

# **Chapter 10**

## **Health and Safety**

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**Part 1****Livestock and Poultry Manure Management****§10-101. Title.**

This Part shall be known as and may be cited as the “Hepburn Township Livestock and Poultry Manure Nutrient Management Ordinance.”

(*Ord. 1.2.01, 1/2/2001, §1*)

**§10-102. Definitions.**

The following words and terms, when used in this Part, have the following meanings, unless the context clearly indicates otherwise:

*Annual population concentration* - the average of the highest population concentrations of a species of livestock or poultry being raised by a livestock or poultry operation for each month of a calendar year, excluding those months in which no such species are raised as a result of normal agricultural or business practices or as a result of disease or threat of disease.

*Facilities* - structures used for the storage of manure or to house or protect livestock or poultry.

*Livestock or poultry operation* - a person engaged in the business of raising livestock or poultry.

*Manure disposal facility* - a tract(s) of land which has not been identified for field applications of manure in the submitted plan of any currently permitted livestock or poultry operation and on which manure is to be imported from another municipality into Hepburn Township and applied on property within Hepburn Township.

*Manure disposal facility operator* - a person engaged in the business of storing and applying imported manure on Hepburn Township land(s).

*Normal seasonal changes* - typical fluctuations in livestock or poultry populations due to normal procreational or culling activities occurring within a livestock or poultry operation. Any fluctuation shall be deemed to be a normal seasonal change if such fluctuation does not result in a population concentration that exceeds for 2 consecutive months 110 percent of (1) the concentration existing on the effective date of this Part, (2) the highest annual population concentration for any of the preceding 5 calendar years, or (3) the concentration allowable under a permit granted pursuant to this Part, whichever is greatest.

*Nutrient management plan or plan* - the document that describes the nutrient management program.

*Nutrient management program* - the schedule of activities undertaken or to be undertaken by a person required to obtain a permit under this Part for the minimization of pollution to ground or surface water through management of animal waste and fertilizer in accordance with the criteria contained in §10-105.

*Person* - an individual, partnership, corporation or association.

*Plan review* - a review of a nutrient management plan submitted pursuant to

this Part to ensure that the plan contains the information required to be submitted under this Part and that calculations contained in the plan on tracts of land for disposal of manure are made in accordance with the most recent formula devised by the Pennsylvania State University in its computer program farm nutrient management worksheet or a successive program devised by the Pennsylvania State University to replace such computer program.

*Population concentration or concentration* - the ratio of the total number of a particular species of livestock or poultry being raised by a livestock or poultry operation per contiguous acre(s) of land owned or operated by such livestock or poultry operation within which such species are being raised.

*Representative* - a person or persons appointed to review, approve or disapprove the permit application.

*Soil conservation farm plan* - a plan for soil erosion and sedimentation control that is developed and implemented for a designated farm in accordance with Chapter 102 of the Department of Environmental Protection Regulations, 25 Pa.Code §102.1 *et seq.*

*Township Board, Township or Board* - the Hepburn Township Board of Supervisors.

(Ord. 1.2.01, 1/2/2001, §2)

### **§10-103. Current Livestock or Poultry Operations.**

1. No livestock or poultry operation existing on the effective date of this Part shall be subject to the provisions of this Part, except as provided in subsections .2 and .3.

2. A livestock or poultry operation not subject to this Part pursuant to subsection .1 shall be subject to the provisions of this Part: (A) If the concentration of livestock or poultry raised by such operation exceeds normal seasonal changes, or (B) if the activity results in the raising of a different species of livestock or poultry, or (C) if they wish to operate a manure disposal facility.

3. A livestock or poultry operation not subject to this Part pursuant to subsection .1 may be subject to the provisions of this Part, at the discretion of the Township Board, after the following determinations have been made by the Pennsylvania Department of Environmental Protection: (A) that the storage, handling or disposal of manure or the application of fertilizer by the operation is in violation of applicable standards for storage, handling, disposal, or application of manure or fertilizer that are contained in the most recent text and technical supplement to the Commonwealth of Pennsylvania, Department of Environmental Protection, publication, *Manure Management for Environmental Protection*, and the Department of Environmental Protection regulations; and (B) that such violation is causing or is substantially threatening to cause pollution to ground or surface waters.

(Ord. 1.2.01, 1/2/2001, §3)

### **§10-104. Permit Required.**

1. *Permit Requirement.* All livestock or poultry operations that are subject to this Part pursuant to §10-103 and all new livestock and poultry operations shall be required to apply for and obtain from the Township a permit in accordance with the provisions

of this Section prior to building any facility and prior to performing any permitted activity on the operation. An operation shall not be considered to be a new livestock or poultry operation merely because transfer of ownership or change in make-up or proportionate shares of ownership within the operation or because such operation has acquired and is using for raising of livestock or poultry real property that was used by a predecessor in interest for the raising of livestock or poultry, unless such activity results in the raising of a different species of livestock or poultry or results in the raising of the same species of livestock or poultry at levels of concentration exceeding normal seasonal changes by such predecessor in interest.

A. Any person desiring to import livestock or poultry manure from another municipality into Hepburn Township and apply or expect to apply the manure on property located within Hepburn Township shall be required to apply for and obtain from the township a permit in accordance with the provisions of this Section prior to performing any permitted activity on the land.

2. *Request for Permit.* Application for permit shall be submitted in the form and manner prescribed by the Township or, where no such form or manner have been prescribed, shall be submitted to the Township in writing at the business office of the Township during normal business hours, and shall include in the application the name(s) and addresses of the livestock or poultry operation, the name(s) and addresses of the manure disposal facility, the name(s) and addresses of the owners of the operation, a statement that the operation is applying for a permit pursuant to this Part, and a description of the location of the tract of land on which the permit is applied. Such application shall be accompanied by a nutrient management plan that meets the requirements of §10-105, and shall also be accompanied by either a letter certifying review of the plan by the Lycoming County Conservation District or written evidence that the plan was submitted to the district and that 15 business days have passed after submittance without receipt of letter certifying review of the plan. The failure of the Lycoming County Conservation District to review the plan shall not impede, alter or otherwise affect the requirements and privileges provided in this Part for the processing and review and determination of any permit application submitted pursuant hereto.

3. *Application Review.* Applications shall be reviewed and approval or disapproval of applications shall be rendered by the Township Board of Supervisors or their representatives. In reviewing the application, the Township Board of Supervisors or their representatives may, but need not, approve the plan review of the Lycoming County Conservation District. A decision for approval or disapproval shall be rendered by the Township Board within 90 days of the receipt of the plan by the Township Board's Secretary.

4. *Application Fee.* The application shall be accompanied by a filing fee charged for the purpose of defraying the expenses of reviewing the application and making such site inspections and follow up inspections as are advisable, at the discretion of the Township Board or representative(s), to carry out the purposes of this Part. The filing fee shall be in an amount as established from time to time by resolution of the Board of Supervisors. This filing fee shall be in addition to any fee charged by the Lycoming County Conservation District in consideration of its review of applicant's nutrient management program. [Ord. 8.5.2008]

5. *Temporary Permit.* The Township Board of Supervisors may grant a temporary permit to allow activities to be performed by any livestock or poultry operation, or

manure disposal facility required to have a permit under this Section pending final review and disposition of such operation's permit application. Upon termination of such temporary permit, the livestock or poultry operation or manure disposal facility shall be given a reasonable time as specified by the Township Board to adjust livestock or poultry populations or manure application to the land(s) and activities to comply with this Part.

(*Ord. 1.2.01, 1/2/2001, §4; as amended by Ord. 8.5.2008, 8/5/2008*)

**§10-105. Content Nutrient Management Plan and Criteria.**

1. The nutrient management plan shall include the following information:
  - A. The number of livestock or poultry being raised or expected to be raised on the land tract(s) to be permitted.
  - B. The amount of manure nutrient expected to be generated from the raised livestock or poultry during a period of 1 year.
  - C. A statement of the planned disposition of the manure amount indicated under paragraph .B to be generated by the livestock or poultry operation. Such statement shall include, if applicable, the following: (1) the means, manner and facilities (including storage capacity) proposed to be utilized for storage of the manure to be generated; (2) the proposed tract(s) of land which will receive field applications of the generated manure and the amounts and periods of manure application on such tract(s); (3) the field crops expected to be grown on the land tract(s) indicated in subparagraph (2); (4) evidence, using the calculations and formula prescribed in subsection .3, that the amount of manure indicated under paragraph .B to be generated by the livestock operation will not exceed the maximum quantities of manure for proper storage and effective nutrient sustenance of crops in the facilities and land tract(s) and for the crops indicated in subparagraphs (1), (2), and (3), or if such excess is indicated, the manner and locations in which such excess will be disposed and evidence that disposal of the excess in such manner and at such locations will not cause pollution or threaten to cause pollution to ground or surface waters.
  - D. A scaled map or maps (1 inch = \_\_\_ feet) indicating the location or expected locations of all structures where livestock or poultry are or will be raised and all structures and fields where manure is proposed to be stored or applied, in support of the statement submitted pursuant to paragraph .C be drawn by a professional draftsman or that any survey of the land tracts represented by such map or maps be previously completed; however, such map or maps should include sufficient information on the location of the land tract or tracts and facilities as will reasonably allow the Township representative to locate such tract or tracts and facilities, aerial maps of the County's farm properties available at the Lycoming County Conservation Service will be accepted as an accurate representation for locating the facilities.
  - E. If any land indicated in paragraph .C for receipt of manure field application or disposal is owned by a person other than the livestock or poultry operation, then a notarized consent statement from such owner shall indicate that application or disposal of manure by the livestock or poultry operation is permitted on such lands.

F. A written soil conservation farm plan developed for the land on which manure is proposed to be stored or applied under paragraph .C.

G. Show the location of all residences and other structures on any adjacent property and indicate the distance of such residences and other structures from the livestock and poultry area and from the storage and/or manure application areas.

2. Each plan submitted under this Section, at a minimum, shall comply with the criteria set forth in the most recent text and technical supplements to the Commonwealth of Pennsylvania Department of Environmental Protection's publication, *Manure Management for Environmental Protection*, or with the provisions of any manure management permit issued by the Department for any land for which the plan is applicable.

A. Each plan submitted under this Section shall, at a minimum, comply with the criteria set forth in the most recent text and technical supplements to the Commonwealth of Pennsylvania Department of Environmental Protection's publication, *Manure Management for Environmental Protection*, for odor control. The plan shall state what steps the person who operates a livestock or poultry operation will take to reduce odor to a minimum.

B. If one or more open-air facilities are to be utilized for storage of manure, a statement of the type of fencing constructed or to be constructed and warning signs posted or to be posted around each facility, with written evidence that such fencing and signs will comply with the provisions of this subsection. It shall be a condition of any permit granted pursuant to this Part that a livestock or poultry operation install such fencing and signs around an open-air facility prior to the utilization of such facility for storage of manure. The fence shall be secure enough to exclude children.

3. The applicant shall use and include pursuant to the items of information required to be supplied and included in the plan under subsection .1 the calculations and formula most recently devised by the Pennsylvania State University in the computer program, Farm Nutrient Management Worksheet, or a successor program devised by the Pennsylvania State University to replace such computer program. Worksheet figures for calculating crop yields and manure usage shall use the Lycoming County Conservation Districts average yields for the land utilized in the plan.

4. The activities and facilities proposed in the plan to be undertaken, constructed or operated by the livestock or poultry operation or manure disposal facility shall comply with all other ordinances in effect for this Township.

5. The content of a nutrient management plan and criteria for a manure disposal facility shall include the following information:

A. The amount and kind of manure in tons expected to be imported into the Township from another municipality during the period of 1 year and the total acres of the tract(s) of land on which the manure is to be applied and the storage facilities if any on that land.

B. A statement of the planned disposition of the manure amount indicated in paragraph .A. Such statement shall include, if applicable, the following: (1) the means, manner and facilities proposed to be utilized for storage of manure to be imported; (2) the proposed tract(s) of land which will receive field application of the imported manure and the amounts and periods of manure application of such

tract(s); (3) the field crops expected to be grown on the land tract(s) indicated in subparagraph (2); (4) evidence, using the calculations and formula prescribed in subsection .3, that the amount of manure indicated under subsection .1 to be imported by the manure disposal facility will not exceed the maximum quantities of manure for proper storage and effective nutrient sustenance of crops in the facilities and land tract(s) and for the crops indicated in subparagraphs (1), (2), and (3), or if such excess is indicated, the manner and location in which such excess will be disposed and evidence that disposal of the excess in such manner and at such locations will not cause pollution or threaten to cause pollution to ground or surface waters.

C. A sealed map(s) (1 inch = \_\_\_ feet) indicating the location or expected locations of all structures and fields where manure is proposed to be stored or applied is in support of the statement submitted pursuant to subsection .5.B. The rest of subsection .1.D shall be followed.

D. If any land indicated in subsection .5.B for receipt of manure field application or storage is owned by a person other than the applicant for permit, then a notarized consent statement from such owner shall indicate that the application or storage of manure by the owner of the manure disposal facility is permitted on such lands.

E. A written soil conservation farm plan developed for the land on which manure is proposed to be stored or applied under subsection .5.B.

(1) The plan shall adhere to subsection .2 and subsections .2.A and .2.B where applicable.

(2) The applicant shall adhere to subsection .3 and use the information required to be supplied and included in the plan under subsection .2.A instead of subsection .1.

(Ord. 1.2.01, 1/2/2001, §5)

#### **§10-106. Approval or Denial of Application.**

1. The Township Board of Supervisors may approve an application for permit submitted pursuant to this Part and issue a permit, after an optional public hearing held by the Hepburn Township with notification of the application given to all adjoining land owners to the facility, to the applicant's livestock or poultry operation or manure disposal facility unless they find one of the following:

A. The applicant has failed to properly submit an application or complete the information requested on the application, or has failed to submit the documents required to accompany the application as required under §10-104.2.

B. The applicant has failed to properly remit the application fee required under §10-104.4.

C. The submitted nutrient management plan does not include the items of information required to be included under §10-105.1 or .5.A.

D. The activities or facilities proposed under the submitted nutrient management plan would violate the provisions of §10-105.2.

E. The activities or facilities proposed under the submitted nutrient management plan would violate the provisions of any ordinance in effect for this

Township.

F. The applicant has failed to submit proper mapping of the applicable tracts and facilities relative to the permit application.

G. No soil conservation farm plan has been devised for the land subject to the permit application or a Federal or State agency has determined that such soil conservation farm plan has not been effectively implemented.

H. The submitted nutrient management plan fails to provide the calculations required under §10-105.3 or .5.C.

I. The applicant fails to show, through the utilization of calculations pursuant to §10-105.3 or .5.C, that the activities and facilities for manure storage, disposal or land application proposed in the plan are sufficient for proper storage, disposal and land application of manure expected to be generated or imported by the applicant and fails to account for the proper disposal of manure exceeding the levels that can be sustained by the proposed activities and facilities in a manner that will not cause pollution or threat of pollution to ground or surface waters.

J. The applicant has submitted any false information relative to the application or any accompanying document required to be submitted under this Part.

2. Approval or denial of permit application shall be made in writing and signed by the Township Board or their representative(s) and mailed to the applicant at the address indicated on the application. Where application for permit has been denied, the written statement shall include the reasons for such denial. Where a permit application in order to comply with the requirements for permit approval under this Part; provided, that such amendment is submitted to the Township representative within 14 business days of receipt of denial of the application. The Township Board or their representative(s) shall approve or disapprove the amended application within 45 days of receipt by the Board's Secretary.

(*Ord. 1.2.01, 1/2/2001, §6*)

#### **§10-107. Effect of Permit.**

1. A permit granted pursuant to this Part shall entitle the applicant's manure disposal facility to store and apply imported manure on Township tract(s) of land and/or the applicant's livestock or poultry operation to raise livestock or poultry in such species and numbers and on such land tracts as are indicated on the permit. Such permit shall be effective until the Township determines that population concentration of livestock raised on the permitted tract exceeds normal seasonal changes, or the species of livestock changes or until such time as the permitted operation is found by the Commonwealth Department of Environmental Protection to be in violation of law or regulations of the Department in the generation, storage, handling or disposition of manure.

2. Whenever a new permit or corrections to the permit in effect is required to be filed pursuant to the provisions of this Part as stated in §§10-103 or 10-104: (A) whenever the population concentrations of livestock or poultry raised on the permitted tract(s) exceeds normal seasonal changes, or (B) the species of livestock or poultry changes on the permitted tract(s), or (C) until such time as the permitted operation is found by the Commonwealth Department of Environmental Protection to be in violation

of the laws or regulations of the Department of Environmental Protection in the generation, storage, handling or disposition of manure, the owner or operator of the permitted livestock or poultry operation is required to file for a new permit or make the necessary corrections to adhere to the existing permit within 45 days of being informed by the Township Board. Failure to do so results in a violation of this Part.

3. Whenever a permit is required to be filed pursuant to the provisions of this Part in §§10-103 and 10-104 by any nonpermitted existing operator of a livestock or poultry operation, the owner and operator who fails to file for a permit under this Part within 90 days after being affected by the above §§10-103 and 10-104 after notification to do so by the Township Board shall be in violation of this Part.

4. Whenever a permit is required to be filed pursuant to the provisions of this Part in §10-104.1.A by any person who wishes to operate a manure disposal facility, the owner and operator shall file for and obtain a permit under this Part before operation of the facility. Operation of a manure disposal facility before a permit is obtained is a violation of this Part and subjects the owner and operator to immediate penalty following the day of notification and each day thereafter the day of notification by the Township Board if the owner and operator fails to stop the manure disposal facility.

5. A permit for a manure disposal facility is in effect until the permitted operation is found by the Commonwealth Department of Environmental Protection to be in violation of laws or regulations of the Department in the storage, handling or disposition of manure as stated in §10-103 or until there is a violation or change of the content of the nutrient management plan and criteria as stated in §10-105.5. The owner and operator shall have 45 days to make the necessary changes or file for a new permit after notification by the Township Board. Failure to do so results in a violation of this Part.

6. Any person who is operating any facility under an existing permit of this Part and is in violation of §10-105, "Content Nutrient Management Plan and Criteria," is in violation of this Part. The owner and operator shall have 45 days to make the necessary changes to adhere to the existing permit or file for a new permit. Failure to do so results in a violation of this Part.

*(Ord. 1.2.01, 1/2/2001, §7)*

#### **§10-108. Penalties.**

A person subject to this Part who fails to comply with the provisions of this Part shall be in violation of this Part if such person has received from the Township by personal service or by certified mail a written notice of failure to comply with this Part and such person continually failed to comply with this Part within the time periods set forth under any Section of this Part after receipt of such notice; and, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 1.2.01, 1/2/2001, §8; as amended by Ord. 8.5.2008, 8/5/2008)*

**§10-109. Appeals.**

1. Any person aggrieved by the denial of a permit under this Part shall have the right to appeal to the Hepburn Township Zoning Hearing Board.

2. Any person who by reason of new evidence or who can show proof by fact that his permit can be changed in any way shall have the right to appeal to the Township Board of Supervisors or their representative(s).

*(Ord. 1.2.01, 1/2/2001, §9)*



**Part 2****Reimbursement of Extraordinary Cleanup Costs****§10-201. Purpose.**

The Hepburn Township Supervisors find that the continuing increase in the costs of providing adequate fire, police, public works, and other public safety services, particularly in the event of extraordinary occurrence, such as the threat of or actual release of hazardous materials seriously impairs the Township's ability to provide all necessary services.

A. In order to better protect the public health, safety, and welfare, and to protect and preserve the public fiscal and all public funds and tax dollars, the Hepburn Township Supervisors hereby adopt a policy of reimbursement of expenses incurred while providing services during a threat of or actual release of hazardous materials either in a transportation or fixed facility incident.

B. The following provisions are authorized, and it is further declared that all costs and fees related thereto are to be levied solely for the purpose of generating revenue to help defray the actual costs and charges of both public and private sector services during an extraordinary technological emergency.

(Ord. 1994-8, 9/6/1994)

**§10-202. Definitions.**

*Extraordinary expenses* - those expenses, and those related costs and fees that are incurred by the Township, local, State or Federal department or agency, emergency services organization and from the private sector for actual costs or charges for labor, materials, and any other costs associated with the use of specialized extinguishing or abatement agent, chemical neutralizer or similar equipment or material that is employed to monitor, extinguish, confine, neutralized, contain, clean, or remove any hazardous material that is or may be involved in a fire, or release into the air, ground or water or the potential threat of any release or fire, and any and all activities associated with the implementation of a protective action, i.e., evacuation, to protect the public health, safety and welfare.

*Extraordinary service* - a service performed by any Township department or employee, or any public or private sector organization, agency or company directly associated with mitigating the hazard or potential hazard or involved in providing services to implement a protective action. "Extraordinary service" may include, but not limited to, the abatement and disposition of hazardous materials, spills, releases, or the threat of spills or releases of hazardous materials, utility line breaks or leakages, and other imminent or perceived or potential threats of the health, safety and welfare of the public that may be detailed or contemplated in §10-201 above.

(Ord. 1994-8, 9/6/1994)

**§10-203. Administration.**

The Supervisors of the Township shall collect all fees as follows:

A. Fees and costs (including overhead costs) shall encompass all personnel,

equipment, materials and maintenance charges from both the public and private sectors actually rendered. A particular cost of fee schedule need not be set forth in this Section or elsewhere in this Part or by further formal action by the Township. The Township Supervisors' approval of this Section shall constitute authorization for the Supervisors to collect all such fees and costs (including overhead costs) pursuant to the receipt of related expenditures or costs that are submitted to the Township by affected public and private bureaus, agencies, departments or companies.

B. Within 30 days of the date of the extraordinary or dangerous occurrence giving rise to the extraordinary service, the affected public agencies, departments or private companies shall submit its extraordinary service related costs, fees, charges and expenses to the Township Supervisors for review. At such time as all costs, fees, charges and expenses related to the extraordinary service have been collected and reviewed, but in any case not later than 60 days from the date of the determining the total cost of rendering this extraordinary service, the Township Supervisors shall submit a bill for all costs, fees, charges and expenses, to the owner, agent or manager of the vehicle or fixed facility which caused the need for extraordinary service, with a demand that a full remittance be made within 30 days of receipt.

C. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Township within the 30-day period, the Township shall hereby authorize the Township Solicitor to enter into negotiations with the owner or his agent for an extended payback period of time not to exceed 6 months.

D. All monies received under the provisions of this Part shall be placed into the general fund and reimbursement be made to all public and private sector departments/agencies who had submitted related costs, fees, charges and expenses for providing and extraordinary service as outlined herein.

*(Ord. 1994-8, 9/6/1994)*

#### **§10-204. Litigation.**

The Township may enforce the provisions of this Part by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus attorneys fees or for any other relief that may be appropriate.

*(Ord. 1994-8, 9/6/1994)*

#### **§10-205. Emergency Services.**

Nothing in this Part shall authorize any Township bureau, department, or personnel or staff members to refuse or delay an emergency service to any person, firm, organization or corporation, that has not reimbursed the Township for extraordinary services. Furthermore, nothing in this Section shall be construed to demand reimbursement to the Township for those municipal services that are normally provided to Township residents and others as a matter of the Township's general operating procedure, and for which the levying of taxes, or the demand for reimbursement is normally made.

*(Ord. 1994-8, 9/6/1994)*

**Part 3****Junk/Weed Ordinance**

[See also Chapter 27, Zoning, §27-621]

**§10-301. Definitions:**

For the purpose of this Part 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 or junked motor vehicles* - any vehicle in nonserviceable condition or without having both a current inspection sticker and current registration plate including, but not limited to, recreation vehicles, antique vehicles, house trailers, mobile homes, and campers.

*Board of Supervisors* - the Board of Supervisors of Hepburn Township, Lycoming County.

*Disassembled* - not having intact and properly attached to the motor vehicle one or more parts or functions required by Pennsylvania motor vehicle inspection.

*Nuisance* - the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

*Owner* - a person owning, leasing, renting, occupying or having charge of any premises within the Township.

*Person* - any natural person, family, firm, partnership, association, corporation, company, club, copartnership, society, entity, or any organization of any kind.

*Township* - the Township of Hepburn, which is located within Lycoming County, Pennsylvania.

*Vegetation* - any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal, or ornamental purpose.

(Ord. 11.3.98, 11/3/1998, §1)

**§10-302. Nuisances Declared Illegal.**

Nuisances, including but not limited to the following, are hereby declared to be illegal:

A. Storing or accumulating the following:

(1) Garbage or rubbish.

(2) Junk material including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials including, but not limited to, scrap metal, glass, industrial waste, and other salvageable materials.

B. Storing or accumulating more than one abandoned, disassembled, junked,

unregistered, or uninspected motor vehicle, antique vehicle, recreation vehicle, house trailer, mobile home, or camper, unless permitted by other applicable Hepburn Township zoning ordinances.

C. Draining 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, washstands, lavatories, water closets, swimming pools, privies, or cess pools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane, or alley, or from any property into or upon any adjoining property.

D. Draining or flowing, or allowing to drain or flow, any water or drainage from within a dwelling situate upon property along a public highway, road, street, avenue, lane, or alley in the Township into or upon the cartway or traveled portion thereof.

E. Burning of tires, or tar products.

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.

G. Permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some recognized useful, legal, or ornamental purpose, to conceal any rubbish, garbage, trash, or any other violation of this Part.

H. Permitting or allowing any well or cistern to be, or remain, uncovered.

I. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.

J. 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.

*(Ord. 11.3.98, 11/3/1998, §2)*

### **§10-303. Written Notice to Violators Required.**

1. Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors may cause written notice to be served upon the owner in one of the following manners:

A. By making personal delivery of the notice to the owners.

B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, however, if no adult member of the family is found, then the an adult person who appears to be in charge of such residence.

C. By fixing a copy of the notice to the door at the entrance of the premises in violation.

D. By mailing a copy of the notice to the last known address of the owner by certified mail.

E. By publishing a copy of the notice in a local newspaper of general circulation with Lycoming County, Pennsylvania, once a week for 3 successive weeks.

2. Such notice shall set forth in what respect such condition constitutes a nuisance, 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 20 days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of §10-302.E, .H, .I, or .J is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

(*Ord. 11.3.98, 11/3/1998, §3*)

**§10-304. Penalty for Violation.**

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

A. He shall be guilty of a violation of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 8.5.2008*]

B. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation; may seek court permission for the Township itself to cause the removal, repair or alterations necessary to bring about compliance, and assess the costs of the same against the property owners, or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

(*Ord. 11.3.98, 11/3/1998, §4; as amended by Ord. 8.5.2008, 8/5/2008*)

