

ORDINANCE NO. 127

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PYMATUNING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES AND RESTRICTING THE HEIGHT OF GRASS, WEEDS AND OTHER VEGETATION ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Pymatuning Township, Mercer County, Pennsylvania, deem it to be in the best interests and general welfare of the citizens and the residents of this Township 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.L. 103, Art. VII, §702(c)(1) XII, as amended, (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 Pymatuning, Mercer County, Pennsylvania, as follows:

SECTION 1. Definition: 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.

1. "Township" is the Township of Pymatuning, Mercer County, Pennsylvania.

2. "Board of Supervisors" is the Board of Supervisors of Pymatuning, Mercer County, Pennsylvania.

3. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.

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

5. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

6. "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 or resident in the legitimate enjoyment of his reasonable rights of person or property.

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

B. Storing or accumulating abandoned or junked motor vehicles.

C. Storing or accumulating more than three (3) antique or collector motor vehicles for restoration which are neither sheltered by a building nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances; or storing or accumulating in an

unorderly fashion three (3) or less antique or collector motor vehicles for restoration.

D. 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 cess pools 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 in the Township into or upon any said highway, road, street, avenue, lane or alley; or from any property into or upon any adjoining property.

E. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane or alley in the Township into or upon the cartway or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

F. Burning of garbage, tires, or tar products.

G. 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.

H. Permitting the growth of vegetation beyond the following restrictions: permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, in excess of a height of eight (8) inches, or permitting any such grass, weeds, or any vegetation to throw off any unpleasant or noxious odor, or to conceal any rubbish, garbage, trash or any other filthy deposit.

Exception: The provisions of this subsection pertaining to the permissible height of vegetation within the Township shall not apply to any property which is utilized predominantly for agricultural purposes within the Township.

I. Permitting or allowing any well or cistern to be, or remain, uncovered.

J. Interfering with the flow of a stream, creek or other waterway by means of a dam or other construction, unless authorized by law.

K. Removing the embankment of a stream so as to alter the natural flow of the stream.

L. 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.

M. 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.

SECTION 3. WRITTEN NOTICE TO VIOLATORS REQUIRED: Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

1. By making personal delivery of the notice to the owner;
2. 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;
3. By fixing a copy of the notice to the door at the entrance of the premises in violation;
4. By mailing a copy of the notice to the last known address of the owner by certified mail;
5. By publishing a copy of the notice in a local newspaper of general circulation within Mercer County, Pennsylvania, once a week for three (3) 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.

Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (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 Section 2(F),(I),(L) of (M) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

SECTION 4. PENALTY FOR VIOLATION: If the owner, after receiving due notice, refuses to comply with the terms thereof:

1. He shall be guilty of a violation of this Ordinance, and shall, upon conviction thereof, pay a fine of not more than Three Hundred and No/100ths (\$300.00) Dollars, 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 (10) days, provided, further, that each day's continuance of a violation shall constitute a separate offense.

2. 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.

3. 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 5. 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 hereof.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED into law by the Township of Pymatuning, Mercer County, Pennsylvania, this 9<sup>TH</sup> day of AUGUST, 1984.

ATTEST:

*Speida Cabman*  
Township Secretary

TOWNSHIP OF PYMATUNING

By *William C. Blake*  
*Jeffrey A. M. Heath*  
*James L. Anderson Jr.*  
Supervisors