

ORDINANCE 2012-02

AN ORDINANCE OF WASHINGTON TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING CERTAIN CONDITIONS AS NUISANCES, PROVIDING FOR REMEDIES AND RELIEF TO WASHINGTON TOWNSHIP AND ITS RESIDENTS FOR VIOLATIONS HEREOF, REPEALING ANY ORDINANCES INCONSISTENT THEREWITH; AND PROVIDING FOR THE PENALTIES AND FINES AND COSTS FOR VIOLATIONS THEREOF.

WHEREAS, the Township has observed that there is certain conditions within the Township that are a danger to the public health, safety and welfare; and

WHEREAS, the Township of Washington desires to address these issues by making clear regulations for conditions on properties so that the public health, safety and welfare is protected and that there is the ability of all Township residents to have quiet enjoyment of their property; and

WHEREAS, it is in the interest of the public good that these regulations be promulgated so that all citizens of Washington Township know exactly what sort of conditions must be avoided; and

WHEREAS, the Township wishes to provide appropriate penalties for the violation of the Ordinance and violation of the public good.

NOW, THEREFORE, be it ordained as follows:

From and after the effective date of this Ordinance, it should be unlawful for any owner, tenant or occupier of private property in the Township of Washington to place, erect or permit to remain on such property any of the following items or conditions:

1. Any vehicle located on a residential property that has been modified in a manner that either allows access or may present a danger, such as the removal or alteration of windows, doors, hoods, and fenders and any other body parts, as well as the accumulation of automotive parts, unless the same is (are) housed inside a closed building.
2. Any cesspool, well or cistern unless the same is covered by a lid, cap or other covering which is securely fastened and which is sufficiently strong to support the weight of unsuspecting children or adults who might walk over or upon the same.
3. Any excavation made for a cellar or foundation for any building which has been permitted to remain open for more than thirty (30) days.
4. Any house, trailer, mobile home, garage, barn or other structure or building of any kind which has been damaged by fire and presents a danger to the public health, safety, and welfare by collapsing or otherwise, or the remains of or debris from any house, trailer, mobile

home, garage, barn or other structure or dwelling of any kind damaged by fire, within one hundred twenty (120) days of the fire, with no evidence of repairing said damage has been instituted.

5. Any unoccupied house, barn, garage or other structure or building which does not have a roof on it or which does not have all of its openings covered and sealed by unbroken doors or windows which are locked or adequately secured, so as to prevent children or other persons from entering therein.

6. Any operation of an automobile repair or paint shop in a residential zone without a zoning permit.

7. Any other building, structure, thing or condition that constitutes a public nuisance or danger to the health, safety or welfare as citizens of the Township or persons traveling on the public streets of the Townships, or constitutes a danger to the property of others.

8. Motor vehicles or trailers of any kind or type without current registration plates or a current inspection sticker should not be parked or stored on other property in any residential or commercial district unless the same is parked or stored in a completely enclosed building.

9. No individual within the Township shall operate a lawn mower, weed whacker, leaf blowers or any other electronic or gas powered appliance, audible 40' from the residence on which the tool is being operated, between the hours of dusk to 7:00 AM on a weekday, and from dusk to 9:00 AM on Saturday and Sunday.

10. No individual within the Township shall use any power tool outside their home from dusk until 7:00 AM during the week and from dusk until 9:00 AM on the weekend. In addition, should the tool be audible 40' from the residence it would be a violation of the aforementioned Ordinance. If it is not audible within that 40' distance from the residence or the location where it is being operated, then it would not be a violation.

Any owner, occupier, or tenant of a private property on which any of the foregoing items or conditions exist shall, file within five (5) days after receipt of Notice from the Township to do so, repair, remove, correct or abate such condition. Each day during which such condition is permitted to exist after said five (5) day notice period has expired shall constitute a separate offense under this Ordinance. The Township shall not be required to send a notice of violation to repeat offenders of this section when the violation pertains to the same property owner who was the subject of a previous notice of violation under this section within the sixth (6) month period of time or less. The Township shall be permitted to file a citation directly with the District Judge's office when this situation occurs.

The Township shall have the right, after five (5) days notice, to go upon any private property to repair, remove, correct or abate any condition which constitutes a violation of this Ordinance and may assess the costs thereof, plus an additional ten (10)% of such costs, against the owner, occupier or tenant of such property who was given such five (5) day notice. In the event of an emergency where there is imminent peril to the lives or property of others the Township may go upon private property without prior notice to repair, remove, correct or abate

any such condition and shall in said case assess the cost of such work, plus an additional ten (10)%, against the owner of such property or any other person who created or permitted such condition to exist. Such costs plus ten (10)% shall collectible by the Township in a manner provided by law for the collection of Municipal claims or by a legal action.

Nothing contained in this Ordinance shall be construed to prohibit the conduct of any business which complies with eh provisions of the Washington Township Zoning Ordinance. Provided, however, that any such business shall be conducted in such manner as not to cause or constitute a public nuisance or a nuisance to a property or property owners in the neighborhood.

PENALTIES

Any person violating any of the provisions of this Ordinance shall be subject to a fine of up to one thousand dollars (\$1,000.00) plus court costs any reasonable attorney's fees incurred by the Township. Each day such violation occurs shall constitute a separate and distinct violation of this Ordinance.

In addition to the penalties herein provided for, the violation of this Ordinance, and not withstanding any constitutions instituted or convictions for any such violations, the Township shall have the right by appropriate proceedings at law or in equity to prevent the violation of this Ordinance but to regulate the abatement or correction of any condition which constitutes a violation of this Ordinance.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon adoption.

BE IT ENACTED AND ORDAINED this 7th day of August, 2012.

ATTEST:

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS


JoAnn Ahner, Secretary


Josh Friebolin, Chairman


Roy Dengler


Gerald Philips