

ORDINANCE NO. 1-2014

AND NOW, this 14th day of May, 2014, it is hereby

Ordained by the Clinton Township Board of Supervisors to enact an Ordinance to abate public nuisances that exist and may arise within the Township, as more specifically set forth herein:

SECTION I: This Ordinance shall be known as and may be cited as the Clinton Township Nuisance Abatement Ordinance.

SECTION II. FINDINGS.

The Board of Supervisors of Clinton Township find that various properties within the Township contain amounts of debris, junk, garbage, abandoned vehicles and tires, and overgrown vegetation that substantially and adversely affect property values, public health, safety, welfare, as well as hamper commerce and adversely affect the quality of life that the community and its residents enjoy. It is the further finding of the Board of Supervisors that the persistence of said conditions foster blight which is detrimental to the health, safety and welfare of its businesses, residents, and visitors thereto.

The Board of Supervisors also finds that a public nuisance shall be deemed to exist whenever excessive noise is generated upon various properties which is transmitted to neighboring properties and the public streets which substantially and adversely affect property values, public health, safety and welfare, and substantially affect the quality of life in the community.

SECTION III. PURPOSE

It is the intent of this Ordinance to enact legislation that specifically addresses the causes of blighting and deteriorating conditions associated with junk, garbage, abandoned or discarded vehicles, trailers, appliances, household furnishings, or such other discarded debris and to implement a policy to reverse said impact by establishing enforcement provisions as more specifically set forth herein. It is also the intention of this Ordinance to address public nuisances caused or resulting from the conditions which cause blight within the community, including excessive noise disturbances.

SECTION IV. DEFINITIONS

As used in this Ordinance, the term "public nuisance" shall mean and include within said meaning any physical condition and noise which causes or results in:

- (A) annoyance or discomfort to persons beyond the boundaries of the property containing or exhibiting said condition;
- (B) interference with the health, safety and welfare of persons or business entities beyond the boundaries of the property containing or exhibiting the condition; and/or
- (C) disturbance to or interference with peaceful use and enjoyment of neighboring properties;
- (D) for purposes of this Ordinance, any property in the Township which is determined to be blighted as defined in the Pennsylvania Urban Redevelopment Law, 35 P.S. Section 1712.1(c) shall be declared a public nuisance;

(E) creating or maintaining a dangerous condition which constitutes an attractive condition for children that frequent said area

SECTION V. GENERAL PROVISIONS OF NUISANCE

(A) It shall be unlawful to accumulate or store on any property within the Township any garbage, junk or abandoned or discarded vehicles, trailers, appliances, tires, household furnishings, or debris which creates an attractive nuisance to children, or poses an unsightly and dangerous nuisance to persons and/or properties beyond the boundaries of said property.

(B) It shall be unlawful to permit any of the following conditions or circumstances which create or maintain a public nuisance to the harm and detriment of the Township and its residents:

(a) open wells or cisterns;

(b) stagnant water in artificial pools, or other containers in which mosquitoes, flies and other insects may multiply;

(c) weeds or uncultivated vegetation which is over one (1) foot in height;

(d) abandoned and discarded automobile and truck tires in which mosquitoes, flies, or other insects may multiply;

(e) Open and abandoned excavations, including percolation test pits and test boreholes associated with onsite septic field testing;

(f) to generate or allow to be generated excessive noise upon properties which substantially and adversely affect the quality of life of neighboring properties and public streets. For purposes of this Ordinance, the terms "unreasonable noise" and "public" shall be defined and interpreted in accordance with the provisions of 18 P.S. Section 5503 of Pennsylvania Crimes Code.

SECTION VI. ENFORCEMENT

When the Board of Supervisors receives a complaint from any person or party, the Township shall process said complaint as follows:

(A) A visual inspection shall be conducted by the Supervisors, or in the event of appointed enforcement officer, to determine if the condition poses an imminent threat to the health, welfare or safety of the community and/or immediate neighbors, or the condition constitutes a public nuisance as defined in this Ordinance.

(B) Following the inspection, the Township through its Board of Supervisors, or an appointed Code Enforcement Officer shall issue an initial warning letter to the respective owner(s) notifying of any specific violations revealed upon the initial inspection. Included in said letter shall be a specific finding of the inspection findings and the necessary corrective action to be completed within ten (10) business days. A copy of the applicable section of this Ordinance may be attached to said letter.

(C) In the event that the corrective action is not taken and/or it fails to remove or eliminate the dangerous condition and/or public nuisance, the Board of Supervisors, or the appointed Code Enforcement Officer shall issue a warning by certified mail that the ten (10) day period allotted for corrective action has lapsed, and if all violations are not corrected within ten (10) business days, then enforcement action will commence through the filing of a Complaint with the office of the officiating magisterial district judge.

(D) In the event that corrective action is not completed within the ten (10) day period allotted by the certified mailing, the Township by and through its Board of Supervisors, or its appointed Code Enforcement Officers, shall file a Civil Complaint with the Magisterial District Court and seek a fine not less than Three Hundred (\$300) Dollars per offence, and not more than One Thousand (\$1,000) Dollars per offense, plus costs of prosecution, and in default of payment, imprisonment for not more than six (6) months.

SECTION VII. PRESUMPTION OF OWNERSHIP

The owner of the property affected by the orders hereunder shall be presumed to be the person in whose name the real estate is recorded in the Office of the Recorder of Deeds in and for Wayne County, Pennsylvania.

SECTION VIII. LACK OF KNOWLEDGE NOT A DEFENSE

The lack of knowledge of participation in or responsibility for a public nuisance on the part of the owners, lessors, lessees, mortgages and all those persons in possession or having charge of the property as agent or otherwise, or having any interest in the property, real or personal used in conducting or maintaining the public nuisance, shall not be a defense by such owners, lessors and lessees, mortgagees, and such other persons.

SECTION IX. SEVERABILITY

The provisions of this ordinance are severable and if any section, sentence, clause, revision, part or other portion hereof shall be held unconstitutional, illegal, invalid or otherwise ineffective, the validity of the remaining provisions shall be

unaffected thereby. It is the intention of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, invalid, or otherwise ineffective section, sentence, clause, provision, part or other portion not been included herein.

SECTION X. REPEALER

Any ordinance or any portion of any ordinance inconsistent with this ordinance is hereby repealed.

CLINTON TOWNSHIP BOARD
OF SUPERVISORS:


Chairman


Supervisor

Supervisor

Attest:


Secretary

Date: 5/14/14