

Ordinance No. 1 of 2014

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BUFFALO, ARMSTRONG COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES, INCLUDING BUT NOT LIMITED TO STORING OR ACCUMULATING GARBAGE, RUBBISH, JUNK, ABANDONED OR JUNKED AUTOMOBILES, MAINTAINING ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDINGS IN A STATE OF DILAPIDATION OR DISREPAIR, MAINTAINING BODIES OF WATER, ALLOWING ANIMALS TO ROAM OR DISTURB THE PEACE, ALLOWING EXCESSIVE NOISE, ALLOWING GRASS, WEEDS OR OTHER VEGETATION TO EXCEED 8 INCHES IN HEIGHT; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES AFTER NOTICE TO THE OWNERS TO DO SO; PROVIDING FOR THE COLLECTION OF THE COSTS OF SUCH ABATEMENT OR REMOVAL BY THE TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

SECTION 1: PURPOSE AND INTENT:

The purpose of this ordinance is to protect the health, safety and general welfare of the inhabitants of South Buffalo Township and to prohibit the enumerated acts as creating a hazard or public nuisances that would be detrimental to health or safety of the inhabitants of the said township, deprive residents of the lawful use and enjoyment of their property, be unusually annoying or that would cause damage to the property or general public. Nothing in this ordinance shall be construed as a prohibition of any normal and necessary activity in farming or animal husbandry.

SECTION 2: AUTHORITY:

This ordinance is enacted pursuant to the applicable provisions of the Second Class Township Code as amended.

SECTION 3: NUISANCES DECLARED ILLEGAL AND PROHIBITED:

Nuisances, including, but not limited to, the following are hereby declared to be illegal and are prohibited:

A. **Storing or accumulating the following:**

1. **Garbage:** Wastes resulting from the handling, preparation, cooking and consumption of food.
2. **Rubbish:** Combustible and non combustible waste materials including but not limited to tires, paper, rags, cartons, boxes, wood, rubber, leather, plastic, tin cans,

metals, mineral matter, glass, crockery, wood furniture, bedding, metal furniture, glass, crockery, mineral waste and similar materials.

3. **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, stream, or public property, which is maintained by the Township, or by the Commonwealth of Pennsylvania.

4. Abandoned or junked motor vehicles that can be seen from any public highway, road, street avenue, lane or alley, stream, or public property, which is maintained by the Township, or by the Commonwealth of Pennsylvania. **Abandoned or junked motor vehicle:** the words abandoned or junked when applied to an automobile or vehicle shall mean any one of the following: automobile or vehicle that is not currently inspected, is not currently licensed, is not capable of passing a Commonwealth of Pennsylvania inspection, not covered by a policy of automobile insurance, not in operating condition, is leaking fluids or has not been moved for a period of thirty (30) days or has been left in position on public or private property for a period of five (5) days.

5. More than two (2) unregistered, uninspected vehicles in the process of restoration.

B. **Dangerous Structures.** 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.

C. **Swimming pools, Spas and Hot Tubs.** All bodies of water used or intended to be used for swimming, bathing or wading shall be maintained in a clean and sanitary condition. Swimming pools, spas and hot tubs i.e. any pool, portable or permanent, which is used or intended to be used for swimming, bathing, or wading that contains any volume of water that are being maintained on property located in South Buffalo Township shall be maintained in a clean and sanitary condition, and in good repair. At no time shall any swimming pool, spa or hot tub be permitted to accumulate any volume of stagnant water and it is deemed unlawful and a nuisance to do so. All stagnant water must be emptied or drained into any appropriate drainage device.

D. **Animals.** Permitting or allowing animals to habitually roam at large and unattended on a public thoroughfare or on another person's property or permitting any animal to disturb the peace and quiet of the neighborhood by habitually barking, howling or otherwise making a noise that is cast upon other properties in the vicinity. No dog, cat, small animal, or household pet is permitted to engage in frequent and habitual barking, howling, screeching, yelping or baying for any continuous period of ten (10) minutes or more. Such activity that continues for a period in excess of ten (10) minutes is declared to be a nuisance. Between the hours of 9:00 P.M. and 7:00 A.M. all barking, howling, screeching, yelping or baying is prohibited and such activity is declared to be a nuisance. Any activity engaged in by a dog, cat, small animal, or household pet that in way or manner is a disturbance to the quiet of the community or endangers the comfort, repose, sleep or health of the residence of the Township at anytime day or night is declared to be a nuisance.

E. **Noise.** Any generation of noise, sound or music which is unnecessarily loud and/or occurs on a habitual basis cast upon other properties in the vicinity which annoys, disturbs and/or endangers the comfort, health, safety and/or peace of others on adjoining properties.

F. **Grass, Weeds and other vegetation.**

1. **Restricted Vegetation.**

All premises and exterior property shall be maintained free from grass, weeds, plant growth or vegetation in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. All land owners, possessor or occupier of land, shall cut such weeds and grass for the entire width of the property and a depth of 150 feet from the road right of way or the entire parcel, whichever is less.

Upon failure of the owner or agent having charge of the property to cut and or destroy grass, weeds or vegetation after service of a thirty day notice of violation they shall be subject to prosecution in accordance with the provisions of this Ordinance and as prescribed by the authority having jurisdiction. Upon failure to comply with the thirty day notice

of violation, any duly authorized employee of the Township of South Buffalo or contractor hired by the township shall be authorized to enter upon the property in violation and cut and/or destroy the grass, weeds or vegetation and the costs of such shall be paid by the owner or agent responsible for the property.

2. Exemptions.

The following areas shall be exempt from the cutting or trimming requirements of section 1 except that noxious weeds as established under the noxious weed control list pursuant to Section 255.3(b) of the Pennsylvania Noxious Weed Control Law (3 P.S. 255.1 - 255.11) shall be controlled within those areas: woodlands, trees, shrubbery, flower beds or gardens, vegetables and vegetable gardens, wildflower gardens or meadows, steep slopes, wetlands, floodplains, riparian corridors, areas within 15 feet of a watercourse, pond or lake, land actively cultivated for crop production or actively utilized as pasture, and areas where storm water management or conservation/wildlife management plans have been established.

The provisions of this section shall not be applicable to any normal and necessary activity in farming or animal husbandry.

SECTION 4: EXEMPTION:

All normal, necessary and legal activity in farming or animal husbandry being conducted in the Township of South Buffalo is exempted from the provisions of this Ordinance.

SECTION 5: NOTICE OF VIOLATION:

Whenever a condition constituting a nuisance is created or maintained, the 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 owner or occupant;

B. By fixing a copy of the notice to the door at the entrance of the premises in violation;

C. By mailing a copy of the notice to the last known address of the owner by certified mail;

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. Such notice shall require the owner to commence action in accordance with the terms thereof within fifteen (15) days, and thereafter to comply fully with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any provision of Section 3(D), or 3(E) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

SECTION 6: ENFORCEMENT AND PENALTY:

If the owner/occupant, after receiving due notice, refuses to comply with the terms thereof:

A. Any person, firm or corporation who shall violate any of the provisions of this ordinance is guilty of a summary offense and upon conviction thereof shall pay a fine of not more than One Thousand (\$1,000.00) Dollars and the costs of prosecution, including but not limited to attorney's fees, engineering fees, and court costs, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ten (10) days, provided further, that each day's continuance of a violation shall constitute a separate offense.

B. The Board of Supervisors may direct the removal, repair, or alteration, 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, and which claim shall be filed against the owner of the subject premises in the manner allowed by law for the filing of a municipal lien.

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 7: SEVERABILITY:

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

SECTION 8: REPEALER:

Any and All other ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed or rescinded.

SECTION 9: EFFECTIVE DATE:

This ordinance shall be effective immediately.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of South Buffalo Township, Armstrong County, Pennsylvania, this 10th day of January, 2014.

South Buffalo Township Supervisors

Terry L. VanDyke
Terry L. VanDyke, Chairman

Thomas Boroski
Thomas Boroski, Vice Chairman

ATTEST:

Glenn Heilman
Glenn Heilman

Michelle Brestensky
Secretary (SEAL)