

**HEIDELBERG TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 173

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HEIDELBERG TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, PROVIDING CONTROL MEASURES RELATED TO GENERAL NUISANCES OCCURRING ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; AND ESTABLISHING PENALTIES FOR NUISANCES.

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the citizens and the residents of Heidelberg Township, Lebanon County, to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, hurt, annoyance, or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66529, as amended, authorizes Townships of the Second Class to prohibit nuisances, to remove same and to impose penalties therefore; and

WHEREAS, the Board of Supervisors recognizes that nuisances are detrimental to the public health, safety and welfare of Township residents, and prevention and correction of nuisances is necessary to prevent public harm; and

WHEREAS, Heidelberg Township recognizes that certain activities related to farming and agricultural activities performed in the reasonable and normal course of farming and/or agricultural activities should not be considered nuisances and therefore, are exempted from this Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by The Board of Supervisors, Heidelberg Township, Lebanon County, Pennsylvania as follows:

SECTION 1. Title.

This Ordinance shall be known as the “Heidelberg Township Nuisance Ordinance.”

SECTION 2. Purpose and Intent.

The purpose of this ordinance is to protect the health, safety, and general welfare of the inhabitants of Heidelberg Township and to prohibit acts that create a hazard or

public nuisances that would be detrimental to the health or safety of Township residents, deprive residents of the lawful use and enjoyment of their property, cause unusual annoyance, or that would cause damage to public or private property. Nothing in this ordinance shall be construed as a prohibition of any normal activity in farming or animal husbandry. It is intended that the provisions of this ordinance shall be construed as consistent with the provisions of the International Property Maintenance Code as adopted by Heidelberg Township.

SECTION 3. Definitions.

1. **Abandoned or Junked Motor Vehicle.** A motor vehicle that is inoperable and/or that is without a valid registration and/or current inspection and/or policy of automobile insurance or has been left unattended on or along a highway for more than 48 hours; or any other motor vehicle that has been intentionally abandoned by its owner, whether on public or private land. A junked vehicle includes apparently inoperable, immobile, disassembled, or extensively damaged vehicles. Vehicles and equipment used or to be used in construction or in the operation of maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.
2. **Abate.** To repair, replace, remove, destroy or otherwise remedy a condition which constitutes a violation by such means, in such a manner, and to such an extent as the Township determines is necessary in the interest of the general health, safety and welfare of the Township.
3. **Attractive Nuisances.** Any nuisance which may prove detrimental to children, whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children.
4. **Board of Supervisors.** The Board of Supervisors of Heidelberg Township, Lebanon County, Pennsylvania.
5. **Compost/Compostable Materials.** Compostable materials consist of leaves, grass clippings, plant stalks, vines, weeds, twigs, branches, fruit and vegetable scraps, coffee grounds, eggshells, nutshells, hair clippings, feathers, straw and similar materials.
6. **Dangerous Structures/Buildings.** Any building, structure, or portion thereof on public or private property which threatens the life, health, or safety of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disasters, damage or abandonment; a dangerous, decaying, unkempt, falling, or damaged dwelling, fence, or other structure.

7. **Dumping.** The unauthorized disposal of any type of material upon public or private property, including the unauthorized use of containers designed for the disposal of such materials.
8. **Dumping in Waterways.** Dumping, depositing, placing, or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any waterway; or the felling of any tree or trees so that the same shall in whole or in part project within the high-water bank of a waterway or watercourse; or the casting, placing, depositing, or leaving of any logs, roots, snags, stumps, or brush upon the banks or in the bed or channel of any waterway or watercourse.
9. **Natural Landscaping.** A cultivated planting consisting of meadow or other landscaping that includes herbaceous material as follows: a mixture of native grasses, native plants, and wildflowers that provides food, water, and cover for wildlife species, especially birds.
10. **Noxious Weeds.** A plant that is determined to be injurious to public health, crops, livestock, agricultural land or other property and cannot be sold, transported, planted, or otherwise propagated in Pennsylvania. Noxious weeds shall include those that are identified on the Noxious Weed List promulgated by the Pennsylvania Department of Agriculture.
11. **Nuisance.** The unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property; doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which annoys, injures, or endangers the comfort, repose, health or safety of others, or is unreasonably offensive to the senses, or which obstructs, disrupts, or interferes with the free use of public or private property by any lawful owner or occupant.
12. **Obstructions to the Public Right-of-Way.** Use of public or private property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of the streets or public right-of-way when authorized by the Township. This section includes the existence of drainage onto or over any sidewalk, street, or public right-of-way, as addressed in Section 3.01.9., and the existence of any debris or plant growth on sidewalks adjacent to any public or private property, as set forth in Section 3.01.12.

13. **Person.** Any individual, firm, association, partnership, corporation, or any entity, public or private, or any organization of any kind.
14. **Person responsible for the Violation.** Any person who has an interest in or resides on the public or private property, whether as owner, tenant, occupant, or who otherwise causes the violation. Responsibility for the violation may be joint or several.
15. **Potential Vermin Habitat or Fire Hazard.** Any accumulation of material on public or private property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris, or other objects which endanger public or private property or public safety, or constitute a fire hazard or vermin habitat.
16. **Refuse.** Refuse includes, but is not limited to, the waste or remains of any living thing, garbage or food waste, glass, metal, ashes, dirt, tires, rubbish of any kind, pasteboard and paper materials, garden and yard waste.
17. **Township.** Heidelberg Township, Lebanon County, Pennsylvania.
18. **Trash.** Worthless or discarded material or objects; refuse or rubbish, compost, junk, debris, litter, waste.
19. **Vegetation.** Any grass, weed, or growing plant whatsoever, which is not edible or planted for some useful, legal, ornamental purpose.
20. **Vicious Animal.** Any animal which has previously attacked or bitten any person or which has behaved in such a manner that a person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.
21. **Waterway.** A waterway shall be defined consistent with the Army Corp. of Engineers and the Clean Water Act, and consistent with the Pennsylvania Clean Streams Law. Navigable waters of the United States, as defined in 33 C.F.R. 329, are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce while the waterway is in its ordinary condition.

SECTION 4. Nuisances Prohibited and Declared Illegal.

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

A. Accumulating and/or Storing.

- 1. Accumulation or Storage.** It shall be unlawful to accumulate or store the following: garbage or rubbish; junk material (including but not limited to unused or abandoned machinery, equipment or appliances); other junk, including but not limited to any and all forms of waste and refuse of any type of material, including scrap metal, glass, industrial waste and other salvageable materials.
- 2. Abandoned or junked motor vehicles.** It shall be unlawful to store or accumulate abandoned or junked motor vehicles as defined in Section 3 of this Ordinance.

B. Dumping.

- 1. Dumping, Throwing, or Depositing.** It shall be unlawful to throw, deposit or dump any paper, trash, rubbish, ashes, junk, waste, garbage or discarded materials of any kind, including but not limited to, refrigerators, electrical or gas ranges, worn out tires, plumbing or electrical fixtures, building supplies, tree limbs, grass or other vegetation, in or on any private or public property, vacant or occupied, within the Township, or to maintain any accumulations of such materials in or on any public or private property, vacant or occupied within the Township that creates a condition which endangers the safety, health or comfort of citizens of the Township.
- 2. Dumping in Streams and Waterways.** It shall be unlawful to throw, deposit, or dump any garbage, ashes, animal carcasses, debris, gravel, earth, rock, stone, materials or any non-natural water liquids of any kind upon the banks, channels, beds or bars of any waterway, which would interfere with the flow of the waterway. Property owners are responsible to maintain and prevent the felling of any tree or trees, so that the same shall in whole or in part project within the high-water bank of a waterway or watercourse; or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any waterway or watercourse. It is unlawful to remove or alter the embankment of the

stream, channel, or swale that would alter the natural or designed flow of the waterway. To the extent that such nuisance also constitutes a nuisance pursuant to the Heidelberg Township Storm Water Management and Earth Disturbance Ordinance, nothing herein shall prevent abatement in accordance with Section 701.E. of said Ordinance.

C. Animals.

- 1. Animal Security.** No person shall permit any animals, whether pets or livestock, including but not limited to dogs, cats, cattle, horses, mules, sheep, goats, geese, ducks, chickens, or swine to roam or be at large upon the streets, lanes or alleys in the Township or on another person's property.
- 2. Disturbing the Peace.** Any person owning, keeping, or permitting any dog, cat, or other household pet or animal on or about his premises shall not permit said animal to disturb the peace by barking, howling, screeching, yelping, crying or otherwise making a noise that continues for a period in excess of ten (10) minutes or more. Such activity in excess of ten (10) minutes that is a disturbance to the quiet of the community is declared to be a nuisance.
- 3. Waste.** It shall be unlawful for any person owning or possessing any dog, cat, or any other animals to fail to clean up and properly dispose of their pet's or animal's feces deposited on any sidewalk, public places, Township Parks, or other private properties.
- 4. Keeping of Vicious Animals or Illegal Exotic Animals.** It shall be unlawful for any person to keep or permit to be kept on his premises any vicious animal or illegal exotic animals as a pet, or for display or exhibition purposes, whether gratuitously or for a fee.

D. Dangerous Structures. It shall be unlawful to maintain or cause 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, in accordance with Township Ordinances. This includes buildings or structures that are damaged so as to become dangerous to the safety of occupants or others in the vicinity; those that are unfit for human habitation; and those that have inadequate facilities for ingress/egress.

- 1. Attractive Nuisance.** Creating, allowing or permitting nuisances on any public or private property, whether or not such property is owned,

leased, occupied or otherwise controlled, which might serve as an areas of play or general attraction for children, or the public in general, is prohibited.

E. Noise. It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others on adjoining properties, provided that noises created in the normal and reasonable course of a legitimate business activity shall not be deemed illegal. Such noise that occurs between the hours of 10:00 P.M. and 7:00 A.M. is declared a nuisance.

1. Noise Exemptions. Noise emitted from the following sources shall be exempt from the noise standards specified herein:

- a. All safety signals and warning devices (e.g. intrusion alarms, back-up alarms on trucks); authorized vehicles when responding to emergencies (e.g. police, fire, ambulance sirens or any other device used to alert persons to an emergency or used during the conduct of emergency work).
- b. The provision, repair and maintenance of municipal services or public utilities.
- c. Bells, chimes and carillons used for religious purposes or in conjunction with national celebrations or public holidays.
- d. Appliances, lawn and garden equipment, chain saws, snow removal equipment and power tools in use between the hours of 7:00 a.m. (prevailing time) and 9:00 p.m. (prevailing time), provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified, and in proper operating condition.
- e. Heavy construction equipment when being used on a specific short term project (such as constructing a building; constructing, repairing or cleaning a road; drilling a well; and other similar short term, specific construction, demolition, or repair projects) between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, for the duration of such short term, specific project; provided, such heavy construction equipment is operated within the

manufacturer specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

- f. All farm-related operations and activities.

F. Sanitary Sewer and Storm Water Drainage

- 1. Draining or Flowing of Nauseous Liquids.** It shall be unlawful for any person, manufacturing establishments, stores, stables, private residences, or shops to allow to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, waste stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever; or to allow the draining or flowing of any other foul or offensive water or foul or offensive drainage of any kind, from public or private 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 public or private property into or upon any adjoining public or private property.

- 2. Sump Draining.** It shall be unlawful to allow to drain or flow any sump water, sanitary sewer, or other liquid drainage from within dwellings situate upon public or private property along any public highway, road, street, avenue, lane or alley in the Township, into or upon the cart way or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said roadway or traveled portion for said drainage by means of a drainage ditch, curbed drainage, or other means of surface or piped drainage flow.
 - a. Exemption.** Draining of sump water from a foundation drain or as a result of a storm-related or fire flow-related event or broken water line shall be permissible. Notwithstanding the foregoing, broken water lines must be repaired as soon as possible. Whenever practicable, a minimum ten (10) foot separation from the end of the sump pump discharge to the street is required. If such separation is not practicable, property owners shall take steps to prevent street icing or street flooding as a result of the discharge.

- 3. Prohibited Discharges.** All prohibited discharges as set forth in Section 503 of the Heidelberg Township Storm Water Management and Earth Disturbance Ordinance shall be unlawful. To the extent that the nuisances set forth in Section 4.F. also constitute nuisances pursuant to

the Heidelberg Township Storm Water Management and Earth Disturbance Ordinance, nothing herein shall prevent abatement in accordance with Section 701.E. of said Ordinance.

F. Streets. It shall be unlawful to allow the storing, depositing, or placement of obstructions on or adjoining any highway, street, or road, such as dumpsters, portable toilets, sports equipment/nets/goals, vehicle fuel and lubricant leaks or spills, yard waste, branches, or leaf piles. Any materials on street in front of premises shall be removed and streets cleaned within 24 hours, unless approved and permitted by Township.

G. Vegetation.

1. Accumulation. It shall be unlawful to accumulate, dump, or store dead vegetation, such as tree trimmings, brush, leaves, grass clippings, mulch, fruits, holiday trees, and other materials which involve slow decay or decomposition resulting in noxious odors and serve as a breeding ground for vermin, rodents, insects, and other animals.

a. Composting Exemption. The composting of organic, biodegradable material shall be permissible on the property on which it is generated and stored when the waste material is being utilized as compost. Composting activity must be located at least ten (10) feet from all property lines. Any composting activity which creates a hazard or which affects neighboring properties with respect to malodorous odors, unsightly or unhealthy compost piles, or composting activities which tend to attract insects, animals, rodents or other vermin, shall be a nuisance. Nothing in this section shall affect or negate the applicability of composting permit requirements imposed by the Commonwealth of Pennsylvania.

2. Noxious Weeds. It shall be unlawful to refuse or fail to cut and/or destroy noxious weeds or other vegetation that has grown to an average height of ten (10") inches or more.

3. Grass Height. It shall be unlawful to refuse or fail to maintain a residential lawn to the point where the domesticated grass exceeds a height of ten (10") inches, or to the point where the lack of maintenance creates a haven for vermin, or to permit said conditions to exist, thereby inconveniencing any person in the legitimate enjoyment of his reasonable rights of person or property.

a. Natural Landscaping Exemption. Natural landscaping may be exempt from the provisions of this section if the following criteria are met:

- i. A meadow or natural landscape shall not be located within the right of way of any roadway.
- ii. A meadow or natural landscape shall not obstruct or impede the clear view of any adjacent roadway from any driveway or other vehicular access point so as to create a safety hazard affecting ingress/egress to a property. To ensure clear sight, a mow strip of turf at least ten (10) feet wide shall be maintained at four (4) to six (6) inches along the right of way line.

Natural landscaping that does not meet the criteria set forth herein shall be deemed a nuisance.

SECTION 5. Notice of Violation; Abatement of Nuisances.

A. Whenever a condition constituting a nuisance or health hazard is permitted or maintained, the Supervisors, or other persons authorized by the Township, including the Code Enforcement Official, may give the owner of the property in which said nuisance is located, and to any other person permitting the maintenance of such a nuisance, written notice to completely remove, repair or abate the same. Said notice shall require such removal, repair, or abatement within fifteen (15) days of such notice. Said notice shall be served in one of the following manners:

1. By personal delivery;
2. By certified mail, return receipt requested, to the last known address of the owner;
3. By posting a copy of the notice upon the premises; or
4. By publishing a copy of the notice in a local paper of general circulation within Lebanon County, Pennsylvania, once a week for two (2) consecutive weeks, only if no other service can be effected.

B. The contents of the notice of violation provided shall include, but may not be limited to, the following:

1. The address of the property on which the violation occurred;
2. The identity of the person providing the notice of violation;

3. The date of the mailing or posting of the notice;
4. The nature of the violation;
5. The methods of remedy available to correct the violation;
6. The time limits available for remedy and correction of the violation; and
7. The possible fines incurred in the event that the violation is not corrected, and a statement to the effect that a complaint may be filed if the nuisance is not abated.

C. If a Township Official determines that a violation of this Ordinance has occurred and such violation endangers public health, safety and welfare such that it may cause harm to any person or property, the Township Official may determine, at his discretion, that such violation has created an emergency such that immediate remedial action may be taken to alleviate the violation and the emergency prior to initiating the foregoing notice provisions. At such time that the emergency is averted, the Township Official shall initiate formal notice of violation procedures consistent with this Ordinance.

SECTION 6. Enforcement; Abatement of Nuisances by Township.

- A. This Ordinance may be enforced by the Heidelberg Township Board of Supervisors or the Township's Code Enforcement Official.
- B. This Ordinance is not intended to limit enforcement of any other violation of any other Ordinance of this Township or any private civil or other legal remedy which may be available to any private citizen of this Township.
- C. In addition to, or instead of, invoking the penalties set forth in Section 7 of this Ordinance, the Township or persons authorized by the Township, may, in the event of any continued violations of this Ordinance, enter upon the offending premises and remove, repair or alter any nuisance, hazard, or dangerous structure or condition on such property, or otherwise abate any identified nuisance or health hazard. Further, the Township may collect the costs of such removal or abatement, together with any penalty and costs as granted in summary proceedings, from the owner of the property or premises. The actual costs of such removal, together with the penalties, costs, and reasonable attorney's fees, shall be a lien upon the premises, and may be enforced against the property and recovered by the Township in the manner prescribed for the filing and collecting of municipal liens under applicable law.
- D. The Township may, by an action in equity, request the Court to compel the

owner to comply with this ordinance or order such other relief as the Court deems appropriate.

- E. Whenever the Township takes such action as is necessary to abate a nuisance, it shall do so without liability for damage to the public or private property.

SECTION 7. Penalties.

Any person violating any of the Sections of this Ordinance shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00, together with costs of prosecution, and in default of payment thereof, may be sentenced and committed to imprisonment for a period not to exceed thirty (30) days. Said fines and costs may be collected by suit or summary proceedings brought in the name of Heidelberg Township.

SECTION 8. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for the purpose of this Section, the provisions of this Ordinance are hereby declared to be severable.

SECTION 9. Repealer.

Any past Resolution or Ordinance, or part or parts thereof, conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 10. Effective Date.

This chapter shall become effective five (5) days after the adoption hereof and shall remain in force until modified, amended or rescinded by Heidelberg Township, Lebanon County, Pennsylvania.

This Ordinance is enacted this ____ day of _____, 20____.

ATTEST:

**HEIDELBERG TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

Chairman

[TOWNSHIP SEAL]

Vice-Chairman

Treasurer