

SOUTH LEBANON TOWNSHIP
ORDINANCE NUMBER 355
NUISANCE ORDINANCE

AN ORDINANCE OF SOUTH LEBANON TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES, STORING OR ACCUMULATING ABANDONED OR JUNKED MOTOR VEHICLES, AND UNLICENSED AND/OR UNINSPECTED VEHICLES, INCLUDING INOPERABLE ANTIQUE AND/OR CLASSIC CARS, JUNK MATERIAL, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDING IN A STATE OF DILAPIDATION OR DISREPAIR ON PRIVATE OR PUBLIC PROPERTY OR STREETS WITHIN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF ON PUBLIC OR PRIVATE GROUNDS OR STREETS AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP, AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, South Lebanon Township, Lebanon 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, the Township Code authorizes Townships to prohibit nuisances, to remove same and to impose penalties therefore.

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

SECTION ONE. DEFINITION: For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

1. "Township" is South Lebanon Township, which is located within the confines of Lebanon County, Pennsylvania.

2. "Board of Supervisors" is the South Lebanon Township Board of Supervisors, Lebanon County, Pennsylvania.

3. "Owner" is a person owning, leasing, occupying or having charge of any

premises within the Township.

4. "Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

5. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful or legal purpose.

6. "Nuisance" is the unreasonable, unwarrantable, or unlawful use of public or private property which causes or is likely to cause injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

7. "Abandoned or Junked Motor Vehicles" including classic or antique licensed vehicles is any vehicle in non-serviceable condition or without having a current inspection sticker and/or current registration plate.

SECTION TWO. NUISANCES DECLARED ILLEGAL: Nuisances, including, but not limited to the following, are hereby declared to be illegal:

1. Storing or Accumulating the following:

(a) Garbage, ashes, refuse or rubbish.

1) Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the Township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to any individual, firm or corporation to store more than 14 days of garbage as defined by this ordinance which may pose a potential health and safety problems to the community.

2) Refuse/rubbish: Combustible trash, including paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, leaves, wood furniture, bedding; noncombustible trash, including metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including street sweeping; dirt, catch-basin dirt, contents of letter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include leaves, cornstalks, stubble or other vegetable material generated in the

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course of harvesting agricultural crops. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the Township excepting in a covered container.

3) Ashes: Residue from fire used for cooking and for heating buildings.

(b) Junk Material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials, including scrap building materials, that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania.

2. Storing or accumulating abandoned or junked motor vehicles that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania. All such vehicles must be moved in 15 days.

3. Storage and accumulation shall include any non-serviceable vehicles with or without a current inspection sticker or current registration plate, including inoperable classic or antique licensed vehicles.

4. Large vehicle components include, but are not limited to, engines, transmissions, actual housing, frames or bodies.

5. This Section shall not apply with regard to any vehicle or vehicle component completely contained within an enclosed building. For purposes of this Section, the term "enclosed building" shall mean a roofed and walled structure building, with operable doors for ingress and egress, for permanent use.

6. Storing or accumulating more than one (1) antique or collector motor vehicles for restoration which are neither sheltered by an enclosed building; or storing or accumulating in a non-orderly fashion one (1) or less antique or collector motor vehicles for registration.

7. 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 cesspools 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; or from any property into or upon any adjoining property.

8. 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 cart way or traveled portion for said drainage by means of a drainage ditch or otherwise.

9. Burning of vegetation, tires, tar products or garbage.

10. 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.

11. Permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful or legal purpose, to conceal any rubbish, garbage, trash or any other violation of this ordinance.

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

13. Pushing, shoveling or otherwise depositing snow, ice, slush, or the like, upon any sidewalk and/or the cart way or traveled portion of any public highway, road, alley or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.

14. Parking or permitting the parking of any vehicle upon any public highway, road, street, or alley which is maintained by the Township or the Commonwealth of Pennsylvania so as to prevent the proper removal of snow by a snow plow.

15. To build or cause to be built any bonfire or fire upon the cart way or traveled portion of any public highway, road, street or alley which is maintained by the Township or by the Commonwealth of Pennsylvania.

16. To drive or cause to be driven, parked, or store any cart, wagon, truck or other vehicle containing garbage, earth, dung, filth or rubbish of any kind, unless such vehicle has a good and sufficient tail board and body, tight and closed and bottom, so as to prevent the contents from dropping from the vehicle or to park such vehicle in or upon any cart way or traveled portion of any public highway, road, street or alley which is maintained by the Township or by the Commonwealth of Pennsylvania or upon any private property which odors from the same are offensive to nearby residents.

17. 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.

18. Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise, or removing the embankment of a stream so as to

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alter the natural flow of the stream.

19. Defacing Public and Private Property:

(a) It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the Township. Examples of Defacing shall include but not be limited to the following examples; application of paint, inks and dyes; affixing of any printed materials such as signs or posters; destruction or removal; defacing in any manner.

20. Spotighting - prohibiting certain uses of spotlights from roads in the Township. No person shall shine any spotlight from any place on public roads in the Township, into any fields, woodlands, forests, waters, or other lands outside the main traveled portions of the roads, at any time between the hours of sunset and 7:00 o'clock a.m., prevailing time, on any day.

(a) Person - any human being, group of human beings, or other legal entity or group of legal entities;

(b) Shine - the throwing or casting of the rays of a spotlight.

(c) Spotlight - any lamp, light, or other artificial device designed to direct a beam of light, regardless of the size of such beam or the intensity thereof and regardless of the area of actual illumination thereby. Spotlights shall include, but not be limited to, all vehicle headlamps, flashlights, arc lights, and any other devices which direct an intense beam of light on a small area.

(d) Exceptions - none of the following acts shall be deemed prohibited by this ordinance:

1) Use of a spotlight by any policeman, other law enforcement officer, game protection, fireman, or other emergency officer or government official, in the performance of his or her official duties;

2) Use of a spotlight by any person engaged in and for the purpose of assisting in, any rescue operation, any search for or apprehension of any criminal or fugitive from justice, any search for any lost or abducted person, or the lighting of any way or direction of travel for purposes of lawful travel, whether on or off such public road;

3) Use of a spotlight by any person engaged in and for the purpose of assisting in, illuminating the scene of any crime, disaster, public disturbance, or other public event, but the intentional shining of spotlights at or for the

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purpose of discovering any deer, or other game or domestic animals not deemed excused by this exception;

4) Any incidental and peripheral or accidental illumination by any spotlight otherwise in lawful use.

21. A holding or partially manmade pool, pond, or other body of water which tends to produce disease vectors, biting insects and/or pests is prohibited. In the case of swimming pools, water quality and clarity may be declared a threat to or endangerment of public health and safety when the clarity of the pool water is such that the main drain grate is not completely visible to a person standing on the pool deck, or the recirculation system or disinfection feeding equipment is missing or not functioning.

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

1. By 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 or she resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the premises in violation; or
4. By mailing a copy of the notice to the last known address of the owner by certified mail; or
5. By publishing a copy of the notice in a local newspaper of general circulation within Lebanon 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 material to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of Section Two (F), (I), (J), or (K) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

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SECTION FOUR. PENALTY FOR VIOLATION: Any person, firm, or corporation, who shall violate any provision of this Ordinance shall, upon conviction thereof, as a summary offense, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars per violation, and the cost of prosecution, plus restitution. Each day that a violation of this Ordinance continues shall constitute a separate event.

1. Enforcement thereof shall be by an action before a District Magistrate in the same manner provided for the enforcement of summary offenses. The Township Solicitor may assume charge of the prosecution. The South Lebanon Township Board of Supervisors hereby sets a fine in the amount of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars per violation, the costs of prosecution, plus restitution. Each day that a violation of this Ordinance continues shall constitute a separate event.

2. The South Lebanon Township 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 costs, including, but not limited to, of the abatement, including, but not limited to, administrative costs and attorney's fees, 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 violation, or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

SECTION FIVE. 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 SIX. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

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ORDAINED AND ENACTED this 13th day of December, 2016.

ATTEST:

BOARD OF SUPERVISORS OF
SOUTH LEBANON TOWNSHIP

James M. Lee

_____(SEAL)
Chairman

Stephen Krause (SEAL)
Vice-Chairman

[Signature] (SEAL)
Supervisor

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