in the Borough, shall be offensive to public life, health, safety, morals, welfare, peace, dignity, decency, reasonable and comfortable use of property and the tranquility of the community.
- (4) **Person.** An individual, organization, corporation, partnership, government or governmental subdivision or agency, business trust, estate, trust, association or any other legal or commercial entity.
- (5) **Structure.** Any building, permanent or temporary, fully erected or not, intended for shelter, housing or enclosure of persons, animals or property of any kind.

B. Unless the context clearly indicates the contrary, words used in the present

tense include the future, the singular numbers include the plural, and the plural shall include the singular, and the masculine includes the feminine and neuter, and the neuter includes the masculine and the feminine, and the feminine includes the masculine and the neuter.

**Section 4: Nuisances Prohibited.** It shall be unlawful and a violation of this Ordinance for any person to create a nuisance in the Borough of Snyderstown.

**Section 5: Enumeration of Nuisances.** The following activities shall be deemed to be a nuisance, in addition to those actions or inactions meeting the definition of “nuisance” set forth in Section 3, above. It is understood that this listing is in no way a limitation on those activities which may be prohibited as nuisances and violations of this Ordinance pursuant to Section 4, above.

- A. A condition of the property that causes or results in annoyance or discomfort to persons beyond the boundaries of that property.
- B. A condition of the property that interferes 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.
- C. A disturbance to or interference with the peaceful use of the property or others within the Borough, considering the nature and condition of the surrounding neighborhood.
- D. The ownership, maintenance, inhabitation, use or offering for use of any

structure on public or private grounds which may be dangerous to the public, including, but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.

E. The accumulation of garbage, rubbish, or junk material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any types of materials, including scrap metal, glass, industrial waste and other salvageable materials, unless such items are held at a permitted junk yard or recycling center.

F. 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.

G. Dangerous placement or storage in any manner which would allow the equipment, machinery, material or any parts thereof to shift, tilt, or fall from its original storage position.

H. Storing or accumulating tires, containers, or other materials holding or capable of holding water that makes a suitable breeding habitat for mosquitoes or other pest.

I. Loud playing of radios, televisions, amplifiers, or other devices so as to be heard beyond the premises from which the same shall emanate.

J. Operating lawn mowers, pressure washers, chain saws, or similar maintenance machines on any week day before sunrise or after sunset.

- K. Any discharge, except in self-defense, of any gun, pistol, or firearm in the Village Center zoning district.
- L. Setting off or otherwise discharging any fireworks or other explosives when there is an occupied structure within 150 feet. Additionally, in the Village Center, the discharge of fireworks or other explosives is limited to July 4th and New Year's celebrations even if the distance setback can be met.
- M. Carrying on construction or other activities in such a manner that dirt, mud, stone, or debris is carried by wind onto adjacent properties or that such items are deposited, tracked, or drained onto any roadway or other pavement.
- N. Causing or directing any noise, vibration, light or glare onto an adjacent property or into an adjacent building which annoys, disturbs, injures, or endangers the comfort, health, safety, or peace of others. The nuisance shall be conclusively determined if the noise, vibration, light or glare can be heard or seen a distance of more than one hundred fifty (150) feet from its source.
- O. The prevention, interruption or disruption of a lawful meeting, procession or gathering.
- P. Owning or occupying any premises upon which any grass or weeds in excess of eight inches shall grow, when those weeds or grass are within 200 feet of an occupied structure. Provided, however, that grass or grain shall be permitted to be grown in excess of eight inches for purposes of cutting and harvesting the same or for

other agricultural purposes.

Q. Maintaining or permitting the maintenance of unguarded or open excavations, open wells or cisterns, or unfinished buildings, foundations or other structures, without the same being secured by a barricade, temporary fence, or other protective materials.

R. Harboring any vicious or dangerous animal as well as the ownership or maintenance of animals on private property that annoy or disturb the peaceful public, specifically including the barking of dogs.

S. Creating or maintaining “attractive nuisances,” which is the leaving of a dangerous instrumentality which by its character is dangerous and attractive to children or others.

T. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Borough or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.

U. Operating an all-terrain or off-road vehicle (hereinafter referred to as “ATV”) in a manner which causes dust, noise, annoyance or discomfort to persons beyond the boundaries of the property on which the ATV is otherwise lawfully operating. The term “ATVs” shall include, but not be limited to, snowmobiles, motor-driven vehicles having either two or more wheels commonly known as trail bikes, dirt bikes and minibikes, and all other vehicles commonly used for off-road purposes, whether

licensed or not by the Commonwealth of Pennsylvania.

**Section 6: Written Notice to Violators Required.** Whenever a condition constituting a nuisance is created or maintained, the Council or its Code Enforcement Agent 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. If property owner cannot be located, by publishing a copy of the notice in a local newspaper of general circulation within Northumberland 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 Borough, 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 ten (10) days, and thereafter to fully comply with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

In the event the alleged nuisance involves a dangerous or dilapidated structure, an owner disputing the claims of the Code Enforcement Officer, shall have the ability to request a hearing before Borough Council within ten (10) days of the initial notification of nuisance.

**Section 7: Violations and Penalties.** For any and every violation of any provision of this Ordinance, the Borough may exercise any one or more of the following remedies:

A. This Ordinance shall be enforced by action brought before a District Justice in the same manner provided for in the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this Ordinance shall, upon conviction in a summary proceeding, be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this Ordinance that is violated shall also constitute a separate offense.

B. Upon notice to the person violating this Ordinance, by certified mail, return receipt requested, to abate the nuisance and upon failure of such person to do so



within a period of ten (10) days from date of the receipt of said notice, the Borough may take such steps as are necessary to abate the nuisance and charge said person violating this Ordinance with all costs thereof, together with a collection fee of ten percent (10%), or file a municipal claim against said person, together with a collection fee of ten percent (10%), or by an action of assumpsit without the filing of a claim.

C. Institute proceedings in any court of equity having jurisdiction to abate the nuisance.

**Section 8: Severability.** The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

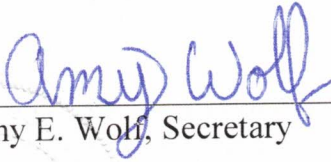
**Section 9. Repealer.** This Ordinance expressly repeals Ordinance No. 96-4, as well as any prior ordinance which is inconsistent with the provisions of this Ordinance to the extent of such inconsistency.

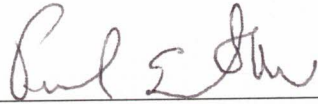
**Section 10. Effective Date.** This Ordinance shall be effective immediately upon adoption.

ENACTED AND ORDAINED this 4<sup>th</sup> day of February, 2019.

ATTEST:


THE BOROUGH OF SNYDERTOWN

  
\_\_\_\_\_  
Amy E. Wolf, Secretary

  
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Paul E. Shaw, Council President

(SEAL)

APPROVED:

  
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Ruth E. Buckles, Mayor

Date: 3/4/2019