

**CHAPTER 10**

**HEALTH AND SAFETY**

**PART 1**

**STORAGE OF MOTOR VEHICLE NUISANCES**

- §10-101. Definitions**
- §10-102. Motor Vehicle Nuisances Prohibited**
- §10-103. Authority to Remedy Noncompliance**
- §10-104. Inspections of Premises; Notice to Comply**
- §10-105. Authority to Remedy Noncompliance**
- §10-106. Hearings**
- §10-107. Penalties**
- §10-108. Remedies Not Mutually Exclusive**

**PART 2**

**HAZARDOUS MATERIAL CLEANUP**

- §10-201. Township Authorized to Clean Up**
- §10-202. Hazardous Material Defined**
- §10-203. Purpose**
- §10-204. Right of Township to Impound**
- §10-205. Authority to Recover Costs**



**PART 1**

**STORAGE OF MOTOR VEHICLE NUISANCES**

**§10-101. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE — owner for the purpose of this Part when the lessor holds the lessee responsible for 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, and including trailers or semi-trailers pulled thereby.

NUISANCE — any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Township.

OWNER — the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association, or corporation.

PERSON — a natural person, firm, partnership, association, corporation, or other legal entity.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 32, 6/5/1956; R9 revised by Ord. 278, 9/18/1991)

**§10-102. Motor Vehicle Nuisances Prohibited.**

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance 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 has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.

## HEALTH AND SAFETY

- 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 head-lamps 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 frame 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 trunk.
- N. Open or damaged floor boards including trunk and fire-wall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Township.

(Ord. 32, 6/5/1956; as revised by Ord. 278, 9/18/1991)

### **§10-103. Storage of Motor Vehicle Nuisances Permitted.**

1. Any person, owner or lessee who has one or more motor vehicle nuisances as defined §102 above may store such vehicle(s) in the Township only in strict compliance with the regulations provided 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 pursuant to a resolution of the Board of Supervisors. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or,

outside within a opaque fence at least six feet high which is locked at all times when unattended.

2. With the special approval of the Board of Supervisors motor vehicle nuisances may also be stored outside in an area closed by a chain link fence, at least six 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 vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed \_ square feet. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Township Zoning Ordinance [Chapter 27].

(Ord. 32, 6/5/1956; as revised by Ord. 278, 9/18/1991)

**§10-104. Inspection of Premises; Notice to Comply.**

1. The [Enforcement Officer/Inspector] is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety or welfare of the public, he 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 be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 32, 6/5/1956; as revised by Ord. 278, 9/18/1991)

**§10-105. Authority to Remedy Noncompliance.**

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, 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 10% of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 32, 6/5/1956; as revised by Ord. 278, 9/18/1991)

## HEALTH AND SAFETY

### **§10-106. Hearing.**

1. Any person aggrieved by the decision of the [Enforcement Officer/Inspector] may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the [Enforcement Officer's/Inspector's] decision, a written petition requisition such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing the Board of Supervisors shall sustain, modify or overrule the action of the [Enforcement Officer/Inspector].

(Ord. 32, 6/5/1956; as revised by Ord. 278, 9/18/1991)

### **§10-107. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$500, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 32, 6/5/1956; as revised by Ord. 278, 9/18/1991; as amended by Ord. 325, 7/3/1996; and by Ord. 336, 2/5/1997)

### **§10-108. Remedies Not Mutually Exclusive.**

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

(Ord. 32, 6/5/1956; as revised by Ord. 278, 9/18/1991)

**PART 2**

**HAZARDOUS MATERIAL CLEANUP**

**§10-201. Township Authorized to Clean Up.**

The Township of Richland is authorized to clean up or abate, or cause to be cleaned up or abated, the effects of the hazardous materials or substances deposited upon or into properties or facilities within the municipal boundaries of the Township of Richland or having a direct or identifiable effect on persons or property within the municipal boundaries of the Township of Richland, including, but not limited to, traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and all other costs incurred in mitigation of the emergency situation; and any person or persons, partnership, corporation or corporations who intentionally or accidentally or negligently caused such deposit shall be liable for all costs incurred by the Township of Richland as a result of such cleanup or abatement activity. The remedy provided by this Part shall be in addition to any other remedies provided by other laws or ordinances of the Commonwealth of Pennsylvania and the Township of Richland.

(Ord. 230, 11/25/1986, §1)

**§10-202. Hazardous Material Defined.**

For purposes of this §202, “hazardous materials” shall be defined as any substances or materials in a quantity or form which, in the determination of the Emergency Management Coordinator or his authorized representative, poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables, corrosives or materials listed in the hazardous substances list of the Pennsylvania Department of Labor and Industry.

(Ord. 230, 11/25/1986, §2)

**§10-203. Purpose.**

For the purposes of this Part, costs incurred by the Township of Richland shall include, but not be limited to, the following: actual labor cost of Township personnel, including worker’s compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of special fire extinguishing agents used and cost of any contracted labor and materials, including attorney fees.

(Ord. 230, 11/25/1986, §3)

## HEALTH AND SAFETY

### **§10-204. Right of Township to Impound.**

For the purpose of enforcing this Part and the Township's rights hereunder, the Township shall have the right to impound or retain any properties which were utilized or connected with the incident which caused the expenses to the Township.

(Ord. 230, 11/25/1986, §4)

### **§10-205. Authority to Recover Costs.**

The authority to recover costs under this §205 shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

(Ord. 230, 11/25/1986, §5)