

Chapter 243

NUISANCES

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§ 243-1. Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

ABANDONED VEHICLES —

A. A vehicle:

- (1) That is non-serviceable and in an inoperable condition and is left unattended on public property for more than 48 hours; or
- (2) That has remained illegally on public property for a period of more than 48 hours; or
- (3) Without a valid registration plate or certificate of inspection or title left unattended on or along a highway or on public property; or
- (4) That is without both a valid registration and a valid certificate of inspection, and is left on private property, vacant or occupied and not located within a permitted, enclosed structure.

B. Vehicles and equipment used or to be used in construction or in the operation of maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

BOARD OF SUPERVISORS — The Board of Supervisors of Rye Township, Perry County, Pennsylvania.

CONSTRUCTION OPERATION – The erection, repair, renovation, demolition or removal of any building or structure; and the excavation, filling and grading of lots.

DANGEROUS STRUCTURE- Any building which has deteriorated to the state where it is dangerous and unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or other vermin, or endangers the safety of children playing thereabouts.

EMERGENCY WORK – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

GARBAGE — All animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.

GLARE – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

JUNK — Any and all forms of waste, refuse, discarded or salvageable articles or materials, including but not limited to scrap metal, papers, rags, glass, containers, structures, junked motor vehicles, junked trailers, machinery and equipment.

JUNKED VEHICLES — All types of automobiles, trucks, tractors, and self-propelled machinery of all types, except usable farm or property maintenance machinery, for which no current vehicle registration plate exists as issued by the Pennsylvania Bureau of Motor Vehicles. Junked vehicles shall also include any trailer, semi-trailer, or any other article which would be classified as a vehicle under the Vehicle Code of Pennsylvania, which does not display and retain a current registration plate for the current registration year.

LIGHT TRESPASS – Light emitted by a lighting installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

MUFFLER OR SOUND DISSIPATIVE DEVICE – A device designated or used for decreasing or abating the level of sound escaping from an engine or machinery system.

NOISE DISTURBANCE – Any noise which:

- A. Endangers or injures the safety or health of humans or animals.
- B. Annoys or disturbs a reasonable person of normal sensitivities.
- C. Endangers or injures personal or real property.

NUISANCE — The unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

OWNER — A person owning, leasing, occupying or having charge of any premises within the Township, whether individual, partnership, association or corporation.

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

PET — A domesticated animal kept for pleasure rather than utility such as dogs and cats.

POWERED MODEL VEHICLE – Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons including, but not limited to, any model airplane, boat, car or rocket.

PROPERTY OR BOUNDARY LINE – An imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons; a demarcation or a line of separate properties; and also, for any 2 or more buildings sharing a common grounds, the line drawn midway between any two such buildings. All areas devoted to public rights-of-way shall be deemed to be across the property line. For the purpose of this definition, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.

PUBLIC RIGHT-OF-WAY – Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is open to public use as a matter of right.

PEST – An animal or other organism which has a harmful effect of humans, their food or their living condition including but not limited to: rats, mice and other rodents; spiders, ticks, mites, cockroaches, lice, fleas, bed bugs, silverfish, termites and other arthropods.

PUBLIC SPACE – Any real property or structures thereon which are owned or controlled by a governmental entity.

RUBBISH – Includes glass, metal, paper, plant growth, wood, nonputrescible solid wastes or rubber and rubber derivatives.

SHIELDED – The attribute of a luminaire from which no direct glare is visible at normal viewing angles by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors.

TOWNSHIP — The Township of Rye, Perry County, Pennsylvania.

VECTOR — An organism, such as a mosquito, tick or rodent, that carries disease-causing microorganisms from one host to another.

§ 243-2. Nuisance or Health hazard declared illegal and prohibited

It shall be unlawful for any person to create or maintain any condition, activity or use upon their property which could directly or indirectly cause a nuisance or health hazard to residents of the Township. While not intended to be a comprehensive list, the establishment, maintenance, operation or continuance of any of the following, at any time within the Township, is hereby declared to be a nuisance under the terms of this chapter:

A. Storing or accumulating the following:

- (1) Garbage or rubbish.
- (2) Junk material (including but not limited to unused or abandoned machinery, lawn mowers, recreation vehicles, equipment or appliances).

- (3) Other junk (including but not limited to any and all forms of waste and refuse of any type of material, including scrap metal, glass, industrial waste and other salvable materials).
 - (4) Any condition upon a property which could directly or indirectly cause a nuisance or health hazard to residents of Rye Township. Specifically the unsheltered storage or maintenance of unused, stripped, damaged and generally unusable machinery or equipment, or materials, shall be considered a nuisance and/or health hazard if any of the following conditions exist:
 - (a) Broken glass or metal parts with sharp or protruding edges.
 - (b) Openings or areas which are conducive to the harboring and growth of vectors or pests.
 - (c) Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt, or fall from its original storage position.
 - (d) Contains any liquid or material of a hazard or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents, and poisons.
 - (e) Any other condition which, in the opinion of the inspecting official, shall be deemed to be a health hazard, potential health hazard or nuisance.
- B. Owning or having charge of any abandoned or junked vehicle or part thereof, that is not located within a permitted enclosed building as defined by the Zoning Ordinance.
- C. Outdoor storage of a motor vehicle which, even if it has a current inspection sticker and is currently registered under the laws of the Commonwealth of Pennsylvania or another state, has any of the following physical defects:
- (1) Broken windshields, mirrors or other glass, with sharp edges.
 - (2) One or more flat or missing tires.
 - (3) Missing doors, windows, hood, trunk or other body parts.
 - (4) Any body parts with sharp edges including holes resulting from rust.
 - (5) Broken headlamps or tail-lamps with sharp edges.
 - (6) Chassis parts disassembled from the motor vehicle stored loose in or on the vehicle.
 - (7) Sharp objects protruding from the vehicle.
 - (8) Leaking oil pan or gas tank.
 - (9) Exposed battery.
 - (10) Suspended on unstable supports.

- (11) Such other defects which could threaten the health, safety and welfare of the citizens of Rye Township.
- D. Drainage or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any other foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane, or alley; or from any property into or upon any adjoining property.
- E. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwellings situated upon property along any public highway, road, street, avenue, lane or alley in the Township into or upon the cartway or traveled portion of any said highway, street, road, avenue, lane or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- F. Maintaining or causing to be maintained any dangerous structure, including but not limited to abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair which shall pose or constitute any of the following conditions or hazards:
- (1) A fire hazard;
 - (2) A danger of infestation by vectors or pests;
 - (3) A structure or building or part thereof, which has become or is so dilapidated, decayed or unsafe that it is unfit for human habitation or is likely to cause injury to occupants or to others in the vicinity, which may fail, collapse, break down, or otherwise cause damage to property or injury to members of the public;
 - (4) Any other condition which the Supervisors shall deem to be a health hazard, potential health hazard, or nuisance.
- G. Pet owners failing to clean up feces after their pets immediately on property of which they are *not* the owner of record or occupant and within one (1) week on property of which they are the owner of record or current occupant. This is to ensure waste does not contaminate water supplies and endanger public health.
- H. The Burning of garbage, tires, or other petroleum products.
- I. Permitting or allowing any well or cistern to be, or remain, uncovered.
- J. Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise.
- K. Removing the embankment of a stream so as to alter the natural flow of the stream.
- L. Pushing, shoveling, or otherwise depositing snow and vegetation cuttings upon the cartway or traveled portion of any public highway, road, or street which is maintained by

this Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.

M. Allowing or permitting any excavation, material excavated, or obstruction, on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

N. Noise Pollution, as herein after defined, shall be considered a nuisance and prohibited under this Ordinance:

(1) Animals – Repetitive Barking:

(a) For the purposes of this subsection “animal” is defined as any dog, cat or other domesticated animal or fowl or any undomesticated animal confined on that person's premises.

(b) No person shall allow any animal, as defined in Subsection above, to make any repetitive bark, howl, bay, loud or harsh noise or disturbance continuously or incessantly for a period of 30 minutes or to make such noise intermittently for 1 hour or more to the disturbance of any person at any time of the day or night which shall interfere with or deprive the peace, quiet, rest or sleep of any person; provided, however, that at the time such animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal is situate or for any other legitimate cause which teased or provoked the animal.

(2) Prohibited Acts:

(a) Noise disturbance prohibited. No person shall make, continue or cause to be made or continued any noise disturbance, nor shall any person suffer, allow or permit any noise disturbance to be made or continued from or at any property, whether real or personal, that is subject to such person's right of control.

(b) Specific prohibitions. The following acts and the causing thereof are declared to be noise disturbances and therefore in violation:

i. Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, high-fidelity equipment or similar device which produces, reproduces or amplifies sound:

1) At any time in such a manner as to create a noise disturbance across a property or boundary line, or between the hours of 10:00 p.m. and 7:00 a.m. a noise that can be heard across a property or boundary line.

2) In such a manner as to create a noise disturbance across a property or boundary line, or a noise that can be heard at a distance of 50

feet from such device, when the device is operated in or on a motor vehicle or hand carried on a public right-of-way or public space.

- 3) In such a manner as to create a noise disturbance to any person other than the operator of the device.
- ii. Yelling and shouting, etc. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing:
 - 1) On a public right-of-way or space between the hours of 10:00 p.m. and 7:00 a.m.; or
 - 2) At any time or place in such a manner as to create a noise disturbance.
 - iii. Construction. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work: between the hours of 10:00 p.m. and 7:00 a.m., such that the sound therefrom creates a noise disturbance across a real property or boundary line, except for emergency work.
 - iv. Domestic power tools. Operating or permitting the operation of any mechanically powered saw, sander, grinder, lawn or garden tool or similar devices used outdoors between the hours of 10:00 p.m. and 7:00 a.m. as to cause a noise disturbance across a property boundary.
 - v. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a property or boundary line. This section shall not apply to municipal or utility services in or about a public right-of-way.
 - vi. Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a property or boundary line between the hours of 10:00 p.m. and 7:00 a.m.
 - vii. Street sales. Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound within any residential or commercial area, except between the hours of 7:00 a.m. and 10:00 p.m.
 - viii. Tampering. The following acts or the causing thereof are prohibited:
 - 1) The removal or rendering inoperative by any person, other than for the purpose of maintenance, repair or replacement, of any muffler or sound dissipative device or element of design.

- 2) The use of product or equipment which has had a muffler or sound dissipative device or element of design removed or rendered inoperative.
- ix. Vehicle, motorboat or aircraft repairs and testing. Repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat or aircraft in such a manner as to cause a noise disturbance across a real property or boundary line.
- x. Motor vehicle prohibitions.
 - 1) Standing motor vehicles. No person shall operate or permit the operation of any vehicle or any auxiliary equipment attached to such a vehicle, for a period of longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 100 feet of any residence in such a manner as to cause a noise disturbance across a residential property or boundary line.
 - 2) Squealing Tires, Burn-outs, Peel-outs, Power-Braking, or similar activity. No person shall cause or allow the tires of a motor vehicle, which the person is operating, to squeal except when necessary in order to avoid a collision with another person, vehicle or other property.
 - 3) Racing Engine/Rapid Throttle Advance. No person shall operate a motor vehicle in such a manner that the public's attention is drawn to the source of the noise. The prohibition of this section shall include racing the engine or rapid throttle advance and/or revving of an internal combustion engine resulting in an increase of noise from the engine.
 - 4) Unnecessary horn blowing. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually operating such vehicle.
 - 5) Off-Road Vehicles. Operating or permitting the operation of off-road vehicles so as to create a noise disturbance across a property line.
- (3) Exemptions: The following sounds are exempted from the provisions of this chapter:
 - (a) Amplified announcements. Electronically amplified announcements at athletic events.
 - (b) Blasting. Blasting for construction operations may occur only between the hours of 8:00 a.m. and 5:00 p.m.

- (c) Concerts and similar activities. Concerts, band concerts, block parties, parades, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between the hours of 10:00 p.m. and 7:00 a.m.
- (d) Emergency work. Sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
- (e) Municipal, utility and governmental entity. Sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right-of-way.
- (f) School and public activities. Sounds not electronically amplified, created by organized school-related programs, activities, athletic and entertainment events or other public programs, activities or events, other than fireworks or fireworks displays and motor vehicle racing events.
- (g) All safety signals and warning devices on authorized vehicles when responding to emergencies (e.g. police, fire, ambulance sirens or any other device used to alert persons to an emergency or used during the conduct of emergency work).
- (h) Bells, chimes and carillons used in conjunction with celebrations or public holidays.
- (i) Any weapons firing ranges used for training or certifying law enforcement agencies shall be exempt from this ordinance.
- (j) All motor vehicles being operated on the public road, provided such are operated within the manufacturer's specifications, and with all standard noise reducing equipment in use, unmodified and in proper working condition.
- (k) Activities permitted by special waiver, as provided herein, according to the terms and conditions of said waiver.
- (l) All agriculturally related operations and activities.
- (m) Snow removal equipment provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified and in proper operating condition.
- (n) Any legitimate, or licensed business, commercial or industrial operation, provided any appliances, equipment, machinery, or devices used in such operation are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

- (4) Special Waiver: A temporary waiver from strict compliance with the noise standards specified herein may be granted to persons during special circumstances, by the Board of Supervisors, or its designee, to permit reasonable time to effect repairs.

O. Light Pollution:

(1) Purpose:

- (a) Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns
- (b) Protect drivers and pedestrians from the glare of non-vehicular light sources
- (c) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources
- (d) Protect and retain the intended visual character of the various Township venues

(2) Applicability:

- (a) All uses within the Township where there is interior or exterior lighting that creates a nuisance or hazard as viewed from outside, or exterior lighting that creates a nuisance when viewed from inside, including but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
- (b) The Township may require lighting be incorporated for other uses, applications and locations or may restrict lighting in any of the above uses or applications when health, safety and welfare are issues.
- (c) The glare-control requirements herein contained apply to lighting in all uses, applications and locations.
- (d) Temporary seasonal decorative lighting is exempt from all but the glare-control requirements of this Ordinance.
- (e) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency as described in NFPA 75 and NFPA 101, are exempt from the requirements of this Ordinance.

(3) Criteria:

- (a) Lighting Control:

- i. All lighting shall be aimed, located, designed, fitted, shielded and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- ii. Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be reaimed and/or fitted with a shielding device to block the view of the glare source from that property.
- iii. The use of floodlights and wall-mounted luminaires (wall packs) to illuminate parking areas, shall not be permitted unless it can be proven to the satisfaction of the Township that the use of no other acceptable means of lighting is possible.
- iv. Lighting for parking areas and vehicular and pedestrian traffic ways for commercial, industrial and institutional uses shall be automatically extinguished nightly within 1/2 hour of the close of the facility. On/off control shall be by astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not be in excess of twenty-five (25) percent of the number of fixtures required or permitted for illumination during regular business hours. The use of greater than 25% of the normal lighting for all-night safety/security lighting shall require Township approval, based on the unique nature of the use or elevated area crime justification. Alternatively, where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 11:00 p.m. or after normal business hours, or the use of motion-sensor control, shall be permitted.
- v. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- vi. Only the United States and the state flag shall be permitted to be illuminated past 11:00 p.m. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.

- (b) Billboards and Signs: The lighting of new or relighting of existing billboards and signs, whether from an internal or external lighting source, shall require a Building Permit, which shall be granted only when Township is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:
 - i. Externally-illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from direct off-site view and to place the light output onto and not beyond the sign or billboard.
 - ii. Internally illuminated signs shall have a dark field and light message.
 - iii. Channel letter signs shall have dimming capability to allow adjustment of sign brightness when required by the Township to accommodate local ambient conditions.
 - iv. Illumination of billboards shall be limited to commercial and industrial zoning districts and the illumination of billboards whose illuminated surface is visible from a residential use within 400' of it shall not be permitted.
 - v. Signs and billboards shall not resemble or simulate any warning or danger signal or any official traffic control device, sign or light.
 - vi. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
 - vii. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

- (4) Recreational Uses: The nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners and the township as a whole have been properly protected. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:
 - (a) Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, shall not be permitted to be artificially illuminated.

- (b) Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis or track shall not be illuminated if located within a residential district or sited on a nonresidential property located within 1,000 feet of a property containing a residential use. This restriction does not apply to a municipal recreational facility.
- (c) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by ten (10:00) p.m., regardless of such occurrences as extra innings or overtimes.
- (d) The Township reserves the right to limit the number of illuminated sporting events per week or season.
- (e) Maximum mounting heights for recreational lighting shall be in accordance with the following:

i. Basketball	20'
ii. Football	70'
iii. Soccer	70'
iv. Lacrosse	70'
v. Baseball	
(1) < 300' Radius	60'
(2) >/= 300' Radius	70'
vi. Miniature Golf	20'
vii. Swimming Pool Aprons	20'
viii. Tennis	20'
ix. Track	20'
- (f) The use of engine/generator portable boom lighting shall not be permitted within the Township.

§ 243-3. Written notice to violators required.

- A. Whenever a condition constituting a nuisance or health hazard is permitted or maintained, the Board of Supervisors, or persons authorized by the Township, may give the owner of the property in which the nuisance is located, and any other person permitting the maintenance of such a nuisance, written notice to completely remove, repair, or abate the same. Said notice shall be served in one of the following ways:
 - (1) By making personal delivery of the notice to the owner or the person(s) permitting the maintenance of such nuisance.
 - (2) By handing a copy of the notice at the residence of the owner to an adult member of the family with which they reside; but if no adult member of the family is found, then to an adult person in charge of such residence.
 - (3) By fixing a copy of the notice to the door at the entrance of the premises in violation or fixing a copy of the notice on a post on the vacant lot in violation.

- (4) By mailing a copy of the notice to the last known address of the owner by certified mail.
 - (5) By publishing a copy of the notice in the local newspaper of general circulation within Rye Township, Perry County, Pennsylvania once a week for three successive weeks.
- B. Such notice shall set forth in what respects such condition constitutes a nuisance, and whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or boarding or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within 14 days and thereafter to comply fully with its terms with reasonable dispatch, all material to be supplied and work done at the owner's expense; provided, however, that if the violation charged is under § 243-2G-L, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

§ 243-4. Violations and penalties.

If the owner after receiving due notice refuses to comply with the terms thereof:

- A. Any person who after delivery, posting or publication of notice as provided in Section 243-3, continues the maintenance of the conduct, activity, or condition declared to be a nuisance, or who fails to take action to completely remove, repair or abate said nuisance when directed to do so, violates or permits the violations of this chapter and shall, upon being found guilty in a proceeding commenced by a municipality and held before a Magisterial District Judge, pay a fine not exceeding \$1,000 and costs, attorney and other professional fees. Each day a violation exists can constitute a separate offense punishable by a fine not exceeding \$1,000. In addition to the aforementioned fine, the Magisterial District Judge, upon finding a violator guilty, may prescribe imprisonment not to exceed 90 days.
- B. In addition to, or instead of, invoking the penalties set forth in the preceding section, The Board of Supervisors or persons authorized by the Township, may enter upon the offending premises and remove, repair or alter any nuisance, hazard or dangerous structure or condition on such property, or otherwise abate any identified nuisance or health hazard. Further, the Township may collect the cost thereof together with a penalty and costs as granted in summary proceedings, from the owner of the property or premises or the actual costs of such removal, together with the penalties, costs and reasonable attorney's fee, shall be a municipal claim or lien therefore against such real estate and may be enforced against the property and recovered by the Township in the manner prescribed for the levying and collecting of municipal liens under appropriate law.
- C. The Township by means of a complaint in equity or other appropriate filing, may compel the owner of a structure or premises declared a nuisance to comply with terms of any notice of violation, or seek any other appropriate relief, including an injunction, from any court of competent jurisdiction, or seek such other appropriate relief as such court is empowered to afford.