NUISANCE ORDINANCE

ORDINANCE NO. 2026-11-11

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Upper Fairfield Township, Lycoming County, Pennsylvania, as follows:

Section 1. DEFINITION: For the purpose 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.

1. "Township" is the Township of Upper Fairfield, which is located within the confines of Lycoming County, Pennsylvania.

2. "Board of Supervisors" is the Board of Supervisors of Upper Fairfield Township, Lycoming County.

3. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.

4. "Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

5. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

6. "Nuisance" is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

7. "Abandoned or Junked Motor Vehicles" is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

Section 2. NUISANCES DECLARED ILLEGAL: Nuisances, including, but not limited to the following, are hereby declared to be illegal:

A. Storing or Accumulating the following:

1. Garbage, refuse or rubbish.

(a) Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful

to place or permit to remain anywhere in the Township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to any individual, firm or corporation to store more than 14 days of garbage as defined by this ordinance which may pose potential health and safety problems to the community or in the case of an enclosed dumpster, no more than 30 days.

(b) Refuse/rubbish: combustible trash, including paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, leaves, wood furniture, bedding; noncombustible trash including metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including street sweeping; dirt, catch-basin dirt, contents of letter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include leaves, cornstalks, stubble or other vegetable material generated in the course of harvesting agricultural crops. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the township excepting in a covered container.

2. Junk Material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials, unless for resale, then can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania.

B. Storing or accumulating abandoned or junked motor vehicles that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township, or by the Commonwealth of Pennsylvania. All such vehicles must be moved in 60 days, or if at vehicle repair business, 90 days.

C. Storing or accumulating more than three (3) antique or collector motor vehicles for restoration which are neither sheltered by a building, nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances; or storing or accumulating in a non-orderly fashion three (3) or less antique or collector motor vehicles for registration.

D. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies or cesspools, of any kind or nature whatsoever, or any foul or offensive drainage of any kind from property along any public highway, road, street, avenue, lane, alley; or from any property into or upon any adjoining property.

E. Draining or flowing, or allowing to drain or flow, any water or drainage from within the dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

F. Burning of tires, tar products or garbage.

G. Maintaining or causing 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.

H. Permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, to conceal any rubbish, garbage, trash or any other violation of this ordinance.

I. Permitting or allowing any well or cistern to be, or remain, uncovered.

J. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.

K. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

L. Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise, or removing the embankment of a stream so as to alter the natural flow of the stream.

M. Defacing Public and Private Property.

1. It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the Township. Examples of Defacing shall include, but not be limited to, the following examples: application of paint, inks and dyes; affixing of any printed materials such as signs or posters; destruction or removal; defacing in any manner.

Section 3. WRITTEN NOTICE TO VIOLATORS REQUIRED: Whenever a condition constituting a nuisance is permitted or maintained Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

1. By making personal delivery of the notice to the owners; or,

2. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or

3. By fixing a copy of the notice to the door at the entrance of the premises in violation; or

4. By mailing a copy of the notice to the last known address of the owner by certified mail; or

5. By publishing a copy of the notice in a local newspaper of general circulation within Lycoming County, Pennsylvania, once a week for three (3) successive weeks. Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or boarding, or in some way confining and limiting the nuisance.

Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of Section 2 (F), (L), (J) or (K) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

Section 4. PENALTY FOR VIOLATION. This ordinance regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to 53 P.S. 566601 (c.1) (2).

1. Enforcement thereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 83 (c) (relating to trial and summary cases). The Board of Supervisors hereby set a criminal fine in the amount of One Thousand ($1,000.00) Dollars per violation, and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than Ten (10) Days, provided, further, that each day's continuance of a violation shall constitute a separate event.

2. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township Solicitor, the cost of such removal, repairs or alterations shall be a lien upon such premises from the time of such removal, cutting, repairs and alterations which dates shall be determined by the certificate of the person doing the work, and filed with the Township Secretary.

3. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

Section 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. EFFECTIVE DATE: This ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED into law by the Township of Upper Fairfield, Lycoming County, Pennsylvania, this 17 day of November, 2026.

UPPER FAIRFIELD
TOWNSHIP BOARD OF SUPERVISORS

Chairman

Vice-Chairman

Supervisor

ATTEST:

Township Secretary