

Chapter 145

NUISANCES

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[HISTORY: Adopted by the Borough Council of the Borough of North Wales 6-20-1973 as Ord. No. 463. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — *See* Ch. 90.

Peace and good order — *See* Ch. 154.

§ 145-1. Definitions and word usage.

A. The following words, as used in this chapter, shall have the meanings hereby respectively ascribed thereto:

NUISANCE — Any use of property within the Borough of North Wales, or any condition upon property within the said borough that, other than in-frequently, shall cause or result in: annoyance or discomfort to persons beyond the boundaries of such property; 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 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" shall include but shall not be limited to the following:

- (1) Operating or moving any vehicle within the borough limits, the wheels or tires of which carry onto or deposit in any street, alley or other public place any mud, dirt, sticky substance or litter of any kind.
- (2) Throwing, placing or causing to be placed or piped any water or other liquid or liquid-borne refuse upon any street or alley or public or private place within the borough. This provision shall not apply to stormwater or rain water that naturally appears and flows across public or private property. The pumping of water from flooded cellars shall be permitted unless the manner of so doing shall create a hazardous condition by the formation of ice or slippery conditions. The pumping of water from earth excavations into any street, alley or public place is hereby prohibited.
- (3) Maintaining any swamp or any pool or pond, whether natural or artificial, in which mosquitoes and/or other insects shall breed. The owner of premises upon which any swamp, pool or pond is located and where treatment is necessary in order to prevent the breeding of mosquitoes and/or other insects shall accomplish such treatment by filling, draining and treating with larvaecide or mineral oil or by some other method approved by the Board of Health.
- (4) Maintaining any property upon which nests of tent caterpillars shall exist. Property owners shall remove and destroy all nests of tent caterpillars as soon as they become evident in early spring, and also shall take all steps necessary to remove the

breeding source and prevent a recurrence of the same.

- (5) Maintaining any property upon which there shall be any leakage or overflow from any sewer pipe, lateral or vent.

PERSON — Any natural person, partnership, association, firm or corporation.

- B. In this chapter, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

§ 145-2. Prohibited acts.

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 North Wales.

§ 145-3. Inspection, investigation and abatement.'

The Borough Manager, or any person designated by the Borough Council for the purpose, is hereby authorized and directed to enter upon private or public property at any time, for the purpose of inspecting and investigating any condition which may constitute a nuisance or a menace to public health, safety or welfare, or which may be in violation of this chapter. The Borough Manager or the Borough Council, as the case may be, is hereby authorized, empowered and directed to issue and serve a written notice and order directed to the owner, the agent of the owner, the agent in charge, the tenant or occupier of any premises upon which any condition in violation of any provision of this chapter shall exist. Such notice and order shall specify the conditions thereon which constitute a nuisance or a menace to the health, or which shall be in violation of this chapter, and shall order the abatement thereof by stating what

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

action shall be taken to correct the conditions in violation and shall state the time within which such abatement or correction shall take place as hereinafter provided. Such notice and order shall be served either by personal service by the Borough Manager or the person designated by the Borough Council, as the case may be, or shall be delivered by certified mail to the person's last known address.

§ 145-4. Time limit for abatement.²

When any person shall have been ordered by the Borough Manager or the Borough Council to remove or abate any nuisance or to correct or eliminate any condition which shall be a menace to the public health or in violation of this chapter upon property owned or occupied by such person, such removal, correction or abatement shall be completed within the following time limits after the date of receipt of such notice:

- A. Removal of mud, dirt, sticky substance, liquid waste or litter of any kind from any street, alley or public place: twenty-four (24) hours.
- B. Abatement of any other nuisance or elimination of any other condition in violation of this chapter and not specifically provided for in Subsection A of this section: five (5) days.

§ 145-5. Abatement by borough; collection of expenses.³

If any person shall fail, neglect or refuse to abate any nuisance within the time limit prescribed in § 145-4, the Borough Manager or the Borough Council, as the case may be, shall have authority, in person or by agent or employee, to remove or abate such nuisance, and in so doing, shall have

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

authority to enter upon the property of such person in default. Thereupon the Board of Health or the Borough Council, as the case may be, shall collect the cost 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. Such cost and expense may be in addition to any penalty imposed under § 145-6.

§ 145-6. Violations and penalties.⁴

Any person who shall violate any provision of this chapter shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Each day's violation shall constitute a separate offense and notice to the offender of a continuing offense shall not be necessary in order to constitute a separate offense.

§ 145-7. Other means of abatement.

This chapter shall not be construed to be the sole means for abatement of nuisances within the Borough of North Wales, and nothing herein 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.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.