

Chapter 10

HEALTH AND SAFETY

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[HISTORY: Adopted by the Board of Supervisors of the Township of German as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Public Nuisances [Adopted 3-8-2005 by Ord. No. 030805]

§ 10-1. Purpose.

The purpose of this article is to protect the health, safety and welfare of citizens and recognizes that the unsheltered storage of motor vehicles, motor vehicle accessories or trailers creates a hazard, threat, or potential threat to the health, safety or welfare of the citizens of the municipality because such vehicles, accessories and trailers provide a breeding area for rodents and vermin and because such vehicles, accessories and trailers provide an attractive nuisance for children who are not aware of the dangers involved.

§ 10-2. Definitions.

For the purpose of this article, the following definitions shall be applicable:

- (3) Missing doors, windows, hood, truck 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 headlamps or tail-lamps with sharp edges.
- (8) Disassembled chassis parts apart from the motor vehicle stored 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) Inoperable locking mechanism for doors and trunk.
- (14) Open or damaged floor boards, including trunk and firewall.
- (15) Damaged bumpers pulled away from the perimeter of vehicle.
- (16) Broken grill with protruding edges.
- (17) Loose or damaged metal trim and dips.
- (18) Broken communication equipment antennae.
- (19) A motor vehicle suspended on unstable supports.
- (20) Such other defects which could threaten the health, safety and welfare of the citizens of the municipality.

§ 10-4. Permitted storage.

The prohibitions of § 10-3 hereof shall not apply to a motor vehicle, accessories or trailer stored within an enclosed building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle, accessories or trailer being stored.

§ 10-5. Investigation of premises.

The Building Inspector or Code Enforcement Officer, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected motor vehicle nuisance stored or maintained in violation of this article and record the make, model, style, identification numbers and condition.

ARTICLE II
Recreational Vehicles
[Adopted 11-6-2001 by Ord. No. 1-111601]

§ 10-9. Name.

This article shall hereafter be known and cited as the "Recreational Vehicle Regulation Ordinance" of the Township of German.

§ 10-10. Purpose.

The purpose of the article is to regulate and control the operation and use of recreational vehicles within the said Township for the protection of the health, safety and general welfare of the residents, property owners, visitors and others within said Township.

§ 10-11. Definitions.

The following terms, when used in the within this article, shall have the following meanings:

DEALER — Any person engaged in the sale, lease or rental of all terrain vehicles, four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, cars, trucks and all other type of recreational vehicle and snowmobiles as a regular business.

HIGHWAY or STREET — The entire width between the boundary lines of every way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular travel.

OPERATE — To ride in or on and to be in actual physical control of the operation of the recreational vehicle.

OPERATOR — Any person who operates or is in actual physical control of a snowmobile or any other recreational vehicle described in said article.

OWNER — Means the following:

- A. Person who holds the legal title to a snowmobile or any other recreational vehicle described in said article.
- B. A vendee or lessee of the snowmobile or any other recreational vehicle described in said article, which is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
- C. A person renting a recreational vehicle or having the exclusive use of a recreational vehicle.

PERSON — An individual, partnership, corporation, the state or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.

RECREATIONAL VEHICLE — All terrain vehicles, four wheel drive vehicles, motorcycles, motor bikes, dirt bikes, three wheelers, cars, trucks and any other type of recreational vehicle

been cleared of snow for skating purposes unless the area is necessary for access to the frozen public water.

- I. Unless the recreational vehicle is equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA (decibels on the "A" scale) on a sound meter having characteristics defined by American Standards Association SI, 4-1966 "General Purpose Sound Meter," as amended.
- J. Within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m., at a speed greater than minimum required to maintain forward movement of the vehicle.
- K. In or upon premises which are fenced, otherwise enclosed in or a manner to exclude intruders, private property, nonposted, in a conspicuous manner or when notice against trespass is personally communicated to the operator by the owner of the premises or other authorized persons.
- L. In any area on which public hunting is permitted during the season open to the taking of deer with firearms from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., except during an emergency for lawful enforcement purpose, to go to and from a permanent residence or a hunting camp otherwise inaccessible by conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operations, or on the operator's own property under his control or as an invited guest of an owner or person in control of said property.
- M. While transporting a bow, unless unstrung, or a firearm, unless securely encased or equipped with and made inoperative by a manufactured key locked trigger housing mechanism.
- N. On or across a cemetery or burial ground.
- O. Within 100 feet of a slide, ski or skating area, except for the purpose of servicing the area or for medical emergencies.
- P. On a railroad or railroad right-of-way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.
- Q. Unless it has at least one headlight, one taillight and adequate brakes capable of stopping the vehicle.
- R. Or any residential lots laid out in a subdivision that has been recorded in the Office of the Fayette County Recorder of Deeds whether or not with the consent of the owner, lessee, or other person in control of such property.
- S. In a manner that causes dust pollution on adjacent properties or on public streets, roads, or alleys.

OWNER — A person owning, leasing, occupying or having charge of any premises within the Township.

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

TOWNSHIP — The Township of German, Fayette County, Pennsylvania.

§ 10-16. Nuisances declared illegal.

Nuisances, including but not limited to, the following, are hereby declared to be illegal unless specifically authorized by a lawfully obtained current zoning permit:

- A. Storing or accumulating the following:
 - (1) Garbage or rubbish.
 - (2) Junk material (including, but not limited to, unused or abandoned vehicles, machinery, equipment or appliances).
 - (3) Other junk (including, but not limited to, any and all forms of waste and refuse of any type of material, including scrap metal, glass, industrial waste and other salvable materials).
- B. Storing or accumulating abandoned or junked motor vehicles.
- C. Drainage or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, wash stands, lavatories, water closets, swimming pools, privies or cesspools of any kind or nature whatsoever, or any other foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane or alley; or from any property into or upon any adjoining property.
- D. Draining or flowing, or allowing to drain or flow, any water or drainage from improvements situate upon property near any public highway, road, street, avenue, lane or alley in the Township into or upon the cartway or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision has been made in said cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- E. Permitting or allowing any well or cistern to be or remain uncovered.
- F. Restricting or impeding in any way any established ditch line or drain pipe.
- G. Interfering with the flow of a stream, creek or other waterway, by means of dam construction or otherwise, without a proper permit from the appropriate authorities.
- H. Excavating or filling the bed, or removing the embankment of a stream, creek or other waterway so as to alter the natural flow of the stream, without a proper permit from the appropriate authorities.

- (1) By making personal delivery of the notice to the owner.
 - (2) By handing a copy of the notice at the residence of the owner to an adult member of the household in which he resides.
 - (3) By fixing a copy of the notice to the door at the entrance of the premises in violation, or on the door of the owner's home if such home is not located on the premises in violation.
 - (4) By mailing a copy of the notice to the last known address of the owner by certified mail.
 - (5) By publishing a copy of the notice in a newspaper of general circulation in the Township once a week for three consecutive weeks.
- B. The person serving such notice shall file with the Township an affidavit stating the time, date, place and method of service and specifying by whom such service was made. Such affidavit shall become a permanent record of the Township.
- C. Such notice shall set forth in what respects such condition constitutes a nuisance, and whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations, fencing or boarding, or in some way by confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within 21 days and thereafter to comply fully with its terms with reasonable dispatch; all materials to be supplied and work done at the owner's expense; provided, however, that if the violation charged is under § 10-16E, F, G, H, I, J, K, L, M, N, O, P, Q or R, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

§ 10-19. Violations and penalties. ³

- A. If the owner after receiving due notice refuses or fails to comply with the terms thereof, 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 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 article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.
- B. The Board of Supervisors may direct the removal, repairs or alterations, as the need may dictate, to be done by the Township, and the cost thereof, with a penalty of 10% may be collected from the owner of the premises by an action in assumpsit, or the Township may file a municipal claim and lien against such real estate in order to collect such costs and penalties.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 28, General Provisions, Art. I).