**CHAPTER 10**

**HEALTH AND SAFETY**

**Part 4**

**Open Storage of Junked Motor Vehicles and Other Materials Restricted**

**§401. Definitions.** For purposes of this Part the following words shall have the following meanings:

INOPERABLE MOTOR VEHICLES — Any motor vehicle that, for any reason, cannot be operated upon the streets or roads of White Deer Township.

JUNK — Items of personal property including but not limited to machinery, equipment, building materials, auto parts, tires, paper, cardboards, trash, metal, furniture, appliances, containers, plastic, trailers, travel trailers, campers, snowmobiles, all-terrain vehicles and implements that due to age, use, misuse, neglect, lack of maintenance or damage can no longer be safely used for the purpose for which they were manufactured, assembled, fabricated, erected or made.

LAWNS — Areas that are planted and maintained for no agricultural purposes with grass seed or sod such as but not limited to Kentucky Blue Grass, Tail Fescue, Penn State Mix, Rey-Grass.

MOTOR VEHICLE — A vehicle propelled by any type of motor and intended to be used on land for conveyance of persons or property which requires a Certificate of Title issued by the Commonwealth of Pennsylvania, Department of Transportation or some other similar governmental entity. Motor Vehicle shall include trailers requiring state registrations and licensing to be operated or moved on public roads.

REFUSE — See junk and waste.

TOWNSHIP — White Deer Township, Union County, Pennsylvania.

UNINSPECTED MOTOR VEHICLE — Motor Vehicles that do not bear or display a current inspection sticker which is required for them to be legally operated on the public streets, roads and alleys of the Commonwealth of Pennsylvania.

 UNLICENSED MOTOR VEHICLES — Motor Vehicles that do not bear or display a current license or registration issued by the Commonwealth of Pennsylvania, Department of Transportation or similar governmental entity and which cannot be legally operated upon the public streets, roads and alleys of the Commonwealth of Pennsylvania without such license and registration.

 WASTE - Any household, industrial or commercial product or material that is the residual part of a useful product and includes but is not limited to solids, semi-solids, and/or liquids, food byproducts, paper, cardboard, cloth and clothing.

 WEEDS — Any vegetation not edible or planted for some useful or ornamental purpose including but not limited to wild carrot, goldenrod, foxtail, Johnson grass and noxious plants as defined by the Pennsylvania Department of Environmental Protection or similar governmental agency.

 (Ordinance No. 60, adopted October 16, 2018)

 **§402. Storage of Junk, Refuse and/or Waste.** It shall be unlawful for any owner or occupier of real property situate in the Township to store, maintain or place any junk, refuse and/or waste except in accordance with the provisions of this Ordinance and such local, state and federal ordinances, statutes, laws and regulations as shall apply to said storage.

 (1) All junk, refuse and/or waste upon any real property in Township, shall be stored in containers that shall be sanitary, durable, water tight, leak proof and made of metal, plastic or fiberglass which shall be placed in such location as shall facilitate the use of such containers.

 (2) The said storage of junk, refuse and/or waste shall be done in such manner as to prevent the attraction, breeding and harboring of insects, rodents, vermin, scavengers and animals and in such manner as to prevent conditions which may create or result in hazards to the public health and safety or which create or result in fire, odors, unsightliness or public nuisance.

 (3) All stored junk, refuse and/or waste shall be removed from its place of storage and properly disposed of with such frequency as is necessary to prevent a threat to the safety and health of persons and the environment but in no event less frequently than every two weeks.

 (4) Proper disposal of junk, refuse and/or waste shall consist of delivery to a licensed and approved landfill, removal by a person or company disposing of the same at a licensed and approved landfill, burning where permitted, recycling or delivery to a licensed and approved scrap processor or dealer.

 (5) The transportation of junk, refuse and/or waste within the Township, no matter where it originated, shall be in closed or covered containers or motor vehicles. Any spillage or littering occurring while said junk, refuse and/or waste is being transported shall be cleaned up immediately after such spillage or littering occurs.

 (6) Nothing herein shall prohibit any person actively engaged in the farming of land or raising of livestock within the Township from carrying out the normal farming activities, including composting and spreading manure or other farm produced agricultural wastes or refuse provided the same is done in accordance with all applicable laws, ordinances and regulations.

 (7) No person or entity shall, within the Township of White Deer, Union County, Pennsylvania, deposit junk, refuse or waste on any road, street, alley, railroad right-of-ways, lands of others or the waters of the Commonwealth of Pennsylvania.

 (Ordinance No. 60, adopted October 16, 2018)

 **§403. Unlicensed/Uninspected/Inoperable Motor Vehicles.** It shall be unlawful for any owner or occupier of real property situate in the Township to store, keep, maintain, place or permit the storage, keeping, maintenance or placement of an unlicensed motor vehicle, an uninspected motor vehicle or an inoperable motor vehicle on the said real property, except in a fully enclosed structure. Provided however that this section shall not apply to motor vehicles that are (1) used in the conduct of a legally permitted business where such licensing or inspection is not required by law provided said business is located on and operated on the real property upon which the said unlicensed or uninspected motor vehicle is located or (2) used exclusively upon real property utilized for agricultural or forestry purposes. Provided however that one such unlicensed, uninspected or inoperable motor vehicle may be kept or maintained without being placed in a fully enclosed structure if the same is, at all times, covered with a non-transparent tarp that is properly anchored. Provided further that one unlicensed or uninspected motor vehicle may be kept and maintained without being stored in a fully enclosed structure if the same is being actively offered for sale.

 (Ordinance No. 26, adopted December 16, 2008; Ordinance No. 60, adopted October 16, 2018)

 **§404. Maintenance of Vegetation.** It shall be unlawful for the owner or occupier of real property situate in the Township to permit weeds or lawns situate upon said real property to grow to a height in excess of eight inches, provided however this section shall not apply to lands situate within the Agricultural and Woodland Zoning District.

 (1) The above provisions shall not apply to:

 (a) That portion of real property that is used for agricultural purposes.

 (b) That portion of real property situate in an area classified as wetlands or which have conservation rights assigned for the purpose of sustaining wildlife or water ways or water sources.

 (c) That portion of real property situate in the Township that is under agreement with or engaged in any program administered by any federal, state, county or local agency that would prohibit compliance with the provisions set forth herein.

 (Ordinance No. 60, adopted October 16, 2018)

 **§405. Enforcement.** The owner and/or occupier of real property upon which a violation of this Part shall occur, shall be notified, in writing of said violation by such person as the Board of Supervisors of the Township shall appoint from time to time by resolution. The said notice shall be delivered either personally or by certified mail, return receipt requested. When the person responsible for delivery of the notice determines that it is impractical to make delivery as set forth above the notice may be delivered by posting the same upon the real property.

 The said notice shall advise the owner and/or occupier of the said real estate that a violation of this Part has occurred and shall set forth a brief description of the violation. The owner and/or occupier of the said real property shall have seven days from the date of the receipt of the notice or the date of the posting of the notice to cure the violation. The notice shall advise the owner and/or occupier of the same. The owner and/or occupier shall notify the person responsible for delivery or posting of the notice when the violation has been corrected. The owner and/or occupier shall pay a service fee to the Township in an amount determined by the Township from time to time by resolution. Should owner and/or occupier fail to cure the violation of this Part within the said seven days they shall be in violation of the Ordinance.

 Any subsequent violation of the same section of the Part shall not require a notice of violation as set forth above, notwithstanding the fact that the subsequent violation does not involve the same motor vehicle or materials as a previous violation. The person or persons responsible for the enforcement of the provisions of this Part shall proceed under this Part.

 (Ordinance No. 45, adopted April 22, 2014; Ordinance No. 60, adopted October 16, 2018))

 The notice required by this subsection shall not be required if the violation is a violation of §402(7) herein.

 (Ordinance No. 60, adopted October 16, 2018)

 **§406. Penalties.** Violations of this Part shall be enforced by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83(c). The fine for a violation of this Part shall not exceed $1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

 Nothing herein shall prohibit Township from instituting a legal action seeking an injunction to enforce the provisions of this Part or to prevent future violation of this Part.

 (Ordinance No. 26, adopted December 16, 2008; Ordinance No. 45, adopted April 22, 2014; Ordinance No. 60, adopted October 16, 2018))