

## Chapter 11.12

### NUISANCES

#### Sections:

- 11.12.010 Nuisances Declared Unlawful.
- 11.12.020 Enumeration of Nuisances.
- 11.12.030 (repealed).
- 11.12.040 (repealed).
- 11.12.050 Emission of Dense Smoke.
- 11.12.060 Escape of Soot, Cinders, Noxious Acids,  
Fumes and Gas.
- 11.12.070 Fireworks.
- 11.12.080 Service Area Only.

#### 11.12.010 Nuisances Declared Unlawful.

A. Public nuisances. "Public nuisances" include, but are not limited to, whatever is forbidden by any provision of this Chapter.

B. Violations - Penalties. It is unlawful for any person to commit, create or maintain any public nuisance. Any person violating any provision of this Chapter, or failing to comply with any mandatory requirement of this Chapter, is guilty of a violation and shall be punished by imposition of the fine established in the fine schedule set forth in Section 1.24.040 if the offense is listed in that fine schedule; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.24.010.

11.12.020 Enumeration of Nuisances. Each of the following acts or conditions constitutes a public nuisance:

A. Maintaining stables, kennels or livestock pens in a filthy or malodorous condition;

B. Making or causing to be made any unnecessary or unusual noise which annoys, injures or endangers the comfort, repose, health or safety of the public; or making or causing any such noise within one hundred fifty feet of any hospital or other institution reserved for the sick;

C. Using, playing or practicing upon any bugle, hand organ, barrel organ, barrel accordion, hurdygurdy or other musical instrument upon any street, alley or public place, without a written permit from the police chief;

D. Using, for the purpose of attracting the attention of the public, any radio, recording music or sound amplifying device of any kind, the sound from which is cast directly upon a street, alley or public place. This Subsection shall not apply to devices officially used by governmental units. The Mayor shall have the authority, on written application to him, to permit the broadcast by use of sound amplifying devices;

E. Operating or using any pile driver, power shovel, pneumatic hammer, sawmill or other apparatus, the use of which is attended by loud or unusual noise, between the hours of ten p.m. and seven a.m., except by written permission of the Assembly;

F. Operating any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to explosion of operating gasses or fluids, unless the noise made thereby is so muffled as not to cause annoyance to the public;

G. Disposing of any refuse, garbage, manure, waste or other materials, except in the manner provided by the ordinances or regulations of the Borough;

H. Dumping, abandoning, throwing, scattering, or transporting anything in such manner as to cause the littering of any street, alley, public place, or public or private beach or the obstruction of any ditch, drain or gutter;

I. Knowingly or wantonly operating or causing to be operated any machine, device, apparatus or appliance of any kind within the Borough between the hours of ten a.m. and twelve midnight, the operation of which shall cause reasonably preventable electrical interference in the operation of any radio or television receiving set or with radio or television reception within the Borough, provided that x-ray examinations or treatment may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio or television reception, and are not negligently operated;

J. Any well, swimming pool or other dangerous excavation (including but not limited to a gravel pit) in the earth kept, maintained or permitted in an uncovered, unprotected, unfenced or inadequately fenced or otherwise dangerous or unsafe condition within the Borough;

K. Buildings which are unoccupied and open to ingress and egress and which should be locked up, boarded up or otherwise secured from ingress or egress;

L. (REPEALED);

M. (REPEALED);

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H. Dumping, abandoning, throwing, scattering, or transporting anything in such manner as to cause the littering of any street, alley, public place, or public or private beach or the obstruction of any ditch, drain or gutter;

I. Knowingly or wantonly operating or causing to be operated any machine, device, apparatus or appliance of any kind within the Borough between the hours of ten a.m. and twelve midnight, the operation of which shall cause reasonably preventable electrical interference in the operation of any radio or television receiving set or with radio or television reception within the Borough, provided that x-ray examinations or treatment may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio or television reception, and are not negligently operated;

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B. With the approval of the Assembly, the Borough Manager may issue a permit authorizing the sale, possession, use, or exploding of fireworks by the permittee, subject to such limitations as to time and place, and subject to such further limitations and conditions as may be set out in the permit.

C. This section does not apply to highway or other warning flares or ammunitions for firearms, unless used for other than their intended purposes.

D. "Fireworks" means any explosive or incendiary device, including but not limited to, firecrackers, Roman candles, skyrockets, stench bombs, or other explosive or incendiary devices, used or intended for use for recreational or exhibition purposes.

11.12.080 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.