

**SHIPPENSBURG TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 91-2**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SHIPPENSBURG TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR THE REMOVAL THEREOF BY THE TOWNSHIP; AND FIXING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors deems it to be in the best interests and general welfare of the citizens and the residents of Shippensburg Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which caused injury, damage, hurt, inconvenience, annoyance, or discomfort, to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, the Second Class Township Code of the Commonwealth of Pennsylvania, as amended, 53 P.S. Sec. 65712, authorizes townships of the second class to prohibit nuisances, to remove same, and to impose penalties therefore,

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of Shippensburg Township, as follows:

SECTION 1. Definitions. For the purposes of this ordinance, the following terms, phrases, words and their 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 number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

- A. "Township" is the Township of Shippensburg, Cumberland County, Pennsylvania.
- B. "Board of Supervisors" is the Board of Supervisors of Shippensburg Township, Cumberland County, Pennsylvania.
- C. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
- D. "Person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.
- E. "Nuisance" is the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his/her reasonable rights of person or property.

SECTION 2. Nuisances Declared Illegal. Nuisances, including but not limited to the following, are hereby declared to be illegal:

- A. Storing or accumulating the following:
 - 1. Garbage, rubbish, trash or debris;
 - 2. Junk material (including but not limited to unused or abandoned machinery, equipment or appliances);
 - 3. Other junk (including but not limited to any and all forms of waste and

refuse of any type of material, including scrap metal, glass, industrial waste and other salvable materials.

- B. Motor Vehicles
 - 1. Storing or accumulating abandoned or junked motor vehicles;
 - 2. Storing or accumulating unregistered or unlicensed motor vehicle(s), neither sheltered by a building nor enclosed behind an evergreen or solid fence of a minimum height of eight (8) feet, for a period of more than one hundred eighty (180) days, unless a licensed motor vehicle dealer.
- C. Drainage or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, waste stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any other foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane or alley; or from any property into or upon any adjoining property.
- D. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwellings situate upon property along any public highway, road, street, avenue, lane or alley in the Township into or upon the cartway or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- E. Burning garbage, rubbish or trash without a permit.
- F. Permitting or allowing any well or cistern to be or remain uncovered.
- G. Maintaining or causing to be maintained upon any unenclosed porch or exterior attachment which is visible from any public roadway, 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, davenport, beds, divans and the like).
- H. Weeds, grass or other uncultured vegetation not edible or planted for some useful or ornamental purpose, more than one foot (1') in height when measured from the surface of the ground.

SECTION 3. Written Notice To Violators Required. Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following ways:

- A. By making personal delivery of the notice to the owner.
- B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he/she resides; but if no adult member of the family is found, then to an adult person in charge of such residence.
- C. By fixing a copy of the notice to the door at the entrance of the premises in violation.
- D. By mailing a copy of the notice to the last known address of the owner by certified mail.
- E. By publishing a copy of the notice in the local newspaper once a week for three successive weeks.

Such notice shall set forth in what respects such condition constitutes a nuisance, and whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or boarding or in some way confining and limiting the nuisance. Such notice shall require the owner commence action in accordance with the terms thereof within five (5) days of the date of the notice, and thereafter to complete the work necessary to comply fully with the terms of the notice as soon as is reasonable, but not later than forty-five (45) days from the date of said notice. All material to be supplied and work done at the owner's expense; provided, however, that if the violation charged is under Section 2(E), or if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

SECTION 4. Penalty For Violation. If the owner, after receiving due notice, refuses to comply with the terms thereof:

- A. Owner shall be guilty of a violation of this ordinance and shall, upon conviction, pay a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) and costs of prosecution; provided each day's continuance of a violation shall constitute a separate offense.
- B. The Board of Supervisors may direct the removal, repairs or alterations, as the case may be, to be done by the Township, and the cost thereof with a penalty of 10% may collected from the owner of the premises by an action of assumpsit or may file a municipal claim or lien therefore against such real estate.
- C. The Township by means of a complaint in equity may compel the owner to do or seek such other relief as such court is empowered to afford.
- D. Each violation and notice over one (1) occurring during a calendar year from January 1 to December 31, shall constitute a separate offense and shall be punishable as provided in paragraph A. of this Section 4.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

ENACTED AND ORDAINED this 5th day of October, 1991, amended this 5th day of July, 1997, in lawful session duly assembled.

**SHIPPENSBURG TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 2011-07**

**AN ORDINANCE AMENDING THE SHIPPENSBURG TOWNSHIP NUISANCE
ORDINANCE NUMBER 91-2 BY PROVIDING FOR REGULAR INSPECTIONS OF
NEIGHBORHOODS AND REMOVING THE NOTICE REQUIREMENT.**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Shippensburg Township, Cumberland County, Pennsylvania, pursuant to the general powers permitted by the Second Class Township Code (53 P.S. § 65101 et seq.) and Act 93 of 1994 (40 P.S. § 638 et seq.) as follows:

The Shippensburg Township Nuisance Ordinance, Ordinance No. 91-2, as amended, is hereby further amended as follows:

The following Sections shall be amended to read:

SECTION 3: WRITTEN NOTICE TO VIOLATORS NOT REQUIRED. The Township Enforcement Officer or his/her designee shall tour the Township on Monday and Friday each and every week to identify nuisances. No Notices shall be sent by the Township to the Owner/local agent/occupiers of the properties on which a nuisance is discovered. Township employees shall immediately take whatever action is necessary to mitigate or abate any identified nuisances. The Owner/local agent/occupier of the property on which the nuisance existed shall be billed for all costs and expenses incurred to resolve the nuisance, including but not limited to material, equipment, fees and labor, plus a surcharge of twenty-five (25%) percent.

The Owner shall be responsible for payment of all bills sent for nuisance mitigation. The existence of a local agent shall not relieve the Owner from liability under this Ordinance.

SECTION 4: PENALTY FOR VIOLATION. If the Owner refuses to or fails to pay the Township for the costs and expenses incurred for the mitigation or abatement of a nuisance plus the stated surcharge within thirty (30) days of receipt of the bill therefore, the Owner is in violation of this Ordinance and shall be named in a civil enforcement proceeding before the local Magisterial District Judge. If found to have violated any provision of this Ordinance, the Owner shall be subject to a civil penalty not to exceed the state maximum allowable per violation. Any person who has been found liable in such a civil proceeding shall be responsible for the penalty imposed and attorney's fees incurred by the Township for enforcement of this Ordinance. Failure to pay such penalty shall result in a judgment or municipal lien being filed against the property. In addition to, or in lieu of such civil action before a Magisterial District Judge, the Township may enforce this Ordinance in equity or injunctive relief.