

TOWNSHIP OF CENTER

ORDINANCE NO. 1-2007

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CENTER, BEAVER COUNTY, PENNSYLVANIA, AMENDING AND REPLACING ORDINANCE NO. 3-94, REGULATING CERTAIN NUISANCES, WITH THIS ORDINANCE REGULATING ENVIRONMENTAL NUISANCES.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Center pursuant to §66529 and §66527 of the Second Class Township Code, and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1 TITLE

This Ordinance shall be known as and may be cited as the Center Township Environmental Nuisances Ordinance.

SECTION 2 PURPOSE AND FINDINGS

The Board of Supervisors of the Township of Center finds the following:

- A. The accumulation and/or dumping of junked, abandoned or dilapidated vehicles, tires and other vehicle parts or components constitute a nuisance, hazard and menace to the public health, safety and welfare of the community and provide a breeding ground for insects, mosquitoes, rodents and other vermin; and
- B. Noxious and/ or toxic vegetation constitute a nuisance, hazard and menace to the health, safety and welfare of the community; and
- C. Stagnant water constitutes a nuisance, hazard and menace to the health, safety and welfare of the community and provides a breeding ground for mosquitoes and other insects; and
- D. Improper grading and drainage constitute a nuisance, hazard and menace to the health, welfare and safety of the community;
- E. The accumulation and/or dumping of rubbish, garbage, waste materials, debris, litter, trash, junked, scrapped, outworn or dilapidated construction equipment, tires, machinery, fuel, lubrication or flammable articles constitutes a nuisance, hazard and menace to the health, safety and welfare of the community and provides a breeding ground for insects, mosquitoes, rodents and other vermin; and
- F. There is a need to protect the environment from pollution, adulteration and contamination by these nuisances.

SECTION 3 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

ABANDON OR ABANDONED: To discard, relinquish, forsake, cede or desert.

ABANDONED VEHICLES OR PARTS THEREOF: Any junked vehicle or part thereof, not kept, stored or housed in a fully enclosed building which:

- A. Is in such a state due to lack of maintenance or repair as to be incapable of being moved under its own power; or
- B. Is in a dismantled or partially dismantled state; or
- C. Is without either a current license plate or current inspection sticker for longer than seven (7) days; and
- D. Has not been moved or used for more than seven (7) consecutive days.

ACCUMULATE: To amass, collect or increase in number or volume by continued or repeated additions.

DEBRIS: See "LITTER OR DEBRIS"__

DISMANTLED OR PARTIALLY DISMANTLED: Stripped or deprived of an accessory or essential part that makes it unusable for its original purpose, including but not limited to: any and all vehicles, equipment or machinery or other objects which have been rendered inoperable or unusable because a part or parts have been removed therefrom.

DUMP: When used as a verb, to empty or unload in a mass; to put or throw away or get rid of; to unload rubbish, litter or debris. When used as a noun, a place where refuse materials, rubbish, litter or debris is deposited.

JUNKED VEHICLES OR PARTS THEREOF: Any motorized device or part thereof, including tires, in, on or by which any person or property is transported or drawn on a public highway, including trailers and semi-trailers designated for use with such vehicles and which is required to be registered by the Pennsylvania Vehicle Code and which is not in working order or does not have a current registration plate or does not have a current inspection sticker and which has been stored or kept outside a fully enclosed building for a period of time in excess of seven (7) days.

LITTER OR DEBRIS: Waste or rejected matter or objects or refuse, thrown away as worthless trash, including any and all types of rubbish or refuse materials including but not limited to animal, vegetable, mineral or other organic garbage, waste, paper and paper products, ashes, abandoned household appliances, including but not limited to refrigerators, air conditioners, furnaces, hot water heaters and tanks, radios, television, scrap metal, lumber and other abandoned household objects and effects.

PERMIT: When used as a verb, to knowingly allow, consent, give leave or license, to acquiesce by failure to prevent or to knowingly fail to prevent due to lack of reasonable efforts or concern or due to failure to supervise or control.

PERSON: Both natural and artificial persons, associations, partnerships, firms or corporations or other entity, the creation and separate identity or existence of which is authorized by statute or recognized at law, including all owners, co-owners and joint owners of a property on which a violation occurs.

PRIVATE PROPERTY: Any real property owned, controlled or used absolutely by any person, as defined herein, whether owned or leased, whether occupied by the owner thereof or not and not constituting public property, except that any portion of any public right of way adjacent to the property line which is not improved with a cartway for public travel and which may be improved in part by sidewalks, grass strips or drainage ditches, but not including any other public property.

PUBLIC PROPERTY: Any real property not constituting private property which is owned by a municipal or other governmental entity, though not necessarily a place devoted solely to use by the public, including, but not limited to: the cartway of any public or private street, highway, road or alley, any bridge, park, playground, vacant lot, stream, creek, public building or similar place within the Township which is open to the public or to which a substantial group has access.

REFUSE MATERIALS: That which is rejected or thrown away as worthless or useless, including rubbish, litter, debris, garbage or waste materials, used building materials, junked, scrapped, dilapidated or worn out construction equipment or machinery including parts of the same and fuel or lubrication equipment and other apparatus associated with their use, flammable articles, tires or stored, junked vehicles or parts thereof or abandoned vehicles or parts thereof, as defined herein.

REMAIN: To stay in the same place.

RUBBISH: Waste or rejected materials; anything thrown away as worthless; trash; refuse.

STAGNANT: Fluid in a state or condition without motion, flow, current or circulation.

TOWNSHIP: The Township of Center, Beaver County, Pennsylvania.

SECTION 4 GENERAL

The provisions of this Ordinance shall govern the minimum conditions and the responsibilities of persons for the maintenance of exterior property.

The owner of the premises shall maintain the property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy the premises which are not in a sanitary and safe condition and which do not comply with the provisions of the Ordinance.

All vacant structures and vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a nuisance or blighting problem or adversely affect the public health or safety.

SECTION 5 UNLAWFUL ACTS: DUMPING OF REFUSE MATERIALS, LITTER, DEBRIS OR RUBBISH

- A. It shall be unlawful for any person to deposit, dump, leave, store, keep, accumulate, or cause to be left, kept or remain, any refuse materials, litter and debris, rubbish, dismantled or partially dismantled vehicles, abandoned vehicles or parts thereof or junked vehicles or parts thereof on any public or private property.
- B. It shall be unlawful for any person to permit another person to deposit, dump, leave, store, keep, accumulate, or cause to be left, kept or remain, any refuse materials, litter and debris, rubbish, dismantled or partially dismantled vehicles, abandoned vehicles or parts thereof or junked vehicles or parts thereof on his or her property.
- C. No refuse materials, litter and debris, rubbish, dismantled or partially dismantled vehicles, abandoned vehicles or parts thereof or junked vehicles or parts thereof, shall be stored or kept by any person on private property as to harbor rodents, mosquitoes, or other vermin or to become a hazard to the public health or safety.
- D. All exterior property shall be maintained in a clean, safe and sanitary condition. The occupant shall keep the part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

SECTION 6 UNLAWFUL ACTS: MAINTENANCE OF A DUMP

- A. The maintenance of a dump for the accumulation of rubbish, litter, debris or refuse materials by any person on any public or private property is hereby declared to be a nuisance and is declared illegal.
- B. It shall be unlawful for any person to grade over, fill over, bury or cover with earth, on either public or private property, any rubbish, litter, debris or refuse materials.

SECTION 7 UNLAWFUL ACTS: OUTSIDE STORAGE OF ABANDONED OR JUNKED VEHICLES

When a motor vehicle or any part thereof is without a current license plate or current inspection sticker, the period of seven (7) days shall commence when the Township has sent by certified mail, return receipt requested, or hand delivered, to the registered owner of the motor vehicle or part thereof, or the owner, or tenant on which such vehicle or vehicle part is located or found, a notice that the vehicle or part or parts must be moved and relocated, inspected or a current license plate displayed thereon within seven (7) days of such notice or that the vehicle or parts thereof shall be deemed to be an abandoned vehicle or parts thereof under the terms of this Ordinance.

Exemption for Restoration of Antique or Classic Vehicles: Any motor vehicle or any part thereof without a current license plate or current inspection sticker that is being maintained on personal property for the purpose of restoring a vehicle for an antique or classic vehicle registration, this provision shall not apply, provided the vehicle and/or parts are stored within a completely enclosed building or are maintained under a weatherproof cover that is tightly secured against the elements.

Exemption for Lawful Junkyard Operations: This Section shall not apply to any junkyard, as defined by the Township Zoning Ordinance that is lawfully maintained as an approved use or a legally nonconforming use.

SECTION 8 UNLAWFUL ACTS: NOXIOUS VEGETATION

It shall be unlawful for any person to permit the following growths and vegetations which are hereby declared to be an environmental nuisance in Center Township:

- a. Grass and/or weeds in excess of eight (8) inches in height on cultivated lawns on any property on which a residential dwelling or nonresidential building is located
- b. Grass and/or weeds in excess of eight (8) inches in height on any vacant lot of record in a plan of subdivision recorded in the Beaver County Recorder of Deeds Office or on any vacant lot with a total area of one (1) acre or less for a distance within fifty (50) feet of a public street right of way or for a distance within one hundred (100) feet of any existing single family or two family dwelling.
- c. Dead, dying or diseased trees or parts thereof whose location or existence poses a potential hazard to traffic within a public street right of way or to persons or property immediately adjacent to the property on which the tree is located.
- d. Trees, shrubs or other vegetation whose limbs or parts thereof project into a public right-of-way, or interfere with the normal use of said right-of-way or which hide from view, interfere with the effectiveness of or obstruct a traffic control device, or which obstruct vehicular traffic from view under 75 Pa.C.S. §6124.

Exemption: This Section shall not apply to land areas that are steeply sloped and that are maintained in their natural state.

SECTION 9 UNLAWFUL ACTS: STAGNANT WATER AND SILT

It shall be unlawful for any person to permit the accumulation of stagnant water nor allow silt to be deposited on any public or private property. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon.

Exemption: Any stormwater retention or detention facility that is designed to retain or detain standing water for a specific period of time following heavy rainfalls.

SECTION 10 UNLAWFUL ACTS: INFESTATIONS

It shall be unlawful for any person to permit any property either under his ownership or under his control to become a harborage for or infestation of insects, rodents or vermin.

SECTION 11 UNLAWFUL ACTS: OBSTRUCTION OF WATERCOURSES

It shall be unlawful for any person to permit or do any act or engage in any activity which shall restrict or impede the flow of any stream, creek or other watercourses which has its source beyond the limits of property under the ownership or control of such person. The building of walls or the dumping of fill in such a manner as to restrict or impede the flow of any stream, creek or other watercourses described herein is prohibited. No trees, shrubs or other vegetation or parts thereof shall be planted or allowed to exist in such a manner as to restrict or impede the flow of such streams, creeks or other watercourses described herein.

Further, the building of bridges or other appurtenances that span streams, creeks or other watercourses described herein shall be in accordance with any applicable stream encroachment permit issued by the Pennsylvania Department of Environmental Protection (PA DEP).

SECTION 12 UNLAWFUL ACTS: EMISSION OF SMOKE, ASH, DUST OR VAPORS

It shall be unlawful for any person to permit the emission from any source for longer than five (5) minutes in any one (1) hour period of any visible gray or other color smoke, ash, dust or vapors with a shade darker than No. 3 on the Standard Ringelmann Chart

issued by the U.S. Bureau of Mines. Any source of such emission, including, but not limited to: wood burning stoves or fireplaces, burn barrels, or exhaust from a heating, ventilating or air conditioning system shall be modified or adapted to remediate such emissions.

SECTION 13 NOTICE TO REMOVE VIOLATIONS

The Zoning Officer, or his or her designee, is hereby authorized and directed to give notice, by personal service or United States first class mail, to the owner or occupant, as the case may be, of any premises or location where violations of this Ordinance exist, directing and requiring such owner or occupant to remove or eliminate such violation within five (5) days after the issuance of the notice, unless a shorter or longer period of time is set forth in this Ordinance. If any person shall neglect, fail or refuse to comply with such notice within the period stated therein, such person shall be subject to the penalties provided in this Ordinance for the violations hereof, and in addition, the proper officers of the Township may remove such deposits, accumulations, harborages or infestations in violation of this Ordinance; and the costs thereof together with any additional payment authorized by law, may be collected by the Township from such person in the manner provided by law and upon the neglect, failure or refusal to pay the costs of removal, the proper officers of the Township may cause a lien to be filed against the property.

SECTION 14 VIOLATIONS AND PENALTIES

Any person who shall violate any section of this Ordinance or knowingly permit his or her property to be used in violation of any provision of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 for any violation of a building, housing, property maintenance, water, air, fire or public safety violation and costs of prosecution, and, for any other violation hereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of any fines or costs imposed, may be sentenced to a period of incarceration not exceeding ten (10) days in the Beaver County Jail. Each day's violation of a provision of this Ordinance shall constitute a separate offense. When a fine or penalty is imposed upon an association or partnership, the term shall include a member or a partner thereof and when applied to a corporation, shall mean the president, vice-president, secretary, treasurer or other high managerial agent thereof.

SECTION 15 JUDICIAL RELIEF

If the Township shall deem it necessary to abate a nuisance or nuisances under this Ordinance, nothing herein shall prevent the Township of Center from instituting

proceedings and seeking relief in the courts of equity to abate said nuisance or nuisances.

SECTION 16 SEVERABILITY

The provisions of this Ordinance shall be severable. If any provision, section, clause, sentence, phrase or word of this Ordinance is for any reason held unconstitutional, invalid or illegal by any court of competent jurisdiction, said holding shall not affect the validity of any other portion of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal portion not been included. The Township of Center does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

SECTION 17 REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 18 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its enactment.

ORDAINED AND ENACTED THIS 18th DAY OF May, 2009.

TOWNSHIP OF CENTER



Chairman, Board of Supervisors

ATTEST:



Township Secretary