

**CLINTON TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 11-14-18**

**AN ORDINANCE PROHIBITING NUISANCES ON PRIVATE AND PUBLIC PROPERTY WITHIN THE TOWNSHIP, PROVIDING FOR THE REMOVAL THEREOF BY THE TOWNSHIP; ESTABLISHING THE RIGHT TO ASSESS AND COLLECT COSTS ASSOCIATED WITH REMOVAL BY THE TOWNSHIP AND FIXING PENALTIES FOR VIOLATIONS.**

WHEREAS, the Board of Supervisors of Clinton Township, Wayne County, are under a duty to protect and provide for the health, safety and general welfare of the residents of Clinton Township; and,

WHEREAS, the Board of Supervisors has determined that it is in the best interests of the health, safety and general welfare of the residents of Clinton Township to prohibit the unreasonable and unlawful use of private and public property which causes or may cause injury, damage, inconvenience, annoyance or discomfort to others in the legitimate use and enjoyment of their rights of person or property; and,

WHEREAS, pursuant to the statutory authority promulgated by Section 702, XII Of the Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69) Reenacted and Amended July 10, 1947 (P.L. 1481, No. 567), as amended.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Clinton Township, Wayne County, Pennsylvania, that this Ordinance shall provide as follows:

**Section 1. DEFINITIONS.**

For the purposes of this Ordinance, the following terms, phrases, words and derivations thereof shall have the meaning given in this Section 1.

Abandoned or Junked Vehicle – Any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

Antique Vehicle – Any vehicle twenty-five (25) years or older which has been restored to good operating and road-worthy condition and which has a valid antique vehicle registration.

Collector Vehicle – Any vehicle with a limited manufactured production from the present to twenty-four (24) years old, in good operating and road-worthy condition, and which as a valid vehicle registration.

Board of Supervisors, or Board – The Board of Supervisors of the Township of Clinton, Wayne County, Pennsylvania.

Dangerous Building – Any building or structure which has any one or combination of the following defects:

- A. Damage by fire, wind, or other causes which make the building or structure dangerous to life, safety, or the general health and welfare of the occupants, the citizens of the Township, or the public at large.
- B. So dilapidated, decayed, unsafe, unsanitary, rodent infested or which fail to provide the amenities essential to decent living that the said building or structure is unfit for human habitation or is likely to cause accidents, sickness, or disease.
- C. Parts which are so attached that the said parts may fall and injure the occupants, the citizens of the Township, or the public at large.
- D. A general condition which is unsafe, unsanitary or dangerous to the general health and welfare of the occupants, the citizens of the Township, or the public at large.

Junk – Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Agricultural vehicles and implements such as tractors, mowers, etc. which are used as part of an active on-going farming operation and contractors construction equipment shall not be considered junk if such agricultural and contractors equipment is in working condition and is in fact used frequently and consistently as part of a bona-fide farming or contracting operation.

Nuisance – The unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate use and enjoyment of their rights of person or property.

Owner – The person owning, leasing, renting, occupying or having charge of any premises in the Township.

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



Public Road – Any street, highway, road, or alley maintained by the Township or by the Commonwealth of Pennsylvania.

Township – The Township of Clinton, Wayne County, Pennsylvania.

Vegetation – Any grass, weed, vegetable, crop, shrub, or other plant.

Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motorhomes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

## Section 2 – NUISANCES DECLARED ILLEGAL

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

A. Storing, accumulating or depositing of the following:

1. Garbage or rubbish.

2. Junk, except at a bona fide junk yard meeting the requirements of any State and Township ordinances.

B. Storing or accumulating two (2) or more abandoned or junked vehicles that are not totally enclosed in a building; or storing or accumulating in a disorderly manner any vehicles. This shall not prohibit the operation of a bona fide vehicle repair business where such vehicles are stored for less than thirty (30) days waiting for repair.

C. Storing or accumulating two (2) or more antique or collector vehicles for restoration that are not totally enclosed in a building; or storing or accumulating in a disorderly manner any antique or collector vehicles for restoration. This shall not prohibit the operation of a bona fide vehicle repair business where such vehicles are stored for less than thirty (30) days waiting for repair.

D. Draining or depositing, or allowing to drain or deposit, by pipe or other channel, whether natural or artificial, any foul or offensive water, or other liquid from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cesspools, or any other container, or from within any building or structure, except in a system approved for same in accord with Township and Commonwealth regulations.



- E. Burning of any tires, tar products, plastic, rubbish, garbage or any other material which emits any noxious or annoying fumes, smoke or gases.
- F. Maintaining or causing to be maintained any dangerous building.
- G. Permitting the growth of any vegetation which presents a public safety hazard by limiting the vision or right-of-way of travelers on any public road, or which has been permitted to grow to conceal any violation of this Ordinance.
- H. Permitting or allowing any well, cistern, percolation test site for on-site sewage system to be, or remain uncovered.
- I. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public road.
- J. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any public road, to remain open or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
- K. Any noise source which due to intensity, frequency, duration, location, lack of shielding or other reason which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate use and enjoyment of their rights of person or property.
- L. Any light source which due to intensity, frequency, duration, location, lack of shielding or other reason causes any direct or sky-reflected glare visible at the property line of the property on which the light source is located; or which causes any safety hazard to any driver on any public or private road.
- M. Any smells which due to intensity, frequency, duration, location, lack of shielding or other reason which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate use and enjoyment of their rights of person or property.

### Section 3 – NOTICE TO VIOLATORS

Whenever the Board of Supervisors, or the Board's duly appointed representative, determines that a nuisance exists in the Township, the Board, or the Board's duly appointed representative, shall serve written notice to be served on the owner of the premises on which the nuisance is located or originates. The written notice shall be served upon the owner by one or more of the following methods:



- A. Personal delivery.
- B. Fixing a copy to the door of the building on the premises of the violation.
- C. Certified mail to the last known address of the owner.
- D. If all efforts for personal service and mailings fail, publishing in the Township official newspaper once every week for two (2) consecutive weeks.

#### Section 4 – CONTENT OF NOTICE

- A. The notice shall enumerate the conditions which constitute the nuisance and what action is required to abate the nuisance. Such actions may include, but shall not be limited to, demolition, repairs, alterations, fencing, discontinuance, removal, screening, and/or covering.
- B. The notice shall include a time frame for the abatement of the nuisance, with such time frame established by the Board, or its duly appointed representative, based upon the nature of the nuisance and providing a reasonable period for the owner to take the required action. However, in no case shall the period for abatement of the nuisance exceed sixty (60) days from the time notice is served upon the owner; and, in certain cases, immediate correction may be required.
- C. All costs associated with the abatement of the nuisance, including, but not limited to materials and labor, shall be borne by the owner of premises upon which the nuisance is located or originates.

#### Section 5 – PENALTIES FOR VIOLATIONS

If the owner, after receiving notice in accord with this Ordinance, fails to abate the nuisance as ordered in the said notice:

- A. The owner shall be guilty of a violation of this Ordinance. Upon conviction thereof, the owner shall be subject to a fine not exceeding Three Hundred (\$300) Dollars and costs of prosecution; and, in default of payment shall be subject to imprisonment in the Wayne County Jail for a period not exceeding thirty (30) days. Each day's continuance of a violation shall constitute a separate offense.
- B. The Board of Supervisors may cause the work or abatement to be commenced and/or completed. The cost and expense thereof, including, but not limited to, materials, labor, and legal fees, together with a penalty of ten (10%) percent shall be collected from the owner of the subject premises in any manner provided by law. The recovery of such costs of abatement, together with the





penalty, may be in addition to the penalty prescribed in Subsection A of this Section 5.

C. The Board of Supervisors, by means of a complaint in equity, may compel the owner of the subject premises to comply with the terms of the notice of violation, or may seek any other such relief as any such court of competent jurisdiction is empowered to afford.

#### Section 6 – SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

#### Section 7 – EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the adoption thereof.

**ENACTED AND ORDAINED** into law by the Board of Supervisors of Clinton Township, Wayne County, Pennsylvania, this 14 day of November, 2018.

#### CLINTON TOWNSHIP, WAYNE COUNTY, BOARD OF SUPERVISORS:

Attest:

Jill Droppa  
Secretary

Ky an  
Chairman

R  
Supervisor

Russell  
Supervisor

