

LOWER MILFORD TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 106

AN ORDINANCE PROHIBITING NUISANCES IN LOWER MILFORD TOWNSHIP

WHEREAS, the Township of Lower Milford enacted an Ordinance No. 34, prohibiting public nuisances; and

WHEREAS, the Township wishes to repeal Ordinance No. 34 and to classify and regulate nuisances within the Township; and

NOW, THEREFORE, the Board of Supervisors of Lower Milford Township ORDAINS AND ENACTS the following:

PURPOSE AND INTENT The purpose of this Ordinance is to prohibit certain public nuisances that would be prejudicial to health or safety, deprive residents of the lawful enjoyment of their property, that would be unusually annoying, or that would cause damage to the property of the general public. Nothing in this Ordinance is to be interpreted as a prohibition of any normal and necessary activity in farming or animal husbandry.

NUISANCES DECLARED ILLEGAL AND PROHIBITED

The following conditions and actions are defined as public nuisances and are prohibited:

- (a) The physical condition, or use of any premises regarded as a public nuisance at common law; or
- (b) Any physical condition of any premises which is manifestly unsafe or insecure, or
- (c) Any premises which are unsanitary, or which are littered with garbage or rubbish; or
- (d) Dangerous structures. The maintaining or allowing the maintenance of any dangerous structure, including, but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair; or
- (e) Burning. The burning of garbage out-of-doors at any time of the day or night provided the term garbage shall not include vegetative materials such as yard waste, i.e., leaves, branches and/or twigs and household paper waste; or
- (f) Animals. Any permitting or allowing of animals to habitually roam at large and unattended on a public thoroughfare or on another person's property or permitting any

animal to disturb the peace and quiet of the neighborhood by habitually barking, howling or otherwise making a noise that is cast upon other properties in the vicinity; or

(g) Noise. Any generation of noise, sound or music which is unnecessarily loud and occurs on an habitual basis cast upon other properties in the vicinity which annoys, disturbs and/or endangers the comfort, health, safety and/or peace of others on adjoining properties.

COMPLAINTS AND ENFORCEMENT

Any person endangered, disturbed, interfered with or who sustains property damage, by another person in the Township violating this Ordinance may file a complaint and enforce the Ordinance against that person with the District Magistrate or this Ordinance may be enforced by a citation issued by an authorized Township official.

PENALTIES

Upon the entry of a finding of guilty of the owners and/or occupants of the property upon which a nuisance exists, such owner shall be liable to pay a fine not exceeding One Thousand Dollars (\$1000), with costs of prosecution for each offense, together with any other costs that may be incurred by the Township in the enforcement of this Ordinance and upon default of payment of the same, shall be subjected to imprisonment for not more than thirty (30) days. Each day that a person shall fail to remove or abate a nuisance shall be considered a separate offense for the purpose of this Ordinance. Additionally, the Township may direct the removal, repair, or abatement of the condition constituting a nuisance to be done by the Township, the cost of which shall be certified to the Township Solicitor and shall become a lien upon such premises.

SEVERABLE PROVISIONS

The provisions of this Ordinance are severable and if any of the sections should be held illegal, invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intention of the Township Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

INCONSISTENT ORDINANCE REPEALED

Ordinance No. 34 is hereby repealed in its entirety. Any other Ordinance or parts of Ordinances inconsistent herewith shall be the same or hereby repealed.

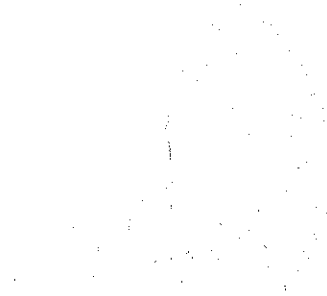
EFFECTIVE DATE

This Ordinance shall become effective on 7/24/07.

ENACTED AND ORDAINED AS AN ORDINANCE BY THE BOARD OF SUPERVISORS
OF LOWER MILFORD TOWNSHIP THIS 19th DATE OF July, 2007.

ATTEST:

LOWER MILFORD TOWNSHIP
BOARD OF SUPERVISORS


Ellen L. Koplin
Ellen L. Koplin, Twp. Secretary

Richard D. Harris
Richard D. Harris, Chairman

Arland H. Schantz
Arland H. Schantz, Vice-Chairman

Donna L. Wright
Donna L. Wright, Supervisor