

MIFFLIN TOWNSHIP  
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 02-2010

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MIFFLIN, COUNTY OF DAUPHIN, PENNSYLVANIA, PROHIBITING NUISANCES, STORING OR ACCUMULATING ABANDONED OR JUNKED MOTOR VEHICLES, JUNK MATERIAL, OVERGROWN GRASS, WEEDS OR OTHER VEGÉTATION, INFESTATION AND PESTS, GARBAGE AND REFUSE, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDING IN A STATE OF DILAPIDATION OR DISREPAIR 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 Mifflin Township, Dauphin 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 1509 of the Second Class Township Code, 1933, May 1, P.L. 103, No. 69, as amended, (53 P.S. §66529), authorizes Townships of the Second Class by ordinance 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 Mifflin Township, Dauphin County, Pennsylvania, as follows:

Section 1. DEFINITIONS: 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. **"Abandoned or Junked Motor Vehicles"** is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.
2. **"Board of Supervisors"** is the Board of Supervisors of Mifflin Township, Dauphin County.
3. **"Garbage"** is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
4. **"Infestation"** is the presence of insects, rodents, vermin and/or other pests.
5. **"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 their reasonable rights of a person or property or which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the Township of Mifflin.
6. **"Owner"** is a person owning, leasing, occupying or having charge of any premises within the Township.
7. **"Person"** is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.
8. **"Refuse"** all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.
9. **"Township"** is the Township of Mifflin, which is located with the confines of Dauphin County, Pennsylvania.
10. **"Vegetation"** is any grass, weed or vegetation whatsoever, that is not edible or planted for some useful, legal or ornamental purpose.

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, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials, unless for resale. If such material is for resale, it shall be stored in such a manner that it cannot 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 abandoned or junked motor vehicles, 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. All such vehicles must be moved in 60 days, or if at vehicle repair business 90 days.
- 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 unordered fashion three (3) or less antique or collector motor vehicles for registration.
- 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; 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 for said drainage by means of a drainage ditch or otherwise.
- F. Burning of 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 over one (1) foot of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, or permitting the growth of vegetation to conceal any

rubbish, garbage; trash or any other violation of this ordinance.

- I. Permitting or allowing any well or cistern to be, or remain, uncovered.
- J. 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.
- K. 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. Burning or maintaining an open fire on any parcel located within the Township in which the total acreage is less than 2 acres. On properties where such burning may be permitted, it shall be done in such a manner to create the least amount of discomfort and smoke exposure to neighboring parcels.
- M. Playing or allowing the of playing radios, television sets, amplifiers or other devices emanating or creating sound so as to be heard beyond the premises from which the sound shall emanate.
- N. Keeping or harboring any dog or animal that creates unsafe or unsanitary conditions or that creates frequenting barking or other noise that disturbs adjacent property owners.
- O. Failure to maintain grounds, building and structures free of insect, vermin and rodent harborage and infestation.
- P. Failure to maintain adequate sanitary facilities and methods for the collection, storage, handling and disposal of garbage and refuse.
- Q. Where insect, rodent and/or vermin infestation exists, failure to undertake corrective measures by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

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 owners;
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 Dauphin County, Pennsylvania, once a week for three (3) successive weeks.

Such notice shall be 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), (J), (K), (L), (M), (N), or (O) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

If the owner or occupant of the property does not comply with the notice to abate the conditions creating the nuisances within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the costs of such correction plus ten percent (10%) of all costs. The Township in such event and pursuant to its statutory or otherwise authorized police powers shall have the right and power to enter upon the offending premises to accomplish the foregoing.

In cases where it reasonably appears that there is immediate, clear and present danger to life or to the safety of any person or property unless a building is immediately repaired, vacated or demolished, or any other action described under this ordinance is immediately taken, the Township, through its appropriate officers or employees, shall be authorized to enter the property and shall cause the immediate repair, vacation or demolition of said building, or shall cause any other action required under this ordinance to be taken. The cost of such emergency action by the Township shall be collected in the same manner as described in this section. Prior to the Township taking any action described in the paragraph, the Township Supervisors shall approve such action at an

emergency meeting of the Board of Supervisors, if possible. Any action taken by the Township whether approved at an emergency meeting or not, shall be ratified at the next regular meeting of the Board of Township Supervisors.

All reasonable attempts to contact the owner of the property shall be made by the Township, through its appropriate officer and employees, prior to taking the emergency action described in this section.

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 00/100 (\$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) day, 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 immediately after the adoption hereof.

ENACTED AND ORDAINED into law by the Township of Mifflin, Dauphin County, Pennsylvania, this 9 day of February, 2010.

ATTEST:

Wanda E. Hockley  
Township Secretary

Township of Mifflin  
Board of Supervisors

By:

Ronald C. Kolva  
Ronald C. Kolva, Chairman

Albert G. Mauser, Jr.  
Albert G. Mauser, Jr., Vice Chairman

Thomas G. Billow  
~~Paul M. Reitz, Supervisor~~  
Thomas G. Billow

By:

Ronald C. Kolva, Chairman