

Chapter 73
NUISANCES

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| § 73-1. Definitions. | § 73-5. Notice of violation; failure to remedy. |
| § 73-2. Nuisances prohibited. | § 73-6. Township to do work; recovery of costs and penalties. |
| § 73-3. Exemption. | |
| § 73-4. Violations and penalties. | |

[HISTORY: Adopted by the Board of Supervisors of the Township of East Franklin 6-3-1976 by Ord. No. 2-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 39.

Open burning — See Ch. 47.

Junkyards and junk dealers — See Ch. 65.

Solid waste — See Ch. 89.

Abandoned vehicles — See Ch. 105.

§ 73-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

NUISANCE — Includes but is not limited to accumulations of garbage and rubbish, storage of abandoned or junked motor vehicles, dilapidated or unsteady structures which pose a danger to public health or safety, on public or private grounds, and the carrying on of an offensive manufacture or business.

PERSON — Includes all natural persons, associations, firms, partnerships and corporations.

§ 73-2. Nuisances prohibited.

After the effective date of this chapter, it shall be unlawful for any person to maintain or permit to be maintained any nuisance within the limits of the Township.

§ 73-3. Exemption.¹

Junkyard operations duly licensed under the provisions of Chapter 65, Junkyards and Junk Dealers, shall be exempt from the provisions of this chapter.

§ 73-4. Violations and penalties.

Any person who shall violate § 73-2 of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

\$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense.

§ 73-5. Notice of violation; failure to remedy.

- A. Notwithstanding § 73-4 of this chapter, the Board of Supervisors may give notice to the owner of the public or private grounds on which a nuisance is maintained or allowed to be maintained to remove or remedy the nuisance within 30 days of receipt of such notice. Notice shall be sent to the owner at his residence by certified mail.
- B. In the event that the owner fails to remove or remedy the nuisance within 30 days of receipt of notice to do so, the Board of Supervisors may remove or remedy the nuisance or may institute proceedings in a court of equity to secure the relief which the court may deem just and proper.

§ 73-6. Township to do work; recovery of costs and penalties.

In the event that the owner of public or private grounds on which a nuisance is maintained fails to remove or remedy the nuisance as directed by the Board of Supervisors or by a court of equity, the Board of Supervisors may remove or remedy the nuisance and collect the cost of removal or remedy together with a fine of not more than \$1,000, plus costs of prosecution, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense.