

BOROUGH OF WEST EASTON

ORDINANCE NO. 2023 - 07

**AN ORDINANCE OF THE BOROUGH OF WEST EASTON,
NORTHAMPTON COUNTY, PENNSYLVANIA, REPEALING AND
REPLACING ORDINANCE 338, ENTITLED “AN ORDINANCE
DEFINING NUISANCES, PROVIDING FOR THE REMOVAL AND
ABATEMENT OF NUISANCES, AND PRESCRIBING PENALTIES FOR
VIOLATION.”**

WHEREAS, Section 1202(5) of the Borough Code empowers the Borough to make regulations as may be necessary for the health, safety, morale, general welfare, cleanliness, beauty, convenience, comfort, and safety of the Borough; and

WHEREAS, Ordinance No. 338 was enacted forty-one (41) years ago and fails to address nuisances arising from new technology and devices; and

WHEREAS, numerous amendments and corrections would be required to repair and update deficiencies known to exist in Ordinance No. 338;

NOW THEREFORE, the Borough Council of the Borough of West Easton does hereby ordain as follows:

SECTION 1. General Provisions.

1.1. Repealer. Ordinance No. 338, enacted November 2, 1981, is repealed in its entirety and replaced by this Ordinance.

1.2. Title. This Ordinance shall be known and may be referred to as the “Borough of West Easton Nuisance Ordinance of 2023.”

1.3. Purpose. This ordinance is intended to protect the public health, safety and welfare by placing parameters on the presence of nuisance conditions on public and private properties within the Borough so as to protect the public from the creation of nuisances. The Borough recognizes that nuisance conditions presents a threat to the health and welfare of the community, and that residents should exercise care to respect one another’s living and working environments and to protect the community from nuisance conditions.

1.4. Scope. This ordinance applies to all persons, property and equipment within the Borough, as regulated herein.

1.5. Other Laws. The provisions of this ordinance are not intended to interfere with, abrogate or annul any other statute, regulation, rule or ordinance, and if a more stringent statute, regulations, rule or ordinance is in place, the more stringent regulation shall apply.

Section 2. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning is clearly indicated from the context:

Attractive Nuisance – An artificial condition upon land which a person knows or has reason to know poses an unreasonable risk of death or serious bodily harm to children, which is in a place where the owner or possessor of land knows or has reason to know that children may be likely to trespass.

Borough – The Borough of West Easton.

Emergency – A circumstance or set of circumstances involving actual or imminent physical or psychological harm or property damage which requires immediate attention.

Emergency Work – Any work performed for the purpose of tending to an emergency.

Feral Cat – A cat in the wild that has no collar and tag to identify an owner.

Inoperable – A motorized vehicle unable to start, or move under its own power.

Motorized – Any motor-powered type of vehicle or aircraft that uses a mechanical engine or battery to power its movement, excepting personal devices required for transportation of non-ambulatory individuals.

Nuisance – Any act within the Borough, or any condition upon property within the Borough, which violates any provision of this ordinance.

Person – Any individual, tenant, firm, partnership, association, corporation, or other legal entity residing within or outside the Borough.

Public Right-of-Way – The portion of any street, alley or similar place which is owned or controlled by the Borough or other governmental entity and open for use by the public.

Resident – Any individual, tenant, firm, partnership, association, corporation, or other legal entity owning, or renting property in the Borough.

Rocket – Any device capable of flight by use of an ignitable propellant system being solid or liquid in nature.

Riff-Raff – Useless or other disposable material.

White Goods - Large appliances used domestically or commercially, such as, but not limited to refrigerators, washing machines, dryers, dishwashers, and air conditioners.

Section 3. Nuisances. The following shall constitute a nuisance:

A. Planting any species of bamboo as of the effective date of this section, and growing or maintaining any species of bamboo planted prior to the effective date of this section in such a manner that the bamboo spreads, invades or grows on adjoining or neighboring property. Any property owner or resident who has planted, grown, or maintained bamboo prior to the effective date of this section shall be required to take measures to prevent such bamboo from invading or growing onto adjoining or neighboring properties, whether by installation of sheathing comprised of metal or other material impenetrable by bamboo at sufficient depth to prevent the growth or encroachment upon adjoining or neighboring property or by some other mechanism.

B. The feeding of feral cats.

C. Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises:

1. Open wells or cisterns;
2. Open excavations;
3. Unfinished buildings, foundations, or other structures;

4. Building or structures partially damaged or destroyed or in a state of disrepair as to pose a danger;

D. Placement of inoperable or unregistered vehicles, white goods, mattresses, box springs, electronics, scrap metal, tires, car parts, furniture manufactured for indoor use, propane tanks not in use, construction debris, waste items or riff-raff on private property, which is not enclosed in a structure and can be seen from any street or alleyway, or from any adjoining property. Any vehicle not repaired within seven (7) days of notice shall constitute a nuisance.

E. Keeping of ponds, water features, swimming pools, or spas that are not properly safeguarded to prevent access by children.

F. Keeping of stagnant water in ponds, water features, swimming pools, spas, buckets, barrels, tires, or other receptacles, where mosquitoes, flies, or other insects may multiply.

G. Carrying on 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 p.m. and 7 a.m. without a special permit issued by the Borough Manager, upon good cause shown, that the work is necessary to abate an emergency, or that it can be carried on in such a manner in such a place that persons of normal sensibilities shall not be annoyed or disturbed.

H. Carrying on construction work in such a manner that dirt or debris is carried by wind or water onto other properties or that mud is tracked or drained onto properties, streets or sidewalks adjacent to the project.

I. Washing, tracking, or otherwise depositing dirt, mud, soil, stone, grass clippings or debris upon or onto sidewalks or the pavement of streets or alleyways without removing the same before 8 p.m. on the day upon which it was deposited.

J. The removal of dirt, mud, soil, stone, grass clippings or other debris by washing, sweeping or otherwise depositing these items into storm drains.

K. Permitting spills of fuel oil, lubricating oil, anti-freeze, gasoline, or similar volatile or toxic chemicals or materials to remain on the sidewalks and street pavements, streets or alleyways for longer than two (2) hours without commencing cleanup.

Spills shall be cleaned using an absorbent product designed or appropriate for cleaning such spills, such as cat litter, sawdust, sand, rags, or baking soda. Clean-up products shall be swept, bagged, and properly disposed of within twenty-four (24) hours of application.

L. Depositing used clean-up products referenced in the preceding paragraph into any storm drain.

M. Discharging, depositing, emptying or otherwise disposing of chemical waste tank contents from RVs, campers, or other vehicles or containers of such waste onto public or private property, or into storm drains or waterways of the Borough.

N. Storage of chemicals, fuel, oils, gasoline or similar volatile or toxic materials in containers accessible to the public, or through which the stored substance could leak or leach into direct contact with ground or water, excepting the storage of fuel oil or propane in tanks designed and used for heating purposes if placed in accordance with applicable safety guidelines and Borough permit requirements.

O. The use of a strobe light outside a building from dusk to dawn, or the use of strobe lights from within a building, unless facing inward, with blackout window coverings in use. The use of a strobe light inside or mounted on the outside of a vehicle is prohibited, with the exception of use by emergency vehicles or equipment engaged in official business.

P. The use of spotlights, laser lights or other focused high-intensity light sources, mounted, affixed, or otherwise set in a manner that directs the light toward a window of any adjoining property dwelling or the dwelling of any other person.

Q. The placement or use of wind chimes in such manner, size, or quantity that the chimes can be heard inside a neighboring dwelling as to annoy or disturb a person of normal sensibilities.

R. Creating or maintaining an "attractive nuisance" as defined herein.

S. The use of bow and arrow in the open on any public or private property, including but not limited to the waterways, streets, or alleyways in the Borough.

T. The driving or riding of any form of motor vehicle, including trucks, automobiles, motorcycles, minibikes, go-carts, dirt bikes, utility vehicles, snowmobiles, and the like, but excepting personal devices required for

transportation of non-ambulatory persons, on any Borough-owned property other than an access road or parking area.

U. The driving and/or riding of any unlicensed motor vehicle on the streets, alleys or property of the Borough of West Easton, including trucks, buses, automobiles, motorcycles, minibikes, go-carts, dirt bikes, utility vehicles, snowmobiles, and any or other motorized device excepting personal devices required for transportation of non-ambulatory persons.

V. The parking or standing of any portion of an automobile, truck, motorcycle, or trailer fully or partially upon or across any sidewalk or pedestrian right of way for any length of time.

W. The hitting of golf balls anywhere other than on private property with the permission of the owner.

X. The hitting of golf balls from privately owned property onto any other property owned by the Borough or another person.

Y. Launching of a Rocket within the boundaries of the Borough.

Z. Any violation of the Borough's Ordinance # 2021-34 regulating noise in the Borough.

Section 4. Removal or Abatement of Nuisance. Any person who causes, creates, continues, maintains, or permits to exist any nuisance at any place within the Borough, shall, immediately after notice by the Borough or its designee, commence removing or abating the nuisance. If that person fails, neglects, or refuses to remove or abate the nuisance, Council or its designee(s) may, by and through its designee(s) and/or its employees, commence to remove or abate the nuisance, and in doing so, shall have the authority to enter the property where the nuisance exists. Thereupon, Council shall collect the cost and expense of removal or abatement 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 abate the nuisance, with an additional amount of ten percent (10%) in the manner provided for the collection of municipal claims, or by an action in assumpsit. Such cost and expense may be in addition to any penalty imposed under Section 6 of this ordinance.

Section 5. Penalties. Any person found guilty of violating any provision of this ordinance shall be fined not less than \$300 for the first offense and not less than \$500 for any subsequent offense within any 120-day period, and upon failure to pay such fine within the time directed by the Court, shall be sentenced to jail for a term not to exceed thirty (30) days. Each, and each day that a violation continues shall be deemed to constitute a separate offense.

Section 6. Injured Persons. Any person injured by a violation of this ordinance shall have all legal recourse available under the law, unrestricted in any way by this ordinance.

Section 7. Administration. The provisions of this ordinance shall be enforced by Borough Police Officers, Borough Enforcement Officers, and others as designated by Borough Council.

Section 8. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The West Easton Borough Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 9. Effective Date. This ordinance shall take effect and be in full force and effect five (5) business days after passage and approval.

ORDAINED AND ENACTED this 13th day of February, 2023.

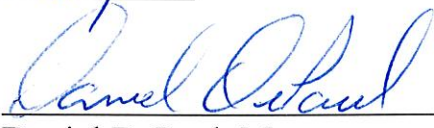
Borough Council
Borough of West Easton
County of Northampton
Pennsylvania



Paul James, Council President

ATTEST: Joan L. Heebner
Joan L. Heebner, Borough Secretary

Approved 13th day of February, 2023.



Daniel DePaul, Mayor