

ONEIDA TOWNSHIP  
HUNTINGDON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-01

AN ORDINANCE REGULATING VARIOUS CONDUCT AND ACTIVITIES WHICH ARE HEREIN CLASSIFIED AS NUISANCES AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE IN ONEIDA TOWNSHIP, HUNTINGDON COUNTY, PENNSYLVANIA.

BE IT ORDAINED OR ENACTED BY THE BOARD OF SUPERVISORS OF ONEIDA TOWNSHIP, HUNTINGDON COUNTY, PENNSYLVANIA, THAT THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE NUISANCE ORDINANCE.

ARTICLE 1. PURPOSE AND INTENT

That to protect the people against nuisance of an incident to the conduct, behavior and activities herein defined with the resulting detriment and danger to the public health safety and public interest, convenience and necessity requires the regulation thereof and to that end of purposes of this ordinance are specifically declared to be as follows:

SECTION 1: To protect the public against the unlawful activities, behavior and conduct herein defined which constitute a nuisance.

SECTION 2: To protect the residents use and enjoyment of their property against trespassing by the activities, conduct and behavior classified as nuisances.

SECTION 3: To protect the people against the health and safety menace and the expense incident to the activities, behavior and conduct herein classified as nuisances.

SECTION 4: To preserve to the people their constitutional right, to preserve their ordinary rules of decency, good morals and public order by regulating the conduct herein described as nuisances.

ARTICLE 11. RESPONSIBILITY

It shall be the responsibility of the property owner of the premises upon which any public nuisance, as described in this Ordinance, is situated and /or occurring, jointly with the owner of any junk, rubbish, structure, building or other item which constitutes such public nuisance, to provide for the removal or abatement of any such public nuisance and the remediation of any

environmental problems associated with the activity or property condition which constitutes the public nuisance. Any owner of property upon which a public nuisance is located or taking place, and/or any person who owns junk or rubbish which constitutes public nuisance, and/or any person who or which owns or is engaged in conduct, which constitutes a public nuisance, shall be deemed to be in violation of this Ordinance, and shall be subject to the penalties and remedies prescribed herein.

#### ARTICLE 111. NUISANCES

It is hereby declared to be a public nuisance and in Oneida Township abatable and punishable as such:

A. Cesspools. For any person to permit and maintain open vaults, drains, failed cesspools and failed septic systems prejudicial to public health.

B. Lights. No lights, incandescent, strobe, sodium or mercury vapor, shall spot, flood, or otherwise shine so, as to impede the safe movement of traffic upon the streets, highways or traffic ways within Oneida Township. No lights, incandescent, strobe, sodium or mercury vapor, shall spot, flood, or otherwise shine upon the private property of another so, as to annoy, disturb or otherwise prevent another person from enjoying the privacy of their own property. No residence, business, industry or other person shall illuminate any sign adjacent to any street, highway or traffic way within the Oneida Township, with flashing, rotating, sequential, strobe, or otherwise moving lights, so, as to interfere with the movement of traffic upon said streets, highways or traffic ways, within Oneida Township. No residence, business, industry or other person shall utilize any form or configuration of lights so, as to resemble a traffic signal, railroad signal, or any other form of simulated signal, visible to the motoring public upon any street, highway or traffic way within Oneida Township.

C. Obstructing streets, etc. For any person to permit any mud, dirt, coal, wood, brick, stone, gravel, clay, sand, rubbish or any other matter to remain upon the streets or in the gutter in front of his premises more than twenty-four (24) hours after it has been deposited there except by special permission of the Township Board of Supervisors.

D. Depositing in streets, streams, etc. For any person to throw, spread or deposit on any of the streets, roads, lanes, alleys, courts or any watercourse or gutter within the Township limits, and permit it to remain there, any animal carcass, fish, shellfish, ashes, paper, glass, tires, cans, rubbish or offal of any kind or any other refuse or offensive matter whatsoever.

E. Nauseous draining, etc. For any person to run foul or nauseous liquids, washings or draining from any manufacturing establishments, stores, stables, private residences or shops into any of the gutters or along any of the sidewalks, streets, roads, lanes, alleys or courts of the

Township, or to keep, collect or use any garbage or filth or any stale, putrid, stinking fat, grease or other matter in or near any establishment or residence within the Township limits.

F. Glass, etc., on streets, etc. For any person to place, throw or put on any street, road, lane or alley of the Township any tacks, nails, sharp pieces of iron, glass bottles, briars, thorns or other dangerous and similar substances which may injure an animal or puncture a rubber tire.

G. Odor. For any person to permit or cause the emission of any offensive or foul odor, scent, effluvium, emanation or fume within the Township limits, except as normal and customary in farming activities.

H. Obstructing streets. For anyone placing a vehicle or other obstruction on or along any street of the Township so, as to interfere with vehicular or pedestrian traffic, unless it should become necessary to drive or place the vehicle in such position to load or unload merchandise or furniture, and then such vehicle shall only be permitted to remain for such lengths of time as is necessary to load or unload the same.

I. No person shall own, occupy or keep ground or other premises in such a condition to be offensive and a nuisance to the neighborhood, or to create a health or safety risk to the children and citizens of the Township.

J. Junk. No junk should be kept or stored on any premises or property within the Township unless the keeping or storage of same is specifically authorized by the Township Board of Supervisors within the standards and regulations provided for by Pennsylvania law.

K. Junked Motor Vehicles. For any person to own or have stored upon their property any motor vehicle which is no longer in actual use for transportation or which is wholly unfit to be operated or has been discarded or otherwise abandoned. Failure of a motor vehicle to display a current valid registration plate and certificate of inspection is required by the vehicle code of Pennsylvania should constitute prima facie of proof that such vehicle is no longer in actual use for transportation purposes.

L. Nuisances, generally. Any person committing or maintaining a nuisance as defined in and prohibited by Chapter 65 of Title 18 of the Pennsylvania Consolidated Statutes shall be punishable as provided therein.

#### ARTICLE IV. DEFINITIONS

Agricultural Operation — The use of any parcel of land containing five (5) or more acres for economic gain in the raising of agricultural products or livestock. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

Antique Vehicle — Any vehicle twenty-five (25) years or older which has been restored to good operating and road-worthy condition. (See definition of Good Operating and Road-Worthy Condition.)

Ashes — Residue from fire used for cooking and for heating buildings, or from another burning.

Attractive Public Nuisance — A condition of property which may reasonably be construed to be a source of danger to the persons who may reside or otherwise be on the premises, or who may, by reason of something which may be expected to attract them to come to the premises.

Auto Repair Garage — An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involved work that is more intense in character than work permitted under the definition of auto service station. An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions.

Auto Service Station — An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane.

Building — Any structure having a roof supported by fully enclosed exterior weight-bearing walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature, including, but not limited to, dwellings, dwelling units, mobile homes, garages, barns, stables, sheds, plants, factories, warehouses and similar structures.

Collector Vehicle — Any vehicle of limited manufactured production from the present through twenty-four (24) years old, in good operating and road-worthy condition. (See definition of Good Operating and Road-Worthy Condition.)

Dwelling — Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling Unit — Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

Emergency Case — A violation which poses an imminent threat to the public health, safety or welfare and which required immediate action to eliminate such imminent threat.

Enforcement Officer — The individual(s), agency or firm appointed by the Oneida Township Board of Supervisors to enforce the provision of this Ordinance.

Exterminate - To control and eradicate insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may serve as their food, poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

Garbage - Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Good Operating and Road-Worthy Condition -A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania a, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition. Junk - Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building material s. Junk shall not include:

a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste, or d) items clearly awaiting imminent recycling at an appropriate location.

Junk Vehicle - Any vehicle or trailer, not in a Good Operating and Road-Worthy Condition, that meets any or all of the following conditions:

- A. Cannot be moved under its own power, in regard to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.
- B. Cannot be towed, in regard to a trailer designed to be towed.
- c. Has been demolished beyond repair.
- D. Has been separated from its axles, engine, body or chassis.
- E. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

A Junk Vehicle shall not include an Antique Vehicle, a Collector Vehicle or an On-Site Utility Vehicle.

Lot - A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

Nuisance - Any unreasonable, unwarrantable or unlawful course of conduct or use of private or public property which causes or may cause injury, damage, hurt, inconvenience, interference, or discomfort to others in the legitimate use and enjoyment of their rights of person or property.

Occupant -The person owning, leasing, renting, occupying or having charge, care, custody or control of any premises in Oneida Township.

On-Site Utility Vehicle - A vehicle, which cannot be operated on a public roadway, and which is used on a specific property for plowing snow, hauling fire wood, moving goods or equipment, and other similar property maintenance or operational activities.

Outside Storage - Not contained in a building fully enclosed with completed walls and roof.

Owner - The person who, alone or jointly or severally with others is the owner of record of the premises as filed with the Huntingdon County Recorder of Deeds. In the case where an owner is represented by an agent, including but not limited to a manager, executor, executrix, administrator, administratrix, or guardian of the estate of the owner, such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Person- An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other legal entity.

Property - A piece, parcel, lot or tract of land.

Rubbish - Combustible and non-combustible waste materials including, but not limited to garbage, junk, residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust, and similar materials.

Screened - Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises, and which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.

Township - The Township of Oneida, Huntingdon County, Pennsylvania.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Vehicle or Equipment Repair/Towing Operation - An establishment, operating in accord with the Township requirements, engaged in the service and/or repair of vehicles, including but not limited to auto body shops, repair garages, truck repair garages, towing companies and agriculture equipment repair.

Vegetation - Any grass, weed, vegetable, crop, shrub, or other plant.

Vermin Infested - The presence, within or upon a premise, of any insects, rodents or other pests which constitute a public nuisance.

Waste or Garbage - Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste including solid, liquid, semi-solid or containing gaseous materials resulting from industrial and mining operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility or any other material defined by the Pennsylvania Department of Environmental Protection as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

#### ARTICLE V. ENFORCEMENT OFFICER • NOTICE

The Code Enforcement Officer of Oneida Township shall be responsible for enforcing the terms of this Ordinance. The Enforcement Officer, with the approval of the Board of Supervisors may retain any expert needed in order to fulfill his duties under this Ordinance.

##### Inspections; Permission.

The Enforcement Officer, and any other agent so authorized by the Board of Supervisors, may inspect any premises to determine whether any violations of this Ordinance exists. Prior to entering upon any property to conduct an inspection, the Enforcement Officer shall obtain the permission of the owner or occupant for the same. If after due diligence, the Enforcement Officer is unable to obtain such permission, the Enforcement Officer shall have the authority to conduct the necessary inspection in accord with this Ordinance and the applicable laws of the Commonwealth, and if necessary, petition a competent court with jurisdiction for a court order authorizing the inspection. If, upon review of petition, a court orders the inspection, the defendant named in the order shall reimburse the Board of Supervisors for court costs and reasonable attorney fees. The Enforcement Officer may, upon authorization of the Board of Supervisors, consult with the Township Engineer or any other qualified person, in making the determination regarding a violation.

##### Informal Notice

Whenever an inspection or other evidence discloses that a violation exists, the Enforcement Officer shall, upon authorization by the Board of Supervisors, in cases not involving an emergency,

give an informal written notice to the owner and/or occupant of the premises requesting that the violation be remedied within a period not to exceed thirty (30) days. The informal notice may be served personally, by regular mail, facsimile or email.

#### Notice.

Whenever an inspection or other evidence discloses that a violation exists, and an informal notice has already been issued regarding the same violation within the last twelve (12) month period or the violation constitutes an emergency, the Enforcement Officer shall, upon authorization by the Board of Supervisors, issue a notice to the owner and/or occupant of the premises. The

notice shall:

- A. Be in writing;
- B. Include a statement of the reasons it is being issued;
- c. State a reasonable time to rectify the conditions constituting the violation, and may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Ordinance.
- D. Inform the owner that he has a right to a hearing in accord with Article VIII.
- E. Inform the owner that should he fail to comply with the order or request a hearing, the Township Supervisors may order the correction of the violation, and in accord with this Ordinance, will assess any and all costs, expenses (including, but not limited to, constable, attorney, engineering and consulting fees), and penalties incurred against the land on which the violation is located.
  
- F. Require that corrective action be taken in no greater than fifteen (15) days from the date of the notice.

#### Service of Notice.

Except in emergency cases, the notice shall be sent by registered mail or by certificate of mailing, or personally delivered to, the owner, and/or the occupant of the premises. Where the owner is absent from the Township, all notices shall be deemed to be properly served upon the owner if:

- A. A copy of the notice is served upon the owner personally; or,
- B. A copy of the notice is sent by registered mail or by certificate of mailing to the last known address of the owner, regardless of receipt, and is posted in a conspicuous place on or about the premises affected by the notice; or,
- c. The owner is served with such notice by any other method authorized under the laws of the Commonwealth of Pennsylvania.

Emergency Cases. (See definition in Article IV)



Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, welfare or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to correct the violation and eliminate the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. The costs of such emergency correction shall be collected in the same manner as provided herein for other cases.

ARTICLE VI. VIOLATIONS; ENFORCEMENT REMEDIES, ACTIONS TO ABATE NUISANCE

Compliance.

Failure to comply with any provision of this Ordinance, and/or failure to comply with an order to abate a nuisance, shall be violations of this Ordinance.

Fine; imprisonment.

Any person who has violated or permitted the violation of any provisions of this Ordinance shall upon judgment thereof by any Magisterial District Judge be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$ 1,000.00) per day of violation, together with the costs of suit, and/or may be committed to the Huntingdon County Prison for a period not exceeding thirty (30) days. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, costs, interest and reasonable attorney fees collected for the violation of this Ordinance, shall be paid over to the Township.

Other remedies.

In addition to the fines, judgments, and/or imprisonment remedies of this Ordinance, the Board reserves the right to pursue independent and cumulative remedies at law or equity including a demand for reimbursement of all court costs and reasonable attorney fees.

Abatement by Township and recovery of costs.

In addition, if the owner or person in control of any dangerous premises, or act or condition constituting a public nuisance or violation of this Ordinance, fails to respond to a notice of violation directing the removal or abatement of the public nuisance or correction of the violation within the time limit prescribed by the notice, or fails to appeal to the Board of Supervisors, or fails to comply with the determination of the appeal made by the Board of Supervisors, the Enforcement officer and/or the Board of Supervisors shall be empowered to cause such work of abatement to be commenced and/or completed by the Township and the cost and expense thereof with a penalty of ten (10) percent, plus expenses, constable, attorney, engineering and consulting fees and interest, shall be collected from the owner of such premises, in the manner provided by law.

ARTICLE VII. REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

**ARTICLE VIII. SEVERABILITY**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Oneida Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**ARTICLE IX. MUNICIPAL LIABILITY**

Oneida Township, and its agents, officials and representatives shall not under any circumstances be liable or legally responsible for activities or conditions which constitute a public nuisance under the terms of this Ordinance. Any liability or damages resulting from activities or conditions constituting a public nuisance are the sole responsibility of the owner of the property, or the person or persons responsible for said activity or condition. The failure to enforce the terms of this Ordinance shall not constitute a cause of action against Oneida Township or its agents, officials or representatives.

**ARTICLE XI. EFFECTIVE DATE**

ENACTED this 4 day of September 2019, by the Board of Supervisors of the Oneida Township, Huntingdon County, Pennsylvania.

THIS ordinance shall become effective five (5) days after enactment.

**ONEIDA TOWNSHIP SUPERVISORS**

By: John A. Dypina  
Chairman

By: Steph R. Magell  
Supervisor

By: James E. Ferrelle

Supervisor

ATTEST:

DK Hayden  
Secretary