

**LOWER NAZARETH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO 257-10-25

AN ORDINANCE OF THE TOWNSHIP OF LOWER NAZARETH, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA PROVIDING FOR THE REGULATION OF NUISANCE ACTIVITIES WITHIN THE TOWNSHIP, IDENTIFYING NUISANCES PROHIBITED INCLUDING, BUT NOT LIMITED TO, MAINTENANCE OF PROPERTY, STRUCTURES, AND PREMISES, ACTIVITIES ON PUBLIC STREETS AND PUBLIC PROPERTY, OTHER ACTIVITIES AFFECTING THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, DEFINING AND PROVIDING REMEDIES FOR UNINHABITABLE OR UNSAFE STRUCTURES, AND ENFORCEMENT REMEDIES AND PENALTIES FOR VIOLATION THEREOF; FURTHER PROVIDING FOR SEVERABILITY, REPEALER AND EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Lower Nazareth Township, Northampton County, Commonwealth of Pennsylvania, deem it to be in the best interests and general welfare of the citizens of the Township to prohibit the unreasonable, unwarranted or unlawful use of private or public property which causes or may cause injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate enjoyment of their rights or person or property; and

WHEREAS, Act 60 of 1995, (53 P.S. §66529) authorizes Townships of the Second Class to prohibit nuisances, to remove same and impose penalties.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and by the Board of Supervisors of Lower Nazareth Township, Northampton County, Commonwealth of Pennsylvania as follows:

SECTION 1 – TITLE

This Ordinance shall be known and may be cited as the Lower Nazareth Township Nuisance Ordinance.

SECTION 2 – DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and derivatives shall have the meaning given herein. When not inconsistent with the common words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. Words stated in the masculine gender include the feminine and neuter. The word “shall” is mandatory and not merely directory.

Terms not defined in this section shall have ordinarily accepted meaning as the context shall apply.

ACCESSORY STRUCTURE – A building or part of a building that is located on the same property as a primary structure and is used for activities that are incidental to the primary structure. Accessory structures are not suitable for human or animal habitation unless specifically designed for and permitted for that purpose.

AGRICULTURAL – The practice of growing crops or raising animals for activities established by the legislature of the Commonwealth of Pennsylvania and the Courts of the Commonwealth of Pennsylvania as normal agricultural practices and consistent with the Right to Farm Act.

BLIGHTED PROPERTY - A property that poses a threat to public health, safety, or welfare due to its physical condition, use, or occupancy status. More specifically, blighted property often includes structures deemed unsafe, unsanitary, or unfit for occupancy, as well as properties that are fire hazards or considered public or attractive nuisances. Additionally, neglected vacant lots, vacant properties not rehabilitated within a year, and properties with delinquent taxes or municipal liens may also be considered blighted

BOARD OF SUPERVISORS – The Board of Supervisors of Lower Nazareth Township, Northampton County, Commonwealth of Pennsylvania.

DWELLING UNIT – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and separate access to the outside, or to a common hallway or balcony that connects to outside access at ground level.

EASEMENT – That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

EXTERIOR PROPERTY – The open space on the premises and on adjoining property under the control of the owners or operators of such premises outside of the primary structure.

GARBAGE – The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

IMMINENT DANGER – A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION – The presence, within or contiguous to, a structure or premises of insects, rodents, vermin, or other pests.

INOPERABLE MOTOR VEHICLE – (also may be referred to as an abandoned or junk motor vehicle). A vehicle that cannot be driven upon the public streets for reasons including, but not limited to being unregistered, out of inspection, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

JUNK – Any discarded scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicles, aircraft, glass, industrial waste, machinery, equipment, containers, structures and other used building materials. Junk shall not include organic solid waste, grass clippings, leaves, tree limbs or household items intended to be recycled. Outdoor storage and outdoor processing of junk shall only be permitted within an approved junkyard or solid waste disposal area. Junk shall not include solid waste customarily stored in a completely enclosed and sanitary container that is routinely awaiting collection.

JUNK VEHICLE – A motor vehicle that meets any of the following conditions:

- A. Does not display a license plate, except for new or used vehicles located on commercial sales or trailer lots.
- B. Does not have a valid state inspection sticker where that would be required for it to travel on a public street except for new or used vehicles on commercial vehicle sales or trailer lots.
- C. Cannot be immediately moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing minor repairs.
- D. Cannot be immediately towed.
- E. Has been demolished beyond repair.
- F. Has been separated from its axles, engine, body or chassis.
- G. Includes only the axle, engine or body parts and/or chassis separated from the remainder of the vehicle.

NEGLECT – The lack of proper care and maintenance for a property.

NUISANCE – 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 person or property.

OCCUPANCY – The purpose for which a building or portion thereof is utilized or occupied.

OWNER – Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of the real property by a Court.

PERSON – An individual, corporation, partnership, or any other legal entity acting as a unit. Whenever in connection with prescribing or imposing penalties, or both, the term as applied to partnership shall mean the partners or any of them, and as applied to corporation and associations shall mean the officer(s) thereof.

POLICE – The municipal or state agency that is charged with the responsibility to uphold and administer certain Ordinances of Lower Nazareth Township and the laws of the Commonwealth of Pennsylvania.

PREMISES – A lot, plot, or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY – Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded; dedicated or otherwise permanently appropriated to the public for public use.

RADIOACTIVE – Emitting or relating to the emission of ionizing radiation or particles.

RUBBISH – Combustible and non-combustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

STRICT LIABILITY OFFENSE – An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

STRUCTURE – Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land.

SWIMMING POOL – Any man-made structure for the purpose of recreational swimming or bathing that hold more than 24 inches of water. "Swimming pool" includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools. This definition shall not include a naturally occurring pond or lake.

TOWNSHIP – The Township of Lower Nazareth Township, Northampton County, Commonwealth of Pennsylvania.

WEEDS – All grasses, annual plants, and vegetation, other than trees or shrubs. It does not include cultivated flowers, garden boxes, and gardens.

YARD – An open space on the same lot with a structure.

ZONING OFFICER – An appointed employee of the Township of Lower Nazareth or an appointed third party who is charged with the administration and enforcement of the Zoning Ordinance, except those provisions that are within the purview of the police. This definition shall also apply to the Assistant Zoning Officer.

SECTION 3 – NUISANCES PROHIBITED

A. Exterior Property, Structures, and Premises Shall be Maintained in a Clean, Safe and Sanitary Condition.

- (1) **Grading and Drainage** – Property shall be properly graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
 - a. Swales – All swales shall be maintained in conformity with the applicable rules and regulations established by the Township, including, but not limited to the covenants of any subdivision or land development plan duly recorded in Northampton County Courthouse.
 - b. Discharge of Water – Property owners are prohibited from the discharge of water onto any public streets or ways.
 - c. Drainage Pipes – To ensure the proper flow of water, property owners shall not cause or create conditions that will cause the blockage of stormwater pipes in an effort to maintain proper channeling of stormwater and prevent flooding.
- (2) **Sanitation** – Exterior property and premises shall be maintained in a clean, safe and sanitary condition.
 - a. The unsheltered storage or maintenance of junk, construction material, or the storage or maintenance of garbage, rubbish, or any other material is prohibited, including, but not limited to, the following:
 - i. Broken glass or metal parts with sharp or protruding edges.
 - ii. Openings or areas which are conducive to the harboring of vermin.
 - iii. Storage in any manner that would allow junk, garbage, rubbish, or material, or any part thereof, to easily shift, tilt or fall from its original position.
 - iv. The presence of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to gasoline, oil, battery acids, refrigerants, or poisons.
 - b. Every property owner shall dispose of garbage and/or rubbish in a clean and sanitary manner by placing garbage and/or rubbish in approved containers.
 - c. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises.

- d. Inoperable yard equipment such as mowers, rototillers, tractors, weed whackers, or similar type equipment shall not be discarded, abandoned, or stored on premises.
 - e. Tires shall not be discarded, abandoned, or stored on premises. Tires shall not be abandoned or discarded on public ways or public property.
 - f. Televisions or other electronic devices shall not be discarded or abandoned on public ways or public property.
 - g. Piles of firewood shall be maintained in a neat and orderly manner and shall be maintained so as not to encourage infestation. Piles of firewood shall be kept no less than 10 feet off of a property line.
- (3) **Swimming Pools** – All swimming pools shall be maintained in a clean and sanitary condition, and in good repair. The property owner shall ensure that the swimming pool is in a condition that does not allow algae growth or mosquito infestation. All swimming pools shall have the necessary fencing as required by the Township Zoning Ordinance and the Pennsylvania Uniform Construction Code.
- (4) **Grass and Weeds** – Premises and exterior property shall be maintained free from weeds as defined herein in excess of 12 inches.
- (5) **Sidewalks** – All sidewalks shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (6) **Structures** – Structures shall be maintained in good repair and structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.
- a. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
 - b. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound and in good repair.
 - c. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
 - d. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust.

- e. Any structural situation determined to be a fire hazard or safety hazard that could cause imminent danger.

B. Public Streets and Public Property

(1) Public Ways (Streets) – It shall be unlawful to:

- a. Cast any garbage, rubbish, paper boxes, store wastes, earth, grass clippings, brick, stone, coal, wood, ashes, lime, shavings, or any substance of any kind except for the purpose of immediate loading or removing, on any public street, way or sidewalk within the Township.
- b. To throw, drop or place snow or ice from private property on a public street, way or sidewalk.
- c. To throw, drop or place upon any public street, way or public property any posters, circulars, bills, handbills, or other advertising matter of any kind.
- d. To obstruct or close the sidewalk, pavement, or public streets or to participate in unlawful gatherings.
- e. To lounge, loiter, or loaf upon the street corners, curbs, or sidewalks, in front of or at the doors of any private residence, store, shop, or business place as to cause annoyance, a threat to public safety, or begging for money.
- f. To congregate or assemble at or near a place where an emergency services situation is occurring and/or where a fire, police and/or ambulance apparatus has been summoned, which causes a hinderance, delay or obstruction of any emergency apparatus, its men and equipment in providing necessary aid.

(2) Public Property

- a. It shall be unlawful to alter, vandalize, harm or injure any public property or structure, including municipal buildings, parks and recreational structures.
- b. It shall be unlawful to nail, tack, hang, or otherwise append any sign, notice or advertisement of any kind whatsoever on any tree, post or pole of any description within the Township, except on private property and then only by permission of the owner. All such hangings shall be removed by the Township.
- c. Political signs shall not be placed at the primary government office building. Any political signs placed on publicly owned recreational properties must be within a public road right-of-way.

C. Other Nuisances Prohibited

- (1) A person shall not willfully or wantonly damage, mutilate, or deface any exterior surface of any structure, building, or property on any private or public property by placing any marking, carving, or graffiti. It shall be the property owner's responsibility to restore the building, structure, or property to an approved state of maintenance and repair.
- (2) A person shall not operate on private property without the owner's consent or on public roads, any unlicensed, self-propelled recreational vehicles, including but not limited to: motorcycles, mini-bikes, snowmobiles, ATVs, go-carts, or similar vehicles.
- (3) No landowner, tenant or lessee shall permit or maintain upon their property any of the following in such a way as to threaten or create fire, explosive, or nuisances affecting the health, safety and welfare of the community:
 - a. Communicable disease hazards, including activities that encourage the breeding of disease-prone insects or rodents.
 - b. Significant physical hazards, especially hazards that would be easily accessible by small children.
 - c. Activity that would prevent a neighboring landowner of ordinary sensibilities from making reasonable use of their property.
 - d. Activity that would be a significant hazard to the public health and safety because of serious explosives, fire, biological, biogenetic or toxic hazards.
 - e. Activity that would seriously threaten or cause serious pollution to groundwaters or surface water.
- (4) Noise. No person shall engage in any activity or permit on private or public property any source of sound in such a manner as to create a sound level which creates an annoyance or disturbance after 9:00 p.m. and prior to 7:00 a.m. All outdoor commercial and industrial machines and equipment shall be placed near the side of a building that is at least 100 feet away from an adjacent dwelling unit. This section shall not apply to the following:
 - a. Sound needed to alert people about an emergency.
 - b. Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9:00 p.m., except for clearly emergency repairs which are not restricted by time.

- c. Household power tools and lawnmowers between the hours of 7.00 a.m. and 9:00 p.m.
 - d. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7:00 a.m. and 9:00 p.m. except for clearly emergency repairs which are not restricted by time.
 - e. Agricultural activities, including permitted animal husbandry, but not exempting a commercial kennel.
 - f. Motor vehicles traveling on State owned streets.
 - g. Public celebrations, specifically authorized by the Board of Supervisors or a County, State or Federal Government agency or body.
 - h. Railroads and aircraft.
 - i. Un-amplified human voices.
 - j. Routine ringing of bells and chimes by a place of worship or municipal clock.
- (5) Odors and Open Burning. No use shall generate odors that are seriously offensive to persons of average sensibilities beyond the boundaries of a lot line. This shall not apply to odors created by permitted agricultural uses that are using normal farming practices (see Act 133 of 1982, the State "Right to Farm Act").
- (6) No radioactive waste or material shall be stored on a property.
- (7) Dumpsters shall not be permitted on the public streets.
- (8) Storage containers shall not be permitted on public streets.

SECTION 4 – UNINHABITABLE STRUCTURES OR UNSAFE STRUCTURES

Lower Nazareth Township shall have the authority to condemn a structure as “unsafe” or “unsuitable for human occupancy” if, in the Zoning Officer’s determination, maintenance of the structure is detrimental to the health and safety of the occupants as a result of violation(s) of this Ordinance. The building shall be posted by the Zoning Officer until the violations are remedied.

SECTION 5 – ENFORCEMENT

- A. Whenever it shall come to the attention of the Township either by written report or by personal observation, the Zoning Officer or Police Officer shall investigate and determine whether or not to issue a Notice of Violation of the provisions of this Ordinance.

- B. Notices of Violation shall be sent to the property owner of record at the address recorded in the Northampton County Tax Assessment Office. Notices shall be sent via United States Postal Service regular mail and United States Postal Service certified mail in a manner providing proof of delivery or posting of the Notice of Violation on the subject property. Notices of Violation shall include the following:
1. Property Owner(s) Name and Address.
 2. Address and Tax Parcel ID of the site of violation.
 3. The section of the Nuisance Ordinance that the property owner is alleged to have violated.
 4. A description of the activity or issue that is creating the violation.
 5. A prescribed period of time to remedy the issue, if applicable.
 6. A paragraph describing the consequences of failure to remedy the violation.

SECTION 6 – PENALTIES

- A. Enforcement hereof shall be by an action before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses. The Township Solicitor may assume charge of the prosecution with the consent of the District Attorney. The Board of Supervisors hereby sets a criminal fine in the amount of One Thousand (\$1,000.00) Dollars per violation, and the costs of prosecution, and, in default of payment of such fines and costs of prosecution, to undergo imprisonment of not more than thirty (30) days provided, further, that each day of a violation shall constitute a separate offense.
- B. The Township is authorized, in addition to or as an alternative to the enforcement provisions contained in Subsection (A) herein, to file in the Court of Common Pleas of Northampton County an Action in Equity to abate any nuisance or nuisance activity as set forth in this Ordinance, seeking preliminary and/or permanent injunctive relief, counsel fees and administrative costs in connection with enforcement proceedings. The Township may, in connection with the aforesaid Action in Equity, seek removal or demolition of any hazardous or dangerous structure on public or private ground and, in connection therewith, the Court shall impose upon the violating property owner the cost of any removal or abatement together with any penalties as may have been rendered in summary proceedings including fines in the amount of One Thousand (\$1,000.00) Dollars per day per violation.
- C. Failure to pay any fines, counsel fees, costs, and costs of abatement incurred by Township within thirty (30) days of an Order to do so shall result in the Township filing a Municipal Lien against the property for the amounts assessed.
- D. The Township, by means of a Complaint in Equity, may compel the property owner of the premises to comply with the terms of any Notice of Violation or seek any such relief, including injunctive relief, as any such Court of competent jurisdiction is empowered to afford.

SECTION 7 – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance for any reason, held to be invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall have no effect on the validity of the remaining portions hereof.

SECTION 8 – REPEALER

All Ordinances or parts of Ordinances are hereby repealed insofar as they may be inconsistent herewith.

SECTION 9 – EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the adoption hereof.

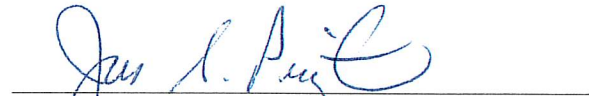
ENACTED AND ORDAINED into law by the Board of Supervisors of the Township of Lower Nazareth, Northampton County, Commonwealth of Pennsylvania at a duly advertised meeting where a quorum of the Board was present on this 8th day of October, 2025.

ATTEST:

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**



Tammi Dravec, Secretary/Treasurer



James Pennington, Chairman