

CODIFIED ORDINANCES OF THE TOWNSHIP OF CRESCENT

PART FIVE - PUBLIC HEALTH, SAFETY,
AND WELFARE CODE

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CHAPTER 520 - PUBLIC NUISANCES

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STATUTE REFERENCES

First Class Township Code, Section 1502 XXVI (53 P.S. §56526)

520.01 NUISANCES FORBIDDEN

It shall be unlawful for any person, firm, co-partnership, corporation or association to create, maintain, permit or cause to be created or maintained any public nuisance, as hereinafter defined and described, within the limits of the Township of Crescent, and the following provisions be and the same are hereby declared to be, and shall be, applicable thereto, and shall define and regulate the same.

(Ordinance 270. Passed 4/6/65.)

520.02 DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the meaning ascribed to them as follows:

A. "Person" shall mean a natural person and a firm, copartnership, corporation or association and, except where the text shall clearly indicate the contrary, when used in the singular form shall be construed to include the plural.

B. "Street", "road" or "alley" shall mean the entire legal right-of-way thereof except where the text shall clearly limit such term to the cartway.

C. "Public nuisance" shall mean any thing, act, failure to act, occupation or use of property which:

1. Shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons.
2. Shall offend the public decency.
3. Shall unlawfully interfere with, obstruct, or tend to obstruct, or render dangerous for passage, any road, street, highway, alley, public park, square or other public place in the Township; or
4. Shall in any way render any considerable number of persons insecure in life, safety or in the use of property; provided, however, that the term "public nuisance" shall not mean, or apply to, the establishment, maintenance of use by the Crescent Township Volunteer Fire Department of a siren or sirens at such places and times as the Volunteer Fire Department may determine to be necessary to the performance of its duties and purposes. (Ordinance 270. Passed 4/6/65; except for the proviso of Section 520.02C4 which is from Ordinance 300. Passed 11/10/70.)

520.03 PUBLIC NUISANCES AFFECTING HEALTH

The following are hereby declared to be public nuisances affecting health:

- A. The open storage of garbage, offal, pomace, dead animals, decaying matter or organic waste substance of any kind or of tins, glasses, bottles or other containers, which have been used for the storage or shipment of food or other organic material, at any place within the Township, and the dumping or depositing of the same on or into any river, creek or stream or the banks thereof or into or on any street, road, alley or other public place or into or on any private property within the Township.
- B. All open ponds, pools, vessels or other containers holding stagnant water in which mosquitoes can breed.
- C. All diseased animals running at large.
- D. The failure to bury the carcass of any dead animal or otherwise dispose of the same in a sanitary manner within twenty-four (24) hours after death.
- E. Accumulation of manure, rubbish or other material which may serve as breeding places for flies, mosquitoes or vermin.
- F. The pollution of any well, cistern, stream, surface drainage ditch, canal or body of water by sewage, industrial wastes or other noxious or poisonous substances.

G. Permitting the growth, within five (5) feet of any public sidewalk, street, road or alley, of any noxious or poisonous weeds such as ragweed, poison oak, poison ivy and similar vegetation not of an edible nature nor planted for some useful or ornamental purposes.

H. The keeping of any flesh-eating, venomous or poisonous wild animal, reptile or bird, provided, however, that the Board may, by resolution enacted pursuant to this Chapter, adopt regulations permitting the keeping of such animals, reptiles or birds in accordance with such housing, maintenance and other safety standards as may be prescribed in such resolution and in accordance with such further regulations concerning applications, permits and fees as may be prescribed therein, and provided, further, that no proceedings for violation of this Section shall be brought or commenced until such resolution has been enacted by the Board.

I. The dumping of brush cuttings, logs, tree limbs, tree stumps, weeds, vines and the like in any stream or open piling or storage thereof within any area subject to inundation by high or flood waters so that the same may be washed off into any such streams and impede the free flow thereof.

J. All other acts, omissions, occupations and uses of property which are in fact a menace to the public health.
(Ordinance 270. Passed 4/6/65)

520.04 PUBLIC USES AFFECTING PEACE AND SAFETY

A. All open man-made pits, holes and other excavations, wherever located, which are permitted to remain unfenced or otherwise unguarded for a period in excess of fifteen (15) days after opening of the same.

B. All open man-made pits, holes and other excavations, any portions of which are located within five (5) feet of any public sidewalk, street, road or alley, unless the same be fenced in immediately upon the opening of the same, and unless nighttime warning devices be installed as follows: at least one (1) warning lantern, light or flare shall be placed at the edge of such excavation and one (1) such additional warning device placed for each fifteen (15) feet of perimeter of such excavation, each such warning device to be kept lighted or burning during all of the hours of darkness.

C. The open storage of wood ashes, fly-ash and rubbish of all kinds, of old and abandoned furniture, household goods, and household utensils, of scrap lumber, scrap materials of any kind and of abandoned or junked automobiles, trucks, buses, housetrailer or other vehicles, or of abandoned or junked barges, houseboats, tipples or docks at any place within the Township,

provided, however, that this Section shall not apply to any such articles owned and stored by any person operating a junk or scrap business and duly licensed as such pursuant to the provisions of Chapter 530, or pursuant to any like licensing requirement which may hereafter be adopted, nor shall it apply to any such articles which may be stored inside any United States Harbor Line presently or hereafter established along the shore of the Ohio River or otherwise stored in any other area within the exclusive jurisdiction of the United States of America. The term "abandoned" or "junked", when used herein with respect to motor vehicles, shall mean any motor vehicle which is not in running condition for a period of fifteen (15) days, or which does not bear a validly issued current registration plate or sticker more than fifteen (15) days after the last day provided by law for securing the same, or which does not bear a validly issued inspection sticker more than fifteen (15) days after the last day provided by law for securing the same.

(Section C is from Ordinance 279, passed 9/6/66 except for the final sentence which is from Ordinance 312, passed 6/5/73.)

D. Maintaining or permitting the continuance of any abandoned water, gas or oil wells without capping the same with a concrete plug or maintaining or permitting the continuance of any open and abandoned cistern, dug well, cesspool or vault without covering the same with a reinforced concrete lid or platform, such plug or cover, as the case may be, to be so secured as to be immovable except by physical destruction thereof.

E. All structures, trees, hedges, billboards or other obstructions located within any "clear-view area", as hereinafter defined, at any intersection of public highways in the Township. A "clear-view area" shall relate to the area of a cross street or highway observable, either to his right or left, by a person proceeding toward such cross street along the center line of an approaching street or highway. Each such "clear-view area" shall be determined in the following manner: a "point of observation" shall be fixed at a point in the center line of the approaching street distant ten (10) feet along such center line, in a direction opposite to the direction of approach, from the intersection of said center line with the direct extension of the nearer side line of the cross street; from such "point of observation" a straight line shall be projected for a distance of one hundred (100) feet to the right or left as the case may be, to intersect with the center line of the cross street. Any obstruction lying within the triangular area thus formed, in which the center lines of the approaching and cross streets (measured from their intersection) shall be the sides and such one hundred (100) foot line shall be the hypotenuse, is hereby forbidden, provided, however, that this prohibition shall not apply to any building or portion of a building presently erected within such area at any street intersection.

F. All trees, limbs of trees, awnings, signs, overhanging objects and the like, which project over a public sidewalk or street and which are less than

eight (8) feet above the surface of such public sidewalk and less than nine (9) feet above the surface of such street.

G. All wires over streets, roads, alleys or other public places which are strung less than fifteen (15) feet above the surface of the ground or which may be suspended or hung in an unsafe manner or condition or which may be or become dangerous to the safety of other persons or the general public.

H. All walks, sidewalks, buildings, walls and other structures which have been damaged by fire, decay or otherwise, and which are so situated as to endanger the safety of the public.

I. All explosive or inflammable liquids, gases or other substances stored in any manner or in any amount other than as permitted

J. All buildings and all alterations to buildings erected to or made without a building permit required by the same.

K. Any obstruction of any public street road, alley or sidewalk or excavation made therein without prior permit obtained from the Secretary-Manager.

L. All signboards, hanging signs, awnings and other similar structures or equipment erected over or along the streets or sidewalks of the Township and so located or constructed as to endanger public safety.

M. Permitting rain water, ice or snow to fall directly from any building or structure upon any street or sidewalk or to flow across any public sidewalk.

N. All streams, pools or flows of water, regardless of the source thereof, permitted to flow from private property over, on or across any public sidewalk for any period of time in excess of fifteen (15) days after written notice from the Secretary-Manager to eliminate or terminate the same.

O. All snow and ice not removed from public sidewalks within a period of twelve (12) hours after the snow or ice has ceased to fall thereon.

P. All barbed wire fences, or other fences or guardrails topped with vertical spikes, spears or sharp-pointed rods, which are located within three (3) feet of any public sidewalk or within three (3) feet of the edge of the cartway of any street, road or alley.

Q. The burning of rubbish, trash or any other waste material within the limits of any road, street or alley of the Township, provided, however, that the burning of autumn leaves in and along the berm of any such road, street or alley shall be permitted so long as no portion of the accumulated leaves to be

burned shall be located within five (5) feet of the edge of the cartway of any such road, street or alley.

R. The keeping of one or more dogs, cats, birds, reptiles, or other animals, which (1) create offensive or noxious odors or unsanitary conditions which unreasonably interferes with the public health, peace and safety or the peaceable enjoyment of neighboring properties; or (2) habitually barks, howls, screeches, yelps, or bays with such volume and at such hours that there is an unreasonable interference with the public health, peace and safety or the peaceable enjoyment of neighboring properties; or (3) scratches, digs or defecates upon any lawn, tree, shrub, plant, or building on any public or private property other than the property of the person keeping such animal(s), so that the same unreasonably interferes with the public health, peace and safety or with the peaceable enjoyment of neighboring properties. For purposes of this section, the term "keeping" shall include any person who feeds, shelters, or harbors any such animal(s), regardless of whether that person is regarded as the "owner" of such animal(s).
(Ordinance 465. Passed 3/14/01.)

S. The manufacture or storage of any nitroglycerine, dynamite or other high explosives, or of black, brown or smokeless powder, provided, however, that this Section shall not apply to:

1. The temporary storage, on premises where construction excavation, demolition or quarrying work is being performed, of nitroglycerine, dynamite or other high explosives intended for use in such work; nor to

2. The storage on any one premises of black, brown or smokeless powder in aggregate amounts not in excess of fifteen (15) pounds.

T. The use of bone coal, or of wood ash, fly-ash or other residue from the combustion of fuel of any kind for use as fill or for filling in or covering any hole, excavation, trench or other natural or man-made depression in land, provided, however, that such prohibition shall not apply to the residue from the burning of slate or bone coal commonly known as "red-dog" not to the residue from burning of lump coal commonly known as "industrial cinders"; furthermore, this Section shall not apply to any filling or covering operation commenced prior to the adoption hereof and any such operation may be continued to completion with the materials currently in use but only at the site or location upon which such operation is currently being conducted.
(Ordinance 270. Passed 4/6/65.)

520.05 ABATEMENT

A. Preliminary Investigations, Notice and Hearing. Upon receipt of information that a public nuisance, as defined or described herein, has been created or is being maintained or permitted at any place within the Township, the Board may investigate the same for the purpose of verifying the existence of such nuisance and may, by motion, fix a date for a public hearing which may be held at any regular or special meeting of such Board for the purpose of taking appropriate action for the abatement of such nuisance. In such event the Board shall direct that written notice of the time, place and purpose of such hearing be given to such person or persons as, from such investigation, shall appear to be responsible for creating, maintaining or permitting such nuisance. Such notice shall be signed by the Secretary-Manager and shall be given to each such person not less than five (5) days prior to the date of such hearing by delivering the same to him in person, or by posting the same to him by registered or certified mail addressed to his last known address, or if his address be unknown, then by posting such notice in at least two prominent places on the premises where such nuisance is being committed, maintained or permitted.

B. Resolution of Abatement. At the public hearing so fixed the Board shall hear and receive such evidence as it may deem necessary to establish the existence of such public nuisance and the identity of the person or persons responsible for knowingly creating, maintaining or permitting the same. At the conclusion of such hearing, or at any adjourned session thereof, the Board, having determined that a public nuisance does in fact exist and the identity of the persons responsible therefor, as aforesaid, may by resolution require the removal or abatement of such nuisance by any such person or persons within such period of time as may be determined by such resolution but in no event, within less than five (5) days from the date of adoption of such resolution. Should any such person, determined as aforesaid to be responsible for knowingly creating, maintaining or permitting such nuisance, fail to remove or abate the same within the period prescribed by such resolution, then the Township shall, in the manner provided in said resolution or by subsequent motion or resolution adopted by said Board, remove or abate or cause the removal or abatement of such nuisance at the expense and cost of the Township to be recovered from the responsible person or persons, as aforesaid, with a penalty of ten (10%) percent, the same to be recovered by an action of assumpsit against such person or persons or, where real property is involved as the site of such nuisance, by the filing and collection of the same as a municipal claim against said real property in the manner provided by law for the enforcement and collection of municipal claims.

C. Abatement Additional to Other Penalties. The provisions of this Section shall be applicable and the remedies and procedures prescribed and authorized herein may be exercised in addition to any procedures authorized in Section 520.06 hereof for the enforcement of penalties for violations of this Chapter.

(Ordinance 270. Passed 4/6/65.)

520.06 PENALTY

The penalty for violating any of the provisions of this Chapter shall be in accordance with Section 120.07 of the Codified Ordinances.
(Enacted at time of codification.)

CHAPTER 525 – JUNKED OR ABANDONED MOTOR VEHICLES

- 525.01 Statement of Policies
- 525.02 Definitions
- 525.03 Regulations Upon Placement, Keeping And Leaving Of Motor Vehicles And Abandoned Or Junked Vehicles And Other Motor Vehicles
- 525.04 Enforcement
- 525.05 Costs and Penalties
- 525.06 Conflict With Other Code Provisions Or Laws

STATUTE REFERENCES

First Class Township Code, Section 1502 XXVI (53 P.S. § 56526)
Motor Vehicle Code, 75 Pa. C.S. § 3712

525.01 STATEMENT OF POLICIES

A. The Board deems it to be a public nuisance and contrary to the general safety and welfare of the public for abandoned or junked motor vehicles to be placed, kept or left upon property within the Township.

B. The Board deems it to be a public nuisance and contrary to the general safety and welfare of the public for property within the Township not occupied by a licensed automobile repair facility to be used for storage and keeping of vehicles not owned by the property owner.

C. The Board deems it necessary to promote and provide for the repair or removal of such vehicles and penalize offenders in order to eliminate such public nuisance and further the promotion of the general health, safety and welfare within the Township.

525.02 DEFINITIONS

A. The term "abandoned or junked motor vehicle" under this Ordinance means any motor vehicle which is not inside a fully enclosed permanent structure and (a) is without valid, current registration or current certificate of inspection; or (b) is inoperable and not under repair as defined below.

B. A motor vehicle is “inoperable” when it cannot be immediately started and fully and legally operated upon public highways, or where it is damaged or missing parts so as to render it incapable of being legally operated upon public highways.

C. A motor vehicle is “under repair” when it is parked or stored on the premises of a licensed automobile repair facility or business and the vehicle owner has ordered repairs to be performed by the facility or business.

D. "Person" means an individual, partnership, association, joint stock company, trust, corporation, government entity, limited liability company or any other entity, and their agents, employees, servants and representatives.

525.03 REGULATIONS UPON PLACEMENT, KEEPING AND LEAVING
OF MOTOR VEHICLES AND ABANDONED OR JUNKED
VEHICLES AND OTHER MOTOR VEHICLES

A. It is a violation of this Chapter and, after expiration of the grace period provided herein, a summary offense for any person to place, keep or leave any abandoned or junked motor vehicle upon public or private property within the Township for any period of time.

B. It is a violation of this Chapter and a summary offense for any person other than the vehicle owner or person in lawful possession thereof to remove a tag, notice, citation, sticker or other marker placed upon a vehicle by a law enforcement officer.

C. Except where otherwise specifically permitted under the Codified Ordinances, or upon premises occupied by a licensed automobile repair facility, it is a violation of this Chapter and a summary offense for any person to park or store, or permit the parking or storage, for any period of time, of motor vehicles not owned by such person upon property in the Township in connection with any commercial activity.

D. Each day a motor vehicle placed, kept or left upon property in the Township in violation of this Chapter is not lawfully removed to a location where violation ceases constitutes a separate violation.

E. Responsible persons: Where a violation is found to have occurred, the following persons are liable for the violation:

1. the owner of an abandoned or junked motor vehicle, unless it is shown that the vehicle was reported stolen immediately prior to the time the vehicle was placed, kept or left;

2. the owner of property upon which an abandoned or junked motor vehicle was placed, kept or left unless it is shown that such placement, keeping or leaving of the vehicle was without the property owner's knowledge or permission. A property owner will be deemed to have permitted the placement, keeping or leaving of an abandoned or junked motor vehicle upon his property where it is shown (i) he owns the vehicle; or (ii) possesses keys to the vehicle; or (iii) gave permission for the placement or leaving of the vehicle on the property; or (iv) otherwise had knowledge of the placement or leaving of the vehicle on the property and acquiesced thereto for a period of 48 hours or more;

3. any person owning or controlling property in the Township not occupied by a licensed automobile repair facility and not otherwise permissible for such under the Codified Ordinances, who has used the property or knowingly permitted the property to be used, for any period of time, for the storage or keeping of any motor vehicles which such person does not own, in connection with any commercial activity; and/or

4. any person who directly or through agents or employees places, keeps, leaves or stores any vehicle which he does not own, in connection with any commercial activity, upon property within the Township not occupied by a licensed automobile repair facility or other facility where parking or storage is not otherwise permitted under the Codified Ordinances.

525.04 ENFORCEMENT

A. This Chapter shall be enforceable by the Police and District Justices having jurisdiction.

B. The Board shall designate the official towing agent and vehicle impoundment site, for removal and impoundment of abandoned or junked motor vehicles, from time to time by resolution.

C. Determination of violation; grace periods:

1. Where a Police Officer observes a motor vehicle which is abandoned or junked because it is not within a permanent enclosed structure and without a current, valid registration or current certificate of inspection, the Officer's testimony that he made such observations shall constitute *prima facie* evidence that a violation of this Chapter has occurred.

2. Where a Police Officer observes a motor vehicle which is abandoned or junked because it is not within a permanent enclosed structure and bears obvious signs of inoperability, the Officer's testimony that he made such observations, together with his description of the condition of the vehicle,

if they provide a basis for concluding the vehicle is inoperable, shall constitute *prima facie* evidence that a violation of this Chapter has occurred.

3. Where a Police Officer observes or has a reasonable suspicion that property in the Township not occupied by a licensed automobile repair facility or other permitted automobile parking or storage facility, has located upon it vehicle(s) not owned by the property owner, the Officer may undertake any reasonable investigation to ascertain (i) the identity of the property owner; (ii) whether the property owner knew of the storage of vehicles upon his property; (iii) the identity of the owner(s) of the vehicle(s) parked or stored thereon; (iv) the identity of the person in custody of the vehicle(s); and (v) whether the person in custody of the vehicle(s) is engaged in commercial activity.

In the event the vehicle(s) are not owned by the property owner, and the person in custody of the vehicle(s) is engaged in commercial activity, the Officer's testimony to this effect, supported by appropriate evidentiary foundation, shall constitute *prima facie* evidence that a violation of Section 525.03C. of this Chapter by the person in custody of the vehicle(s) has occurred.

If it is shown that the property owner permitted or knew about such parking or storing of the vehicle(s) on his property, the Officer's testimony to this effect, supported by appropriate evidentiary foundation, shall constitute *prima facie* evidence that a violation of Section 525.03C. of this Chapter by the property owner has occurred.

D. Upon determining that a *prima facie* violation of this Chapter has occurred, a Police Officer shall take the following enforcement actions:

1. Vehicle located upon private property; notice and 5-business day grace period; citation for summary offense:

(a) Serve a notice to restore the vehicle to legal operability, place it under repair, or remove it to a lawful location within 5 business days of the date of the notice. If the owner or person in lawful possession of the vehicle, and/or the owner of the property upon which the vehicle is located are present, notice may be personally served upon either or both of them. If such persons are not present, notice may be served upon the vehicle owner by placing the notice upon the vehicle, and notice may be served upon the property owner by posting the notice in a prominent location at the property.

(b) If within the 5-business day notice period the motor vehicle is not restored to legal operability, placed under repair, or removed to a lawful location, or it reappears within the Township in the same abandoned or junked condition at any subsequent time, cause a citation for a summary

offense to be issued and served upon the vehicle owner and/or the property owner, if the vehicle remains anywhere on the property where notice was first given. Service of the citation and summons shall be by personal service or by first class mail. In the event persons served do not timely respond to the citation by paying the fine or requesting a hearing, service shall be reattempted by personal service or certified mail, return receipt requested.

2. Vehicle located upon public property; notice and 48-hour grace period; citation for summary offense:

(a) Serve a 48-hour notice to remove the vehicle to a lawful location. If the owner or person in lawful possession of the vehicle is present, notice may be personally served upon them. If such persons are not present, notice may be served upon the vehicle owner by placing the notice upon the vehicle.

(b) If within the 48-hour notice period the motor vehicle is not removed to a lawful location, cause a citation for a summary offense to be issued and served upon the vehicle owner. Service of the citation and summons shall be by personal service or by first class mail. In the event persons served do not timely respond to the citation by paying the fine or requesting a hearing, service shall be reattempted by personal service or certified mail, return receipt requested.

3. Violation by use of property for storage of vehicles owned by others: Where a *prima facie* violation of Section 525.03C. has occurred, cause a citation for a summary offense to be issued and served upon persons believed to be responsible persons by personal service or by first class mail. In the event persons served do not timely respond to the citation by paying the fine or requesting a hearing, service shall be reattempted by personal service or certified mail, return receipt requested. No prior notice shall be required.

4. Removal of vehicle from public property or public streets and highways; notice to vehicle owner: In addition to causing a citation to be issued to the owner of an abandoned or junked motor vehicle left upon public property as set forth above, the Police may cause the vehicle to be removed and impounded in accordance with the following provisions:

(a) Prior to the removal of an abandoned or junked vehicle bearing a registration plate, certificate of inspection or vehicle identification number by which the last registered owner of the vehicle can be determined, the Police Department shall send a notice by certified mail to the last registered owner of the vehicle informing the owner that unless the vehicle is moved to a lawful location within seven days of the date notice is mailed, the vehicle will be removed to the designated impoundment site where it may be reclaimed by the owner. If the vehicle does not bear an identifiable registration plate, certificate

of inspection or vehicle identification number, the notice may be secured to the vehicle.

(b) If, within the seven-day period, the owner so requests, the owner shall be given an opportunity to explain to the Police Officer or Department why the owner believes that the vehicle should not be removed. If the Police Officer or Department determines that the vehicle shall, nonetheless, be removed, the owner shall be given an additional 48 hours to remove the vehicle, have it removed or demand a hearing, which shall conform to the requirements of 2 Pa.C.S. Ch. 5 Subch. B. The Police Officer or Department shall inform the owner of the right to a hearing by delivering to the owner a notice warning the owner that, unless the vehicle is removed or a hearing is demanded, the vehicle shall be removed under this Ordinance. If as a result of the hearing, it is determined that the vehicle will be removed, the owner shall be given an additional 48 hours to remove the vehicle or have it removed. The hearing shall be before a civilian officer or employee of the Township.

(c) These provisions for notice and hearing shall not prohibit the Police from taking action to effect the immediate removal of vehicles to a safe location to eliminate obstruction of traffic or hazards or to eliminate obstruction of the public convenience or nuisance, pursuant to 75 Pa.C.S. § 3352 (a) and (b).

(d) Nothing in these provisions for notice and hearing or in this Ordinance shall apply to owners of private property, or restrict owners of private property from taking action to effect the immediate removal of motor vehicles from their private property.

(e) The Police, upon causing an abandoned or junked motor vehicle to be removed and impounded, shall within 48 hours of impoundment report the impoundment to the Pennsylvania Department of Transportation pursuant to 75 Pa.C.S.A. § 7304.

(f) No vehicle shall be removed under authority of this Chapter if, at the time of intended removal by the towing agent, the owner or a person in lawful possession is present and demonstrates the willingness and ability to remove the vehicle in a lawful manner, and does so immediately.

E. A person cited for a violation of this Chapter shall be subject to all process and have such rights as are provided in the Pennsylvania Motor Vehicle Code and Pennsylvania Crimes Code with respect to summary offenses.

F. Neither the Police, the Township, the Township's designated towing or impounding agents, nor any of their officers, agents or employees shall have any liability to any person upon claims of negligence resulting in property

damage or property stolen from abandoned or junked motor vehicles placed, kept or left in violation of this Chapter.

525.05 COSTS AND PENALTIES

A. If a motor vehicle has been towed and impounded, the owner thereof shall be liable for all towing and impoundment charges, plus an administration fee of \$25. Payment of these charges and proof of ownership will be required before possession of the vehicle is relinquished. Persons claiming impounded vehicles will not be permitted to remove them from the impoundment site by driving them unlawfully. The Board may by resolution adjust towing and impoundment charges from time to time as it sees fit.

B. In addition to the vehicle owner's responsibility for towing and impoundment charges, upon conviction of a violation of this Chapter, any responsible person shall be sentenced to pay a fine in an amount not exceeding \$300 for each separate violation.

C. The Township may at its discretion dispose of unclaimed impounded vehicles in accordance with the requirements set forth in the Pennsylvania Motor Vehicle Code, and the last owner of the vehicle shall be responsible for the costs of such disposal.

525.06 CONFLICT WITH OTHER CODE PROVISIONS OR LAWS

This Chapter supplements the existing Ordinances of Crescent Township. In the event any provision of this Chapter conflicts with any provision of an Ordinance enacted prior to the effective date of this Chapter, the provisions of this Chapter shall supercede prior provisions. In the event any provision of this Chapter is determined to be invalid under the laws of the Commonwealth the remaining provisions of this Chapter shall continue to be in effect.

(Ordinance 448. Passed 5/13/98)

CHAPTER 530 - JUNK BUSINESSES

- 530.01 Unlicensed Junk Business Prohibited
- 530.02 Granting and Suspension of Licenses
- 530.03 Rules and Regulations for Licenses
- 530.04 License Fees and Transferability
- 530.05 Revocation of Licenses
- 530.06 Liability of Licensee and Township
- 530.07 Penalties for Violation

STATUTE REFERENCES

First Class Township Code, Section 1502 XLIII (53 P.S. §56543)

530.01 UNLICENSED JUNK BUSINESS PROHIBITED

It shall be unlawful for any person or persons, corporations, partnerships, associations or firms, either as principal or agent, to engage in the operation and maintenance of junk yards, salvage yards and other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials, including, but not by way of limitation, the business of dismantling, reconditioning and reselling of used and second-hand automobiles, trucks, tractors, trailers or other automotive equipment, anywhere within the Township unless and until a license for the operation and maintenance thereof has been first secured and license fee paid therefor to the Township, both as hereinafter provided.

(Ordinance 224. Passed 11/15/55.)

530.02 GRANTING AND SUSPENSION OF LICENSES

Licenses shall be issued yearly hereafter, beginning on the first day of January and ending the last day of December in each year or fractional part thereof. All parties, whether now engaging in or in the future wishing to engage in the junk business shall immediately make written application to the Secretary-Manager for a license fee to operate a junk business.

(Ordinance 143. Passed 9/1/37.)

530.03 RULES AND REGULATIONS FOR LICENSES

A. The Board shall from time to time, by resolution, prescribe and adopt such rules and regulations for the licensing, operation and maintenance of businesses, establishments and uses required to be licensed hereunder as shall adequately protect the lives, health, safety and welfare of the inhabitants of the Township, and no license for the operation and maintenance thereof shall be granted or issued except upon compliance by the applicant with all of the applicable requirements of such rules and regulations.
(Ordinance 224. Passed 11/15/55.)

B. Each facility covered by this Chapter 530 shall employ reasonable means and procedures to make a record of each purchase of used and second-hand goods and materials that shall include the following information: (1) seller's name; (2) make, model, year, color and license number of vehicle making the delivery; (3) description of the goods and materials being sold and purchased; and (4) a copy of the photo identification of the seller.

1. The said transaction record shall be maintained on the premises for at least one year, and a copy thereof shall be filed with the Township Police Department within one week thereof, unless the seller was a "regular customer" of the facility covered by this Chapter 530. The term "regular customer" means "a professional demolition company and/or a seller who has on more than one previous occasion sold similar goods and materials to the facility and is known to the operator of the salvage yard as a reputable business person or entity."

2. No salvage yard shall purchase goods and materials from minors, except for beverage cans. (Resolution 3-07. Passed 4/11/07.)

530.04 LICENSE FEES AND TRANSFERABILITY

The license fee for the operation and maintenance of a junk business shall be such amount as is established from time to time by resolution of the Board of Commissioners. Licenses granted shall not be transferable.
(Ordinance 437. Passed February 12, 1997.)

530.05 REVOCAION OF LICENSES

The Board may revoke any license granted under the provisions hereof when it shall find and determine that any such business, establishment or use, licensed hereunder, is being or has been maintained or operated in violation of the rules and regulations adopted by said Board pursuant to the provisions

hereof, provided, however, that no such license shall be revoked except after written notice to said licensee of the intention of the Board to revoke said license and an opportunity to be heard at a regular or special meeting of the Board convened not less than ten (10) days following the mailing of such notice. In the event of said revocation, the unearned portion of the license fee shall be refunded to the licensee.

(Ordinance 224. Passed 11/15/55.)

530.06 LIABILITY OF LICENSEE AND TOWNSHIP

No right or privilege granted shall impose on or result in any liability to the Township, or relieve the licensee or grantee therefrom, with the same in effect as if no municipal sanction were received.

(Ordinance 143. Passed 9/1/37.)

530.07 PENALTIES FOR VIOLATION

The penalty for violating any of the provisions of this Chapter shall be in accordance with Section 120.07 of the Codified Ordinances.

(Enacted at time of codification.)

CHAPTER 535 – COMMERCIAL AND NON-COMMERCIAL
SOLICITATION ON STREETS AND DOOR-TO-DOOR

- 535.01 Definitions
- 535.02 Regulation of Commercial Solicitation
- 535.03 Regulation of Door-To-Door Solicitation
- 535.04 Non-Commercial Door-To-Door Solicitation Permit
- 535.05 Penalties For Violation
- 535.06 Conflict With Other Code Provisions

STATUTE REFERENCES

First Class Township Code, Section 1502 XLIII (53 P.S. §56543)

535.01 DEFINITIONS

A. The term "door-to-door solicitation" means any activity which involves entering uninvited upon private residential property for the purpose of hawking, peddling, huckstering, or vending in any manner of any goods, wares, merchandise, products or services of any kind, advocating, discussing, publishing or promulgating any religious or political information, opinions, ideas, causes, or viewpoints, taking surveys or polls, or soliciting support, donations, membership or action in any form, for any purpose, from the resident(s) of the property. The term "door-to-door solicitation" includes, without limitation, non-commercial door-to-door solicitation.

B. The term "non-commercial door-to-door solicitation," means any activity which involves entering uninvited upon private residential property for the purpose of advocating, discussing, publishing or promulgating any religious or political information, opinions, ideas, causes, or viewpoints, taking surveys or polls, or soliciting support, donations, membership or action in any form, for any purpose, from the resident(s) of the property.

C. "Person" means an individual, partnership, association, joint stock company, trust, corporation, government entity, limited liability company or any other entity.

D. "Daylight hours" means the hours between sunrise and sunset for each day as those times are predicted and recorded by the National Weather Service.

(Ordinance 447. Passed April 8, 1998.)

535.02 REGULATION OF COMMERCIAL SOLICITATION

A. Activity Prohibited Unless Licensed.

It shall be unlawful for any person or persons to engage or be concerned in the business of hawking, peddling, huckstering or vending in any manner of any goods, wares, merchandise or produce of any kind whatsoever, not of their own manufacture or production, on the streets or highways or from house to house within the Township without having first taken out and obtained a license to so do from the Secretary-Manager, and having paid the fees hereinafter prescribed by the said Secretary-Manager.

(Ordinance 106. Passed 3/1/26.)

B. Issuance of Licenses.

It shall be the duty of the Secretary-Manager, upon the application of any person or persons who may desire to be engaged, employed or concerned in the business aforesaid, and upon the payment to him of the amounts hereinafter specified, to issue a certificate of license to such person or persons authorizing and allowing them to transact for the period of one year, or for such other period as may be therein stated from the date of such certificate, the business aforesaid within the limits of the Township.

(Ordinance 106. Passed 3/1/26.)

C. License Fees

Each person, firm or corporation who shall engage in said business within the Township shall pay to the Secretary for the license aforesaid such amount as shall be established from time to time by resolution of the Board of Commissioners.

(Ordinance 437. Passed February 12, 1997.)

D. Exceptions.

Nothing herein contained shall be construed to prohibit farmers and gardeners from selling the production of their own farms, gardens or dairies, nor shall such farmers or gardeners be required to take out a license to do so according to the intent of an Act of Assembly in such cases made and provided; nor shall this Chapter be construed as to prohibit any merchant, grocer or dealer from delivering goods purchased at their stores or places of business at the residence or place of business of the purchaser.

(Ordinance 106. Passed 3/1/26.)

535.03 REGULATION OF DOOR-TO-DOOR SOLICITATION

A. It is a violation of this Chapter for any person to engage in door-to-door solicitation during any time other than daylight hours. Each day of such violation constitutes a separate violation.

B. It is a violation of this Chapter for any person to to engage in non-commercial door-to-door solicitation without first having obtained a non-commercial door-to-door solicitation permit from the Township Secretary. Each day of such violation constitutes a separate violation. (Ordinance 447. Passed April 8, 1998.)

535.04 NON-COMMERCIAL DOOR-TO-DOOR SOLICITATION PERMIT

A. Any person may obtain a permit to engage in non-commercial door-to-door solicitation during daylight hours by filing with the Township Secretary an application for same. The application shall specify:

- 1) the full names of all individuals who will be engaging in non-commercial door-to-door solicitation;
- 2) the name and address of the company or organization, if any, sponsoring or supporting the solicitation;
- 3) the dates on which solicitation activities will take place.

B. There shall be no fee for a Non-Commercial Door-To-Door Solicitation Permit.

C. The permit will be issued immediately upon submission of a completed application.

D. The permit applies only to the individuals listed in the application.

E. The permit expires on the last of the dates of solicitation listed by the applicant in the application, or within one (1) week from the date the of issuance, whichever is sooner.

F. A permit issued upon an application containing false information is invalid from the date of issuance. Any person who submits false information on an application for a permit under this Ordinance violates this Ordinance, and is subject to penalties hereunder, in addition to any penalties and/or

punishment under the laws of the Commonwealth of Pennsylvania for submitting false information to authorities.
(Ordinance 447. Passed April 8, 1998.)

535.05 PENALTIES FOR VIOLATION

The penalty for violating any of the provisions of this Chapter shall be in accordance with Section 120.07 of the Codified Ordinances of Crescent Township.
(Ordinance 447. Passed April 8, 1998.)

535.06 CONFLICT WITH OTHER CODE PROVISIONS OR LAW

In the event any provision of this Chapter is determined to be in conflict with any other provision of this Code or invalid under prevailing laws of the Commonwealth of Pennsylvania or the United States, the remaining provisions of this Chapter shall continue to be in effect.
(Ordinance 447. Passed April 8, 1998.)

CHAPTER 540 - DISORDERLY CONDUCT

- 540.01 Definition and Specific Acts of Disorderly Conduct
- 540.02 Disorderly Conduct Prohibited
- 540.03 Penalties and Violation

STATUTE REFERENCES

First Class Township Code, Section 1403 (53 P.S. §56403)

First Class Township Code, Section 1502 IX (53 P.S. §56509)

540.01 DEFINITION AND SPECIFIC ACTS OF DISORDERLY CONDUCT

A. Definitions. Disorderly conduct shall consist of, and is hereby defined as, any act, word, conduct or practice occurring within the limits of the Township which shall or may cause, or tends to cause, a disturbance or breach of the peace and good order of the Township, or which shall or may cause, or tend to cause, any danger, discomfort or annoyance, or reasonable apprehension of danger, discomfort or annoyance to the peaceable inhabitants of the Township or to the users of the Township thoroughfares, or which shall imperil or tend to imperil the health, safety or morals, or endanger the property of, the peaceable inhabitants thereof, or of the Township.

B. Specific Acts. By way of specification and explanation, and without limitation of the definition above stated, the term "disorderly conduct" is further defined to include any of the following acts or practices committed or occurring in or upon the roads, streets, lanes, footwalks, parks, thoroughfares, public highways or places of public assembly within the Township, or so adjacent or proximate to any of the same as to cause, or tend to cause a disturbance or annoyance to the peaceable inhabitants of the Township nearby, to-wit:

1. Loitering.
2. Fighting, quarreling or throwing stones or other missiles.
3. Carousing or boisterous conduct in parked automobiles.
4. Vagrancy.

5. Begging.
6. Excessive or unnecessary noises, public profanity or lewd or indecent conduct or language.
7. Riotous conduct or disturbing or interrupting any lawful meeting of assembly.
8. Gathering together in disorderly assemblies.
9. Frequenting disorderly houses.
10. Drunkenness.
11. Tampering with, destroying or otherwise damaging or interfering with any lights, guardrails, signs or other property or materials placed on public highways or other public places by the Township or any of its duly authorized agents.
12. Damaging, destroying, uprooting, trampling, cutting or removing shrubbery, flowers, plants, bushes or trees, or signs or signboards lawfully erected within the Township.
(Ordinance 214. Passed 7/6/54.)

540.02 DISORDERLY CONDUCT PROHIBITED

The commission of any act of disorderly conduct as defined by this Chapter is hereby prohibited.
(Ordinance 214. Passed 7/6/54.)

540.03 PENALTIES FOR VIOLATION

The penalty for violating any of the provisions of this Chapter shall be in accordance with Section 120.07 of the Codified Ordinances.
(Enacted at time of codification.)

CHAPTER 550 - CURFEWS FOR MINORS AND CERTAIN BUSINESSES

- 550.01 Purpose
- 550.02 Curfew Hours for Children
- 550.03 Responsibilities of Parents and Guardians
- 550.04 Enforcement Procedures and Penalties
- 550.05 Repeated Violations

550.01 PURPOSE

Sections 550.01 through 550.05 are intended to apply prevailing community standards regarding the presence of children under the age of eighteen (18) years in or upon the streets, alleys, vacant or unused land, parks or other public places of the Township at night.
(Ordinance 359. Passed 10/5/82.)

550.02 CURFEW HOURS FOR CHILDREN

It shall be unlawful for boys and girls under the age of eighteen (18) years (such person being defined for the purpose of this Chapter as children) to be or remain in or upon the streets, alleys, vacant or unused land, parks or other public places of the Township between the hours of 10:00 p.m., Eastern Daylight Savings Time and 6:00 a.m. of the following day, or 9:00 p.m., Eastern Standard Time and 6:00 a.m. of the following day, unless such child is accompanied by a parent, guardian or other person having the legal custody of such child. A warning shall be sounded each evening at 10:00 p.m., Eastern Daylight Savings Time, or 9:00 p.m. Eastern Standard Time, to be known as the "curfew", after which all such children shall not be or remain in or upon the streets, alleys, vacant or unused land, parks or other public places of the Township, except as herein provided.
(Ordinance 359. Passed 10/5/82.)

550.03 RESPONSIBILITIES OF PARENTS AND GUARDIANS

It is hereby made unlawful for any parent, guardian, or other person having the legal custody of any of the children above designated to allow or permit any such child to be in or upon any streets, alleys, vacant or unused

land, parks or other public places of the Township after the time provided in Section 550.02, except as therein provided.
(Ordinance 359. Passed 10/5/82.)

550.04 ENFORCEMENT PROCEDURES AND PENALTIES

Any child as above designated found in or upon the Township streets, alleys, vacant or unused land, parks or other public places of the Township in violation of Section 550.02 of this Chapter, shall be taken into custody by the Township Police and delivered to his or her parent, guardian, or person having the legal custody of said child. The Township Police shall make a report of such violation in a book to be kept for that purpose. If said child shall again be or remain in or upon said streets, alleys, vacant or unused land, parks or other public places of the Township in violation of Section 550.02 of this Chapter, said parent, guardian, or person having the legal custody of said child so offending shall upon conviction thereof before any District Magistrate be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars nor less than Twenty-Five (\$25.00) Dollars, plus the cost of prosecution; and upon failure of the convicted party to pay said fine to be imprisoned in the Allegheny County Jail for a period not exceeding five (5) days, at the discretion of the District Magistrate; and a like fine or imprisonment shall be imposed on any person aiding or abetting in the violation of the intent and purpose of this Chapter. The police officers of the Township in taking children into custody shall use their discretion in determine age, and in doubtful cases may request positive proof. Until such proof is furnished, the officers' judgment shall prevail. (Ordinance 359. Passed 10/5/82.)

550.05 REPEATED VIOLATIONS

Said children who shall violate this Chapter more than three (3) times shall be reported to the Juvenile Court, and further proceedings shall be instituted in said Court for the permanent welfare of these children.
(Ordinance 359. Passed 10/5/82.)

CHAPTER 560 - FIREARMS AND FIREWORKS

- 560.01 Discharging Firearms Prohibited
- 560.02 Exceptions
- 560.03 Fireworks Prohibited Without Permit
- 560.04 Permit Procedure
- 560.05 Penalties for Violation

560.01 DISCHARGING FIREARMS PROHIBITED

It shall be and is hereby declared to be unlawful for any person or persons, except duly constituted police and peace officers while acting in the discharge of their official duties as such, to discharge firearms of any kind within the territorial limits of the Township.
(Ordinance 207. Passed 6/3/52.)

560.02 EXCEPTIONS

This Chapter shall not apply to the following:

A. The discharge of firearms when discharged at or within the boundaries of any rifle, pistol or other firing range which may be hereafter established within the said Township, provided, however, that written application for the erection and operation of such range shall have first been made to the Board, setting forth the location, detailed plans and specifications of the construction thereof, type and size of firearms to be operated therein and such other pertinent information as may be required by the Board and, provided further, that the Board shall by resolution have first approved said range as to location, construction, type and size of firearms to be permitted and the days and hours of operation of such range and shall have caused the Secretary-Manager to issue a permit to the owners or operators thereof authorizing the discharge of firearms therein in the manner and at the time specified in such resolution.

B. The discharge of a shotgun, loaded with shells or cartridges containing only pellets and propellant charge, by any person licensed as a hunter by the Commonwealth of Pennsylvania, or any duly authorized department of commission thereof, while such person shall be actually engaged in the hunting of small game during any small-game hunting season as established by law or by any such department or commission, provided,

however, that this exception shall not be construed to permit the discharge of any firearm at any time or in any place or manner otherwise prohibited by law or by regulation of any such department or commission. (Ordinance 238. Passed 10/10/57.)

560.03 FIREWORKS PROHIBITED WITHOUT PERMIT

It shall be unlawful for any person or corporation to sell, offer for sale, or expose for sale, or have in his, her or its possession, with intent to sell, use, discharge or cause to be discharged, ignited, fired or otherwise set in action, within the limits of the Township, any fireworks, firecrackers, sparklers, cannons using gunpowder for ignition, or other pyrotechnics, except in compliance with the provisions of this Chapter. (Ordinance 134. Passed 3/20/35.)

560.04 PERMIT PROCEDURE

Permits for the public display of fireworks by properly qualified individuals, firms or corporations, or by such officials under the direct supervision of experts, may be issued by the Board in such form as may be prescribed by the Board upon furnishing such information as the Board and Chief of the Fire Department may require, and provide that such display or displays shall be of such character and so located, discharged or fired as in the opinion of the Chief of the Fire Department of the Township, after proper inspection, shall not be hazardous to property or endanger any person or persons, and provided further, that the application for such license be made thirty (30) days in advance of the date of such display. The application for such a license shall be accompanied by an application fee in such amount as shall be established from time to time by resolution of the Board of Commissioners. (Ordinance 134. Passed 3/20/35; Ordinance 437. Passed February 12, 1997)

560.05 PENALTIES FOR VIOLATION

The penalty for violating any of the provisions of this Chapter shall be in accordance with Section 120.07 of the Codified Ordinances. (Enacted at time of codification.)

CHAPTER 570 - LEWD FILMS, THEATER
PRODUCTION AND PUBLICATIONS

- 570.01 Purpose and Findings.
- 570.02 Definitions
- 570.03 Lewd Film and Live Theater Productions and Theaters Exhibiting the Same Declared a Public Nuisance; Abatement Thereof
- 570.04 Place of Business in Which Lewd Publications Constitute a Principal Part of the Stock in Trade, Lewd Publications Possessed therein and Valuable Consideration Received for Sales Thereof Declared a Public Nuisance; Abatement Thereof
- 570.05 Knowledge of Nuisances Presumed from Notice of Order of Abatement; Responsibility of Parties Therefore; Abatement of Such Nuisances
- 570.06 Action to be Taken by the Board of Commissioners of the Township of Crescent
- 570.07 Forfeiture to the General Fund of the Township, Cost of Abatement; Manner of Collection
- 570.08 Action to be Taken by the Township Solicitor

570.01 PURPOSE AND FINDINGS

A. The Board of Commissioners of the Township finds that commercial exploitation of explicit sexual conduct through the public exhibition of lewd films and live theater productions and the display and/or sale of lewd publications constitutes a debasement and distortion of fundamental human sexuality central to family life, community welfare and the development of human personality.

B. The Board finds that such exploitation adversely affects the quality of life, property values, commerce and total community environment of the Township.

C. The Board finds that such activities are detrimental to the best health, safety, convenience, morals and general welfare of the Township and the citizens and businesses thereof.

D. The Board hereby declares such activities to be a public nuisance and herein establishes procedures for the abatement thereof.
(Ordinance 345. Passed 4/1/80.)

570.02 DEFINITIONS

A. "Knowledge" or "knowledge of such nuisance" shall mean having knowledge of the contents and character of the patently offensive sexual conduct or other content which appears in the motion picture film, publication or live theater production or knowledge of the acts of lewdness or which occur in any place.

B. "Lewd" shall mean any matter:

1. which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

2. which depicts or describes patently offensive representation or descriptions of:

(a) ultimate sexual acts, normal or perverted, actual or simulated; or

(b) masturbation, excretory functions or exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

C. "Live theater production" shall mean any dramatic, musical or comedic production performed in the presence of a live audience.

D. "Matter" shall mean a motion picture film, live theater production, publication or all three.

E. "Motion picture film: shall include any:

1. film or plate negative;

2. film or plate positive;

3. film designed to be projected on a screen for exhibition;

4. films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen; or

5. videotape or any other medium used to electronically produce images on a screen.

F. "Nude" shall include:

1. completely without clothing; or

2. with the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the covered male genitals in a discernibly turgid state.

G. "Person" shall mean any individual, partnership, firm, association, corporation or other legal entity.

H. "Place" includes, but is not limited to, any building, space, or any separate part or portion thereof, whether permanent or not, or the ground itself.

I. "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or a motion picture film which is displayed in an are open to the public, offered for sale or exhibited in a coin-operated machine.

J. "Sale" shall mean a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, lewd matter.

(Ordinance 345. Passed 4/1/80.)

570.03 LEWD FILM AND LIVE THEATER PRODUCTIONS AND THEATERS EXHIBITING THE SAME DECLARED A PUBLIC NUISANCE: ABATEMENT THEREOF

A. Any and every place in the Township where lewd motion picture films or lewd live theater productions are publicly exhibited or possessed for the purpose of such exhibition; and any and every place in the Township where a lewd motion picture or lewd live theater production is publicly or repeatedly exhibited or possessed for the purpose of such exhibitions, is a public nuisance.

B. Any and every lewd motion picture film which is publicly exhibited or possessed for such purpose at a place which is a public nuisance under Section 570.03A above, is a public nuisance per se.

C. From and after service on the place, or its manager, or acting manager, or person then in charge of such place, of a true and correct copy of this Chapter and a true and correct copy of the resolution and order of

summary abatement provided for in Section 570.06 hereof, all monies paid thereafter as admission price to such exhibitions or productions are also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance.
(Ordinance 345. Passed 4/1/80.)

570.04 PLACE OF BUSINESS IN WHICH LEWD PUBLICATIONS CONSTITUTE A PRINCIPAL PART OF THE STOCK IN TRADE, LEWD PUBLICATIONS POSSESSED THEREIN AND VALUABLE CONSIDERATION RECEIVED FOR SALES THEREOF DECLARED A PUBLIC NUISANCE; ABATEMENT THEREOF

A. Any and every place in the Township where lewd publications constitute a principal part of the stock in trade is a public nuisance.

B. Any and every lewd publication possessed at a place which is a public nuisance under Section 570.04A above, is a public nuisance per se.

C. From and after service on the place, or its manager, or acting manager, or person then in charge of such place, of a true and correct copy of this Chapter and a true and correct copy of the resolution and order of summary abatement provided for in Section 570.06 hereof, all valuable consideration received for the sale of such lewd publications is also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance. (Ordinance 345. Passed 4/1/80.)

570.05 KNOWLEDGE OF NUISANCE PRESUMED FROM NOTICE OF ORDER OF ABATEMENT; RESPONSIBILITY OF PARTIES THEREFORE: ABATEMENT OF SUCH NUISANCES

A. Upon an act of receiving notice through service of a true and correct copy of this chapter and a true and correct copy of the resolution and order of summary abatement provided for in Section 570.06 hereof, any and every person who shall own, legally or equitably, lease, maintain, manage, conduct or operate a place in the Township which is declared to be a public nuisance as set forth and stated in Section 570.03 or 570.04 of this Chapter, is deemed to be a person who has knowledge of such nuisance for the purpose of this Chapter, and is, thereafter, responsible for its maintenance, and shall be liable therefor.

B. The places and matters declared to be public nuisances under Section 570.03 or Section 570.04 hereof shall be abated as provided for herein.
(Ordinance 345. Passed 4/1/80.)

570.06 ACTION TO BE TAKEN BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CRESCENT

Upon a specific finding that a public nuisance, as defined in Section 570.02 or 570.03 of this Chapter, exists in the Township, the Board, in applying the provisions of this Chapter to such nuisance, shall provide for the following by resolution:

- A. Declare the fact that such nuisance exists;
- B. Set forth the description or legal description and street address of the place which constitutes the nuisance;
- C. Set forth the evidentiary facts considered by the Board in arriving at its factual determination.

1. In the case of a lewd motion picture film or lewd live theater production, such shall include a recitation of a particular sexual conduct and acts which the Board finds are patently offensive, and the basis for the finding by the Board that

(a) such lewd motion picture film or lewd live theater production is publicly exhibited or produced in the course of business, or that

(b) such lewd motion picture film or lewd live theater production is publicly or repeatedly exhibited or produced, or held for such exhibition or production at the place declared to be a nuisance.

2. In the case of a lewd publication, such shall include a recitation of

(a) the particular lewd publications or types of lewd publications considered by the Board, and those which the Board finds to be patently offensive, and

(b) the basis for the finding by the Board that such lewd publications are displayed, sold or held for sale at any place found by the Board to be a public nuisance, and

(c) the basis of the finding by the Board that such lewd publications constitute a principal part of the stock in trade of such place of business or other place.

D. Order all persons described in Section 570.05A hereof to summarily abate such public nuisance within twenty-four (24) hours of service of such order on any such persons, by terminating the exhibition, sale or possession for sale of such lewd matter or by ceasing to use the place where the nuisance is declared to exist or by terminating the use of said place for the purpose of lewdness, or causing the same to be terminated, and notifying the Board of compliance therewith by sworn affidavit as ordered by the action of the Board in such resolution.

E. Order the Township Solicitor to proceed to do all things necessary to abate such public nuisance through judicial proceedings and to conclude such proceedings as expeditiously as is permissible under the law, including requesting the Court to advance such proceedings on the calendar of the Court.

F. Inform and give notice to persons designated in Section 570.05A:

1. That the Board has determined that a public nuisance presently exists at such place and address, and that, under Section 570.05A of said Chapter, they are deemed to have knowledge thereof and are responsible therefor.

2. That in the event the order of the Township is not complied with within twenty-four (24) hours, the Board has ordered the Township Solicitor, as provided for under Section 570.08 hereof, to commence necessary legal proceedings naming such persons as defendants in a civil action to abate the public nuisance judicially under Section 570.06 of this Chapter, and that under Section 570.07A and 570.07B of this Chapter, the costs of abatement of such civil abatement action filed including investigative costs, court costs, attorney's fees and other expenses, are made a special assessment against the parcel of land upon which such nuisance is being maintained and, upon their determination in such court action, will, by separate legal procedure, be made a lien against such property and a personal obligation against any person deemed to be in violation of this Chapter.

3. All lewd motion picture films or lewd publications being used in conducting and maintaining such public nuisance are contraband and the subject of forfeiture, and,

4. From and after service on the place, or its manager, or acting manager, or person then in charge of such a place, of a true and correct copy of this Chapter and a true and correct copy of such resolution, any and all monies paid as admission price to or for the exhibition or exhibitions of such lewd motion picture films or production of such lewd live theater productions, and valuable consideration received for the sale of such lewd publications, are

a public nuisance, as personal property used in conducting and maintaining such nuisance and, as such, are the subject of forfeiture.

G. Order that a true and correct copy of said resolution and a true and correct copy of this Chapter be delivered forthwith in any manner normally used to effectuate personal service of process to all persons of record having any legal or equitable interest in the real property, and to the regular or acting manager or persons in charge of the place therein declared a public nuisance. (Ordinance 345. Passed 4/1/80.)

570.07 FORFEITURE TO THE GENERAL FUND OF THE TOWNSHIP,
COST OF ABATEMENT; MANNER OF COLLECTION

A. Upon judgment for the Township in legal proceedings brought pursuant to this Chapter, an accounting shall be made by such defendant or defendants of all monies or valuable consideration received by them which have been declared to be a public nuisance under Section 570.03 or Section 570.04 of this Chapter. Such monies or their equivalent and any valuable consideration received shall be forfeited to the General Fund of the Township or to the Township as property of the Township if any valuable consideration received be not money.

B. The cost of abatement shall include the following:

1. Investigative costs.
2. Court costs.
3. Reasonable attorney's fees arising out of the preparation for, and trial of the cause, and appeals therefrom, and other costs allowed on appeal.

4. Printing costs of trial and appellate briefs, and all other papers filed in such proceeding. Such cost of abatement is hereby made a special assessment against the parcel of land upon which such nuisance is maintained. Upon its determination in a civil action, such shall, by separate legal proceeding, be made a lien against such property and a personal obligation against any person, and shall be collected at the same time and in the same manner as ordinary Township taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary Township taxes. All laws applicable to the levy, collection and enforcement of Township taxes shall be applicable to such special assessment.

(Ordinance 345. Passed 4/1/80.)

570.08 ACTION TO BE TAKEN BY THE TOWNSHIP SOLICITOR

Upon a specific finding by resolution of the Board that a public nuisance exists at a particular location, the Township Solicitor, with the approval of the Board, is authorized to take whatever action is appropriate to carry out this Chapter.

(Ordinance 345. Passed 4/1/80.)

CHAPTER 580 - DISASTER PLANNING

- 580.01 General Disaster Planning
- 580.02 Hazard Assessment and Planning

STATUTE REFERENCES

Emergency Management Services Code, Section 1 (34 Pa. C.S.A. §7501)

580.01 GENERAL DISASTER PLANNING

In the event of a disaster imperiling the lives or property of the inhabitants of the Township, the members of the Board without prior notice, will immediately meet at the Township Municipal Building for the purpose of convening as a committee of the whole to plan, organize and coordinate such public activities as may be necessary and proper to protect the lives and safety of the inhabitants of the Township and, where necessary to enlist the assistance of private citizens and public safety services of neighboring communities.

(Resolution 634. Passed 8/6/63.)

580.02 HAZARD ASSESSMENT AND PLANNING

The Allegheny County Hazard Vulnerability Assessment and Mitigation Plan is adopted as the official Plan of the Township for natural hazards like flooding, wind and weather hazards, drought, earthquakes, wildfires, and landslides and for human-caused hazards that can result in the loss of property and life, economic hardship, and threats to public health and safety. By September 30 of each year, the Allegheny County Hazard Mitigation Project Steering Committee shall prepare an annual evaluation report to the Board of Commissioners of the Township. The appropriate Township officials and agencies shall implement the recommended activities assigned to them, and they shall consult semi-annually with the Allegheny County Committee on the progress of their activities. (Resolution 2-07. Passed March 14, 2007)

CHAPTER 585 – ACCIDENT COST RECOVERY

- 585.01 Short Title
- 585.02 Definitions
- 585.03 Liability Imposed for Costs of Special
Materials, Services and Cleanup or
Abatement of Hazardous Materials
- 585.04 Collection and Enforcement

585.01 SHORT TITLE

This Chapter shall be known and may be cited as the Crescent Township Accident Cost Recovery Code.

585.02 DEFINITIONS

The following words and phrases when used in this Chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise.

A. "Hazardous Materials." Any substances or materials in a quantity or form which have been identified as such by federal and state law and regulations promulgated by federal and state environmental protection agencies, and in addition shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammable substances, corrosives or materials listed in the Hazardous Substances list of the Pennsylvania Department of Labor and Industry.

B. "Special Materials." Any materials or items other than water, which are used, deployed or applied by fire department or other response personnel at the scene of an accident or fire, for the purpose of suppressing, containing or extinguishing a fire, preventing a fire or explosion, containing or preventing the release or dispersal of Hazardous Materials, or neutralizing or mitigating the effects of released or dispersed Hazardous Materials. This definition does not include materials, items or equipment which are retained by fire department or other response personnel for re-use.

C. "Response Personnel." Any member of the Crescent Township Volunteer Fire Department and any full or part-time public agency employee,

including, but not limited to, public works and public safety employees of the Township and employees of the Crescent-South Heights Municipal Authority, the Creswell Heights Joint Authority, and the Valley Ambulance Authority, who may be called upon to perform duties or render services for the purpose of suppressing, containing or extinguishing a fire, preventing a fire or explosion, containing or preventing the release or dispersal of Hazardous Materials, or neutralizing or mitigating the effects of released or dispersed Hazardous Materials.

585.03 LIABILITY IMPOSED FOR COSTS OF SPECIAL MATERIALS, SERVICES AND CLEANUP OR ABATEMENT OF HAZARDOUS MATERIALS

A. Liability for the following costs incurred by fire department or other response personnel is hereby imposed jointly and severally upon the persons and entities described in subpart (2) below:

1. The direct costs for all Special Materials used, deployed or applied at an accident or fire scene or other locations deemed necessary by Response Personnel for suppression, containment, extinguishment, prevention, neutralization or mitigation of fire, explosion or release or dispersal of Hazardous Materials;
2. The direct costs for all labor, materials and contracts entered by Response Personnel for all services and materials, beyond those ordinarily provided and used at a fire or accident, deemed necessary by Response Personnel to manage circumstances created by the release or dispersal or threatened release or dispersal of Hazardous Substances. Such costs include but are not limited to the costs of traffic control and/or security measures for extended periods of time as deemed necessary by Response Personnel to manage circumstances created by the threat or presence of Hazardous Substances and the costs of emergency medical assistance and treatment relating to exposure to Hazardous Substances or injuries involving Hazardous Substances; and
3. The costs for all labor, materials and contracts entered by Response Personnel for the cleanup or abatement of Hazardous Materials released or dispersed as a result of an accident or fire.

B. The following persons and entities are jointly and severally liable to the party or parties incurring the same for the costs set forth in subpart A. above:

1. Any owner of real property

(i) upon which the use, deployment or application of Special Materials occurred in response to an accident or fire;

(ii) upon which the release of Hazardous Materials were threatened or dispersed; or

(iii) upon which the cleanup or abatement of Hazardous Materials occurred;

2. Any owner or operator of a motor vehicle, railroad-trains, or water craft carrying Hazardous Materials which threatens, causes or aggravates the release or dispersal of such Hazardous Materials (provided, however, that owners of non-commercial vehicles and water craft carrying an ordinary quantity and type of motor fuel inside their factory-equipped fuel tanks are not included in this section); and

3. Any person or entity whose act or omission causes any accident, fire or circumstances which result in the use of Special Materials, or which threatens, causes or aggravates the release or dispersal of Hazardous Materials.

C. Nothing in this Chapter is intended or shall be interpreted to affect the rights of any persons or entities liable hereunder to seek contribution and/or indemnity from other persons or entities.

585.04 COLLECTION AND ENFORCEMENT

A. The Secretary is authorized and directed to account for costs recoverable under this Chapter and bill persons and entities upon whom liability is imposed under this Chapter for all costs which may be recovered from such persons or entities under this Chapter.

B. In the event liability is imposed under this Chapter upon a person or entity, such person or entity has been properly billed, and has refused or failed to discharge such liability to the Township, the Township may enforce such liability by any and all means legally available. Such means may include:

1. an action at law or in equity;

2. the placement of a lien in the amount of costs recoverable under this Chapter against property, located within the Township,

(i) upon which the use, deployment or application of Special Materials occurred in response to an accident or fire;

(ii) upon which the release of Hazardous Materials were threatened or dispersed; or

(iii) upon which the cleanup or abatement of Hazardous Materials occurred;

C. In addition to the principal amount of the liability imposed by this Chapter, the Township shall be entitled to recover interest at the legal rate on amounts payable, plus all reasonable costs of collection, including reasonable attorneys' fees.

(Ordinance 441. Passed June 11, 1997)

CHAPTER 590 - PARKS AND PARKLETS

- 590.01 Definitions
- 590.02 Rules And Regulations
- 590.03 Rentals Of Park Pavilions
- 590.04 Penalty

590.01 DEFINITIONS

"Park". A parcel of ground intended primarily for beautification and aesthetic improvement of the Township generally, or for recreational purposes, or both as more particularly identified as follows:

Shouse Park
Riverview Park

"Parklet". A parcel of ground intended primarily for beautification and aesthetic improvement of the surrounding neighborhood, for recreational purposes, for recognition of historical or other noteworthy accomplishment, or for traffic control purposes, or any or all of the foregoing, and located in the vicinity of the following intersections and streets or are named as follows:

Sautter Drive
Huntsridge
School Street
Riverboat
War Memorial Monument
Shousetown Cemetery

590.02 RULES AND REGULATIONS

The following rules and regulations shall govern the use of all Parks and Parklets within the Township, unless otherwise expressly limited or restricted hereinafter:

1. No person shall injure, deface or destroy any notices, rules or regulations posted or otherwise permanently fixed in the Parks or Parklets by order of the Township Secretary or his/her designated representatives.

2. No person shall post or fix any notice or bill or other writing or printing of any kind in the Parks or Parklets without the written permission of the Township Secretary or his/her designated representative, except upon notice specifically provided for such purpose.
3. Domesticated animals, such as dogs and cats, shall not be permitted in the Parks or Parklets.
4. No person shall carry firearms or shoot at or throw at or set snares for wildlife in the Parks or Parklets.
5. No person shall cut, break, pluck or in any way injure or deface the trees, shrubs, plants, turf, fences, statuary, buildings or structures or throw anything whatsoever in any springs or streams in the Parks or Parklets.
6. No swing or play device shall be attached to any tree in the Parks or Parklets.
7. No person shall erect any booth, table, or stand for the sale of, or hawk, or otherwise attempt to sell or sell, any article whatever in the Parks or Parklets without the written permission of the Township's Secretary or his/her designated representative.
8. Motor vehicles shall be permitted only on roadways and parking lots in the Parks or Parklets, shall not be permitted on grassy areas in the Parks or Parklets and shall be parked only in areas specifically designated therefore in the Park or Parklets.
9. No person shall conduct himself/herself in the Parks or Parklets in an unruly or disorderly manner in violation of the laws of the Commonwealth of Pennsylvania.
10. No fires shall be permitted in the Parks or Parklets except in those areas where grills, burners, or barbecue pits are provided for that purpose.
11. No gambling or illegal use of drugs shall be permitted in the parks or Parklets.
12. The use of alcoholic beverages is not permitted in any Park or Parklet other than Shouse Park. The use of alcoholic beverages in Shouse Park must comply with the laws of the Commonwealth of Pennsylvania.

590.03 RENTALS OF SHOUSE PARK PAVILIONS

All requests for the rental of pavilions in Shouse Park must be made through the office of the Township Secretary. In order to rent a pavilion at Shouse Park, a person must be at least twenty-one (21) years of age and must complete and comply with such application forms and agreements, and pay such rental fees, as may be established from time to time by resolution of the Board of Commissioners. It shall be unlawful for persons renting a pavilion to prohibit people from entering Shouse Park or to charge any fee to members of the general public entering or using Shouse Park.

(Ordinance 437. Passed February 12, 1997)

590.04 PENALTY

The penalty for violating any of the provisions of Section 590.02 or Section 590.03 shall be in accordance with Section 120.07 of the Codified Ordinances.

(Ordinance 391. Passed 10/11/89.)