

**HARMONY TOWNSHIP  
FOREST COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 01-14**

**NUISANCE ORDINANCE**

**WHEREAS**, the Board of Supervisors of Harmony Township, Forest 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. §66529) authorizes Townships of the Second Class to prohibit nuisances, to remove same and to impose Penalties therefore.

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

**ARTICLE I: GENERAL**

**Section 1 – Title:**

This Ordinance shall be known and may be cited as the Harmony Township Nuisance Ordinance.

**Section 2 – Definitions:**

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 the Township of Harmony, which is located within the confines of Forest County, Pennsylvania.

2. “Board of Supervisors” is the Board of Supervisors of Harmony Township, Forest County.

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. Whenever used in connection with prescribing or imposing penalties, or both, the term as applied to a partnership shall mean the partners or any of them and as applied to corporations or associations shall mean the officer(s) thereof.

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

6. “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 reasonable rights of person or property.

7. “Abandoned or Junked Motor Vehicles” is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration.

8. “Garbage” is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

9. “Rubbish” is all putrescible solid wastes (except body wastes) including solid market and industrial wastes and all non-putrescible solid wastes consisting of both

combustible and non-combustible wastes, such as solid market and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials, no longer suitable for its intended use and which cannot be turned to some minor, incidental or other use.

## **ARTICLE II: NUISANCES PROHIBITED**

It shall be unlawful for any person to create or maintain any condition upon premises owned or occupied by them which could directly or indirectly cause a nuisance to the general public or residents of the Township. While not necessarily intended to be a comprehensive list, the establishment, maintenance, operating or continuance of any of the following at any time within the Township may be deemed to constitute a nuisance under the terms of this Ordinance.

A. The unsheltered storage or maintenance of junk or the storage or maintenance of garbage, rubbish or any other material if any of the following conditions exist with respect thereto:

1. Broken glass or metal parts with sharp or protruding edges.
2. Openings or areas which are conducive to the harboring of vermin.
3. Storage in any manner which would allow the junk, garbage, rubbish or material, or any part thereof, to easily shift, tilt or fall from its original storage position.
4. The presence of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents or poisons.
5. Permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, to conceal any rubbish, garbage, trash or any other violation of this ordinance.

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

7. Any other condition which the Supervisors may upon investigation determine threatens the health, safety and welfare of the citizens of Harmony Township.

B. The maintenance of abandoned or neglected buildings, structures, sidewalks or premises which shall pose or constitute any of the following conditions or hazards:

1. A fire hazard to adjoining structures or other property within the Township.

2. A danger of collapse or infestation by vermin.

3. An area which is or which might potentially serve as an area of play or attraction for children of the Township or the public in general and which contains garbage, junk or rubbish.

4. Any other condition which the Supervisors may upon investigation determine threaten the health, safety and welfare of the citizens of Harmony Township.

### **ARTICLE III: ENFORCEMENT**

#### **Section 1 - Procedure; Written Notice To Violators Required:**

A. Whenever it shall be reported or come to the attention of the Township that a nuisance may exist, the Supervisors or other person designated by the Supervisors shall investigate said alleged nuisance. Upon receiving the report of said investigation, the Supervisors may, by motion, declare any or all of the conditions defined or set forth in Article II of this Ordinance to be a nuisance in fact.

B. No further action shall be taken in the event the Supervisors shall fail to pass a motion declaring said condition(s) as a nuisance in fact.

C. Upon resolving that any of the above conditions is a nuisance, the Supervisors shall give the owner or lessee (or both) of the property upon which said nuisance is located and any person permitting the maintenance of such a nuisance, at least fifteen (15) days' notice to completely remove or abate the same. Said notice shall 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 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 Forest 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 circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

**Section 2 - Enforcement; Penalty For Violation:**

A. Enforcement hereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 83(c) (relating to trial and summary cases). The Board of Supervisors hereby set a criminal fine in the amount of One Thousand (\$1,000.00) Dollars per violation, and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than thirty (30) days, provided, further, that each day's continuance of a violation shall constitute a separate offense.

B. In addition to or instead of invoking the penalties set forth in the preceding paragraph, the Supervisors may, in the event of any continued violations of this Ordinance which shall constitute a nuisance in fact, remove any nuisance, hazard or dangerous structure on public or private grounds or otherwise abate the nuisance and collect the cost of such removal or abatement together with any penalties as may have been rendered in summary proceedings, from the owner and/or lessee of the premises. The costs of such removal, together with the penalties and attorney fees of up to One Thousand Dollars (\$1,000.00) may be levied against the property and recovered by the Township in the manner prescribed for the levying and collection of municipal liens.

C. 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, including injunctive relief, as any such court of competent jurisdiction is empowered to afford.

**ARTICLE IV: SEVERABILITY; REPEALER; EFFECTIVE DATE**

**Section 1 – 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 2 – Repealer:**

All Ordinances or parts of Ordinances are hereby repealed insofar as they may be inconsistent herewith.

**Section 3 - Effective Date:**

This Ordinance shall become effective five (5) days after the adoption hereof.

**ENACTED AND ORDAINED** into law by the Township of Harmony, Forest County, Pennsylvania, this \_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:** (Seal)

**HARMONY TOWNSHIP SUPERVISORS**

\_\_\_\_\_  
Secretary

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