

COVINGTON TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA
ORDINANCE NO.200 1. -01

AN ORDINANCE OF THE TOWNSHIP OF COVINGTON,
LACKAWANNA COUNTY, PENNSYLVANIA PROVIDING FOR THE
LICENSING AND REGULATION OF JUNKYARDS; FOR THE
CONTROL OF JUNK AND RUBBISH ACCUMULATION; THE
REGULATION OF THE STORAGE OF ABANDONED AND JUNK
VEHICLES AND EQUIPMENT; PROHIBITING OF DANGEROUS
PROPERTIES, STRUCTURES AND BUILDINGS AS PUBLIC
NUISANCES AND PROVIDING FOR THE CORRECTION, REPAIR,
VACATION OR DEMOLITION OF THE SAME; THE REGULATION OF
OPEN BURNING; THE ABATEMENT OF OTHER ACTIVITIES AND
PROPERTY CONDITIONS WHICH CONSTITUTES PUBLIC
NUISANCES; PRESCRIBING PENALTIES AND REMEDIES FOR
VIOLATIONS.

Be it enacted and ordained by the Board of Supervisors of Covington
Township, Lackawanna County, as follows:

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SECTION 1 Short Title

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

SECTION 2 Purpose

The purpose of this Ordinance is to regulate the accumulation and storage of junk and/or rubbish; the accumulation and storage of abandoned and/or junk vehicles and equipment; to prohibit the existence of dangerous buildings and structures; to regulate open burning; and to abate other public nuisances in order to prevent the blight and deterioration of property, to protect property values within the municipality and to abate public health hazards, and otherwise protect the general health, safety and welfare of the citizens of Covington Township.

SECTION 3 Authority

This Ordinance is established pursuant to the authority set forth in Sections 1529 and 1601 of the Second Class Township Code, 53 P.S. §§66529 and 66601.

SECTION 4 Responsibility - Nuisances Declared

It shall be the responsibility of the property owner of the premises upon which any public nuisance, as described in this Ordinance, is situated and/or occurring, jointly with the owner of any junk, rubbish, structure, building or other item which constitutes such public nuisance, to provide for the removal or abatement of any such public nuisance and the remediation of any environmental problems associated with the activity or property condition which constitutes the public nuisance. Any owner of property upon which a public nuisance is located or taking place, and/or any person who or which owns junk, rubbish, structures or buildings which constitute a public nuisance, and/or any person who or which owns or is engaged in conduct, which constitutes a public nuisance, shall be deemed to be in violation of this Ordinance, and shall be subject to the penalties and remedies prescribed herein.

The following conditions or activities shall be considered a public nuisance:

1. The accumulation or storage of junk, garbage and/or rubbish not stored in a licensed junkyard or exempted storage area.

2. The accumulation or storage of junk material without a license.
3. The accumulation or storage of junk, garbage and/or rubbish which is unsanitary, or otherwise dangerous to the health, safety and/or general welfare of the occupants of the premises or the public.
4. Maintaining or causing to be maintained any dangerous dwelling, structure or building, including but not limited to abandoned or unoccupied dwellings or buildings in a state of dilapidation or disrepair.
5. The outdoor burning of any substance except as permitted by Section 8 of this Ordinance.
6. Any activity, conduct or condition set forth as a public nuisance in Section 9 of this Ordinance.

SECTION 5 Definitions

Abandoned or Junked Vehicle - Any vehicle not stored in a fully enclosed building which is not in good operating and road worthy condition. See definition of good operating and road worthy condition.

Agricultural Operation - The use of any parcel of land containing five (5) or more acres for economic gain in the raising of agricultural products or livestock. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

Antique Vehicle - Any vehicle twenty-five (25) years or older which has been restored to good operating and road worthy condition. See definition of good operating and road worthy condition.

Building - An independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, dwelling unit, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school, or similar structure.

Burning - Any process which involves the use of an open flame or intense heat including but not limited to, uncontained fires, contained fires, any manufacturing and commercial process involving burning, and incinerators.

Collector Vehicle - Any vehicle of limited manufactured production from the present through twenty-four (24) years old, in good operating and road worthy condition. See definition of good operating and road worthy condition.

Contained Fire - Any fire contained in a 55 gallon steel drum or fireplace designed for outdoor cooking, or a fireproof container.

Contracting Business - An active, ongoing business legally operating in accord with the Township Zoning Ordinance which involves the performance of services related to the construction of buildings, erection of structures, the preparation of the land for buildings and structures, the installation of community facilities such as roads, water systems and sewage disposal systems, or the provision of transportation services.

Dangerous Premises - Any building, structure or property which has any or all of the following defects:

- A. Any structure which, exclusive of the foundation, shows damage or deterioration to thirty-three (33) percent of the supporting member or members, or damage or deterioration to fifty (50) percent of the non-supporting enclosing or outside walls or coverings;
- B. Any structure which has improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which has insufficient strength to be reasonably safe for the purpose used;
- C. Any structure which has been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public;
- D. Any structure which is so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;
- E. Any structure which has parts which are so inadequately attached that they may fall and injure, occupants, property or members of the public;

- F. Any structure which lacks illumination, ventilation or sanitation facilities or because of another condition is unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public;
- G. Any building, structure or property which because of its location or due to an accumulation of garbage or rubbish is unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public;
- H. Any building, structure or property which can be construed as an attractive public nuisance.

Dwelling - Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling Unit - Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

Emergency Case - A violation which poses an imminent threat to the public health, safety or welfare and which requires immediate action to eliminate such imminent threat.

Enforcement Officer - The individual(s), agency or firm appointed by the Covington Township Board of Supervisors to enforce the provisions of this Ordinance.

Exterminate - To control and eradicate insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may serve as their food, poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

Fire - The phenomenon of rapid self-sustaining chemical reaction (oxidation) usually accompanied by the evolution of light and heat.

Garbage - Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Good Operating and Road Worthy Condition - A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

Junk - Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

- A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
- B. Used lumber, boxes, crates and pallets;
- C. Used tires;
- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- E. Mobile/manufactured homes that are not in habitable condition; and,
- F. Abandoned or junked vehicles.

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection;
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and

is adequately screened; and,

- C. Construction and contracting equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Township Zoning Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junk Yard - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The following shall also be considered junkyards:

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition.

Vehicle sales lots managed by licensed vehicle dealers operated in accord with the Township Zoning Ordinance and storage areas for antique and collector vehicles with adequate screening approved by the Township shall not be considered junkyards.

Occupant - The owner of a premises and/or any person having charge, care, custody or control of such premises or unit therein, including but not limited to a tenant or lessee.

On-Site Utility Vehicle - An abandoned or junked vehicle used on a specific property for plowing snow, hauling firewood, moving goods or equipment, and other similar property maintenance or operational activities.

Outside Storage - Not contained in a building fully enclosed with completed walls and roof.

Owner - The person who, alone or jointly or severally with others is the owner of record of the premises as filed with the Lackawanna County Recorder of Deeds. In the case where an owner is represented by an agent, including but not limited to a manager, executor, executrix, administrator, administratrix, or guardian

of the estate of the owner, such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Person/Public - Any individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other legal entity.

Property - A piece, parcel, lot or tract of land.

Public Nuisance - A condition of property which may reasonably be construed to be a source of danger to the persons who may reside on the premises, or who may, by reason of something which may be expected to attract them, come to the premises.

Rubbish - Combustible and non-combustible waste materials including but not limited to, garbage, junk, residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust, and similar materials.

Screened - Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises, and which is accompanied by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.

Structure - Anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, dwellings, dwelling units, walls, fences, platforms, docks, wharves, billboards, signs, and walks. Whenever the words "structure" or "premises" are used in this Ordinance, they shall be construed as though they were followed by the words "or any part thereof".

Township - The Township of Covington, Lackawanna County, Pennsylvania

Uncontained Fire - Any fire except a "contained fire".

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck

tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats, and aircraft.

Vehicle or Equipment Repair/Towing Operation - As establishment, operating in accord with the Township Zoning Ordinance, engaging in the service and/or repair of vehicles, including but not limited to auto body shops, repair garages, truck repair garages, towing companies and agricultural equipment repair.

Vermin Infested - Presence, within or around a premises, of any insects, rodents or other pests.

SECTION 6 Junkyards and the Accumulation of Junk, Rubbish and Garbage

It shall be considered a public nuisance and a violation of this Ordinance, to accumulate junk material, rubbish and/or garbage unless located in a licensed junkyard or an excepted storage area as set forth in this section.

SECTION 6.1 Existing Junkyards

The requirements of this Ordinance shall apply to junkyards existing prior to the effective date of this Ordinance. All such junkyards shall comply with the licensing and operational standards provided in this Ordinance.

SECTION 6.2 Annual License Required

On and after the effective date of this Ordinance, no person shall establish, maintain or operate, or continue to maintain or operate a junkyard except as authorized by this Ordinance and the Township Zoning Ordinance. A Township license shall be required, and no license shall be issued until compliance with all provisions of this Ordinance is clearly documented to the satisfaction of the Board of Supervisors. All licenses shall be valid for a period of one (1) year beginning January 1st and expiring on December 31st of the following year. All licenses must be renewed annually on or before January 1st of each year.

A. Permitted Zoning District

Junkyards shall be permitted only in those areas of Covington Township as designated by the Covington Township Zoning Ordinance and Zoning Map, as amended, currently the M-1

Zoning District, unless the facility has been issued a valid nonconforming use certificate by the Covington Township Zoning Office. The accumulation of junk, rubbish and/or garbage as defined in Section 4 on any other property within Covington Township is prohibited and constitutes a violation of this Ordinance.

B. Application

Any person intending to operate or currently operating a junkyard in Covington Township shall make annual application for a license. Said application shall be made on a form prescribed by the Township and shall, at a minimum, contain the following information. Said application shall be made concurrently with that for any required zoning approval.

1. Name of Applicant
2. Address and telephone of Applicant
3. The location of the junkyard
4. Property owner if different from Applicant
5. Any criminal record of the Applicant, owner or associates involved in the business
6. Signature of the Applicant and owner

C. Plan

The application shall include a plan of the proposed junkyard showing, at a minimum, the following information:

1. All information required for land developments by the Township Subdivision and Land Development Ordinance.
2. The location of principal structures and wells on all properties within one thousand (1000) feet of the junkyard premises.

D. Fee

The operator of every junkyard shall pay a fee for the issuance or renewal of every license. The fee shall be established by Resolution of the Board of Supervisors.

E. Annual Bond

The operator of every junkyard shall, as part of the annual license requirement, provide a bond to cover the cost of any junk removal and/or remediation of any environmental problems undertaken by the Township in accord with Section 10.6 of this Ordinance. Nothing herein shall legally bind the Board of Supervisors to effect the removal of junk and remediation of any environmental problems associated with any junk, which shall remain the ultimate responsibility of the owner of the property upon which the junk is located and/or the owner of the junk.

1. Amount - A surety bond shall accompany every application for license. The amount of the bond shall be established by the Board of Supervisors based upon the size and nature of the proposed junkyard, but in no case shall the amount be less than thirty thousand dollars (\$30,000.00).
2. Form - The Bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania. The Township may, in lieu of such surety bond, accept a bond executed by the Applicant for license if such bond is secured by the deposit with the Township Secretary of a cashier's check, treasurer's check, or certificates of deposit of a banking institution in the total sum as established by the Board.
3. Annual Renewal - The Bond shall be renewed and filed annually with the annual license renewal.
4. Term - The Bond shall be executed in favor of the Township of Covington and shall be for the use of the

Township. The term of the Bond shall be for one (1) year.

5. It shall be the condition of the Bond that if upon and after the issuance of such license the said licensee does not fully and faithfully observe and comply with the provisions of this Ordinance and any other applicable approvals or regulations, the Township Board of Supervisors shall have the authority to use such Bond to effect the required compliance and/or the removal of junk.

F. Determination of Issuance

Upon receipt of a completed application and fee, the Board of Supervisors, at a duly advertised meeting, shall take action to grant or deny the license application or renewal. Said action shall be based upon the suitability of the premises for the operation of a junkyard; the character of adjacent properties and the likely effect of the junkyard; the general health, safety and welfare of Township residents; the potential hazards to neighboring properties and structures; and the past performance of the licensee in the case of renewals. No license shall be issued for a new junkyard unless and until the proper zoning and land development approvals are granted by the Board of Supervisors. If approval is granted, the licenses shall be issued and shall be conspicuously posed on the junkyard premises. Any license shall be for the operation of the junkyard only upon the premises for which the license is issued and no license shall be transferable by any means.

The Board of Supervisors shall act upon any complete application within sixty (60) days following its submission, and the Board's decision shall be in writing to the Applicant within seven (7) days of when the decision is made. Upon refusal of a license, the Applicant may request in writing a hearing before the Board within seven (7) days of the Applicant's receipt of the notice of denial; and the Board shall conduct a hearing within sixty (60) days of receipt of such request. Hearings and any subsequent appeal shall be pursuant to the Act of December 2, 1968, P.L. 1133, No. 353, as amended, the Local

Agency Law.

G. Records

Every licensee shall maintain written records of the following information for all junk purchased, acquired or received:

1. Date and approximate time of purchase, acquisition or receipt of junk.
2. Full and complete description including trade name and serial numbers, if any.
3. Name and address of person from whom junk was obtained.

Such records shall be maintained for a period of five (5) years and shall, at all times, be subject to the inspection of the Township Supervisors.

H. Revocation

Any license issued under this Ordinance may be revoked by the Board of Supervisors in the event the said licensee is found to have given any false information or in any way misrepresented any material fact upon which the Township has relied in granting the license; or, where the licensee violates any provisions of this Ordinance. No fee refunds shall be made in such case.

SECTION 6.3 Junkyards - Operating Standards

All existing and proposed junkyards licensed under the provisions of this Ordinance shall be established, maintained, and operated in accord with the following standards, and the standards and requirements of Section 513 of the Covington Township Zoning Ordinance:

- A. Federal and State Regulations - Any junkyard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration and all junkyards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.

- B. Fencing - All junkyards shall be completely enclosed by a chain link, security fence not less than ten (10) feet in height completed prior to the issuance of a license for a new junkyard. Existing fences enclosing junkyards licensed prior to the effective date of this Ordinance shall be permitted to remain in place and shall fully enclose the junkyard within six (6) months of the effective date of this Ordinance; and, if any pre-existing fences are replaced, such replacement shall be a chain link, security fence not less than ten (10) feet in height. All gates shall be closed and locked when closed for business. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junkyard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.
- C. Screening - Screening shall be required by the Board of Supervisors based upon nature of the proposed junkyard and the property so that the junkyard is screened as defined in Section 4 of this Ordinance. In any case, screening shall be provided for any junkyard which is within two hundred (200) feet to the nearest edge of the right-of-way of any public road, and within two hundred (200) feet of any principal residential structure or any adjoining property line. Natural vegetative cover shall be maintained in all required setback areas to the greatest extent possible. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors. All screening shall be maintained in such fashion as to continue to provide the required screening. Screening for existing junkyards shall be completed within twelve (12) months after the effective date of this Ordinance. However, if the Board of Supervisors determines that the owner and/or operator of the junkyard is clearly making a continuing bona fide effort to comply with the screening provisions of this subsection, then the Board may, in

its sole discretion, grant an extension of time to such owner or operator for the completion of such screening, upon receipt of a written letter from said owner or operator requesting such an extension of time.

- D. Setbacks - The fence enclosing any junkyard and any structures associated with the junkyard shall be located not less than two hundred (200) feet from any public right-of-way, fifty (50) feet to any property line or two hundred (200) feet from any principal residential or commercial structures and one hundred (100) feet to any residential district . The requirements of this Subsection D shall not apply to junkyards legally existing prior to the effective date of this Ordinance and which fully complied with Township Ordinance No.88-03, and the Township Zoning Ordinance, as applicable. However, the expansion of any existing junkyard into an area already not used for the storage of junk shall comply with this Subsection D.
- E. Dumping - The area used for a junkyard shall not be used as a dump area for trash or garbage, and any license issued under Section 5 of this Ordinance shall not be authority for the storage, handling, processing or disposing of wastes regulated under the Pennsylvania Solid Waste Management Act.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies, Wetlands, Wells - No junk shall be stored less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - All batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials shall be removed from all junk within two (2) working days after arrival to the premises. Details about the containment and storage of such materials shall be provided by the Applicant, and shall be stored and disposed of in a manner meeting all local, state and federal requirements, and while stored on the premises, shall be

kept separately in leak proof containers at a central location.

- I. Water Quality - In cases where the junkyard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, the owner of any junkyard shall be required to monitor the ground and surface water in the vicinity of the junkyard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junkyard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point below the junkyard drainage area. In addition, any well located on the premises and any well on neighboring property within five hundred (500) feet of the junkyard as designated by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.
- J. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. Hours of Operation - Any activity associated with the operation of the junkyard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m., and not on Sundays. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- M. Nuisances, Broken Glass Removal, Trunk Lids/Appliance Doors - All premises shall, at all times, be maintained so as not to

constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.

- N. Rubbish - Paper, rags, plastic materials, and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

SECTION 6.4 Inspections

All junkyards shall at all times be subject to inspection by the Enforcement Officer, the Board of Supervisors or its agent(s) during reasonable hours. The Township Board of Supervisors shall, from time to time, inspect every junkyard licensed under this Ordinance to determine compliance with the provisions of this Ordinance. Any violations identified shall be prosecuted in accord with this Ordinance.

SECTION 6.5 Exemption for Limited Junk Storage Area

Recognizing that the outside storage of a limited amount of junk may not pose a threat to the public health, safety and general welfare, such storage areas shall be exempt from the licensing requirements of this Section 5, provided the same comply with the following requirements:

- A. Minimum Parcel Size - The exemption shall apply only on parcels of ten (10) acres or more in size.
- B. Number; Size of Storage Area - Each property shall be limited to one (1) storage area the size of which shall not exceed one thousand five hundred (1,500) square feet.
- C. Screening - The storage area shall be screened as defined in

Section 4. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screenings as determined by the Board of Supervisors.

- D. Setbacks - The storage area shall be located not less than one hundred (100) feet from any public or private road right-of-way, two hundred (200) feet to any property line or three hundred fifty (350) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance.
- E. Number of Vehicles - The number of *abandoned or junked vehicles* shall not exceed five (5).
- F. Burning - No burning whatsoever shall be permitted within the storage area.
- G. Water Bodies, Wetlands, Wells - No storage area shall be located less than five hundred (500) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - All batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials shall be removed from all junk and/or junk or abandoned vehicles prior to the junk being placed in the storage area.
- I. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than eight (8) feet.
- J. Nuisances, Broken Glass Removal, Trunk Lids/Appliance Doors - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. All glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall

be removed prior to the junk being placed in the storage area.

- K. Rubbish - Paper, rags, plastic materials, and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises.

SECTION 6.6 Recycling Facilities

Nothing in this Ordinance is intended to preclude the operation of a recycling facility established, maintained and operated in accord with the Covington Township Zoning Ordinance, provided such facility does not violate any of the provisions of this Ordinance.

SECTION 6.7 Vehicle or Equipment Repair/Towing Operations

In recognition of the need to allow limited storage of junk vehicles, or vehicles awaiting repair, or insurance coverage resolution at an active and bona fide vehicle repair/towing operation with a valid certificate of use or certificate of nonconformance issued in accord with the Township Zoning Ordinance, the standards in this Section 6.7 shall apply. Such operations shall in all other respects comply with the provisions of this Ordinance with regard to junk and junk vehicles.

- A. Insurance; Impoundment; Awaiting Repair - An abandoned or junked vehicle stored in anticipation of the resolution of insurance coverage, or a vehicle impounded by the police, or a vehicle awaiting repair may be stored until the particular insurance or impoundment matter is resolved, or the vehicle is repaired. The owner of the establishment shall maintain accurate and current records on the date of receipt, ownership, status and disposition for all such vehicles on the premises and the records shall be open for inspection by the Township. The total number of such vehicles shall not exceed ten (10) per premises.
- B. Used Tires and Parts - Used tires and vehicle parts awaiting disposal may be stored outdoors on the premises provided such material is screened. The amount of such stored material shall not exceed that which would be accumulated from four (4) weeks of normal operation.

- C. Number of Abandoned/Junk Vehicles - Not more than five (5) abandoned or junked vehicles may be stored on the premises if the size of the parcel is less than two (2) acres, and not more than eight (8) abandoned or junked vehicles may be stored on the premises if the size of the parcel is two (2) acres or more. All such vehicles shall be screened.
- D. Vehicle and Used Tires/Parts Storage Areas - All such stored vehicles, used tires and parts for disposal shall be situated not less than fifteen (15) feet from any property line and twenty-five (25) feet from any public or private road right-of-way, and shall be maintained in an orderly manner.

SECTION 6.8 Waiver for Certain Vehicles

- A. Waiver for On-Site Utility Vehicles - The Enforcement Officer may grant a waiver for one (1) on-site utility vehicle (see definition in Section 5) per property which would otherwise be considered an abandoned or junked vehicle by Section 4 of this Ordinance, provided said vehicle is screened at times when it is not in use. (Note: An *on-site utility vehicle* as defined in Section 5 which is stored inside a building when not in use is not regulated by this Ordinance and does not require a waiver.)
- B. Conditions - In granting any waiver the Enforcement Officer may impose such condition as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.
- C. Procedure - All requests for waivers shall be in writing and shall include:
 - 1. A description of the type of vehicle and its use.
 - 2. Details about how the vehicle will be stored when not in use.
- D. Action - If the Enforcement Officer denies the request, the Applicant shall be notified, in writing, of the reasons for denial. In any case, the Township shall keep a written record of all

actions on all requests for waivers.

- E. Fees - The Applicant for any waiver shall pay a fee for the same as shall be established by Resolution of the Board of Supervisors.

SECTION 7 Dangerous Dwellings, Structures and Buildings

All dangerous dwellings, structures and buildings as defined below are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as herein provided.

SECTION 7.1 Definition of Dangerous Dwellings, Structures or Buildings

All dwellings, structures or buildings which have any or all of the following defects:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration to 50% of the nonsupporting enclosed or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.
- E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so

as to work injury to the health, safety or general welfare of those living therein.

- F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public.
- G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.
- H. Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public.
- I. Those existing in violation of any provision of the building code, fire prevention code or other Township requirements.

SECTION 7.2 Standards for Repair, Vacation or Demolition

The following standards shall be followed in substance by the Enforcement Officer of the Township of Covington in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonable be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants or the public, and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, as is reasonable.
- C. No dwelling or dwelling unit, which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Enforcement Officer. The Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.

- D. If a dangerous building is 50% or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any part of the Township of Covington or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.

SECTION 7.3 Duties of Enforcement Officer

1. The Enforcement Officer, with the assistance of the Township Engineer, shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of Section 7.1 above.
2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance as herein defined, the Township Engineer shall prepare a report detailing the defects as set forth in Section 7.2, and whether or not the structure can be repaired or must be demolished and removed. The Enforcement Officer shall issue a written notice to the person or persons responsible for the structure as set forth in Section 10.3 of this Ordinance along with a copy of the engineers report.

SECTION 7.4 Removal of Notice Prohibited

No person shall remove or deface the notice of dangerous building, except as provided in Section 7.2.

SECTION 7.5 Emergency Cases

Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency.

Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply there with immediately, but upon petition to the Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the Enforcement Officer shall continue such order in effect, or modify or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

SECTION 8 Open Burning

It shall be unlawful for any person to burn, ignite, incinerate, or allow to burn, ignite, or incinerate, any and all materials, the burning of which shall emit noxious fumes, smoke, ash or other material, or to cause and allow an open fire to be maintained, except in strict conformity with this Ordinance. Any person violating any provision of this Ordinance shall be subject to the penalties herein provided.

SECTION 8.1 Exemptions

Nothing herein provided shall prohibit:

- A. Cooking and Heating - Any burning conducted wholly within the confines of a permanent structure intended for the habitation of human beings, and said fire or burning is used for cooking purposes or for heating said structure.
- B. Outdoor Cooking - Any burning, the sole purpose of which is to cook or prepare food, provided that said fire is confined in a fireplace, cooking grill or other container designed for outdoor cooking.
- C. Fire Fighting Training - Any burning conducted solely for the purpose of fire-fighter and/or rescue personnel training by the Covington Independent Fire Company or the Covington Township Police Department.

SECTION 8.2 Standards Applicable to All Burning

The following standards shall apply to all fires, burning, and

Incineration in Covington Township.

- A. Prohibited Materials - All waste products shall be disposed of in accord with Pennsylvania Department of Environmental Protection Rules and Regulations. Covington Township is a community which promotes recycling and as such the burning of any of the following materials shall be prohibited within the Township:
1. Solid or liquid household waste except for readily combustible wood.
 2. Animal matter.
 3. Plastic or styrofoam.
 4. Any offal, by-products or waste materials generated by any production process.
 5. Waste oil or petroleum products.
 6. Tires.
 7. Any other material the burning of which can produce noxious or hazardous smoke or fumes.
- B. Local, State, and Federal Regulations - All burning, including but not limited to, burning associated with any production, manufacturing, salvage or reclamation process, shall be conducted only in accord with all applicable local, state and federal regulations, including but not limited to, the Air Pollution Control Act of the Commonwealth of Pennsylvania, P.L. 2119 and the provisions thereof, as well as the regulations of the Pennsylvania Department of Environmental Protection, as pertaining to said act; and the United States Environmental Protection Agency regulations; all of which are incorporated in this Ordinance by reference.
- C. Unattended Burning - No burning nor any production, manufacturing, reclamation or salvage operation involving fire, burning or incineration, shall be conducted without a responsible adult being present at all times.

responsible adult being present at all times.

- D. Public Property - No fire shall be set or maintained on any public road or public property, except where a designated area has been set aside for this purpose and an appropriate container has been provided to contain such fire.
- E. Endangerment - No fire shall be set or maintained that may endanger any building or property.
- F. Fire Control Equipment - When any burning is conducted in accord with this Ordinance, the person responsible for said burning shall maintain at the site any and all equipment appropriate and adequate to contain and control the burning being conducted. Such equipment may, for example, include a charged hose, fire extinguisher, indian tanks, shovels or rakes.

SECTION 8.3 Outdoor Fires

In addition to the standards contained in Section 8.2 of this Ordinance, the following additional standards shall apply to all outdoor fires.

- A. Prohibition - No outdoor burning shall be permitted when drought, weather or other conditions present an unusual fire risk or when a ban on burning has been instituted by an agency of the Commonwealth of Pennsylvania. The Township Board of Supervisors and the Covington Township Fire Chief shall have the right to institute a ban on all outdoor burning in the Township when such unusual fire risk warrants a ban. Notice of such restriction shall be given by notice in a paper of general circulation and by posting a notice at the Township office or by giving such other notice as the Township shall deem appropriate.
- B. Setbacks - No outdoor burning shall be permitted within fifty (50) feet of any building.
- C. Contained Fires for Household Waste -
 - 1. The burning of readily combustible household waste not

prohibited by Section 8.2 of this Ordinance shall be conducted only in a non-combustible container in such location and of a design to prevent the spreading of the fire.

2. Any such household waste burned must be generated only upon the premises as part of the normal residential use.
3. Only one (1) burning container not to exceed twenty (20) cubic feet in volume.
4. No contained fires shall be permitted to burn between the hours of 9:00 P.M. and 8:00 A.M.
5. No fire shall be permitted to smolder for more than one-half (½) hour.

D. Uncontained Fires -

1. No uncontained fires shall be allowed to burn or smolder between the hours of 5:00 P.M. and 5:00 A.M.
2. In the event it is necessary to have an uncontained fire at other than the times permitted under this Ordinance, special permission must be secured from the Covington Township Police Department, Board of Supervisors, or the Chief of the Fire Company, and the Covington Township Independent Fire Company shall be notified of the specific time of such fires not less than twenty-four (24) hours before ignition.

SECTION 8.4 Production, Manufacturing, Salvage, and Reclamation Operations

In addition to the standards contained in Section 7.2 and the other provisions of this Ordinance, the following additional standards shall apply to all burning associated with any commercial, production, manufacturing, salvage or reclamation process (hereinafter referred to as "process"):

- A. Enclosed Building - No open or exterior burning of any raw

material, component or other substance associated with any production process shall be permitted; any burning associated with any such process shall be conducted inside a fully enclosed building.

- B. Waste Materials - No waste materials or by-products shall be burned or incinerated on any property except at a PaDEP approved solid waste disposal facility.
- C. Zoning Regulation - Any such process shall be permitted only in those areas designated by the Covington Township Zoning Ordinance; and shall fully comply with the standards contained in the Zoning Ordinance, including but not limited to, Section 512, Commercial, Manufacturing and Industrial Standards.

SECTION 8.5 Unsafe Fires

Any fire permitted to burn in an unsafe manner, under adverse weather conditions or unsupervised, or otherwise in violation of this Ordinance, or determined unsafe or a nuisance by an official of the Covington Township Independent Fire Company, the Police Department or the Code Enforcement Officer shall be extinguished immediately upon demand by such official, or may be extinguished as necessary by the Township or any Volunteer Fire Company. In the event that a public official or agency is required to extinguish an unsafe fire, a reasonable charge for such services may be imposed upon the owner of the property, and collected in the same manner as any municipal obligation.

SECTION 9 General Public Nuisance

In addition to the specific public nuisances set forth in the other sections of this Ordinance, the following acts when committed, or conditions when existing within Covington Township, are hereby declared to be public nuisances regulated by this Ordinance:

- 1. An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to the public health or safety.
- 2. All buildings, bridges or other structures of whatever character kept or

maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.

3. All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
4. All ponds or pools of stagnant water and all foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any street, public place or lot to the injury or annoyance of the public.
5. All obstructions caused or permitted on any street or sidewalk to the danger or annoyance of the public, and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street, sidewalk or other public place which in any way may cause any injury or annoyance to the public.
6. All sidewalks, gutters or curbstones permitted to remain in an unsafe condition or out of repair.
7. All stables, cattle yards, hog, sheep or cow pens or yards for poultry permitted by the owner thereof or the person responsible therefor, to be in such a condition as to become offensive, annoying or injurious to public health and safety. The section is subject to the limitations of the Pennsylvania Right To Farm Act, 3 P.S. §§951 et. seq..
8. All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.
9. Any lot, house, building or inclosure in which or upon which there exists any untreated sewage effluent, stagnant water, animal or vegetable matter or other substances capable of becoming putrid, offensive, annoying or unhealthy.
10. The pollution, or the existence of a condition or conditions which cause or threaten the pollution of any waters in this municipality in

such manner as to cause or threaten injury to any of the inhabitants of this municipality either in their health, comfort or enjoyment of their property.

11. The existence or presence of any accumulation of garbage, refuse, rubbish, or animal or vegetable matter which may attract vermin and/or insects, or in which insect larvae and vermin such as rodents are capable of breeding is such a manner that the health, comfort and property enjoyment of the public is adversely affected.

SECTION 10 Enforcement

SECTION 10.1 Enforcement Officer

The Board of Supervisors shall appoint an individual, agency or firm to serve as Enforcement Officer, who shall be responsible for enforcing the terms of this Ordinance.

SECTION 10.2 Inspections

The Enforcement Officer may inspect properties, dwellings, dwelling units, buildings and structures to determine whether any conditions exist which render such premises dangerous as defined by Section 7 of this Ordinance, or whether a public nuisance as set forth in this Ordinance exists, or is occurring on the property. Prior to entering upon any property to conduct an inspection, the Enforcement Officer shall obtain the permission of the owner or occupant for the same. If after due diligence, the Enforcement Officer is unable to obtain such permission, the Enforcement Officer shall have the authority to conduct the necessary inspection in accord with this Ordinance and the applicable laws of the Commonwealth. The Enforcement Officer may, upon authorization of the Board of Supervisors, consult with the Township Engineer or any other qualified person, in making the determination regarding a dangerous premises.

SECTION 10.3 Notice of Violation

Whenever an inspection discloses that a property, dwelling, dwelling unit, building or structure has become dangerous, the Enforcement Officer shall issue a notice to the owner and/or occupant of the premises. The Notice:

1. Shall be in writing;
2. Shall include a statement of the reason it is being issued;
3. Shall state a reasonable time to rectify the conditions constituting the nuisance or to repair, remove and/or demolish the dwelling, dwelling unit, building or structure, and may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and with the rules and regulations adopted pursuant thereto;
4. Shall inform the owner that he has a right to a hearing before the Board of Supervisors in accord with this Ordinance.
5. Shall inform the owner that should he fail to comply with the order or request a hearing, the Township Supervisors will order the correction or abatement of the nuisance and/or the repair or removal of the structure, and in accord with Section 10.6, will assess any and all costs, expenses, and penalties incurred against the land on which the nuisance is located.

Except in emergency cases, the Notice shall be sent by registered mail or by certificate of mailing, or personally delivered to, the owner, and/or the occupant of the premises. Where the owner is absent from Covington Township, all Notices shall be deemed to be properly served upon the owner if:

1. A copy of the Notice is served upon the owner personally; or,
2. A copy of the Notice is sent by registered mail or by certificate of mailing to the last known address of the owner, and is posted in a conspicuous place on or about the premises affected by the Notice; or,
3. The owner is served with such Notice by any other method authorized under the laws of the Commonwealth.

SECTION 10.4 Hearings

- A. Hearing Request - Any person affected by any Notice which

has been issued in connection with the enforcement of any provision of this Ordinance, may request and shall be granted a hearing on the matter before the Township Board of Supervisors; provided, that such person shall file with the Board in writing a request for a hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the Notice was served. Upon receipt of such request a time and place for such hearing shall be scheduled and advertised in accord with the Pennsylvania Sunshine Law. At such hearing the person requesting the hearing shall be given an opportunity to be heard and to show why such Notice should be modified or withdrawn. The hearing, shall be commenced no later than 20 days after the day on which the request was received in the municipal office.

- B. Board Action - After such hearing the Board of Supervisors shall sustain, modify or withdraw the Notice. If the Board sustains or modifies such Notice, it shall be deemed to be an Order. Any Notice served pursuant to this Ordinance shall automatically become an Order if a written request for a hearing is not filed with the Board of Supervisors within 10 days after such Notice is served.
- C. Appeal - Any aggrieved party may appeal the final order to the Court of Common Pleas of Lackawanna County in accordance with the provisions of the Local Agency Law.
- D. Fee - The person requesting the hearing shall pay the fee for such hearing as may be established by resolution by the Board of Supervisors.

SECTION 10.5 Emergency Cases (See definition in Section 5)

Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, welfare or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to immediately repair, correct, secure or demolish the condition or structure to eliminate the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. The costs of such emergency repair, correction or

demolition of such dangerous premises shall be collected in the same manner as provided herein for other cases.

SECTION 10.6 Abatement By Covington Township

If the owner and/or occupant fails to comply with the order of the Enforcement Officer, or fails to appeal to the Board of Supervisors, or fails to comply with the determination of the appeal made by the Board of Supervisors, the Enforcement Officer may cause such premises to be repaired, corrected, secured, vacated, or demolished if the facts may warrant, under the standard hereinbefore provided. The Township of Covington may collect the cost of such repair, correction, vacation or demolition together with a penalty of 10% of such cost, plus expense, attorney fees and interest, in the manner provided by law.

SECTION 10.7 Enforcement Remedies

- A. Fine - Any person who has violated or permitted the violation of any provisions of this Ordinance shall upon judgment thereof by any District Justice be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) per day of violation, together with the costs of suit, and/or shall be committed to the Lackawanna County Prison for a period not exceeding thirty (30) days. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, costs, interest and reasonable attorney fees collected for the violation of this Ordinance, shall be paid over to the Township.
- B. Other Remedies - The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Abatement By Township and Recovery of Costs- In addition, if the owner or person in control of any dangerous premises, or act or condition constituting a public nuisance, fails to respond to a notice of violation directing the removal or abatement of the public nuisance within the time limit prescribed by the notice, the Board of Supervisors shall be empowered to cause

such work of repair or removal to be commenced and/or completed by the Township and the cost and expense thereof with a penalty of ten(10%) percent, plus expenses, attorney fees and interest, shall be collected from the owner of such premises, in the manner provided by law.

SECTION 11 Repealer

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following specific Ordinances in Covington Township are hereby repealed. Ordinance No 70-01, Ordinance No 82-05, Ordinance No 88-03, Ordinance No 88-04, Ordinance No 89-01, Ordinance 89-03, Ordinance No 91-01, Ordinance No 91-03.

SECTION 12 Severability

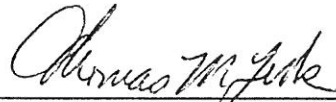
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Covington Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 13 Municipal Liability

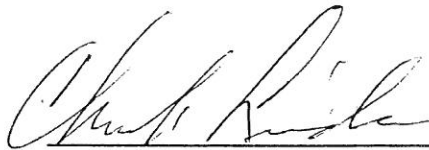
Covington Township, and its agents, officials and representatives shall not under any circumstances be liable or legally responsible for activities or conditions which constitute a public nuisance under the terms of this Ordinance. Any liability or damages resulting from activities or conditions constituting a public nuisance are the sole responsibility of the owner of the property, or the person or persons responsible for said activity or condition. The failure to enforce the terms of this Ordinance shall not constitute a cause of action against Covington Township or its agents, officials or representatives.

ORDAINED AND ENACTED into law by the Board of Supervisors of Covington Township, Lackawanna County, Pennsylvania on this Seventh day of August, 2001.

BOARD OF SUPERVISORS
COVINGTON TOWNSHIP
LACKAWANNA COUNTY
PENNSYLVANIA

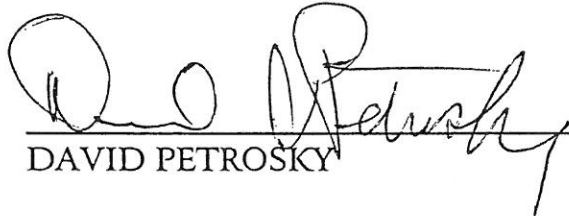


THOMAS YERKE



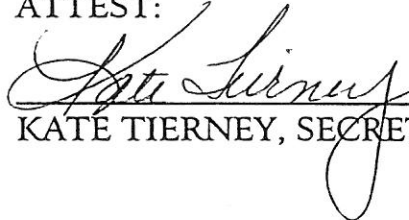
CHARLES LINDNER

WILLIAM WILLSON



DAVID PETROSKY

ATTEST:



KATE TIERNEY, SECRETARY

MARLENE BEAVERS

Ordinance No. 2003-04

COVINGTON TOWNSHIP
Lackawanna County, Pennsylvania

An Ordinance requiring an owner to remove any nuisance or dangerous structure or, on default of the owner to remove, to allow the Board of Supervisors to remove the nuisance or dangerous structure and collect the cost of removal. This Ordinance will do the following:

- use the definitions in the Township Nuisance Ordinance for definitions of a nuisance and a dangerous building
- allow the Board of Supervisors to designate by Resolution other actions as nuisances and other structures as dangerous
- give the Board of Supervisors the power to remove a nuisance or dangerous structure and bill the owner for removal
- impose a penalty when a nuisance or dangerous structure is removed by the Township

The above is a summary of the new ordinance. A complete copy of the new ordinance can be obtained for a nominal fee at the Covington Township Municipal Building, RR 6 Box 6315, Moscow, PA 18444. A complete copy may be reviewed at the office of the publishing newspaper.

The Board of Supervisors of Covington Township will consider and adopt this new ordinance at the regular meeting of Board scheduled on August 5, 2003 beginning at 7 p.m. The meeting will be held at the Covington Township Municipal Building, Daleville PA.

KATE TIERNEY
Secretary

**COVINGTON TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA
Ordinance No. 04 - 2003**

**AN ORDINANCE FOR REMOVAL OF NUISANCE
OR DANGEROUS STRUCTURE**

AN ORDINANCE OF COVINGTON TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA, REQUIRING AN OWNER TO REMOVE ANY NUISANCE OR DANGEROUS STRUCTURE OR, ON DEFAULT OF THE OWNER TO REMOVE, TO ALLOW THE BOARD OF SUPERVISORS TO REMOVE THE NUISANCE OR DANGEROUS STRUCTURE AND COLLECTING THE COST OF REMOVAL.

WHEREAS, the Board of Supervisors has become aware that there are nuisances or dangerous structures in Covington Township that should be removed in order to protect the health, welfare and safety of the citizens of the Township;

WHEREAS, Covington Township has a Nuisance Ordinance that provides for the Zoning Enforcement Officer to inspect and order the abatement of nuisances and the demolition of dangerous buildings; and

WHEREAS, the Board of Supervisors desire to augment the provisions of the Covington Township Nuisance Ordinance to allow the Board of Supervisors to remove the nuisance or dangerous structure and collect the cost of removal.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF COVINGTON TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA, does hereby enact and ordain:

SECTION 1: The provisions of the Covington Township Nuisance Ordinance describing nuisances and dangerous buildings are included herein and made a part hereof, the same as if these provisions were included at length.

SECTION 2: The powers and duties given the Enforcement Officer and the Township Engineer in the Nuisance Ordinance to take action on nuisances and dangerous buildings are hereby affirmed. However, the Board of Supervisors in their complete discretion may allow the Enforcement Officer to take action on a nuisance or dangerous building, or the Board of Supervisors may take action in their own right under the Second Class Township Code, P.L. 350, No. 60, §1 (53 P.S. §66533).

SECTION 3: If the Board of Supervisors take action under this Ordinance, the notice to the owner will be given by the Township Solicitor.

SECTION 4: The definition of a nuisance and dangerous structure in the Second Class Township Code, P.L. 350, No. 60, §1(53 P.S. §66533) shall include the definition of a nuisance and dangerous building in the Covington Township Nuisance

Ordinance, but the Board of Supervisors may designate by Resolution other actions as nuisances and other structures as dangerous, which will then be subject to this Ordinance.

SECTION 5: The penalty imposed for removal of a nuisance or dangerous structure by the Township shall be five percent (5%) of the removal cost or Two Hundred Dollars (\$200.00), whichever is more.

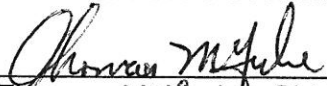
SECTION 6: Any ordinance or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.


SECTION 7: The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Covington Township that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, or section had not been included herein.

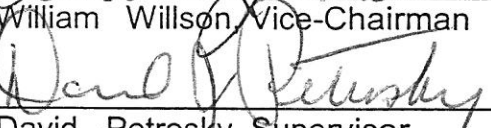
SECTION 8: This Ordinance shall become effective five (5) days after enactment.

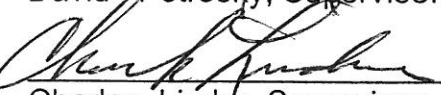
ORDAINED AND ENACTED into law by the Board of Supervisors of Covington Township this 5 day of AUG, 2003.


BOARD OF SUPERVISORS OF
COVINGTON TOWNSHIP


Thomas M. Yerke, Chairman

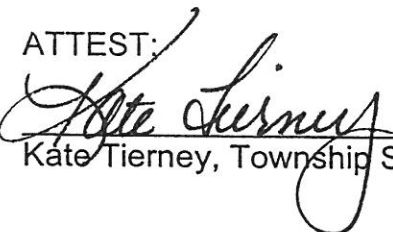

William Willson, Vice-Chairman


David Petrosky, Supervisor


Charles Linder, Supervisor


Marlene Beavers, Supervisor

ATTEST:


Kate Tierney, Township Secretary