

# NUISANCE ORDINANCE

## PLEASANT TOWNSHIP, WARREN COUNTY, PA

### ORDINANCE NO. 4-08

The Supervisors of Pleasant Township, Warren County, empowered by the Laws and Constitution of the Commonwealth of Pennsylvania, enact and ordain an ordinance to regulate various conducts and activities within the Township which are herein classified as nuisances and to provide penalties for violation of such Ordinance in Pleasant Township, Warren County, Pennsylvania.

#### ARTICLE 1 - PURPOSE AND INTENT

This ordinance is enacted to protect the people against common nuisances occurring from the conduct, behavior, and activities of others that require regulation. The purposes of this ordinance are specifically declared to be as follows:

- To protect the public against the unlawful activities, behavior, and conduct herein defined which constitute a nuisance.
- To protect the local residents use and enjoyment of their property against trespassing by the activities, conduct, and behavior classified as nuisances.
- To protect the people against the health and safety menace and the expense incident to the activities, behavior, and conduct herein classified as nuisances.
- To preserve to the people their constitutional rights and to preserve ordinary rules of decency, good morals, and public order by regulating the conduct herein described as nuisances.

This ordinance shall be known and may be cited as the **Pleasant Township Nuisance Ordinance**.

## ARTICLE 2 - DEFINITIONS

The following terms, phrases, and words shall have the meaning given herein. Words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, and the word "shall" is always mandatory and not merely directory.

**Township** is the Township of Pleasant located in Warren County, Pennsylvania.

**Board of Supervisors** is the Board of Supervisors of Pleasant Township, Warren County.

**Owner** is a person owning, leasing, occupying, or having charge of any premises within the Township.

**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, the term as applied to a partnership shall mean the partners or any of them and as applied to a corporation or association shall mean the officers thereof.

**Nuisance** is the unreasonable, unwarrantable, or unlawful act or use of public or private property which shall constitute a threat or potential threat to the health, safety, or welfare of any citizen of the Township or that causes or might cause damage to property or hurt, inconvenience, annoyance, or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of person or property.

**Garbage** is animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food that can decompose in air causing foul or putrid odors and insect infestation (putrescence).

**Rubbish** is all non-garbage putrescible or non-putrescible solid waste consisting of combustible and non-combustible waste that is generally discarded. Rubbish includes market and industrial waste, paper, cardboard, wrappings, cigarettes, tin cans, glass, bedding,



crockery, wood scraps, yard and tree trimmings, furniture, and similar materials no longer suitable for its intended use.

**Junk** includes any material or equipment no longer suitable for its intended use but which may be turned to some minor, incidental, or other use. Junk includes, but is not limited to, old rope, appliances, machinery, auto parts, metal items, furniture, glass, wood, containers, or equipment.

**Vegetation** is any grass, weed, plant, shrub, etc. growing in soil and is not edible or planted for useful, legal, or ornamental purpose.

**Abandoned or Junked Motor Vehicle** is any unsheltered vehicle, originally powered, that is not in serviceable condition for transportation use or which is wholly unfit to be operated or has been discarded or otherwise abandoned. Failure of a motor vehicle to display a current inspection sticker and current registration plate and sticker as required by the vehicle code of Pennsylvania will be sufficient proof that the vehicle is no longer in actual use for transportation purposes.

**Abandoned or Neglected Building** is any house, shed, barn, outhouse, camping trailer, or similar structure intended for habitation or storage that is in gross disrepair or neglected condition and has become a safety hazard for people and a habitat for insects or burrowing animals.

**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.

### **ARTICLE 3 – NUISANCES**

The following are declared to be abatable nuisances that will be enforced within the Township boundaries and subject to penalties for violation:

**Signs** – For any person to erect a sign projecting across a public sidewalk or walkway or in any place dangerous to life or limb.

**Lights** – No light, either incandescent, strobe, sodium vapor, mercury vapor, LED, etc., shall spot or otherwise directionally shine so as to impede the safe movement of traffic upon the streets, highways, or traffic ways within the Township.

No lights, either incandescent, strobe, sodium vapor, mercury vapor, LED, etc., shall spot or otherwise directionally shine upon the private property of another so as to annoy, disturb, or otherwise prevent another person from enjoying the privacy of his/her own property.

No person, residence, business, or industry shall illuminate any sign adjacent to any street, highway, or traffic way within the Township with flashing, rotating, sequential, strobe, or otherwise moving lights so as to interfere with the movement of traffic upon said street, highway, or traffic way.

No person, residence, business, or industry 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 the Township.

**Obstructing Streets** – For any person to permit any pile of mud, dirt, coal, wood, brick, stone, gravel, clay, sand, rubbish, or any other matter, with the exception of leaves, that interfere with drainage or traffic to remain upon a street or in the gutter in front of his/her premises after daylight hours after it has been deposited there except by special permission of the Township Board of Supervisors.

It shall be unlawful for anyone to place a vehicle or other obstruction on or along any street of the Township so as to interfere with vehicular or pedestrian traffic unless it should become necessary to drive or place the vehicle in such position to load or unload merchandise or furniture and then such vehicle shall only be permitted to remain for such length of time as is necessary to load or unload the same.



All pedestrian cross walks and street intersections shall be kept free from sleighs, wagons, carts, carriages, motor vehicles, horses and other draft animals, and other obstructions except as may be necessary in crossing it.

**Littering** – For any person to throw, spread, or deposit paper, glass, cans, tires, rubbish, animal carcass, fish, shellfish, refuse of any kind, offal or offensive matter whatever on or beside any street, road, lane, alley, court, any stream, watercourse, or ditch within the Township limits and permit it to remain there.

It shall be unlawful for any person to place, throw, or put on any street, road, lane, or alley of the Township any tacks, nails, sharp pieces of iron, glass bottles, briars, thorns, or other dangerous and similar substances that may injure an animal or puncture a rubber tire.

**Cesspools** – For any person to permit or maintain an open pit, excavation, trench, failed cesspool, or failed septic system prejudicial to public health and safety.

**Offensive Odors** – 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 or gardening activities.

**Fires** – For any person to start fires endangering the lives and property of the people of the Township. Permitted fires and burning are described in Pleasant Township Burning Ordinance No. 2-07.

For any person to set, maintain, operate, conduct, or permit the establishment and maintenance of fire, combustion, or any manufacturing, commercial, or other process or activity which is or shall be accompanied by periodic or occasional generation or emissions of smoke, sparks, ash particles, burned sawdust and debris, or dust, or the creation and spreading of ash, debris, dust, and like material on any surrounding or adjacent property to the annoyance, disturbance and detriment of the adjoining property owners, residents, passerby, and the travelling public. This provision shall not be construed or be interpreted to prohibit the use of wood-

burning stoves, boilers, fireplaces, or other appliances that are operated for the purpose of generating heat for residential or commercial structures provided that such facilities are operated in compliance with this Ordinance and all other local, state, and federal laws, rules, requirements, and regulations.

**Animals** – 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.

It shall be unlawful for any person to harbor or keep a vicious animal within the Township. Any police officer or humane officer may seize any animal that is found off the premises of its owner. This provision will 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, 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.

It shall be unlawful for any person to own, keep, or permit any dog, cat, or other animal on or about his premises that disturbs the peace and quiet of the day or night by incessant barking, howling, crying, screeching, or otherwise making a loud noise to the annoyance of his/her neighbors who are of ordinary sensibilities and which can be heard a distance of 150 feet from the owner's property line. Such dogs, cats, or other animals are hereby declared to be a public nuisance.

Provisions of this ordinance relating to dogs, which habitually bark, howl, or yelp shall not apply to a Seeing Eye dog, which is used to assist a person who is identified as legally blind.

Further, with respect to noise created by any animal or bird, the same shall not be a nuisance if, at the time the animal or bird is making such noise, a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or if there is any other legitimate cause which justifiably provoked the animal or bird.



It shall be unlawful for any person owning or possessing any dog to permit the same to run at large. Running-at-large shall be defined to be the presence of a dog at any place except upon the premises of the owner, or upon the premises of another with the consent of the owner of such premises. A dog shall not be considered to be running at large if it is on a lease or under control of a person physically able to control it.

**Disorderly Conduct** – For any person to make indecent remarks or use vile language in public or to be found in a drunken or drug-induced disorderly condition within the Township.

**Explosives** – For any person or persons, excluding businesses dealing with such or using the same in the course of its business, to keep or store explosives within the Township and no vehicles loaded with explosives shall be allowed to remain within the Township limits for a period longer than two (2) hours.

No person shall use explosives to do any blasting of rock or other materials on or near any public street, road, lane, or alley within the Township without first having obtained permission from the Township Board of Supervisors and, after having obtained permission, to blast under conditions different from the restrictions as set forth in the written consent of the Township Board of Supervisors.

**Tainted Foods** – No person shall sell or offer to sell at any place within the Township any tainted, stale, or diseased meats or foodstuffs that would be harmful to the health and safety of humans or animals.

**Loud Music or Noise** – No person shall make, continue, or cause to be made or continued any unnecessary or unusually loud noise which annoys, disturbs, injures, or endangers the comfort, health, safety, or peace of others within and which can be heard a distance of 150 feet from its source or such person's property line. Sources of objectionable noise include the discharge of firearms, firing of carbide cannons, fireworks, and similar pyrotechnics.

It shall be unlawful to operate an ATV, motorcycle, or motor vehicle on public roads, streets, lanes, or alleys without a proper muffler or

sound suppressant device as originally provided by the manufacturer and that produces a loud noise that exceeds 90 decibels at the source.

**Off-Road Unlicensed Vehicles** – For any person to operate any unlicensed motor vehicle, all terrain vehicle (ATV), motorcycle, or snowmobile on public roads, streets, lanes, or alleys unless such roads, streets, lanes, and alleys are permitted for off-road unlicensed vehicle travel. In such cases, the off-road vehicle must be operated in a safe manner and at safe speeds conducive to the safety of people and property.

**Storm Water Run-off** – For any person to excavate a trench, install a buried pipe, or contour any portion of his property so as to direct storm water run-off from downspouts or from his property onto his neighbor's property.

**Pornography** - For any person to engage in the business of manufacture or sale of any sexually explicit pornographic, obnoxious, or obscene material or to provide live nude or other entertainment which is considered obscene and offensive in nature within the Township.

**Derelict Buildings** - For any person to maintain an abandoned or neglected building, structure, sidewalk, or premises, which shall pose or constitute any of the following conditions or hazards:

- A fire hazard to adjoining structures or other property within the Township,
- A danger of collapse or infestation by vermin,
- An area which is or which might potentially serve as an attraction or play area for children or the public in general and which contains garbage, rubbish, or junk,
- Any other condition that the Supervisors, upon investigation, may determine poses a threat to the health, safety, or welfare of the citizens of the Township.



**Neglected Property** – For any person to own, occupy, or keep a yard, ground, or other premises in such a condition as to be offensive and a nuisance to the neighborhood, or to create a health or safety risk to children and citizens of the Township.

**Abandoned or Junked Motor Vehicles** – For any owner or lessee to maintain storage of an unsheltered motor vehicle which is unable to move under its own power and has any of the following physical defects:

- Broken windshield, mirror, headlight, taillight, or other glass items having sharp edges,
- One or more flat or open tires which could permit vermin harborage,
- Missing a door, window, hood, trunk lid, or other body part that could permit vermin harborage,
- Any exposed body parts with sharp edges including holes resulting from rust,
- Missing tires or wheels resulting in unstable or unsafe storage of the vehicle or any vehicle suspended from the ground in an unsafe manner,
- Torn or open upholstery that could permit vermin harborage,
- Disassembled chassis parts separated from the vehicle and stored in a disorderly fashion or loose in or on the vehicle,
- Leaking or damaged oil pan or gas tank,
- Exposed automotive battery containing acid electrolyte,
- Damaged bumpers protruding away from the perimeter of the vehicle,

- Broken grill, antenna, or loose or damaged metal trim and clips having protruding edges,
- Such other defects, which the Supervisors might deem a threat to the health, safety, and welfare of the citizens of the Township.

#### **ARTICLE 4 - PROVISION FOR A JUNKYARD OR AUTO SALVAGE YARD**

Junk or discarded motor vehicles that would constitute nuisances under Article 3 herein may be stored, maintained, or disassembled in areas within the Township established as junkyards or auto wrecking yards in accordance with the terms of this Article 4.

**Section 1 - Required license** – No person shall establish, own, operate, or maintain a junkyard or auto salvage yard within the Township without having been issued a license by the Warren County Planning & Zoning Office with the approval of Pleasant Township Board of Supervisors as required by this Ordinance. The license will be issued for a twelve (12) month period beginning on the date of issuance. Each license must be renewed annually on or before the anniversary date of original issuance.

**Section 2 - Application for License** – The license provided for in this Ordinance may be issued by the Supervisors after the person or persons desiring to be licensed shall have made written application. The license shall state the name of the person to be licensed and the premises upon which the junkyard or auto salvage yard is to be maintained. Such license shall be posted conspicuously upon the premises.

A form supplied by the Township and completed by the applicant shall accompany the written application for license. Every question on the form must be answered. The applicant shall also submit therewith a plot of the premises used or to be used in connection with such license and such plot shall contain the location of the property lines, structures erected or to be erected thereon, and structures erected on other's premises situated within one hundred (100) feet of



the perimeter boundary of the premises for which the junkyard or auto salvage yard permit is sought.

**Section 3 - Issuance of License** – Upon receipt of an application and completed form by the Supervisors, the Supervisors shall review the application and consider the suitability of the property proposed to be used for the purpose of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. The Supervisors shall then issue a license or shall refuse to issue a license. In the event the Board of Supervisors shall issue a license, the Board may impose upon the license and the person applying such terms and conditions, in addition to the regulations herein contained and adopted pursuant to this Ordinance, as may be deemed necessary to carry out the spirit and intent of the Ordinance.

**Section 4 - License Fee** – A license fee in the amount of One Hundred Dollars (\$100) per year is established and shall be paid immediately upon the issuance or renewal of a license. Said license fee may be amended by Resolution of the Board of Supervisors.

**Section 5 - License Limitation** – No person licensed under this Ordinance shall, by virtue of one license, maintain more than one junkyard or auto salvage yard within the Township.

**Section 6 - Transfer of License** – No license used by the Township shall be transferable by the licensee to any other person unless the Township authorizes such a transfer. Any person desiring to transfer a license shall notify the Township in writing, which notification shall be accompanied by the transferee's application for a license, as described in Article 4, Section 2 of this Ordinance.

**Section 7 – Exception to Licensing Requirement** – Any person may establish, own, operate, or maintain a junkyard within the Township without obtaining a license therefor provided that said junkyard meets all the other provisions of this Ordinance as well as the following requirements:

- A. No junkyard permitted under this Section 7 shall contain materials or objects other than motor vehicles and junk as

defined herein and shall have an area utilized for all phases of the operation not to exceed 1600 square feet, which area shall be contiguous.

- B. No junkyard permitted under this Section 7 shall contain more than one (1) abandoned or junked motor vehicle.
- C. No junkyard permitted under this Section 7 shall contain junk or other materials stored or utilized in such a manner as to constitute a nuisance.

**Section 8 – Applicable Regulations**– Any person maintaining or operating a junkyard or auto salvage yard under this Ordinance shall constantly maintain the licensed premises in accordance with the following listed requirements and in accordance with any special provision imposed by the Supervisors on the issuance of the license and any subsequent regulations adopted by the Supervisors by Resolution or Ordinance.

- A. Such premises shall be maintained at all times so as to not constitute a nuisance or a menace to the health and safety of the community or of residents nearby or a place of breeding for rodents and vermin.
- B. No garbage, rubbish, or other organic waste shall be stored on such premises.
- C. All gasoline shall be immediately drained and removed from any motor vehicle received or stored on such premises. Additionally, no flammable liquid shall be permitted to remain at any time in any junked container whether such container is a separate item or is an integral part of another item.
- D. The manner of storage and arrangement of junk and motor vehicles and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for fire fighting or other emergency purposes.



- E. All junk or motor vehicles kept, stored, or arranged on the premises shall at all times be kept, stored, and arranged within the junkyard or auto salvage yard in an orderly manner and, if applicable, as described in the license issued hereunder.
- F. No oil, grease, tires, gasoline, or other combustible material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junkyard or auto salvage yard at any time.
- G. The junkyard or auto salvage yard shall be set back a minimum distance of fifty (50) feet from the right-of-way lines of all streets or roads and a minimum distance of twenty-five (25) feet from all other property lines. The area between the setback line and the right-of-way line of all streets and roads and other property lines shall at all times be kept clean and vacant.
- H. Protective screening, fencing, and/or evergreen screen plantings, which shall be opaque and a minimum of six (6) feet high, shall be installed around the junkyard or auto salvage yard perimeter. Said fencing or plantings shall be installed and gates installed therein in such a manner as to safeguard the premises from intrusion by children and the public and to shield the junkyard's contents from visibility by adjacent owners and the general public. The Supervisors shall make the determination as to the need for fencing or plantings at the time of the issuance of a license or at the time of renewal or transfer of a license.
- I. Junk and motor vehicles shall not be piled higher than the required fencing or screening.

**Section 9 – Revoked or Non-Renewed License** - The Board of Supervisors will consider revoking a license if the owner violates any Section of this Ordinance and does not correct the violation within 15 days of having been informed in writing by the Township Supervisors identifying the violation. If a license for a junkyard or auto salvage yard is revoked by the Board of Supervisors or is not renewed by the

owner, the owner must remove all materials stored on the junkyard or auto salvage yard premises.

## **ARTICLE 5 - ENFORCEMENT**

### **Section 1 – Procedure for Informing Violators**

- 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 3 of the 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 or conditions as a nuisance in fact.
- C. Upon resolving that any of the reported conditions is a nuisance, the Supervisors shall give the owner or lessee 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 by any of the following:
  - 1. By mailing a copy of the notice to the last known address of the owner by certified mail.
  - 2. By making personal delivery of the notice to the owner.
  - 3. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he/she resides or, if no adult member of the family is found, then to an adult person in charge of such residence.



4. By fixing a copy of the notice to the door at the entrance of the premises in violation.
5. By publishing a copy of the notice in a local newspaper of general circulation within Warren County, PA 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, alteration, 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. 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 – Penalty for Violation**

Any person, who after the delivery or posting of the notice provided for in Article 5, Section 1, continues the maintenance of conduct declared to be a nuisance or who fails to take remedies to abate said nuisance when directed to do so, shall be determined to be guilty of a violation of this Ordinance. Additionally, any person whose conduct constitutes a nuisance in violation of Article 3, Disorderly Conduct, as determined by the Township Supervisors, the Township Ordinance Enforcement Officer, or any other person designated by the Board of Supervisors, shall be determined to be guilty of an immediate violation of this Ordinance. Enforcement hereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses. Upon conviction thereof, the person shall be sentenced to pay a fine of not less than Three Hundred Dollars (\$300.00) and not exceeding One Thousand Dollars (\$1,000.00), and in default of payment thereof, may be sentenced to the County jail for a

period of time not exceeding thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offence. All of said proceedings and sentencing shall be in accord with the provisions of the Second Class Township Code and as the same shall be amended.

### **Section 3 – Abatement of Nuisance by Supervisors**

- A. 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 enforce.
  
- 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 cost of such removal, together with the penalties and attorney fees of up to One Thousand dollars (\$1000) may be levied against the property and recovered by the Township in the manner prescribed for the levying and collection of municipal liens.

## **ARTICLE 6 – SEVERABILITY AND 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.

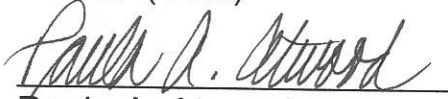


**Section 2 – Effective Date** – This Ordinance shall become effective five (5) days after the adoption hereof.

**ARTICLE 7 - ENACTMENT**


**Enacted and ordained** into law by the Township of Pleasant, Warren County, Pennsylvania this 24th day of June 2008.

Attest: (Seal)



Paula A. Atwood  
Secretary

Pleasant Township Supervisors

  
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Marshall L. Gern

  
\_\_\_\_\_  
Arden W. Knapp

  
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James R. Terrill