

ORDINANCE NO. 60-1

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL, COUNTY OF PIKE, PROHIBITING NUISANCES ON PRIVATE AND PUBLIC PROPERTY WITHIN THE TOWNSHIP, PROVIDING FOR THE REMOVAL THEREOF AND THE COLLECTION OF THE COSTS THEREFOR AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

Be it enacted or ordained by the Board of Supervisors of the Township of Westfall, County of Pike and be it hereby enacted and ordained pursuant to the authority granted to the said Board of Supervisors under the Act of May 20, 1957, P.L. 174, §5, as amended by the Act of March 21, 1968, P.L. 66, No. 22, §1 as follows:

**Section 1. Short Title.** This ordinance shall be known as "THE WESTFALL TOWNSHIP NUISANCE ORDINANCE".

**Section 2. Definition.** Nuisance - An unreasonable, unwarrantable or unlawful use of real, personal or mixed property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to another in the legitimate enjoyment of his or her reasonable rights of persons or property.

**Section 3. Prohibition.** Nuisances, including by way of description and not in limitation accumulations of garbage, rubbish and trash, the storage of abandoned or junked motor vehicles or substantial parts thereof and the carrying on of any offensive or noxious activity, manufacture or business on public or private ground within the Township of Westfall, County of Pike, are hereby prohibited.

**Section 4. Removal.**

a) The Board of Supervisors, by and through their duly appointed agents or employees, after five (5) days written

notice to the owner to do so and after the default of the owner to do so during said period, are hereby authorized to enter upon any private or public grounds within the Township of Westfall, County of Pike for the purpose of and to remove any nuisance or structure thereon.

b) All costs and expenses incurred by the Township of Westfall, directly or indirectly, in connection with the pursuance of any such removal may be collected from the owner of the said ground either by summary proceeding, in the manner provided for the collection of municipal claims pursuant to the Act of May 16, 1923, P.L. 207, §4, et seq. as amended; 53 Pa.C.S. 7107, et seq., or by a civil action for the collection of the same without the necessity of filing a municipal claim.

c) Nothing contained in subsection 4(b) aforesaid shall be deemed to preclude or shall preclude the institution, maintenance and prosecution of an action in the courts of equity by the Township of Westfall to exercise the provisions of this Ordinance or the powers conferred pursuant to and by the Act of May 20, 1957, P.L. 174, §5, as amended by the Act of March 21, 1968, P.L. 66, No. 22, §1, nor shall anything contained in this subsection be deemed to preclude or preclude the exercise of the powers enumerated in subsections 4(a) and (b) aforesaid, all remedies, powers and penalties hereby being declared to be cumulative and not several or distinct.

d) The exercise of any power or authority as authorized hereby or by the aforesaid Act of May 20, 1957, P.L. 174, §5, as amended shall not be deemed to exhaust the exercise of any such power or authority, the repeated exercise of such powers or authorities hereby being authorized as frequently as deemed necessary or appropriate to secure the said removal.

**Section 5. Penalties.** Any person who shall be convicted

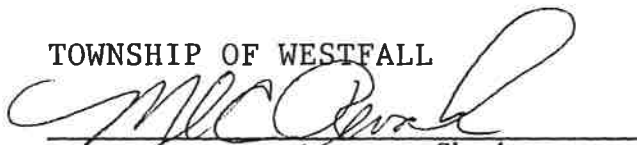
in a summary proceeding for violation of any of the provisions of this ordinance shall be sentenced to pay a fine or penalty not to exceed One Thousand (\$1,000.00) Dollars, together with the costs of prosecution and any costs and expenses incurred by the Township pursuant to Section 4(b) of this Ordinance, and in default of payment thereof shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that any violation of any provision of this ordinance continues shall be deemed a separate and distinct violation, subjecting the person committing such violation or violations to separate penalties, as aforesaid, therefor.

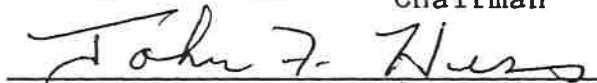
**Section 6. Repealer.** Ordinance No. 60 of the Township of Westfall, as adopted January 4, 1988, and effective on January 9, 1988, is hereby repealed in its entirety. All other existing ordinances or parts thereof inconsistent herewith are hereby expressly repealed to the extent necessary to give this ordinance full force and effect.


**Section 7. Effective Date.** This Ordinance shall be effective five (5) days after the date of its adoption.

Adopted and Ordained as an Ordinance of the Township of Westfall, County of Pike after due public hearing thereon at a duly convened meeting of the Board of Supervisors of said Township on the 7<sup>th</sup> day of August, 1990.


TOWNSHIP OF WESTFALL

  
Chairman

  
Supervisor

  
Supervisor

  
Supervisor

  
Supervisor

ATTEST:

  
Secretary