

ORDINANCE NO. 1-1978

AN ORDINANCE PROHIBITING CERTAIN NUISANCES,
LITTERING AND STORAGE OF PERSONAL PROPERTY;
PROVIDING FOR THE ENFORCEMENT AND PRESCRIB-
ING PENALTIES FOR THE VIOLATION THEREOF.

Be it Enacted and Ordained by the Board of Supervisors
of Perry Township, Berks County, Pennsylvania, as follows:

SECTION 1. Definitions. For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

a. Nuisance. For the purpose of this ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, or shall cause or result in annoyance or disturbance to persons beyond the boundaries of such property; interference to the health and/or safety of the persons beyond the boundaries of such property; and/or disturbance to or interference with the peaceful use of the property of others in the Township, in any case taking into consideration the location of the use or condition, and the nature and condition of the surrounding neighborhood. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

Lumber, junk, trash, or debris; Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.

b. Apartment. A room or suite of rooms with cooking and dishwashing facilities arranged or designed for or occupied by a family, including but not limited to a subordinate dwelling such as a garage apartment or a servant's quarters.

c. Garbage. All waste, animal or vegetable, such as but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, rooming houses and boardinghouses, and all other deleterious substances.

d. Refuse. Waste, rubbish, garbage, trash, or any material of any kind that has been discarded, rejected, cast aside or thrown away as worthless, except body wastes.

e. Trash. Rubbish such as feathers, coffee grounds, ashes, tin cans, paper, boxes, glass, wood, shrubs, yard clippings, leaves, tree trimmings and similar matter.

SECTION 2. Duty of maintenance of private property.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

SECTION 3. Exterior storage of nonoperating vehicles prohibited.

No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on such property longer than ten days; and no person shall leave any such vehicle on any property within the city for a longer time than ten days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This ordinance shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Township or other public agency or entity.

SECTION 4. Nuisance. Unsheltered storage of old,

unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are collectively described as "said personalty," for a period of ten days or more (except in licensed junk yards) within the corporate limits of Perry Township is hereby declared to be a nuisance and dangerous to the public safety.

SECTION 5. Abatement of nuisance by owners.

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of Perry Township upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate

said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of Perry Township, or otherwise to remove it to a location without said corporate limits.

SECTION 6. Accumulation of refuse. The accumulation of waste, refuse, trash and other deleterious substances on the premises of private residences, commercial institutions and in the streets and alleys greatly increases the danger of fire and spread of infections, contagious and epidemic diseases and shall constitute a public menace and nuisance.

SECTION 7. Inspections. The Supervisors shall make, or cause to be made, inspection trips at regular intervals to determine that refuse, garbage and trash are being properly stored, collected and removed, and that proper charges are being assessed. In the event violations of this ordinance or related ordinances are discovered, they shall immediately act to effect the necessary corrective action.

SECTION 8. Maintenance of business premises free of refuse. The owner, manager, or occupant of any store or other place of business shall keep his premises clean of refuse thrown or left on such premises by its employees, customers or passersby and prevent refuse drifting or blowing onto adjoining premises or public rights-of-way. Receptacles of sufficient size and number with lids or covers for deposit of refuse shall be placed on the premises.

SECTION 9. Disposal of refuse on business premises. It shall be unlawful for any person, while upon the premises of a business, to dispose of refuse upon such premises except in receptacles provided for such purposes.

SECTION 10. Depositing of litter prohibited. It shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the Township or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the Township, any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Township in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the Township, or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two hours after being so deposited; or to articles or things deposited in or conducted into the Township sewer system through lawful drains in accordance with the ordinances of the Township relating thereto.

SECTION 11. Vehicles to be covered. It shall be unlawful for any person, firm or corporation, in person or by his or its agent, employee or servant, to use any vehicle to haul any kind of dirt, rubbish, waste articles or things or substance, whether liquid or solid, unless such vehicle is covered to prevent any part of its load from spilling or dropping at all times while such vehicle is in motion on any street or alley in the municipality. Provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping as aforesaid.

SECTION 12. Abatement by Township. Whenever said owners fail to abate any nuisance as defined herein, then the Township shall abate said nuisance and assess the costs thereof against the owners, occupiers or persons maintaining said nuisance and assess the costs against said individuals or pursue any other remedy for the abatement of nuisances or the collection incurred in connection therewith as provided by law.

SECTION 13. Availability of other remedies. This ordinance shall not be construed to be the sole means for abatement of nuisances within the Township of Perry, and nothing shall preclude any person from proceeding individually or with other injured persons, to effect the abatement of a private nuisance.

SECTION 14. Penalty for violation. Any person who shall violate any provision of this ordinance shall, upon conviction thereof before a District Magistrate, be sentenced to pay a fine or not more than three hundred dollars (\$300.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment in Berks County Prison for not more than thirty (30) days. Provided, each day's continuance of the maintenance of any nuisance shall constitute a separate violation.

SECTION 15. Severability. It is the intention of the Township of Perry that each separate provision of this ordinance shall be independent of all other provisions herein

and it is further the intention of the Township of Perry that if any of the provisions of this ordinance be declared to be invalid all of the other provisions hereof shall remain valid and in force.

DULY ENACTED AND ORDAINED this 14th day of November, 1978 by the Board of Supervisors of the Township of Perry, Berks County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF PERRY
Berks County, Pennsylvania

Richard D. Kline
Richard D. Kline, Chairman

Paul D. Dietrich
Paul D. Dietrich

Harry M. Walters, Jr.
Harry M. Walters, Jr.

ATTEST: Miriam M. Kline
Miriam M. Kline, Secretary