

WATTS TOWNSHIP
PERRY COUNTY, PENNSYLVANIA

ORDINANCE NO.: 21-01

**AN ORDINANCE OF WATTS TOWNSHIP TO REGULATE
VARIOUS CONDUCT AND ACTIVITIES WITHIN WATTS
TOWNSHIP, TO CLASSIFY CERTAIN CONDUCT AND
ACTIVITY AS NUSIANCES, TO PROVIDE A PROCESS TO
ADDRESS SUCH NUSIANCES AND TO PROVIDE
PENALTIES FOR THE VIOLATION OF THIS ORDINANCE
IN WATTS TOWNSHIP, PERRY COUNTY, PENNSYLVANIA.**

WHEREAS, the Board of Supervisors of Watts Township, Perry County, desire to adopt an ordinance regulating and prohibiting nuisances, which ordinance the Board of Supervisors finds to be in the interest of the health, safety and welfare of the residents of Watts Township.

WHEREAS, Section 1529 of the Pennsylvania Second Class Township Code, as amended, authorizes and empowers a Township of the Second Class to adopt an ordinance prohibiting nuisances so as to protect the residents and citizens against nuisances, conduct, behavior and activities herein defined with the resulting detriment and danger to the public health, safety and welfare. Public interest, inconvenience and necessity require the regulation thereof and to that end the purposes of this ordinance are specifically declared to be as follows:

A: To protect the public against unlawful activities, behavior and conduct therein defined which constitutes a nuisance;

B: To protect all persons' use and enjoyment of their property against trespassing by the activities, conduct and behavior classified as nuisances; and

C: To protect all persons against the health and safety menace and the expense incident to the activities, behavior and conduct herein classified as nuisances; and

D: To preserve to all persons their constitutional rights, to preserve their ordinary rules of decency, good morals and public order by regulating their conduct herein described as nuisances.

NOW, THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Watts Township, Perry County, Pennsylvania, and by and through the authorities of the same, read as follows:

Short Title. This Ordinance shall be known as and cited to as the "Watts Township Nuisance Ordinance."

SECTION 1. Definitions.

For the purpose of this Part the following terms, phrases, words and derivations shall have the meaning given herein. When not inconsistent with the text, 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:

Board of Supervisors-the Board of Supervisors of the township.

Nuisance-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 or her reasonable rights of person or property.

Owner- a person owning, leasing, occupying, anyone in possession of real estate in the Township by virtue of a written or oral agreement or claim of right or having charge of any real estate within the Township.

Person-any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

Township-Watts Township, Perry County, Pennsylvania.

SECTION 2. Nuisances Declare Illegal.

The following are hereby declared to be illegal, abatable and punishable as such:

A. Depositing in streets, streams, etc. For any person to throw, spread, or deposit on any streets, roads, lanes, alleys, courts or any watercourse or gutter within the Township limits, and permit it to remain there, any animal carcass, unwholesome bones, meat, hides, skins of the whole or any part of dead animal, fish or fowl.

B. Vaults, cesspools, dumps, pits of like places which are not securely protected from flies or rats, or which are foul or malodorous.

C. Filthy, littered or trash covered house yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings, or premises.

D. Stagnant water in swimming pools or on swimming pool covers in which mosquitoes, flies, or insects multiply; provided, however, that this condition shall not include ponds, lakes or other naturally existing condition.

E. Any and all places where more than three (3) abandoned, unlicensed or unregistered vehicles are stored (exclusive of an approved junkyard or repair facility) where one or more of the following conditions exist:

1. The presence of weeds or other plant growth surrounding the vehicle;

2. Obvious damage or neglect including, but not limited to flat or missing tires, excessive rust or corrosion, broken windows or mirrors, torn or missing cushions, upholstery or seats, jogged or damaged metal, or unrepaired accident damage; or

3. Leaking fluids, such as gasoline, oil, brake fluid, coolants or other liquids.

This section specifically excludes agricultural vehicles and equipment, such as tractors, combines, farm wagons, plows, etc.

F. Trash, litter, furniture, rags, empty barrels, boxes, carts, packing crates, mattresses, bedding, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled or anything in which flies or rats may breed or multiply or which may be a fire danger, unused and discarded household goods and appliances.

G. All refrigerators and freezers that are non-working, or not used for storage of food, feed or other agricultural supplies shall have all doors removed while placed outside for any purpose in order to prevent access to any individual, wherein possible physical harm or injury or death may result.

H. Dumping and/or burning of tires, Styrofoam, plastic, or tar products, including but not limited to roof shingles and asphalt.

I. For any person to permit mud, dirt, grass clippings, coal, wood, brick, stone, gravel, clay, sand, rubbish or any other matter to remain upon the streets or gutters in front of his or her premises more than 24 hours after it has been deposited there except by special permission of the Township Board of Supervisors.

J. Maintaining, or causing to be maintained, any dangerous structure including, but not limited to, burned out buildings, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.

K. Pushing, shoveling or otherwise depositing snow upon any cartway or traveled portion of any public highway, road or street which is maintained by the Township and allowing same to remain thereon.

SECTION 3.

Notice; Cost. The Codes Enforcement Officer of Watts Township, or any other designated official and/or employee or any other official/employee of Watts Township so designated by the Board of Supervisors of Watts Township or a Pennsylvania State Police Officer, is hereby authorized to enforce and/or notify any owner or occupant of any said property, personally or by certified United States mail, return receipt requested, or by posting such notice upon the premises, to remove or eliminate any nuisance on said person's property within ten (10) days of the date of the notice. In the event a certified mailing is refused or returned, notice may be sent by United States regular mail to the address for the owner of the property as listed in the tax duplicate. Upon the failure of such owner or occupant to comply with the Township's orders within such period of time, the Township Zoning Officer shall refer the matter to the Board of Supervisors for further action, which may include an extension of time to comply with such notice; the Township Supervisors, the Zoning Officer, or any

officer, employee or agent of the Township may be authorized and directed, at its option, to enter upon such premises and remove and eliminate the nuisance contained thereon or to file a citation with the magisterial district judge as provided for herein. The cost of such entry, removal or elimination, together with an administrative fee of ten (10%) percent of the amount thereof, shall be paid by such owner or occupant within ten (10) days from the date of notification of the cost and administrative fee. In the event the owner or occupier refuses to pay the cost and penalty, the same shall be filed and entered as a lien against said premises and shall be collected in the manner provided by law for the collection of municipal liens.

SECTION 4.

Penalties. Any person violating or permitting the violation of any of the terms or provisions of this Ordinance shall be subject to a summary criminal proceeding before the Magisterial District Judge pursuant to the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon finding a violation hereunder, a fine in a sum not less than One Hundred Fifty (\$150.00) Dollars and not exceeding One Thousand (\$1,000.00) Dollars, plus the costs of prosecution, including all court costs and reasonable attorney fees incurred by the Township to prosecute the violation, shall be imposed. In the event such fine, fees and costs remain unpaid, such person may be subject to imprisonment in the Perry County Jail for a period of up to thirty (30) days. Each day's violation shall constitute a separate offense under this chapter. This remedy is cumulative with any and all other remedies set forth in this Ordinance.

SECTION 5.

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of Watts Township, Perry County, Pennsylvania, this 4 day of August 2021.

ATTEST

Nancy Cangiole
Secretary

WATTS TOWNSHIP

By: [Signature] (SEAL)
Chairman

By: [Signature]
Vice-Chairman

By: [Signature]
Supervisor