

NORTH CORNWALL TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA
ORDINANCE NO. # 315

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PA, REPEALING AND REPLACING ORDINANCE NUMBER 297 IN ITS ENTIRETY; PROVIDING CONTROL MEASURES RELATED TO GENERAL NUISANCES OCCURRING ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; AND ESTABLISHING PENALTIES FOR NUISANCES.

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the citizens and the residents of North Cornwall Township, Lebanon County, to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, hurt, annoyance, or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, the Second-Class Township Code, 53 P.S. § 66529, as amended, authorizes Townships of the Second Class to prohibit nuisance, to remove same and to impose penalties therefore; and

WHEREAS, all violations of Township Ordinances are found and declared to be detrimental to the public health, safety and welfare and further found and declared to be nuisances. Nuisances create public harm. Prevention and correction of nuisances are necessary to prevent public harm. For purposes of this Ordinance, "public nuisances" and "private nuisances" shall have the same meaning; and

WHEREAS, Township recognizes that certain activities related to farming and agricultural activities performed in the reasonable and normal course of farming and/or agricultural activities should not be considered nuisances and therefore, are exempted from this Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by The Board of Supervisors, North Cornwall Township, Lebanon County, Pennsylvania as follows:

ARTICLE I – PURPOSE

SECTION 1.01. Statement of Purpose

For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word “shall” is always mandatory and not merely directory.

ARTICLE II – DEFINITIONS

SECTION 2.01. General Definitions

1. Abandoned Vehicle. A motor vehicle that is inoperable and is left unattended on public property for more than 48 hours; or that has remained illegally on public property for a period of more than 48 hours; or that is without a valid registration plate or certificate of inspection or title and is left unattended on or along a highway for more than 48 hours; or any other motor vehicle that has been intentionally abandoned by its owner, whether on public or private land. Vehicles and equipment used or to be used in construction or in the operation or maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, or pose a threat or create a hazard to the normal movement of traffic, shall not be considered to be abandoned.

2. Abate. To repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner, and to such an extent as the Township determines is necessary in the interest of the general health, safety and welfare of the Township.

3. Agricultural Fire. A fire that consists of burning of brush, tree remains, stumps, grass, weeds, leaves, and any dried remains of items formerly growing upon the soil.

4. Attractive Nuisances. Any nuisance which may prove detrimental to children, whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment of any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well,

cistern, storage tank, or shaft; and any lumber, trash, debris, or vegetation which may prove a hazard for minors.

5. Board of Supervisors. The Board of Supervisors of North Cornwall Township, Lebanon County, Pennsylvania.

6. Cat. Any domestic feline, not in an agricultural setting, shall be considered a cat for purposes of this ordinance.

7. Cat Owner. Every person having a right of proprietorship or ownership of a cat; and every person who keeps, harbors or feeds a cat or has it in his care or custody; and every person who permits a cat to remain on or about any premises occupied by him for twenty-four (24) hours or longer; and the parents of any child under eighteen (18) years of age who owns or has the control and custody of a cat, regardless of whether any such cat is licensed or unlicensed.

8. Compost. A mixture of decaying organic matter used as fertilizer or soil conditioner.

9. Compost Receptacle. A specialized storage bin or confined area generally constructed of pre-treated lumber, vinyl material, or wire-type fence that is ventilated, with the primary purpose of collecting and treating organic material for the future distribution as fertilizer for floral, or ornamental plants, or vegetable gardens. The size and placement of such facility shall be dependent on the zoning district in which it is located, comply with all zoning requirements, including permitting as necessary. In all cases such facility shall not exceed the dimensions of ten feet by twenty feet by four feet in height (10' x 20' x 4'). Production of compost material shall be for private use and not produced for the purpose of sale unless otherwise approved.

10. Dangerous Structures/Buildings. Any building, structure, or portion thereof on public or private property which threatens the life, health, or safety of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disasters, damage or abandonment; a dangerous, decaying, unkempt, falling, or damaged dwelling, fence, or other structure.

11. Dog. Any domestic canine, not in an agricultural setting, shall be considered a dog for purposes of this ordinance.

12. Dog Owner. Every person having a right of proprietorship or ownership of a dog; and every person who keeps or harbors a dog or has it in his care or custody;

and every person who permits a dog to remain on or about any premises occupied by him; and the parents of any child under eighteen (18) years of age who owns or has the control and custody of a dog, regardless of whether any such dog is licensed or unlicensed.

13. Domesticated Grass. Any residential lawn created by the intentional planting of seed or the placement of established sod requiring the regular mowing of such areas for proper maintenance.

14. Dumping. The unauthorized disposal of any type of material upon public or private property, including the unauthorized use of containers designed for the disposal of such materials.

15. Dumping in Waterways. Dumping, depositing, placing, or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any waterway; or the felling of any tree or trees so that the same shall in whole or in part project within the high-water bank of a waterway or watercourse; or the casting, placing, depositing, or leaving of any logs, roots, snags, stumps, or brush upon the banks or in the bed or channel of any waterway or watercourse.

16. Emergency. A situation which, in the opinion of the applicable Township Supervisor or other Township Official, requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

17. Garage, Yard, and Moving Sale. An occasional and temporary use of a residential lot, wherein the occupants of the said lot display and offer personal possessions for sale to the general public.

18. Illegal Dumping. Dumping of any type by any person on public or private property not registered as a legal dump site.

19. Junk Vehicles. Any wrecked, inoperable, abandoned, or disassembled trailer, house trailer, boat, tractor, automobile or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled, or extensively damaged vehicles. Evidence of inoperability and damage includes, but is not limited to: a buildup of debris that obstructs use; a broken window or windshield; a missing wheel; a flat tire; a nonfunctional motor or transmission; missing bumpers; or missing license plates.

20. Junk Yard. A lot, land, or structure, or part thereof, used primarily for the

collecting, storage, and sale or otherwise of waste paper, rags, scrap metal, and discarded material, or for the collecting, dismantling, storage, and salvaging of appliances, machinery, or vehicles, whether or not in working condition, and for the sale or otherwise of parts thereof.

21. Noxious Odor. An odor that is objectionable to the senses of an ordinary person and interferes with the comfortable enjoyment of life or property in any usual place of occupancy.

22. Noxious Weeds. Weeds that include, but are not limited to, Canadian or other thistle, dandelion, ragweed, chicory, goldenrod, milkweed, wild grape or kudzu vine, sumac, plantain, poison ivy, poison oak, multi-flora rose or other wild-growing weeds or shrubs.

23. Nuisance. The unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property; doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which annoys, injures, or endangers the comfort, repose, health or safety of others, or is unreasonably offensive to the senses, or which obstructs, disrupts, or interferes with the free use of public or private property by any lawful owner or occupant.

24. Obstructions to the Public Right-of-Way. Use of public or private property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of the streets or public right-of-way when authorized by the Township. This section includes the existence of drainage onto or over any sidewalk, street, or public right-of-way, as addressed in Section 3.01.9., and the existence of any debris or plant growth on sidewalks adjacent to any public or private property, as set forth in Section 3.01.12.

25. Offensive Manufacturing or Business. Manufacturing or other business which includes, but is not limited to, the following: operations producing odors, dust or dirt, fumes, or noise; radio, television or wireless device or electronic interference; air or ground pollution; attraction of insects, vermin, and animals; high intensity uncontrolled light or sound, or being visually unattractive or incompatible with surrounding and adjacent properties.

26. Omission. A failure to act.

27. Other Animals. All animals other than a dog or a cat.

28. Owner. A person owning, leasing, occupying, or having charge of any premises within the Township.

29. Permit. To suffer, allow, consent, let; to give, leave or license; to acquiesce by failure to prevent, or to expressly accept or agree to the doing of any act.

30. Person. Any individual, firm, association, partnership, corporation, or any entity, public or private, or any organization of any kind.

31. Person responsible for the Violation. Any person who has an interest in or resides on the public or private property, whether as owner, tenant, occupant, or who otherwise causes the violation. Responsibility for the violation may be joint or several.

32. Planting Beds. A land area where the owner prepares and plants ornamental or floral plants, shrubs, trees, bushes, or any other type of vegetation for the purpose of enhancing the appearance of his property.

33. Potential Vermin Habitat or Fire Hazard. Any accumulation of material on public or private property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris, or other objects which endanger public or private property or public safety, or constitute a fire hazard or vermin habitat. Nothing herein shall prevent the temporary retention of waste in approved, covered receptacles.

34. Property. Immovable property; land together with all the property on it that cannot be moved, together with any attached rights.

35. Repeat Offender. A person shall be considered to be repeating a violation if that person is found to be in violation of a section of this Ordinance for which the person was cited in the immediately preceding eighteen (18) month period. The eighteen (18) month period shall begin from the date of inspection for curing the previous violation.

36. Repeat Violation. A violation of the same regulation in any location in the Township by the same person, for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding 18-month period.

37. Refuse. Refuse includes, but is not limited to, the waste or remains of any living thing, garbage or food waste, glass, metal, ashes, dirt, tires, rubbish of any kind, pasteboard and paper materials, garden and yard waste.

38. Residential Lawn. An area of ground planted with domesticated grass and mowed regularly, generally where occupied and non-occupied structures are located.

39. Street Right-of-Way. The total deeded width of a paved cartway and any adjacent additional area, measured on both sides, from the center line of the roadway.

40. Sight Triangle. The distance in feet from each direction of the center point of intersecting streets, forming a triangle.

41. Township. North Cornwall Township, Lebanon County, Pennsylvania.

42. Trash. Worthless or discarded material or objects; refuse or rubbish, compost, junk, debris, litter, waste.

43. Trash-Covered Premises. Any premises containing trash or abandoned materials, except that which is kept in garbage cans or containers maintained for regular collection.

44. Trespass. To enter another person's land unlawfully; to go onto another person's land or enter another person's property without permission.

45. Unreasonable Noise. In residential districts, or if the abutting property is used for residential purposes, it shall be considered an unreasonable noise and a public nuisance, between the hours 11:00 p.m. of one day and 7:00 a.m. the following day, regardless of the sound level which is emitted, for any person to play or permit the playing of any radio, television, drum, musical instrument, music player, sound amplifier, phonograph or similar device which produces, reproduces or amplifies sound in such a manner as to be plainly audible across a property line or from within another dwelling unit; to rebuild, test or otherwise work on any motorcycle,

motor vehicle, motorboat or aircraft in such a manner as to be plainly audible across a property line; to yell, shout, whistle, sing or otherwise create noise across property lines that disturbs the quiet, comfort or repose of persons in any dwelling, hotel, or other type of residence.

46. Vegetation. Any grass, weed, or growing plant whatsoever, which is not edible or planted for some useful, legal, ornamental purpose.

47. Vermin. Any variation of small animals or insects that are destructive, dangerous, or injurious to health or property.

48. Vicious Animal. 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.

49. Waterway. A waterway shall be defined consistent with the Army Corp. of Engineers and the Clean Water Act, and consistent with the Pennsylvania Clean Streams Law. Navigable waters of the United States, as defined in 33 C.F.R. 329, are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce while the waterway is in its ordinary condition

50. Stacked Wood Piles. Cut tree wood placed and piled in an orderly fashion on properties, which is used as fuel for fireplaces, wood stoves, fire pits, etc.

ARTICLE III – NUISANCES

SECTION 3.01. Nuisances Declared Illegal

Nuisances, including but not limited to the following, are hereby declared to be illegal.

1. Accumulation, Storing, Dumping and Odors

- a. **Accumulation or Storage.** It shall be unlawful to accumulate or store the following: garbage or rubbish; junk material (including but not limited to unused or abandoned machinery, equipment or appliances); other junk, including but not limited to any and all forms of waste and refuse of any type

of material, including scrap metal, glass, industrial waste and other salvable materials.

- b. **Refuse and Trash Container Storage.** It shall be unlawful for property owners to store open piles or bags of refuse and trash on the property. All refuse and trash must be stored in containers with lids or covers, properly secured, to prevent the contents from blowing out of the container and onto streets or neighboring properties during a windstorm event, and to prevent nuisance due to flies, insects, rodents or noxious odors.

Refuse and trash containers shall not be placed on the front porch, front yard, private sidewalk, or on the public sidewalk and must be stored behind the building structure's facade line. Property owners shall follow all other regulations in accordance with Township Garbage Ordinance.

Exemptions.

- 1. Refuse and trash containers may be placed along the street's curb line only during the property's designated trash hauler collection day.
- c. **Front Yard Storage.** It shall be unlawful for property owners to place or store equipment, indoor furniture, bags, boxes, containers, barrels and other similar items within the property's front yard, private or public sidewalk(s), or on the building's front porch(es).
- d. **Antique or collector vehicles.** It shall be unlawful to store or accumulate more than three (3) antique or collector motor vehicles for restoration neither sheltered by a building nor enclosed behind an evergreen or solid fence of a minimum height of eight (8') feet; or to store or accumulate in a manner of disarray or in a haphazard fashion any number of antique or collector motor vehicles for restoration.
- e. **Dumping, Throwing, or Depositing.** It shall be unlawful to throw, deposit or dump any paper, trash, rubbish, ashes, junk, waste, garbage or discarded materials of any kind, including but not limited to, refrigerators, electrical or gas ranges, worn out tires, plumbing or electrical fixtures, building supplies, tree limbs, grass or other vegetation, in or on any private or public property, vacant or occupied, within the Township, or to maintain any accumulations of such materials in or on any public or private

property, vacant or occupied within the Township that creates a condition which endangers the safety, health or comfort of citizens of the Township.

- f. **Noxious Odors.** With respect to noxious odors, in residential or agricultural districts, or if the abutting public or private property is used for residential or agricultural purposes, it shall be considered a public nuisance if a public or private property owner allows odors, such as animal feces or carcasses, garbage, food waste, vegetation waste, or similar decaying items to accumulate such that the odor becomes noxious such that it is objectionable to the senses of an ordinary person and interferes with the comfortable enjoyment of life or property in any usual place of occupancy.

Exemptions.

- 1. The accumulation of manure upon farms within the Township for use in connection with normal and customary farming and agricultural activities or operations and the accumulation of ashes on such farms for use as fill on farm land shall not constitute a violation of this Ordinance.
 - 2. The normal and reasonable activities of a Township business during normal operations shall not constitute a violation of this Ordinance.
- g. **Streams and Waterways.** It shall be unlawful to throw, deposit, or dump any garbage, ashes, animal carcasses, debris, gravel, earth, rock, stone, materials or any non-natural water liquids of any kind upon the banks, channels, beds or bars of any waterway, which would interfere with the flow of the waterway. Property owners are responsible to maintain and prevent the felling of any tree or trees, so that the same shall in whole or in part project within the high-water bank of a waterway or watercourse; or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any waterway or watercourse. It is unlawful to remove or alter the embankment of the stream, channel, or swale that would alter the natural or designed flow of the waterway.

2. Animals

- a. **Animal Security.** No person shall permit any animals including any dogs, cats, cattle, horses, mules, sheep, goats, geese, ducks, or swine to roam or

be at large upon the streets, lanes or alleys in any of the inhabited parts of the Township.

b. Animals - Disturbing the Peace. Any person owning, keeping, or permitting any dog, cat, or animal on or about his premises shall not permit said animal to disturb the peace and quiet of the night by barking, howling, crying or otherwise making a noise to the annoyance of the neighborhood which can be heard a distance of 150 feet from that person's property line.

Exemption.

Provisions of this ordinance relating to dogs which habitually bark, howl or yelp shall not apply to service animals or support animals, as defined pursuant to Pennsylvania law.

c. Harboring. It shall be unlawful for any person to keep or harbor any dog which habitually barks, howls, or yelps, or any cat 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 who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

d. Running at Large. It shall be unlawful for any person owning or possessing any dog or cat to permit the same to run at large. "Running at large" shall be defined to be the presence of a dog or cat at any place except upon the premises of the owner, or upon the premises of another without the consent of the owner of such premises. A dog or cat 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.

e. Dog Walking in Township Parks and on Public Property. It shall be unlawful for any person owning or possessing any dog, cat, or other animals to be permitted to walk said animals in or on the grounds of Township parks, ballfields, and playgrounds.

Exemption.

Persons owning or possessing a dog are permitted to walk their dogs in the Township's designated parks. Dog owners shall comply with all Park Rules and Regulations regarding dog walking. No dogs are permitted to be running at large within the parks, and at all times must

be on a leash and under control of a person physically able to control the animal. Dog owners are required to clean up any feces deposited by their animals along the park trails or walking paths.

f. Waste and Offensive Odors

i. It shall be unlawful to allow an owner's dog(s), cat(s), or other animals to cause annoyance or discomfort to the citizens, residents or other persons lawfully in the Township, by emitting any offensive odor or smell, whether from the animal(s) or feces, cage, pen, yard, box, kennel, or any other source.

ii. It shall be unlawful to fail to properly store and dispose of all animal wastes. All animals, their housing, outdoor pens, pasture, or recreational areas shall be properly maintained so as not to become a nuisance to adjoining property owners.

iii. It shall be unlawful for any person owning or possessing any dog, cat, or other animals to fail to clean up and properly dispose of their pet's or animal's feces deposited on any street, sidewalk, public places, Township Parks, or other private properties.

g. Keeping of Vicious Animals or Illegal Exotic Animals

i. It shall be unlawful for any person to keep or permit to be kept on his premises any vicious animal or illegal exotic animals as a pet, or for display or exhibition purposes, whether gratuitously or for a fee.

ii. It shall be unlawful for any person to harbor or keep a vicious animal or illegal exotic animal within the Township. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or 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 without the actual or implied permission of the owner or occupant.

3. Building and Property Maintenance

a. Buildings or Structures. It shall be unlawful to maintain or cause 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, in accordance with Township Ordinances.

b. Demolition. No existing structure will be permitted to be razed, demolished, or burned without the proper Township permits and authorization.

c. Furniture. It shall be unlawful to maintain upon any yard, unenclosed porch, or exterior attachment which is visible from any public roadway, furniture other than furniture designed for exterior use, which is commonly intended for use inside a dwelling (including, but not limited to, upholstered sofas, chairs, davenports, beds, divans and the like).

d. Snow removal. Property owners or tenants designated to be responsible for snow removal from a property's sidewalk, must shovel snow within Twenty-four (24) hours after a snow or ice event has ended, in accordance with Township Snow Removal Ordinances.

e. Wood Piles. It shall be unlawful to allow cut wood, used as fuel for fireplaces, wood stoves, fire pits, etc., to be unstacked and scattered on the property, which would be considered an attractive nuisance. Wood cut for firewood must be stacked in an orderly manner and placement of the stacked wood piles shall only be permitted in the rear or side yard areas.

4. Burning, Blasting, Fires and Fireworks

a. Agricultural Fire. It shall be unlawful to allow burning of brush, tree remains, stumps, grass, weeds, or leaves not in accordance with the Township's Burning Ordinance.

b. Burning. It shall be unlawful to allow burning of garbage, recyclable plastics, glass, newspaper, aluminum cans, tires, or any trash not in accordance with Township Burning Ordinances, or to burn anything that produces and/or emits toxic fumes.

c. Blasting. No person or persons shall blast rock on or near any public street or alley within the borough without first having obtained permission from the Township Board of Supervisors. After having obtained permission, all blasting must be performed in accordance with conditions and restrictions as set forth in the written consent of the Township Board of Supervisors.

d. Fires. It shall be unlawful for any person to start fires endangering the lives and property of the people of the North Cornwall Township. Permitted fires and burning are further described in the Township's Burning Ordinance.

e. Fireworks. It shall be unlawful for any person to ignite and/or set off any type of fireworks on streets, alleys, sidewalks, and in Township Parks or playgrounds.

5. Business and Private Garage / Yard Sales

a. Solicitation. It shall be unlawful 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; or 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 authorization by the Township and in accordance with Township Ordinances.

b. Garage, Yard, and Moving Sale. All garage, yard, and moving sales are subject to the following conditions:

1. Sales shall not be conducted within the street right-of-way and shall not continue for a period longer than three (3) consecutive days; any posted outdoor display shall be removed at the end of the final sale day.
2. Such sales may only offer personal possessions for sale; no commercial business sales or activity shall be permitted.
3. All off-premises posting of garage, yard, or moving sale signs must be in accordance with the Township's temporary sign ordinance regulations.

6. Noise

a. It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Township, provided that noises created in the normal and reasonable course of a legitimate business activity shall not be deemed illegal.

b. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive:

1. Vehicles, Horns, signaling devices, etc.: Sounding any horn, signaling device, or squealing of tires from any automobile, motorcycle, street car or other vehicle on any street or public place of the Township except as a danger warning; creating, by means of any such signaling device, any unreasonably loud or harsh sound; or the sounding of any such device for any unnecessary or unreasonable period of time.

2. Radios, phonographs, television sets, etc.: Using, operating or permitting the playing, use or operation of any radio receiving set, television set, musical instrument, phonograph, tape player or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is being operated. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock, P.M. and seven o'clock, A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

3. Loud speakers, amplifiers for advertising: Using, operating or permitting the playing, use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, except in the course of legitimate business activity or auction sales.

4. Yelling, shouting, etc.: Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven o'clock, P.M. and seven o'clock, A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

5. Exhausts: The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle except through a

muffler or other device which will effectively prevent loud or explosive noises therefrom.

7. Noise Exemptions

a. Noise emitted from the following sources shall be exempt from the noise standards specified herein:

1. All safety signals and warning devices (e.g. intrusion alarms, back-up alarms on trucks); authorized vehicles when responding to emergencies (e.g. police, fire, ambulance sirens or any other device used to alert persons to an emergency or used during the conduct of emergency work).

2. The provision, repair and maintenance of municipal services or public utilities.

3. Bells, chimes and carillons used for religious purposes or in conjunction with national celebrations or public holidays.

4. Appliances, lawn and garden equipment, chain saws, snow removal equipment and power tools in use between the hours of 7:00 a.m. (prevailing time) and 9:00 p.m. (prevailing time), provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified, and in proper operating condition.

5. Heavy construction equipment when being used on a specific short term project (such as constructing a building: constructing, repairing or cleaning a road; drilling a well; and other similar short term, specific construction, demolition, or repair projects) between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, for the duration of such short term, specific project; provided, such heavy construction equipment is operated within the manufacturer specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

6. Air conditioners, fans, heating units and similar comfort devices, provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified, and in proper operating condition.

7. Airplanes, helicopters, and normal activities of properly licensed airports; trains operating on railroads.

8. Musical, recreational, village festivals, and athletic events conducted by or permitted by schools, local government, or community associations, or events sponsored by non-profit organizations, including street fairs, arts & craft shows, cars shows, exposition center events, or similar events or activities, deemed permissible by the local government.

9. Existing private weapons firing ranges during daytime or military training activities.

10. All motor vehicles being operated on the public road in North Cornwall Township, provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper working condition.

11. Activities permitted by special waiver, as provided herein, according to the terms and conditions of said waiver.

12. All farm-related operations and activities, including any agricultural fairground events.

13. Any existing legitimate or licensed business, commercial, or industrial operation between the hours of 7:00 a.m. and 11:00 p.m., prevailing time, provided any appliances, equipment, machinery or devices used in such operation are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

b. Special Waiver - A temporary waiver from strict compliance with the noise standards specified herein may be granted to persons during emergency circumstances, as determined by the Board of Supervisors, to permit reasonable time to effect repairs.

8. Personal Conduct

a. Attractive Nuisance. Creating, allowing or permitting nuisances on any public or private property whether or not such property is owned, leased,

occupied or otherwise controlled is prohibited.

b. Personal Behavior. It shall be unlawful for any person to make indecent remarks or use vile language, or to be found in a drunken or disorderly condition within the Township, causing a disturbance of the peace and good order of the Township.

c. Littering. Littering is prohibited in accordance with Township Ordinances.

d. Loitering. It shall be unlawful for any person found begging or being vagrant within the limits of the Township, or for any person to sit, stand, walk, run, or park in a vehicle in any of the Township's parks, ballfields, and playgrounds, when the park is closed.

e. Throwing Objects. It shall be unlawful for any person to throw, hurl or cast any metal, stone, snowball, or any other item as a missile at any Township personnel or equipment, people, or animal passing along or standing at any of the streets, roads, lanes, alleys or sidewalks of the Township.

9. Sanitary Sewer and Storm Water Drainage

a. Cesspools. It shall be unlawful for any person to permit and maintain open vaults, drains, failed cesspools and failed septic systems prejudicial to public health.

b. Draining or Flowing of Nauseous Liquids. It shall be unlawful for any person, manufacturing establishments, stores, stables, private residences, or shops to allow to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, waste stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever; or to allow the draining or flowing of any other foul or offensive water or foul or offensive drainage of any kind, from public or private property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane or alley; or from any public or private property into or upon any adjoining public or private property.

Exemption.

Where provisions have been made in said roadway or traveled portions thereof for said drainage by means of a drainage ditch, curbed

drainage, or other means of surface or piped drainage flow, the low pressure/volume draining of dechlorinated pool water or clean uncontaminated water is permitted, provided the air temperature is above of 40 degrees. Any drain pipe or hose may be no larger than ¾" in size.

c. Sump Draining. It shall be unlawful to allow to drain or flow any sump water, sanitary sewer, or other liquid drainage from within dwellings situate upon public or private property along any public highway, road, street, avenue, lane or alley in the Township, into or upon the cart way or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said roadway or traveled portion for said drainage by means of a drainage ditch, curbed drainage, or other means of surface or piped drainage flow.

Exemption.

The low pressure/volume draining of clean, uncontaminated water is permitted, provided the air temperature is above of 40 degrees. Any drain pipe or hose may be no larger than ¾" in size.

10. Streets

a. Street Obstructions. It shall be unlawful to allow the storing, depositing, or placement of obstructions on or adjoining any highway, street, or road, such as dumpsters, portable toilets, basketball goals, vehicle fuel and lubricant leaks or spills, yard waste, branches, or leaf piles not during collection weeks. Any materials on street in front of premises shall be removed and streets cleaned within 24 hours, unless approved and permitted by Township.

b. Parking of Abandoned Vehicles and Other Prohibited Motor Vehicles. It shall be unlawful to park any non-licensed, unregistered, or uninspected vehicles, any type of off-road or construction equipment, trailers, RVs or campers, buses, tractor cabs, or semi-trucks or any other types of vehicles except in accordance with Township's Motor Vehicle and Traffic Ordinance and the Pennsylvania Motor Vehicle Code.

Exemptions.

Trailers connected to tow vehicles may be parked for loading or unloading

for no more than 48 hours.

Contractors' construction trucks and trailers, dumpsters, and other equipment may be parked more than 24 hours, only if approved and permitted by the Township.

b. Safety or Protective Devices. It shall to be unlawful to allow or permit any construction equipment, dumpsters, excavated material, or obstruction, on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by warning and safety devices such as lights or reflective materials, barricades, temporary fences, or other protective materials.

c. Vehicles - Obstructing Streets. It shall be unlawful for anyone placing a vehicle on or along any street of the Township 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 length of time as is necessary to load or unload the same.

d. Sports Equipment and Personal Activity. The permanent or temporary erection of poles, basketball backboards and hoops, and hockey or soccer nets on the street or within street right-of-way of North Cornwall Township is prohibited. The playing of basketball, soccer, hockey, or any sports activity on the streets located within North Cornwall Township is strictly prohibited. The Township may remove or relocate any sports equipment that is a nuisance within the street or right-of-way for the protection of the public and property.

e. Unsecure or Uncovered Loads. It shall be unlawful to drive, or cause to be driven, parked, or stored, any cart, wagon, auto, trailer, equipment or truck whether prefabricated, converted or altered from original or intended manufactured design and whether currently registered or unregistered, not having a good and sufficient tailboard and body, tight and closed at the sides and bottom to prevent the contents from dropping or blowing from the vehicle, or to park such vehicle in or about any highway, street, or alley near any property where the odors from the same may be annoying or offensive, or where such material is not adequately covered causing such material to litter any highway, street, alley or private property or create a hazard to anyone passing such vehicle.

f. Maintain Safe Sight Distance. It shall be unlawful to allow permanent or

temporary vehicles, dumpsters, fences, signs, trees, pines, brush, hedges, shrubbery, crops, or any other solid objects taller than 30" to block the view of an intersection or a driveway onto a public or private right-of-way, in accordance with Township Zoning Ordinance.

g. Snow removal. It shall be unlawful to push, shovel, or otherwise deposit snow upon the cartway or traveled portion of any public highway, road, or street which is maintained by this Township or by the Commonwealth of Pennsylvania, which has already been plowed or had snow removed from traveled portion or designated snow emergency streets, in accordance with Township snow and parking ordinances.

h. Non-Licensed Vehicles – It shall be unlawful to operate on or above streets, any remote-control cars, planes, drones, or any other remote control recreational toy or vehicle; any battery-operated toy bikes, scooters, mini toy vehicles, ATVs, karts, snowmobiles, off-road bikes, or utility vehicles. Operation of drones must abide by all Federal, State, and Township regulations.

11. Vehicles and Equipment

a. Maintenance and Repairs of Personal Motor Vehicles and Equipment.

It shall be unlawful for anyone to perform repairs or maintenance on their own vehicles or equipment, or on another individual's vehicles or equipment, on the Township streets, in the right-of-way, or within Township Parks.

The following regulations shall apply:

1. All work shall be performed

a. on the vehicle owner or lessee's property of residence, or

b. by a resident of the property working on a vehicle owned by the resident's family.

2. All vehicles shall be maintained with proper registration and inspection.

3. Any work that is performed consistent with these regulations may not create any unnecessary or unusually loud noise which annoys,

disturbs, injures or endangers the comfort health, safety or peace of neighboring residents.

4. Unless the work is to be performed within a completely enclosed building, work shall be limited to the following:

- I. Servicing and replacement of spark plugs, batteries, distributors, and distributor parts;
- II. Repair and replacement of tires and wheels;
- III. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors, and engine coolants;
- IV. Repair and replacement of audio systems, amplifiers, and speakers;
- V. Cleaning and flushing of radiators only when flushed into a water-tight container;
- VI. Minor servicing and adjustment of carburetors, injectors; removal of the cylinder head or crankcase and the prolonged revving of the motor are prohibited;
- VII. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating;
- VIII. Cleaning of all exterior surfaces including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants;

5. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed; and

6. No vehicle shall be stored in a "jacked-up" position or on blocks unless it is located within a completely enclosed building.

b. Junked Motor Vehicles. It shall be unlawful for any person to own or have stored upon their 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 and certificate of inspection as required by the Motor Vehicle Code of Pennsylvania should constitute prima facie proof that such vehicle is no longer in actual use for transportation purposes.

Exemption.

A classic or antique vehicle under restoration is exempt from the above provisions, but such vehicle may not be stored in the front yard of the property and must be properly screened from view or enclosed in a covered building. See related provisions in Article III, Section 3.01. Paragraph 1.b.

12. Vegetation

a. Accumulation. It shall be unlawful to accumulate, dump, or store dead vegetation, such as tree trimmings, brush, leaves, grass clippings, mulch, fruits, holiday trees, and other materials which involve slow decay or decomposition resulting in obnoxious odors and serve as a breeding ground for vermin, rodents, insects, and other animals.

b. Storage of Compost Materials. It shall be unlawful to store any compost materials.

Exemption.

The storing of compost materials is allowed, provided the material is stored in a specialized compost receptacle, and must comply with all zoning, storm water, and lot coverage requirements.

c. Noxious Weeds. It shall be unlawful to refuse or fail to cut and/or destroy noxious weeds or other vegetation that has grown to an average height of ten (10") inches or more.

Exemption.

The above provisions a., b., and c. shall not apply to any property which is principally used for agricultural purposes. Provisions a. and b. shall not apply to any property which is principally used for

nursery, yard and garden supply and similar business purposes.

d. Dumping. It shall be unlawful to dump any items as described in section a. upon property, be it private or public, of any person; or upon any roadway, alley, or right-of-way belonging to another; or to direct another person to conduct this type of activity on one's behalf.

e. Grass Height. It shall be unlawful to refuse or fail to maintain a residential lawn to the point where the domesticated grass exceeds a height of ten (10") inches, or to the point where the lack of maintenance creates a haven for vermin, or to permit said conditions to exist, thereby inconveniencing any person in the legitimate enjoyment of his reasonable rights of person or property.

f. Planting Beds. It shall be unlawful to refuse or fail to maintain planting beds to the point where ornamental plants, shrubs or bushes are permitted to grow in an unkempt fashion extending into streets, alley ways, right-of-way, private or public property, or areas where pedestrians are permitted to pass; or to permit noxious weeds or other vegetation to grow without restriction to an average height exceeding ten (10") inches within such designated planting beds; or to permit any of the aforementioned conditions to exist.

g. Right-of-Way Maintenance. All trees and vegetation must be trimmed and maintained adjacent to and above streets, sidewalks, and rights-of-way, in accordance with the Township Zoning Ordinance.

ARTICLE IV – NOTICE

SECTION 4.01. Notice to Violators

1. Upon receipt of a complaint from any Township resident under this Ordinance and prior to the filing of a criminal complaint for violation of this Ordinance, a Township Official shall first investigate the complaint to determine its veracity and to make an initial determination of a possible violation of this Ordinance.
2. Upon such determination of a violation of this Ordinance, Township shall give notice of such alleged violation in the following manner:
 - a. By initiating and attempting to give notice by telephone or personal visit to the property, and providing a description of the violation, the methods for remedy of the violation and the time frame for such remedies to be

accomplished, and the possible fines incurred if the violation is not corrected.

- b. The Township Official shall make a record of such notice being given and shall provide a copy of such record to the occupant or property owner. In the event appropriate action is taken to correct the violation, no further action shall be required by the Township.
- 3. In the event the alleged violation is not corrected and/or steps are not taken to facilitate the correction of the violation following the initial notification outlined in Section 4.01.2.a., Township shall take further action as follows:
 - a. By mailing a copy of the notice of violation to the property owner by any form of mail requiring a receipt signed by the property owner or their agent; or
 - b. By personal delivery of notice to the property owner; or
 - c. By handing a copy of the notice at the residence of the property owner to an adult member of the family with which the property owner resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or
 - d. By fixing a copy of the notice to the door at the entrance of the premises in violation; or
 - e. By mailing a copy of the notice to the last known address of the property owner.
- 4. The contents of the notice of violation provided shall include, but may not be limited to, the following:
 - a. The address of the property on which the violation occurred;
 - b. The identity of the person providing the notice of violation;
 - c. The date of the mailing or posting of the notice;
 - d. The nature of the violation;
 - e. The methods of remedy available to correct the violation;
 - f. The time limits available for remedy and correction of the violation; and
 - g. The possible fines incurred in the event that the violation is not corrected, and a statement to the effect that a complaint may be filed if the nuisance is not abated.
- 5. The Township Official shall keep a record of all notices given under this

Ordinance.

6. If a Township Official determines that a violation of this Ordinance has occurred and such violation endangers public health, safety and welfare such that it may cause harm to any person or property, the Township Official may determine, at his discretion, that such violation has created an emergency such that immediate remedial action may be taken to alleviate the violation and the emergency prior to initiating the foregoing notice provisions. At such time that the emergency is averted, the Township Official shall initiate formal notice of violation procedures consistent with this Ordinance.

7. Any second or subsequent notices to the owner or violator, for the same violation, within a twelve (12) month period, will result in billing the violator an administrative enforcement and inspection fee of \$85.00, payable to North Cornwall Township.

8. In initiating an investigation into a possible violation of this Ordinance, the Township Official shall have the authority to use his reason and discretion in determining whether any activity is a “de minimis” violation requiring no further action.

ARTICLE V – RESTRICTIONS

SECTION 5.01. Relationship with Other Restrictions

1. The provisions of this Ordinance are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, including Title 18 (Crimes Code) and Title 75 (Vehicle Code), Pennsylvania Consolidated Statutes. If more stringent requirements concerning noise abatement are contained in other statutes, rules, regulations or Ordinances, the more stringent regulation shall apply.

ARTICLE VI – ENFORCEMENT

SECTION 6.01. Enforcement and Inspections

1. This Ordinance may be enforced by any police officer, or North Cornwall Township Code Enforcement Official, or a Township appointed third-party Code Enforcement Officer or Agency.

2. This Ordinance is not intended to limit enforcement of any other violation of any other Ordinance of this Township or any private civil or other legal remedy which may be available to any private citizen of this Township.

3. Obstructing the Inspector. Any person who shall obstruct the Township Inspector or other person as appointed or designated under this article in carrying out the provisions of this Ordinance, or who shall willfully or maliciously obstruct or interfere with the Township Inspector or designee in the enforcement of violation of this Ordinance, shall be liable, upon conviction thereof, under the penalties provided in this article.

ARTICLE VII – PENALTIES FOR VIOLATION

SECTION 7.01. Violations and Penalties

1. Any person violating any of the Sections of this Ordinance shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not less than \$50.00 and not more than \$1,000.00, together with costs of prosecution, and in default of payment thereof, may be sentenced and committed to imprisonment for a period not to exceed thirty (30) days. Said fines and costs may be collected by suit or summary proceedings brought in the name of North Cornwall Township.

ARTICLE VIII – TOWNSHIP REMEDIES

SECTION 8.01. Remedies

1. Should any person who has received a notice of violation which complies with this Ordinance fail, neglect or refuse to make such condition safe, or to correct or remove such condition to the satisfaction of the Board of Supervisors, on its own behalf or on behalf of an aggrieved party, may abate or cause to be abated said nuisance and the expense and costs of such abatement shall be paid by the responsible person.

2. In addition to the other remedies available under this Ordinance, the Board of Supervisors for the Township may charge the costs of pursuing Ordinance compliance and abatement incurred to correct a violation to the person responsible for the Ordinance violation, including legal and incidental expenses to the extent these costs exceed the amount of the penalty paid. Such costs are due and payable 30 days from mailing of the invoice. For purposes of this section, "legal and incidental expenses" shall include but are not limited to:

a. Personnel Costs, both direct and indirect, including attorney's fees and

- costs incurred to document the violation as soon as the violation occurs;
 - b.** Hauling, storage and disposal expenses;
 - c.** Actual expenses and costs of the Township in preparing notices, specifications and agreements and in accomplishing or contracting and inspecting the work and the costs of any required printing or mailing; and
 - d.** Interest on the costs of abatement incurred by the Township.
- 3.** All costs assessed by the Township in pursuing Ordinance compliance and/or abatement create a joint and several personal obligations in all persons responsible for Ordinance compliance efforts by any appropriate legal means.
- 4.** The Township may take a lien for the value of the costs of pursuing Ordinance compliance against the real public or private property of the person responsible for Ordinance compliance.
- 5.** The Township may, by an action in equity, request the Court to compel the owner to comply with this ordinance or order such other relief as the Court deems appropriate.
- 6.** Whenever the Township takes such action as is necessary to abate a nuisance, it shall do so without liability for damage to the public or private property.

ARTICLE IX – OFFENDERS

SECTION 9.01. Repeat Offenders and Notification Fees

- 1.** In the instance of repeated violations of this Ordinance within twelve (12) months of the initial violation, prosecution may be commenced without additional notice to the person or persons repeating the violation.
- 2.** A person shall be considered repeating a violation if that person is found to be in violation of a section of this Ordinance or the same or similar offense for which the person was cited in the immediately preceding twelve (12) month period. The twelve (12) month period shall begin from the date of the first notice of violation.
- 3.** Any second or subsequent notices to the owner or violator, for the same violation, within a twelve (12) month period, will result in billing the violator an administrative enforcement and inspection fee of \$85.00, payable to North Cornwall Township.

ARTICLE X – COMPLAINTS

SECTION 10.01. Repeat Unsupported Complaints

1. In the instance of repeated complaints (more than two (2) complaints received in any sixty (60) day period) received by the Township from the same resident, or person related to or acting on behalf of the same resident, whether against the same alleged violator or whether regarding the same alleged violation, and which, after investigation, results in an unsupported violation and/or the failure to issue a notice of violation by the Township, the Township may proceed as follows:

a. Township shall have the option, upon subsequent receipt of repeated complaints as described in 1. above, to require the payment of a deposit by the complainant in the amount of Fifty (\$50.00) Dollars to be paid in advance of any investigation by the Township and which shall cover the costs of investigation by the Township.

I. In the event the complaint is determined to be unfounded, the aforementioned deposit shall be forfeited.

II. In the event the complaint is determined to be founded such that a notice of violation letter is issued consistent with this Ordinance, then the aforementioned deposit shall be returned to the complainant.

ARTICLE XI - GENERAL PROVISIONS

SECTION 11.01. Severability and Repealer

1. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for the purpose of this Section, the provisions of this Ordinance are hereby declared to be severable.

2. Any past Resolution or Ordinance, or part or parts thereof, conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XII – EFFECTIVE DATE

SECTION 12.01. Effective Date

This chapter shall become effective five days after the adoption hereof and shall remain in force until modified, amended or rescinded by North Cornwall Township, Lebanon County, Pennsylvania.

This Ordinance is enacted this **17 day of MARCH, 2020** and shall be effective five (5) days following the said date of enactment.

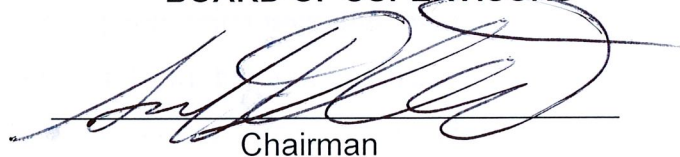
ATTEST:



Secretary

[TOWNSHIP SEAL]

**NORTH CORNWALL TOWNSHIP
BOARD OF SUPERVISORS**



Chairman



Vice -Chairman



Treasurer

