

Board of Supervisors of the Township of Clifford, Pennsylvania
Susquehanna County

AN ORDINANCE
FILE OF THE BOARD OF SUPERVISORS
NO. 3 of 2002

AN ORDINANCE AMENDING FILE OF THE BOARD OF SUPERVISORS NO. 3-1980,
ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF CLIFFORD, PENNSYLVANIA"

Be it ordained by the Board of Supervisors of the Township of Clifford, Pennsylvania, and it is hereby ordained by and with the authority of the same as follows:

Section 1:

Wherefore, the Township of Clifford ordains this Ordinance for the protection of the health, safety, morals, general welfare and property of its citizens and others.

Section 2:

2.1. Definitions.

The following words or phrases when used in this Ordinance shall have the meaning ascribed to them in this section except when the context of the ordinance indicates a different meaning.

ABANDONED- shall mean any item resting for 96 hours or more and which is inoperable, without current registration plates, certificate or inspection, if applicable, or which is in such a condition as to unusable.

APPLIANCE- shall mean a stove, refrigerator, television, furnace, water heater, water softener, washer, dryer, any household article used to perform any of the necessary work in a household, and articles used in business to increase production or to speed, ease or eliminate work.

DEBRIS- shall mean dead trees, weeds, shrubbery, limbs or portions thereof which have become detached and have fallen to the ground and may also include, but not limited to abandoned and broken equipment, hazardous pools, ponds and excavations, neglected machinery, broken or discarded furniture or household equipment and other debris including live vegetative growth, metal, lumber and paper stored on private premises.

DISCARDED- shall mean any item resting for 96 hours or more with no known or apparent owner.

FOUNDATION- shall include but shall not be limited to the base upon which any building is or was intended to be built upon.

HOUSEHOLD FURNISHINGS- shall include all items normally found and used in a home.

JUNK- shall mean any discarded material or article and shall include but not limited to scrap metal, scrapped abandoned or junked motor vehicles, machinery, equipment, paper, rugs, glass, containers, wood lumber and structure.

JUNKED- shall mean items sold or to be sold for scrap, being stripped or being used or sold for parts.

PERSON- shall mean a natural person, a corporation, a partnership, the members of an unincorporated association, all of the partners of the partnership, and the officers and Board of Directors of a corporation.

STRUCTURE- shall include but shall not be limited to any building or part of a building in a state of disrepair or danger, or any mass of objects in a state of disrepair or danger.

TRAILER- shall mean a wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, object or boat.

UNFINISHED BUILDING- shall include but shall not be limited to buildings or structures damaged or partially destroyed or in a state of disrepair or danger.

VEHICLE- shall mean an automobile, motorcycle, mini-bike, bicycle, go-cart, truck or other wheeled means of conveyance, motorized or self-propelled.

2.2. General Provisions of Nuisance.

The word nuisance as used in this ordinance, shall mean any use of property within the Township or any condition upon property within the Township other than infrequently, which causes or results in:

- (i) annoyance or discomfort to persons beyond the boundaries of that property, or
- (ii) interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property; and/or
- (iii) disturbance to or interference with the peaceful use of the property of others within the Township, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood.

2.3. Nuisance Conditions.

Maintaining or permitting the maintenance of any of the following dangerous conditions,

structures or premises:

- a.) Open wells or cisterns;
- b.) Open excavations;
- c.) Lakes, ponds or swimming pools not properly safeguarded;
- d.) Stagnant water in pools in which mosquitoes, flies or insects may multiply;
- e.) Weeds or uncultivated vegetation which is over on (1) foot tall.

2.4. Attractive Nuisances.

Creating or maintaining attractive nuisances which is the leaving of a dangerous instrumentality which by its character is dangerous and attractive to children at such places frequented by children is considered to be a nuisance as described in §2.1 of this article.

2.5. Accumulation and Storage.

It shall be unlawful for any person to accumulate or store junked, abandoned or discarded vehicles, junk, trailers, boats, appliances, household furnishings, debris, unfinished building foundations, and structures and or to create continue to cause maintain or permit to exist a nuisance at any place with the Township.

2.6. Service of Notice.

Any person who creates, continues, causes, maintains or permits to exist any nuisance at any place within the Township hall, within ten (10) days after notice from the Township of Clifford, to do so, remove or abate that nuisance. If that person fails, neglects or refuses to abate that nuisance within the time limit, the Township of Clifford shall have the authority, in person or by its agents and/or employees, to remove or abate the nuisance, and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, legal counsel of the Township shall collect the cost and expense of the abatement or removal from the person who created, continued, caused or maintained the nuisance and/or permitted it to exist, that person having failed, neglected or refused to remove or abate the nuisance, with an additional amount of ten (10%) percent, in the manner provided for the collection of municipal claims or by appropriate action at law. Provided the cost and expense may be in addition to any penalty imposed under §2.7 of this ordinance.

2.7. Violations and Penalties.

Any person who violates any provision of this ordinance shall be guilty of a summary offense, and for every such offense, shall upon conviction, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, and in default of payment of fine and costs to imprisonment for not more than (30) days. Provided: each day on which a violation shall exist or continue to exist, after notice from the Township of Clifford, as proved in §2.6 of this ordinance, shall constitute a separate offense.

Section 3:

This ordinance shall not be constructed to be the sole means or abatement of nuisances within the Township, and nothing shall preclude any person from proceeding individually or with other injured persons to effect the abatement of a private nuisance. Furthermore, on the exercise of the powers conferred in this ordinance, the Township may institute proceedings in equity and law.

Section 4:

The Ordinance shall become effective at the earliest date permitted by law.

Attest:

John W. Regan
Board of Supervisors, Chairman

Randolph E. LaCroix
Supervisor/Township Secretary

Adam Baron
Supervisor

Date