

**NUISANCE ORDINANCE  
ORDINANCE NO. 105  
WASHINGTON TOWNSHIP  
WESTMORELAND COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON,  
WESTMORELAND COUNTY, PENNSYLVANIA, PROHIBITING AND ABATING  
NUISANCES ON PRIVATE OR PUBLIC PROPERTY IN  
THE TOWNSHIP; PROVIDING FOR THE  
REMOVAL THEREOF BY THE TOWNSHIP; AND  
FIXING PENALTIES FOR VIOLATION.**

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the citizens and the residents of Washington Township to prohibit the unwarrantable or unlawful use of private or public property which causes injury, damage, hazard, hurt, inconvenience, 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 and §66527 authorizes Townships of the Second Class to secure the safety of persons and property within the Township, and to prohibit nuisances, to remove same, and to impose penalties therefore; and

WHEREAS, the Second Class Township Code, 53 P.S. §66506 further permits the Board of Supervisors to adopt such ordinances as are necessary for the proper management, care and control of the Township and its finances and for the maintenance of peace, good government, health and welfare of the Township and its citizens.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of Washington Township, as follows:

**SECTION I: DEFINITIONS:**

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent 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. "Board" or "Board of Supervisors" is the BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, Westmoreland County, Pennsylvania.
2. "Code Enforcement Officer" shall mean the Code Enforcement Officer of Washington Township.
3. "Dwelling" shall mean any structure, or portion thereof, which is wholly or partly used or intended to be used for living or sleeping by human occupants.
4. "Nuisance" is any activity, conduct, condition or unlawful use of public or private property which causes injury, damage, hurt, hazard, inconvenience, annoyance or discomfort to the public or such part of the public as necessarily comes in contact with such activity, conduct or condition, and which adversely affects the safety, health, morals or general welfare, including aesthetics.
5. "Owner" shall mean the person who, alone, or jointly and severally with others:
  - a. Has legal title to any premises within the Township, regardless of whether such person has actual possession thereof; or

- b. Has charge, care or control of any premises within the Township, as owner or agent of the owner, or as executor, administrator or guardian of the estate of the owner, or any occupant of such premises.
- 6. "Person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.
- 7. "Premises" means any real property, building, structure or dwelling situate in the Township.
- 8. "Structure" shall mean anything constructed or erected with a fixed or ascertainable location on the ground, whether or not affixed to the ground, including, but not limited to, buildings, walls, fences, barns, platforms, decks, mobile homes, billboards, signs, towers, sheds and storage trailers.
- 9. "Township" is the TOWNSHIP OF WASHINGTON, Westmoreland County, Pennsylvania.

**SECTION II: NUISANCES DECLARED ILLEGAL.**

It shall be unlawful for any person to create or maintain, either directly or indirectly, a nuisance within Washington Township. Nuisances shall include, but not be limited to the following:

- 1. Maintaining, causing to be maintained or permitting the existence of any dangerous building, dwelling, structure or physical condition on any premises, including, but not limited to, the following:
  - a. Abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair;
  - b. Dangerous conditions which are likely to cause or contribute to the spread of fire in or on said premises, or endanger the occupants thereof;

- c. Conditions which would interfere with the efficiency and use of any fire protection, ambulance, rescue, police, or public utility services;
  - d. Obstructions to or disrepair of fire escapes, stairs, passageways, driveways, doors or windows, likely to interfere with the ingress or egress of occupants or the operation of firefighters, ambulance, rescue, police, or public utility personnel;
  - e. Hazardous conditions arising from defective or improperly used or installed electric wiring, equipment or appliances;
  - f. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials;
  - g. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials;
  - h. Accumulation of rubbish, waste, paper, boxes, shavings or other combustible materials or excessive storage of any combustible material.
2. The accumulation of any garbage or rubbish which shall or may afford food, harborage or breeding areas for vermin unless the same is kept in covered receptacles designed and manufactured for the storage of such items; and, further, provided that the same shall remain on said premises for a period of no longer than ten (10) days;
3. Any accumulation or storage of garbage, rubbish, waste material, vegetation and debris of any kind, junk, scrap or wrecked/unused motor vehicles or trailers without a current inspection sticker, or current vehicle registration, or any vehicles in the process of being stripped or dismantled. Provided, however, then an exception is hereby granted to a vehicle of any type which is undergoing a major overall, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes;

4. The presence of rubbish which by its nature or due to its storage has sharp or protruding edges or parts which pose a present or potential danger to any person;
5. The storage of equipment, rubbish, machinery, material, vehicles or any parts thereof in any manner which would allow the same to easily shift, tilt or fall;
6. The draining or allowing to drain, by natural or artificial means, any foul or offensive liquid of any kind, from any premises into, upon or along any other premises, public right-of-way or public lands, except where provision has been made for the lawful drainage of such liquid in such manner and at such place;
7. Pushing, shoveling or otherwise depositing snow, ice, mud, rocks, earth, manure, animal waste, cut vegetation or any combination thereof, upon the traveled portion of any highway, road, street or alley, maintained within the Township, regardless of whether such highway, road, street or alley is maintained by the Township, County or Commonwealth;
8. Operating or permitting the operation of tools or equipment used in drilling construction, excavation, demolition work or earth moving activities between the hours of 10:00 P.M. and 6:00 A.M., when the sound therefrom creates a noise disturbance, except for emergency work of utility companies or by special variances obtained from the Township;
9. Any natural vegetation condition including, but not limited to, weeds, grass, bushes, hedges, trees or shrubbery, of whatsoever kind or nature, growing or remaining upon the premises so as to:
  - a. Encroach upon adjoining sidewalks, streets, highways or alleys in such a manner as to interfere with pedestrian or vehicular traffic; or
  - b. In such a manner as to restrict the clear view of vehicular traffic using such streets, highways or alleys; or
  - c. Concealing or interfering with any fire hydrant or other fire service connection; or

- d. Creating unsightly conditions in comparison to the surrounding properties; or
- e. Creating a hazard to persons or property.

**SECTION III: ENFORCEMENT, SERVICE OF NOTICES AND ORDERS.**

1. The Code Enforcement Officer is hereby designated and authorized to give notice to the owner or occupant of any premises subject to the regulation of this Ordinance of any violation of this Ordinance, and to direct and require such owner or occupant to take such actions as are necessary to abate or remove the nuisance. Such notice may, at the discretion of the Code Enforcement Officer, be by correspondence or on a citation form as shall be approved by the Board of Supervisors. Such notice shall further:
  - a. Be placed in writing;
  - b. Include a statement of the reasons why it is being issued;
  - c. Set forth a reasonable time for the performance of any remedial act it requires;
  - d. Be served upon the owner or agent thereof, or the occupant, by personal service or by Certified, First Class U.S. Mail, postage prepaid; or in the event that the premises is unoccupied and the owner cannot be found after reasonable investigation, by posting a copy thereof in a conspicuous place on or about the premises affected by the notice.
2. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Ordinance, and who has been given a period of time by the Code Enforcement Officer to cure any violation(s), may request, in writing, to the Board of Supervisors, an additional reasonable period of time to correct said violation(s); provided, that such person shall file said written request with the Board within ten (10) days after the date the notice was received. Said written request shall set forth a brief statement of the reason for the request, the period of time requested, and a statement that the person will correct the violation(s) within the period of time requested. Upon receipt of said written request, the Board of Supervisors shall view the premises and

determine whether or not an additional period of time would be appropriate under the circumstances.

3. In the event the Board of Supervisors determines that it is appropriate to grant an additional period of time to correct the violation(s), it shall notify the person, in writing, of the additional time period granted to said person. Upon receipt of notice of extension of time from the Board, and within five (5) days after receipt of the same, the person shall return to the Board a written acceptance of the time extension established by the Board. Said acceptance shall be on a form provided to said person by the Township.

4. In the event that a person served with notice of violation as set forth above fails to take the required action to correct the violation(s) within the time period required, including any extensions thereof as granted by the Board of Supervisors pursuant to paragraph 2 and 3 above, the Township may cause the same to be done, and collect the costs thereof, together with a penalty of 10% of such costs, and reasonable attorney's fees, in the manner provided by law for the collection of municipal claims, or by enactment in assumpsit, or the Township may seek relief in equity. The recovery of such costs, expenses, penalties and attorney's fees shall be in addition to any penalty imposed under Section IV below.

**SECTION IV: PENALTIES.**

Violation of any provision of this Ordinance constitutes a summary offense. Any person who violates any provision of this Ordinance shall, upon conviction before a District Justice, be punishable by a fine of not more than \$1,000.00, and in default thereof, by imprisonment for a period of not more than thirty (30) days, or both. Each day a violation continues shall constitute a separate punishable offense and additional notice thereof to the offender shall not be necessary.

**SECTION V: CONFLICT OF ORDINANCES; EFFECT OF PARTIAL VALIDITY**

1. In any case where a provision of this Ordinance is found to be in conflict with a provision of any Township Ordinance in effect on the effective date of this Ordinance, the provision of which establishes the higher standard for the promotion and protection of the health, safety, morals and general welfare of the public shall prevail. In any case where a provision of any other Township Ordinance in effect on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health, safety, morals and general welfare of the public, the provisions

of this Ordinance shall be deemed to prevail, and such other Ordinances are hereby declared to be repealed only to the extent that they may be found in conflict with this Ordinance.

2. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared invalid for any reason whatsoever by a Court of competent jurisdiction, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION VI: EFFECTIVE DATE**

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED by Washington Township, Westmoreland County,

Pennsylvania this 9th day of September, 1999.

TOWNSHIP OF WASHINGTON

By Burl J. Slangenhaupt  
Chairman

By Joseph P. Dalsano  
Vice Chairman

By Ruhl Dabner  
Supervisor

ATTEST:

Audrey L. Sefter  
Secretary