

## CHAPTER 10

### HEALTH AND SAFETY

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#### **PART 1**

#### **NUISANCES**

##### **§ 10-101. Short Title.**

This Part shall be known and may be cited as the "Lamar Township Nuisance Ordinance."

(Ord. 48-5-93, 5/10/1993, § 1)

##### **§ 10-102. Definitions.**

The following words and phrases, when used in this Part, shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

**PERSON** - every natural "person," association, partnership or corporation. Whenever used in any clause prescribing or imposing a fine, or penalty of imprisonment in default thereof, the term, as applied to association shall mean any member thereof; as applied to partnerships, shall mean any partner thereof; and as applied to corporations, shall mean the president, vice-president, treasurer or secretary thereof.

**TOWNSHIP** - Lamar Township, Clinton County, Pennsylvania.

(Ord. 48-5-93, 5/10/1993, § 2)

##### **§ 10-103. Nuisances Enumerated.**

It shall be unlawful for any person, either directly or indirectly by its agents, to do, authorize, aid or abet any of the following described regulations or restrictions, and any person doing so shall be deemed guilty of a nuisance:

A. To injure or destroy any property, either owned by the Township or by other persons, in or along any public highway, or place of the Township.

B. To deposit any paper boxes or store wastes, earth, brick, stone, coal, wood, ashes, lime, shavings, rubbish, refuse, garbage or any substance of any kind, except for the purpose of immediate loading or removing, on any public highway or sidewalk within the Township.

C. To deposit any paper boxes or store wastes, earth, brick, stone, coal, wood, ashes, lime, shavings, rubbish, refuse, garbage or any substance of any kind upon the premises of any other person within the Township without the prior permission of such other person.

D. To cause, permit or maintain on any public or private lands within the Township, the accumulation of garbage and rubbish, the storage of more than one unlicensed and/or inoperative automobiles or the storage of junk. The storage of one unlicensed and/or inoperative automobile will be permitted, provided it is concealed from the view of the general public.

E. To deposit, drop or place, or cause to be deposited dropped or placed, upon any of the public highways, sidewalks

or public places within the Township, any posters, circulars, bills, handbills or other advertising matter of any kind or description whatsoever.

F. To nail, tack, hand or otherwise append any sign, notice or advertisement of any kind whatsoever on any tree, post or pole of any description within the Township, except on private property and then only by permission of the owner.

G. To use the public streets as a proving ground, amusement thoroughfare or other objectionable practices by operators of motor vehicles in such a way as to create danger or hinder the use of the thoroughfares by others.

H. To indecently expose his or her person, bathe naked in the public view or expose himself or herself in the public view.

I. To use indecent, vile or profane language upon the public streets or in public places.

J. To beg from door to door.

K. To maintain any cellar, erection, building or part thereof in an unsafe, unsanitary or overcrowded manner, or to fail to provide the same with adequate means of ingress and egress, or to fail to sufficiently ventilate, sewer, drain, clean, light or support the same either by its own construction or connection, and a property owner shall be equally liable with a tenant for the violation of this subsection.

L. To act in such a manner that any loud, boisterous and unseemly noise or disturbance including, but not limited to, the discharge of any firearm within 100 yards of a residence or the playing of any music or the exploding of fireworks within 25 yards of a residence or other occupied structure or dwelling in any area of the Township, or in or nearby or near to any public highway, road, street, lane, alley, park, square, common or place of public accommodation, convenience and resort, or any place open to the public or place where the public may gather, or such a nature as would be an annoyance or inconvenience to the peace and/or dignity of the community and/or its citizens, or whereby the traveling public is annoyed. [Ord. 12/10/2001]

(Ord. 48-5-93, 5/10/1993, § 3; as amended by Ord. 12/10/2001)

#### **§ 10-104. Violations and Penalties.**

Any person, firm or corporation 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. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 48-5-93, 5/10/1993, § 5; as amended by Ord. 12/10/2001)

## **PART 2**

### **WEEDS AND VEGETATION**

#### **§ 10-201. Promulgation of Regulation.**

No person, firm, partnership or corporation owning or having a present interest in or occupying any real estate within the Township of Lamar within any residentially zoned district shall permit any of the following vegetation to grow or remain on such premises, including any portion of the premises occupied by a street or alley, so as to exceed a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or to produce pollen. All of the following vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township: marijuana, non-native lythrum, Canadian thistle, multiflora rose, Johnson grass, musk thistle, bull thistle, jimson weed, mile-a-minute, kudzuvine, chatter cane, giant hogweed, goatsrue, murdock, dandelion, goldenrod, lambsquarters, sow thistle and any other weed or other vegetation which may be listed on the noxious weed control list promulgated by the Department of Agriculture, Bureau of Plant Industry, Commonwealth of Pennsylvania, pursuant to the Noxious Weed Control Law, 3 P.S. § 255.3(b) and codified at 7 Pa. Code § 110.1.

(Ord. 49-5-93, 5/10/1993, § 1; as amended by Ord. 12/10/2001)

#### **§ 10-202. Owner and Occupant Responsible.**

The owner of any such premises, whether occupied by the owner or not, and the occupant thereof in case of the premises occupied by other than the owner thereof, shall remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of the first Section of this Part. Both the owner and the occupant in the case premises occupied by other than the owner shall be responsible for the compliance with this Part.

(Ord. 49-5-93, 5/10/1993, § 2)

#### **§ 10-203. Notice to Property Owner.**

In addition to the penalties as hereinafter imposed in this Part, the Board of Supervisors of the Township or any officer or employee of the Township designated thereby for the purpose is hereby authorized to give notice by personal service or by United States mail to the owner or the occupant, or either of them, of a violation of the terms of this Part, directing and

requiring such occupant or owner or both of them to remove, trim, spray or cut such vegetation so as to conform to the requirements of this Part within 7 days after issuance of such notice. If any such owner or occupant shall neglect to comply with such notice within the period of time stated therein, the Township authorities, without liability for trespass, may remove, spray, trim or cut such vegetation and any other vegetation intermingled therewith, so as to comply with the provisions of this Part, and the reasonable cost thereof, together with any additional penalty authorized by law, may be collected by the Township from such owner or occupant as a penalty under the provisions of this Part, or in any other manner provided by law. This right as herein vested in the Township shall be in addition to penalties prescribed by the provisions of this Part except that vegetation specified in § 10-201 intermingled with growing cultivated crops shall not come within the provisions of this Part until such time as said crop is harvested or should have been harvested.

(Ord. 49-5-93, 5/10/1993, § 3; as amended by Ord. 12/10/2001)

#### **§ 10-204. Violations and Penalties.**

Any person, firm, partnership or corporation who or which shall violate any of the provisions of this Part shall, 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 less than \$5 nor 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. Provided, that each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute a separate offense, nor shall notice to the offender be necessary to constitute an offense.

(Ord. 49-5-93, 5/10/1993, § 4; as amended by Ord. 12/10/2001)

#### **§ 10-205. Notice and Payment of Fine.**

Upon discovery of any violation of the terms of this Part, the Township of Lamar, shall through its authorized agents, give notice to the owner or occupant or either of them, as the case may be, of a violation hereunder, either by personal delivery to such owner or occupant or by the United States mail directed to the last known address of such person or persons, or by leaving the same upon premises where such owner or occupant resides. If such person notified shall, within 5 days after the delivery, mailing or leaving of such notice, pay to the Treasurer of the Township of Lamar the sum of \$5, the same will constitute full satisfaction for the violation noted in said notice. The failure of such person to make payment as aforesaid within 5 days shall render such owner subject to the penalties as provided hereinabove. Provided, further, that nothing contained in this Section shall affect in any way the provisions of this Part regarding separate offenses for every day any violation occurs.

(Ord. 49-5-93, 5/10/1993, § 5)