

AN ORDINANCE PROHIBITING NUISANCES WITHIN THE
TOWNSHIP OF EAST MARLBOROUGH, CHESTER COUNTY,
PENNSYLVANIA: ESTABLISHING PROCEDURES FOR THE
ABATEMENT OF THE SAME AND PROVIDING PENALTIES
FOR VIOLATIONS.

In pursuance of the powers conferred upon them by the provisions of the Second Class Township Code, including clauses XII and XLI of Section 702, the Board of Supervisors of the Township of East Marlborough, Chester County, Pennsylvania, hereby ENACTS AND ORDAINS:

SECTION 1. From and after the effective date hereof, no persons, partnership, firm or corporation shall cause, create or maintain any nuisance, including, but not limited to, accumulations of garbage, rubbish, discarded or waste materials and the storage of abandoned or junked motor vehicles, nor shall any person, partnership, firm or corporation erect or maintain any dangerous structure on any lands within the Township; provided, however, that nothing in this section shall be construed to render unlawful the establishment or operation of a municipal disposal facility or the accumulation of a compost heap of vegetable matter or the manure of animals for agricultural or horticultural purposes.

SECTION 2. No person, partnership, firm or corporation shall carry on, engage in, commit, or, having control or responsibility, permit any trade, manufacture, business profession, practice or act which is injurious or dangerous to the health, safety, comfort or welfare of persons, or damaging to the property of others, or prevent its reasonable use or enjoyment by reason of odor, smoke, dust, gas, noise, dirt, vibration or the emission of electro-magnetic waves.

SECTION 3.1 No person, partnership, firm or corporation shall kindle or maintain, or authorize to be kindled or maintained,

any bonfire or rubbish fire, or burn or authorize to be burned out of doors anywhere within the Township any leaves, brush, grass, wood or other waste material unless (a) such fire is located and maintained not less than fifty (50) feet from any building and provision is made to prevent the fire from spreading to within fifty (50) feet of any building, or (b) the fire is confined in an effective incinerator or waste burner with closed top, located not less than fifteen (15) feet from any building.

SECTION 3.2. No person shall kindle a fire upon the land of another without permission of the owner thereof.

SECTION 3.3 No person, partnership, firm or corporation shall set fire to, or authorize the burning of, any material on the bituminous or concrete portion of any public road or highway of the Township.

SECTION 3.4 The Chief of the local fire company, having jurisdiction, or in his absence, such other official of the fire company designated by the Chief for this purpose, may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

SECTION 3.5 Any fire on public or private property started or burning in violation of the provisions of this Ordinance may be extinguished by the local fire company having jurisdiction, either with or without the consent of the landowner or person in charge, if, in the opinion of the Fire Chief, or his authorized representative, such fire constitutes a danger to persons or property.

SECTION 3.6 No person, partnership, firm or corporation shall compound, mix, prepare or manufacture anywhere within

the Township any substance or material, the primary or common purpose of which is to function by explosion, including all material which is classified as forbidden, Class A, Class B, or Class C explosives by the Interstate Commerce Commission, including but not limited to, dynamite, black blasting powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonant fuse, instantaneous fuse, ignition cord and igniters, but excepting the hand loading of small arms ammunition.

SECTION 3.7 No person, partnership, firm or corporation shall have, keep, use or store any explosives as hereinabove defined, but excepting small arms ammunition, anywhere within the Township unless the same are used, kept or stored in accordance with the current requirements of the Fire Prevention Code recommended by the National Board of Fire Underwriters and unless a written permit shall have been obtained from the Chief of the local fire company having jurisdiction. The said Chief of the local fire company shall issue such permit upon proof that the provisions of the Fire Prevention Code, hereinabove referred to, are being complied with.

SECTION 3.8 Nothing in this Ordinance shall be construed as applying to the regular military or naval forces of the United States, the duly authorized militia of this State, or to the police or fire companies, nor to the laboratory of schools, colleges and similar institutions when confined to the purpose of instruction or research, or to explosives in the forms prescribed by the official United States Pharmacopeia.

SECTION 4 Any person or the members or the officers of partnerships, firms or corporations violating any of the provisions of this Ordinance shall, upon conviction thereof,

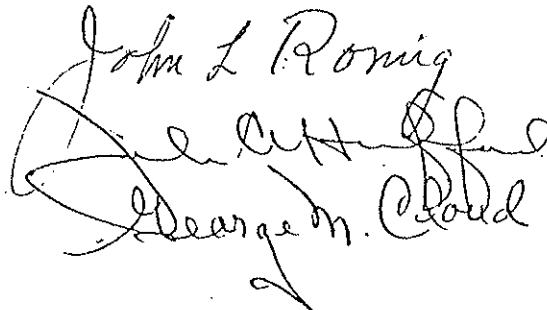
before a District Justice in a summary proceeding, pay a fine of not less than \$10.00 nor more than \$100 for each violation, together with the costs of prosecution, and in default of the payment thereof, shall be committed to and suffer imprisonment in the County Prison for a period of not more than five (5) days.

The Board of Supervisors may remove any nuisance or dangerous structure on public or private grounds after notice to the owner to do so, and, in his default, may impose and collect the costs of such removal, together with a penalty of \$25.00 from the owner by summary proceedings. The Board of Supervisors may also institute proceedings in courts of equity.

SECTION 5 If any section, provision or part of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining sections, provisions or parts of this Ordinance. The Board of Supervisors hereby declares that it would have enacted and ordained the remaining sections, provisions or parts of this Ordinance if it had known that such sections, provisions or parts would be held unconstitutional.

ENACTED AND ORDAINED this 12th day of May, 1975.

John L. Romig
George M. Cloud
John A. Hufford
Supervisors of East Marlborough
Township



Handwritten signatures of John L. Romig, John A. Hufford, and George M. Cloud.