

**PERSONAL PROPERTY NUISANCE ORDINANCE**

**ORDINANCE NO. 59**

AN ORDINANCE OF THE TOWNSHIP OF HAYCOCK regulating the storage of machinery, equipment, materials and/or solid waste on private grounds, so as to create a nuisance or health hazard; requiring the removal, repair or alteration of the conditions constituting a nuisance or danger to the citizens; and prescribing penalties for violation.

The Haycock Township Board of Supervisors hereby ordains:

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

LESSEE - Owner for the purpose of this Ordinance when the lessor holds the Lessee responsible for maintenance and repairs.

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

OWNER - the actual Owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association, or corporation.

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

SOLID WASTE - shall mean garbage, refuse and other discarded materials including, but not limited to solid, semi-solid, liquid and contained gaseous waste materials resulting from municipal, industrial, mining, institutional, commercial, agricultural or residential activities.

VECTOR - a rodent, arthropod or insect capable of transmitting a disease or infection, including but not limited to rats, mosquitoes, cockroaches, flies and ticks.

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. Health Hazards and Nuisances Prohibited. It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance or health hazard to residents of the Township of Haycock. Specifically, the unsheltered storage or maintenance of unused, stripped, damaged and generally unusable machinery or equipment, materials, or solid waste shall be considered a nuisance and/or health hazard if any of the following conditions exist:

1. Broken glass or metal parts with sharp or protruding edges.

2. Openings or areas which are conducive to the harboring and growth of vermin.

3. Storage of solid wastes or any refuse in containers other than covered receptacles, which shall be kept clean by rinsing and draining as often as necessary so as not to provide food or breeding areas for vectors.

4. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt, or fall from its original storage position.

5. Storage of items containing any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents, and poisons.

6. Storage of two (2) or more flat or open tires or tubes which could permit harborage or breeding areas for vectors.

7. Storage of any type of mechanical device propelled by a motor, but which is unable to move under its own power and has one (1) or more of the following physical defects: (a) missing tires resulting in unsafe suspension of the motor vehicle; (b) broken vehicle frame suspended from the ground in an unstable manner; (c) inoperable locking mechanism for doors or trunk; (d) suspension on unstable supports.

8. Any other condition which, in the opinion of the inspecting official shall be deemed to be a health hazard, potential health hazard or nuisance.

Section 3. Inspection; Notice to Comply.

1. The Enforcement Officer is hereby empowered to inspect grounds on which machinery, equipment, materials and/or solid waste 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 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 considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the nuisance 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 thirty (30) days of mailing or posting of said notice.

Section 4. Authority to Remedy Noncompliance. If the owner of grounds on which machinery, equipment, materials and/or solid wastes are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Township of Haycock shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Township of Haycock, 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 5. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of One Thousand Dollars (\$1,000), and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

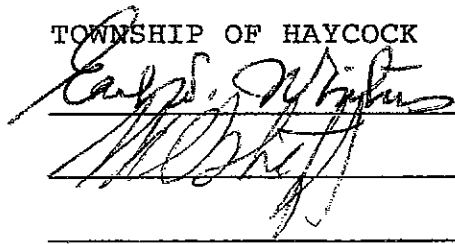
Section 6. Remedies not Mutually Exclusive. The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors of Haycock Township.

Section 7. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinances or parts thereof are specifically repealed: Ordinance Nos. 5, 8 and 9.

Section 8. 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 Board of Supervisors of Haycock Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 9. Effective Date. This Ordinance shall become effective on MAY 24, A.D., 1988.

TOWNSHIP OF HAYCOCK

  
\_\_\_\_\_  
\_\_\_\_\_