

BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022 - 01

AN ORDINANCE OF THE TOWNSHIP OF BETHEL, BERKS COUNTY, PENNSYLVANIA, REGULATING VARIOUS CONDUCT AND ACTIVITIES WHICH CONSTITUTE A NUISANCE IN FACT AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE IN BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

WHEREAS, the Township of Bethel ("Bethel") is a Second Class Township in the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Second Class Township Code, 53 P.S. § 66529, authorizes the Township to enact regulations to prohibit nuisances.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania, that this Ordinance shall be known and may be cited as the Nuisance Ordinance.

Section 1. Purpose and Intent.

To protect the people against nuisances of and incident to the conduct, behavior and activities herein defined with the resulting detriment and danger to the public health, safety, and public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this Ordinance are specifically declared to be as follows:

- A. To protect the public against the unlawful activities, behavior and conduct herein defined which constitutes a nuisance.
- B. To protect the local residents' use and enjoyment of their property against trespassing by the activities, conduct and behavior classified as nuisances.
- C. To protect the people against the health and safety menace and the expense incident to the activities, conduct and behavior herein classified as nuisances.
- D. To preserve to the people their constitutional right, to preserve their ordinary rules of decency, good morals and public order by regulating the conduct herein described as nuisances.

Section 2. Nuisances.

- A. This Ordinance does not apply to normal and customary farming and gardening practices.

B. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon as defined in this Ordinance. Any such activity, manner or thing when based on actual condition constitutes a nuisance in fact is declared to be unlawful and a violation of this Ordinance.

C. For the purpose of this Ordinance, the term “nuisance” is defined as any condition or use of real property and/or any structure thereon, and any condition or use of any mechanical device, including motor vehicles, which shall constitute a hazard or threat, or a potential threat, to the health, safety or welfare to the residents of the Township of Bethel.

D. For the purpose of this Ordinance, the term “garbage” is defined as animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

E. For the purpose of this Ordinance, the term “rubbish” is defined as combustible and non-combustible waste materials, except garbage, including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastic, tin cans, metals, mineral matter, glass, crockery and other similar materials, scrap metal and other forms of scrap, salvaged or discarded furniture, salvaged or discharged large household appliances such as stoves, refrigerators, freezers, dishwashers, washing machines and/or dryers and commodes, salvaged and/or discarded building materials and salvaged or discarded machinery.

F. For the purpose of this Ordinance, a nuisance shall include, but is not limited to, the following:

1. The keeping or depositing on, or the scattering over the premises by any persons, any of the following:

- a. Garbage or rubbish;
- b. Abandoned or discarded or unused objects or equipment, such as furniture, stoves, refrigerators, freezers, cans or containers;
- c. Any automobile not currently licensed, registered, or inspected according to the safety standards set forth in the Commonwealth of Pennsylvania Vehicle Code and which is unused, unusable, dismantled, wrecked or disabled and which cannot safely or legally be operated on the streets or highways of the Township of Bethel;
- d. Any compost pile or any deposit of manure, which is of such a nature as to spread or harbor disease, emit harmful gas or to attract or to breed animals, rodents, vermin, flies, insects or any other pests;
- e. Any deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals;

f. Any pool of water which accumulates or remains upon the premises and which becomes stagnate or foul, or which attracts or breeds animals, rodents, vermin, flies, insects or any other pests.

2. Lights which shall spot, flood or otherwise shine so as to impede the safe movement of traffic upon the streets, highways or traffic ways within the Township of Bethel. Lights which shall spot, flood or otherwise prevent another person from enjoying the privacy of their own property. The illumination of any sign adjacent to any street, highway or traffic way within the Township of Bethel with flashing, rotating, sequential, strobe or otherwise moving lights so as to interfere with the movement of traffic upon said streets, highways or traffic ways. The utilization in any form or configuration of lights so as to resemble a traffic signal, railroad signal or any form of simulated signal, visible to the motoring public upon any street, highway or traffic way within the Township of Bethel that is not otherwise authorized. The following acts shall not be deemed to be prohibited by this ordinance:

a. Use of a spotlight by any policeman, other law enforcement officer, game protector, firearms or other emergency officer or government official, in the performance of his or her official duties;

b. Use of a spotlight by any person engaged in and for the purpose of assisting in any rescue operation, any search for or apprehension of any criminal or fugitive from justice, any search for any lost or abducted person or the lighting of any way or direction of travel for purposes of lawful travel, whether on or off public road;

c. Use of a spotlight by any person engaged in and for the purpose of illuminating the scene of any crime, disaster, public disturbance or other public event, but the intentional shining of spotlights at or for the purpose of discovering any deer or other game or domestic animals shall not be deemed excused by this exception;

d. Any incidental and peripheral or accidental illumination by any light otherwise in lawful use.

3. The throwing, spreading or depositing on any streets, roads, lanes, alleys, courts or any watercourse or gutter within the Township any animal carcass, fish, shellfish, ashes, paper, glass, tires, cans, rubbish, mud, dirt or soil or offensive matter of any kind or any other refuse or offensive matter whatsoever.

4. The running of foul or nauseous liquids, washings or draining from any manufacturing establishments, stores, stables, private residences or shops into any of the gutters or along any of the sidewalks, streets, roads, lanes, alleys or courts of the Township or to keep, collect or use any garbage or filth or any stale, putrid, stinking, fat, grease or other matter in or near any establishment or residence within the Township.

5. For any person, except by permission of the Township Board of Supervisor, to play, amplify, or listen to music by any manner including home stereos, vehicular sound systems and portable boom boxes, to beat any drum or drums, blow any horn or horns or

otherwise make any unusual noise between 11:00 PM to 7:00 AM which can be heard a distance of 75 feet from its source or from such person's property line, or for any person to make, continue or cause to be made or continued any unnecessary or unusually loud noise which annoys, disturbs, injures or endangers the comfort, health, safety or peace of others within and which can be heard a distance of 75 feet from its source or such person's property line between the hours of 11:00 PM and 7:00 AM.

6. For any person to place, throw or put on any street, road, lane or alley of the Township any tacks, nails, sharp pieces or iron, glass bottles, briars, thorns or other dangerous and similar substances which may injure an animal or puncture a rubber tire or which may injure a person.

7. For any person to permit or cause the emission of any offensive or foul odor, scent, effluvia, emanation or fume within the Township limits, except when produced by normal and customary farming activities.

8. For anyone placing a vehicle or other obstruction on or along any street of the Township so as to interfere with vehicular or pedestrian traffic, unless it should become necessary to drive or place the vehicle in such position to temporarily load or unload the vehicle and then such vehicle shall only be permitted to remain for such lengths of time as is necessary to load or unload the same.

9. The defacing of any private or public buildings, structures, signs, banners or vehicles within the Township. Samples of defacing shall include, but not be limited to the following examples: application of paint, inks and dyes, affixing of any printed materials such as signs or posters, defacing in any manner or the alteration, destruction or removal of any said property.

10. Placing or permitting to remain anywhere in the Township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container. A mulch heap which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood is permitted.

11. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street or road to remain opened or exposed within the same being secured by a barricade, temporary fence or other protective materials.

12. Permitting the growth of any grass, weeds, noxious weeds or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, in excess of a height of twelve (12) inches, or which throws off any unpleasant or noxious odor or pollen, or which conceals any rubbish, garbage, trash or any other violation of this Ordinance.

13. The commission or maintenance of a nuisance as defined in and prohibited by Chapter 65 of Title 18 of the Pennsylvania Consolidated Statutes may be punishable as provided therein.

14. For any person to place or permit to be placed grass, leaves, or other material on any property not belonging to that person. This shall include but not be limited to streets, alleys and rights of way belonging to the Township.

Section 3. Violations and Penalties.

Any person violating any provision of this Ordinance by permitting, creating, maintaining a nuisance as defined herein shall be guilty of a summary offense and upon conviction thereto be liable to pay not more than One Thousand Dollars (\$1,000.00) dollars per violation, unless a fine is otherwise provided for by Pennsylvania law. Each day during which a nuisance continues after notice shall constitute a separate offense and shall be subject to separate and distinct penalties.

Section 4. Enforcement.

Whenever a condition constituting a nuisance is permitted, created or maintained, written notice shall be served upon the violator in one of the following manners:

- A. By making personal deliver of the notice to the owners; or
- B. By handing a copy of the notice at the residence of the owner to an adult member of the family and which he/she resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
- C. By fixing a copy of the notice to the door at the entrance of the premises in violation; or
- D. By mailing a copy of the notice to the last known address of the owner.

The Bethel Township Police Department and the Bethel Township Building Code Official shall have the authority to enforce this Ordinance.

Section 5. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Bethel hereby declare that they would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

Section 6. Repeal of Ordinances.

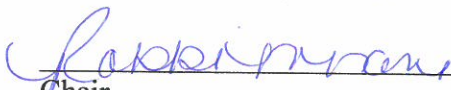
Any ordinance or part of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

Section 7. Effective Date.

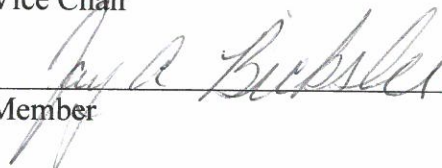
This Ordinance shall take effect five (5) days after its enactment.


ENACTED AND ORDAINED as an Ordinance of Bethel Township, Berks County, Pennsylvania, this 10 day of March, 2022.

BOARD OF SUPERVISORS OF
BETHEL TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By: 
Chair

absent
Vice Chair

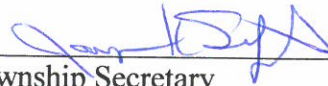

Member

Attest: 
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2022 - 01 enacted by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania at a public meeting held on 3/10/2022, pursuant to notice as required by law.

Dated: 3/10/2022



Township Secretary