

HALFMOON TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE 2023-05

AN ORDINANCE OF THE TOWNSHIP OF HALFMOON, CENTRE COUNTY, PENNSYLVANIA, TO AMEND AND RESTATE CHAPTER 154, SECTION 154-1 *ET SEQ.*, NUISANCES, OF THE CODE OF THE TOWNSHIP OF HALFMOON.

**WHEREAS**, the Township of Halfmoon is a Second-Class Township of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Halfmoon previously adopted a Nuisance Ordinance, which Ordinance, as amended from time to time, is codified at Chapter 154, Section 154-1 *et seq.* of the Code; and

**WHEREAS**, the Board of Supervisors has determined that Chapter 154, Section 154-1 *et seq.* of the Code requires amendment;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Halfmoon Township, Centre County, Pennsylvania, as follows:

**SECTION 1.** Chapter 154, Section 154-1 *et seq.* of the Code, entitled "Nuisances", is hereby amended, restated, adopted, and enacted to read as follows:

## Chapter 154. Nuisances

[HISTORY: Adopted by the Board of Supervisors of the Township of Halfmoon 7-9-2009 by Ord. No. 2009-6. Amendments noted where applicable.]

### GENERAL REFERENCES

Uniform construction codes — See Ch. 100.

Vehicles and traffic — See Ch. 240.

### § 154-1. Short title.

This chapter shall be known as the "Halfmoon Township Public Nuisance Ordinance."

### § 154-2. Conflict with other provisions and other law.

The provisions of this chapter are not intended to interfere, aggregate or annul other rules, regulations or ordinances, including Title 18 (Crimes Code) and Title 75 (Vehicle

Code), Pennsylvania Consolidated Statutes. If more stringent regulations concerning nuisances are contained in the other rules, regulations or ordinances, the more stringent regulation shall apply.

The requirements and regulations contained in this chapter are in addition to any federal or Commonwealth laws, rules or regulations, and a waiver from the Township shall not be deemed or construed in any way to certify compliance with any federal or Commonwealth requirements which may be in effect from time to time.

### § 154-3. Nuisances prohibited.

It shall be unlawful for any person to maintain, carry on, cause or allow the existence or maintenance of a public nuisance within the limits of Halfmoon Township, Centre County, Pennsylvania.

### § 154-4. Nuisances defined.

A public nuisance shall be defined as any activity which adversely affects the peace, health, safety, or general welfare of the Township. Such activities shall include, but not be limited to, the following:

- A. The accumulation of, or permitting the accumulation of, trash, garbage, refuse or rubbish on private or public property.
- B. The storage, accumulation, or permitting the storage or accumulation of, abandoned, wrecked or junked automobiles, scrap metal or other scrap materials on private or public property (except in places where a junkyard business is regularly conducted within the Township limits and in accordance with the laws of the Commonwealth of Pennsylvania, and the Township ordinances by license).
- C. The carrying on of any offensive manufacture or business, or any other use or activity upon property that, by raising noxious odors or fumes, excessive illumination, excessive noise, vibration, dust or air pollution, unreasonably interferes with the reasonable use, comfort and enjoyment of property in the vicinity, or endangers the health or safety of the occupants of property in the vicinity.
- D. The existence of any dangerous structure or improvement on public or private grounds which:
  - (1) constitutes a fire hazard;
  - (2) endangers surrounding buildings;
  - (3) shelters rats or other vermin;
  - (4) constitutes an attraction to children playing thereabout, and a hazard to their safety; or
  - (5) is unsafe for human occupancy.
- E. The burning of any tires, shingles, roofing materials, construction materials, rags, automobiles, machines or other toxic or waste materials, which results in the

excessive emission of noxious odors or which causes fire hazards or which pollutes the air.

- F. The storage of gasoline, kerosene or other petroleum products above ground or underground, without complying with the regulations thereto adopted by the Pennsylvania State Police.
- G. The maintenance, or existence of, any unfenced or inadequately fenced excavation which constitutes a hazard to children or other persons in the vicinity, and by failure to adequately light said excavation as a safeguard for the protection of other persons in the vicinity.
- H. The maintenance, or existence of, any other condition on private or public property which:
  - (1) constitutes a fire hazard;
  - (2) endangers surrounding buildings;
  - (3) results in the sheltering of rats or other vermin;
  - (4) constitutes an attraction to children and a hazard to their safety; or
  - (5) otherwise endangers the health and safety of occupants of property in the vicinity.
- I. the failure to reasonably and promptly remove snow or any other kind of debris or matter from sidewalks abutting on private property.
- J. The use of private property in such manner as to unreasonably interfere with the reasonable enjoyment of property by occupants of property in the vicinity by creating unsightly conditions and appearances in said premises, such as, but not limited to, the following:
  - (1) The operation of vehicles, as herein defined, beyond the defined streets, roads, highways and driveways within Halfmoon Township without the prior express approval of the owners or occupiers of said private property.
  - (2) The operation of a vehicle, as herein defined, on any public property within Halfmoon Township; except in such areas within which said vehicles may be operated. In no event shall such designated areas be deemed to include sidewalks, walkways, bike paths, parks or paved rights-of-way which are otherwise primarily used for pedestrian or other vehicle traffic.
  - (3) The operation of a vehicle in a manner such that the said vehicle emits loud noise which is determined to be objectionable due to the volume or frequency. Any such loud noise shall be muffled or otherwise controlled. This shall not include fire sirens and related apparatuses used solely for public safety purposes.
  - (4) The operation of a vehicle in such a manner that is unreasonably dangerous to the safety and well-being of any person or real or personal property in its immediate vicinity.

- (5) The operation of, participation in the operation of, or causing the operation of any vehicle off road on any single property within a distance of 50 feet of any property line without first obtaining the prior written consent of the owner(s) or lessee(s) of such property.
  - (6) The operation of a vehicle in such a manner so as to create an unreasonable amount of dust or dirt. An "unreasonable amount" of dirt or dust shall mean suspended particle matter visible to the unaided or naked eye from a distance of 35 or more feet.
  - (7) Nothing contained in this subsection shall authorize the operation of vehicles on the public or private streets, roadways or highways within Halfmoon Township in such instances where said vehicles could not otherwise be lawfully operated under the provisions of the Pennsylvania Motor Vehicle Code, as amended from time to time.
  - (8) For the purpose of this subsection, "vehicle" shall be defined as any and all motorized vehicles designed or redesigned (whether or not required to be licensed by the Commonwealth) to be used on surfaces other than paved or unpaved public or private streets, including, but not limited to, all-terrain vehicles, cars, trucks, motorcycles, trail bikes, dirt bikes, mini-bikes, go-carts, dune buggies, snowmobiles, quads and the like, regardless of the number of wheels or lack of wheels. Vehicles shall not include farm equipment or equipment manufactured for home lawn/garden work or maintenance. Vehicles shall also not include any vehicles which are powered exclusively by electricity (i.e., those with noninternal combustion engines)
  - (9) Nothing contained in this subsection shall be construed to prohibit the use of a vehicle(s) when such is incidental to farm, home lawn/garden work, snow removal, or maintenance.
- K. The use of private property in such manner as to unreasonably interfere with the reasonable enjoyment of property by occupants of property in the vicinity by creating unsightly conditions, excessive use, and dust appearances in or on/off said premises.
- L. Any noise source, including but not limited to, music, loud speakers, barking dogs, vehicles, tools or equipment which due to intensity, frequency, duration, location, lack of shielding or other reason causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate use and enjoyment of their rights of person or property.

## § 154-5. Exceptions.

Public nuisances shall not include the following:

- A. The temporary storage of any item preparatory to its removal from the premises. Storage in excess of 30 days is presumed to be permanent storage.

B. The carrying on of any manufacture or business in a manner permitted under any license or permit issued by the Township, or in any other proper and lawful manner.

C. Any vehicle used by the Township or any other governmental body in conducting official business or any activity performed by the Township or any other governmental body.

D. Any property regulated or administered under provisions of 3 Pa. C.S.A. § 313, Certain local government unit actions prohibited, effective July 6, 2005, Act 2005-38, Legislation Section 2 of 2005, July 6, P.L. 112, No. 38, imd. (Halfmoon Township agricultural security area).

## § 154-6. Enforcement procedure.

In the event any person shall maintain a public nuisance, as heretofore defined, upon determining that such public nuisance exists or is being maintained, at the Township's option, the Township may singularly or severally proceed as follows:

A. **Written Notice of Immediate Termination:** The Township may order the immediate termination of the public nuisance or the removal or abatement of the dangerous structure, improvement or excavation by causing written notice to be served.

(1) The written notice shall be served by one or more of the following methods:

(a) Personal delivery to owner or occupant;

(b) Fixing a copy to the door of the building on the premises of the violation;

or

(c) Sending registered or certified mail to the last known address of the owner and occupant.

(2) If the nuisance is found on any public property or premises, or on any public right-of-way, notice, in writing, shall be given to the person responsible for the nuisance in accord with this chapter and all other provisions of this chapter shall apply.

(3) The notice shall include:

(a) a description of the conditions which constitute a nuisance;

(b) a description as to what action is required to abate the nuisance;

(c) a requirement that the owner commence corrective action as described within the notice within 10 days of the date of the notice, and that the owner complete such corrective action fully within a reasonable time thereafter, not to exceed 30 days. If appropriate, Halfmoon

Township may require the corrective action to be fully completed within the initial 10-day notice period; and

(d) notice that if the condition is not corrected within the time fixed in the notice, the failure to correct the condition could result in the imposition of a fine, court costs, and legal fees and, in addition, could result in the condition being abated by the Township as a public nuisance at the cost and expense of the owner.

B. **Removal, Correction, or Abatement:** The Township may cause the removal, correction, or abatement of the public nuisance by such means as appear necessary in each of the following circumstances:

(1) When any person causes or permits the continuation of a public nuisance without the commencement of corrective action within the initial 10 days from the date of the receipt of the notice specified in Subsection A hereof; or

(2) When such person fails to proceed to complete the corrective action within the time specified in the notice specified in Subsection A hereof.

(3) In the event of either of the circumstances enumerated in subsections (B)(1) and (B)(2) above, the Township shall, where necessary, have the right and power to enter into the offending premises to accomplish the removal, correction, or abatement of the offending nuisance.

(4) The Township shall have the ability to extend the time periods set forth in the notice specified in Subsection A hereof if, in the sole discretion of the Township, the circumstances warrant an extension and the owner or occupant is making a good faith effort to correct the violations.

C. **Recovery of Costs:** In the event the Township shall have expended monies to remove, correct or abate any public nuisance under the terms of this section, the cost of such abatement, including as the case may be, removal, repairs or alterations, shall be a municipal lien upon such property. The Township may file a municipal lien in the Centre County Prothonotary's Office upon completion of the abatement work. The Township shall have no liability for any damages caused in abating any nuisance as provided for under this section.

The Township may recover the costs of such abatement in addition to a penalty of 10% of such costs and attorneys' fees of 5% of such costs by municipal claim proceedings under the Municipal Claims and Tax Liens Act, 53 P.S. §§ 7101-7505, or by other such remedies as may be provided by law at the election of the Township.

D. **Institution of Proceedings:** In lieu of the foregoing, the Township may, whenever the Township deems it appropriate, institute proceedings in the courts of equity to compel the removal, correction or abatement of such condition, and to seek such other relief as the court is empowered to afford.

## § 154-7. Remedies not mutually exclusive.

The remedies herein provided for the enforcement of the provisions of this chapter, or of any remedy afforded by law, shall not be deemed mutually exclusive and may be empowered simultaneously or consecutively, at the direction of the Township or the court.

## § 154-8. Violations and penalties.

Failure to comply with any provision of this chapter, and/or failure to comply with an order to abate a nuisance, shall be violations of this chapter. Any person who has violated or permitted the violation of any of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine not less than \$250 for the first offense, and for any second or subsequent offense, a fine not less than \$600, plus all court costs, including reasonable attorneys' fees incurred by Halfmoon Township as a result thereof. Each day that a violation continues shall constitute a separate violation. All fines, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to Halfmoon Township. If the defendant neither pays nor timely appeals the judgement, Halfmoon Township may enforce the judgment pursuant to the Rules of Civil Procedure.

## § 154-9. Administration and enforcement.

The Board of Supervisors may appoint one or more enforcement officers, who may be an individual, firm or agency of the Township, to conduct inspections, make reports and administer other parts of this chapter as determined by the Board of Supervisors. In the conduct of his or her duties, the enforcement officer, with the authorization of the Board of Supervisors, may engage the services of competent engineers or other consultants to determine the nature and extent of the nuisance. Additionally, any authorized law enforcement officer may enforce the provisions of this chapter.

## § 154-10. Special waivers.

A temporary waiver from strict compliance with the standards specified herein may be granted to persons for activities conducted in accordance with special activity permits upon application to the Board of Supervisors.

**SECTION 2: Repealer.** All provisions of previous Ordinances of the Township of Halfmoon which are contrary to this Ordinance are expressly repealed.

**SECTION 3: Savings Clause.** In all other respects, the Code shall remain as previously enacted and ordained.

**SECTION 4: Severability.** If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such work, phrase, sentence, part, section, subsection, or other portion, or the proscribed application

thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately and in accordance with the law.

ORDAINED AND ENACTED this 28<sup>th</sup> day of September, 2023.

HALFMOON TOWNSHIP  
BOARD OF SUPERVISORS



David C. Piper, Chairman

ATTEST:



Township Secretary

