

## CHAPTER 2

## Nuisances

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## Section 8-2001 Definitions and interpretation.

The following words, as used in this Chapter, shall have the meanings hereby respectively ascribed thereto:

(1) **Nuisance:** any use of property within the Borough, or any condition upon property within the said Borough that, other than infrequently, shall cause or result in: (1) annoyance or discomfort to persons beyond the boundaries of such property; (2) interference with the health and/or safety of persons beyond the boundaries of such property or of persons who might reasonably be expected to enter upon or be in such property; and/or (3) disturbance to 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:

- a. 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;
- b. Operation of gasoline-powered lawn mowers or gasoline-powered chain saws on any weekday before eight o'clock A.M. or on any Sunday before twelve o'clock noon;
- c. Operating model airplanes equipped with gasoline engines on any public street or on any public ground, including any playground;
- d. Keeping or harboring of any dog or other animal or fowl which, by frequent howling or barking or other noise or odor shall annoy or disturb the neighborhood or a number of persons;
- e. 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. buildings or structures damaged or partially destroyed or in state of disrepair or danger
5. dangerous placement of materials or equipment
6. lakes, ponds or swimming pools not properly safeguarded
7. stagnant water in pools in which mosquitoes, flies or insects multiply.

f. Carrying on any building or road construction, excavation, or trenching, or the operation of heavy equipment or trucks in connection therewith at any time on Sunday or a legal holiday, or on any other day of the year at any time between seven o'clock P.M. and seven o'clock A.M. without a special permit issued by the Borough Secretary. Such 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 a manner or in such a place that the public or residents will not be annoyed or disturbed by such construction work.

g. Carrying on construction work in such a manner that dirt is carried by wind onto adjacent properties or that mud is tracked or drained into streets adjacent to the project.

h. Washing, tracking or otherwise depositing dirt, mud, soil, stone or debris upon or onto the pavement of any street, without removing the same before five o'clock P.M. of the day on which the same was deposited thereupon.

i. 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.

j. The planting or placing of trees, shrubs or other obstructions which would prevent persons driving vehicles on public streets from obtaining a clear view of traffic.

(2) **Person:** Any natural person, partnership, association, firm or corporation. (Ordinance 1975-1, Section 1)

**Section 8-2002 Unlawful to create or maintain nuisance.**

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough. (Ordinance 1975-1, Section 2)

**Section 8-2003 Removal or abatement of nuisances.**

Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough, shall, within ten (10) days after notice from the Council to do so, remove or abate such nuisance. If such person shall fail, neglect or refuse to abate such nuisance within such time limit, the Council shall have authority, in person or by its agents and/or employees, to remove or abate such nuisance, and, in so doing, shall have authority to enter upon the property of such person in default. Thereupon, the Council shall collect the cost and expense of such abatement or removal from the person who created, continued, caused or maintained such nuisance and/or permitted the same to exist, such person having failed, neglected or refused to remove or abate such nuisance, with an additional amount of ten per centum, in the manner provided for the collection of municipal claims, or by an action is assumpsit. **Provided:** Such cost and expense may be in addition to any penalty imposed under section 8-2004 of this chapter. (Ordinance 1975-1, Section 3)

**Section 8-2004 Penalty for violation.**

Any person who shall violate any provision of this chapter shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than five dollars (\$5.00) or more than one hundred dollars (\$100.00) and costs of prosecution, and/or to undergo imprisonment for not more than thirty (30) days. **Provided:** each day's continuation of the maintenance of any nuisance, after the expiration of ten (10) days following the issuance of the notice referred to in section 8-2003 of this chapter, shall constitute a separate violation. (Ordinance 1975-1, Section 4)

**Section 8-2005 Exceptions.**

This chapter 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 private nuisance. Furthermore, in the exercise of the powers herein conferred, the Borough may institute proceedings in equity. (Ordinance 1975-1, Section 5)