

Chapter 10

Health and Safety

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Part 1**Cutting of Grass, Weeds and Other Vegetation****§10-101. Unlawful Growth of Grass, Weeds and Other Vegetation.**

No person, firm, partnership or corporation, owning or having a present interest in or occupying any real estate or any lot where houses inhabited by humans are closer than 300 feet to each other and including any land within a 150-foot radius from each of these dwellings, also to include 150 feet on each side of any public road right-of-way which lies within the above described radius, shall permit any grass or weeds or vegetation not edible or planted for some useful or ornamental purpose, to grow or remain on such premises so as to exceed a height of 10 inches or to throw off any unpleasant or obnoxious odor or to conceal any debris or to create or to produce pollen. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township. Provided, however, that weeds or grass intermingled with growing cultivate crops on agricultural land, or land in agricultural use, shall not come within the provisions of this Part.

(*Ord. 49, 8/25/1981, §1*)

§10-102. Property Owners to Remove, Trim or Cut Grass, Weeds or Other Vegetation, Responsibility of Occupants.

The owner of any such premises, whether occupied by the owner or not, shall be responsible to remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of §10-101. Both the owner and the occupant, in the case of premises occupied by other than the owner, shall be jointly responsible for the compliance with this Part.

(*Ord. 49, 8/25/1981, §2*)

§10-103. Notice to Owners and Occupants of Premises.

In addition to the penalties as hereinafter imposed in this Part, the Township Supervisors, or any officer or employer of the Township designated thereby for the purpose, is hereby authorized to give notice in writing by U.S. Certified Mail to the owner or the occupant, or either of them, of a violation of the terms and conditions of this Part, directing and requiring such occupant or owner or both of them to remove, trim, or cut such grass, weeds, or vegetation, so as to conform to the requirements of this Part, within 10 days after issuance of such notice.

(*Ord. 49, 8/25/1981, §3*)

§10-104. Violation of Provisions of this Part.

If any such owner and/or occupant shall neglect to comply with such notice within the period of time stated herein, the Township authorities shall have the following remedies:

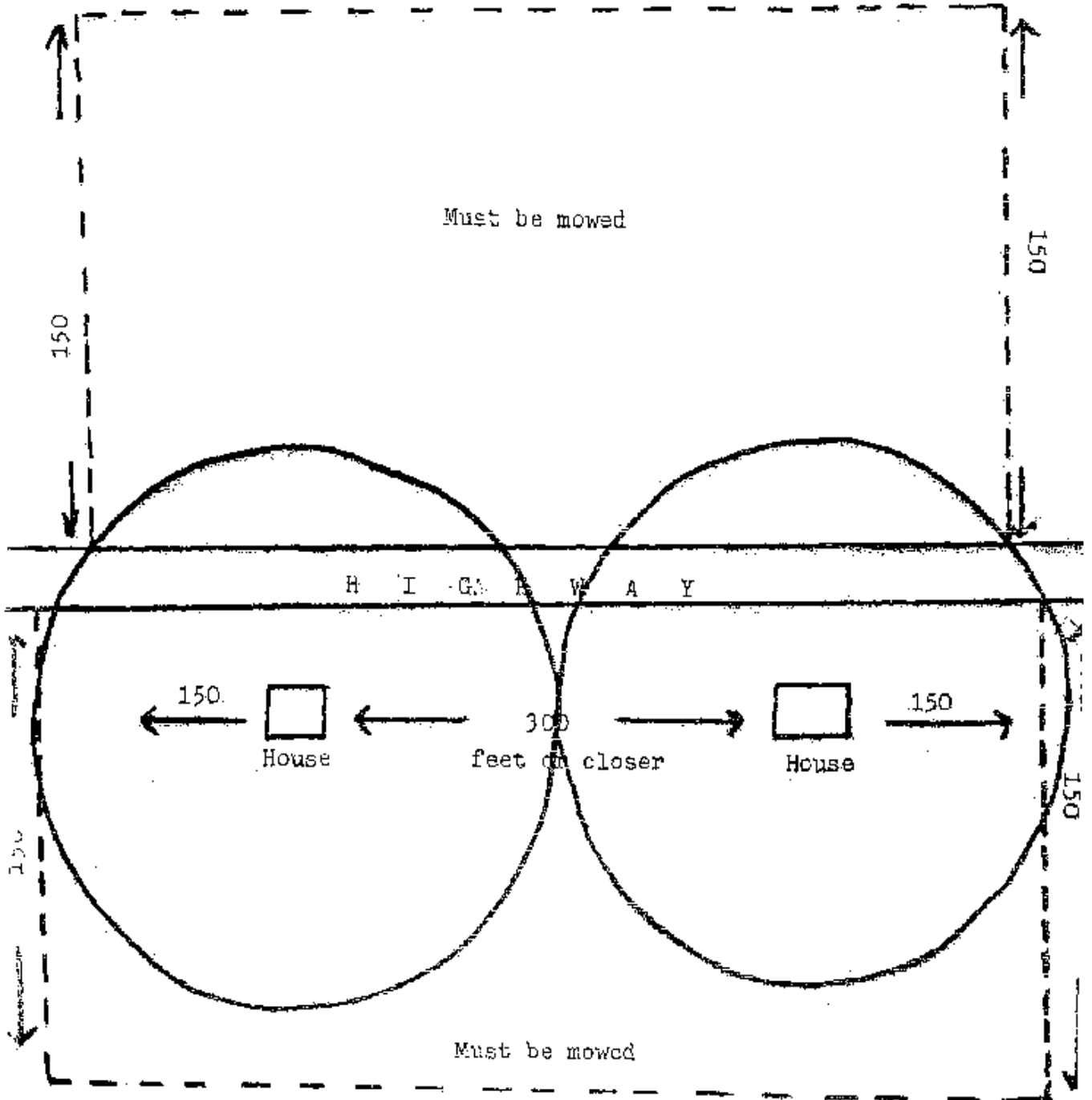
- A. They may remove, trim or cut such grass, weeds or vegetation so as to comply with the provisions of this Part; and the reasonable cost thereof, together with an additional penalty of 10% of reasonable costs, may be collected by the

Township from such owner or occupant as a penalty under the provisions of this Part, or in any other manner provided by law. This right as herein vested in the Township shall be in addition to penalties prescribed by the provisions of this Part for the conviction of the owner or occupant as aforesaid to comply with the terms of this Part.

B. They may initiate summary proceedings against any person, firm or corporation who shall violate any of the provisions of this Part, who shall, upon conviction thereof in an action brought before a district justice 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. 49, 8/25/1981, §4; as amended by Ord. 05-112, 7/26/2005)

DIAGRAM TO ILLUSTRATE SECTION 1



Part 2**Dumping and Private Dumps Prohibited****A. Dumps and Dumping Prohibited****§10-201. No Dumping Without Authorization.**

No person, association, firm or corporation shall keep or suffer to remain on his or her premises or on any private property any garbage, putrid matter, refuse, rubbish or other offensive or unwholesome matter, or dump or deposit the same anywhere in Cumberland Township, Adams County, Pennsylvania, or in streams or any other body of water within or flowing through the said Township; nor may any person, association, firm or corporation use or permit to be used any lot or piece of ground within the said township as a public or private dump for garbage, putrid matter, refuse, rubbish or other offensive or unwholesome matter unless specifically authorized by Cumberland Township Board of Supervisors.

(Ord. 20, 3/2/1957, §1)

§10-202. Penalty.

Any person, firm or corporation who shall violate any provision of the Part, upon conviction thereof in an action brought before a District Justice 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. 20, 3/2/1957, §2; as amended by Ord. 05-112, 7/26/2005)

B. Motor Vehicle Storage Nuisances Prohibited**§10-211. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Lessee - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

Motor vehicle - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

Nuisance - any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Township.

Owner - the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association, or corporation.

Person - a natural person, firm, partnership, association, corporation, or other legal entity.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 05-112, 7/26/2005)

§10-212. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Township. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken head-lamps or tail-lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.

- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floor boards including trunk and fire-wall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Township.

(Ord. 05-112, 7/26/2005)

§10-213. Inspection of Premises; Notice to Comply.

1. The Enforcement Officer/Inspector is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 05-112, 7/26/2005)

§10-214. Authority to Remedy Noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 05-112, 7/26/2005)

§10-215. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer/Inspector may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the Enforcement Officer's/Inspector's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for

sufficient cause.

2. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Enforcement Officer/Inspector.

(Ord. 05-112, 7/26/2005)

§10-216. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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. 05-112, 7/26/2005)

§10-217. Remedies not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

(Ord. 05-112, 7/26/2005)

C. Storage of Abandoned Appliance Nuisances.**§10-221. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Lessee - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

Nuisance - any condition, structure, or improvement which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the Township.

Owner - the actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association, or corporation.

Person - a natural person, firm, partnership, association, corporation, or other legal entity.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 05-112, 7/26/2005)

§10-222. Storage of Nuisances Prohibited.

It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment, or construction materials in the open on private property. Such storage shall constitute 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. Containers which are conducive to the harboring and growth of vermin or animals.

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. Containers of any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents, and poisons.

E. Any other condition which shall threaten the health, safety or welfare of the citizens.

F. Refrigerators with the doors remaining attached.

(Ord. 05-112, 7/26/2005)

§10-223. Inspection of Premises; Notice to Comply.

1. The Enforcement Officer/Inspector is hereby empowered to inspect private property on which appliances, machinery, equipment, and/or various construction materials are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any

condition, structure, or improvement poses a danger to the health, safety, or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice within 10 days of mailing or posting of said notice and, thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 05-112, 7/26/2005)

§10-224. Authority to Remedy Noncompliance.

If the owner of property on which appliances, machinery, equipment, and/or construction materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 05-112, 7/26/2005)

§10-225. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer/Inspector may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the Enforcement Officer's/Inspector's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Enforcement Officer/Inspector.

(Ord. 05-112, 7/26/2005)

§10-226. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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. 05-112, 7/26/2005)

§10-227. Remedies not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part, or any remedy

provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

(Ord. 05-112, 7/26/2005)

Part 3**Noise Control****§10-301. Title.**

This Part may be cited as the “Noise Control Ordinance of Cumberland Township, Adams County, Pennsylvania.”

(*Ord. 08-121, 6/24/2008, §I*)

§10-302. Declaration of Findings and Policy.

1. Excessive sound is a serious hazard to the public health and welfare and the quality of life to the citizens of Cumberland Township.

2. A substantial body of science and technology exists by which excessive sound may be substantially abated.

3. Activities which generate excessive vibrations, dust, fumes, and vapors are detrimental to the health, safety and welfare of the citizens of Cumberland Township and interfere both with the quiet enjoyment of residential and public property and the operation of business and, therefore, should be controlled to the greatest extent possible.

4. The Township is empowered to ensure the public safety and to define conduct that constitutes disturbing the peace pursuant to §1506 of the Second Class Township Code, 53 P.S. §66506, as amended.

(*Ord. 08-121, 6/24/2008, §II*)

§10-303. Excessive and Unnecessary Noise Prohibited.

1. *Definition of Noise Disturbance.* Any sound that endangers the safety or health of any person, disturbs a reasonable person of normal sensitivities, or endangers personal or real property.

2. *Excessive Noise and Noise Disturbance Prohibited.* It is hereby declared to be a nuisance and shall be unlawful for any person, firm or business entity to make, cause, suffer, or permit to be made or caused upon a property owned, occupied or controlled by him, or upon any public land, street, alley or thoroughfare in Cumberland Township, any excessive noises, noise disturbance, or sounds, by means of vehicles, machinery, equipment (including sound amplification equipment and musical instruments) or by any other means or methods which are physically annoying to the comfort of any reasonable person or which are so harsh, prolonged, unnatural or unusual in their use, time and place, as to occasion physical discomfort, or which are otherwise injurious to the lives, health, peace, and comfort of the inhabitants of Cumberland Township or any number of residents thereof.

3. *Special Prohibitions.* The following acts and causes thereof are hereby declared to be a nuisance and in violation of this Part.

A. Possessing, harboring or keeping a domestic animal or bird which makes any noise continuously and/or persistently for a period of 15 minutes or more, in such a manner as to disturb or annoy any person at any time of the day or night,

regardless of whether the animal is situated upon private property. This shall not apply to livestock kept for agricultural purposes.

B. Operating, playing, or permitting the operation or playing of any radio, television, audio equipment, loud speaker, public address system, sound amplifier, musical instrument, or similar device that reproduces or amplifies sound through electric or battery means in such a manner as to create a noise disturbance or to cause annoyance to persons in the vicinity for any person other than the operator of the device or to be audible greater than 30 feet from the source and not operated upon the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, and if operated on the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, then so as to be audible greater than 30 feet from a boundary of the property or, in the case of residential properties, across a residential real property boundary from the noise source.

C. Using or operating of any loudspeakers, public address system, or similar device for commercial purposes, such that the sound there from creates a noise disturbance across a residential real property line.

D. Repairing, rebuilding, modifying, testing, or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause annoyance to persons across a real property boundary from the noise source.

E. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any road or public place of the Township, except as a danger warning pursuant to the Motor Vehicle Code of the Commonwealth of Pennsylvania; or the sounding of any such device for an unnecessary and unreasonable period of time.

F. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor board or motor vehicle except through a muffler or other device as provided by the Motor Vehicle Code of the Commonwealth of Pennsylvania, which will effectively prevent loud or explosive noises therefrom; or the spinning of wheels or squealing of tires; or the racing of internal combustion engines, without cause clearly created by road or weather conditions.

G. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7 a.m. and 9 p.m. daily except in case of urgent necessity in the interest of public health and safety.

H. The creation of loud and excessive noise in connection with loading and unloading any vehicle, or the opening or destruction of bales, boxes, crates and containers.

I. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used out of doors between the hours of 9 p.m. and 7 a.m. in such a manner as to cause annoyance to persons across real property boundary from the noise source.

J. Operating or permitting the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle, for a period of longer than 5 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, with the exception of railroad engines which may

idle during a warm-up period not to exceed 20 minutes.

K. Operating or permitting the operation of any device for exhibition or show purposes in such a manner as to cause annoyance to persons across a real property boundary from the noise source.

(*Ord. 08-121, 6/24/2008, §III*)

§10-304. Exceptions.

The restrictions set forth in §§10-302 and 10-303 hereof shall not apply to any of the following noise sources:

A. The emission of sound for the purpose of alerting person to the existence of an emergency.

B. Emergency work performed to protect public health and safety, including fire protection, protection from flood or other disasters, and work performed to provide electricity, water or other public utilities when public health or safety is involved.

C. Public gatherings, performances and the like for which a special event permit has been obtained from the Township in accordance with the Township's Special Event Ordinance [Chapter 13, Part 2].

D. Warning devices on authorized emergency vehicles and/or required for safety purposes.

E. Vehicles, machinery, appliances and equipment used in the case of an emergency snow removal.

F. Normal and customary agricultural operations.

(*Ord. 08-121, 6/24/2008, §IV*)

§10-305. Enforcement, Violation and Penalties.

1. Any full or part time Cumberland Township Police Officer may issue a summary citation which shall specify the nature, date and time of the violation.

2. Any person or business entity, including but not limited to property owner, renter, user and/or possessor, who shall violate any of the provisions of this Part shall, upon first summary conviction thereof, be punishable by a minimum fine of up to \$100. Each violation of any of the provisions of this Part shall be deemed to be a separate and distinct offense. When a second and/or subsequent violation is committed by the same person or entity within any 12-month period, the fine shall be double the amount of the previous fine up to a maximum of \$1,000 for each separate and distinct offense.

3. In addition to the above, the Township may institute an action for injunctive relief to prohibit or abate any activity in violation of the provisions of this Part.

(*Ord. 08-121, 6/24/2008, §V*)

