

SOUTH MIDDLETON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 93-09

AN ORDINANCE PROVIDING FOR THE  
HEALTH, COMFORT AND SAFETY OF CITIZENS OF  
SOUTH MIDDLETON TOWNSHIP, BY  
PROHIBITING CERTAIN NUISANCES AND OTHER ACTS

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania, as follows:

SECTION 1. TITLE.

This Ordinance shall be known and cited as the "South Middleton Township Nuisance Ordinance."

SECTION 2. DEFINITIONS.

For purposes of this Ordinance, the following terms, phrases, words and 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 number include the singular, and words in the singular number include the plural:

a. Abandoned Vehicles - A motor vehicle:

- i. That is inoperable and is left unattended on public property for more than 48 hours;
- ii. That has remained illegally on public property for a period of more than 48 hours;
- iii. That is without a valid registration plate or certificate of inspection or title and is left unattended on or along a highway for more than 48 hours;  
or
- iv. Any other motor vehicle that has been intentionally abandoned by its owner, whether on public or private land.

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.

b. Person - Person shall mean and include any natural person, firm, partnership, association, corporation, company or organization of any kind.

c. Junked Vehicles - Any motor vehicle not in decent running condition that does not exhibit a valid state inspection sticker.

### SECTION 3.

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 of South Middleton, or to maintain any accumulations of such materials in or on any public or private property, vacant or occupied, within said Township that creates a condition which endangers the safety, health or comfort of citizens of the Township of South Middleton.

### SECTION 4.

It shall be unlawful to store or deposit any abandoned or junked vehicle or part thereof in or on any highway or public or private property, vacant or occupied, within the Township of South Middleton, unless said vehicle is enclosed in a covered building.

### SECTION 5.

It shall be unlawful to carry on or maintain any offensive manufacturing or business anywhere in the Township of South Middleton that creates a condition which endangers the safety, health or comfort of citizens of South Middleton Township.

### SECTION 6.

It shall be unlawful to erect, use, maintain, occupy or own any real property, building, structure, or physical condition, or any part thereof anywhere within the Township of South Middleton, that creates a condition which endangers the safety, health, or comfort of citizens of South Middleton Township.

### SECTION 7.

Violation of any of the foregoing sections shall be determined by the Board of Supervisors or the Township Zoning Officer and are deemed to be and constitute a nuisance. Whenever it is determined that any person maintains such a nuisance or nuisances within the Township of South Middleton, the Board of Supervisors of the Township, by its employees or agents, shall serve notice upon the person maintaining such nuisance. The notice shall sufficiently describe the condition complained of and shall require the nuisance to be made safe, corrected or to be removed within ten (10) days of the mailing of such notice.

Should such person fail, neglect or refuse to make such condition safe, or to correct or remove such condition to the satisfaction of the Board of Supervisors, its employees or agents, then the Board of Supervisors may abate or cause to be abated said nuisance and the expense and costs of such abatement shall be paid by the responsible person.

#### SECTION 8.

Any person who violates any of the provisions of this Ordinance or who fails to comply with any notice of violation herein, shall, upon conviction thereof, be fined not less than Two Hundred (\$200.00) Dollars and not more than Six Hundred (\$600.00) Dollars, plus costs of prosecution. A new and separate offense shall be deemed to be committed for each day that a violation exists. In default of the payment of any fine or penalty imposed and the costs, under the provisions of this Ordinance, the person or persons that are charged may be sentenced to be committed to the county jail for a period not to exceed thirty (30) days. The aforesaid fines may be altered by resolution of the Board of Supervisors of South Middleton Township.

#### SECTION 9.

Any form of identification that reasonably identifies any person as the cause of a violation of this Ordinance shall create a rebuttable presumption that said person is the cause of said violation.

#### SECTION 10.

The accumulation of manure upon farms within the Township for use in connection with farming operations and the accumulation of ashes on such farms for use as fill on farm land shall not constitute a violation of this Ordinance.

#### SECTION 11.

This Ordinance shall in no way affect or nullify any more stringent or additional responsibilities and obligations created or imposed by any other applicable ordinance or law, nor shall it affect any common law rights of the Township to abate a public nuisance.

#### SECTION 12. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall be effective immediately.

SECTION 14. REPEALER.

All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed, except as provided in Section 12 of this Ordinance. In addition, Ordinance No. 12-1-67 relating to the dumping of garbage and other materials is repealed in its entirety.

ENACTED AND ORDAINED this 16th day of November, 1993.

BOARD OF SUPERVISORS

BY Mary C. Lehman, Chair

ATTEST:

BARBARA A. WILSON, Secretary