

NUISANCE ORDINANCE

AN ORDINANCE DEFINING NUISANCES, DECLARING IT UNLAWFUL TO
MAINTAIN SUCH NUISANCES WITHIN THE TOWNSHIP OF EXETER,
AND SETTING FORTH PROCEDURES AND PENALTIES FOR VIOLATION
OF THIS ORDINANCE

ORDINANCE NO. 7-2-12

**MUNICIPALITY OF
EXETER TOWNSHIP**

LUZERNE COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

July 2, 2012

AN ORDINANCE DEFINING NUISANCES, DECLARING IT UNLAWFUL TO MAINTAIN SUCH NUISANCES WITHIN THE TOWNSHIP OF EXETER, AND SETTING FORTH PROCEDURES AND PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED by the Board of Supervisors of Exeter Township, Luzerne County, Pennsylvania, that this Ordinance shall be known and may be cited as “The Nuisance Ordinance”.

ARTICLE I. DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated below.

Nuisance – The unreasonable, unwarrantable, or unlawful use of property which caused, causes, or may cause injury, damage, hurt, inconvenience, annoyance, or discomfort to any person in the legitimate enjoyment of such person’s rights of and to their person and property.

Vicious animal – any animal which has previously attacked or bitten any person, or which has behaved in such a manner that a person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

Dangerous Structure – any dwelling, garage, barn, shed, outbuilding, or any other structure, the condition of which is likely to cause bodily injury or harm to a person or damage to real or personal property.

ARTICLE II. PURPOSE AND INTENT.

That to protect the people, namely the residents, taxpayers, and visitors of Exeter Township, against nuisance of and incident to the conduct, behavior, and activities herein defined with the resulting detriment and danger to the public health, safety, welfare, and public interest, convenience, and necessity requires the regulation thereof, and to that end, this Ordinance specifically declares to be as follows:

1. To protect the public against the unlawful activities, behavior, and conduct herein defined which constitute a nuisance.
2. To protect the local residents’ use and enjoyment of their property against trespassing by the activities, conduct, and behavior classified as nuisances.
3. To protect the people against the health and safety menace and the expense incident to the activities, behavior, and conduct herein classified as nuisances.

4. To preserve for and reserve to the people their constitutional right to preserve their ordinary rules of decency, good morals, and public order by regulating the conduct herein described as nuisances.

ARTICLE III. NUISANCES.

It is hereby declared to be a common nuisance in Exeter Township abatable and punishable as such:

A. Signs. For any person to erect signs projecting across walkways, roads, or in places dangerous to life and limb.

B. Cesspools. For any person to permit and maintain open vaults, drains, failed cesspools and failed septic systems prejudicial to public health.

C. Lights. No lights, incandescent, strobe, sodium or mercury vapor, shall spot, flood, or otherwise shine so as to impede the safe movement of traffic upon the streets, highways, or traffic ways within Exeter Township. No lights, incandescent, strobe, sodium or mercury vapor, shall spot, flood, or otherwise shine upon the private property of another so as to annoy, disturb or otherwise prevent another person from enjoying the privacy of their own property. No residence, business, industry or other person shall illuminate any sign adjacent to any street, highway, or traffic way within Exeter Township with flashing, rotating, sequential, strobe, or otherwise moving lights, so as to interfere with the movement of traffic upon said streets, highways or traffic ways, within Exeter Township. No residence, business, industry, or other person shall utilize any form or configuration of lights so as to resemble a traffic signal, railroad signal, or any other form of simulated signal, visible to the motoring public upon any street, highway, or traffic way within Exeter Township.

D. Depositing in streets, streams, etc. For any person to throw, spread, or deposit on any of the streets, roads, lanes, alleys, courts or any watercourse or gutter within the Township limits, and permit it to remain there, any animal carcass, ashes, paper, glass, tires, cans, rubbish, grass clippings, or any other refuse or offensive matter whatsoever.

E. Nauseous draining, etc. For any person to run foul or nauseous liquids, washings, or drainings from any manufacturing establishments, stores, stables, private residences, or shops into any of the gutters or along any of the sidewalks, streets, roads, lanes, alleys, or courts of the Township, or to keep, collect, or use any garbage or filth or any stale, putrid, stinking fat, grease or other matter in or near any establishment or residence within the Township limits.

F. Loud Music or Noise. For any person, except by permission of Township Board of Supervisors to play, amplify, or listen to music by any manner including home stereos, vehicular sound systems, and portable devices to beat any drum or drums, blow any horn or horns, or otherwise make any unusual noise, or cause any such noise to be made, disturbing

the peace after 11:00 p.m. which can be heard a distance of 150 feet from its source or such person's property line or; for any person to make, continue, or cause to be made or continued any unnecessary or unusually loud noise, including the indiscriminate discharge of firearms, which annoys, disturbs, injures or endangers the comfort health, safety, or peace of others within the Township, and which can be heard a distance of 150 feet from its source or such person's property line between the hours of 11:00 p.m. and 6:00 a.m.

G. Odor. For any person to permit or cause the emission of any offensive or foul odor, scent, effluvium, emanation, or fume within the Township limits, except as normal and customary in farming activities.

H. Dogs and other animals. For any person owning, keeping, or permitting any dog, cat, or other animal on or about his premises to disturb the peace and quiet of the night by barking, howling, crying, yelping, or otherwise making a noise to the annoyance of the neighborhood which can be heard a distance of 150 feet from that person's property line.

No person shall permit any animals including any dogs, cats, cattle, horse, mule, sheep, goat, geese, ducks, or swine to roam or be at large upon the roadways, streets, lanes, or alleys in any of the inhabited parts of the Township.

I. Keeping of Vicious Animals.

(a) It shall be unlawful for any person to keep or permit to be kept on his premises any vicious animal as a pet, or for display, or for exhibition purposes, whether gratuitously or for a fee.

(b) It shall be unlawful for any person to harbor or keep a vicious animal within the Township. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer; provided however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(c) "Vicious animal" shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that a person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

(d) Provisions of this Ordinance relating to dogs which habitually bark, howl, cry, or yelp shall not apply to a "seeing eye dog" which is used to assist a person who is identified as legally blind.

J. Junk. No junk should be kept or stored on any premises or property within the Township unless the keeping or storage of the same is specifically authorized by the Township Board of Supervisors in accordance with Pennsylvania law.

K. Junked Motor Vehicles. For any person to own or have stored upon their property any motor vehicle which is no longer in actual use for transportation, or which is wholly unfit to be operated, or has been discarded or otherwise abandoned. Failure of a motor vehicle to display a current valid registration plate and certificate of inspection is required by the Pennsylvania Motor Vehicle Code and should constitute prima facie proof that such vehicle is no longer in actual use for transportation purposes.

L. Accumulation of Garbage and Refuse. For any person to accumulate or cause or permit the accumulation of garbage, refuse, or rubbish on public or private grounds within the Township limits.

M. Dangerous Structures. For any person to have or cause the existence of a dangerous structure on public or private grounds within the Township limits.

N. Nuisances generally. Any person committing or maintaining a nuisance as defined in and prohibited by Chapter 65 of Title 18 of the Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. §6504 – Public Nuisances, shall be punishable as provided therein.

ARTICLE IV. ABATEMENT.

In the event any person shall violate any of the provisions of this Ordinance, the Exeter Township Police Department shall order the abatement or removal of any such nuisance by the person or persons causing or responsible for such nuisance, or the abatement or removal of any such dangerous structure by the owner, reputed owner, or occupier of such grounds within 5 days of the date of the order; and upon default of the person(s) responsible or the owner(s) or occupier(s) of such grounds to abate, or remove, or present a plan to abate or remove such nuisance or dangerous structure to the Exeter Township Police Department as so ordered, the Exeter Township Police Department may issue the appropriate non-traffic citation.

The Order/Notice of abatement or removal must be in writing and made by (1) making personal delivery of the notice to the owners; or (2) by handing a copy of the notice at the residence of the owner to an 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; or (3) by mailing a copy of the notice to the last known address of the owner by certified mail and regular mail.

ARTICLE V. VIOLATIONS AND PENALTIES.

Any person violating the terms of this Ordinance shall, upon failure to abate such after due and proper notice to do so, be guilty of a summary offense, and upon conviction thereof, be liable to pay a fine not less than \$150.00 and not more than \$300.00, plus the

costs of prosecution for each and every violation. Each day's continuance or violation of any provision of this Ordinance shall constitute a separate offense.

ARTICLE VI. SCOPE.

This Ordinance is a supplement to existing ordinances regulating behavior or structures that may be classified as a nuisance and establishes additional conduct that constitutes a nuisance. This Ordinance repeals Ordinance No. 1-1983, as amended by the Board of Supervisors on March 6, 2006.

ARTICLE VII. SEVERABILITY.

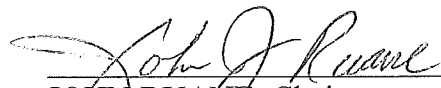
If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

DULY ENACTED AND ORDAINED into law at a regular meeting of the Board of Supervisors of Exeter Township, Luzerne County, Pennsylvania, held on this 2ND day of JULY 2012.

THIS ORDINANCE shall become effective five (5) days after enactment.


Attest:


MARY FRANCES MARTIN, Secretary
Exeter Township Board of Supervisors


JOHN RUANE, Chairman
Exeter Township Board of Supervisors


JOHN COOLBAUGH
Exeter Township Board of Supervisors

JAMES DOUSE
Exeter Township Board of Supervisors


BENJAMIN GADOMSKI
Exeter Township Board of Supervisors

RICHARD OVERMAN
Exeter Township Board of Supervisors