

ORDINANCE NO. 85-8

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HILLTOWN TOWNSHIP ESTABLISHING NUISANCE STANDARDS FOR VARIOUS USES, CONDITIONS, AND STRUCTURES WHICH SHALL OR MAY CONSTITUTE A THREAT OR POTENTIAL THREAT TO THE HEALTH, SAFETY OR WELFARE OF THE CITIZENS OF HILLTOWN TOWNSHIP.

Section 01. - Definitions. As used in this Ordinance, terms shall have the meanings indicated, unless a different meaning clear appears from the context:

ANIMAL - Any domestic animal or fowl, any wild animal or any household pet.

NUISANCE - Any condition, structure, or improvement which shall constitute the threat or potential threat to the health, safety or welfare of the citizens of Hilltown Township.

OWNER - Any individual, partnership, association or corporation who alone or jointly or severally with others shall have:

1. Legal title to any premises, dwelling or dwelling unit with or without accompanying actual possession thereof; or
2. Charge, care or control of any premises, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and of the rules and regulations adopted pursuant to, to the same extent as if he were the owner. A lessee of the premises, dwelling, or dwelling unit, shall, together with the owner or owners, be bound to comply with the provisions of this Ordinance.

RUBBISH - Glass, metal, paper, plant growth, wood, or non-putrescible solid waste.

REFUSE - All solid waste, except human body waste, including handling of refuse.

VECTOR - A rodent or insect capable of transmitting a disease or infection, including but not limited to rats, mosquitoes cockroaches, fleas and ticks.

ARTICLE I - ANIMAL DISTURBANCES

Section 02. Noise Disturbance. It shall be illegal within Hilltown Township for any person or persons to own, possess, harbor or control any animal or bird which makes noise continuously and/or incessantly for a period of thirty (30) minutes or makes such noise intermittently for an hour or more to the disturbance of any person any time of the day or night regardless of whether the animal is physically situated on or in private property, said noise being a nuisance; provided that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird. Provided further this Ordinance shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from the nuisance suits by Pennsylvania law.

Section 03. Disposal of Animal Feces. Any person having possession, custody or control of a dog or any other animal shall dispose of the feces and urine in manner approved by the Pennsylvania Department of Environmental Resources, the Pennsylvania Department of Agricultural, and/or the Bucks County Board of Health.

Section 04. Animals not Permitted to Run Free. It shall be illegal within Hilltown Township for any person to allow any animal to wander from the property boundaries of the owner unless the animal or animals are leashed or under the voice control of the owner.

Section 05. Housing or Quartering of Animals. The following regulations shall apply to the housing or quartering of animals:

1. If any such animal shall be kept in a dwelling owned or occupied by the animal's owner, such animal owner shall be required to follow such procedures and practices as to the number of such pets to be kept there, and as to the sanitation, to insure that no public nuisance shall be created or maintained and no threat to the house of persons living elsewhere than in such dwelling shall be created.

2. If any such animal shall be kept in an enclosure outside a dwelling or structure, said enclosure shall not be located within the front, rear and sideyard setbacks required for accessory uses in the Hilltown Township Zoning Hearing Board.

ARTICLE II - PROPERTY MAINTENANCE

Section 06. No owner of any building or structure shall fail to take steps and perform such maintenance thereto as may be required from time to time to insure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.

Section 07. No owner of any unoccupied building or structure shall fail to take such steps as may be required to ensure that these are securely closed so as to prohibit and deter entry thereto and ensure that no health and/or safety hazard or threat is precipitated due to a lack of maintenance or due to neglect.

Section 08. Owners of any and all unoccupied buildings and/or structures, which, through neglect, have deteriorated to the point of being classified unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direct action of the Hilltown Township Board of Supervisors, remove or cause the removal of the building and/or accessories.

Section 09. Yards, Open Lots, Parking Areas. No person shall permit:

1. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or properties.
2. The development of accumulations of hazards, rodent or vector harborage and/or infestation upon yards, courts, lots.
3. Objectionable materials to accumulate and to be blown off the property and about the surrounding neighborhood.
4. Wells, cesspools, or cisterns, to remain open without adequate fencing or barricades to prevent access thereto by the general public.
5. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood nor shall they permit any trees, plants or shrubbery, or any portion thereof to grow on their property and which constitutes a safety hazard to pedestrian and/or vehicular traffic.

Section 10. Infestation, Prevention and Correction.

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage infestation.
2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

Section 11. Miscellaneous Provisions. No person shall permit:

1. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.
2. Roof gutters, drains, or any other system designed and constructed to transport stormwater, to be discharged into any sanitary sewage system and/or any part thereof.
3. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

ARTICLE III - VIOLATIONS, NOTICES, AND MISCELLANEOUS PROVISIONS

Section 12. Notice of Violation. Upon failure to comply with any terms or conditions of this Ordinance, the owner and/or occupant shall be notified by the Hilltown Township Board of Supervisors or its authorized representative, by certified mail, or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or violations; shall direct the owner and/or occupant to commence correction of the deficiency and/or deficiencies within five (5) days of receiving notice, and come into full compliance with this Ordinance within thirty (30) days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice shall also advise that, in lieu of or in addition to fines and penalties, and subsequent to the five (5) day period for commencement of correction and thirty (30) day period for complete compliance, the Hilltown Township, may itself correct

the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law. In the event the owner and/or occupant cannot be ascertained or is not able to be located, a notice, containing the above required information in summary form, shall be published once in each of two (2) consecutive weeks in a newspaper of general circulation in the Hilltown Township, advising of the existence of the violation and requiring correction thereof, in accordance with the terms and conditions herein established; detailed notice thereof shall be posted on the subject premises and at the Hilltown Township Building.

Section 13. Compliance. The owner and/or occupant shall have five (5) days from the receipt of a notice of violation or, alternatively, from the date of the second appearance of the published notice of violation, to commence correction of any and all stipulated deficiencies. The deficiency must be eliminated, and the owner and/or occupant must be in complete compliance with this Ordinance within thirty (30) days of the receipt of notice of violation or the date of the second appearance of the published notice of violation (in the event that the owner cannot be located). Extensions to the five (5) day period and thirty (30) day period described above, may be granted by Hilltown Township upon demonstration by the owner and/or occupant that such an extension thereto is warranted and justified. Failure to comply shall constitute a violation of this Ordinance. A conviction of an owner and/or occupant shall not ban further prosecutions for noncompliance with this Ordinance subsequent to such conviction.

Section 14. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Ordinance or any remedy provided by law shall not be deemed mutually exclusive, rather they may be employed simultaneously or consecutively at the option of the governing body.

Section 15. Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00), together with costs of prosecution, or to imprisonment for a term not to exceed thirty (30) days. Each day a conviction in violation of this Ordinance exists beyond the thirty (30) day voluntary compliance period shall constitute a separate violation of this Ordinance.

Section 16. Owners Severally Responsible. If the premises are owned by more than one (1) owner, each shall severally be subject to prosecution of the violation of this Ordinance.

Section 17. Inspection. The Hilltown Township Board of Supervisors may, or may cause, through an authorized representative of the Hilltown Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Hilltown Township for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereof.

Section 18. Severability. If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not effect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

Section 19. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

Section 20. Effective Date. This Ordinance shall become effective on January 1, 1986.

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS

Vince B. [Signature]

Mary F. [Signature]

Robert H. [Signature]