

## Chapter 86 NUISANCES

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[HISTORY: Adopted by the Board of Supervisors of the Bear Creek Township at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

### GENERAL REFERENCES

Junk and junkyards — See Ch. 76.  
Obscene materials — See Ch. 88.

Abandoned vehicles — See Ch. 117.

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#### § 86-1. Definitions.

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

**ABANDONED MOTOR VEHICLE** — Any motorized vehicle which is without a currently valid license plate or plates and which is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition.

**ENCLOSED** — Having a wall or walk, window or windows and a door used as access to the dwelling.

**ENFORCING OFFICIAL** — The Health Officer, Sanitarian or other official as is authorized by the Supervisors to enforce this chapter.

**NUISANCE** — Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to:

- A. The keeping or depositing on or the scattering over the premises of any of the following: junk, trash or debris.
- B. The keeping or depositing on or the scattering over the premises of any of the following: abandoned, discarded or unused objects or equipment such as motor vehicles, furniture, stoves, refrigerators, freezers, cans or containers.
- C. Maintaining or causing to be maintained any dangerous structures, including but not limited to abandoned, occupied or unoccupied buildings or parts of buildings.

- D. Maintaining or causing to be maintained upon any unenclosed porch or exterior attachment, which faces a regularly traveled thoroughfare, furniture, other than furniture designed for exterior use which is commonly intended for use inside a dwelling, including but not limited to upholstered sofas, chairs, davenports, beds, divans and the like.
- E. The use of a porch roof or other second story or higher portion of a structure for a nondesigned use, unless said porch roof or other portion of a structure is specifically designed for said use.

**OWNER** — A person giving, leasing, occupying or having charge of any premises within the township.

**PERSON** — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

### § 86-2. Nuisances enumerated.

The following matters, things, conditions or acts and each of them are hereby declared to be a nuisance and injurious to the health of the inhabitants of this municipality:

- A. Any matter, thing, condition or act which is or may become detrimental or a menace to the health of the inhabitants of this municipality.
- B. Any matter, thing, condition or act which is or may become an annoyance or interfere with the comfort or general well-being of the inhabitants of this municipality.
- C. Pollution, or the existence of a condition or conditions which cause or threaten pollution, of any waters in this municipality in such a manner as to cause or threaten injury to any of the inhabitants of this municipality either in their health, comfort or property.
- D. The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or any other public or private place.
- E. The growth, existence or presence of poison ivy within twenty (20) feet of any property line.
- F. The existence or presence of any water or other liquid in which mosquito larvae breed or exist.
- G. The existence or presence of any accumulation of garbage, refuse, manure or animal or vegetable matter which may attract flies and to which flies may have access or in which fly larvae or pupae breed or exist.
- H. Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.
- I. The escape into the open air from any stack, vent, chimney or any entrance to the open air or from any fire into the open air of such quantities of smoke, fly ash, dust, fumes, vapors,

mists or gases as to cause injury, detriment or annoyance to the inhabitants of this municipality or endanger their comfort, repose, health or safety.

**§ 86-3. Prohibited nuisances.**

It shall be unlawful for any person or persons to commit, maintain or allow any nuisance, as declared and described in § 86-2.

**§ 86-4. Noise.**

It shall be unlawful for any person to make, cause or suffer or permit to be made or caused upon any premises owned, occupied or controlled by him or it, or upon any public street, alley or thoroughfare in this municipality, any unnecessary noises or sounds by means of the human voice or by any other means or methods which are physically annoying to persons or which are so harsh or so prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort or which are injurious to the lives, health, peace and comfort of the inhabitants of this municipality or any number thereof.

**§ 86-5. Lease of certain buildings prohibited.**

It shall be unlawful for any person to rent, lease or otherwise permit the occupancy of any building as a residence or for any person to reside in any building as its owner which:

- A. Is not adequately and properly ventilated.
- B. Fails to provide potable water at sufficient pressure and quantity for each family unit from a public supply approved by the State Department of Health or a private supply approved by the enforcing official.
- C. Does not have plumbing fixtures, consisting of a kitchen sink, bathtub or shower, lavatory and flush toilet, connected to the potable water supply.
- D. Does not have facilities for the discharge of all household liquid wastes into a public sewerage system approved by the State Department of Health or into a private sewerage system approved by the enforcing official.

**§ 86-6. Inspection of premises; access required.**

- A. All places and premises in this municipality shall be subject to inspection by the Board of Supervisors or the enforcing official if the Board or that official has reason to believe that any section of this chapter is being violated.
- B. It shall be unlawful for any person to hinder, obstruct, delay, resist or prevent the Board of Supervisors or the enforcing official from having full access to any place or premises upon which a violation of this chapter is believed to exist.

**§ 86-7. Abatement of nuisances.**

- A. Whenever a nuisance as declared by this chapter is found on any plot of land, lot, right-of-way or any other private premises or place, notice, in writing, shall be given to the owner thereof to remove or abate the same within such time as shall be specified therein, but not less than five (5) days from the date of service thereof. A duplicate of the notice shall be left with one (1) or more of the tenants or occupants of the premises or place.
- B. If the owner resides out of the state or cannot be so notified speedily, such notice shall be left at that place or premises with the tenant or occupant thereof or posted on the premises, and such action shall be considered proper notification to the owner, tenant or occupant thereof.
- C. Whenever a nuisance as declared by this chapter is found on any public property or on any highway or any other public premises or place, notice, in writing, shall be given to the person in charge thereof to remove or abate the same within such time as shall be specified therein. If such person fails to comply with such notice within the time specified therein, the Board of Supervisors may remove or abate such nuisance in the manner as hereinafter provided in the case of a like condition existing on a private premises or place.
- D. If the owner, tenant or occupants, upon being notified as provided by this chapter, shall not comply with such notice within the time specified therein and fail to remove or abate such nuisance, the Board of Supervisors shall proceed to abate the nuisance or may cause it to be removed or abated in a summary manner by such means as said Board shall deem proper.

**§ 86-8. Recovery of costs of abatement.**

The Board of Supervisors may institute an action at law to recover costs incurred by it in the removal or abatement of any nuisance as declared by this chapter from any person who shall have caused or allowed such nuisance to exist or from any owner, tenant or occupants of the premises who, after notice and notification as herein provided, shall fail to remove and abate the same within the time specified in such notice.

**§ 86-9. Enforcement.**

The provisions of this chapter shall be enforced by the Board of Supervisors or its enforcing official.

**§ 86-10. Violations and penalties.**

Any person who violates or neglects to comply with any provision of this chapter shall, upon conviction thereof, be liable to a penalty of not less than twenty-five dollars (\$25.) nor more than six hundred dollars (\$600.) for each violation and, in default thereof, shall be subject to a term of imprisonment not exceeding thirty (30) days.