

Ordinance No. 1-2017

AN ORDINANCE REGULATING NUISANCES WITHIN NORTH ANNVILLE TOWNSHIP INCLUDING DISORDERLY CONDUCT AND ALSO PROVIDING FOR A CURFEW WITHIN THE TOWNSHIP AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, on or about January 14, 1957, North Annville adopted Ordinance No. 1 which was an Ordinance regulating nuisance behavior.

WHEREAS, on or about January 14, 1965, North Annville Township adopted Ordinance No. 2 which was also adopted in order to prevent certain behavior within the Township which was considered to be Nuisance behavior.

WHEREAS, the Board of Supervisors has determined to update and revise the previous two Ordinances and consolidate the two Ordinances into one and providing a definition for Disorderly Conduct and establishing a curfew.

AND NOW, BE AND IT hereby is **ENACTED AND ORDAINED** by the Board of Supervisors of North Annville Township, Lebanon County, Pennsylvania and it hereby is **ENACTED** by the authority of the same, as follows:

PART I

1. It shall be unlawful to engage in any of the following activities with intent to cause public inconvenience, annoyance, alarm, or recklessly creating a risk thereof:

- a) Engage in fighting or threatening, or in violent or tumultuous behavior;
- b) Make unreasonable noise;
- c) Use of obscene language, or make an obscene gesture; or
- d) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

2. In addition to the forgoing it shall be unlawful and considered a Nuisance harmful to the public health, safety and welfare to do any of the following:

- a) To obstruct in any manner any public street, highway, alley, road or sidewalk of the Township;

- b) To conduct or carry on any offensive, unlicensed, or illegitimate manufacturing or business within the Township;
- c) To dump or otherwise deposit garbage or rubbish, or to permit the accumulation of garbage or rubbish on private or public property within the Township;
- d) To store or permit the storage of abandoned junk, junked motor vehicles or other obnoxious materials on private or public property within the Township;
- e) To build or cause to be built on any public street, highway, alley, or on any private property in the proximity of any building or buildings, or between the hours of sunset and sunrise, a bonfire or fire of any description;
- f) To drive, or cause to be driven, parked, or stored, any car, wagon, truck or other vehicle containing garbage, earth, dung, filth, junk or rubbish of any kind, which is used for such purposes, unless such car, wagon, truck or other vehicle has a good and sufficient tailboard and body, tightened and closed at the sides and bottom to prevent the contents from dropping from the vehicle, or to park such vehicle in or about any highway, street, road or alley near any property where the odors from the same may be annoying or offensive;
- g) To commit any act of lewdness or public indecency or exposure of person, or to become intoxicated;
- h) To carry any concealed and deadly weapon, unless authorized by law, or to discharge any gun or firearm, unless in defense of a person or property or while legally engaged in hunting; or to possess, use or offer for sale any fireworks of any character at any time.
- i) To sell, mutilate, injure or otherwise destroy any trees or shrubbery growing upon any private property, or along the streets, alleys, or highways of this Township; to destroy, injure or interfere with any public or private light, street light, post, fence or railing within this Township; to destroy, injure or tear down any sign, door, doorbell or knocker, window, water pipe, step, spouting, window shutter, fence, gate, or other real property; to open or close negligently or wantonly any street or sewer water course within the Township;

- j) To keep or maintain any nuisance or dangerous structure on private or public grounds and after notice to the owner to remove said dangerous structure or nuisance and in his default, in addition to the penalties hereafter prescribed, the owners shall pay for the cost of such removal.
- k) To allow noxious weeds, as defined by the Noxious Weed Control Law, to grow upon a property owner's Real Property, after the real property owner has been given Notice to remove such weeds, and has failed to take appropriate measures to remove any and all noxious weeds from the premises.

PART II

1. As used in this part the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

MINOR- a person under the age of 18 years.

PARENT- any natural parent of a minor, as herein after defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this part, "parent" shall mean one or both parents.

PUBLIC PLACE- any public street, alley, sidewalk, park, playground, public building, retention pond or vacant lot in the Township of North Annville.

REMAIN- to stay behind, to carry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

2. This Ordinance prescribes in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, and for the protection of young children in the Township from each other and from other persons on the streets during nighttime hours.

3. It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Township, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Township, between the hours of 12 a.m. and 5 a.m., on the following day.

Exceptions to the above are the following:

- a. Minor accompanied by parent, guardian or other person having legal care or custody of such minor.

- b. Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.
- c. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.

4. It is hereby made unlawful for any parent, guardian, or other person having the legal care and custody of a minor to allow or permit such minor to violate any of the provisions of this part without legal justification therefore.

5. Any minor found upon the streets, alleys, parks or public places within the Township in violation of this Ordinance shall be taken into custody by the Township police or legally deputized individual, be delivered to his parent(s), guardian or person having the legal custody of said minor, and be given a copy of this Part. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of this Ordinance, said parent, guardian or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Part. Upon the third violation, said parent, guardian or person will be cited for the violation of this Ordinance.

6. Any minor who violates this Part more than three times shall, or any minor who violates this Part less than three times at the discretion of the proper Township officials may be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of this part cannot be made effective by the imposition of fines and penalties.

7. The police officers of the Township, in taking minors into custody, shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

PART III- General

- 1. The provisions of Part III shall apply to both Parts I and II.
- 2. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine, and the feminine shall include the masculine.

3. Failure to abide by this Ordinance or violate any of the provisions of this Ordinance shall result in the imposition of a fine and/or penalty by the Township in an amount up to \$600.00. If the Township imposes such a fine or penalty and said fine or penalty is not voluntarily paid to the Township, the Township shall initiate Civil Enforcement Proceedings before a District Justice. The Civil Enforcement Proceedings shall be initiated by Complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedures. The Township may also enforce this Ordinance in Equity. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefore in Civil proceedings, the violators shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable Attorney's fees incurred by the Township in the enforcement of this Ordinance. Moreover, if the Township chooses to initiate an action in Equity in order to enforce this Ordinance the violator shall also be responsible for any court costs and reasonable attorney's fees incurred by the Township in the action of equity.

4. Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be effected thereby, and shall remain in full force and effect.

5. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are repealed to the extent of such conflict, and Ordinance No. 1 of 1957 and Ordinance No. 2 of 1965 are hereby specifically repealed and replaced with the provisions of this Ordinance.

ENACTED, ORDAINED and APPROVED, this 10th day of July, 2017

ATTEST:

Adam D. Wolfe

Randall H. Lewis
Chairman

Clyde B. Meyer
Vice-Chairman