

Part 4

Abatement of Nuisances

§401. Definitions and Interpretation. The following words, as used in this Part, shall have the meanings hereby respectively ascribed thereto:

NUISANCE - any use of property or conduct or activity or condition upon property within Paradise Township that shall cause or result in annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities, 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 not be limited to, the following:

(1) Operating or permitting the operation of or playing or radios, television sets, amplifiers, musical instruments and other sound devices which produces or amplifies sound which annoys a reasonable person of normal sensitivities.

(2) Operation of mechanically powered lawn mowers, tractors, power tools, chain saws or similar devices in a residential area between the hours of 10:00 p.m. and 7:00 a.m., the following day, which annoys or disturbs a reasonable person of normal sensitivities.

(3) Owning, possessing, controlling or harboring any animal or fowl which barks, bays, cries, squawks or makes any other such noise continuously and/or intermittently for an extended period which annoys or disturbs a reasonable person of normal sensitivities.

(4) Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, 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 glare from lights or other noises of such character to annoy or disturb a reasonable person of normal sensitivities beyond the premises from which the same shall emanate.

PERSON - any natural person, partnership, association, firm or corporation. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 1995-5, 7/10/1995, §1)

§402. Unlawful to Create or Maintain Nuisances. It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance within Paradise Township. (Ord. 1995-5, 7/10/1995, §2)

§403. Hearing on Existence of Nuisance. Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within Paradise Township shall, within ten (10) days after such notice from the Board of Supervisors so, remove or abate such nuisance. If such person shall fail, neglect or refuse to abate such nuisance within such time, the district magistrate shall set a hearing on said matter giving ten (10) days notice to said person of said hearing. A hearing shall then be held or testimony shall be taken and a decision rendered by the district magistrate concerning the existence of said nuisance and remedy therefor and penalties imposed. (Ord. 1995-5, 7/10/1995, §3)

§404. Penalty for Violation.<sup>1</sup> Any person who shall violate any provision of this Part shall, upon being found liable thereof in a civil enforcement proceeding commenced by Paradise Township, pay a fine not to exceed one hundred (\$100.00) dollars for the first such offense, or a fine of not more than three hundred (\$300.00) dollars for the second such offense, or a fine of not more than six hundred (\$600.00) dollars for each succeeding offense, plus all court costs, including reasonable attorney's fees incurred by Paradise Township. Northern York County Regional Police Department, the appropriate enforcement officers of Paradise Township, or other appropriate officer or officers of Paradise Township shall have the power to enforce the provisions of this Part. The amount of the fine imposed for the violation of this Part shall be established by the officer who determines that a violation has occurred. Notice of the violation of the Part and the amount of the fine imposed shall be given by personal delivery or by certified mail to the person or entity violating the Part. If the person or entity violating the Part fails or refuses to pay the fine imposed within the period specified within the notice of the violation of the ordinance, the Township, or an officer thereof, shall file a civil enforcement proceeding with the district justice of the peace to enforce the fine imposed. Any violation of this Part shall be deemed a separate offense for each and every day such violation shall continue and shall subject the violator thereof to the penalties above imposed for each and every separate offense. (Ord. 1995-5, 7/10/1995, §4; as amended by Ord. 1996-3, 11/11/1996, §2)

§405. Other Remedies. This Part shall not be construed to be the sole means for abatement of nuisances within the Paradise Township and nothing shall preclude any person from proceeding individually, or with other injured persons, to effect the abatement of a private nuisance. Furthermore, in addition to the exercise of the powers herein conferred, the Township may institute proceedings in equity. (Ord. 1995-5, 7/10/1995, §5)

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<sup>1</sup>Editor's Note: Please see Chapter 1, Part 6, "Criminal Enforcement Amendments."