

ORDINANCE NO. 9/-3

AN ORDINANCE OF THE TOWNSHIP OF WEISENBERG, LEHIGH COUNTY, PENNSYLVANIA, PROHIBITING AND PROVIDING FOR THE REMOVAL OF ANY STRUCTURE CAUSING A NUISANCE ON PUBLIC OR PRIVATE GROUNDS WITHIN THE TOWNSHIP; PROHIBITING AND REQUIRING THE REMOVAL OF ANY NUISANCE BY THE OWNER OR OCCUPIER OF SUCH GROUNDS; PROVIDING FOR THE APPOINTMENT OF A HEALTH INSPECTOR AND INSPECTION BY THE SAME; DEFINING VIOLATIONS THEREOF; AND PROVIDING PENALTIES THEREFOR.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Weisenberg, County of Lehigh and Commonwealth of Pennsylvania, in lawful session duly assembled, as follows:

Section I-SHORT TITLE. This Ordinance shall be known and may be cited as the Weisenberg Township Ordinance and is enacted under the authority of the Second Class Township Code.

Section II-DEFINITIONS.

(a) Owner shall be defined as the person in whom title of the property is vested.

(b) Occupier shall be defined as one who is in possession of the premises. A tenant, even though absent, shall be deemed to be in possession of the premises and the occupier.

(c) Nuisance shall be defined as that which endangers life or health, or which is an unreasonable, unwarrantable, or unlawful use of property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to another in the legitimate enjoyment of

his reasonable rights of persons or property. The accumulation of refuse and garbage shall constitute a nuisance.

Section III-PROHIBITIONS.

From and after the effective date of this Ordinance:

(a) The existence of a structure causing a nuisance, whether on private or public land, is hereby prohibited.

(b) No person shall cause or aid in causing any nuisance within the Township.

Section IV-INSPECTIONS.

(a) The Board of Supervisors shall appoint a person(s) to serve as the Health Inspector(s) for a yearly term.

(b) The Health Inspector is hereby granted authority to make sanitary inspections and execute Nuisance Orders of Abatement. In such duties, he shall have the same authority as of a Policeman;

(c) Whenever the Board of Supervisors has reason to believe a nuisance may exist, the Health Inspector shall cause a Certified Letter to be sent to the owner or occupier of such suspected nuisance premises calling for an inspection of said premises at a specified time and requiring a return letter agreeing to such inspection. During such inspection, evidence may be gathered by the Inspector for presentation at further Municipal or Magisterial proceedings.

Section V-VIOLATIONS.

(a) Whenever a structure is causing a nuisance or is found to exist in violation of the terms of this Ordinance, and the existence of such structure is, in the opinion of the Board of Supervisors, such as to constitute an immediate menace to the

health and/or safety of persons residing within the Township, then and in such event, the owner or occupier shall, upon causing a nuisance, cause the same to be removed within twenty-four (24) hours of the receipt of such notice, and each twenty-four (24) hour violation shall be deemed a separate offense.

(b) Any person, whether owner or occupier of any real estate within the Township, after receiving written notice from any authorized Township official including, but not limited to, a Health Inspector or Township Administrator, of the existence of a nuisance in violation of the terms of this Ordinance, shall immediately cause the elimination of such nuisance within the time limit established by such communication.

Section VI-FAILURE OR REFUSAL TO ACT.

(a) In the event the owner or occupier, upon receiving the written notice described above, fails to eliminate or cease the violation, certified mail notice shall be sent to the owner and occupier in all cases involving a structure or improvement to real estate and, in all other cases, to the occupier of the premises, following which the Board of Supervisors may proceed to remove the nuisance as set forth in this section.

(b) The Township, upon refusal by the owner or occupier to remove any structure causing a nuisance, or to terminate or to remove the nuisance within the time limits prescribed, may after forty-eight (48) hours from the certified mailing set forth in subsection (a) above cause the same to be done and collect the costs thereof, together with a penalty provided for in Section VII or at the option of the Township, may proceed to file and collect

said costs plus ten percent (10%) added for administrative costs by way of a municipal lien as is provided by law.

Section VII-PENALTIES. If, upon hearing before the District Justice, any person, firm, or corporation shall be found guilty of violating this Ordinance, such person, firm or corporation shall be subject to a fine of One Thousand (\$1,000.00) Dollars for each separate offense, which shall be collected by the District Justice as other fines and penalties are permitted to be collected by law, or thirty (30) days imprisonment, or both. Each day that a violation of this Ordinance continues after notice shall constitute a separate offense.

Section VIII-REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section IX-EFFECTIVE DATE. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 3rd day of July, 1991, by the Board of Supervisors of Weisenberg Township in lawful session duly assembled.

ATTEST:

Donald P. Breininger
Donald P. Breininger, Sec.

TOWNSHIP OF WEISENBERG

BY: Donald W. Davis
Donald W. Davis, Chairman
Arlan C. Bittner
Arlan C. Bittner, V. Chrmn.
J Palmer Balliet
J Palmer Balliet