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**Part 1**

**Grass and Weeds**

**§1. Interpretation.**

The term “person” as herein used shall apply to a person, as well as firms, partnerships and/or corporations, and each pronoun as herein used shall be construed to include all genders, masculine, feminine and neuter. The singular shall include the plural. (12/13/1972, §1)

**§2. Height of Vegetation Restricted.**

The owner or occupier of lots or open areas shall maintain such areas clear of all weeds, grasses and other nuisance growths over a height of four inches, keeping the premises clear of debris and maintain said premises in a fashion that will not present a hazard to the health and safety of the residents of the Township of Upper Paxton. Agricultural crops in annual rotation are specifically excluded herefrom. (12/13/1972, §2)

**§3. Notice of Violation; Township May Trim Vegetation in Case of Noncompliance.**

The Board of Supervisors, or any officer or employee of the Township designated thereby for the purpose, is authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of §2, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of §2 within 10 days after issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Township authorities may remove, trim or cut such grass, weeds or vegetation and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Township as a municipal lien or in any other manner provided by law. (12/13/1972, §3, as amended under Adopting Ordinance)

**§4. Penalty for Violation.**

Any person who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$300 and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. (12/13/1972, §4, as amended under Adopting Ordinance)



## Part 2

### Nuisances

#### §51. Short Title.

This Part 2 shall be known and may be cited as “The Upper Paxton Township Anit-Nuisance Act.” (8/14/1968, §1)<sup>1</sup>

#### §52. Definitions.

Unless otherwise expressly stated, the following terms shall have, for the purpose of this Part 2, the meanings herein indicated:

- (a) The word “garbage” shall mean all table refuse, animal and vegetable matter, offal from meat, fish, fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.
- (b) The word “trash” shall mean worn-out, broken-up, or worthless things; refuse; rubbish.
- (c) The word “rubbish” shall mean discarded articles, materials, or refuse, including garbage, ashes and combustible and non-combustible waste.
- (d) The word “person” shall mean any natural person, partnership, firm or corporation.
- (e) The words “offensive manufacture or business” shall mean any manufacturing enterprise or any business, the conduct and continuance of which constitutes a nuisance or is detrimental to the safety, health and welfare of the community.
- (f) The words “offensive manufacture or business” shall also mean any enterprise, operation or activity which materially and/or substantially interferes with the peaceable enjoyment of life and the use of property in the community and/or the Township of Upper Paxton.
- (g) In this Part 2, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(8/14/1968, §2)

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<sup>1</sup> §7 of the ordinance of August 14, 1968 provided that the ordinance take effect five days after enactment.

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### **§53. Unlawful to Maintain Nuisances.**

It shall be unlawful for a person to dump any garbage, trash, rubbish or other such items, and to use or maintain any public or private property in Upper Paxton Township, Dauphin County, Pennsylvania, from the effective date of this Part 2,<sup>2</sup> causing to exist on said property a nuisance, including but not limited to, accumulations of garbage, trash and rubbish, storage of abandoned or junked automobiles, and the carrying on of any offensive manufacture or business. (8/14/1968, §3)

### **§54. Removal of Nuisance upon Notice.**

Any person using or maintaining any public or private property in Upper Paxton Township, Dauphin County, Pennsylvania, and causing to exist thereon a nuisance shall, after notice to do so, remove any nuisance or dangerous structure. (8/14/1968, §4)

### **§55. Penalty for Violation.**

Any person who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$300 and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. (8/14/1968, §5, as amended under Adopting Ordinance)

### **§56. Other Remedies.**

The Upper Paxton Township Supervisors are also authorized to institute proceedings in courts of equity to enforce the provisions of this Part 2. (8/14/1968, §6)

### **§57. Severability.**

The provisions of this Part 2 shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Part 2. (8/14/1968, §8)

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<sup>2</sup> See Note 1 of this chapter.

### Part 3

#### Dangerous Property

##### **§101. Unlawful Action.**

It shall be unlawful for the owner or occupier of any property in the Township of Upper Paxton to maintain or permit the existence of any dangerous property or a dwelling unfit for human habitation or to occupy the same or permit the same to remain as such. (5/13/1981, §1)

##### **§102. Definitions.**

- (a) Dangerous Property — A dangerous property is one, improved or unimproved, which is used other than as a dwelling and which because of serious deficiencies in drainage, dilapidation or disrepair or because of the presence of rodents or other pests or because of the growth of weeds, bushes, or trees or the accumulation of trash, garbage, or other refuse, or from any other cause, is unsanitary or unsafe and constitutes a serious hazard to the health, safety or welfare of the public.
- (b) Unfit Dwelling — A dwelling unfit for human habitation is any dwelling which by reason of serious deficiencies in drainage, plumbing, water supply, light, heat, ventilation, rodent or pest control or by reason of dilapidation, disrepair or similar conditions is unsanitary or unsafe and constitutes a serious hazard to the health, safety, or welfare of the occupants of the dwelling or to the public. (5/13/1981, §2)

##### **§103. Notice of Violation.**

Whenever the Supervisors shall determine that a property is a dangerous property or that a dwelling is unfit for human habitation, they shall give notice to the owner or occupier to remedy the existing deficiencies. (5/13/1981, §3)

##### **§104. Correction of Deficiencies.**

If such deficiencies are not remedied within the time set forth in such notice, the inhabitants of the said dwelling shall be notified to vacate within a reasonable time. (5/13/1981, §4)

##### **§105. Order to Vacate.**

Upon issuance of an order to vacate, the Supervisors shall post the said dwelling as one unfit for human habitation and the same shall not be thereafter inhabited until the ex-

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isting deficiencies are corrected and the written approval issued by the Supervisors. Upon being vacated, the owner of said premises shall properly secure the building and board all entrances. (5/13/1981, §5)

### **§106. Inspections.**

The Supervisors shall make periodic inspections of any dwellings vacated as unfit for human habitation or other premises designated as a dangerous property. In the event the owners thereof having failed to comply with previous orders issued, the Supervisors may declare the same as a public nuisance and thereupon issue a written notice requiring the owner to remove or demolish the existing dwelling or other improvements thereon and to remove all evidence thereof. (5/13/1981, §6)

### **§107. Court Order to Inspect.**

If any owner or occupier of such premises fails or refuses to permit free access and entry to the structure or premises under his control, the Supervisors may, upon showing probable cause that a violation exists, petition a court of competent jurisdiction for the issuance of an order directing compliance with the inspection provisions of said ordinance [this Part 3] and any other provisions hereof as it shall deem proper. (5/13/1981, §7)

### **§108. Method of Notification.**

Whenever the Supervisors shall have determined that there has been a violation of any of the provisions of this ordinance, they shall give notice thereof to the person responsible for such violation as follows:

- (a) In writing, by handing a copy to him personally or by certified mail, return receipt requested.
- (b) Include a statement outlining the conditions constituting the violation.
- (c) Fix a reasonable time in which the conditions may be corrected.
- (d) Inform the person of his right to a hearing thereon.

(5/13/1981, §8)

### **§109. Appeal of Notice.**

Any person aggrieved by any such notice so issued by the Supervisors may request and shall be granted a hearing on the matter before the said Supervisors, provided such person shall file with the Township a written petition requesting such hearing, setting



forth a brief statement of the grounds thereof within 10 days from service of the notice together with the sum of \$25, to cover any costs thereof.

Upon receipt of such petition, the Supervisors shall fix a time and place of hearing and give the petitioner notice thereof.

(5/13/1981, §9)

**§110. Action After Appeal.**

After such hearing, the Supervisors shall sustain, modify or withdraw their prior notice. (5/13/1981, §10)

**§111. Summary Proceedings.**

The proceedings at such hearing, including the findings and decision of the Supervisors shall be reduced to writing and filed in the Township Office together with copies of all notices and prior orders issued in connection with the matter. (5/13/1981, §11)

**§112. Abatement.**

In the event of failure to comply with an order of the Supervisors in the event no hearing is requested or an order of the Supervisors after hearing, the Supervisors may institute appropriate proceedings to restrain, correct, or abate the violation of such order or may cause the order to be carried out at the expense of the Township. The Township may recover such expense by action of assumpsit or in the manner provided by law for the collection of municipal claims. (5/13/1981, §12)

**§113. Fine.**

In addition to the other remedies herein set forth, any person who fails or neglects to comply with orders issued by the Supervisors of Upper Paxton Township, shall be in violation of this ordinance and upon conviction thereof, before any District Justice shall be sentenced to pay a fine of \$50, and costs of prosecution, and in default thereof, be sentenced to imprisonment for not more than 10 days, provided that each day's continuance of a violation shall constitute a separate offense. (5/13/1981, §13)