

NUISANCE ORDINANCE

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COOPER TOWNSHIP, MONTOUR COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES, STORING OR ACCUMULATING GARBAGE, REFUSE AND RUBBISH ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP

WHEREAS, the Board of Supervisors of Cooper Township, Montour 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, Act 60 of 1995, (53 P.S. Section 66529) authorizes Townships of the Second Class to prohibit nuisances, to remove same and to impose penalties therefore.

NOW THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Cooper Township, Montour County, Pennsylvania, as follows:

Section 1. DEFINITIONS: For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein,

1. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
2. "Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

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

Section 2. NUISANCES DECLARED ILLEGAL: Nuisances, including, but not limited to the following, are hereby declared to be illegal:

A. Storing or accumulating the following:

1. Garbage, refuse or rubbish.

(a) **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 for any individual, firm or corporation to store more than seven (7) days of garbage as defined by this ordinance which may pose a potential health and safety problem to the community.

(b) **Refuse/rubbish:** Combustible trash, including but not limited to paper, cartons, boxes, barrels; noncombustible trash, including but not limited to metals, tin cans, and mineral waste. 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 course of harvesting agricultural crops.

Section 3. WRITTEN NOTICE TO VIOLATORS:

1. Whenever a violation of this ordinance occurs, written notice shall be sewed upon the owner in one of the following manners:
 - a) By making personal delivery of the notice to the owners; or
 - b) 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
 - c) By mailing a copy of the notice to the last known address of the owner by certified mail; or
 - d) By fixing a copy of the notice to the door at the entrance of the premises in violation; or
 - e) By publishing a copy of the notice in a local newspaper of general circulation within Montour County, Pennsylvania, once a week for three (3) successive weeks.
2. Such notice shall set forth in what respect such condition constitutes a nuisance and whether removal is necessary and required by the Township. Such notice shall specify the number of days by which the action specified in the notice is required to be commenced, with all work to be done at the owner's expense, and if the circumstances require immediate corrective measures, such notice shall

require the owner to immediately comply with the terms thereof.

Section 4. PENALTY FOR VIOLATION.

1. Any person, firm, or corporation violating any of the provisions of this Ordinance, shall, upon conviction thereof by a District Justice upon summary hearing, forfeit and pay for the use of Cooper Township, a fine or penalty of up to \$300.00 and the cost of prosecution, and in default of the payment of such fines and costs, to imprisonment for not more than 30 days, provided further, that each day's continuance of a violation shall constitute a separate event.
 2. The Board of Supervisors may direct the removal to be done by the Township and to certify the costs thereof to the Township solicitor. The cost of such removal shall be a lien upon such premises.
 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.
- Enacted and Ordained this 13 day of June, 2002.

TOWNSHIP OF COOPER

BY:

Terry L. Heimbach

Wallace B. Mottern

Charles A. Stine, Jr.

ATTEST:

John C. Birth, Jr., Secretary