

Chapter 178, NUISANCES

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds -- See Ch. 83.

Barking dogs -- See Ch. 76.

Garbage, rubbish and refuse -- See Ch. 146.

Littering -- See Ch. 162.

Property maintenance -- See Ch. 193.

ARTICLE I, Miscellaneous Nuisances [Adopted 6-23-1969 (Ch. 56, Art. I, of the 1973 Code); amended in its entirety 6-25-1973]

§ 178-1. Definitions.

For the purposes of this article, the terms used herein are defined as follows:

ENFORCING OFFICIAL -- The Laurel Springs Police Department. [Amended 11-4-2002 by Ord. No. 621-2002]

PERSON -- An individual, firm, corporation, association, society or partnership, and their agents or employees.

§ 178-2. Nuisances enumerated.

A. The following matters, things, conditions or acts, and each of them, are hereby declared to be nuisances and injurious to the health of the inhabitants of this municipality: EN

(1) Any matter, thing, condition or act which is or may become an annoyance to, or interferes with the comfort or general well-being of, the inhabitants of this municipality.

(2) Pollution, or the existence of a condition or conditions which cause or threaten pollution, of any waters in this municipality in such manner as to cause or threaten injury to any of the inhabitants of this municipality, whether to their health, comfort or property.

(3) The escape into the open air from any stack, vent, chimney or any entrance to the open air, or from any fire into the open air, of such quantities of smoke, fly ash, dust, fumes, vapors, mists or gases as to cause injury, detriment or annoyance to the inhabitants of this municipality or endanger their comfort, repose, health or safety.

(4) The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or any other public or private place. EN

(5) The growth, existence or presence of poison ivy within 20 feet of any property line.

(6) The existence or presence of any water or other liquid in which mosquito larvae breed or exist.

(7) The existence or presence of any accumulation of garbage, refuse, manure or animal or vegetable matter which may attract flies and to which flies may have access or in which fly larvae or pupae breed or exist. EN

(8) To destroy, shutoff, tap, alter, change, obstruct or to interfere in any way with the Borough water or sewer lines, meters or other devices connected thereto on any public or private property. [Added 11-4-2002 by Ord. No. 621-2002]

(9) To keep or maintain a disorderly house or a house of ill fame or allow or permit any house, shop, store, building or other structure owned, leased or occupied to be used as a disorderly house or house of ill fame. [Added 11-4-2002 by Ord. No. 621-2002]

(10) To permit any house, shop, store, building or other structure to be frequented or resorted to by noisy, riotous, or disorderly house or house of ill fame. [Added 11-4-2002 by Ord. No. 621-2002]

(11) Be intoxicated, drunk or disorderly in or about any public omnibus or conveyance, street, thoroughfare, sidewalk or in or about any store, private house, home, commercial establishment, restaurant or other public, private or quasi-public place or house to the annoyance or discomfort of any person. [Added 11-4-2002 by Ord. No. 621-2002]

(12) Behave in a disorderly manner or loiter on any sidewalk, street or public place or in any store, place of amusement, school or any other public building. [Added 11-4-2002 by Ord. No. 621-2002]

(13) Utter any loud and offensive or indecent language or make offensive remarks to any person or persons while being upon or about any sidewalk, street, or other public or private place or obstruct or interfere with any person lawfully being upon them.

[Added 11-4-2002 by Ord. No. 621-2002]

(14) Throw, discard or discharge any papers, posters, glass, metal, paint, stones, sticks, tin cans, garbage, debris, junk or refuse of any kind or any hard, dangerous or offensive substance upon any sidewalk, street, or public or private place, or at any vehicle, building, house, fence or person or in any spring, stream, body of water or private or public water supply. [Added 11-4-2002 by Ord. No. 621-2002]

(15) Appear on any street, highway, sidewalk, drinking and eating establishment, or other public place in a state of nudity, in a bathing suit or make any indecent exposure of his or her person. Persons dressed in customary bathing suits at bathing beaches are hereby excepted. [Added 11-4-2002 by Ord. No. 621-2002]

(16) Disrobe in any automobile, truck or vehicle while the same is upon any parking place, street, park or other public place. [Added 11-4-2002 by Ord. No. 621-2002]

(17) Commit or do any lewd or indecent act or behavior in a lewd or indecent manner. [Added 11-4-2002 by Ord. No. 621-2002]

(18) Sell or offer to sell any indecent picture, book, literature or article or exhibit, perform or render any indecent, immoral or lewd play, song, motion picture or other representation. [Added 11-4-2002 by Ord. No. 621-2002]

(19) Intentionally or maliciously destroy, damage or injure any private or public property. [Added 11-4-2002 by Ord. No. 621-2002]

(20) Obstruct or hinder any elected or appointed officer or employee of the Borough in the discharge of his duties or refuse or neglect to assist such person when lawfully called upon to do so. [Added 11-4-2002 by Ord. No. 621-2002]

(21) Permit any child under the age of 16 years not accompanied by a parent or guardian to play a pinball machine in his establishment or place of business. [Added 11-4-2002 by Ord. No. 621-2002]

- (22) Possess, keep, sell, distribute or transport any switchblade, knives, firecrackers or fireworks of an explosive nature unless a permit for such shall have been obtained from the Borough Clerk. [Added 11-4-2002 by Ord. No. 621-2002]
- (23) Have upon his person or in his possession any pick lock, bit, jack, crowbar, key or other device or implement with any intent to break and enter into any building. [Added 11-4-2002 by Ord. No. 621-2002]
- (24) Obstruct unnecessarily any sidewalk, street or public place with any kind of wood, lumber, crates, stone, dirt, vehicle or other thing. [Added 11-4-2002 by Ord. No. 621-2002]
- (25) Trespass or enter upon the land or property of any other person without lawful permission to do so. All delivery personnel, including letter carriers, whether employed by a private firm or government agency or government-supported corporation, shall use sidewalks and accepted and approved walkways and shall refrain from traversing lawns or other private property not normally used as a walkway by the general public in order to effect delivery. [Added 11-4-2002 by Ord. No. 621-2002]
- (26) Attempt, make aid, countenance or assist in making any improper noise, riot, disturbance or breach of the peace in or upon any of the streets, highways, sidewalks, public places or anywhere else in the Borough, or collect in bodies or crowds for idle or unlawful purposes to the annoyance or disturbance of persons within the Borough. [Added 11-4-2002 by Ord. No. 621-2002]
- (27) Invite, solicit or in any manner suggest by word, action, writing or other communication or by the use of any medium whatever any lewd, lascivious or immoral act. [Added 11-4-2002 by Ord. No. 621-2002]
- (28) Prevent, hinder or deter in any manner or by any device whatever any emergency vehicle, fireman or other person from rendering lawful assistance in abating or quelling a fire or hinder or interfere with any fireman going to or returning from any fire or place from which a fire alarm proceeds. [Added 11-4-2002 by Ord. No. 621-2002]
- (29) Contribute to the delinquency of any minor by any word, act, writing, or other communication or by the use of any device or thing whatsoever. [Added 11-4-2002 by Ord. No. 621-2002]
- B. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance as declared and described in this section.

§ 178-3. Heat requirements in buildings.

It shall be unlawful for the owner or owners who have agreed to supply heat to any building designed to be occupied, or occupied, as a residence by more than two families, to fail to supply heat from the first day of October in each year to the first day of May of the succeeding year in such manner that the temperature of said building where one or more persons reside shall always be kept at 68° F. or above between the hours of 6:00 a.m. and 10:00 p.m.

§ 178-4. Noise.

It shall be unlawful for any person to make or cause, or suffer or permit to be made or caused, upon any premises owned, occupied or controlled by him or it, or upon any public street, alley or thoroughfare in this municipality, any unnecessary noises or sounds by means of the human voice or by any other means or methods, which are physically annoying to persons, or which are so harsh or so prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort, or which are injurious to the lives, health, peace and comfort of the inhabitants of this municipality or any number thereof.

§ 178-5. Sanitary and health requirements.

It shall be unlawful for any person to rent, lease or otherwise permit the occupancy of any building as a residence, or for any person to reside in any building as its owner, which:

- A. Is not adequately and properly ventilated.
- B. Fails to provide potable water at sufficient pressure and quantity for each family unit from a public supply approved by the State Department of Health or a private supply approved by the enforcing official.
- C. Does not have plumbing fixtures, consisting of a kitchen sink, bathtub or shower, lavatory and flush toilet, connected to the potable water supply.
- D. Does not have facilities for the discharge of all household liquid wastes into a public sewer system approved by the State Department of Health.

§ 178-6. Spitting.

It shall be unlawful for any person to spit upon any public sidewalk or upon any part of the interior or exterior of any public building or public conveyance.

§ 178-7. Inspection; right of entry. [Amended 11-4-2002 by Ord. No. 621-2002]

- A. All places and premises in this municipality shall be subject to inspection by the Laurel Springs Police Department or the enforcing official if the Laurel Springs Police Department or that official has reason to believe that any section of this chapter is being violated; provided, however, that the right of inspection granted pursuant to this section shall be limited by all applicable constitutional restrictions. To this end, the enforcing official shall make application to the Judge of the Municipal Court of the Borough of Laurel Springs pursuant to the rules of court applicable thereto for a search warrant for purposes of inspection pursuant to this section, where, under the applicable authorities, such warrant is required.
- B. It shall be unlawful for any person to hinder, obstruct, delay, resist or prevent the Laurel Springs Police Department or the enforcing official from having full access to any place or premises upon which a violation of this chapter is believed to exist.

§ 178-8. Notice of abatement.

- A. Whenever a nuisance, as declared by § 178-2 of this chapter, is found on any plot of land, lot, right-of-way or any other private premises or place, notice in writing shall be given to the owner thereof to remove or abate the same within such time as shall be specified therein, but not less than five days from the date of service thereof. A duplicate of the notice shall be left with one or more of the tenants or occupants of the premises or place.
- B. If the owner resides out of the state or cannot be so notified speedily, such notice shall be left at that place or premises with the tenant or occupant thereof, or posted on the premises, and such action shall be considered proper notification to the owner, tenant or occupant thereof.

C. Whenever a nuisance, as declared by § 178-2 of this article, is found on any public property or on any highway or any other public premises or place, notice in writing shall be given to the person in charge thereof to remove or abate the same within such time as shall be specified therein. If such person fails to comply with such notice within the time specified therein, the Laurel Springs Police Department may remove or abate such nuisance in the manner as hereinafter provided in the case of a like condition existing on a private premises or place. [Amended 11-4-2002 by Ord. No. 621-2002]

D. If the owner, tenant or occupant, upon being notified as provided by this section, shall not comply with such notice within the time specified therein and fails to remove or abate such nuisance, the Laurel Springs Police Department shall proceed to abate the nuisance or may cause it to be removed or abated in a summary manner by such means as said Department shall deem proper. [Amended 11-4-2002 by Ord. No. 621-2002]

§ 178-9. Recovery of costs of abatement. [Amended 11-4-2002 by Ord. No. 621-2002]

The Laurel Springs Police Department may institute an action at law to recover costs incurred by it in the removal or abatement of any nuisance as declared by § 178-2 of this article from any person who shall have caused or allowed such nuisance to exist, or from any owner, tenant or occupant of premises who, after notice and notification as herein provided, shall fail to remove and abate the same within the time specified in such notice.

§ 178-10. Enforcement.

The provisions of this article shall be enforced by the Laurel Springs Police Department or its enforcing official.

§ 178-11. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, § 1-15. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

ARTICLE II, Trash Nuisances [Adopted 9-8-1986 by Ord. No. 401 (Ch. 56, Art. II, of the 1973 Code)]

§ 178-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PUBLIC NUISANCE

A. Any accumulation of trash, garbage, debris, paper, receptacles, boxes, crates or any other item or items that may be considered waste or a health hazard or which have been discarded but remain upon the outside of the property, including any common area or way such as a stairway, hallway, entrance, exit, driveway, alley and the like to a building, structure or lot.

B. The depositing, accumulating or maintaining of any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage in or on any land, premises, building or other place within the Borough.

§ 178-13. Time of placement for trash pickup.

No trash, garbage, branches, brush or other substances to be picked up should be placed at the curb or sidewalk area before 4:00 p.m. Sunday, and it should not remain on said street later than 4:00 p.m. the following Wednesday.

§ 178-14. Violations and penalties. [Amended 11-4-2002 by Ord. No. 621-2002]

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, § 1-15, in the discretion of the judge before whom such defendant shall be convicted. A separate offense may be deemed committed on each day during or on which a violation occurs or continues.