

**LOWER MILFORD TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 137

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MILFORD TO REPEAL AND
REPLACE ORDINANCE NO. 106, AN ORDINANCE PROHIBITING NUISANCES IN
LOWER MILFORD TOWNSHIP.**

WHEREAS, The Township of Lower Milford enacted Ordinance No. 106, prohibiting public nuisances; and

WHEREAS, the Township wishes to repeal Ordinance No. 106 and to classify and regulate nuisances within the Township; and

NOW, THEREFORE, the Board of Supervisors of Lower Milford Township ORDAINS AND ENACTS the following:

PURPOSE AND INTENT: The Purpose of this Ordinance is to prohibit certain public nuisances that would be prejudicial to health or safety, deprive residents of the lawful enjoyment of their property, that would be unusually annoying, or that would cause damage to the property of the general public. Nothing in this Ordinance is to be interpreted as a prohibition of any normal or necessary activity in farming or animal husbandry.

NUISANCES DECLARED ILLEGAL AND PROHIBITED

The following conditions and actions are defined as public nuisances and are prohibited:

- (a) The physical condition, or use of any premises regarded as a public nuisance at common law; or
- (b) Any physical condition of any premises which is manifestly unsafe or insecure, or
- (c) Any premises which are unsanitary, or which are littered with garbage or rubbish; or
- (d) Dangerous structures. The maintaining or allowing the maintenance of any dangerous structures, including, but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair; or
- (e) Burning. The burning of garbage out-of-doors at any time of the day or night provided the term garbage shall not include vegetative material such as yard waste, i.e., leaves, branches and/or twigs and household paper waste; or
- (f) Animals. Any permitting or allowing of animals to habitually roam at large and unattended on a public thoroughfare or on another person's property or permitting any animal to disturb the peace and quiet of the neighborhood by habitually barking, howling or otherwise making a noise that is cast upon other properties in the vicinity; or
- (g) Noise. Any generation of noise, sound or music which is unnecessarily loud and occurs on an habitual basis cast upon other properties in the vicinity which annoys,

disturbs and/or endangers the comfort, health, safety and/or peace of others on adjoining properties.

COMPLAINTS AND ENFORCEMENT

Any person endangered, disturbed, interfered with or who sustains property damage, by another person in the Township violating this Ordinance may file a complaint and enforce the Ordinance against that person with the District Magistrate.

PENALTIES

Upon entry of a finding of guilty of the owners and/or occupants of the property upon which a nuisance exists, such owner shall be liable to pay a fine not exceeding One Thousand Dollars (\$1,000) and upon default of payment of the same, shall be subjected to imprisonment of not more than thirty (30) days. Each day that a person fails to remove or abate a nuisance shall be considered a separate offense for the purpose of this Ordinance.

SEVERABLE PROVISIONS

The provisions of this Ordinance are severable and if any of the sections should be held illegal, invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intention of the Township Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provisions had not been included herein.

INCONSISTENT ORDINANCE REPEALED

Ordinance No. 106 is hereby repealed in its entirety. Any other Ordinances or parts of Ordinances inconsistent herewith shall be the same or hereby repealed.

EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption by the Board of Supervisors of Lower Milford Township

**ORDAINED AND ENACTED AS AN ORDINANCE BY THE BOARD OF SUPERVISORS
OF LOWER MILFORD TOWNSHIP THIS ____ DAY OF _____, 2020.**

ATTEST:

**LOWER MILFORD TOWNSHIP
BOARD OF SUPERVISORS**

Stacy R. Smith, Twp. Secretary

By: _____
Donna L. Wright, Chair

By: _____
Ellen L. Koplin, Vice-Chair

By: _____
John C. Quigley, Supervisor