

Ordinance Number 87-5
Nuisance (s)

An ordinance prohibiting vehicular and non-vehicular nuisances within Hamiltonban Township; defining said nuisance; and providing penalties and remedies for violation of the ordinance

BE IT ENACTED AND ORDAINED, by the Supervisors of Hamiltonban Township, Adams County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

Section 1. Definition: Word Usage

A. DEFINITIONS As used in this chapter, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context of the chapter:

LESSEE The owner, for the purpose of this chapter, when a lesser holds a lessee responsible for the maintenance and repairs

MOTOR VEHICLE Any type of mechanical device propelled by a motor in which persons or property may be transported upon public streets or highways, including trailer or semi-trailer pulled thereby

NUISANCE Any condition, structure or improvement which shall constitutes a threat or potential threat to the health, safety or welfare of the citizens of the township

OWNER The actual owner, agent or custodian of the property on which the motor vehicle are stored or on which a condition, structure or improvement is allowed to exist or has been created, whether individual or partnership, association or corporation

PERSON A natural person, firm, partnership, association, corporation or other legal entity

B. WORD USAGE In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter

Section 2. Motor Vehicle Nuisances Prohibited

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon public property or upon the open private grounds of such person, owner or lessee within the township. A “motor vehicle nuisance” shall include any motor vehicle which is unable to move under its own power and which has no current

inspection sticker or no current registration card at the time of the alleged violation or citation and has any one (1) or more of the following physical defects:

- A. Broken windshields, mirrors or other glass with sharp edges
- B. One (1) or more flat or open tires or tubes which could permit vermin harborage
- C. Missing doors, windows, hood, truck or other body parts which could permit animal harborage
- D. Any body parts with sharp edges, including holes resulting from rust
- E. Missing tires resulting in unsafe suspension of the motor vehicle
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage
- G. Broken headlamps or tail lamps with sharp edges
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle
- I. Protruding sharp objects from the chassis
- J. Broken vehicle frames suspended from the ground in an unstable manner
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion
- L. Exposed battery containing acid
- M. Inoperable locking mechanism for doors or truck
- N. Open or damaged floorboards, including truck and fire wall
- O. Damaged bumpers pulled away from the perimeter of the vehicle
- P. Broken grill with protruding edges
- Q. Loose or damaged metal trim and clips
- R. Broken communication equipment antennas
- S. Suspended on unstable supports

T. A missing engine or motor or other essential parts for the operation of the vehicle which have been removed for more than thirty (30) days

U. Such other defects which could threaten the health, safety and welfare of the citizens of the Township

Section 3. Storage of Motor Vehicle Nuisance

Any person, owner or lessee who has one (1) or more motor vehicle nuisance as defined in Section 1. above may store such vehicle (s) in the Township only in strict compliance with the regulations provides herein. Such person, owner, or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Township such as may be provides from time to time by resolution of the Township Supervisors. The motor vehicle nuisance (s) must be stored within a garage or other enclosed building or outside within an opaque fence at six (6) feet high which is locked at all times when unattended. With the special approval of the Township, motor vehicle nuisance may also be stored outside in an area enclosed by a chain link fence at least six (6) feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid must be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total are of storage of motor vehicle nuisance may not exceed two hundred (200) square feet. This section is not intended to conflict with the provision of any Township Junkyard Ordinance for a limited number of vehicle nuisances.

Section 4. Non-vehicle Nuisance Enumerated

The following uses of and activities upon real property in the township are hereby declared to be nuisances and hereby prohibited.

A. The use of any premises as a trash or garage dump

B. The depositing, accumulating or dumping of any amount of trash or garbage upon the premises of another or in any streams or other bodies of water or on highways or upon public property

C. The burning of or setting fire to trash, rubbish, refuse or garbage brought upon and accumulated or stored on any premises or any other location or locations

D. The storage of gasoline, kerosene or other petroleum products in excess of five thousand (5,000) gallons, except by gasoline service stations or petroleum product companies, unless such storage is by a business holding an appropriate State or Federal license for excess storage

E. Any use of or activity upon property that by reason of flames, smoke, odors, fumes, noise or dust unreasonably interferes with the reasonable use, comfort and enjoyment of a neighbor's property or endangers the health or safety of the occupants of a neighboring property; offensive uses shall not include farming or other allied occupations

F. The excessive or unreasonable accumulation of scrap, junk, trash or garbage upon any premises, causing odor, fumes or unsightly appearances to the general public.

G. The maintenance of any dangerous structure, including building or part building in a state of dilapidation or disrepair. A "dangerous structure" is defined as any building or structure which is dangerous and unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or other vermin or endangers the safety of children playing in the vicinity.

H. The maintenance or causing of any loud or excessive noise or sound which disturbs the general public. An "excessive or loud noise" shall be any noise or sound of such intensity as to cause severe annoyance and discomfort to any group of persons of normal sensibilities on the premises other than the premises wherein the noise is created, or upon public highway or road within the Township, or of such intensity as to prohibit or seriously interfere with normal conversation between persons.

Section 5. Inspection: Notice to comply

A. The Township Supervisors, the secretary, the police officers servicing the Township or any enforcement officer appointed by the Township Supervisors is hereby empowered to inspect grounds to determine if there are violations of this chapter.

B. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, said individual mentioned in Subsection A shall issue a written notice, to be served by registered or certified mail, upon the owner of said premises, or if the owner's whereabouts or identity is unknown, by posting the notice conspicuously upon the offending premises. Said notice shall specify the condition or structure or improvement or nuisance complained of and shall require the owner to commence to move or otherwise rectify the condition, structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice, and therefore to fully comply with the requirements of the notice within a reasonable time.

Section 6. Township Authority to Remedy Noncompliance

If the owner of grounds on which motor vehicles are stored or in which a nuisance, condition or structure or improvement does not comply with the notice to abate the conditions within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all cost. The Township, in such event and pursuant to its statutory or otherwise authorized police power, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

Section 7. Violations and Penalties

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, before a district magistrate, be sentenced to pay a fine of not more than three hundred (\$300) and/or to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this chapter continues shall constitute a separate offense.

Section 8. Additional Remedies

In addition to such other remedies as shall be provided for herein the Township shall have the right to institute proceedings in law or in equity in a court of appropriate jurisdiction to enforce the provisions hereof. The remedies provided herein for the enforcement of this chapter or any remedies provided by law shall not be deemed mutually exclusive; rather, the remedies may be employed simultaneously or consecutively at the option of the Township Supervisors.

Section 9 Severability

The provisions of this ordinance shall be severable and if any of its provisions shall be held to be unconditional or illegal, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional or illegal provisions not been included herein.

DULY ENACTED AND ORDANED this 18th day of May, 1987, by the Board of supervisors of Hamiltonban Township, Adams County, Pennsylvania.

ATTESTED:

Phyllis A. Beachy
Secretary

Stephen W. Jacobs
Chairman