

HAMILTON TOWNSHIP
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE No. 2013-157
As Amended by Ordinance No. 2015-162

AN ORDINANCE REPEALING ORDINANCE NUMBER 66 ENACTED ON THE 16TH DAY OF JUNE 1981, REPEALING ORDINANCE NUMBER 106 ENACTED THE 7TH DAY OF AUGUST 1996, REPEALING ORDINANCE NUMBER 2005-137 ENACTED THE 7TH DAY OF DECEMBER 2005 AND ENACTING A NEW COMPREHENSIVE NUISANCE ORDINANCE FOR THE TOWNSHIP

WHEREAS, Section 1529 of the Pennsylvania Second Class Township Code, as amended, authorizes Townships of the Second Class to prohibit certain nuisances and Hamilton Township now desires to consolidate the several nuisances ordinances previously enacted in the Township into a single comprehensive ordinance,

NOW, THEREFORE, be it enacted and ordained, and it is enacted and ordained, by the Supervisors of Hamilton Township, as follows:

SECTION 1. Ordinance Number 66 enacted on the 16th day of June 1981, Ordinance Number 106 enacted the 7th day of August 1996 and Ordinance Number 2005-137 enacted the 7th day of December 2005 are hereby repealed effective with the effective date of this ordinance.

SECTION 2. Definitions.

For the purposes 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 include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

- A. "Board of Supervisors" is the Board of Supervisors of Hamilton Township, Franklin County, Pennsylvania.

- B. "Garbage" is the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- C. "Inoperable Motor Vehicles" shall include a motor vehicle not currently registered or inspected as required under the laws of the Commonwealth of Pennsylvania as well as any vehicle that is in a major state of disassembly or disrepair, or in the process of being stripped or dismantled.
- D. "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 in the legitimate enjoyment of his reasonable rights of person or property.
- E. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
- F. "Person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.
- G. "Rubbish" is combustible and non-combustible waste material, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SECTION 3. Conduct or use of property declared to be nuisance per se.

The following are declared to be nuisances per se and where found to exist are subject to the penalties herein set forth.

- A. The accumulating or allowing there to be accumulated or stored on property garbage or rubbish.
- B. Accumulating or allowing there to be accumulated on property junk material including but not limited to unused or abandoned machinery, equipment or appliances or any other type of waste or refuse material,

including scrap metal, glass, industrial waste and other salvageable materials.

- C. The storing, accumulating or allowing there to be stored or accumulated on private property inoperable motor vehicles as that term is defined in this ordinance.
- D. Storing or accumulating more than three (3) antique or collector motor vehicles for restoration neither sheltered by a building nor enclosed behind an evergreen or solid fence of a minimum height of eight feet (8'); or storing or accumulating in an unorderly fashion three or less antique or collector motor vehicles for restoration.
- E. Drainage 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, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any other 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.
- F. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwellings situate upon property along any 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.
- G. Burning garbage, tires or tar products.
- H. Maintenance 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.

- I. Refusing or failing to cut and destroy ragweed, chicory, thistle, golden rod, poison ivy, poison oak, sumac or other similar vegetation.
- J. Permitting or allowing any well or cistern to be or remain uncovered.
- K. Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise.
- L. Removing the embankment of a stream so as to alter the natural flow of the stream.
- M. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by this Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- N. Parking any vehicle, trailer, dumpster, or otherwise placing anything upon the travel portion of a Township street, which impedes or has the potential to impede the free flow of traffic in the area, or interfere with or has the potential to interfere with Township maintenance, mowing or plowing activities in the area.
- O. 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.
- P. Any person, firm or corporation, owning or occupying any property within Hamilton Township permitting any grass or weeds or any vegetation whatsoever, not edible, planted for some useful or ornamental purpose or as an agricultural crop planted as part of an active and ongoing farming activity, to grow or remain upon such premises, or upon a grass plot along a road or street so as to exceed a height of twelve (12) inches, or to throw off any unpleasant or noxious odor or to conceal any filthy deposit. The owner of any premises shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of this paragraph.

The Board of Supervisors of Hamilton Township is hereby authorized to give notice, by personal service or mail, to the owner of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of paragraph P above directing and requiring such owner to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Ordinance within five (5) days after the issuance of such notice. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Hamilton Township Board of Supervisors shall have the authority to remove, trim or cut such grass, weeds or vegetation, and the costs thereof, together with fifteen percent (15%) added as administration expenses may be collected from such person, firm or corporation in the manner provided by law.

SECTION 4. 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 ways:

- (A) By making personal delivery of the notice to the persons responsible.
- (B) By leaving the notice with an adult upon the premises.
- (C) By fixing a copy of the notice to the door at the entrance of the premises in violation.
- (D) By mailing a copy of the notice to the last known address of the owner by certified mail.
- (E) By publishing a copy of the notice in the local newspaper once a week for three successive weeks.

Such notice shall set forth in what respects such condition constitutes a nuisance, and whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by otherwise. Such notice shall require the owner to commence action in accordance with the terms thereof within twenty-one (21) days and

thereafter to comply fully with its terms with reasonable dispatch, all material to be supplied and work done at the owner's expense; provided, however, that if the violation charged is under Section 3 (A), (G), (J), (M), (N), (O) or (P) and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

In the instance of repeated violations of the same sections of this Ordinance, prosecution may be commenced without additional prior notice to the person or persons repeating the violation. A person shall be considered to be repeating a violation if that person is found to be in violation of a section of this Ordinance or the same or similar offense for which the person was cited in the immediately preceding (90) ninety-day period. The (90) ninety-day period shall begin from the date of inspection for curing the previous violation.

Section 5. Penalty for Violation.

In addition to the provisions set forth in Section 3 paragraph P. of this Ordinance for the recovery of costs, if any "Owner" as defined in Section 2 paragraph E of this Ordinance refuses or fails to comply with the provision hereof, said "Owner", upon being found guilty in summary proceeding in a District Court, shall be subject to a fine of up to One Thousand Dollars (\$1,000.00) plus costs of prosecution for each violation. Each day a violation continues after the "Owner" has been found guilty in District Court shall constitute a separate offense for which additional fines and costs may be assessed.

SECTION 6. This Ordinance shall take effect five (5) days after the date of its enactment.

ENACTED by the Board of Supervisors of the Township of Hamilton this 7th day of August, 2013.

BOARD OF SUPERVISORS
OF HAMILTON TOWNSHIP,
FRANKLIN COUNTY, PENNSYLVANIA

Michael K. Kessinger
Michael K. Kessinger

Randall E. Negley

James C. Hollenshead
James C. Hollenshead

CERTIFICATE

I, the undersigned, Secretary of the TOWNSHIP OF HAMILTON, Franklin County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on August 7, 2013; that said Ordinance has been duly recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that said Ordinance remains in effect, unaltered, and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 7th day of August, 2013.

Deborah J. Hollenshead
Deborah J. Hollenshead, Secretary

