

ORDINANCE NO. 338

AN ORDINANCE DEFINING NUISANCES, PROHIBITING THE
CREATION OR MAINTENANCE OF NUISANCES, PROVIDING
FOR THE REMOVAL OR ABATEMENT OF NUISANCES, AND
PRESCRIBING PENALTIES FOR VIOLATION.

Be It Ordained and Enacted and it is hereby ordained and enacted by the Council of the Borough of West Easton, Pennsylvania:

Section 1. Definitions

(a) The word "nuisance", as used in this ordinance, shall mean any use of property within the Borough, or any condition upon property within the Borough that causes or results in: (i) annoyance or discomfort to persons beyond the boundaries of that property; (ii) interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property; and/or (iii) disturbance or interference with the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word "nuisance" shall include but shall not be limited to the following:

(1) Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises from which the same shall emanate.

(2) Operating gasoline powered lawn mowers or gasoline powered chain saws on any day before 7:00 A. M., or after 8:00 P. M.

(3) Operation of model airplanes equipped with gasoline engines on any public street or on any public ground.

(4) Keeping or harboring any dog or other animal or fowl which, by frequent howling or barking or other noise or odor, shall annoy or disturb any person or persons in the neighborhood.

(5) Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises:

- a. open wells or cisterns
- b. open excavations
- c. unfinished buildings, foundations or other structures
- d. buildings or structures damaged or partially destroyed or in a state of disrepair or danger
- e. dangerous placement or storage of vehicles, materials, or equipment
- f. lakes, ponds or swimming pools not properly safeguarded
- g. stagnant water in pools in which mosquitoes, flies, or insects multiply

When there is active construction or active demolition, then the conditions under a, b, c, and d above do not constitute a nuisance as long as proper warning signs and/or warning devices are placed. Active construction and active demolition means that work is being performed on the project every day of the week with the exception of Saturdays, Sundays, and bad weather days.

(6) Carrying on any building or road construction, excavation, or trenching, or the operation of heavy equipment or trucks in connection therewith on any day of the year at any time between 8:00 P. M. and 7:00 A. M. without a special permit issued by the Borough Secretary. The special permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in such a manner or in such place that the public or residents will not be annoyed or disturbed by that construction work. All public and quasi-public utilities and their successors are permitted to perform emergency work at any time without a special permit.

(7) Carrying on construction work in such a manner that dirt is carried by wind onto adjacent properties or that mud is tracked or drained onto sidewalks and streets adjacent to the project.

(8) Washing, tracking, or otherwise depositing dirt, mud, soil, stone or debris upon or onto sidewalks and the pavement of the street, without removing the same before 5:00 P. M. of the day on which the same was deposited thereupon, or within a reasonable period of time after cessation of work on the day on which the same was deposited.

(9) Permitting spills of fuel oil, lubricating oil, gasoline, or similar volatile and toxic materials to remain on the sidewalks and street pavements for more than two hours. Spills shall be removed or washed down with water or covered with sand as soon as possible.

(10) Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, fly ash, dust, mud, dirt, acid, noxious or offensive fumes, gases or odors to be discharged into the air, or to be carried off the premises or to cause any water to become polluted by sewage, industrial wastes, acid or other substance, or to cause a glare from lights, or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.

(11) Creating or maintaining "attractive nuisances", which is the leaving of a dangerous instrumentality which by its character is dangerous and attractive to children and in a place frequented by children.

BOROUGH OF WEST EASTON
Ordinance No. 338

(12) The use of bow and arrows in the open on any public or private property or on the streets anywhere in the Borough.

(13) The riding of any form of motor vehicle including trucks, automobiles, motorcycles, mini-bikes, dirt bikes, snowmobiles, and similar on any Borough owned property whether the vehicles are licensed or not.

(14) The driving and/or riding of any unlicensed kind of motor vehicle or motor device on the streets and alleys of the Borough of West Easton. This includes trucks, buses, automobiles, motorcycles, mini-bikes, dirt bikes, snowmobiles, and any other motorized device.

(15) The hitting of golf balls on any Borough owned property.

(b) The word "person", as used in this ordinance, shall mean and include any natural person, partnership, association, firm or corporation.

(c) In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

Section 2. It shall be unlawful for any person to cause, create, continue, maintain, or permit to exist any nuisance at any place within the Borough.

Section 3. Any person who causes, creates, continues, maintains or permits to exist any nuisance at any place within the Borough, shall, within 10 days after notice from Council to do so, remove or abate that nuisance. If that person fails, neglects or refuses to abate the nuisance within the time limit, Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance, and, in so doing, shall have the authority to enter upon the property of the person in default. Thereupon, Council shall collect the cost and expense of the abatement or removal from the person who caused, created, continued, or maintained the nuisance and/or permitted it to exist, that person having failed, neglected or refused to remove or abate the nuisance, with an additional amount of 10 percent, in the manner provided for the collection of municipal claims, or by an action in assumpsit. Provided, the cost and expense may be in addition to any penalty imposed under Section 4 of this ordinance.

Section 4. Any person who violates any provision of this ordinance shall be guilty of an offense, and for every such offense shall, upon conviction, be sentenced to pay a fine of not more than \$300 and costs of prosecution, and, in default of payment of fine and costs, to imprisonment for not more than 30 days. Provided each day on which a violation shall exist or continue to exist, after notice from Council as provided in Section 3 of this ordinance, shall constitute a separate offense.

Section 5. This ordinance shall not be construed to be the sole means for abatement of nuisances within the Borough, and nothing shall preclude any person from proceeding individually or with other injured persons, to effect the abatement of a nuisance. Furthermore, in the exercise of the powers conferred in this ordinance, the Borough may institute proceedings in equity.

Section 6. All ordinances or resolutions or parts thereof previously adopted whose provisions are in conflict with the contents of this ordinance are hereby repealed.

Ordained and Enacted into an Ordinance by the Council of the Borough of West Easton this 2nd day of November, 1981.




PRESIDENT OF COUNCIL

ATTEST: 

SECRETARY

Approved this 2nd day of November, 1981.



MAYOR