

MONROE TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 86 - 1

AN ORDINANCE DECLARING CERTAIN ACTIVITIES OR CONDITIONS AS CONSTITUTING A NUISANCE; TO MAKE IT UNLAWFUL TO PERMIT THE EXISTENCE OF ANY ACTIVITIES OR CONDITIONS CONSTITUTING A NUISANCE OR TO ENGAGE IN ANY ACTIVITIES OR CONDITIONS CONSTITUTING A NUISANCE; TO PROVIDE FOR NOTICE OF VIOLATIONS; AND TO PROVIDE FOR THE PROSECUTION AND PENALTIES FOR THOSE PERSONS WHO VIOLATE THIS ORDINANCE.

WHEREAS, the Board of Supervisors of Monroe Township feel that it is in the best interest of the Township that certain activities or conditions constituting a nuisance be promptly identified and appropriate procedures established to insure that all nuisances be promptly eliminated; and

WHEREAS, this Ordinance and the objections leading to its enactment are authorized by "The Second Class Township Code", Act of May 1, 1933, P.L. 103; Act of July 10, 1947, P.S. 1481 (53 P.S. 65101, et seq. and 53 P.S. 65712); it is therefore enacted and ordained by the Board of Supervisors of Monroe Township, Cumberland County, Pennsylvania, as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as "The Monroe Township Nuisance Ordinance".

SECTION 2: DEFINITIONS

The following terms shall be construed in this Ordinance to have the following meanings, except in those instances where the context clearly indicates otherwise:

A. The word "Person" shall mean any natural person, association, partnership, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

B. The work "Public Place" shall mean any public street, highway, road, alley, park playground, public building or vacant lot.

SECTION 3: ACTIVITIES OR CONDITIONS CONSTITUTING A NUISANCE

The following activities or conditions are hereby declared to be nuisances when it is established that such activities or conditions are contrary to the health and welfare of the people

of Monroe Township;

- A. Accumulations of garbage, rubbish and/or trash (as those terms are commonly defined and understood) on private or public property.
- B. Storage of abandoned or junked automobiles on private or public property.
- C. The carrying-on of any offensive manufacture or business.
- D. Maintaining or permitting the existence of any vegetative matter on or near any public thoroughfare which hinders or obscures the view of motorists of any road, thoroughfare, traffic device or sign.
- E. Maintaining or permitting the existence of any dangerous structure on public or private grounds.
- F. Any other activity or condition conducted or existing on public or private property which in law and in fact constitutes a public nuisance.

SECTION 4: UNLAWFUL TO MAINTAIN NUISANCES

- A. It is hereby declared to be unlawful for any person owning, leasing, occupying or having a present interest in any activities constituting a nuisance, or permitting the existence of any condition constituting a nuisance.
- B. Each five (5) day continuance of a violation of the provisions of this Ordinance shall constitute a separate offense.

SECTION 5: NOTICE OF VIOLATIONS

It shall be the duty of the Township Code Enforcement and Permit Officer, or any other party or parties designated by the Board of Supervisors of Monroe Township, upon complaint of citizens and property owners or otherwise, to investigate an alleged nuisance and if a nuisance exists, to notify the person allegedly in violation of the following:

- A. The belief of the Township that a nuisance exists for which he is responsible;
- B. A description of the location and nature of the alleged nuisance;
- C. That the nuisance must be abated or removed by said person within five (5) days of receipt of notice;
- D. Each five (5) day continuance of a violation of the pro-

visions of this Ordinance shall constitute a separate offense which will not require the Township to provide additional or subsequent notification of said violations;

E. Failure to comply with the directions of the Township may result in the abatement or removal of the nuisance by the Township or its authorized representative and the cost of said removal or abatement shall be assessed against the violator together with the additional amount of ten percent (10%) of such cost, to be collected by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a complaint. Provided, however, the imposition of such cost and additional amount may be in addition to any other penalty provided for in this Ordinance.

SECTION 6: PENALTY FOR VIOLATION

Any person who shall violate any provision of this Ordinance shall be liable, upon summary conviction for the first offense and upon summary conviction for each subsequent offense, to a fine not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), together with the costs of prosecution, in each case. Each five (5) day continuance of a violation of the provisions of this Ordinance shall constitute a separate offense and shall be punishable as such. The fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon judgement upon any person by summary conviction, or by proceedings by summons on default of the payment of the fine and penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for a period not exceeding thirty (30) days.

SECTION 7: ACTIONS IN EQUITY AUTHORIZED

In the exercise of the powers herein conferred, the Board of Supervisors of Monroe Township may institute proceedings in courts of equity.

SECTION 8: CONTINUATION

The provisions of this Ordinance, so far as they are the same as those of Ordinances in force immediately prior to the

enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

SECTION 9: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law.

SECTION 10: SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Monroe Township that such remainder shall be and shall remain in full force and effect.

SECTION 11: RELATIONSHIP TO OTHER ORDINANCES

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

ENACTED AND ORDAINED this 27th day of March, 1986.

ATTEST:

MONROE TOWNSHIP
BOARD OF SUPERVISORS

Maryanne E. Metzger H. R. Darr
Gene G. Rivell
Richard D. Foreman