

**ORDINANCE NO. 3-02**

**AN ORDINANCE OF THE TOWNSHIP OF CROSS CREEK,  
WASHINGTON COUNTY, PENNSYLVANIA, PROHIBITING  
VARIOUS NUISANCES, STORING OR ACCUMULATING  
ABANDONED OR JUNKED MOTOR VEHICLES' JUNK  
MATERIAL, AND PROVIDING FOR THE REMOVAL THEREOF  
ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE  
OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT  
THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP,  
AND PRESCRIBING PENALTIES FOR VIOLATION**

WHEREAS, the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, deem it to be in the best interests and general welfare of the citizens and the residents of this Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property; and,

WHEREAS, Act 60 of 1995 (53 P.S. §66529) authorizes Townships of the Second Class to prohibit nuisances, to remove same and to impose penalties therefore.

NOW, THEREFORE, it is hereby ORDAINED AND ENACTED by the Board of Supervisors of Cross Creek Township as follows:

**SECTION I - DEFINITIONS**

For the purpose 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.

"ABANDONED OR JUNKED MOTOR VEHICLE" - any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

"BOARD OF SUPERVISORS" - Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania.

"NUISANCE" - the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

“OWNER” - person owning, leasing, occupying or having charge of any premises within the Township.

“PERSON” - any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

“TOWNSHIP” - Cross Creek Township which is located within the confines of Washington County, Pennsylvania.

“VEGETATION” - any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

## **SECTION II - NUISANCES DECLARED ILLEGAL**

Nuisances, including, but not limited to the following, are hereby declared to be illegal:

1. Storing or accumulating abandoned or junked motor vehicles that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania. All such vehicles must be moved in sixty (60) days, or if at a vehicle repair business, ninety (90) days.
2. Storing or accumulating more than one (1) antique or collector motor vehicle for restoration which is neither sheltered by a building nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances; or storing or accumulating in a non-orderly fashion one (1) antique or collector motor vehicles for registration.
3. Draining 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, washstands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, lane or alley; or from any property into or upon any adjoining property.
4. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
5. As to properties located in a village or residential district, permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, to conceal any rubbish, garbage, trash or any other violation of this ordinance, or permitting to grow to such length as to

make likely the presence of snakes, vermin, or other dangerous or offensive conditions.

6. Permitting or allowing any well or cistern to be, or remain, uncovered.
7. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
8. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
- I. Defacing public and private property.
  1. It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the township. Examples of defacing shall include, but not be limited to, the following: application of paint, inks and dyes; affixing or any printed materials such as signs or posters; destruction or removal; defacing in any manner.
10. Riding of dirt bikes or all terrain vehicles on public roads, or without appropriate muffler devices such that loud and offensive noises are produced; producing inordinate amount of dust so as to adversely affect adjoining properties; or riding on property of others without express written permission.

### **SECTION III - 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 manners:

1. By making personal delivery of the notice to the owners; or
2. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the premises in violation; or

4. By mailing a copy of the notice to the last known address of the owner by certified mail; or
5. By publishing a copy of the notice in a local newspaper of general circulation within Washington County, Pennsylvania, once a week for three (3) consecutive weeks. Such notice shall set forth in what respect such condition constitutes a nuisance, 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 to commence action in accordance with the terms thereof within twenty (20) days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of Section 2(F), (G) or (H) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

#### **SECTION IV - PENALTY FOR VIOLATION**

This Ordinance regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to 53 P.S. §566601(c.1)(2).

1. Enforcement thereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.C.P. No. 83(c) (relating to trial and summary cases). The Board of Supervisors hereby set a criminal fine in an amount of up to One Thousand Dollars (\$1,000.00) per violation, and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ten (10) days, provided, further, that each day's continuance of a violation shall constitute a separate event.
2. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township solicitor, the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.
3. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation, or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

**SECTION V - SEVERABILITY**

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

**SECTION VI - EFFECTIVE DATE**

This ordinance shall become effective five (5) days after the adoption hereof.

**SECTION VII - REPEALER**

Ordinance No. 3-77 dated June 15, 1977, or all ordinances or parts of ordinances, which are inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, this 18th day of November, 2002.

ATTEST:

TOWNSHIP OF CROSS CREEK

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Rachel Warner Blosser, Secretary

By  
Gary A. Stokum, Chairman

By  
Dean F. Casiola, Supervisor

By  
Tim Paris, Supervisor