

## **Chapter 10**

### **Health and Safety**

#### **Part 1 Nuisances**

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**Part 1****Nuisances****§10-101. Definitions.**

The following words when used in this Part or any accompanying resolution shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicated a different meaning:

*Garbage* - animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, trash, refuse and all material no longer being used or suited for its initial intended use.

*Junk* - any material, including but not limited to appliances, machinery, metal, parts of machinery, glass, wood, containers, equipment and the like no longer suitable for its intended use.

*Lessee* - the person to whom the owner of property has granted possession, either by express statement or by implication.

*Nuisance* - any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety of welfare of the citizens of the Township.

*Owner* - the actual owner or custodian of the property on which equipment or materials are stored, or where buildings, structures or operations are located or where other alleged hazards or nuisances are existence, whether individual, partnership, association or corporation.

*Person* - every natural person, association, partnership or corporation. The singular shall include the plural. Whenever used in connection with prescribing or imposing penalty, or both, the term as applied to a partnership shall mean the partners or any of them and as applied to corporations or associations shall mean the officer (s) thereof.

*Rubbish* - all perishable solid wastes (except body wastes) including solid market and industrial wastes and all nonperishable solid wastes consisting of both combustible and non-combustible wastes, such as solid market and industrial wastes, paper, wrappings, cardboard, tin cans, glass, bedding, crockery and similar materials, no longer suitable for its intended use.

*Supervisors* - Board of Supervisors of Tuscarora Township, Juniata County, Pennsylvania.

*Township* - Tuscarora Township, Juniata County, Pennsylvania

(Ord. 3-2003, 3/3/2003, §1)

**§10-102. Health Hazards and Nuisances Prohibited.**

It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance or health hazard to the residents of Tuscarora Township. While not necessarily intended to be a comprehensive list, the establishment, maintenance, operation or continuance of any of the following at any time within Tuscarora Township without a permit is hereby declared to be a

nuisance under the terms of this Part:

A. The unsheltered storage or maintenance of junk or the storage or maintenance of garbage, rubbish or any other material if any of the following conditions exist with respect thereto:

- (1) Broken glass or metal parts with sharp or protruding edges.
- (2) Openings or areas which are conducive to the harboring of vermin.
- (3) Storage in any manner which would allow the junk, garbage, rubbish or material, or any part thereof, to easily shift, tilt or fall from its original storage position.
- (4) The presence of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents or poisons.
- (5) No refrigerators, washers, dryers, deep freezers, or other appliances with doors on.
- (6) Any other condition which the Supervisors shall deem to be a health hazard, potential health hazard or nuisance.

B. The maintenance of abandoned or neglected buildings, structures, sidewalks or premises, which shall pose or constitute any of the following conditions or hazards:

- (1) A fire hazard to adjoining structures and other property within the Township.
- (2) A danger of infestation by vermin.
- (3) An area which is or which might potentially serve as an area of play or attraction for children of the Township or the public in general.
- (4) Buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to life or safety of occupants or to others in the vicinity.
- (5) Buildings or structures which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity.
- (6) Buildings or structures, parts of which are so attached that they may fall and injure members of the public or cause damage to property.
- (7) Any other condition which, the supervisors shall deem to be a health hazard, potential health hazard or nuisance.

(Ord. 3-2003, 3/3/2003; Art. 1, §1)

### **§10-103. Storage Requirements.**

Storage of such items as listed in §10-101 hereof on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Township ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-101, shall apply in writing for a permit for either temporary or permanent storage and pay a fee to the Township. The permit fee shall be based on the total area of the storage site of such nuisances calculated on square feet. (Cost per square foot x total site area in square feet = cost of

permit). Such nuisance(s) must be stored within a garage or other enclosed building or, outside, within an opaque fence at least six feet high which is locked at all times when unattended. With the special approval of the Township nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, the appliances, machinery, equipment, or construction materials shall be kept free of vermin infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed.

*(Ord. 3-2003, 3/3/2003; Art. 1, §2)*

#### **§10-104. Investigation and Declaration of Nuisances.**

Whenever it shall be reported or come to the attention of any Township official that any building, structure, junk or any other condition is in a dangerous condition, which might constitute a threat or potential threat to the health, safety or welfare of the citizens of the Township, the Board shall immediately cause an investigation to be made of such condition. Said investigation shall be made and conducted by one or more of the members of the Board. The Board may, after investigation, find and declare any or all of the conditions defined or set forth in §10-102 of this Part as a nuisance or health hazard, to be a nuisance in fact.

*(Ord. 3-2003, 3/3/2003; Art. 2, §1)*

#### **§10-105. Notice to Abate Nuisances.**

Upon finding that creation and maintenance of any of the above conditions is a nuisance in fact, the Supervisors may give the owner or lessee of the property upon which said nuisance is located and any person permitting the maintenance of such a nuisance, at least 15 days notice to completely remove, repair or abate the same. Said notice shall be sent by certified mail, return receipt requested, may be delivered in person, or may be posted upon the premises if said person, lessee or owner of the property cannot be found.

*(Ord. 3-2003, 3/3/2003; Art. 2, §2)*

#### **§10-106. Violations.**

Any person, who after the delivery or posting of the notice provided for in §10-105, continues the maintenance of conduct declared to be a nuisance, who fails to take remedies to abate said nuisance when directed to do so, or who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 3-2003, 3/3/2003; Art. 3, §1; as amended by Ord. 1-2006, 2/6/2006)*

**§10-107. Abatement of Nuisances by Supervisors.**

In addition to or instead of invoking the penalties set forth in the preceding Section, the Supervisors may, in the event of any continued violations of this Part which shall be determined to constitute a nuisance in fact, remove any nuisance, hazard or dangerous structure on public or private grounds or otherwise abate the nuisance and collect the cost of such removal or abatement together with any penalties as may have been rendered in summary proceedings, from the owner of the premises. The cost of such removal, together with the penalties and any attorney fees may be levied against the property and recovered by the Township in the manner prescribed for the levying and collection of municipal liens.

*(Ord. 3-2003, 3/3/2003; Art. 3, §2)*

**§10-108. Hearing.**

1. Any person aggrieved by the decision of the Township may request and shall then be granted a hearing before the Township Supervisors; provided, the aggrieved person files with the Township within ten days after notice of the Townships decision, a written petition requesting such a hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 45 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Township Supervisors shall sustain, modify or overrule the action of the Township.

*(Ord. 3-2003, 3/3/2003; Art. 3, §3)*