

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE TOWNSHIP OF GREENFIELD, COUNTY OF BLAIR, COMMONWEALTH OF PENNSYLVANIA, FOR THE PROTECTION OF THE PUBLIC HEALTH, DEFINING NUISANCES AND DECLARING CERTAIN CONDITIONS, PLACES AND THINGS TO BE NUISANCES AND PROHIBITING THE SAME, AND PROVIDING FOR THE ABATEMENT THEREOF AND PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The Board of Supervisors of Greenfield Township (hereinafter "Municipality") hereby ordains the following:

SECTION 1. TITLE

This Ordinance shall be known and cited as the "Nuisance Ordinance".

SECTION 2. DEFINITIONS.

- (A) 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.
- (B) For the purpose of this section, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

BOARD OF SUPERVISORS. The Board of Supervisors of Greenfield Township, Blair County.

JUNKED MOTOR VEHICLES. Any motor vehicle, which is no longer in actual use that is wholly unfit to be operated or has been discarded or otherwise abandoned.

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 reasonable rights of a person or property.

OWNER. A person owning, leasing, occupying, or having charge of any premises within the township.

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

TEMPORARY STORAGE FACILITIES. Includes, but is not limited to trailers or similar facilities or structures, which are not permanently affixed to the real estate.

TOWNSHIP. The Township of Greenfield, which is located within the confines of Blair County, Pennsylvania.

VEGETATION. Any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal purpose.

SECTION 3. 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, ashes, refuse or rubbish.

(a) Garbage. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to any individual, firm, or corporation to store more than seven days of garbage as defined by this ordinance, which may pose a potential health and safety problem to the community.

(b) Refuse/rubbish. Combustible trash, including paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; noncombustible trash, including metals, tin cans, metal furniture, glass, crockery, other mineral waste; contents of letter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include leaves, cornstalks, stubble, or other vegetable material generated in the course of harvesting agricultural crops. It shall be unlawful to cause or permit anywhere in the township excepting in a covered container.

(2) Junk material. Including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials, that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the township, or by the Commonwealth of Pennsylvania.

(B) Storing or accumulating more than two (2) abandoned or junked motor vehicles; exterior storage. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow *more than two (2)* motor vehicle which is abandoned, junked, not registered, uninspected or disabled or any large vehicle component, including but not limited to engines, transmissions, axle housings, frames or bodies, to remain on such

property for a period in excess of 20 days, provided that this section shall not apply with regard to any vehicle or vehicle component completely contained within an enclosed building. For purposes of this section, the term **ENCLOSED BUILDING** shall mean a roofed and walled structure built for permanent use. This section shall further not apply with regard to any vehicle or vehicle component on the premises of a business enterprise operated in a lawful place, and operated in a lawful manner, when the keeping or maintaining of such a vehicle or vehicle component is necessary to the operation of such business enterprise or with regard to a vehicle or vehicle component in an appropriate storage place or depository maintained in a lawful place and manner by the township or any other public entity. Any vehicle or vehicle component in violation of the provisions of this section is hereby declared a nuisance.

- (C) *Draining or flowing, or allowing to drain or flow, by pipe or other channel.* Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley: or from any property into or upon any adjoining property.
- (D) *Draining or flowing, or allowing to drain or flow, any water or drainage from within the dwelling.* Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along a public highway, road, street, avenue, lane, or alley in the township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- (E) *Burning, open fires, etc.* Burning and open fires are regulated by the provisions of Ordinance 2018-04, which remains in full force and effect, unaltered by this section.
- (F) *Dangerous structure.* Maintaining or causing to be maintained, any dangerous structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.
- (G) *Grass, weeds, or noxious weeds.* Permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose or to conceal any rubbish, garbage, trash or any other violation of this section, to exceed a height of eight inches. This shall not include cultivated flowers, gardens and/or cultivated crops.
- (H) *Uncovered cisterns.* Permitting or allowing any well or cistern to be, or remain, uncovered.
- (I) *Depositing upon cartway.* 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, and allowing same to remain thereon.
- (J) *Obstructing streets, etc.* For any person to permit any mud, dirt, coal, wood, brick, stone, gravel, clay, sand, rubbish or any other matter to remain upon the streets or in the gutter in front of his premises more than 24 hours after it has been deposited there except by special permission of the Township Board of Supervisors.

- (K) *Excavations.* Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
- (L) *Interference with stream creek or other waterway.* Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise, or removing the embankment of a stream so as to alter the natural flow of the stream.
- (M) *Defacing public and private property.* It shall be unlawful for any person, partnership, corporation or an agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the township. Examples of defacing shall include but not be limited to the following examples; application of paint, inks, and dyes; affixing of any printed materials such as signs or posters; destruction or removal; defacing in any manner.
- (N) *Dogs, cats, and animals, etc.* For any person owning, keeping, or permitting any dog, cats, or animal on or about his premises to disturb the peace and quiet of the night by barking, howling, crying or otherwise making a noise for a continuous period of one-half hour in any one-hour period and which can be heard a distance of 150 feet from that person's property line
- (1) *Dogs and cats running at large.* It shall be unlawful for any person owning or possessing any dog or cat to permit the same to run at large. **RUNNING AT LARGE** shall be defined to be the presence of a dog or cat 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 or cat shall not be considered to be **RUNNING AT LARGE** if it is on a leash or under control of a person physically able to control it.
- (2) *Keeping of vicious animals.*
- (a) It shall be unlawful for any person to keep or permit to be kept on his or her premises any vicious animal as a pet or for display or for exhibition purposes, whether gratuitously or for a fee.
- (b) It shall be unlawful for any person to harbor or keep a vicious animal within the township. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer; provided however, that this section shall 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 or 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.
- (c) **VICIOUS ANIMAL.** 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.
- (3) *Habitually barking or howling dogs; "seeing-eye dog."* Provisions of this section 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.

- (4) *Voiding animal excrement.* No person having possession, custody or control of any animal of the owner of an animal over which no person exercises possession, custody or control shall allow or permit any dog or other animal to void urine or excrement on any public or private property other than the property of the owner of such dog or other animal.
- (5) *Offense defined.* Any person having ownership, possession, custody or control of any dog or other animal which commits a nuisance as defined in this division, shall be required to immediately remove said feces from such surface and either:
 - (a) Carry same away for disposal in a toilet; or
 - (b) Place same in a non-leaking container for deposit in a trash or litter receptacle.
- (6) *Applicability.* The provision of this section shall apply to all dogs, irrespective of payment for or insurance of a license in respect to the animal or animals involved.
- (O) *Temporary storage facilities.*
 - (1) Trailers or other temporary structures used on a residential property in conjunction with the construction of buildings or other improvements shall be permitted during the period of construction.
 - (2) Trailers or other temporary structures will be permitted and shall not be considered a nuisance on commercial or industrial properties.
 - (3) For purposes of this division (O), a property shall be considered residential, commercial or industrial based on the designation given to such parcel for purposes of tax assessment.
 - (4) When a temporary storage facility is otherwise considered a potential nuisance, the Board of Supervisors may, in its sole and absolute discretion, grant a temporary permit for the use of temporary storage facilities in the township provided that:
 - (a) Permit shall not be issued for a period to exceed 90 days in duration.
 - (b) A permit fee as established from time to time by resolution, shall be paid in advance of the issuance of the permit. Subject to the sole and absolute discretion of the Board of Supervisors.
 - (c) The Board of Supervisors shall, in addition to all other matters, consider the following criteria in determining whether the said permit shall be used: the need for temporary storage facility; the availability of alternative storage facilities; and whether the refusal to grant the permit would result in exceptional hardship to the applicant.
 - (d) The permit shall be non-renewable and issued only when setback and all other requirements of all other township ordinances are met.
- (P) *Noise.* It shall be unlawful for any person(s) to make or cause to be made, a noise disturbance within the limits of the township that endangers or injures the safety or health of humans or animals; or is unusual for the time of day or location where it is produced or heard or jeopardizes the value of property or erodes the integrity of the environment; or materially disturbs or annoys persons in the neighborhood who are of normal sensibilities.

SECTION 4. WRITTEN NOTICE TO VIOLATORS REQUIRED.

Whenever a condition constituting a nuisance is permitted or maintained Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

- (A) By making personal delivery of the notice to the owners;
- (B) By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence;
- (C) By fixing a copy of the notice to the door at the entrance of the premises in violation;
- (D) By mailing a copy of the notice to the last known address of the owner by certificate of mailing; or
- (E) (1) By publishing a copy of the notice in a local newspaper of general circulation within Blair County, Pennsylvania, once a week for three 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, alterations or by fencing or boarding, or in some way confining and limiting the nuisance.
(2) Such notice shall require the owner to commence action in accordance with the terms thereof within 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; provided, however, if any of the provisions of §3 (B), (F), (I), (J), or (K) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

SECTION 5. PENALTY.

This section regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to 53 P.S. § 66601(d)(2).

- (A) Enforcement thereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 83(c) (relating to trial and summary cases). The Board of Supervisors hereby set a criminal fine in the amount of up to \$1,000 per violation, and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ten days, provided, further, that each day's continuance of a violation shall constitute a separate event.
- (B) The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the township and to certify the costs thereof to the Township Solicitor, the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations which date

shall be determined by the certificate of the person doing such work, and filed with the Township Secretary-Treasurer.

- (C) 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 as any such court of competent jurisdiction is empowered to afford.

SECTION 6. ADOPTION.

This Ordinance shall be effective upon signing and shall remain in force until modified, amended or rescinded by Township of Greenfield, Blair County, Pennsylvania.


ENACTED AND ADOPTED by the Board of Supervisors this 1st day of October 2019.

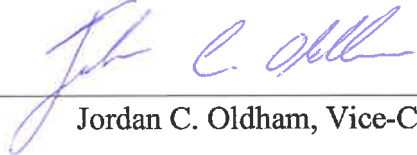
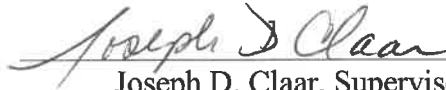
ATTEST:

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF GREENFIELD



Arlene Kuntz, Township Secretary

By: 
Matthew A. Treon, Chairman


Jordan C. Oldham, Vice-Chairman
Joseph D. Claar, Supervisor