

TOWNSHIP OF GERMAN
COUNTY OF FAYETTE

ORDINANCE NO. 02092016

AN ORDINANCE OF THE TOWNSHIP OF GERMAN, FAYETTE COUNTY, PENNSYLVANIA, DEFINING AND PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES WITHIN THE TOWNSHIP; AND FURTHER, DEFINING AND PROHIBITING THE STORAGE OF MOTOR VEHICLE NUISANCES OR PARTS THEREOF IN THE OPEN ON PRIVATE PROPERTY AND PROVIDING FOR EXCEPTIONS BY PERMIT; AUTHORIZING INSPECTIONS OF PREMISES, NOTICE OF COMPLIANCE; REQUIRING THE REMOVAL, REPAIR, OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED, by the Township of German, Fayette County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS AND INTERPRETATION

A. As used in this Ordinance, the following words and terms shall have the meanings hereby ascribed thereto, as follows:

1. Lessee shall mean the Owner, for the purpose of this Ordinance, when the lessor holds the lessee responsible for maintenance and repairs.
2. Motor Vehicle shall mean a car, truck, motorcycle, or any other 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.
3. Nuisance shall mean any condition, structure or improvement which shall constitute a danger to, potential danger to, or which interferes with the health, safety, or welfare of the citizens of the Township of German.
4. Owner shall mean the actual owner, agent, or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

5. Person shall mean a natural person, firm, partnership, association, corporation, or other legal entity.

6. Street or Highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

B. In this Ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

SECTION 2. ABANDONMENT OF VEHICLES

No person shall abandon any vehicle within the Township of German, and no person shall leave any vehicle at any place within the Township for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

SECTION 3. LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREET

No person shall leave any partially dismantled, non-operating, wrecked, junked, or discarded vehicle on any street or highway within the Township of German.

SECTION 4. DISPOSITION OF WRECKED OR DISCARDED VEHICLES

No person in charge or control of any property within the Township of German whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than seventy-two (72) hours; and no person shall leave any such vehicle on any property within the Township of German for a longer time than seventy-two (72) hours; except that the Ordinance shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprises operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Township of German.

SECTION 5. IMPOUNDING

The police or any code enforcement Officer and any duly authorized Police Officer designated by the Township of German Supervisors is hereby authorized to remove or have removed any vehicle left any place within the Township of German which reasonably appears to be in violation of the Ordinance, or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of according to law.

SECTION 6. MOTOR VEHICLE NUISANCES PROHIBITED

It shall be unlawful for any person, owner, or lessee to maintain a motor vehicle nuisance on any street or highway within the Township of German, nor upon the open private grounds of such person, owner, or lessee within the Township of German. A motor vehicle nuisance shall include any motor vehicle which: (a) does not have both a current state inspection sticker and current registration sticker; or (b) any motor vehicle which has any of the following physical defects:

1. Broken windshields, mirrors, or other glass with sharp edges.
2. One or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hood, trunk, or other body parts which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.
7. Broken head-lamps or tail-lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicles storage in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.
10. Broken vehicle frame suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.
13. Open or damaged floor boards including trunk and fire-wall.
14. Damaged bumpers pulled away from the perimeter of vehicle.

15. Broken grill with protruding edges.
16. Loose or damaged metal trim and clips.
17. Suspended or unstable supports.
18. Inoperable locking mechanism for doors or trunk.
19. Broken communication equipment antennae.
20. Such other defects which could threaten the health, safety, and welfare of the citizens of the Township of German.

SECTION 7. EXEMPTIONS AND STORAGE OF MOTOR VEHICLE NUISANCE PERMITTED

Any person, owner, or lessee who has one or more motor vehicle nuisances as defined in Section 6 above may store such vehicle(s) in the Township of German 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 of German pursuant to a Resolution of the Township of German. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six (6) feet high, which is locked at all times when unattended.

With the special approval of the Township of German Supervisors, motor vehicle nuisances 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 shall be removed from the motor vehicles, and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed four hundred (400) square feet.

Any classic or antique vehicle which is in the process of being restored shall not be deemed to be a motor vehicle nuisance under this Ordinance.

This Ordinance shall not apply to any lawfully operated and properly zoned commercial entity which is in the business of repairing, restoring, inspection, and/or disposing of vehicles, if the motor vehicle nuisance is on the said premises for the business purpose of repair, restoration, inspection or disposal.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Fayette County Zoning Ordinance.

SECTION 8. INSPECTION OF PREMISES; NOTICE TO COMPLY

1. The Township of German Code Enforcement Officer and any duly authorized Police Officer is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Ordinance. If noncompliance with the provisions of this Ordinance constitutes a nuisance, or if any condition, structure, or improvement possess 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 positing 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 ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

SECTION 9. 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 of German shall have the authority to take measures to correct the conditions and collect the cost of such corrections, plus ten (10) per cent of all costs. The Township of German, 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.

SECTION 10. PENALTIES FOR NONCOMPLIANCE

All actions for enforcement to this Ordinance shall be brought as follows:

1. As a summary offense, before a District Justice in the manner provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure: Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, in a summary proceeding before a District Justice, be sentenced to pay a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), costs of prosecution, restitution and/or a term of imprisonment up to ninety (90) days, per violation. Each day that a violation continues shall constitute a separate offense; or

2. As a civil action, in law or in equity, before a District Justice in the same manner provided for under the Pennsylvania Rules of Civil Procedure of District Justice Rules: Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall be assessed a civil penalty of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00), with court costs, restitution, and reasonable attorney's fees incurred by the Township of German in the enforcement proceeding, per violation. Each day that a violation continues shall constitute a separate offense.

SECTION 11. REMEDIES NOT MUTUALLY EXCLUSIVE

The remedies provided herein for the enforcement of this Ordinance, 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 Township Supervisors of the Township of German.

SECTION 12. REPEALER

All Ordinance or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 13. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Township of German that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective on the 9th day of Feb., 2016.

ORDAINED AND ENACTED into an Ordinance and passed in the Township of German, Fayette County, Pennsylvania, on this 9th day of February, 2016.

ATTEST:

TOWNSHIP OF GERMAN

BY: John Belch

BY: [Signature]

BY: A. C. [Signature]

ORDINANCE NO. 09132011

REFUSE DISPOSAL ORDINANCE

101. **Short Title.**

This Ordinance shall be known as the "Refuse Disposal Ordinance."

102. **Definitions.**

The following words and terms as used in this met have the meaning ascribed thereto, unless the content clearly indicates a different meaning:

- *Board of Supervisors* - Board of Supervisors of the Township of German.
- *Collector or collectors* - any person, firm, co-partnership, association or corporation who has been awarded a contract by the Township to collect, transport and dispose of refuse for a fee as prescribed herein.
- *Combustible refuse* - all paper, excelsior, rags, rubber, shoes and such other refuse which may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.
- *Garbage* - all table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for use for which reason they are discarded.
- *Hazardous waste* - waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials, radioactive and medical waste. For purposes of this Part, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner such as aerosol cans, pesticides, fertilizers and similar items disposed of in small quantities.
- *Incombustible refuse* - all discarded articles or materials, except sewage, liquid waste, garbage and combustible refuse.
- *Person* - any natural person, association, partnership, firm or corporation.
- *Refuse* - all combustible refuse and in combustible refuse referred to collectively.
- *Riffraff* - all waste materials too large for collection in the ordinary containing, such as furniture, tanks, stoves and the like.
- *Rubbish* - all miscellaneous waste materials not otherwise included herein as ashes, tin cans, pottery, pruning from vines and junk of all kinds resulting from the ordinary conduct of business or housekeeping.
- *Township* - the Township of German, a municipal body of Fayette County, Pennsylvania.

100-103. Unlawful to Accumulate Garbage and Hazardous Waste.

From and after the effective date of this Part and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the said Township, garbage, refuse, ruffraff and combustible or incombustible refuse, and rubbish, for a period in excess of 7 days. The accumulation or storage of hazardous waste upon private property in the said Township is prohibited.

104. Mandatory Subscription to Waste Collection Services; Liability for Costs of Waste Collection Services; Billing and Assessment of Waste Collection Services; Default in Payment and Imposition of Penalties and Service Fees.

1. All persons and/or entities occupying and/or owning dwellings, multiple dwellings, apartments, commercial, industrial or any other type of structures or parts thereof in the Township, shall utilize and subscribe to the garbage, refuse, rubbish and ruffraff collection and disposal service and make payment to the collector(s) awarded a contract by the Township to collect, transport and dispose of garbage, refuse, rubbish and ruffraff, as set forth in this ordinance.

2. Notwithstanding subsection .1. above, any person(s) who own(s) dwellings, multiple dwellings, apartments, commercial, industrial or any other type of structures or parts thereof in the Township which they do not occupy, or which they let to others, or which they permit others to occupy, shall be jointly and severally responsible and liable with the occupant(s) of the said structure for the cost of garbage collection, transportation and disposal which is assessed by the collector(s) awarded a contract by the Township pursuant to the provisions herein.

3. No person shall dispose of their garbage, refuse, rubbish or ruffraff except as provided in this ordinance, except nothing herein contained shall prevent the use of a device commonly known as a disposal which is attached to a sink and connected into a sewer.

4. The owner(s) or primary tenant(s) or primary occupant(s) of each occupied dwelling, multiple dwelling structure shall receive a bill [at an interval determined by the contracted collector(s)] for the cost of waste collection, in an amount as determined by the contract awarded by the Township, from the collector which is awarded the said contract encompassing the areas of the premises.

5. Each separately or independently occupied unit within a dwelling, apartment building, townhouse complex or other structure will be assessed separately for the cost of waste collection. Duplex houses shall be assessed as at least two separate units, unless the house is not used and occupied as two separate units.

6. Owners(s), primary tenant(s) or primary occupant(s) who are billed for waste collection services hereunder, shall remit payment for those services directly to the collector which is awarded the said contract to collect waste from the particular premises for which the bill is issued.

7. If, after being sent a bill for waste collection services by the contractor, the owner(s), primary tenant(s) or primary occupant(s) of a unit fail to remit payment to the collector by the date upon which such bill is due and payable, the owner(s), primary tenant(s) and/or primary occupant(s) shall be deemed to be in violation of the provisions of this ordinance.

8. In the event that the owner(s), primary tenant(s) or primary occupant(s) of a unit fail to pay the collector within 5 days after a bill becomes due and payable, the collector(s) may, in its/their discretion, impose a service charge or late fee upon such individuals of not more than 15 percent of each overdue bill, subject to the terms and conditions of the collector's contract with the Township. Such service charge or late fee may be imposed in addition to any other remedy sought by the collector or penalty imposed upon the owner(s), tenant(s) or occupant(s) of a unit in accordance with this ordinance or any other law, statute, ordinance or act.

105. **Storage Particles.**

1. *Preparation of Refuse:*

- A. All refuse shall be drained free of liquids before disposal.
- B. Garbage shall be wrapped in paper, plastic or similar material before being placed in an approved refuse container.
- C. All cans, bottles or other food containers which are otherwise not suitable for recycling shall be rinsed free of food particles and drained before disposal.
- D. Rubbish shall be (1) placed in an approved refuse container, or (2) cut and baled, tied, bundled, stacked or packaged so as not to exceed 50 pounds in weight, except as may otherwise be provided herein.

2. *Approved Refuse Containers:*

- A. Refuse containers shall be made of durable, watertight, rust resistant material having a close-fitting lid and handles to facilitate collection or may be common garbage/trash bags made of durable plastic and tied or otherwise securely fastened to contain the waste therein.
- B. Refuse containers for residences shall be of not less than 15 gallons, nor more than 35 gallons in capacity, and shall be provided by the owner, tenant or occupant of the premises being serviced by the collector(s).
- C. It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of containers shall be kept cleanly through rinsing and draining as often as necessary.

D. Notwithstanding the provisions herein, householders, commercial establishments or other persons may, by agreement with the collector(s), be permitted to place a dumpster at a certain agreed place upon their premises.

3. *Storage of Refuse:*

A. Each householder, commercial establishment or person having refuse shall provide himself with approved refuse containers, and shall place and keep all refuse therein: except as provided herein for the handling of rubbish and ruffraff.

B. It shall be unlawful to place or store any garbage, refuse, rubbish, ruffraff, or hazardous waste in any street, alley, stream, body of water or any other public place, or upon private property, whether owned or not, except as otherwise provided herein. No person shall bring in, nor permit any other person to bring upon his property, any garbage, refuse, rubbish, ruffraff, or hazardous waste into the Township for disposal, unless such person operates an authorized sanitary landfill, recycling center or similar authorized operation for disposal of such waste, and the said waste is placed or stored upon the said premises for the purpose of lawful disposal or recycling.

4. Each separately assessed unit shall place no more than an average of six 35 gallon containers per week for collection.

106. **Collection Practices.**

1. Refuse containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector. They shall be placed at the front or rear of the building from which collection is to be made as may be designated by the collector(s).

2. Notwithstanding provisions of the above subsection, householders, commercial establishments, or other persons may, by agreement with the collector(s), be permitted to place containers at other agreed places upon their premises.

3. *Frequency of Collection.*

A. Refuse shall be collected not less than once per week.

B. Hotels, restaurants, institutions and commercial establishments may be required to have more frequent collection, if determined by the Board of Supervisors to be essential to protect the public health.

C. Apartment buildings and multiple-unit establishments or institutions having more than 15 units shall have as frequent collection as necessary to protect the public health. Such buildings or establishments having less than 15 units shall be treated as separate residences, with each apartment or unit being required to have collection on the same basis as a single residence, unless each resident and/or the owner of the apartment enters into an agreement with the collector(s) for placement of a dumpster upon the premises, in which case collection will occur as agreed by the

collector(s) and the residents and or owner. But in no case shall collection occur less than once per week.

D. The collector(s) shall designate 2 days each year, 1 day each half-year for the collection of ruffraff, and shall notify the public on such designated days through the news media. On such designated day, the collector(s) will, without additional charge, pick up any article of ruffraff that is placed at the designated location for regular collections; provided, however, that in the event the collector(s) is required to go into the dwelling or building to pick up such ruffraff, a special charge will be made.

4. *Awarding of Contract.*

A. The Township shall advertise for bids for a contract or contracts for the collection of garbage, refuse, rubbish and ruffraff and a contract or contracts shall be awarded to the lowest bidder(s), at specifications which are set by the Board of Supervisors.

B. Only the person or persons who enter(s) into a contract with the Township shall be permitted to collect in the Township.

107. **Bidding.**

1. Following the enactment of this Part, the said Township shall prepare specifications for bidding for one or more contracts covering the collection, removal, and disposal of garbage, refuse, rubbish and ruffraff and shall advertise for bids, given such notice as it may deem adequate for the purpose, and reserving to the Township the right to reject any or all bids.

2. At a time and place appointed by the Township for submission of such bids, the same shall be opened and tabulated by the Board of Supervisors. If a satisfactory bid is submitted by a collector deemed to be a responsible bidder, the Board of Supervisors shall award to such bidder a contract for the collection, removal and transporting to a designated dumping area or station for ultimate disposal by the sanitary land fill method.

3. The Board of Supervisors reserves the right to and may in its discretion divide collection service or types of service within the Township such that more than one set of specifications be prepared and more than one contract for collection be awarded.

4. The Board of Supervisors is specifically authorized to and may in its discretion collect a franchise or operating fee from the person or persons awarded the contract(s) for collection.

108. Disposal of Refuse.

It shall be unlawful to dump, burn, bury, destroy or otherwise dispose of refuse within the jurisdictional limits of the Township, except as otherwise provided herein at the designated and approved refuse disposal site. However, the burning of lawn, shrub and tree trimmings and garden refuse as may from time to time be specified by the Board of Supervisors.

109. Disposal of Garbage.

No person, firm or corporation shall use or permit to be used any spot or place within the Township as a public or private dump for garbage, refuse, rubbish or ruffraff or other waste material, unless otherwise specifically authorized by the Board of Supervisors of the said Township and the designated zoning authority.

110. Other Refuse Material.

No person shall accumulate garbage, rubbish, ruffraff or other refuse material upon private property in the Township except in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage, rubbish, ruffraff or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish, ruffraff and other refuse materials within 30 days after the effective days of this ordinance shall be deemed a violation.

111. Collection of Garbage.

The collection of garbage, rubbish, ruffraff or other refuse material in the Township and the disposal thereof shall be subject to such reasonable rules and regulations as may from time to time be promulgated by the Board of Supervisors.

112. Penalties.

1. The failure of a person to comply with any term, provision, requirement or mandate under this shall constitute a violation hereof. All actions for enforcement of this ordinance shall be brought as follows:

A. As a summary offense, before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who shall violate any provision of the ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this ordinance continues or each Section of this ordinance which shall be found to have been violated shall constitute a separate offense.

B. As a civil action in law or equity, before a magisterial district judge in the same manner provided under the Pennsylvania Rules of Civil Procedure for Magisterial District Judges. Any person, partnership, or corporation who or which has violation of the provisions of this upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not less than \$25 nor more than \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred by each day that a violation continues or each Section of this ordinance which shall be found to have been violated shall constitute a separate violation.

2. Empowerment to Enforce Ordinance. In addition to those individuals, agents or officers generally empowered to enforce this ordinance, the collector(s) who is/are awarded the contract(s) to collect waste, as described herein, is/are hereby authorized and empowered to institute any civil and/or criminal action on behalf of German Township to enforce the provisions of this ordinance. Nothing herein shall be construed to limit the authority or ability of the Board of Supervisors, Code Enforcement Officer(s), or other law enforcement any other agent of the German Township Board of Supervisors to enforce this or any other ordinance.

ENACTED AND ORDAINED this 13th day of September, 2011.

TOWNSHIP OF GERMAN

By: Robert G. Croushore
Robert Croushore, Chairman

By: Floyd Gladman
Floyd Gladman, Vice Chairman

By: Daniel Shimshock
Daniel Shimshock, Secretary-Treasurer