

FAWN GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2004- 3

AN ORDINANCE DECLARING CERTAIN ACTS TO BE
NUISANCES, PROHIBITING THOSE SAME ACTS AND
PROVIDING PENALTIES FOR VIOLATIONS OF SAID
NUISANCE ORDINANCE.

IT IS HEREBY ENACTED AND ORDANED, by the Borough Council of Fawn Grove
Borough, York County, Pennsylvania, as follows:

NUISANCES

Section 1. Title.

This Ordinance shall be known as the "Fawn Grove Borough Nuisance Ordinance."

Section 2. Prohibited Acts.

No person, firm, corporation or any other legal entity shall do any act or omit to perform any act or duty or permit a condition or thing to exist, which act, omission, condition or thing is defined in Section 3 as a nuisance.

Section 3. Acts Declared Nuisances.

The following acts, omissions, places, conditions and things are hereby defined and declared to be nuisances, which include the erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, avenue, alley, parkway or other private or public place in the Borough, or any one (1) or more of the following disordered, disturbing, unsanitary, fly-producing, rat harboring, disease causing places, conditions or things:

- A. Any putrid, unsound or unwholesome bones, meat, hides, skins of the whole or any part of dead animal, fish or fowl.
- B. Vaults, cesspools, dumps, pits of like places which are not securely protected from flies or rats, or which are foul or malodorous.
- C. Filthy, littered or trash covered house yards, factory yards, vacant areas in rear or stores, vacant lots, houses, buildings or premises.
- D. Animal manure in any quantity which is not securely protected from flies and the elements.

E. Stagnant water in pools in which mosquitoes, flies or insects multiply.

F. Weeds or plants which provide rodent harborage, or weeds or plants which are poisonous or noxious growing in yards, vacant lots or along public streets in the Borough, which may pollute the neighborhood or menace health.

G. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or trash or abandoned material unless the same is kept in covered bins or receptacles approved by the Borough.

H. Any and all places used as dumping ground or for the wrecking or disassembling of automobiles, trucks, tractors, vehicles or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, vehicles or machinery of any kind, or of any of the parts thereof, which such places are kept so as to interfere with the comfortable enjoyment of life or property by others.

I. Trash, litter, upholstered furniture, rags, accumulation of empty barrels, boxes, carts, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled or anything in which flies or rats may breed or multiply or which may be a fire danger, unused and discarded household goods and appliances.

J. All refrigerators and freezers shall have all doors removed while placed outside for any purpose in order to prevent access to any individual, wherein possible physical harm or injury or death may result.

Section 4. Notice: Cost.

Fawn Grove Borough, or any officer, employee or agent thereof including, but not limited to, the Fawn Grove Borough Zoning Officer, is hereby authorized to notify any owner or occupant of any said property, personally or by United States regular mail or by positing such notice upon the premises, to remove or eliminate any nuisance on said person 's property within ten (10) days of the date of the notice. Upon the failure of such owner or occupant to comply with the Township's orders within such period of time, the Borough Council, the Fawn Grove Borough Zoning Officer, or any officer, employee or agent of the Fawn Grove Borough is hereby authorized and directed, at its option, to enter upon such premises and remove and eliminate the nuisance contained thereon. The cost of such entry, removal or elimination, together with a penalty of ten (10) percent of the amount thereof, shall be paid of such owner or occupant within ten (10) days from the date of notification of the cost and penalty. In the event the owner or occupier refuses to pay the cost and penalty, the same shall be filed and entered as a lien against said premises and shall be collected in the manner provided by law for the collection of municipal liens.

Section 5. Penalties.

Any person violating any of the terms or provisions of this Ordinance shall be subject to a fine in a sum not less than fifty dollars (\$50.00) and not exceeding six hundred (\$600.00) in proceedings commenced by the Township before any district justice. Each day's violation shall constitute a separate offense for the purpose of commencing proceedings. Upon judgment against any person by conviction, or by proceedings by summons or default of the fine imposed and costs, said person may be sentenced to York County Jail for a period not to exceed thirty (30) days. This remedy is cumulative with any and all other remedies set forth in this Part.

Section 6. Repealer.

Any prior ordinance or part thereof which is inconsistent with the provisions contained herein is hereby repealed.

Section 7. Effective Date.

This ordinance shall be effective immediately upon enactment.

ENACTED AND ORDAINED this 3 day of MAY 2004.

ATTEST:

FAWN GROVE BOROUGH

Maria L. Reinsfelder
Secretary

By: J. Gordon Ladd (SEAL)
President

APPROVED this 3rd day of MAY 2004.

, Mayor