

CHAPTER 10
HEALTH AND SAFETY

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PART 1**NUISANCES****§10-101. Prohibition of Nuisances.**

1. No person, firm or corporation shall maintain or cause or permit to be maintained on any property owned or occupied by such person, firm or corporation within the Township, any accumulation of garbage and rubbish, any abandoned or junked automobile, any dangerous structure, the carrying on of any offense manufacture or business or any other condition:
 - A. Constituting or productive of a nuisance detrimental to the public health as determined by the Board of Supervisors after a full and complete investigation.
 - B. Constituting or productive of a nuisance dangerous as a fire hazard as determined by the Fire Chief of Oley Fire Company or by the Board of Township Supervisors after a full and complete investigation.
 - C. Constituting or productive of a nuisance dangerous to the safety of other persons as determined by the Chief of Police of the Township or by the Board of Township Supervisors after a full and complete investigation.
 - D. Constituting or productive of a nuisance detrimental to the public health and welfare by reason of the repeated barking, howling or yelping of any dog in such manner as to materially disturb or annoy persons of average sensibilities in the neighborhood, as determined by the Chief of Police of the Township or by the Board of Township Supervisors after a full and complete investigation. *[Ord. 205]*
2. For the purposes of this Part any automobile not bearing both a current inspection sticker and a current registration tag and sticker shall be deemed to be an abandoned or junked automobile, unless such automobile is 25 or more years old and is currently being restored by the owner thereof and such restoration is carried on continuously and completed within a reasonable period of time.

(Ord. 195, 4/8/1985, §1; as amended by Ord. 202, 1/6/1986, §1)

§10-102. Failure to Correct Nuisance.

Upon failure of the owner or occupier of any property upon which any of the conditions referred to in §10-101 of this Part is maintained to remove or correct such conditions within thirty (30) days after notice from the Township Secretary, the Board of Township Supervisors may proceed to remove or correct such conditions and collect the cost thereof together with a penalty of 20% of such cost in the manner provided by law for the collection

of municipal claims. Nothing contained herein shall be construed as prohibiting the Board of Township Supervisors from pursuing any other available legal or equitable remedy.

(Ord. 195, 4/8/1985, §2)

§10-103. Penalty.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall found to have been violated shall constitute a separate offense. The penalty provided for herein is in addition to and not in lieu of any other remedy provided for in this Part or otherwise available to the Township.
2. No penalty under this Section shall be imposed upon any person for a violation of §10-101(1)(D) of this Part unless a written warning of such action has first been served upon such person or mailed to him by certified mail, return receipt requested, not less than 30 days prior to instituting proceedings for the collection of such penalty and unless a written complaint of such violation has been made to the Township by two adult resident citizens who are not members of the same household and who are not related by blood or marriage.

(Ord. 195, 4/8/1985, §3; as amended by Ord. 202, 1/6/1986, §2)

PART 2**RELOCATION OF HISTORIC BURIAL LOT OR GRAVE MARKER****§10-201. Purpose.**

The procedure established by this Part is to assure that the Township is given notification of any proposed removal or relocation of an historic burial lot or grave marker.

(Ord. 305, 7/14/2003, §1)

§10-202. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

BURIAL GROUND AUTHORITY - an individual, ecclesiastical society, cemetery association or other entity which has charge of a historic burial place.

HISTORIC BURIAL LOT - an individual burial site within a historical burial place.

HISTORIC BURIAL PLACE - a tract of land that has been in existence as a burial ground for more than 100 years, wherein there have been no burials for at least 50 years and wherein there is no future burials or listed in or eligible for the National Register of Historic Places as determined by the Pennsylvania Historical and Museum Commission.

SECRETARY - the individual appointed by the Board of Supervisors to serve as Secretary for the Township of Oley.

TOMB - the vault or grave containing the remains of a deceased person.

(Ord. 305, 7/14/2003, §2)

§10-203. Notice of Removal.

No burial ground authority shall undertake the removal or relocation of any tomb, monument or gravestone marker from an historic burial lot in an historic burial place without first giving written notice of such proposal to the Township at least 60 days prior to the proposed removal, and in the event of the requirement of a court hearing, as required by the provisions of the Act of April 29, 1994, P.L. No. 141 (9 P.S. §214); such notice shall be given at the time the application is filed with the Court of Common Pleas of Berks County.

(Ord. 305, 7/14/2003, §3)

§10-204. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 305, 7/14/2003, §4; as amended by Ord. 311, 6/14/2004, §1)