

Harrison Township Code of Ordinances

Chapter 6: Conduct

Part 7: EXCESSIVE NUISANCE CALLS

§ 701 Purpose.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

Purpose. The purpose of this Part is to protect the public safety, health and welfare and to prevent and abate, in accordance with the procedures and provisions of Act 200 of 2014, repeat, unwarranted service response calls by the Township to the same property or location for nuisance calls, as defined herein, which prevent police or public safety services being available to other residents of the Township. It is the intent of the Township by the adoption of this Part to impose and collect service call penalties from the owner or occupant, or both, of property to which Township officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the Township. The repeat nuisance service call penalty is intended to cover that cost over and above the cost of providing normal law or Code enforcement services and police protection Township-wide as well as serve as a deterrent to future nuisance calls. It is the Township's policy that this Part be applied in such a way as to ensure that victims of abuse and crime and individuals in an emergency are able to contact police or emergency services without penalty.

§ 702 Scope and Application.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

1. This Part shall apply to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the Township. This Part shall apply to any responses deemed by the Ordinance Enforcement Officer or a Harrison Township police officer to be repeat nuisance service calls as set forth herein relative to response calls by a Harrison police officer, ordinance enforcement officer(s), animal control officers and related public safety officials.
2. This Part shall apply only where police or emergency services respond to a residence or tenancy that does not involve assistance to a victim of abuse or crime or individuals in an emergency.

§ 703 Definition of Terms.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

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

NUISANCE SERVICE CALL

Any activity, conduct, or condition occurring upon private property within the Township which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will tend to, alarm, anger or disturb others or provoke breach of the peace, to which the Township is required to respond, including, but not limited to the following:

- A. Any activity, conduct, or condition deemed as a public nuisance under any provision of the Township Code of Ordinances;

B. Any conduct, activity or condition constituting a violation of Township ordinances or Pennsylvania state laws including but not limited to: animal violations; disorderly conduct or disturbance of the peace; drug abuse; noise; gambling; health safety or sanitation violations; littering or deposition of waste violations; obstruction of official business; alcohol violations; sex offenses including public indecency and prostitution; offenses against persons including assault and domestic violence; offenses against property such as criminal damaging; theft; weapons, including firearm or handgun violations, explosives and/or fireworks; and any offense that is a felony under the Pennsylvania Crimes Code.

PENALIZE

Includes the actual or threatened revocation, suspension or nonrenewal of a rental license, the actual or threatened assessment of fines or the actual or threatened eviction, or causing the actual or threatened eviction, from leased premises.

§ 704 Repeat Nuisance Service Call Penalty.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

1. Subject to § 704, Subsection 2, below, the Township may impose a repeat nuisance service call fine upon the owner or occupant of private property if the Township has rendered a nuisance call response to the property on three or more occasions within a period of 60 days in response to or for the abatement of nuisance conduct, activity, or condition of the same or similar kind.

2. No resident, tenant or landlord shall be penalized for a call for police or emergency assistance by or on behalf of a victim of abuse as defined in 23 Pa.C.S. § 6102 (relating to definitions), a victim of a crime pursuant to 18 Pa.C.S. (relating to crimes and offenses) or an individual in an emergency pursuant to 35 Pa.C.S. § 8103 (relating to definitions), if the call was made based upon the reasonable belief of the person making the contact that intervention or emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or emergency or if the intervention for emergency assistance was actually needed in response to the abuse, crime or emergency.

§ 705 Notice.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

No repeat nuisance service call fine may be imposed against an owner or occupant of property without first providing the owner or occupant with written notice from the Township Police Chief, Ordinance Enforcement Officer or Township Secretary or other designated Township official of the prior nuisance service calls prior to the latest nuisance service call rendered by the Township upon which the penalty is imposed. The written notice shall:

A. State the nuisance conduct, activity or condition that is or has occurred or is maintained or permitted on the property, and the dates of the nuisance conduct, activity or condition.

B. State that the owner or occupant may be subject to a repeat nuisance call service fine if a third nuisance service call is rendered to the property for a service call which is deemed to be a nuisance call, in addition to the Township's right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law.

C. Invite the owner or occupant to make an appointment with the Chief of Police or Ordinance Enforcement Officer as applicable, to discuss reducing nuisance calls and the consequences of continued excessive nuisance calls.

D. Be served personally by United States Mail upon the owner or occupant at the last known address.

E. Advise of the opportunity for a Local Agency Law appeal by any person aggrieved.

§ 706 Right To Appeal Repeat Nuisance Service Call Notice.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

Upon the receipt of a repeat nuisance service call notice, the owner or occupant may exercise his/her right to a hearing on the notice of repeat nuisance service calls by filing a request for a Local Agency Law hearing, in writing, with the Township Secretary, no later than 10 days after receipt of the notice. Such hearing request shall be accompanied by an appeal fee in the amount of \$30 or such other amount as is set by resolution of the Board of Commissioners. The person requesting a hearing shall pay in advance of the hearing any costs of a court reporter and advertising related to the hearing.

§ 707 Legal Remedies Nonexclusive.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

Nothing in this Part shall be construed to limit the Township's other available legal remedies for any violation of the law which may constitute a nuisance service call hereunder, including criminal, civil, injunctive or others.

§ 708 Exceptions and Affirmative Defenses.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

1. Medical Emergencies or Emergency Assistance. Repeat nuisance service call penalties shall not be imposed for any legitimate, good faith request for emergency assistance.

2. Domestic Assault Incidents. Repeat nuisance service call penalties shall not be imposed against the victim for a response to circumstances involving domestic assault incidents or order for protection violations.

3. Victim of Abuse, a Crime, or Nuisance Conduct. A repeat nuisance service call penalty shall not be imposed against the victim of abuse, a crime or nuisance conduct for which a response nuisance service call was made.

4. Rental Properties. At the discretion of the Township Enforcement Officials, repeat nuisance service call penalties may be waived against an owner or occupant of rental property who has:

A. Commenced eviction proceedings against the tenant or tenants responsible for the nuisance conduct, conditions or characteristics; or

B. Entered into and complied with a memorandum of understanding with the Township that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

5. Commercial Business Property. At the discretion of the Township Enforcement Officials, repeat nuisance service call penalties may be waived against an owner or occupant of property upon which a commercial business is being operated who has entered into and complied with a memorandum of understanding with the Township that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

§ 709 Violations and Penalties; Fine Description.

[Ord. 1954, 9/26/2011; as amended by Ord. 1977, 3/23/2015]

The third call to property for nuisance conduct within a sixty-day period shall be subject to a fine of \$250. Each call after the third call to property for nuisance conduct within a sixty-day period shall constitute a separate offense and be subject to additional fine of \$250 for each additional separate offense. No charge or citation may be filed until the specifics and accompanying evidence are reviewed by, as applicable, the Chief of Police and/or Ordinance Enforcement Officer.