

## Chapter 124

### NUISANCES

**[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl by Ord. No. 35. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Animals â€” See Ch. 56.

Outdoor Burning â€” See Ch. 67.

Junk and junkyards â€” See Ch. 110.

#### § 124-1. Definitions.

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

**CODE ENFORCEMENT OFFICER** — The person designated by the Board of Supervisors to enforce this chapter. [Added 8-9-1993 by Ord. No. 101]

**PERSON** — Includes any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or fine, the term "person" shall include the members of an association, partnership or firm and the officers of any public or private corporation for profit or not for profit.

**WEEDS** — Includes any Canadian or Russian thistle, chickory, burdock, nettle, poison ivy, sumac, goldenrod, wild lettuce, wild mustard, wild parsley, ragweed or milkweed or any other plant or vegetation whatsoever not edible or planted for an ornamental or agricultural purpose, or any noxious weed as defined by the Noxious Weed Control Law (3 P.S. § 255.1 et seq.). [Amended 8-9-1993 by Ord. No. 101]

#### § 124-2. Unlawful acts.

No person shall continue, maintain, establish or carry on any of the following prohibited acts or activities on any public or private property in the Township of West Earl, Lancaster County, Pennsylvania (the "township"), if the same are determined to be and constitute nuisances in fact:

- A. The storage, accumulation or depositing of any abandoned or junked vehicles or parts thereof.
- B. The storage, accumulation or depositing of any abandoned or used building materials of any kind.
- C. The storage, accumulation or depositing of garbage, ashes, rubbish or other refuse matters.

- D. The maintenance of any dangerous structure, including buildings or parts of buildings, in a state of dilapidation or disrepair.
- E. The growth of grass or weeds in excess of 12 inches in height.
- F. Any use of land or a structure which is unreasonable or unlawful and causes injury, damage or substantial discomfort to the residents of the township in the legitimate enjoyment of their reasonable rights.

**§ 124-3. Notice to remove; failure to comply.** [Amended 8-9-1993 by Ord. No. 101]

The Code Enforcement Officer of the township shall serve written notice, either personally or by certified or first class mail, on any person violating the provisions of this chapter to remove any nuisance or dangerous structure on public or private property. Upon the failure of said person to comply with such notice within 15 days after receipt thereof or to request a hearing within such time before the Board of Supervisors pursuant to the Act of December 2, 1968, P.L. 1133, No. 353, known as the "Local Agency Law,"<sup>1</sup> the Board of Supervisors of the township may remove or arrange for the removal of the nuisance or dangerous structure and collect the cost of such removal, together with a penalty of 25% of the cost of the removal, from the person failing to comply with such notice by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim. The Board of Supervisors may also institute proceedings in equity to enjoin violations of this chapter.

**§ 124-4. Violations and penalties.** [Amended 8-9-1993 by Ord. No. 101; 6-24-1996 by Ord. No. 116; 4-28-1997 by Ord. No. 129]

For each violation of the provisions of this chapter, any person who commits, takes part in or assists in any such violation shall be liable, upon conviction thereof in a summary proceeding, to pay a fine of not less than \$200 nor more than \$1,000 for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this chapter, and each section of this chapter which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding 30 days.

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1. Editor's Note: See 2 Pa.C.S.A. § 551 et seq.