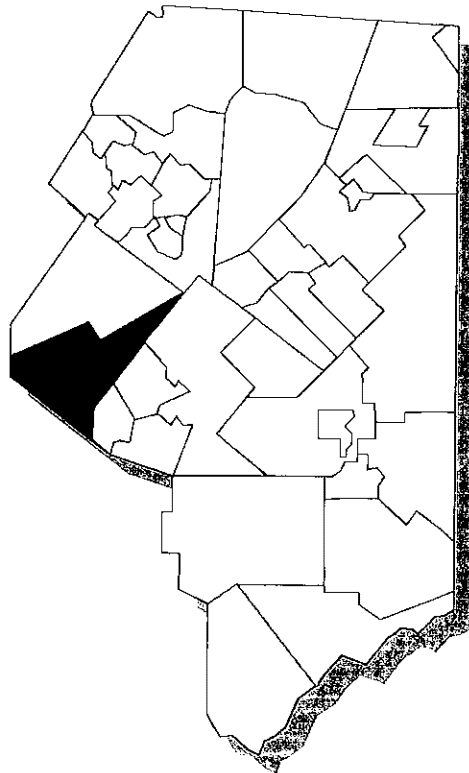


RANSOM TOWNSHIP
LACKAWANNA COUNTY, PA

**NUISANCE
ORDINANCE**

FINAL JANUARY 2, 2018



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RANSOM TOWNSHIP
Lackawanna County, Pennsylvania

ORDINANCE NO. 02-2018

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF JUNKYARDS; FOR THE CONTROL OF JUNK AND RUBBISH ACCUMULATION; THE REGULATION OF THE STORAGE OF ABANDONED AND JUNK VEHICLES AND EQUIPMENT; PROHIBITING DANGEROUS PROPERTIES, STRUCTURES AND BUILDINGS AS PUBLIC NUISANCES AND PROVIDING FOR THE CORRECTION, REPAIR, VACATION OR DEMOLITION OF THE SAME; THE REGULATION OF THE USE OF OUTDOOR WOOD-FIRED FURNACES; PROHIBITING OWNERS, CUSTODIANS, AND KEEPERS OF DOGS TO ALLOW SUCH DOGS TO DISTURB THE PEACE; THE ABATEMENT OF OTHER ACTIVITIES AND PROPERTY CONDITIONS THAT CONSTITUTES PUBLIC NUISANCES; PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATIONS.

BE IT ENACTED and ORDAINED by the Township of Ransom, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I
SHORT TITLE

This ordinance shall be known and may be cited as the Ransom Township Nuisance Ordinance.

ARTICLE II
PURPOSE

The purpose of this Ordinance is to regulate the accumulation and storage of junk and/or rubbish; the accumulation and storage of abandoned and/or junk vehicles and equipment; to prohibit the existence of dangerous buildings and structures; to regulate the use of outdoor wood-fired furnaces; to prohibit dog owners, custodians, and keepers from allowing such dogs to disturb the peace; to abate other public nuisances in order to prevent the blight and deterioration of property, to protect property values within the municipality and to abate public health hazards, and otherwise protect the general health, safety and welfare of the citizens of Ransom Township.

ARTICLE III
AUTHORITY

This Ordinance is established pursuant to the authority set forth in Sections 1529 and 1601 of the Second Class Township Code, 53 P.S. §§66529 and 66601.

ARTICLE IV
RESPONSIBILITY - NUISANCES DECLARED

It shall be the responsibility of the property owner or occupant of the premises upon which any public nuisance, as described in this Ordinance, is situated and/or occurring, jointly with

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the owner of any junk, rubbish, structure, building, open burning activity, outdoor fuel-burning furnace, dog, or other item that constitutes such public nuisance, to provide for the removal or abatement of any such public nuisance and the remediation of any environmental problems associated with the activity or property condition that constitutes the public nuisance. Any owner or occupant of property upon which a public nuisance is located or taking place, and/or any person who or that owns junk, rubbish, structures or buildings, or dogs that constitute a public nuisance, and/or any person who owns or is engaged in conduct, that constitutes a public nuisance, shall be deemed to be in violation of this Ordinance, and shall be subject to the penalties and remedies prescribed herein.

The following conditions or activities shall be considered a public nuisance:

1. The accumulation or storage of junk, garbage and/or rubbish not stored in a licensed junkyard or exempted storage area.
2. The accumulation or storage of junk material without a license.
3. The accumulation or storage of junk, garbage and/or rubbish that is unsanitary, or otherwise dangerous to the health, safety and/or general welfare of the occupants of the premises or the public.
4. Maintaining or causing to be maintained any dangerous dwelling, structure, or building, including but not limited to abandoned or unoccupied dwellings or buildings in a state of dilapidation or disrepair.
5. Installing and/or operating an outdoor wood-fired furnace in violation of the regulations set forth in Article VII-A of this Ordinance.
6. Allowing a dog to disturb the peace by continuous or excessive barking, yelping, or howling.
7. Any activity, conduct or condition set forth as a public nuisance in Article IX of this Ordinance.

ARTICLE V DEFINITIONS

ABANDONED OR JUNKED VEHICLE: Any vehicle not stored in a fully enclosed building that is not in good operating and road-worthy condition and presents a hazard or danger to the public by virtue of its state or condition of disrepair. The following non-exclusive conditions are examples of what may constitute a state or condition of disrepair:

- a. rusted and/or jagged metal on or protruding from the body of the vehicle;
- b. broken glass or windows on or in the vehicle;
- c. leaking of any fluids from the vehicle;
- d. unsecured and/or unlocked doors, hood or trunk;
- e. storage or placement of the vehicle on concrete blocks;
- f. harboring of rodents, insects or other pests.

AGRICULTURAL OPERATION: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. It includes necessary

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structures within the limits of the parcel and the storage of equipment necessary for operation.

ANTIQUE VEHICLE: Any vehicle twenty-five (25) years or older that has been restored to good operating and road-worthy condition.

APCA: Air Pollution Control Act.

BUILDING: An independent structure having a roof supported by columns or wall, resting on its own foundation and includes dwellings, dwelling units, garages, barns, stables, sheds, greenhouses, mobile homes, plants, factories, warehouses or similar structures.

CLEAN WOOD: Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

COLLECTOR VEHICLE: Any vehicle of limited manufactured production from the present through twenty-four (24) years old, in good operating and road-worthy condition.

CONTINUOUS OR EXCESSIVE: Continuous, as used in this Ordinance, shall mean uninterrupted, unbroken, and persistent or so persistently repeated at short intervals as to constitute virtually an unbroken series. Excessive, as used in this Ordinance, shall mean substantially greater than what is commonly considered usual or common barking by a dog.

CONTRACTING BUSINESS: An active, ongoing business legally operating in accordance with the Township Zoning Ordinance that involves the performance of services related to the construction of buildings, erection of structures, the preparation of the land for buildings and structures, the installation of community facilities such as roads, water systems and sewage disposal systems, or the provision of transportation services.

DANGEROUS PREMISES: Any building, structure or property that has any or all of the following defects based on an inspection or determination by a qualified professional:

- A. Any structure that, exclusive of the foundation, shows damage or deterioration to thirty-three percent (33%) of the supporting member or members, or damage or deterioration to fifty percent (50%) of the non-supporting enclosing or outside walls or coverings.
- B. Any structure that has improperly distributed loads upon the floors or roofs or in which the same are overloaded, or that has insufficient strength to be reasonably safe for the purpose used.
- C. Any structure or portion of any structure that has settled to such an extent that walls or other structural portions of the building have materially less resistance to wind than is required in the case of new construction by the Pennsylvania Uniform Construction Code.
- D. Any structure that has been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public.
- E. Any structure that is so damaged, dilapidated, decayed, unsafe, unsanitary, vermin-infested, or that so utterly fails to provide the amenities essential to

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decent living that it is unfit for human habitation, or is likely to cause sickness or disease to the occupants or the public.

- F. Any structure that has parts that are so inadequately attached that they may fall and injure occupants, property or members of the public.
- G. Any structure that lacks illumination, ventilation, or sanitation facilities or because of another condition is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the occupants or the public.
- H. Any building, structure or property that because of its location or due to an accumulation of garbage or rubbish is unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public.
- I. Any building, structure, or property that can be construed as an eye-catching public nuisance.

DOG OWNER, CUSTODIAN, OR KEEPER: Any person having a right of property in a dog, or has its care, or permits it to remain on or about any premises occupied or owned by said owner, custodian, or keeper.

DOMESTIC REFUSE: Leaves, paper, cardboard and wood originating on the premises of a structure occupied solely as a dwelling by two (2) families or less when the refuse results from the normal occupancy of the dwelling.

DWELLING: Any building that is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living or sleeping by human occupants.

EMERGENCY CASE: A violation that poses an imminent threat to the public health, safety, or welfare and that requires immediate action to eliminate such imminent threat.

ENFORCEMENT OFFICER: The individual(s), agency or firm appointed by the Ransom Township Board of Supervisors to enforce the provisions of this Ordinance.

EPA: The United States Environmental Protection Agency.

EXTERMINATE: To control and eradicate insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible materials that may serve as their food, poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

FURNACE: Any enclosed device specifically designed for the burning of any material for the production of heat.

GARBAGE: Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GOOD OPERATING AND ROAD WORTHY CONDITION: A vehicle having both a current and valid registration and current and valid inspection/emissions stickers as required by the motor vehicle laws of the Commonwealth, or if lacking registration and/or

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inspections/emissions stickers, is in full and complete working order and condition, but for not having said current registration and inspection/emissions stickers could be safely operated on a public roadway. Registration and inspection/emissions stickers that have been expired for less than sixty (60) days shall be considered current for the purpose of this definition.

JUNK: Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

- A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings.
- B. Used lumber, boxes, crates and pallets.
- C. Used tires.
- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable.
- E. Mobile/manufactured homes that are not in habitable condition.
- F. Abandoned or junked vehicles.

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.
- C. Construction and contractors' equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Township Zoning Ordinance provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

JUNKYARD: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The following shall also be considered junkyards:

- A. The outside storage or deposit on a lot of more than two (2) abandoned or junked vehicles; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes, or any parts/sections thereof, that are not in habitable condition.

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Vehicle sales lots managed by licensed vehicle dealers operated in accordance with the Township Zoning Ordinance and storage areas for antique and collector vehicles with adequate screening approved by the Township shall not be considered junkyards.

OCCUPANT: The person owning, leasing, renting, occupying or having charge, care, custody or control of any premises or unit therein, including but not limited to a tenant or lessee.

ON-SITE UTILITY VEHICLE: An abandoned or junked vehicle used on a specific property for plowing snow, hauling fire wood, moving goods or equipment, and other similar property maintenance or operational activities.

OUTDOOR WOOD-FIRED FURNACE: A fuel-burning device: (1) designed to burn clean wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and (3) that heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze. Also known as outdoor wood-fired boiler, outdoor wood-burning appliance, or outdoor hydronic heater, water stove, etc.

OUTSIDE STORAGE: Not contained in a building fully enclosed with completed walls and roof.

OWNER: The person who, alone or jointly or severally with others is the owner of record of the premises as filed with the Lackawanna County Recorder of Deeds. In the case where an owner is represented by an agent, including but not limited to a manager, executor, administrator, or guardian of the estate of the owner, such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PA DEP: Pennsylvania Department of Environmental Protection.

PERSON: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other legal entity.

PHASE 2 OUTDOOR WOOD-FIRED FURNACE: An outdoor wood-fired furnace that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

PROPERTY: A piece, parcel, lot or tract of land.

PUBLIC NUISANCE: A condition of property that may reasonably be construed to be a source of danger to the persons who may reside on the premises, or who may, by reason of something that may be expected to attract them, come to the property.

RECYCLABLE ITEMS: Materials accepted by the Township as part of the current recycling program.

RESPONSIBLE ADULT: An individual, 18 years of age or older, who is not under the influence of drugs or alcohol, or suffering from any other disability that would impair his or her ability to properly supervise a fire.

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RUBBISH: Combustible and non combustible waste materials including but not limited to, garbage, junk, residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust, and similar materials.

SALVAGE OPERATION: Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.

SCREENED: Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises, and that is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.

STACK: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of structure extending above a roof.

TOWNSHIP: The Township of Ransom, Lackawanna County, Pennsylvania.

TRADE WASTE: All solid or liquid material or rubbish resulting from construction, building operations or the execution of any business, trade or industry, including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, however, the "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

VEHICLE: Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

VEHICLE OR EQUIPMENT REPAIR/TOWING OPERATION: An establishment, operating in accord with the Township Zoning Ordinance, engaged in the service and/or repair of vehicles, including but not limited to, auto body shops, repair garages, truck repair garages, towing companies and agriculture equipment repair.

VEGETATION: Any grass, weed, vegetable, crop, shrub, or other plant.

VERMIN INFESTED: The presence, within or upon a premises, of any insects, rodents or other pests which constitute a public nuisance.

ARTICLE VI
JUNKYARDS AND THE ACCUMULATION OF JUNK, RUBBISH AND GARBAGE

It shall be considered a public nuisance and a violation of this Ordinance to accumulate junk material, rubbish, and/or garbage unless such material is located in a licensed junkyard or an excepted storage area as set forth in this section.

601 Existing Junkyards

The requirements of this Ordinance shall apply to junkyards existing prior to the effective date of this Ordinance. All such junkyards shall comply with the licensing and operational standards provided in this Ordinance.

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602 Annual License Required

On and after the effective date of this Ordinance, no person shall establish, maintain or operate, or continue to maintain or operate a junkyard; except as authorized by this Ordinance and the Township Zoning Ordinance. A license shall be required, and no license shall be issued until compliance with all provisions of this Ordinance is clearly documented to the satisfaction of the Board of Supervisors. All licenses shall be valid for a period of one (1) year beginning January 1st and expiring December 31st of the following year. All licenses must be renewed annually on or before January 1st of each year.

A. Zoning

Junkyards shall be permitted only in those areas of Ransom Township as designated by the Ransom Township Zoning Ordinance and Zoning Map, as amended, unless the facility has been issued a valid nonconforming use certificate by the Ransom Township Zoning Officer. The accumulation of junk, rubbish and/or garbage as defined in Article V on any other property within Ransom Township is prohibited and constitutes a violation of this Ordinance.

B. Application

Any person intending to operate or currently operating a junkyard in Ransom Township shall make annual application for a license. Said application shall be made on a form prescribed by the Township and shall, at a minimum, contain the following information. Said application shall be made concurrently with that for any required zoning approval.

1. Name of applicant
2. Address and telephone of applicant
3. The location of the junkyard
4. Property owner if different than applicant
5. Any criminal record of the applicant, owner or associates involved in the business
6. Signature of the applicant and owner

C. Plan

The application shall include a plan of the proposed junkyard showing, at a minimum, the following information:

1. All information required for land developments by the Township Subdivision and Land Development Ordinance.
2. The location of principal structures and wells on all properties within one thousand feet (1,000') of the junkyard premises.

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D. Fee

The operator of every junkyard shall pay a fee for the issuance or renewal of every license. The fee shall be established by Resolution of the Board of Supervisors.

E. Annual Bond

The operator of every commercial junkyard shall, as part of the annual license requirement, provide a bond to cover the cost of any junk removal and/or remediation of any environmental problems undertaken by the Township in accord with §1304 of this Ordinance. Nothing herein shall legally bind the Board of Supervisors to effect the removal of any junk and the remediation of any environmental problems associated with any junk, which shall remain the ultimate responsibility of the owner of the property upon which the junk is located and the owner of the junk.

1. Amount - A surety bond shall accompany every application for license. The amount of the bond shall be established by the Board of Supervisors based upon the size and nature of the proposed junkyard, but in no case shall the amount be less than thirty thousand dollars (\$30,000).
2. Form - The Bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania. The Township may, in lieu of such surety bond, accept a bond executed by the applicant for license if such bond is secured by the deposit with the Township Secretary of a cashier's check, treasurer's check, or certificates of deposit of a banking institution in the total sum as established by the Board.
3. Annual Renewal - The bond shall be renewed and filed annually along with the annual license renewal.
4. Term - The bond shall be executed in favor of the Township of Ransom and shall be for the use of the Township. The term of the bond shall be for one (1) year.
5. Use of Bond - It shall be the condition of the bond that if upon and after the issuance of such license the said licensee does not fully and faithfully observe and comply with the provisions of this Ordinance and any other applicable approvals or regulations, the Township Board of Supervisors shall have the authority to use such bond to effect the required compliance and/or the removal of junk.

F. Determination of Issuance

Upon receipt of a completed application and fee, the Board of Supervisors, at a duly advertised meeting, shall take action to grant or deny the license application or renewal. Said action shall be based upon the suitability of the premises for the operation of a junkyard; the character of adjacent properties and the likely effect of the junkyard; the general health, safety and welfare of Township residents; the potential hazards to neighboring properties and structures; and the past performance of the licensee in the case of renewals.

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No license shall be issued for a new junkyard unless and until the proper land development approvals are granted by the Board of Supervisors. If approval is granted, the licenses shall be issued and shall be conspicuously posted on the junkyard premises. Any license shall be for the operation of the junkyard only upon the premises for which the license is issued and no license shall be transferable by any means.

The Board of Supervisors shall act upon any complete application within sixty (60) days following its submission, and the Board's decision shall be in writing to the applicant within seven (7) days of when the decision is made. Upon refusal of a license, the applicant may request in writing a hearing before the Board within seven (7) days of the applicant's receipt of the notice of denial; and the Board shall conduct a hearing within sixty (60) days of receipt of such request. Hearings and any subsequent appeal shall be pursuant to the Act of December 2, 1968, P.L. 1133, No. 353, as amended, the Pennsylvania Local Agency Law.

G. Records

Every licensee shall maintain written records of the following information for all junk purchased, acquired or received:

1. Date and approximate time of purchase, acquisition or receipt of junk.
2. Full and complete description including trade names and serial numbers, if any.
3. Name and address of person from whom junk was obtained.

Such records shall be maintained for a period of five (5) years and shall, at all times, be subject to the inspection of the Township Supervisors.

H. Revocation

Any license issued under this Ordinance may be revoked by the Board of Supervisors in the event the said licensee is found to have given any false information or in any way misrepresented any material fact upon which the Township has relied in granting the license; or, where the licensee violates any provisions of this Ordinance. No fee refunds shall be made in such case.

603 Junkyards — Operating Standards

All existing and proposed junkyards licensed under the provisions of this Ordinance shall be established, maintained, and operated in accord with the following standards:

A. Federal and State Regulations

Any junkyard located adjacent to a Federal Aid highway shall comply with all regulations of the Federal Highway Administration, and all junkyards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.

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B. Setbacks from Rights-of-Way (Other than Federal Aid Highways)

No junkyard or structure, operation, or storage within or associated with the junkyard shall be located closer than one hundred (100') feet to any other existing public right-of-way. Provided, however, that the Township may permit a reduction of the required setback where the subject property has natural features adequate to provide screening year round from the public right-of-way; however, the setback shall not be reduced to less than seventy-five (75') feet.

C. Fencing

All junkyards shall be completely enclosed by a chain link fence with required top and bottom rails not less than ten (10') feet in height. Said fence shall be completed prior to the issuance of a license for a new junkyard. Existing fences enclosing junkyards licensed prior to the effective date of this ordinance shall be permitted to remain in place and shall fully enclose the junkyard within six (6) months of the effective date of this Ordinance; and, if any pre-existing fences are replaced such replacement shall be a chain link, security fence not less than ten feet (10') in height. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. Materials shall not be stacked so as to exceed the height of said fence. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junkyard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

Such fence shall not be located closer than fifty feet (50') to any property line or one hundred feet (100') to any public right-of-way or within one hundred feet (100') from principal residential structures existing at the time of adoption of this Ordinance; or one hundred feet (100') to any Residential District.

D. Screening

All junkyards shall be screened from view from all adjoining properties and public rights-or-way, as defined in Article V of this Ordinance, and natural vegetative cover shall be maintained in all required yards. Vegetative plantings of sufficient density or fencing of such design to effect the required screening may be used. All screening shall be maintained in such fashion as to continue to provide the required screening. Screening for existing junkyards shall be completed within twelve (12) months after the effective date of this Ordinance. However, if the Board of Supervisors determines that the owner and/or operator of the junkyard is clearly making a continuing bona fide effort to comply with the screening provisions of this subsection, then the Board may, in its sole discretion, grant an extension of time to such owner or operator for the completion of such screening, upon receipt of a written letter from said owner or operator requesting such an extension of time.

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E. Dumping

The area used for a junkyard shall not be used as a dump area for trash or garbage, and any license issued under Article VI of this Ordinance shall not be authority for the storage, handling, processing, or disposing of wastes regulated under the Pennsylvania Solid Waste Management Act.

F. Burning

No burning whatsoever shall be permitted on the premises.

G. Water Bodies, Wetlands, Wells

No junkyard shall be located closer than two hundred feet (200') to any body of water, stream, wetland, or well, except the well serving the property.

H. Hazardous Materials

To further protect ground water and surface water all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two (2) working days after arrival to the premises and shall be disposed in a manner meeting all state and federal requirements. Such liquids and materials while stored on the premises shall be kept separately in leak proof containers at a central location on the premises.

I. Removal of Tires

Old or used tires not intended to be resold shall not be stored at the site. Tires obtained from junked vehicles must be removed from the site within two (2) working days upon arrival and shall be disposed in a manner meeting any and all state and federal requirements.

J. Water Quality

The owner of any junkyard shall be required to monitor the ground and surface water in the vicinity of the junkyard. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred feet (500'). If any area used for the storage of junk if water drainage from the junkyard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junkyard area. In addition, the monitoring well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.

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K. Fire Lanes

Fire lanes of a minimum width of twenty feet (20') shall be maintained so that no area of junk shall span a distance of more than fifty feet (50').

L. Stacking of Junk

No junk shall be stacked or piled to a height greater than nine feet (9').

M. Planning Approval Required

Applications for permits for junkyards, in addition to meeting the requirements of this Ordinance and the Township Zoning Ordinance for permits, shall follow the plan submittal and approval process established by the Township Subdivision and Land Development Ordinance for land developments and major subdivisions.

N. Nuisances, Broken Glass and Trunk Lids/Appliance Doors Removal

All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.

O. Waste, Garbage or Rubbish

Paper, rags, plastic materials, and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises for more than one month.

P. Well Required

The premises shall have a well that will provide adequate water supply.

Q. Fireproof Structures

Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

604 Inspections

All junkyards shall at all times be subject to inspection by the Enforcement Officer, the Board of Supervisors or its agent(s) during reasonable hours. The Township Board of Supervisors shall, from time to time, inspect every junkyard licensed under this Ordinance to determine compliance with the provisions of this Ordinance. Any violations identified shall be prosecuted in accord with this Ordinance.

605 Exemption for Limited Junk Storage Area

Recognizing that the outside storage of a limited amount of junk may not pose a threat to the public health, safety and general welfare, such storage areas shall be exempt from the

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licensing requirements of this Article VI, provided the same comply with the following requirements:

A. Minimum Parcel Size

The exemption shall apply only on parcels of ten (10) acres or more in size.

B. Number; Size of Storage Area

Each property shall be limited to one (1) storage area the size of which shall not exceed one thousand five hundred (1,500) square feet.

C. Screening

The storage area shall be screened as defined in Article V. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors.

D. Setbacks

The storage area shall be located not less than one hundred feet (100') from any public or private road right-of-way, two hundred feet (200') to any property line or three hundred and fifty feet (350') from any principal residential or commercial structures existing at the time of adoption of this Ordinance.

E. Number of Vehicles

The number of abandoned or junked vehicles shall not exceed five (5).

F. Burning

No burning whatsoever shall be permitted within the storage area.

G. Water Bodies, Wetlands, Wells

No storage area shall be located less than five hundred feet (500') from any body of water, stream, wetland or well.

H. Hazardous Materials

All batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials shall be removed from all junk and/or junk or abandoned vehicles prior to the junk being placed in the storage area.

I. Stacking of Junk

Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than eight feet (8').

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J. **Nuisances, Broken Glass Removal, Trunk Lids/Appliance Doors**

All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. All glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed prior to the junk being placed in the storage area.

K. **Waste, Garbage or Rubbish**

Waste, garbage or rubbish shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance.

606 Recycling Facilities

Nothing in this Ordinance is intended to preclude the operation of a recycling facility established, maintained and operated in accord with the Township Zoning Ordinance, provided such facility does not violate any of the provisions of this Ordinance.

607 Vehicle or Equipment Repair/Towing Operations

In recognition of the need to allow limited storage of junk vehicles, or vehicles awaiting repair, or insurance coverage resolution at an active and bona fide vehicle repair/towing operation with a valid certificate of use or certificate of nonconformance, the standards in this §607 shall apply. Such operations shall in all other respects comply with the provisions of this Ordinance with regard to junk and junk vehicles.

A. **Insurance; Impoundment; Awaiting Repair**

An abandoned or junked vehicle stored in anticipation of the resolution of insurance coverage, or a vehicle impounded by the police, or a vehicle awaiting repair may be stored until the particular insurance or impoundment matter is resolved, or the vehicle is repaired. The owner of the establishment shall maintain accurate and current records on the date of receipt, ownership, status and disposition for all such vehicles on the premises and the records shall be open for inspection by the Township. The total number of such vehicles shall not exceed ten (10) per premises, unless the vehicles are stored in a licensed junkyard or exempted storage area.

B. **Used Tires and Parts**

Used tires and vehicle parts awaiting disposal may be stored outdoors on the premises provided such material is screened. The amount of such stored material shall not exceed that which would be accumulated from one (1) month of normal operation.

C. **Number of Abandoned/Junk Vehicles**

Not more than five (5) abandoned or junked vehicles may be stored on the premises if the size of the parcel is less than two (2) acres, and not more than eight (8) abandoned or junked vehicles may be stored on the premises if the size of the parcel is two (2) acres or more unless the vehicles are stored

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in a licensed junkyard or exempted storage area. All such vehicles shall be screened.

D. Vehicle and Used Tires/Parts Storage Areas

All such stored vehicles, used tires and parts for disposal shall be situated not less than fifteen feet (15') from any property line and twenty-five feet (25') from any public or private road right-of-way, and shall be maintained in an orderly manner.

608 Waiver for Certain Vehicles

A. Waiver for On-Site Utility Vehicles

The Enforcement Officer may grant a waiver for one (1) on-site utility vehicle (see definition in Article V) per property which would otherwise be considered an abandoned or junked vehicle by Article V of this Ordinance, provided said vehicle is screened at times when it is not in use. (Note: An on-site utility vehicle as defined in Article V that is stored inside a building when not in use is not regulated by this Ordinance and does not require a waiver).

B. Conditions

In granting any waiver the Enforcement Officer may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

C. Procedure

All requests for waivers shall be in writing and shall include:

1. A description of the type of vehicle and its use.
2. Details about how the vehicle will be stored when not in use.

D. Action

If the Enforcement Officer denies the request, the applicant shall be notified, in writing, of the reasons for denial. In any case, the Township shall keep a written record of all actions on all requests for waivers.

E. Fees

The applicant for any waiver shall pay a fee for the same as shall be established by Resolution of the Board of Supervisors.

**ARTICLE VII
DANGEROUS PREMISES**

Any dangerous premises, as defined in Article V, is hereby declared to be a public nuisance, and shall be repaired, improved, vacated or demolished as required by this Ordinance.

701 Standards for Repair, Improvement, Vacation or Demolition

The following standards shall be followed in substance by the Enforcement Officer in ordering repair, improvement, vacation or demolition:

A. Repair/Improve

If the dangerous premises can reasonably be repaired or improved so that it will no longer exist in violation of this Ordinance, it shall be ordered to be repaired or improved.

B. Vacate

If the dangerous premises is in such condition as to make it dangerous to the health, safety or general welfare of its occupants or the public, and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, as is reasonable.

C. Habitation

No premise that has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Enforcement Officer. The Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action was based have been eliminated.

D. Demolition

If a dangerous building is fifty percent (50%) or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired so that it will no longer exist in violation of the terms of this Ordinance; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Ordinance or any other local or state regulations, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed fifty percent (50%) of the market value of the building at the time demolition is ordered.

702 Duties of Enforcement Officer

A. Inspection

The Enforcement Officer, with the assistance of a qualified professional, may inspect any premises, building or structure to determine whether any conditions exist that renders such premises dangerous within the terms of this Ordinance.

B. Action

Whenever an inspection discloses that a premises has become a public nuisance, the Enforcement Officer shall prepare a report detailing the defects as set forth in §701, and whether or not the premises can be repaired or improved or must be demolished and removed. The Enforcement Officer, upon authorization by the Board of Supervisors, shall issue a written notice to

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the owner and/or occupant for the premises as set forth in §1002 of this Ordinance along with a copy of the Engineer's report.

703 Removal of Notice Prohibited

No person shall remove or deface the notice of a dangerous premises except as provided in §701.

704 Emergency Cases

Whenever the Enforcement Officer finds that an emergency exists that requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Enforcement Officer, shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Ordinance have been complied with, the Enforcement Officer shall continue such order in effect, or modify or revoke it. The costs of such emergency repair, improvement, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

**ARTICLE VII-A
OUTDOOR WOOD-FIRED FURNACES**

701A Policy

Outdoor Wood-Fired Furnaces (OWFFs)

It is in the public interest to regulate the location, design, construction, and maintenance of OWFFs. Concerns have been raised regarding the safety and environmental health effects of uncontrolled OWFFs, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Article VII-A is intended to ensure that OWFFs are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the citizens of Ransom Township.

702A Regulations for Outdoor Wood-Fired Furnaces (OWFFs)

- A. No person shall cause, allow or maintain the use of an OWFF within the township without first having obtained a permit from the Township Zoning Officer.
- B. If an OWFF existing at the time of passage of this Ordinance is replaced or upgraded, a permit shall be required and shall comply with all sections of this Ordinance.
- C. An OWFF shall be setback from all property lines a minimum of one hundred fifty feet (150').
- D. All new, replaced, or upgraded OWFFs shall be EPA Qualified Phase 2 Outdoor Wood-Fired Furnaces.

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- E. All new OWFFs shall be installed and operated in accordance with the manufacturer's specifications. The burden of proof of compliance with the manufacturer's specifications shall be on the owner/operator of the OWFF, and the owner of any new OWFF shall produce the manufacturer's owner's manual or installation instructions to the township prior to installation.
- F. Only the following types of fuel shall be used in a new or existing outdoor wood-fired boiler:
1. Clean wood
 2. Wood pellets made from clean wood
 3. Home heating oil, natural gas, propane or that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
- G. The following are strictly prohibited from use in a new or existing outdoor wood-fired boiler:
1. Any material not listed in Subsection F. above
 2. Treated or painted wood
 3. Furniture
 4. Garbage
 5. Tires
 6. Lawn clippings or yard waste
 7. Material containing plastic
 8. Material containing rubber
 9. Waste petroleum products
 10. Paints and paint thinners
 11. Chemicals
 12. Any hazardous waste
 13. Coal
 14. Glossy colored paper
 15. Construction and demolition debris
 16. Plywood
 17. Particleboard
 18. Salt water driftwood
 19. Manure
 20. Animal carcasses
 21. Asphalt products
- H. Stack Height Requirements.
1. Existing Outdoor Wood-Fired Boilers: No person shall use or operate an outdoor wood-fired boiler that was installed before the date of enactment of this Ordinance unless it has a permanent attached stack with a minimum stack height of ten feet (10') above the ground that also extends at least two feet (2') above the highest peak of any residence located less than five hundred feet (500') from the outdoor wood-fired boiler. If the existing wood-fired boiler of a Phase 2 Outdoor Wood-fired boiler, Subsection H. 2. Below shall apply.
 2. New Outdoor Wood-Fired Boilers: No person shall install an outdoor wood-fired boiler unless it has a permanent attached stack with a minimum stack height of ten feet (10') above the ground that also

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extends at least two feet (2') above the highest peak of any residence located less than one hundred fifty feet (150') from the outdoor wood-fired boiler.

- I. No person shall operate a new or existing outdoor wood-fired boiler between May 1 and September 30.
- J. No person shall use or operate a new or existing outdoor wood-fired boiler unless it complies with all existing state and local regulations. State regulations that may apply include:
 - 1. Prohibition of Air Pollution, 25 Pa. Code Section 121.7
 - 2. Fugitive Emissions, 25 Pa. Code Section 123.1
 - 3. Odor Emissions, 25 Pa. Code Section 123.31
 - 4. Visible Emissions, 25 Pa. Code Section 123.41
 - 5. Unlawful Conduct, Section 8 of the APCA, 35 PS Section 4008
 - 6. Public Nuisances, Section 13 of the APCA, 35 PS Section 4013

ARTICLE VIII
DOGS

801 Disturbing the Peace

It shall be unlawful to own, harbor, or keep in custody any dog that disturbs the peace by barking between the hours of 7 AM and 9 PM for more than one (1) hour for two (2) or more consecutive days. Between the hours of 9 PM and 7 AM, barking for more than one-half (½) hour for two (2) or more consecutive days is unlawful. Such behavior shall be deemed to disturb the peace and cause the annoyance and discomfort of township residents.

802 Warning Procedure

- A. Any resident of Ransom Township may request in writing that the Enforcement Officer warn any person who shall own, harbor, or keep in custody any dog that disturbs the peace by barking.
- B. Any such request shall be in writing and identify the owner of the premises, the keeper or custodian of the dog and the name and address of the person making the request. Upon receipt of such request, the Enforcement Officer shall investigate the complaint and, upon satisfaction that there is probable cause that such complaint is valid, shall give the owner, keeper, or custodian of the dog a warning.
- C. The warning shall consist of personal delivery of a copy of this Ordinance to such owner, keeper, or custodian or by mailing a copy by certified mail if the violator resides outside of Ransom Township.
- D. A violation of this ordinance shall be deemed to have occurred upon a second or subsequent violation of §801 above that occurs after the date of delivery of the aforesaid warning.

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**ARTICLE IX
GENERAL PUBLIC NUISANCE**

In addition to the specific public nuisances set forth in the other sections of this Ordinance, the following acts when committed, or conditions when existing within the Township, are hereby declared to be public nuisances regulated by this Ordinance:

- A. An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintained, placed or found in or upon any public or private place that is injurious or dangerous to the public health or safety.
- B. All buildings, bridges or other structures of whatever character kept or maintained or that are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, or injurious or annoying to the public.
- C. All trees and other appendages of or to realty kept or maintained or that are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, or injurious or annoying to the public.
- D. All ponds or pools of stagnant water and all foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any street, public place or lot to the injury or annoyance of the public.
- E. All obstructions caused or permitted on any street or sidewalk to the danger or annoyance of the public, and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street, sidewalk or other public place that in any way may cause any injury or annoyance to the public.
- F. All stables, cattle yards, hog, sheep or cow pens or yards for poultry permitted by the owner thereof or the person responsible therefore to be in such a condition as to become offensive, annoying or injurious to the public, unless such operation is protected by the Pennsylvania Right to Farm Law, 3 P.S. §§951 et seq.
- G. All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.
- H. Any lot, house, building or enclosure in which or upon which there exists any untreated sewage effluent, stagnant water, animal or vegetable matter or other substances capable of becoming putrid offensive, annoying or unhealthy.
- I. The pollution, or the existence of a condition or conditions that cause or threaten the pollution of any waters in this municipality in such manner as to cause or threaten injury to any of the inhabitants of this municipality either in their health, comfort or enjoyment of their property.
- J. The existence or presence of any accumulation of garbage, refuse, rubbish, or animal or vegetable matter that may attract vermin and/or insects, or in

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which insect larvae and vermin such as rodents are capable of breeding in such a manner that the health, comfort and property enjoyment of the public is adversely affected.

**ARTICLE X
ENFORCEMENT**

The Board of Supervisors shall appoint an individual, agency or firm to serve as the Enforcement Officer, who shall be responsible for enforcing the terms of this Ordinance.

1001 Inspections

The Enforcement Officer may inspect any premises to determine whether any violations of this Ordinance exist. Prior to entering upon any property to conduct an inspection, the Enforcement Officer shall obtain the permission of the owner or occupant for the same. If after due diligence, the Enforcement Officer is unable to obtain such permission, the Enforcement Officer shall have the authority to conduct the necessary inspection in accord with this Ordinance and the applicable laws of the Commonwealth. The Enforcement Officer may, upon authorization of the Board of Supervisors, consult with the Township Engineer or any other qualified person, in making the determination regarding a violation.

1002 Notice of Violation

Whenever an inspection discloses that a violation exists, the Enforcement Officer shall issue a notice to the owner and/or occupant of the premises. The notice:

- A. Shall be in writing.
- B. Shall include a statement of the reasons it is being issued.
- C. Shall state a reasonable time to rectify the conditions constituting the violation, and may contain an outline of remedial action that, if taken, will effect compliance with the provisions of this Ordinance.
- D. Shall inform the owner that he has a right to a hearing before the Board of Supervisors in accord with this Ordinance.
- E. Shall inform the owner that should he fail to comply with the order or request a hearing, the Township Supervisors will order the correction of the violation, and in accord with this ordinance, will assess any and all costs, expenses, and penalties incurred against the land on which the violation is located.

Except in emergency cases, the notice shall be sent by registered mail or by certificate of mailing, or personally delivered to, the owner, and/or the occupant of the premises. Where the owner is absent from the Township, all notices shall be deemed to be properly served upon the owner if:

- A. A copy of the notice is served upon the owner personally; or,
- B. A copy of the notice is sent by registered mail or by certificate of mailing to the last known address of the owner, regardless of receipt, and is posted in a conspicuous place on or about the premises affected by the notice; or,

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- C. The owner is served with such notice by any other method authorized under the laws of the Commonwealth.

1003 Hearing Appearance

The Enforcement Officer shall appear at all hearings conducted by the Board of Supervisors and testify as to the violation.

1004 Emergency Cases (See definition in Article V)

Whenever the Enforcement Officer finds that an emergency exists that requires immediate action to protect the public health, welfare or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to correct the violation and eliminate the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. The costs of such emergency correction shall be collected in the same manner as provided herein for other cases.

**ARTICLE XI
WAIVERS**

1101 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the Applicant, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the Applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of this Ordinance.

1102 Conditions

In granting waivers the Board of Supervisors may impose such conditions as will, in its judgment, to secure substantially the objectives of the standards and requirements of this Ordinance.

1103 Procedure

All requests for waivers shall be in writing, shall accompany and be a part of the development application, and shall include:

- A. The specific sections of this Ordinance in question.
- B. Provisions for the minimum waiver necessary as an alternate to the requirements.
- C. Justification for the waiver including the full grounds and facts of unreasonableness or hardship.

**ARTICLE XII
HEARINGS**

1201 Hearing Request

Any person affected by any notice that has been issued in connection with the enforcement of any provision of this Ordinance, may request and shall be granted a hearing on the matter before the Township Board of Supervisors; provided, that such person shall file with the Board in writing a request for a hearing setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served in accord with Article X. Upon receipt of such request, a time and place for such hearing shall be scheduled and advertised in accord with the Pennsylvania Sunshine Law. At such hearing the person requesting the hearing shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than sixty (60) days after the day on which the request was received in the municipal office.

1202 Board Action

After such hearing the Board of Supervisors shall sustain, modify or withdraw the notice. If the Board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Ordinance shall automatically become an order if a written request for a hearing is not filed with the Board of Supervisors within ten (10) days after such notice is served.

1203 Appeal

Any aggrieved party may appeal the final order to the Court of Common Pleas of Lackawanna County in accordance with the provisions of the Pennsylvania Local Agency Law.

1204 Fee

The person requesting the hearing shall pay the fee for such hearing as may be established by resolution of the Board of Supervisors.

**ARTICLE XIII
VIOLATIONS, ENFORCEMENT REMEDIES, & ACTION TO ABATE NUISANCE**

1301 Compliance

Failure to comply with any provision of this Ordinance, and/or failure to comply with an order to abate a nuisance, shall be violations of this Ordinance.

1302 Fine; Imprisonment

Any person who has violated or permitted the violation of any provisions of this Ordinance shall upon judgment thereof by any Magisterial District Judge be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) per day of violation, together with the costs of suit, and/or shall be committed to the Lackawanna County Prison for a period not exceeding thirty (30) days. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, costs, interest and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

1303 Other Remedies

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

1304 Abatement by Township and Recovery of Costs

In addition, if the owner or person in control of any dangerous premises, or act or condition constituting a public nuisance or violation of this Ordinance, fails to respond to a notice of violation directing the removal or abatement of the public nuisance or correction of the violation within the time limit prescribed by the notice, or fails to appeal to the Board of Supervisors, or fails to comply with the determination of the appeal made by the Board of Supervisors, the Enforcement officer and/or the Board of Supervisors shall be empowered to cause such work of abatement to be commenced and/or completed by the Township and the cost and expense thereof with a penalty of ten percent (10%), plus expenses, attorney fees and interest, shall be collected from the owner of such premises, in the manner provided by law.

***ARTICLE XIV
SEVERABILITY***

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Ransom Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

***ARTICLE XV
MUNICIPAL LIABILITY***

Ransom Township, and its agents, officials and representatives shall not under any circumstances be liable or legally responsible for activities or conditions that constitute a public nuisance under the terms of this Ordinance. Any liability or damages resulting from activities or conditions constituting a public nuisance are the sole responsibility of the owner of the property, or the person or persons responsible for said activity or condition. The failure to enforce the terms of this Ordinance shall not constitute a cause of action against Ransom Township or its agents, officials or representatives.

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**ARTICLE XVI
ADOPTION**

The public hearing for this Ordinance was held on December 27, 2017

This Ransom Township Nuisance Ordinance is hereby ORDAINED and ENACTED by vote of the Board of Supervisors of Ransom Township, Lackawanna County, Pennsylvania, at a duly convened meeting of the Board of Supervisors held this 2nd day of JANUARY, 2018, to become effective five (5) days after its adoption.

Dennis Macosko
CHAIRMAN, BOARD OF SUPERVISORS

David Brist
SUPERVISOR

Allan Myers
SUPERVISOR

ATTEST:

Josh Tare
Township Secretary