

ORANGE TOWNSHIP

COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2002-02

AN ORDINANCE PROHIBITING NUISANCES ON PUBLIC OR PRIVATE PROPERTY IN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF BY THE TOWNSHIP; AND FIXING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Orange Township deems it to be in the best interests and the general welfare of the citizens and residents of Orange Township, Columbia County, Pennsylvania 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, Section 702 of the Second Class Township Code, 1933, May 1, P.I. 103, Art. VII, s 702, cl. XII, as amended May 20, 1957 P.L. 174 s 5, March 21, 1968 P.L. 66 NO. 22 s 1, 53 P.S. 65712, authorizes townships of the second class to prohibit nuisances, to remove same, and to impose penalties therefor.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of Orange Township as follows:

SECTION 1. 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.

(A) "Board of Supervisors" is the Board of Supervisors of Orange Township, Columbia County, Pennsylvania.

(B) "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 in the legitimate enjoyment of his or her reasonable rights of person or property.

(C) "Owner" is the person owning, leasing, occupying or in control of any premises within the Township.

(D) "Person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.

(E) "Premises" is land which is subject to this Ordinance.

(F) "Rear Yard" is the portion of the lot, parcel, or tract located between a line extending from the rear most portion of the dwelling or structure and the rear property line.

(G) "Township" is the Township of Orange, Columbia County, Pennsylvania.

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 or rubbish.

(2) Junk material (including but not limited to unused or abandoned machinery, equipment, appliances, or furniture).

(3) Other junk including but not limited to any and all forms of waste and refuse of any type or material, including scrap metal, glass, industrial waste and other salvable

materials.

(4) Accumulation of food stuffs except for composting.

(B) Outdoor storage and accumulation of abandoned or junked motor vehicles or one or more motor vehicles which are unlicensed or inoperable. The foregoing notwithstanding, one disabled motor vehicle may be kept or located in the rear yard area of the tract, parcel, or lot and covered with a tarp so that the disabled vehicle is not visible from points off the premises, subject to the following exceptions:

(1) If a vehicle is disabled due to an accident or breakdown, or is being repaired or serviced, the vehicle may be stored within the front yard or side yard area if placed in a driveway or other off-street parking area, for a period of time not to exceed sixty (60) days.

(2) Any number of disabled motor vehicles may be kept or stored within a garage or other enclosed building and will not be considered in violation of this law.

(3) A working farm shall be permitted to have disabled farm equipment on the premises to be used for salvage, providing that any equipment is one hundred (100) feet or more away from any public right-of-way or property line.

(4) At businesses specifically operated as a licensed junkyard, a commercial auto body shop, a commercial auto repair shop, a commercial used or new car lot, or a business dealing in buying and selling used items such as household goods, furniture, etc., all items shall be kept a minimum of six (6) feet from the edge of any right-of-way or ten (10) feet from the paved portion of the highway whichever is greater. Any scrap item (inoperative or partially disassembled) shall be fenced off from a public right-of-way and no such item shall be placed within six (6) feet of any property line.

(5) To qualify for the above exceptions:

(a) The business trade name must be registered in the Commonwealth of Pennsylvania or in Columbia County, Pennsylvania.

(b) A business must possess a license to charge sales tax, if applicable.

(c) The business must meet all of the requirements of the Department of Labor and Industry, Commonwealth of Pennsylvania.

(d) Customer invoices of the business must be kept and made available for inspection.

(C) Permitting foul or offensive water or drainage of any kind or nature from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, privies or cesspools or any other source, by pipe or other channel, whether natural or artificial, from any property, onto any public highway, road, street, avenue, land, or alley in the Township or onto any adjoining property.

(D) Permitting any clean water or drainage from dwellings or from other locations upon a premises onto adjoining properties or onto any public highway, road, street, avenue, or alley.

(E) Maintaining or causing to be maintained any dangerous structure, including but not limited to abandoned or unoccupied damaged buildings or parts of buildings in a state of dilapidation or disrepair, in excess of three months.

(F) Permitting ragweed, chicory, thistle, golden rod, poison ivy, poison oak, sumac, or other similar vegetation in residential areas which has grown above the height of

twelve (12) inches, so long as such growth is not inconsistent with the Noxious Weed Act of the Commonwealth of Pennsylvania.

(G) Permitting or allowing any well or cistern to be or remain uncovered.

(H) Pushing, shoveling, or otherwise depositing snow upon the cartway or traveled portion of any public highway, road, or street which is maintained by the Township or by the Commonwealth of Pennsylvania.

(I) Failing to secure, by barricade, temporary fence, or other protective means, any excavation, excavated material or obstruction on or adjoining any public highway, street, or road and allowing it to remain open or exposed.

(J) Conducting of any offensive manufacture or business which generates offensive odors, dust, fumes, smoke or gas, or noise.

(K) Storage of toxic or chemical waste.

(L) Storage of dynamite.

### SECTION 3. OPEN BURNING.

The following activities shall not be considered a nuisance under this Ordinance:

(A) Burning of household trash at a residence so long as the burning takes place in a covered container of not more than ten (10) cubic feet. The container must be located a minimum of twenty-five (25) feet from any structure.

(B) Burning of natural cut vegetation grown on the premises. All vegetation shall be placed on a pile more than twenty-five (25) feet from any property line or public right-of-way. Such burning must be attended at all times. All such burning is to be conducted between the hours of sunrise and sunset. All fires must be extinguished completely by sunset.

The following activities shall be considered a nuisance under this Ordinance:

- (A) Burning of any type at commercial establishments.
- (B) Burning of any construction materials or construction waste.
- (C) Burning of any other materials prohibited by the Department of

Environmental Protection of the Commonwealth of Pennsylvania.

In their discretion, the Board of Supervisors may impose an open burning ban for reasons including, but not limited to, drought or weather conditions, and violations thereof shall be considered a nuisance under this Ordinance.

Nothing herein is intended to waive any provision of the Solid Waste Management Act and the regulations of the Department of Environmental Protection relating to open burning.

#### SECTION 4. EFFECT ON FARMING OPERATIONS.

The Supervisors of Orange Township recognize and encourage the continuity, development, and viability of agricultural operations within Orange Township, and incorporate Act 133 of 1982, the "Right to Farm" law in this Ordinance. In the event an agricultural operation is conducted in accordance with normal agricultural operations, none of it shall be considered as a nuisance under the terms of this Ordinance so long as the agricultural operation does not have a direct adverse effect on the public health and safety.

#### SECTION 5. WRITTEN NOTICE TO VIOLATORS REQUIRED.

Prior to commencing enforcement action, Orange Township shall notify the owner/occupant and/or person in control of the premises of violations of this Ordinance as follows:

- (A) By making personal delivery of the notice to the owner; or,

(B) By handing a copy of the notice at the residence of the owner to an adult member of the family with which the owner resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or,

(C) By fixing a copy of the notice to the door at the entrance of the premises in violation; or,

(D) By mailing a copy of the notice to the last known address of the owner, the occupant and the person in control of the property by certified mail; or,

(E) By publishing a copy of the notice one time in a newspaper of general circulation in the area.

Such notice shall set forth the activity that constitutes a nuisance and the remedy for the nuisance. Such notice shall require that the owner rectify the nuisance within ten days of receipt of the notice. If the violation charged is under Section 2(F), (I), (L), or (M), and if required, to protect the health and safety of the public, the owner shall immediately comply with the terms thereof.

SECTION 6. PENALTY FOR VIOLATION. If the owner, after receiving due notice, refuses to comply with the terms thereof:

(A) He or she shall be guilty of a violation of this Ordinance and shall upon conviction thereof, pay a fine of not more than One Hundred Dollars (\$100.00) and the costs of prosecution, and, undergo imprisonment for not more than ninety (90) days.

(B) The Board of Supervisors may direct the removal, repairs, or alterations, as the case may be, to be performed by the Township and the cost thereof with a penalty of ten percent (10%) may be collected from the owner of the premises by an action of assumpsit or the

Township may file a municipal claim or lien therefore against such real estate.

(C) The Township, by means of a complaint in equity, may compel the owner to do so or seek such other relief as such court is empowered to afford.

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not effect the validity of the remaining portions thereof.

SECTION 8. EFFECTIVE DATE.

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

ENACTED AND ORDAINED this 5<sup>th</sup> day of December, 2002,

lawful session duly assembled.

ORANGE TOWNSHIP:

BY: *W. J. Daniels*  
CHAIRMAN, BOARD OF  
SUPERVISORS

ATTEST:

*Roberta M. Russ*  
SECRETARY

(SEAL)

