ORDINANCE NO. 2010-5

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES IN THE TOWNSHIP OF RAPHO, COUNTY OF LANCASTER AND COMMONWEALTH OF PENNSYLVANIA, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Rapho Township, Lancaster County, Pennsylvania, as follows:

Section 1. The term "person" as used in this Ordinance shall include any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or fine, the term "person" shall include the members of an association, partnership or firm and the officers of any public or private corporation for profit or not for profit.

Section 2. No person shall continue, maintain, establish or carry on any of the following prohibited acts or activities on any public or private property in the Township of Rapho, Lancaster County, Pennsylvania (the "Township") if the same are determined to be and constitute nuisances in fact:

(a) The storage, accumulation or depositing of any abandoned or junked vehicles or parts thereof;

(b) The storage, accumulation or depositing of any abandoned or used building materials of any kind;

(c) The storage, accumulation or depositing of garbage, ashes, rubbish or other refuse matters;

(d) The maintenance of any dangerous structure including buildings or parts of buildings in a state of dilapidation or disrepair; or

(e) Any use of land or a structure which is unreasonable or unlawful and causes injury, damage or substantial discomfort to the residents of the Township in the legitimate enjoyment of their reasonable rights.

Section 3. The Zoning Officer of the Township, or his duly authorized assistants, shall serve written notice, either personally or by certified or first class mail, on any person violating the provisions of this Ordinance to remove any nuisance or dangerous structure on public or private property. Upon the failure of said person to comply with such notice within fifteen (15) days after receipt thereof or to request a hearing within such time before the Board of Supervisors pursuant to the Act of December 2, 1968, P.L. 1133, known as the "Local Agency Law," the Board of Supervisors of the Township may remove or arrange for the removal of the nuisance or dangerous structure and collect the cost of such removal together with a penalty of twenty-five percent (25%) of the cost of the removal from the person failing to comply with such notice by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim. The Board of Supervisors may also institute proceedings in equity to enjoin violation of this Ordinance.

Section 4. Any person who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof by summary proceeding before any District Magistrate or District Justice having jurisdiction, be sentenced to pay a fine of not more than Three Hundred Dollars ($300.00). Each day that a violation of this Ordinance continues and/or each violation of a provision of Section 2, shall constitute a separate offense. Such fine and costs shall be in addition to the remedies provided in Section 3 of this Ordinance and shall be enforceable and recoverable in the

manner provided by applicable law. All fines collected for the violation of this Ordinance shall be paid to the Treasurer of the Township for the general use of the Township.

Section 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder of this Ordinance shall be and shall remain in full force and effect.

Section 6. This Ordinance shall not act as a repeal of any other Township ordinances except to the extent that this Ordinance addresses the same conduct or condition and is directly in contradiction to such other Ordinance.

Section 7. This Ordinance shall take effect and be in force five (5) days after its enactment.

DULY ORDAINED AND ENACTED this 21st day of October, 2010, by the Board of Supervisors of the Township of Rapho, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Duane R Martin
(Assistant) Secretary

BOARD OF SUPERVISORS OF
RAPHO TOWNSHIP

BY: Donald B
(Vice) Chairman

#566530.1/50050.001

I, Duane R. Martin, Secretary of the Board of Supervisors of Rapho Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Rapho Township held on October 21, 2010, at which meeting a quorum was present and voted in favor thereof.

Duane R. Martin

Duane R. Martin, Secretary