

CAMBRIDGE TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA
ORDINANCE NO. 01 OF 2023

AN ORDINANCE OF CAMBRIDGE TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA, TO REGULATE THE ACCUMULATION, STORAGE, COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, AND WASTE; TO PROHIBIT THE DRAINAGE OF WATERS WHICH CREATE NUISANCES; TO PROHIBIT ACTS INTERFERING WITH PROPER ROAD MAINTENANCE; TO PROHIBIT THE ESTABLISHMENT AND MAINTENANCE OF NUISANCES WITHIN THE TOWNSHIP; TO PROVIDE REMEDIES FOR VIOLATIONS OF THE ORDINANCE INCLUDING PENALTIES AND PROCEEDINGS FOR ABATEMENT OF NUISANCES; AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE

Whereas, the Township has the authority under Sections 1506, 1529, 1533, 2101, and 2326 of the Second-Class Township Code to regulate and prevent nuisances from activities such as the accumulation/disposal of garbage and rubbish, improper drainage and roadway and drainage obstructions; and,

Whereas, the Board of Supervisors of Cambridge Township finds and determines that this Ordinance is necessary to prevent conditions which are likely to pose a threat to the public health or safety or a public nuisance; to protect the health, safety, and welfare of the citizens of Cambridge Township; and to comply with the state laws governing the handling of municipal waste.

Now Therefore, it is hereby enacted and ordained by the Board of Supervisors of the Township of Cambridge:

Section 1 – Short Title. This Ordinance shall be known and referred to as the "Cambridge Township Nuisance Ordinance."

Section 2 – Definitions.

- A. The following words and phrases as used in this Ordinance shall have the following meanings, unless the context clearly indicates a different meaning:

Attractive nuisance – a condition which is likely to attract children that presents both an irresistible lure and hidden danger to young children that may involve risk or harm to their safety. Attractive nuisances include, but are not limited to, unfenced swimming pools, open pits, dilapidated equipment, rubbish, garbage, and abandoned refrigerators.

Composting – the process by which organic materials are caused to biologically decompose under certain conditions to yield a humus-like product or mulch.

DEP – the Pennsylvania Department of Environmental Protection and its successors.

Domestic Waste or Household Waste – solid waste, comprised of garbage and rubbish, which normally originates in residential households.

Garbage – any solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

Owner – a person owning, leasing, occupying, in possession of or having charge of any premises within the Township.

Municipal Waste – means any garbage, refuse, lunchroom or office waste and other material resulting from operation of residential, municipal, commercial or institutional establishment and community activities, together with the other portions of the definition as set forth in the Municipal Waste Management Act as applicable.

Person – any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers, directors and members of any corporation or other legal entity having officers, directors or members.

Rubbish – all non-putrescible municipal waste except garbage and other decomposable matter. This category includes combustible waste, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, leaves, wood furniture, bedding, tires, plastic, fiberglass, or rubber; and noncombustible waste including, but not limited to, metals, tin cans, furniture, dirt, small quantities of rock, vehicle parts, paint, or batteries, objects made of concrete, glass, crockery, plastic, metal, rubber, paper, wood, and the scraps and parts therefrom.

Storage – the containment of any waste on a temporary basis prior to being permanently disposed of in a manner that is consistent with applicable governmental regulations.

Township – Cambridge Township, Crawford County, Pennsylvania, and its Board of Supervisors as applicable.

Waste – a material or item which has no remaining utility for the purposes for which it was made or used and is commonly discarded or directed to a disposal or processing facility due to uselessness for purposes intended, its deteriorating condition, and its loss of value. The term includes garbage, rubbish, domestic waste, and municipal waste, but does not include source-separated recyclable materials or materials approved by the DEP for beneficial use.

- B. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.
- C. In this Ordinance, the definitions set forth in the Pennsylvania Solid Waste Management Act, Act No. 97 of July 7, 1980, P.L. 380, as amended, and the Pennsylvania Municipalities Waste Planning, Recycling and Waste Reduction Act, Act No. 101 of July 28, 1988, P.L. 556, as amended, and regulations adopted thereunder shall be incorporated by reference as appropriate.

Section 3 – Prohibited Activities Relating to Storage and Disposal of Waste.

- A. No person shall accumulate, store, process or dispose of any garbage, rubbish, or other household, municipal, residual or hazardous waste on or about any property within the Township, whether public or private, unless such accumulation, storage, processing or disposal is permitted under the provisions of this Ordinance or other applicable laws and regulations, and unless such storage, accumulation, processing, or disposal is carried out in accordance with this ordinance and any state, or federal regulations pertaining thereto.
- B. No person shall accumulate, store, process or dispose of any garbage, rubbish, or other household, municipal, residual, or hazardous waste on or about any property within the Township, whether public or private, in such manner as to cause a nuisance.
- C. The prohibitions set forth in Sections A and B above shall not apply to any person who stores such items in appropriate containers for regular collection by waste haulers in accordance with the standards set forth in this ordinance.
- D. No person shall accumulate, discharge, drain or store any noxious, deleterious, or offensive liquid waste substances, including sewage, onto grounds or into waters with the exception of properly permitted sewage facilities. This prohibition shall not apply to customary and *bona fide* agricultural operations.

Section 4 – Standards for Disposal of Waste.

- A. Household and municipal waste may be disposed of on the property of the person generating said waste by burning or composting only to the extent permitted by this Ordinance and other applicable state, federal and local regulations and only to the extent such disposal activity is carried out in accordance with any such applicable regulations.
- B. The disposal of waste material by burning shall only be permitted under the following circumstances:
 - 1. Only burning of readily combustible materials shall be allowed.
 - 2. Burning shall be allowed only in an appropriate burn container or area designated and constructed so that the fire, ashes, and sparks shall be contained. A fire extinguisher approved for the type of materials being burned shall be present and accessible for use at all times.
 - 3. No burning shall be conducted or maintained which may endanger any building or property.
 - 4. Burning of tires is prohibited.
- C. No person shall compost waste materials except in accordance with the following standards:
 - 1. Composting shall be carried out in accord with recognized and accepted practices, and in accord with all other applicable governmental regulations.
 - 2. No composting pile or container shall be conducted or maintained in a location that creates an attractive nuisance.
 - 3. Composting which creates noxious odors or another nuisance shall not be permitted.

- D. All households, homeowners, businesses, institutions, and persons generating waste shall utilize the services of a waste collector or hauler of their choice for disposal of their waste unless they can demonstrate that the waste is being properly disposed in a manner consistent with this Ordinance and applicable DEP regulations.

Section 5 – Standards for Storage of Waste.

- A. The storage of all waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, to prevent littering and scattered waste, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness, or public nuisances.
- B. Any person producing municipal waste shall provide a sufficient number of appropriate containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.
- C. Approved containers for waste storage shall include containers designed for the storage of such waste, whether metal and plastic containers or plastic bags. These containers shall be constructed to resist breakage, spillage, water infiltration, and to afford reasonable handling.

Section 6 – Drainage or Obstruction of Drainage.

- A. No person shall cause or permit the alteration of or continued maintenance of surface, storm, or ground water drainage ways or facilities which causes excessive flows of storm, ground or surface waters onto public roadways or properties of adjoining landowners so as to cause a nuisance or damage to property.
- B. No person shall cause or permit any foul, harmful, or offensive water or wastewater to flow or be discharged into or onto an adjoining public roadway, roadway drainage system or adjoining property. Such waters may include water drainage from washing facilities swimming pools, sewage facilities, or air conditioning or geothermal facilities.
- C. No person shall cause or permit a natural drainage way, stream, waterway, or drainage ditch to be obstructed such that the water flow is altered or interfered, or that the water is diverted to adjoining properties, or that the water is caused to stand and become stagnant.

Section 7 – Prohibited Activities Relating to Public Roads.

- A. No person shall plow or shovel or otherwise deposit snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania and allow same to remain thereon.
- B. No person shall allow or permit 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.

- C. No person shall allow or permit any debris or excess dirt or mud to be accumulated or left upon a public roadway such that it creates a traffic hazard.
- D. No person shall cause or permit any drainage ditch, culvert, or waterway along or providing drainage from a public road to be obstructed.

Section 8 – Other Nuisances Prohibited.

To the extent the following conditions are established and maintained on property and are found to constitute a nuisance, such activities are prohibited and declared to be unlawful:

- A. Maintaining conditions on premises unrelated to *bona fide* agricultural or commercial activities, like unpackaged accumulations of feed or stagnant pools of water which promote the growth and harboring of insects, rodents, or other vermin.
- B. Maintaining or causing to be maintained, any dangerous structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair. Included in this paragraph are structures, or part of a structure which, because of fire, wind, other natural occurrence or physical deterioration is no longer habitable nor useful for any other purpose for which it may have been intended; or any vacant dwelling, garage or other outbuilding, unless such buildings are kept secure against unauthorized entry; or any partially completed structure, unless such structure is in the course of construction under a duly issued township permit.
- C. Permitting or allowing any well or cistern to be or remain uncovered.
- D. All exterior light fixtures and illuminated signs shall be designed, located, installed, and directed in a manner as to prevent objectionable light and glare across property lines and into residential units.
- E. Any other condition which shall threaten the health, safety, or welfare of the public or may constitute an attractive nuisance as defined in this ordinance.

Section 9 – Landowner Responsibility.

For purposes of this Ordinance, the person or persons holding legal title to property on which a person is maintaining a condition of premises in violation of this Ordinance or nuisance shall be subject to the remedies, penalties and liability imposed by enforcement of the Ordinance, as well as the person or persons responsible for causing or maintaining the condition of the property which constitutes a violation.

Section 10 – Administration, Enforcement, and Inspections.

- A. This Ordinance shall be administered and enforced by the Cambridge Township Zoning Officer or other representative designated by the Township Board of Supervisors.

- B. The Board of Supervisors, or their duly authorized representatives, may enter property at any reasonable time, and inspect said premises for compliance with the requirements of this Ordinance.

Section 11 – Notice of Violation.

- A. Whenever a condition constituting a violation of this Ordinance or a nuisance under this Ordinance is found to exist, the Township Supervisors or their designated representative shall cause written notice to be served upon the owner of the subject premises, as well as the person or persons responsible for causing or maintaining the condition of the property which constitutes a violation.
- B. Service of the notice may be made by personal delivery to the owners, to an adult person in charge of the household or property, and other person or persons responsible; or by posting the notice conspicuously upon the premises, and by mailing the notice to the last known address of the owner and other person or persons responsible, by certified and regular mail.
- C. The notice shall identify the subject property and owner, describe the conditions of the property which constitute the violation or nuisance, identify the applicable section(s) of the ordinance being violated, set forth a reasonable time to correct or remedy the violation or nuisance, and indicate whether removal is required or whether correction by repairs, alterations or other means is suitable.

Section 12 – Penalties.

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be guilty of a Summary Offense and be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and costs of prosecution, and in default of payment thereof to imprisonment for not less than ten (10) days nor more than thirty (30) days. Each day's violation of the provisions of this Ordinance shall constitute a separate offense.

Section 13 – Remedies for Violation.

In addition to other remedies, the Board of Supervisors may take any of the following actions as allowed at law:

- A. Institute a summary proceeding in the Magisterial District Court or other Court of law to recover penalties and costs as provided for in this Ordinance.
- B. Institute an action in a court of law to abate the nuisance and obtain such other relief as is appropriate.
- C. If the owner of property on which the violation or nuisance is found fails to correct or remedy the situation within the time prescribed in the notice or such extensions as may be allowed, or in the event it is determined that the condition *creates an* immediate and substantial danger to the public, the Township shall have authority to enter the subject offending premises to take appropriate and reasonable action to abate the nuisance or to correct the conditions constituting the nuisance or

violation, and to collect the costs incurred for all labor and materials, administration and enforcement, together with a penalty of 20% of said costs, by an action in a court of law to recover same, or by filing a municipal claim and lien against the subject property.

- D. The remedies provided herein for the enforcement of this Ordinance, 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 Township.

Section 15 – Construction and Severability.

- A. The provisions of this Ordinance shall be construed to the maximum extent possible to further the purposes and policies set forth herein, as consistent with applicable state statutes and regulations. If the provisions of this section and state law are in conflict, then state law shall prevail.
- B. It is the intention of the Board of Supervisors that the provisions of this Ordinance are severable and if any provisions of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of this Ordinance.

Section 16 – Repealer. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17 – Effective Date. This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted this _____ day of _____, 2023.

CAMBRIDGE TOWNSHIP BOARD OF SUPERVISORS

By: _____
Kevin K. Cole, Chairman

By: _____
Charles J. Bauer, Vice-Chairman

By: _____
Bernard J. Blystone, Supervisor

ATTEST:

Secretary