

CHAPTER 10
HEALTH AND SAFETY

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Part 1

Noise

§101. Purpose and Scope. It is the purpose and scope of this Part to provide regulations defining the maximum sound levels that vehicles, "appliances and equipment shall be allowed to produce at specified distances from these devices, and also to provide for the prohibition of other kinds of prohibited noises. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of the Township. (Ord. 1969-2, 5/26/1969; as revised by Ord. 1-89, 3/13/1989)

§102. Application. This Part shall apply:

1. To all types of vehicles, appliances and equipment, whether privately or publicly owned.
2. To sounds of any time duration.
3. To both the owner and operator of vehicles, appliances, equipment, devices, animals or any other object creating noises.

(Ord. 1969~2, 5/26/1969; as revised by Ord. 1-89, 3/13/1989)

§103. Exemptions. The following devices are exempt from the provisions of these regulations:

1. Aircraft (except model aircraft).
2. Police, fire, ambulance and other governmental emergency vehicles.
3. Back-up alarm devices on trucks and other equipment when installed and operated in accordance with Society of Automotive Engineers recommended practice J 994, "CRITERIA FOR BACK-UP ALARM DEVICES."
4. Governmental warning devices (i.e., civil defense of fire siren). (Ord. 1969-2, 5/26/1969; as revised by Ord. 1-89, 3/13/1989)

§ 104. Definitions. All acoustical terminology shall be that contained in ANSI S1.1 "Acoustical Terminology."

ANSI - American National Standards Institute or its successors.

APPLIANCE - any device or combination of devices used or capable of being used as a means of accomplishing a desired end, such as a window air conditioning unit.

DAY - the twenty-four (24) hour period starting at local midnight.

DAY-TIME - 6:00 A.M. to 6:00 P.M.

DECIBEL (dB) a unit of sound level which is a division of logarithmic scale used to express the ratio of the sound intensity of the source to the intensity of an arbitrarily chosen reference intensity. The ratio is expressed on the decibel scale by multiplying its "base ten logarithm" by ten.

EQUIPMENT - any devices or combination of devices to accomplish a desired end, such as a chain saw, bulldozer, etc.

EXCESSIVE NOISE - excessive noise is that sound which is (1) injurious or which unreasonably interferes with the comfortable enjoyment of life and property. Measured noise levels in excess of limits established in these regulations or those specified in valid permits are declared to be excessive noise; (2) annoying to a person of ordinary sensibilities.

FLUCTUATING NOISE - a fluctuating noise is a noise whose sound level varies significantly with time.

IMPULSIVE NOISE - impulsive noise is characterized by brief excursions of sound level. The duration of a single impulse is usually less than one second.

INTERMITTENT NOISE - an intermittent noise is a noise whose sound level exceeds the ambient noise levels at least twice during the period of observation, which is one minute or more. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of one second or more.

NOISE - noise is any sound emitted by a person, animal, vehicle, appliance, equipment or other device and its environmental interaction.

ORDINANCE ENFORCEMENT OFFICER - any person appointed by the Township with responsibility to enforce municipal ordinances; or, any sworn member of the Township Police Department.

PERSON - either the owner or operator of vehicles, appliances, equipment or devices.

PERIOD OF OBSERVATION - the period of observation is the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and the instrumentation being used. The period of observation must be at least as long as the response time of the instrumentation. The greater the variance in individual sound level, the longer must be the observation time for a given expected accuracy of measurement.

S.A.E. - Society of Automotive Engineers.

SOUND LEVEL (Noise level) - airborne sound levels are expressed in dB and obtained by the use of specific frequency dependent weighting networks, as specified in the referenced standards. The specific weighting network used must be indicated by the proper notation. If the A-weighting is employed, the sound level is identified as dB(A).

SOUND LEVEL METER - a sound level meter is an instrument, or combination of instruments, which meets or exceeds the requirements for an ANSI Type S1A or Type S2A Sound Level Meter.

STEADY NOISE - a noise whose level remains essentially constant (i.e., fluctuations are less than five (5) dB) during the period of observation is a steady noise.

VEHICLE - any device, or combination of devices, used for or capable of being used for transporting persons or property. Vehicles include, but are not limited to, the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts,

racers and like devices, farm machinery, industrial machinery, highway graders, trailers, graders and semi-trailers.

(Ord. 1969~2, 5/26/1969; as revise~ by Ord. 1-89, 3/13/1989)

§105. Enforcement.

1. Abatement - Any emission of noise from any source in excess of the limitation established in or pursuant to this Part herein described shall be deemed and is hereby declared to be a publ{c nuisance and may be abated, in addition to the administrative proceedings, fines and penalties herein provided. Such abatement may be made by any Police Officer or the Ordinance Enforcement Officer, or may be made by order. of the Court of Common Pleas of McKean County on complaint or petition filed on behalf of the Township.

2. Nothing in this Part shall be construed to impair any cause of action, or legal remedy thereof, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise in such place or manner, or at such levels which may give rise to such cause of action.

3. The Noise Enforcement Officers of the Township shall:

A. Be qualified by training and experience to perform the necessary measurements and procedures required to determine violations of the provisions of this Part.

B. File complaints with the District Justice to prosecute violations of this Part.

C. Investigate complaints of violations of this Part and make inspections and observations of noise conditions; and

D. Be authorized to issue a warning to persons considered in violation of these regulations, a warning which may allow an appropriate time not to exceed thirty (30) calendar days for correction to bring the offending vehicles), appliances), equipment or other devices) within the provisions of these regulations before enforcement by prosecution.

(Ord. 1969-2, 5/26/1969; as revised by Ord. 1-89, 3/13/1989)

§106. Administration. The Township shall:

1. Have available in convenient form as in a unit the provisions of this Part and the recommended practices, rules, regulations and standards which have been adopted. A copy of the information sources shall be kept on file in the Township offices;

2. Prepare and maintain records of all orders issued by the Noise Enforcement Officers and the Appeals Board:

3. By the [Designated Officials], issue all standards, permits, certificates, notices or other matters required under the provisions of this Part and notify all persons concerned of any decisions rendered and provide such persons with an opportunity to be heard as herein set forth:

4. Establish an Advisory Committee to investigate and make recommendations from time to time to the Board of Supervisors with respect to needed additions or revisions of this Part.

(ord. 1969-2, 5/26/1969; as revised by ord. 1-89, 3/13/1989)

§107. Appeals Board.

1. The Board of Supervisors shall establish an Appeals Board consisting of five (5) members to hear and decide cases regarding interpretations of this Part and variances for undue hardship situations;

2. The membership of the Appeals Board shall contain at least one (1) member who is qualified by training and experience in' the field of noise control and noise control regulations.

(ord. 1969-2, 5/26/1969; as revised by ord. 1-89, 3/13/1989)

§108. Noise Limitations.

1. General. No person shall make, permit or cause to be made, any excessive noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically-operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound amplifying or other similar electronic device unless said person has obtained a special permit from the Township Manager as provided in this Part.

2. Musical Instruments. No person shall use or perform on any hand organ or other musical instrument or device, for payor in expectation of payment, in any public way or public open space of the Township before 6:00 A.M. or after 6:00 P.M. of the day unless said person has obtained a special permit from the Designated Officials.

3. Noise from Premises. No person owning, or in possession or control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood as measured at the property line in which such building or premise is situated, or be dangerous or detrimental to health.

4. Equipment Noise. It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other mechanical equipment operated by fuel or electric power in building or construction operations from 10:00 P.M. to 6:00 A.M. of the following day, except for emergency work on public improvements, work of public service utilities, and municipal services unless such equipment has been manufactured or modified for sound control and meets the provisions of this Part.

5. Noise in Handling Refuse Cans. No person shall make any unnecessary noise in the handling of ash, trash and garbage cans, either in loading or unloading, whether full or empty.

6. Noise in Vicinity of Hospitals, Schools and Churches. No person shall make any unnecessary noise in the vicinity of any hospital, or church during hours of public worship, or school during school hours.

7. Unlawful to Keep Noisy Animals. No person shall keep, or permit to be kept, harbor, or otherwise maintain any animal which shall disturb the quiet of any public street or other public place, or of any neighborhood. Provided, however, that a noisy animal shall be defined as one or more animals which makes noises habitually, so as to constitute annoyance to a person of ordinary sensibilities.

8. Noise by Peddlers. No peddler or other person who plies a trade or calling of any nature on the streets of the Township shall use any horn, bell, or other sound instrument to make any noise tending to disturb the peace and quiet of the neighborhood, for the purpose of directing attention to his wares, trade- or calling.

9. Use of Horns and Other Devices on Vehicles. No person, operating any vehicle, other than police, fire, public service or ambulance operators shall sound any horn, bell, gong, siren, or whistle, except for the ordinary horn installed on such vehicle by the manufacturer, or sound any type of horn except when reasonably necessary to prevent accidents or to otherwise comply with the law of motor vehicles.

10. The operational performance standards established by this Part shall not apply to any public performance being conducted in accordance with provisions of a special permit obtained from the Designated Officials for the conduct thereof.

11. Vehicles. No person shall operate either a motor vehicle of a type subject to registration, except in police, fire equipment, ambulances or other government emergency vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits for the category of minor vehicles based on a distance of fifty feet (50') from the center of the lane traveled on within the speed limit specified in this section under test procedures established by §110 of this Part.

<u>Type of Vehicle</u>	<u>Speed Limit of 35 MPH or less</u>	<u>Speed Limit of more than 35 MPH</u>
(1) Any motor vehicle with a manufacturer's gross combination weight rating of 10,000 lbs. or more and any combination of vehicles towed by such motor vehicle:	86 dB(A)	90 dB(A)
(2) Any other vehicle or any combination of vehicles towed by such motor vehicle:	76 dB(A)	82 dB(A)
(3) Any motorcycle or motor driven cycle:	78 dB(A)	82 dB(A)

A. This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers for noise control.

B. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle so that the noise level is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance with this paragraph shall be those used to establish compliance of a new motor vehicle with the requirements of this Part.

C. No person shall sell or lease or offer for sale or lease a new or second-hand vehicle that produces a maximum noise exceeding the noise limit at a distance of fifty feet (50') from the centerline of travel as stated in §108 of this Part. The manufacturer, distributor, importer or designated agent shall if requested certify in writing to the Township that his vehicles sold or leased within the Township comply with the provisions of this Part.

12. Equipment.

A. No person shall operate any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of fifty feet (50'), under test procedures established by §110 of this Part.

<u>Type of Equipment</u>	<u>Noise Limit</u>
(1) Construction and industrial machinery, such as crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, pavement breakers, compressors and pneumatic power equipment, but not including pile drivers:	86 dB(A)
(2) Agricultural tractors and equipment:	86 dB(A)
(3) Powered commercial equipment of 2HP or less intended for infrequent use in residential areas, such as chain saws, pavement breakers, log chippers, powered hand tools, etc.:	84 dB(A)
(4) Powered equipment intended for repetitive use in residential areas, such as lawn mowers, small lawn and garden tools, riding tractors, snow removal equipment, etc.:	70 dB(A)

B. No person shall sell or lease or offer for sale or lease new or second-hand equipment that produces a maximum noise exceeding the noise limit at a distance of fifty feet (50') as stated in this Part [Subsection 12A] . The manufacturer, distributor, importer or designated agent shall if requested certify in writing to the Township that his equipment sold or leased within the Township complies with the provisions of this Part.

(Ord. 1969-2, 5/26/1969; as revised by Ord. 1-89,3/13/1989)

§109. Use of Property.

1. Any property use established in a zoning district as defined and designated under the provisions of the Township Zoning Ordinance shall be such as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.

2. Noise levels shall be measured in terms of the sound level in dBA using equipment which meets the requirements established by this ordinance.

3. In all commercial and industrial zoning districts, at no point on the boundary of any residential zoning district shall the sound level of any individual operation or business, or the combined operations of any person, firm or corporation exceed the dBA levels shown below for the zoning district as measured under the test procedures established by §110 of this Part.

Maximum sound levels dB(A) along district boundaries as measured by conventional sound level meters on slow response:

	<u>Residential</u>	<u>Commerical/Industrial</u>
A-scale levels	55 dB(A)	62 dB(A)

In commercial zoning districts, all activities involving the production, processing, cleaning, servicing, testing, repair of materials, goods or products, or any property use shall conform with the performance standards stated above, provided that performance standards shall, in every case, be applied at the boundaries of the lot on which any such activities take place, except in such cases where the maximum permitted sound levels may be exceeded at a more distant point.

In residential zoning districts, any property use shall conform with the performance standards stated above for residential district boundaries, provided that performance standards shall, in every case, be applied at the boundaries of the lot on which such use is established, except in such cases where the maximum permitted sound levels may be exceeded at a more distant point.

The maximum sound levels established in this section to be applied to the boundaries of a lot shall not apply to construction sites and emergency operations. Construction site noise levels shall be regulated by §108 of this Part.

(Ord. 1969-2, 5/26/1969; as revised by Ord. 1-89, 3/13/1989)

§110. Test Procedures.

1. Test procedures to determine whether maximum noises emitted by new motor vehicles sold or offered for sale or lease meet the noise limits stated in §108(12) of this Part shall be in substantial conformity with standards and recommended practice established by the S.A.E., Incorporated and the Pennsylvania Department of Environmental Resources as well as the United States Environmental Protection Agency and such other and further standards as may be propounded in the Code of Recommended Practices of the Township.

2. Test procedures to determine whether maximum noises emitted by powered equipment or powered hand tools, sold or leased, or offered for sale or lease, meet the noise limits stated in §108(12) of this Part shall be in substantial conformity with Standards and Recommended Practices established by the S.A.E., Incorporated and the Pennsylvania Department of

Environmental Resources as well as the United States Environmental Protection Agency and such other and further standards as may be propounded in the Code of Recommended Practices of the Township.

(Ord. 1969-2, 5/26/1969; as revised by Ord. 1-89, 3/13/1989)

§111. Penalties. Please see Chapter 1, Part 6, "Ordinance Enforcement Procedure." (Ord. 1969-2, 5/26/1969; as amended by Ord. 7/19/72, 8/14/1972; by Ord. 1-89, 3/13/1989; by Ord. 6-96-1, 6/17/1996, \$1; and by Ord. 4/15/1997, \$1)

§201. Definitions. 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 street or highways, and including trailers or semi-trailers pulled thereby.

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.

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.

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.

§202. 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:

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
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 or 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 clips.
- 18. Broken communication equipment antennae.
- 19. Such other defects which could threaten the health, safety and welfare of the citizens of the Township.

(Ord. 1983-2A, 9/12/1983; as revised by Ord. 1-89, 3/13/1989)

§203. Storage of Motor Vehicle Nuisances Permitted. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §202 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 such as may be provided from time to time by 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 (6') high which is locked at all times when unattended. With the special approval of the Board of Supervisors motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet (6') 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 vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed five hundred (500) square feet.

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

§204. Inspection; Notice to Comply.

1. The Police Chief and/or the Code Enforcement Officer are hereby empowered to inspect grounds 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 constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety,

or welfare of the public, they 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 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.

(Ord. 1983-2A, 9/12/1983; as revised by Ord. 1-89, 3/~3/1989; and amended by Ord. 8/28/1989, 8/28/1989)

§205. Authority to Remedy Noncompliance. If the owner of grounds on which motor vehicles are stored 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 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. 1983-2A, 9/12/1983; as revised by Ord. 1-89, 3/13/1989)

§206. Hearing.

1. Any person aggrieved by the decision of the Police Chief may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within ten (10) days after notice of the Police Chief decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than thirty (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 Police Chief.

§207. Penalties. Please see Chapter 1, Part 6, "Ordinance Enforcement Procedure." (Ord. 1983...2A, 9/12/1983; as revised by Ord. 1-89, 3/13/1989; as amended by Ord. 6-96-1, 6/17/1996, \$1; and by Ord. 4/15/1997, \$1)

§208. 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. 1983-2A, 9/12/1983; as revised by Ord. 1-89, 3/13/1989)

Part 3
Vegetation

§301. Definitions. The following words, as used in this Part, shall have the meanings hereby respectively ascribed thereto:

PERSON - any natural person, partnership, association, firm or corporation.

WEEDS - any Canadian or Russian thistle, chickory, burdock, nettle, poison ivy, sumac, goldenrod, wild lettuce, wild mustard, wild parsley, ragweed, milkweed or any other plant or vegetation whatsoever, not edible, or planted for an ornamental or agricultural purpose.

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

(Ord. 1970-2, 6/22/1970, §1)

§302. Declaration of Nuisance. No person, firm or 'corporation owning or occupying any property within the Township of Bradford shall permit any grass or weeds or any vegetation whatsoever nor edible or planted for some useful or ornamental purpose to grow or remain upon such premises so as to exceed a height of eight (8) inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Township of Bradford in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township of Bradford. (Ord. 1970-2, 6/22/1970; as added by Ord. 7/30/1998A, §1)

§303. Responsibility for Removal, Cutting or Trimming. The owner of any premises, or the occupant of the premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §302. (Ord. 1970-2, 6/22/1970, §2; as amended by Ord. 1-89, 3/13/89; and by Ord. 7/30/1998A, §1)

1. The Supervisors of any officer or employee of the Township of Bradford designated thereby for this purpose is hereby authorized to give notice, be personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of §302 of this Part, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Part within seven (7) days after the issuance of such notice. Whenever, in the judgment of the enforcement officer, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Supervisors or any officer or employee of the

Township of Bradford designated thereby for that purpose may give notice by posting conspicuously on the property where such nuisance exists a notice or order directing and requiring that such nuisance be abated within seven (7) days.

2. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Supervisors may order the removal, trimming or cutting of such grass, weeds or vegetation, and the costs thereof, together with a penalty of ten (10) percent of the cost hereof, shall be collected by the Township of Bradford from such person, firm or corporation in the manner provided by law.

§305. Violations and Penalties. Any person, firm or corporation who or which shall violate any provision of this Part shall, upon his or its first conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) and/or to undergo imprisonment for a term not to exceed ninety (90) days, or both; upon his or its second conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and/or to undergo imprisonment for a term not to exceed ninety (90) days, or both; upon his or its third or subsequent conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or to undergo imprisonment for a term not to exceed ninety (90) days, or both. Each day that a violation of this Part 3 continues after notice shall constitute a separate offense. (Ord. 1970-2, 6/22/1970, §4; as amended by Ord. 1-89, 3/13/1989; by Ord. 6-96-1, 6/17/1996, §1; by Ord. 4/15/1997, §1; and by Ord. 7130/1998A, §1)

§401. Definitions. 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.

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 Bradford.

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.

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. 1-89, 3/13/1989)

§402. Nuisance and Abatement of Nuisance by Owner

1. From and after the effective date of this Part, the unsheltered storage of unused, stripped, junked, wrecked or otherwise unusable automobiles or other vehicles, machinery, implements and/or equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured for a period of thirty (30) days or more (except in such places where a legal junkyard business or auto related business is regularly conducted) within the limits of the Township of Bradford shall be deemed a nuisance, dangerous to the public health and safety.

2 For the purpose of this Part, an unused vehicle is defined as a vehicle not having a current State inspection and a current State Registration.

3. The owner, owners, tenants, lessees and/or occupants of any parcel of real estate within the limits of the Township of Bradford upon which there is storage of such personal property shall, jointly and severally, be responsible for the abatement of the nuisance created by said personal property and shall, upon notification by the Township of Bradford, promptly remove such nuisance into a completely enclosed building authorized for the use or storage purposes within the Township of Bradford or otherwise remove said nuisance to a location outside the limits of the Township of Bradford.

(Ord. 1-89, 3/13/1989; as amended by Ord. 7/3011998B, §1; and by Ord. 8/911999A, §1)

§403. Storage Requirements

1. Storage of such items as listed in §402 hereof on personal property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Township ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in §402, must first apply for a permit for either temporary or permanent storage and pay a fee to the Township such as may be provided from time to time by resolution of the Board of Supervisors. The nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaqued fence at least six (6) feet high which is locked at all times when unattended. With the special approval of the Board of Supervisors 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 the machinery, equipment, or materials shall be kept free of vermin infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such potential nuisances may not exceed five hundred (500) square feet.

2. Nothing herein shall be construed to permit the storage of machinery, equipment, or material nuisances contrary to the provisions of the Township Zoning Ordinance [Chapter 27].

(Ord. 1-89, 3/13/1989)

§404. Inspection; Notice to Comply.

1. The Enforcement Officer/Inspector is hereby empowered to inspect grounds on which machinery, equipment, and/or various materials are stored to determine if there is compliance 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 considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice 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.

(Ord. 1-89, 3/13/1989)

§405. Authority to Remedy Noncompliance. If the owner of grounds on which machinery, equipment, and/or materials are stored does not comply with the notice to abate the condition, 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 (10) percent 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. 1-89, 3/13/1989)

§406. Hearing

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within ten (10) days after notice of the Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than thirty (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.

(Ord. 1-89, 3/13/1989)

§407. Violation and Penalties and Abatement by Township.

1. Any person, firm or corporation who or which shall violate any provision of this Part shall, upon his or its first conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) and/or to undergo imprisonment for a term not to exceed ninety (90) days, or both; upon his or its second conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and/or to undergo imprisonment for a term not to exceed ninety (90) days, or both; upon his or its third or subsequent conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or to undergo imprisonment for a term not to exceed ninety (90) days, or both. Each day that a violation of this Part continues after notice shall constitute a separate offense.

2. In addition to the penal ties herein provided, the Township of Bradford shall have the right and privilege to remove said personal property to a location of its selection for storage. The Township of Bradford shall notify the last known owner or owners of the personal property removed that the same has been placed in storage and shall be sold after the expiration of thirty (30) days if removal and .storage charges are not paid by the responsible owner or owners. In the event that such personal property has been placed in storage by the Township of Bradford, said personal property may be sold by the Township of Bradford for payment of removal and storage charges. If the proceeds of such sale are insufficient to pay the costs of removal and storage, the owners of such personal property shall be liable to the Township of Bradford for the balance of the costs jointly and severally, to be recoverable in a suit of law. If the proceeds of such sale are in excess of the costs thereof, the balance shall be paid to said owner or owners or deposited in the municipal treasury for the use of said owner or owners.

(Ord. 1-89, 3/13/1989; as amended by Ord. 6-96-1, 6/17/1996, \$1; by Ord. 4/15/1997, \$1; and by Ord. 7/30/1998B, \$1)

§408. 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. 1-89, 3/13/1989)

§409. Authority to File Municipal Claim. Notwithstanding any other provision hereof, the Township of Bradford may file a municipal claim of record against the owner or owners of the premises from which said personal property is removed for the cost of removal, if the cost of removal and storage are in excess of the proceeds received at the sale thereof, as provided for in §407 of this Part. (Ord. 1-89, 3/13/1989; as added by Ord. 7/3011998B, §1)