

Chapter 188

NUISANCES

[HISTORY: Adopted by the Board of Commissioners of the Township of Cheltenham 3-21-1995 by Ord. No. 1824-95. Amendments noted where applicable.]

GENERAL REFERENCES

Air pollution — See Ch. 82.

Housing standards — See Ch. 167.

Garbage, rubbish and refuse — See Ch. 161.

§ 188-1. Definitions.

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

BAMBOO — Any monopodial (running) tropical or semitropical grasses from the genera Bambus including, but not limited to Bambusa, Phyllostachys and Pseudosasa as well as common bamboo, golden bamboo, arrow bamboo, and Japanese bamboo.**[Added 10-19-2016 by Ord. No. 2334-16]**

BAMBOO OWNER — Any property owner or resident who has planted and/or grows bamboo, or who maintains bamboo on his/her property, or who permits bamboo to grow or remain on the property even if the bamboo has spread from an adjoining property. Any property owner of or resident at property on which bamboo is found on the property will be considered a bamboo owner, except any property owner or resident who:**[Added 10-19-2016 by Ord. No. 2334-16]**

- A. Has provided satisfactory proof to the Township that, within a reasonable period of time after discovering the encroachment of bamboo onto the property from an adjoining or neighboring property, he/she advised the owner of such property of his/her objection to the encroachment of the bamboo; and
- B. Has initiated steps for the removal of the bamboo from the property, including remedies at law.

DEVELOPED LOT — A parcel of land on which has been built one or more buildings or has been otherwise improved with curbs, sidewalks, roads, driveways or other facilities.

ENFORCEMENT OFFICER — Any building official, zoning inspector, code enforcement officer, health officer, fire inspector, building inspector, or other person authorized by the Township to enforce applicable codes.**[Added 6-15-2016 by Ord. No. 2330-16]**

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GRASS — Various green plants with blade-like leaves usually densely grown and cultivated for lawns.

GROUND COVER — Plantings such as, but not limited to, crown vetch, pachysandra,

periwinkle and similar vegetation cultivated for the enhancement of lawns and reducing erosion of embankments.

LITTER — Garbage, refuse, rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

NOXIOUS PLANTS — A plant that poses a hazard to humans or animals, such as poison oak or ivy, cacti, stinging nettles, etc. An unwanted plant specified by federal, state or local laws as being undesirable and requiring control. May also be referred to as "noxious weeds," and includes any plant that, when established, is highly destructive, competitive, or difficult to control by cultural, chemical or other practices. Noxious weeds may also be nonnative plants that are highly invasive. **[Added 6-15-2016 by Ord. No. 2330-16]**

NUISANCE **[Added 6-15-2016 by Ord. No. 2330-16]** —

- A. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes or regulations of the Commonwealth of Pennsylvania or the laws or regulations of Montgomery County or ordinances of Cheltenham Township.
- B. Any attractive nuisance known at common law or in equity jurisprudence or as provided by the statutes or regulations of the Commonwealth of Pennsylvania or the laws or regulations of Montgomery County or the ordinances of Cheltenham Township.
- C. Conditions that are unsanitary, dangerous or otherwise in violation of this chapter.

ORNAMENTAL SHRUBBERY — Decorative plantings such as, but not limited to, hedges, evergreens, flowering shrubs and bushes.

PARK — A park, reservation, playground, recreation center or any other public area in the Township owned or used by the Township and devoted to active or passive recreation.

PERSON — Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

PRIVATE PREMISES — Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, which is inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE — Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all parks, squares, spaces, grounds and buildings.

PUTRESCIBLE — Liable to undergo putrefaction; become rotten and foul-smelling. **[Added 6-15-2016 by Ord. No. 2330-16]**

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market, industrial and construction wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

TEMPORARY STORAGE UNIT — A transportable unit designed and used primarily for temporary storage of building materials, household goods, personal items and/or other materials for use on a limited basis on residential property. **[Added 10-19-2016 by Ord. No. 2334-16]**

TOWNSHIP — The Township of Cheltenham, Montgomery County, Pennsylvania. **[Added 10-19-2016 by Ord. No. 2334-16]**

UNDEVELOPED LOT — A parcel of land whereon no improvements have been made.

VEGETATION — Trees, hedges, shrubs, grasses, weeds, noxious plants, cultivated flowers and other types of plant materials. **[Added 6-15-2016 by Ord. No. 2330-16]**

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

WEEDS — Growths of wild vegetation having little or no value.

§ 188-2. Vegetation.

A. Legislative intent. The overgrowth of grass, weeds and shrubbery may be detrimental to the health and safety of the citizens of the Township by producing aggravating pollens, providing harborage for insects and rodents or by obscuring vision or obstructing passage of sidewalks and roadways.

B. It is hereby declared a health hazard and nuisance and it shall be unlawful for any person to permit any of the following vegetation to grow or the cuttings, clippings and trimmings therefrom to remain uncollected on any lot or tract of ground in the Township: **[Amended 6-15-2016 by Ord. No. 2330-16]**

(1) Any and all weeds, tall grasses or noxious plants exceeding 12 inches in height, with the following exceptions:

(a) Areas of any lot utilized for or managed as wildflower meadows, naturalized areas, or other no-mow zones, provided:

[1] The property owner has a documented and demonstrated management program, including at a minimum one mowing per year; and

[2] A minimum of 50 feet from all property lines abutting a public or private street is maintained free of weeds, grasses and noxious plants exceeding 12 inches; and

[3] A minimum of 25 feet abutting the property lines abutting developed lots is maintained free of weeds, grasses and noxious plants exceeding 12 inches; and

[4] All premises and exterior property within 25 feet of any structure or building or between the structure or building and the property line,

whichever is less, is maintained free of weeds, grasses and noxious plants exceeding 12 inches.

- (b) Plant materials grown or placed for ornamental purposes.
 - (c) Riparian buffers as defined in Chapter 295, Article XXXIV, Riparian Corridor Conservation District, of the Cheltenham Township Code.
 - (2) Any shrubbery, trees or other vegetation which obstructs the approach, sight distance of or normal passage along any highway, street, driveway, traffic signal, street or traffic signal sign, crosswalk, trail or sidewalk.
 - (3) Dead and dying tree(s) and limb(s) or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a nuisance in the determination of the Enforcement Officer. In the event a property owner disagrees with the determination of the Enforcement Officer, the property owner shall submit a report by a certified arborist for review by the Enforcement Officer.
- C. These regulations shall not apply to open space conservation areas along stream banks; Township parkways, parks or bird sanctuaries; or to heavily wooded or compost areas, at the discretion of the Director of Public Works or Enforcement Officer. **[Amended 3-15-2005 by Ord. No. 2079-05; 6-27-2006 by Ord. No. 2109-06; 6-15-2016 by Ord. No. 2330-16]**
- D. Bamboo. **[Added 10-19-2016 by Ord. No. 2334-16]**
- (1) Purpose and intent. The purpose of this section is to control the planting, cultivating or growing of certain running bamboo grasses in the Township of Cheltenham; and to require barriers to prevent the invasive spread of existing running bamboo into other areas of the Township.
 - (2) General provisions.
 - (a) For the purpose of this chapter, bamboo found growing on a property shall constitute presumptive evidence that the bamboo was planted and/or grown by and/or with the consent of the property owner, tenant, or other individual, entity or corporation having control of the property.
 - (b) Prohibition. Except as provided in § 188-2D(2)(d) of this Code, upon the effective date of this chapter, the planting or growing of bamboo shall be prohibited within the Township and no persons, property owners, tenants, or other individuals, entities or corporations having control of property within the Township shall plant, cultivate, or cause to grow any bamboo on any lot or parcel of ground within the Township. Any person who thereafter plants or grows, or causes or allows to be planted or grown bamboo within the Township shall be deemed to be in violation of this chapter and shall be subject to such penalties as are set forth herein.
 - (c) This chapter shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of bamboo on their own property that has run over from a neighboring property.

(d) Exceptions. The prohibition in § 188-2.D(2)(b) shall not apply if:
[Amended 4-20-2022 by Ord. No. 2437-22]

[1] The root system of such bamboo plants is entirely contained within an aboveground level planter, barrel or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which it is planted or within 10 feet of a neighboring property;

[2] The root system is fully contained within an in-ground barrier, constructed in accordance with the follow specifications, and only after a compliance inspection is performed and a permit issued by the Township:

[a] The barrier itself shall be composed of concrete barrier if such barrier is no less than five inches in thickness and a depth of four feet;

[b] (Reserved)

[c] (Reserved)

[d] (Reserved)

[e] Not less than five inches of the concrete barrier shall protrude above ground level around the entire perimeter of the bamboo;

[f] When installed, the barrier shall slant outward from the bottom to top;

[g] Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained by the bamboo owner so that no part of the plant, including the root system of the plant, shall be closer than 10 feet from any pavement, sidewalk or public road within the Township.

[h] Each bamboo owner shall be responsible to ensure that the bamboo planted or growing on their property is maintained such that it does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and public rights-of-way. Bamboo owners shall trim and maintain bamboo plants so that no part of the plant, including the root system, is located closer than 10 feet from any property line.

(e) Any bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this chapter may remain on such property subject to compliance with § 188-2D(2)(d).
[Amended 4-20-2022 by Ord. No. 2437-22]

(f) If the Township Enforcement Officer determines that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public right-of-way or any private

property not owned by or in the possession of such land owner, the property owner or possessor shall be required to comply with the provisions of § 188-2D(2)(d)[2] above.

- (g) Removal from Township property. In the event that the bamboo owner does not remove or contract for the removal of the bamboo from Township property, or does not make an arrangement with the Township for removal of such bamboo within 60 days from the date the Township first provided notice, the Township, at its discretion, may take the appropriate steps to effectuate the removal or arrange for the removal of such bamboo, including but not limited to filing an action in equity. The bamboo owner shall be liable and responsible to the Township for all costs incurred in removing the bamboo from Township property, including reasonable attorney's fees. Such costs may be assessed against the property of the bamboo owner and entered as a lien on the property. Nothing herein shall be construed as to create any affirmative obligation on the part of the Township to abate or remove any bamboo within the Township. **[Amended 4-20-2022 by Ord. No. 2437-22]**
- (h) Replanting prohibited. Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed, unless such replanting is consistent with the provisions of this chapter that apply to new plantings.

§ 188-3. Garbage, refuse and litter.

- A. Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Township except in public receptacles or in authorized private receptacles for collection.
- B. Placement of litter in receptacles. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
- C. Sweeping litter into gutters prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- D. Merchant's duty to keep sidewalks free of litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Township shall keep the sidewalk in front of their business premises free of litter.
- E. Litter thrown by persons in vehicles. No person, while a driver or passenger in a

vehicle, shall throw or deposit litter upon any street or other public place within the Township or upon private property.

- F. Cases and carts. No person shall place or cause to be placed along any public highway, right-of-way, sidewalk area or occupied or unoccupied private property any empty or filled milk cases, bread cases or shopping carts.
- G. Vehicles carrying litter so as to prevent blowing. No person shall drive or move any truck or other vehicle within the Township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the Township, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.
- H. Litter in parks. No person shall throw or deposit litter in any park within the Township except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- I. Litter in lakes and fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or other body of water in a park or elsewhere within the Township.
- J. Litter in occupied private property. No person shall throw or deposit litter on any occupied private property within the Township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
- K. Owner to maintain premises free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- L. Litter on vacant lots. No person shall throw or deposit litter on any open or vacant private property within the Township, whether owned by such person or not.
- M. Household drainage. No kitchen drainage, sink drainage, bathroom drainage, watercloset drainage or house drainage of any kind, house refuse, offal, garbage, dead animals, decaying vegetable matter or organic waste substance of any kind shall be thrown on any street, road, ditch, gutter or public place within the limits of the Township.

§ 188-4. Vehicles. [Added 10-19-2016 by Ord. No. 2334-16¹]

1. Editor's Note: This ordinance also provided for the redesignation of former §§ 188-4 and 188-5 as §§ 188-5 and 188-6, respectively.

- A. Unlicensed or uninspected vehicles. Except as provided for in other Township regulations, no vehicle which is unlicensed or does not display a valid state inspection sticker shall be parked, kept or stored on any premises within the Township. The following exceptions shall apply to this subsection:
- (1) A vehicle registered as an antique, classic or vintage vehicle which does not require a state inspection sticker.
 - (2) An inoperable or unlicensed vehicle may be stored inside a permanent, enclosed building.
- B. Disassembled vehicles; vehicles being repaired. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled on any premises within the Township. The following exceptions shall apply to this subsection:
- (1) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a permanent, enclosed building designed and approved for such purposes.
 - (2) Painting of a vehicle is prohibited unless conducted inside a code-compliant spray booth.
- C. Parking on grass and unpaved areas. A vehicle may only be parked on all-weather surfaces including, but not limited to asphalt, concrete, gravel or crushed stone, paver blocks or approved pervious pavement (hereinafter "paved areas"). Parking a vehicle on grass or dirt or other than paved areas is prohibited, except as otherwise set forth below. The following exceptions shall apply to this subsection:
- (1) Parking a vehicle on grass, dirt or other than paved areas on public property at community-organized or Township-organized events, as approved by the applicable public entity.
 - (2) Parking a vehicle on grass, dirt or other than paved areas on private property not more than seven days in a calendar year.
 - (3) Parking a vehicle on grass, dirt or other than paved areas only while washing personal vehicles.
- D. Recreational vehicles and equipment. A recreational vehicle or recreational equipment, including, but not limited to a boat and boat trailer, travel trailer, pick-up camper or coach, motorized dwelling, tent trailer, trailer (recreation and utility), school bus, passenger van, all-terrain vehicle, or similar equipment (hereafter "RV") shall not be parked or stored overnight on any public street, nor shall such a vehicle and/or equipment be stored on any residential property in front of the principal building's front building line. Such RV may, however, be parked on a public street for no more than 12 hours in any one seven-day period and only for the purpose of loading or unloading. No such RV shall be used for living, sleeping or housekeeping purposes when parked or stored in conformity with this subsection.
- E. Temporary storage units.

- (1) Permit required. The placement of a temporary storage unit shall require a Township permit and payment of a fee in advance, in accordance with the Township Fee Schedule, which may be amended from time to time by resolution of the Board of Commissioners.
- (2) Location of temporary storage unit. A temporary storage unit shall be placed on driveways or behind the principal building's front building line, provided, however, that the location of the temporary storage unit does not conflict with site distance, utilities, or other code limitations. If placement on a driveway or behind the principal building's front building line is not feasible or code-compliant, the temporary storage unit may be placed in the front yard or on a public street, subject to review and approval of the Township.
- (3) Length of permit. A temporary storage unit permit may be issued for a period of not more than 15 days. The permit may be renewed in increments of not more than 15 days for a maximum total of 60 days.

§ 188-5. Enforcement; removal of nuisances. [Amended 3-15-2005 by Ord. No. 2079-05; 6-27-2006 by Ord. No. 2109-06; 6-15-2016 by Ord. No. 2330-16]

The Enforcement Officer, after determining that a nuisance exists in violation of this chapter, shall serve written notice upon the owner or occupier of the property, or the agent thereof, by certified mail or personal service, to remove the nuisance within 10 days after receipt of a notice to comply with § 188-2 or within three days after receipt of a notice to comply with § 188-3. If delivery is not made to the owner or occupier, or the agent thereof, then a written notice to remove the nuisance shall be posted upon the premises. Upon such persons' failure to comply with the notice, the Township may cause the nuisance to be removed or disposed of and charge the owner for the cost thereof, together with an administrative fee of 10%, collectible in manner provided by law for the filing of municipal claims and liens.

§ 188-6. Violations and penalties. [Amended 10-19-2016 by Ord. No. 2334-16]

Any person, firm or corporation violating any of the provisions of this chapter shall, in addition to other charges hereinbefore provided for, upon conviction before any Magisterial District Justice, be guilty of a summary offense and shall be required to pay a fine not exceeding \$1,000 and costs of prosecution. Each and every day on which any person, firm or corporation shall be in violation of this chapter shall constitute a separate offense.

