

Borough Of Freemansburg

Ordinance #141

An ordinance governing the public life, health, safety, morals, welfare, peace, decency, dignity, reasonable, and comfortable use of property, and the tranquility of this community.

Be it Enacted and Ordained by the Borough Council of the Borough of Freemansburg, County of Northampton, and Commonwealth of Pennsylvania, and it is hereby enacted and ordained, by authority of the same and pursuant to the authority granted by the Acts of the Legislature of Pennsylvania, approved February 1, 1965, P.L. 581, as amended, as follows:

Section 1. Short title: This Ordinance shall be known and may be cited as "The Health and Nuisance Ordinance of the Borough of Freemansburg."

Section 2. Declaration of Purpose: This Health and Nuisance Ordinance is adopted for the purpose of promoting public health, life, safety, morals, welfare, peace, decency, dignity, reasonable and comfortable use of property, and the tranquility of the community of the Borough of Freemansburg, County of Northampton, Commonwealth of Pennsylvania, and to further the following related and more specific objectives:

- A. To prohibit the creation or maintenance of impure, unwholesome, or offensive conditions relating to the relating to streets, sidewalks, air, soil, structures, premises, food or drink.
- B. To prohibit the sale, lease, or distribution of impure, offensive, or unwholesome products.
- C. To prohibit the existence of unsanitary conditions.
- D. To prohibit blocking or obstructing streets or sidewalks.
- E. To prohibit unguarded open excavations, piles of dirt or debris, and collection of stagnant water.
- F. To prohibit the unauthorized posting of handbills, signs and posters.
- G. To prohibit the accumulations of brush, debris, litter, and any such other materials which may create an unwholesome and unhealthy condition in the Borough.
- H. To prohibit the unsightly growth and accumulation of weeds or tall grass.

Section 3. Definitions: Certain words and terms are used in this Ordinance for the purpose hereof and are defined as follows:

- A. Unless the context clearly indicates the contrary, words used in the present tense include the future, the singular numbers include the plural, and the plural the singular, and the masculine include the feminine and neuter, and the neuter includes the masculine and the feminine, and the feminine included the masculine and neuter.

- B. The word NUISANCE shall mean such activity, existence of a condition, or state of being, which based upon actual conditions in the Borough, shall be offensive to public life, health, safety, morals, welfare, peace, decency, dignity, reasonable and comfortable use of property, and the tranquility of the community.
- C. The term PERSON shall include an individual, organization, corporation, partnership, government or governmental subdivision or agency, business trust, estate, trust, association, and any other legal or commercial entity.
- D. The term STRUCTURE shall include any building, permanent or temporary, fully erected or not, intended for shelter, housing, or enclosure of persons, animals, or property of any kind.

Section 4. Violations: It shall be unlawful for any person to create a nuisance as herein defined. Any person violating any provision of this Ordinance shall be subject to the penalties hereinafter provided.

Section 5. Activities and Conditions which shall constitute a nuisance: The following activities shall be deemed to be a nuisance when, based upon actual conditions in the Borough, they constitute a nuisance in fact:

- A. The accumulation of garbage and rubbish and the storage of abandoned or junked automobiles, on private and public property, and the carrying on of any offensive manufacture or business.
- B. The ownership, maintenance, inhabitation, use or offering for use, any structure on public or private grounds which may be dangerous, unwholesome, or offensive to the public. This includes the maintenance of the growth of grass and accumulation of weeds to a height of no more than 6" in residential districts and 8" in non-residential districts.
- C. The willful making or causing to be made, any loud, boisterous or unseemly noise or disturbance so as to disturb or annoy the peaceful public, near to, or upon any street, lane, alley, park, square, common, or in any public building, public place or business place, or private building, or private place, within the Borough of Freemansburg.
- D. Any act or conduct such as might tend to cause riot, panic, violence, or general disturbance.
- E. Any wanton discharge, without legal rights, except in authorized celebrations, any gun, pistol, firearm, fireworks, or other explosive.

- F. The obstruction of any sidewalk, pavement, highway, street, lane, alley, thoroughfare, passageway in any public building, or public place, or business place.
- G. The sale, or offering for sale, the lease, or offering for lease, gift, or offering for gift, or distributing any unwholesome, impure, or offensive food or drink, or any other material intended for human or animal consumption.
- H. The participation in an unlawful gathering, or the vexing, hindering, annoying or delaying any person, whereby the public peace or comfort, is broken, or the public annoyed.
- I. No person shall congregate for the unlawful purpose of Lounging or Loitering on or about any street, road, highway, street corner, curb, sidewalk, lane, alley, park or square, common, or any public building, public place, or business place, or private residence, store, shop, church, entrance or exit, or passageway.
 - (i) Loitering enforcement for persons under sixteen (16) years of age will be applicable after 9:00 P.M. until 6:00 A.M. of the following day for Sunday, Monday, Tuesday, Wednesday, and Thursday and from 10:00 P.M. until 6:00 A.M. of the following day for Friday and Saturday.
 - (ii) Loitering enforcement for persons sixteen (16) years of age or older will be applicable after 10:00 P.M. until 6:00 A.M. of the following day for Sunday, Monday, Tuesday, Wednesday, and Thursday and from 11:00 P.M. until 6:00 A.M. of the following day for Friday and Saturday.
 - (iii) Violators shall be cited under the above section: Fine: First Offense: \$25.00 Plus costs; Second Offense: \$100.00 Plus costs; Third Offense: \$200.00 plus costs.
- J. The traveling about the Borough, soliciting, or begging, from door to door, or upon the streets, sidewalks, curbs, lanes, alleys, parks, square, commons, or in any public building, public place, or business place, school, or private dwelling, for the purpose of acquiring money, or a living and who shall have to fixed place of residence, lawful occupation, or permit, from the said Borough.
- K. The use of indecent, vile, and profane language audibly upon the public streets, lanes, alleys, parks, squares, commons, public buildings, public places, business places, churches, schools, or any public place within the Borough.
- L. The congregating or assembling at, near, or about a place where a fire is in progress, or where the fire or police apparatus have been summoned by alarm or necessity, and thereby hindering, delaying, or obstructing any such apparatus, its men and equipment, or rendering dangers by such assembly, the management or handling of such apparatus.

- M. The neglect or refusal to promptly regard and obey the orders of any police officer, or foreman in respect to the discharge of their duties in the enforcement of the laws and ordinances of the Borough, and at any place where a fire is in progress.
- N. The parking of a garbage truck or similar vehicle in the Borough of Freemansburg when the garbage truck or similar vehicle contains garbage and/or rubbish shall constitute a nuisance.

Section 6. Penalties: For any and every violation of any provision of this Ordinance, the Borough may exercise any one or more of the following remedies:

- A. Upon summary conviction, any person violating this ordinance may be subject to a fine of \$500.00 or undergo imprisonment for a period not to exceed 30 days in the Northampton County Prison. Each and every day the violation continues, after such person has been notified thereof, by certified mail, arrest or any other personal service, shall be deemed a separate and distinct violation.
- B. Upon notice to the person violating said ordinance, by certified mail, return receipt requested, to abate the nuisance, and upon failure of such person to do so within a period of 10 days from the date of the receipt of said notice, the Borough may take such steps as necessary to abate the nuisance, and charge said person violating the ordinance with all costs thereof, together with a collection fee of %10, or file a municipal claim against said person together with a collection fee of %10, or by an action of assumpsit without the filing of a claim.
- C. Institute proceedings in any Court of equity having jurisdiction to abate the nuisance.

Section 7. Validity: If any article, section, sub-section, paragraph, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect, the validity of the entire Ordinance as a whole, or any part or provisions hereof other than that part so adjudged to be invalid or unconstitutional.

Section 8. Repealer Clause: All ordinances, or parts of ordinances, inconsistent herewith be, and the same are, hereby repealed.