

ORDINANCE NO. 87-2

AN ORDINANCE OF LOWHILL TOWNSHIP, 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; DEFINING VIOLATIONS THEREOF; AND PROVIDING PENALTIES THEREFOR.

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

SECTION I. SHORT TITLE.

This Ordinance shall be known and may be cited as the Nuisance 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. 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 written notice from the Township Secretary of the existence of such structure 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 Lowhill Township, after receiving notice from any authorized Township official including, but not limited to, a Supervisor or Township Administrator, of the existence of a nuisance in violation of the terms of this Ordinance, whether such notice be written or oral, shall immediately cause the elimination of such nuisance within the time limit established by such communication.

SECTION V. FAILURE OR REFUSAL TO ACT.

(a) In the event the owner or occupier, upon receiving the 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 as described in Section II herein within the time limits prescribed, may cause the same to be done and collect the costs thereof, together with a penalty provided for in Section VI 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 VI. PENALTIES.

If, upon hearing before the District Magistrate, 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 Hundred Dollars (\$100.00) for each separate offense, which shall be collected by the District Magistrate 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 VII. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION VIII. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days from the date of enactment.

APPROVED BY the Board of Supervisors of Lowhill Township, Lehigh County, Pennsylvania, and ENACTED this 2nd day of December 1987.

TOWNSHIP OF LOWHILL

ATTEST:

Michael S. Kinsley
Secretary

By: Eugene R. Wiener
Chairman

By: Richard B. Byl
Vice-Chairman

By: Frank R. Dergler