

BOROUGH OF ABBOTTSTOWN  
ADAMS COUNTY, PENNSYLVANIA

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ORDINANCE No. 2019-03

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AN ORDINANCE

OF THE COUNCIL OF THE BOROUGH OF ABBOTTSTOWN, ADAMS  
COUNTY, PENNSYLVANIA, DEFINING NUISANCES, PROSCRIBING  
NUISANCES, PROVIDING FOR REMOVAL AND ABATEMENT OF  
NUISANCES, AND SETTING PENALTIES FOR VIOLATION OF  
THIS ORDINANCE.

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The Council of the Borough of Abbottstown, Adams County, Pennsylvania, enacts and ordains:

SECTION 1

Definitions and Interpretation

DEFINITIONS: 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. In all references to persons, the use of any particular gender is intended to include the appropriate gender as the text of this Ordinance may require.

- A. "Borough" is the Borough of Abbottstown, which is located within the confines of Adams County, Pennsylvania.
- B. "Council" is the Council of Abbottstown, Adams County, Pennsylvania.
- C. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Borough.

- D. "Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society or any organization of any kind.
- E. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.
- F. "Abandoned or Junked Motor Vehicles" is any vehicle in non-serviceable condition or without having both a current inspection sticker and a current registration plate.
- G. "Officer" is any member of the PA State Police, local or regional police department, borough-designated fire department, constable, code enforcement or other officer assigned to enforce borough codes.

H. "Nuisance" is any use of property within the Borough of Abbottstown, or any condition upon property within the said Borough that, other than infrequently, shall cause or result in: (1) annoyance or discomfort to persons beyond the boundaries of such property; (2) interference with the health and/or safety of persons beyond the boundaries of such property or of persons who might reasonably be expected to enter upon or be in such property; and/or (3) disturbance to or interference with the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word "nuisance" includes the following if they constitute a "nuisance" as defined above:

- (1) Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises from which the same shall emanate;
- (2) Keeping or harboring of any dog or other animal or fowl which, by frequent howling or barking or other noise or odor shall annoy or disturb the neighborhood or a number of persons;
- (3) Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises:
  - (a) open wells or cisterns
  - (b) open excavations
  - (c) unfinished buildings, foundations or other structures
  - (d) buildings or structures damaged or partially destroyed or in a state of disrepair or danger
  - (e) dangerous placement of materials or equipment
  - (f) lakes, ponds or swimming pools not properly safeguarded
  - (g) stagnant water in pools in which mosquitoes, flies or insects multiply
- (4) Carrying on construction work in such a manner that dirt is carried by wind onto adjacent properties or that mud is tracked or drained into streets adjacent to the project.

- (5) Washing, tracking or otherwise depositing dirt, mud, soil, stone or debris upon or onto the pavement of any street, without removing the same before five o'clock P.M. of the day on which the same was deposited thereupon.
- (6) Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, fly ash, dust, mud, dirt, acid, noxious, or offensive fumes, gases, or odors to be discharged into the air, or to be carried of the premises, or to cause any water to become polluted by sewage, industrial wastes, acid or other substance, or to cause a glare from lights, or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.
- (7) The planting or placing of trees, shrubs, or other obstructions which would prevent person driving vehicles on public streets from obtaining a clear view of traffic, or permitting a dead tree or tree branch to remain that causes a hazardous condition to neighbors, their property, the public or public property.
- (8) The burning of bonfires, rubbish fires or fires of any nature not contained within a portable fire pit, chiminea or outdoor fireplace. This section does not prohibit gas or charcoal grills for the purpose of cooking food.
- (9) The accumulation or cause or permitting accumulation of garbage, refuse or rubbish on public or private grounds within the limits of the Borough of Abbottstown, or running or operating a junk yard within the same.
- (10) Abandoned or Junked Motor Vehicles, or any Recreational Vehicles (RVs), stored on private or public property in public view, unless stored at a licensed storage facility.
- (11) Operating of motor vehicles, to include motorcycles, motorbikes, scooters, ATVs, snowmobiles, go-carts or any others which are not adequately and properly equipped with mufflers in operating condition.
- (12) Operating model airplanes equipped with gasoline engines or drones over another's private real estate where they may sense a loss of privacy from its operation.
- (13) Throwing trash, rubbish or removed snow upon or onto the streets or public or private property adjacent thereto.
- (14) Leaving garbage containers, debris or other large disposed items or containers on the street curbs more than 24 hours before or 24 hours after scheduled pick-up times from the contracted waste hauler.
- (15) Posting bills, notices, advertisements or signs on telephone poles or elsewhere along streets or on public property, with exception of yard sale

signs, to be posted no more than one week prior to the event and taken down no more than 24 hours after, or unless otherwise permitted.

- (16) To be in violation of any curfew or legal restriction on public assembly hereinafter established by resolution of the Borough Council.
- (17) Begging, soliciting alms or vagrancy.
- (18) Any act of Disorderly Conduct, as defined in Section J.
- (19) Any lot owner or owners or occupiers of the same fronting on the respective streets within the borough, whether rented or occupied by the owner, shall either remove or cause to be removed all snow from the respective sidewalks and water gutters within a period of twenty-four (24) hours after the accumulation, and all ice shall be salted or cindered with twenty-four (24) hours of forming.
- (20) Vegetation: No person, firm or corporation owning or occupying any property within the borough shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six (6) inches or to throw off any unpleasant or noxious odor, or to create a visual hazard at any intersection.
- (21) Drainage of flowing, or allowing to drain or flow, by pipe or other channel, whether natural or caused, any water or drainage from sinks, bathtubs, lavatories, swimming pools, privies or cesspools of any kind or nature whatsoever, from property along any public highway, road, street or alley in the Borough of Abbottstown into or upon any public or private property.
- (22) Any other act or acts violating the PA Borough Code or the Laws of the Commonwealth of Pennsylvania, and not specifically defined or prohibited by any ordinances of the Borough of Abbottstown.

I. Disorderly Conduct: any act, work or conduct causing or tending to cause a disturbance of the peace and good order of the borough or causing or tending to cause any danger, discomfort or annoyance to any of the inhabitants of the borough, or users of the borough thoroughfares; or any loud, boisterous, excessive, unseemly or unnecessary noise or disturbance, fighting or quarreling or inciting others to fight or quarrel; or making use publicly of obscene or indecent language; being visibly intoxicated; or loafing, loitering, prowling on private or public property or on any of the public streets or roads or public grounds in the borough to the annoyance of peaceable residents nearby traveling or residing on any street or road or being lawfully on any public grounds of the borough, whereby the public peace is broken or disturbed or the traveling public is annoyed.

## SECTION 2

### Unlawful to Create or Maintain Nuisances

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough of Abbottstown.

## SECTION 3

### Removal or Abatement of Nuisance

The Borough Council shall have authority, in person or by its agents and/or employees, to remove or abate such nuisance, and, in so doing, shall have authority to enter upon the property of such person in default. Thereupon, the Borough Council shall collect the cost and expense of such abatement or removal from the person who created, continued, caused or maintained such nuisance and/or permitted the same to exist, such person having failed, neglected or refused to remove or abate such nuisance, with an additional amount of ten per centum (10%), in the manner provided for the collection of municipal claims, or by an action in assumpsit, provided such cost and expense may be in addition to any penalty imposed under the fourth section of this ordinance.

## SECTION 4

### Penalty for Violation

Any person who shall violate any provision of this ordinance shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of up to \$1,000 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days, provided each day's continuation of the maintenance of any nuisance, after the expiration of five (5) days following the issuance of the notice referred to in the third section of this ordinance, shall constitute a separate violation.

## SECTION 5

### Exceptions and Severability

This ordinance shall not be construed to the sole means for abatement of nuisances within the Borough of Abbottstown, and nothing shall preclude any person from proceeding individually or with other injured persons, to effect the abatement of a private nuisance. Furthermore, in the exercise of the powers herein conferred, the Borough may institute proceedings in equity. The provisions of this ordinance are severable. If any provision shall be held by a court to be unconstitutional and void, the remaining provisions of this ordinance shall remain valid.

SECTION 6

Repeals

All ordinances and resolutions and any parts thereof which are in conflict with this ordinance are repealed to the extent of the conflict.

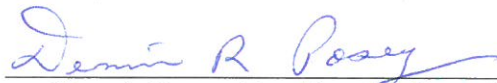
**ORDAINED AND ENACTED** this 18<sup>th</sup> day of July 2019

**ATTEST:**

**THE BOROUGH OF ABBOTTSTOWN**



David W. Bolton, Secretary



Dennis Posey, President of Council

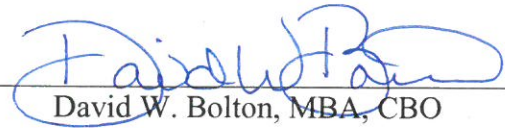
Approved this 18<sup>th</sup> day of July 2019.



Duane Watson, Mayor

# CERTIFICATION

I hereby certify that I am the Secretary for Abbottstown Borough, Adams County, Pennsylvania, and that Ordinance No. 2019-03 was advertised in The Gettysburg Times on June 25, 2019, a newspaper of general circulation in the municipality, was available at the Borough Office and online at the Borough website during this same period, was duly enacted and approved as set forth at the regular meeting of the Abbottstown Borough Council held on July 18, 2019 and that this is a true and correct copy of that Ordinance.

  
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David W. Bolton, MBA, CBO

  
\_\_\_\_\_  
Date