

ORDINANCE NO. 1236

NUISANCE ORDINANCE

AN ORDINANCE OF THE BOROUGH OF TYRONE, A HOME RULE MUNICIPALITY, RESCINDING ORDINANCE NO. 779 AND REPLACING IT WITH AN ORDINANCE TO: MAKE UNLAWFUL NUISANCES IN THE BOROUGH OF TYRONE; SET FORTH DEFINITIONS; SET FORTH EXAMPLES OF NUISANCES; PROVIDE FOR THE REMOVAL THEREOF ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE OWNERS TO DO SO, AND PRESCRIBE PENALTIES FOR VIOLATION.

The Borough of Tyrone hereby ordains the following:

SECTION 1. DEFINITIONS: For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

1. **BOROUGH** – shall mean the Borough of Tyrone.
2. **COUNCIL** – shall mean the governing body of the Borough of Tyrone
3. **OWNER** - shall mean a person owning, leasing, occupying or having charge of any premises within the Borough.
4. **PERSON** – shall mean any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.
5. **NUISANCE** - shall mean the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

SECTION 2. NUISANCES DECLARED UNLAWFUL: Nuisances, including, but not limited to the following, are hereby declared to be unlawful:

A. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley: or from any property into or upon any adjoining

property.

B. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the Borough into or upon the cart way or traveled portion for said drainage by means of a drainage ditch or otherwise.

C. Obstructing streets, etc. For any person to permit any mud, dirt, coal, wood, brick, stone, gravel, clay, sand, rubbish or any other matter to remain upon the streets or in the gutter in front of his premises more than twenty-four (24) hours after it has been deposited there except by special permission of the Council.

D. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

E. Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise, or removing the embankment of a stream so as to alter the natural flow of the stream.

F. Defacing Public and Private Property: It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the Borough. Examples 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; destruction or removal; defacing in any manner.

G. Disturbance - It shall be unlawful for any person(s) to make or cause to be made, a disturbance within the limits of the Borough that endangers or injures the safety or health of humans or animals; or is unusual for the time of day or location where it is produced or heard or jeopardizes the value of property or erodes the integrity of the environment; or materially disturbs or annoys persons in the neighborhood who are of normal sensibilities.

(1) Waste Collection. Any person collecting, removing and/or transporting municipal, construction and/or demolition waste and/or recyclables, as the same are defined pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, from a any commercial and/or any other non- residential site, shall be permitted to do so only between the hours 6:00 a.m. and 9:00 p.m.

(2) Dogs and animals, etc. For any person owning, keeping, or permitting any dog, bitch or animal on or about his premises to disturb the peace and quiet of the night by barking, howling, crying or otherwise making a noise for a continuous period of one-half hour in any one hour period and which can be heard a distance of 150 feet from that person's property line.

(3) No person shall use and/or explode any firework as that term is defined under Pennsylvania law, unless said person is a competent operator who has been authorized by the Borough to do so. The use and/or explosion of such fireworks shall take place only on