

NUISANCE ORDINANCE
CONYNGHAM TOWNSHIP, LUZERNE COUNTY
ORDINANCE NO. 6 OF 2006
AMENDED
AS ORDINANCE 1 OF 2023

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

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Conyngham Township, Luzerne County, Pennsylvania, that this Ordinance shall be known and may be cited as the Nuisance Ordinance.

ARTICLE I. PURPOSE AND INTENT.

To protect the people against nuisance of and 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 and specifically declared to be as follows:

- A. To protect the public against the unlawful activities, behavior and conduct herein defined which constitute a nuisance.
- B. To protect the local residents use and enjoyment of their property against trespassing by the activities, conduct and behavior classified as nuisances.
- C. To protect the people against the health and safety menace and the expense incident to the activities, behavior and conduct herein classified as nuisances.
- D. 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 II. NUISANCES.

- A. This Ordinance does not apply to normal and customary farming and gardening practices.
- B. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon as defined in this ordinance, in any such activity, manner or thing, constituting a nuisance, as defined in this ordinance, and when based on actual condition constitutes a nuisance in fact, is declared to be unlawful and a violation of this ordinance.
- C. For the purpose of this ordinance, the term “nuisance” is defined as any unreasonable, unwarrantable or unlawful use of property, which causes injury, damage, hurt inconvenience, annoyance or discomfort to another in the legitimate enjoyment of his or her reasonable rights of persons and property, which use, when based upon actual conditions, constitutes a nuisance in fact.
- D. For the purpose of this ordinance, a nuisance shall include, but is not limited to, the following:
 - 1. The storing, accumulating or keeping or depositing on, or the scattering over the premises of any persons, any of the following:

- a. Lumber, junk, trash or debris;
- b. Abandoned or discarded or unused objects or equipment, such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
- c. Any compost pile or any deposit of manure, which is of such a nature as to spread or harbor disease, emit harmful gas or to attract or to breed animals, rodents, vermin, flies, insects or any other pests;
- d. Any deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals;
- e. Any pool of water which accumulates or remains upon the premises and which becomes stagnate or foul, or which attracts or breeds animals, rodents, vermin, flies, insects or any other pests.
- f. Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the Township any garbage or other material subject to decay other than leaves or grass, except in a tightly covered container or sealed plastic garbage bag; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons in the neighborhood. It shall be unlawful for any individual, firm or corporation to store more than 30 days of garbage as defined by this Ordinance.

g. Refuse/Rubbish:

- 1) Combustible trash; including paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, leaves, wood furniture, bedding.
 - 2) Non-combustible trash; including metals, tin cans, metal furniture, dirt, small quantities of rock, pieces of concrete, glass, crockery, other mineral waste.
 - 3) Street Rubbish; including street sweeping, dirt, catch-basin dirt, contents of letter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include leaves, cornstalks, stubble or other vegetable material generated in the course of harvesting agricultural crops. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the township except in a covered container.
- h. Ashes: Residue from fire used from cooking and for heating buildings.
- i. Junk Material: Including but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any salvageable materials, unless for resale, 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. Exception: For any agriculture zoned area with a working farm or any working business which is involved in automotive repairs or salvage.

2. Lighting:

Lights which shall spot, flood or otherwise shine so as to impede the safe movement of traffic upon the streets, highways or traffic ways within the Township of Conyngham. Lights which shall spot, flood or otherwise prevent another person from enjoying the privacy of their own property. The illumination of any sign adjacent to any street, highway or traffic way within the Township of Conyngham 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 the Township of Conyngham. The utilization in any form or configuration of lights so as to resemble a traffic signal, railroad signal or any form of simulated signal, visible to the motoring public upon any street, highway or traffic way within the Township of Conyngham that is not otherwise authorized. The following acts shall not be deemed to be prohibited by this ordinance:

- a. Use of a spotlight by any policeman, other law enforcement officer, game protector, firearms or other emergency officer or government official, in the performance of his or her official duties;
- b. Use of a spotlight by any person engaged in and for the purpose of assisting in any rescue operation, any search for or apprehension of any criminal or fugitive from justice, any search for any lost or abducted person or the lighting of any way or direction of travel for purposes of lawful travel, whether on or off such public road;
- c. Use of a spotlight by any person engaged in and for the purpose of assisting in, illuminating the scene of any crime, disaster, public disturbance or other public event, but the intentional shining of spotlights at or for the purpose of discovering any deer or other game or domestic animals shall not be deemed excused by this exception;
- d. Any incidental and peripheral or accidental illumination by any light otherwise in lawful use.

3. Road, Streets and Sidewalks:

- a. 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.
- b. 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 / her premises more than twenty-four (24) hours after it has been deposited there except by special written permission of the Township Board of Supervisors.
- c. 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, feces, fish, shellfish, ashes, paper, glass, tires, cans, rubbish or offal of any kind or any other refuse or offensive matter whatsoever.
- d. 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.
- e. For any person placing a vehicle or other obstruction on or along any of the streets, roads, lanes or alleys 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.
- f. All street crossings shall be kept free from vehicle, wagons, trailers, construction equipment or other vehicles and other blockages or obstructions shall not be placed or allowed to remain thereon except as may be necessary in crossing the same.

4. Nauseous Draining, Water Flow etc.:

a. Including but not limited to, 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 of foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley or from any property into or upon any adjoining property.

b. Allowing to drain or flow, any water or drainage 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 cart way or traveled portion for said drainage by means of a drainage ditch or otherwise.

c. Any person to run foul or nauseous liquids, washings or draining from any manufacturing establishment, stores, stables, private residence, restaurants, or shops into any 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 staled, putrid, stinking fat, grease, or other matter in or near any establishment or residence within the Township limits.

d. Interfering with the flow of a stream, creek, or other waterway, by means of dam construction or otherwise, or removing the embankment of a stream so as to alter the natural flow of the stream.

5. Loud Noise:

It shall be unlawful for any person(s) to make or cause to be made, a noise disturbance within the limits of the township that endangers or injures the safety or health of humans or animals; or is unusual for the time of day or location where it is produced or heard or jeopardizes the value of property or erodes the integrity of the environment; or materially disturbs or annoys persons in the neighborhood who are of normal sensibilities.

6. 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.

7. Well Caps:

Permitting or allowing any well or cistern to be or remain uncovered.

8. The defacing of any private or public buildings, structures, signs, banners or vehicles within the Township. Samples of defacing shall include, but not be limited to the following examples: application of paint, inks and dyes affixing of any printed materials such as signs or posters, destruction or removal, defacing in any manner and alteration of any said property.

9. Merchandise, Advertising Material and Signs:

a. For any person to distribute or throw upon doorsteps, into doorways, vestibules, yards, enclosures or anywhere within the Township, samples of merchandise of any character whatsoever

b. For any person to distribute, throw upon doorsteps, into doorways, vestibules, place upon doorknobs or fences, cast into yards or anywhere else, handbills, advertising and printed matter of any nature whatsoever without prior written authorization by the Township Board or Supervisors.

c. For any person to erect signs projecting across walks or in places dangerous to life and limb.

d. For any person to post, paste or fasten any printed, painted, or written signs, show bill, placard, circular or advertisement of any description whatsoever upon any tree, telegraph, telephone or electric light pole within the Township limits unless authorized, in writing by the Township Board of Supervisors.

10. Animals:

a. No person shall permit any animals including any dogs, cats, cattle, horse, mule, sheep, goat, geese, ducks, chicken, swine and or any animal in personal possession, to roam or be at large anywhere within the Township.

b. No person shall own, keep, or permit any dog or animal on or about his/her premises to disturb the peace and quiet of the night by barking, howling, crying or otherwise making noise to the annoyance of the neighborhood which can be heard from that person's property line.

c. No person shall keep or harbor any dog which habitually barks, howls, or yelps, which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood. Such dogs are hereby declared to be a public nuisance. Provisions of this Ordinance relating to dogs which habitually bark, howl or yelp shall not apply to a "seeing eye dog" which is used to assist a person who is identified as legally blind.

d. No person shall own or possess any dog and permit same to run at large. "Running at large" shall be defined to be the presence of a dog at any place except upon the premises of the owner, or upon the premises of another with the consent of the owner of such premises. A dog shall not be considered to be running at large if it is on a leash or under control of a person physically able to control it. Any such animal which is deemed to be "running at large" by the Township may be seized by any agent of the Township or Humane Officer.

e. It shall be unlawful for any person to keep or permit to be kept on his or her premises any vicious animal as a pet or for display or for exhibition purposes, whether gratuitously or for a fee. Any such animal which is deemed to be "running at large" by the Township may be seized by any agent of the Township or Humane Officer. This section shall not apply to animals under the control of a law enforcement or a government military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage fence or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant. The term "Vicious animal" shall mean any animal which has previously attacked or bitten any person, or which has behaved in such a manner that a person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

f. No person shall feed or in any manner provide or place food or water for any feral or stray cat which is not under the ownership or legal possession of such person, or any public or private property. The term "Feral Cat" shall mean a descendant of a domestic cat that has retraced to the wild. It is distinguished from a stray cat, which is a pet cat that has been lost or abandoned. Feral cats are born in the wild. A feral cat is typically unsocialized to people and

usually avoids contact with humans. The term “Stray Cat” shall mean a pet cat that has been lost or abandoned. A stray cat is not a feral cat.

g. It shall be unlawful for any person to keep or harbor more than four (4) combined “domestic animals” per family on any residential zoned property. The term “domestic animals” shall mean a dog, cat, rabbit, gerbil lizard parrot or other domestic animal normally or ordinarily kept or permitted to be at large in the dwelling of its owner. This term does not include such animals as bears, chickens, ducks, goats, wolves, wolf-dog hybrids, cows, horses, venomous snakes, pigs, hogs, sheep, or any exotic animals, including but not limited to bobcats, lynx, coyotes, or animals not native to the region. It shall be unlawful for any person to keep or harbor any animal on any residential zoned property that does not meet the definition of “domestic animal”.

11. Vegetation Growth:

a. Permitting the growth of any grass and noxious weeds in excess of six (6) inches or to permit the growth of vegetation, including but not limited to trees, branches and hedges, to encroach or cause a nuisance to any adjacent property owner in residential or commercial locations. Exception: For any agriculture zoned area which land is used for farming.

b. 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.

12. The commission or maintenance of a nuisance as defined in and prohibited by Chapter 65 of Title 18 of the Pennsylvania Consolidated Statutes may be punishable as provided therein.

13. For any person to place or permit to be placed, grass, leaves or other material on any property not belonging to that person. This shall include but not be limited to, streets, alleys and rights of way belonging to the Township.

14. Storing or Accumulating Abandoned or Junked Motor Vehicles:

To own or have stored upon a persons or business 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 or certificate of inspection is required by the vehicle code of Pennsylvania and shall constitute prima facie proof that such vehicle is no longer in actual use for transportation. Exception: For any agriculture zone area for farm use and any business which is involved in automotive repairs or any business which can show proof of a need of such use of an unlicensed vehicle. An exception may require a written permit from the Board of Supervisors of the Township and proper sheltering by inside storage in a building, by enclosure in a solid fenced area as permitted by applicable zoning ordinances, or by covering with a fitted vehicle cover.

15. Burning:

a. For any person to burn tires, tar products or garbage.

b. For any person to start fires endangering the lives and property of the people of the Township. Permitted fires and burning are further described in the Township’s Burning Ordinance, as amended.

16. Dangerous Structures and Grounds:

a. Maintaining or causing to be maintained, any dangerous structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.

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

ARTICLE III. VIOLATIONS AND PENALTIES.

This Ordinance regulates building, housing, property, maintenance, health, fire, public safety, street, air or noise pollution and shall be enforced pursuant to the Pennsylvania Rules of Criminal Procedure.

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 Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R. Crim.P. No 83(c) (relating to trial and summary cases). The Board of Supervisors hereby set a criminal fine in the amount up to Three Hundred (\$300.00) Dollars 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 Ninety (90) 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 added to the costs of the criminal complaint 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.

Also, any abandoned vehicle which has been issued a violation notice and given an acceptable time to be moved and or compliant with this ordinance, will be towed by an agent of the Township with all costs associated thereto such as tow and storage being assessed to the owner.

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.

ARTICLE IV. WRITTEN NOTICE TO VIOLATORS.

Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the violator in one of the following manners:

A. By making personal deliver of the notice to the owners; or

B. 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

C. By fixing a copy of the notice to the door at the entrance of the premises in violation; or

D. By mailing a copy of the notice to the last known address of the owner by certified mail; or
E. By publishing a copy of the notice in a local newspaper of general circulation within Luzerne County, Pennsylvania, one a week for three (3) successive weeks.

ARTICLE V. SCOPE

This Ordinance is a supplement to existing ordinance regulating behavior that may be classified as a nuisance and establishes additional conduct that constitutes a nuisance. This ordinance does not repeal or amend any prior enacted ordinances to the extent of limiting the enforcement of such ordinances except as otherwise specifically provided herein. This Ordinance does specifically repeal Ordinance No. 6 of 2006 and any and all amendments thereto.

ARTICLE VI. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portions 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.

ARTICLE VII. EFFECTIVE DATE

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

ENACTED AND ORDAINED into law by the Township of Conyngham, Luzerne County, Pennsylvania, this _____ day of _____, 2023.

ATTEST:

CONYNGHAM TOWNSHIP SUPERVISORS

Secretary

By: _____
Chairman

By: _____
Vice-Chairman

By: _____
Supervisor

