

TOWNSHIP OF MARTIC
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 10-01-96

AN ORDINANCE OF THE TOWNSHIP OF MARTIC TO PROHIBIT NUISANCES WITHIN THE TOWNSHIP; TO PROHIBIT ILLEGAL DISPOSAL OF WASTE IN THE TOWNSHIP; TO PROHIBIT DESTRUCTION OF PUBLIC PROPERTY; AND TO SET FORTH PENALTIES AND REMEDIES FOR THE VIOLATION OF THE ORDINANCE, AMENDING AND REENACTING THE PROVISIONS OF ORDINANCE NO. 4A-88 OF THE TOWNSHIP.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, as follows:

Section 1. Title. This Ordinance shall be known and may be cited as the Martic Township Nuisance and Solid Waste Ordinance.

Section 2. Definitions. In this Ordinance, the following words and phrases shall have the meanings set forth below unless the context clearly indicates another meaning is intended:

ABANDONED OR JUNKED VEHICLE - Any motor vehicle which does not have a current, valid motor vehicle registration or which does not have a current, valid inspection or which cannot be operated under its own power; provided, however, motor vehicles offered for sale by a motor vehicle dealer licensed by the Commonwealth and motor vehicles actively being repaired at a motor vehicle repair establishment operated in accordance with the requirements of the Zoning Ordinance shall not be considered abandoned or junked vehicles. Notwithstanding the foregoing, a motor vehicle parked or stored inside a completely enclosed building shall not be considered a junked or abandoned vehicle even if such vehicle lacks a current, valid motor vehicle registration or lacks a current, valid inspection or cannot be moved under its own power.

CODE ENFORCEMENT OFFICER - the person appointed by the Board of Supervisors of the Township to enforce this Ordinance.

DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

HAZARDOUS VEHICLE - a vehicle which (a) contains one or more broken windows or one or more missing doors or a missing trunk or hood which allows entry into the vehicle by vermin and/or children; or (b) is structurally unstable or supported by blocks, jacks or other devices and may slip or move presenting a danger to passersby; or (c) is parked upon private or public property in such a manner as to obstruct the vision of

drivers or interfere with the free movement of vehicles or pedestrians.

PERSON - any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, or any other legal entity whatsoever which is recognized by law and 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.

SOLID WASTE - Any substance included within the definition of "solid waste" in the Solid Waste Management Act or in the regulations of the DEP.

TOWNSHIP - the Township of Martic, Lancaster County, Pennsylvania.

WEEDS - any Canadian or Russian thistle, chicory, burdock, nettle, poison ivy, sumac, goldenrod, wild lettuce, wild mustard, wild parsley, ragweed, milkweed or any other plant or vegetation whatsoever, not edible or planted for an ornamental or agricultural purpose.

Section 3. Nuisances Prohibited. 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 if the same are determined to be and constitute nuisances in fact:

1. The storage, accumulation or depositing of any hazardous vehicle.
2. The storage, accumulation or depositing of any abandoned or junked vehicles or parts thereof.
3. The storage, accumulation or depositing of used or discarded vehicle tires.
4. The storage, accumulation or depositing of any abandoned or used building materials of any kind.
5. The storage, accumulation or depositing of garbage, ashes, rubbish or other refuse matters.
6. The storage, accumulation or depositing of dead animals or parts thereof.
7. The maintenance of any dangerous structure including buildings or parts of buildings in a state of dilapidation or disrepair.
8. The growth of grass or weeds in excess of twelve (12") inches in height.
9. The obstruction of or creation of a dangerous condition on any Township road or public right-of-way.

10. The blocking, regrading, or otherwise interfering with the functioning of any drainage swale, pipe, culvert, outlet or other storm water management facility.

11. Any use of land or a structure which is unreasonable or unlawful and causes injury or damage to the residents of the Township in the legitimate enjoyment of their reasonable rights.

Section 4. Removal of Nuisances; Serving of Notice. The Code Enforcement Officer shall serve written notice, either personally or by certified or first class mail, on any person violating the provisions of Section 3 of this Ordinance to remove any nuisance or dangerous structure on public or private property. Upon the failure of said person to comply with such notice within ten (10) days after the date of service of such notice or to request a hearing within such time before the Board of Supervisors pursuant to the Local Agency Law, 2 Pa. C.S.A. §551 et seq., 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 twenty-five (25%) percent of the cost of the removal from the person failing to comply with such notice in the manner provided for the collection of municipal claims and/or by a civil action without the filing of a claim. The Township may also institute an action for violation of this Ordinance in accordance with Section 7 below.

Section 5. Depositing and Disposing of Solid Waste Prohibited. No person shall commit or allow any other person to commit or assist any other person in committing any of the following acts:

1. To deposit, discard or dispose of any substance, including but not limited to solid waste, within the right-of-way of any Township road or state highway; provided, however, this prohibition shall not apply to persons excavating, repairing, or maintaining the cartway or installing driveways or utility facilities within the right-of-way when such persons have obtained a valid permit and complied with all terms and conditions of such permit.

2. To deposit, discard or dispose of items or substances, including but not limited to any solid waste, upon any property within the Township without the permission of the landowner.

3. To deposit or dispose of any solid waste on property which is not licensed as a disposal site in accordance with the regulations of the DEP and/or any other applicable governmental entity which regulates disposal of solid waste.

4. To fail to remove solid waste which has been deposited, discarded or placed upon a property which is not licensed as a disposal site in accordance with the regulations of the DEP and/or any other applicable governmental entity which regulates disposal of solid waste or upon any property or right-of-way of the Township upon written notification from the Township to remove such solid waste. Upon the failure of said person to comply with such notice within ten (10) days after the date of service of such notice or to request a hearing within such time before the Board

of Supervisors pursuant to the Local Agency Law, 2 Pa. C.S.A. §551 et seq., the Board of Supervisors of the Township may remove or arrange for the removal of the solid waste which has been deposited, discarded or placed upon a property which is not licensed as a disposal site and collect the cost of such removal together with a penalty of twenty-five (25%) percent of the cost of the removal from the person failing to comply with such notice in the manner provided for the collection of municipal claims and/or by a civil action without the filing of a claim. The Township may also institute an action for violation of this Ordinance in accordance with Section 7 below.

Section 6. Protection of Public Property. No person shall commit or allow any other person to commit or assist any other person in committing any of the following acts:

1. To destroy, injure, tamper with or deface any public property of the Township or any grass, walkway, lamp, ornamental work, building or light on or in any of the streets, alleys, sidewalks, or public grounds in the Township.

2. To destroy, remove, deface, obliterate or cover any sign or barricade erected as a warning of danger by the Township or by any person doing work by permission of the Township on any street, alley, sidewalk or bridges in the Township or on any public grounds in the Township.

3. Remove any earth, stone or other material from any street, alley or public grounds in the Township.

Provided, however, that such prohibition shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and structures and fixtures located thereon.

Section 7. Penalties. Any person who has violated or permitted the violation of any provision of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Township, pay a judgment of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars for each violation, plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall be imposed until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.

Section 8. Remedies. In addition to any other penalty or remedy provided by this Ordinance and by applicable statutes and regulations, the Township may institute proceedings in equity to restrain any violation of this Ordinance, to require compliance with this Ordinance, and to direct the removal of any solid waste, hazardous vehicle, nuisance condition or other item deposited, discarded or disposed of in violation of this Ordinance.

Section 9. The Martic Township Nuisance Ordinance, Ordinance No. 4A-88,

is hereby repealed in its entirety.

Section 10. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 11. This Ordinance shall take effect and be in force five (5) days after enactment as provided by law.

DULY ORDAINED AND ENACTED this 7th day of OCTOBER, 1996, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

Attest:

James B. Caldwell
(Assistant) Secretary

By:

Frank H. Reiffer
(Vice)-Chairman
Board of Supervisors

[TOWNSHIP SEAL]