

Chapter 134

NUISANCES

§ 134-1. Short title.

§ 134-2. Definitions.

§ 134-3. Activities or conditions
constituting nuisance.

§ 134-4. Unlawful to maintain nuisances.

§ 134-5. Notice of violations.

§ 134-6. Violations and penalties.

§ 134-7. Actions in equity authorized.

[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 12-30-1980 by Ord. No. 80-15; amended in its entirety 11-3-2011 by Ord. No. 2011-02. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 76.

Outdoor burning — See Ch. 92.

Junkyards — See Ch. 120.

Solid waste and recycling — See Ch. 170.

§ 134-1. Short title.

This chapter shall be known and may be cited as the "North Middleton Township Nuisance Ordinance."

§ 134-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONDED OR JUNKED VEHICLE — Any vehicle:

- A. Without a current, valid license plate; or
- B. With inspection stickers which are more than 60 days beyond their expiration date.

GARBAGE — All table refuse, animal and vegetable matter, pieces, parts, remains of meat, fish and fowl, fruits, vegetables and other parts thereof and all other articles or materials ordinarily used for food which have become unfit for such use or which are, for any reason, discarded.

JUNK — Used materials, discarded materials, or both, including, but not limited to, waste, paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof which are being stored or awaiting potential reuse or alternate disposal.

PERSON — An individual, firm, partnership or corporation, or any other legal entity.

PUBLIC PLACE — Any public street, highway, road, alley, park, playground, public building, or vacant lot.

RUBBISH — Branches, trees, sawdust, chips, shavings, wood, woodenware, leather, rags, grass, straw, manure and all other solid combustible materials not included in this section under the definition of garbage.

USED GREASE OR RECYCLABLE BIOFUELS — Any form of used grease, whether vegetable, synthetic or other composition, intended to be stored, processed, and later utilized as recyclable fuel/biofuel for combustion or operation of any motorized equipment or vehicle.

§ 134-3. Activities or conditions constituting nuisance.

The following activities or conditions are hereby declared to be nuisances and are prohibited:

- A. Accumulations of garbage, junk, biofuels and/or rubbish on private or public property.
- B. Unlicensed storage of abandoned or junked automobiles on private or public property.
- C. The operation 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. Any other activity or condition conducted or existing on public or private property which in law and in fact constitutes a public nuisance.
- F. The discharge of sump pump and/or foundation drain water onto lands other than that lot which is the source of said water. Exception: the use of a recorded stormwater management drainage swale for the transport of sump pump and or foundation water is permitted. However, in no case will the outlet of the discharge pipe for the sump pump and or the foundation drain line be within 20 feet of any property line, nor will the discharge water cause erosion.
- G. The discharge water from a swimming pool during the act or process of seasonal draining, maintenance or removal of a pool onto lands other than that lot which is the source of said water. Exception: the use of a recorded stormwater management drainage swale for the transport of discharged pool water is permitted. However, in no case will the outlet of the discharge pipe for the pool be within 20 feet of any property line, and in no case shall it cross any property line nor will the discharge water cause erosion.
- H. Residential and/or commercial construction activities between the hours of 8:00 p.m. and 6:30 a.m., prevailing time.
- I. On any lot containing a residential use, the storage of biofuel outside a fully enclosed structure or storage in a nonapproved grease recycling storage container.

§ 134-4. 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 land in North Middleton Township, or being present in North

Middleton Township, to engage in any activities constituting a nuisance, or permit the existence of any condition constituting a nuisance.

- B. Each five-day continuance of a violation of the provisions of this chapter shall constitute a separate offense.

§ 134-5. Notice of violations.

It shall be duty of the Township Manager or his agent or agents, 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 days of receipt of notice;
- D. That 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 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, that the imposition of such cost and additional amount may be in addition to any other penalty provided for in this chapter.

§ 134-6. Violations and penalties. ¹

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each five-day continuance of a violation of the provisions of this chapter shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

§ 134-7. Actions in equity authorized.

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

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

