

ORDINANCE # 142
WEST CHILLISQUAQUE TOWNSHIP
NORTHUMBERLAND COUNTY, PENNSYLVANIA

General Summary -- An Ordinance of the Township of West Chillisquaque regulating and governing the exterior property areas, storage and accumulation of vehicles, items, and/or materials on property located in the Township of West Chillisquaque, and providing for the issuance of notices of violation and violation penalties.

The Township of West Chillisquaque does ordain as follows:

ADMINISTRATION

Section 101. Violations

101.1 – Unlawful Acts

It shall be unlawful for a person, firm, or corporation to be in violation of any of the provisions of this Ordinance.

101.2 – Notice of Violations

The duly appointed code official(s) of West Chillisquaque shall serve a notice of violation or order in accordance with Section 102. The code official(s) shall be appointed by the Supervisors at the annual reorganizational meeting or at additional times as necessary.

101.3 – Prosecution of Violations

Any person failing to comply with a notice of violation or order served in accordance with Section 102 shall be deemed guilty of a summary offense and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation. Any action taken by the authority having jurisdiction on such premises shall be charged against the premises in question and a lien shall be placed upon such real estate.

101.4 – Violation Penalties

Any person, who shall violate a provision of this Ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. A fine of One Hundred (\$100.00) Dollars for the first violation; Two Hundred (\$200.00) Dollars for the second violation; and Three Hundred (\$300.00) Dollars for the third and all subsequent violations. Every seven (7) calendar days of violation of the same offense shall be considered a separate violation. All documented fees and expenses of the Township in enforcing such violation shall also be assessed in addition to the standard fine(s).

101.5 – Abatement of Violations

The imposition of the penalties herein prescribed shall not preclude the enforcement officer from instituting appropriate action in a court of proper jurisdiction to restrain, correct, and/or abate a violation, including a court in equity.

101.6 – Precedent

This ordinance shall not supersede any other West Chillisquaque Township Ordinance, or County, State or Federal requirement that may be stricter than the terms of this ordinance.

Section 102. – Notices and Orders

102.1 – Notice to Person Responsible

Whenever the code official determines that there has been a violation of this Ordinance or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 102.2 and 102.3 to the person responsible for the violation as specified in this Ordinance.

102.2 – Form

Such notice prescribed in Section 102.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the property sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to take the necessary steps to comply with the provisions of this Ordinance.
5. Include a statement of the right of the Township to file a lien in accordance with Section 101.3.

102.3 - Method of Service

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified and first-class mail addressed to the last known address; or
3. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the property.

102.4 – Penalties

Penalties for noncompliance with orders and notices shall be as set forth in Section 101.4.

102.5 – Determination of Violation

Duly appointed Code Official(s) of the Township shall have the sole determination of violations except as otherwise described in this Ordinance.

102.6 – Reporting of Violations

Any person suspecting that there is a violation shall notify the Code Official(s) of the Township via a written form developed by the Code Official(s) and approved by the Supervisors. This form may be modified as necessary to meet the needs of the Township.

102.7 – Investigation of Potential Violations

The Code Official(s) of the Township shall investigate any properly reported (Section 102.6) possible violation within 10 business days when possible and take action as deemed appropriate. If a violation is deemed to be occurring, notice shall be given to the violator as specified under Section 102.3. A follow-up report shall be provided to the Supervisors as soon as possible and preferably no later than their next regularly scheduled meeting date.

DEFINITIONS

Section 201. General

201.1 – Scope

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meanings shown in this section. If a term is not defined in this Ordinance, any generally accepted definition in Webster's Dictionary of Common Usage shall apply.

Section 202. General Definitions

Approved – Approved by the Code Official(s) appointed by the Township.

Code Official(s) – The official or officials who are charged with the administration and enforcement of this Ordinance or any duly authorized representative.

Exterior Property – The exterior of structures and open space on the premises and on adjoining property under the control of owners or operators of such premises.

Imminent Danger – A condition which could cause serious or life-threatening injury or death at any time.

Inoperable Motor Vehicle – A vehicle which cannot be driven upon the public streets for reason including, but not limited to being unlicensed, uninspected, wrecked, abandoned, or in a state of disrepair, or incapable of being moved under its own power or in the case of a vehicle designed to be towed by another vehicle is not able to be utilized in that manner. This shall not include vehicles designed for agricultural or non-highway purposes.

Manufactured or Mobile Home – homes, depending on the year of construction that are designed and built for the purpose of serving as a residence, but are designed and built in a way to be transported to their placement location on a frame, axles and wheels to their destination.

Occupancy – The purpose for which a building or portion thereof is utilized or occupied.

Owner – Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Premises – A lot, plot or parcel of land, easement, or public way, including any structures thereon.

Public Way – Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

Shielding/Screening – Fences, landscaping/vegetation or other devices that prevent the viewing of items from locations outside of the lot or from any public or private Right of Way. Any shielding, screening or fencing must be constructed as per zoning or other regulations of West Chillisquaque Township. Shielding/Screening shall also include tarp covering as long as the tarp completely covers the item from view, the tarp is secured to prevent it from blowing away and is maintained in good condition. If topography prevents an item from being seen from a neighboring property or public right of way, this shall also qualify as shielding/screening.

Structure – That which is built or constructed or a portion thereof.

Storage Unit – any constructed, pre-constructed or re-purposed building or other item that is used as an accessory structure for storage or other use

Supervisor – A West Chillisquaque Township currently installed Supervisor.

Tenant – A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a

building or portion thereof as a unit.

Vehicles – Any device designed for the conveyance of any person or property, with the exception of a self-propelled wheelchair or electrical mobility device operated by and designed for the exclusive use of a person with a mobility related disability. Vehicles shall include trailers designed for highway use but shall not include machines designed for agricultural or non-roadway use. Vehicles shall also include motorized water craft and trailers designed to transport them.

GENERAL REQUIREMENTS

Section 301. Exterior Property Areas

301.1 – Grading and Drainage.

All premises shall be graded and maintained to prevent erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon that causes damage to another property or the public. *Exception: Approved retention areas and reservoirs or areas that are in a natural state prior to the enactment of this Ordinance or which by law or other decree are required to be present in such condition (e.g. natural or other designated Wetlands).

301.2 – General Maintenance.

1. All debris, trash, accumulation or collections of articles, materials, vehicles, etc., shall be kept in a manner as not to interfere with, obstruct, or pose a threat of safety to any neighboring property or public right of way, or place any person in imminent danger. Above mentioned items shall also be kept a minimum of ten (10) feet from property lines, including public rights-of-way. Complaints of the above being too close to private property lines are only valid if made by the impacted neighboring property owner.
2. All vegetation, trimmings (including grass), or debris must be removed immediately from all storm drains, public sidewalks, alleys, roadways, and roadway berms except when Township has advertised pick up days of such materials or arrangements have been made for pickup of such material in a timeframe not to exceed 15 days.
3. All non-operating refrigerators and similar equipment that may cause entrapment shall not be discarded, abandoned, or stored on exterior property areas without first removing doors or other items that could result in entrapment. Above items must also be kept a minimum of eight (8) feet from property lines except when waiting for scheduled pickup in which case it shall not remain there for longer than 48 hours.
4. All structures shall be kept in good repair to prevent the encroachment of any material or debris onto neighboring properties and public thoroughfares. This shall not apply in cases of being caused by extreme weather conditions such as severe windstorms or debris left by flooding. In such cases property owners shall be given reasonable time to perform clean-up as shall be determined by the code official(s), but no less than 90 days and no more than 1 year unless an imminent danger exists.
5. The burning of trash other than paper/wood based products is prohibited. This shall include the burning of metal, plastic, glass or any other non-plant based product (e.g. this shall not apply to the burning of limbs, leaves or agriculturally grown products which is permitted). Municipal officials including fire department officials operating under the authority of the Township shall have the authority to cause immediate extinguishment of any prohibited burning.

301.3 – Unsafe Structures.

1. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public. Any structure so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible must be repaired or removed. Upon notice of violation, property owner will have thirty (30) days to remove said structure or

- submit a written plan with a time frame and course of action to be taken to remedy the situation. Code Official must approve the written plan.
2. If in the opinion of the Code Official and at least one Supervisor, there is a case of imminent danger of failure or collapse of a building or structure or portion thereof, Code Official has the authority to order and require the occupants to vacate the premises. The Code Official shall then post a notice at each entrance of said structure stating as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

301.4 – Motor Vehicles.

1. No inoperable motor vehicle shall be placed or allowed to remain on any public thoroughfare or right-of-way for more than 48 hours as per state laws.
2. A maximum of one (1) inoperable motor vehicle shall be allowed on any property per acre of lot (up to a maximum of three (3) per lot) unless such additional vehicles are placed within a fully enclosed structure or screened from all neighboring properties and public right of ways or unless the property is properly zoned (including pre-existing non-compliance or properly granted variances) and engaged in a business where maintaining these vehicles are necessary for the operation of such commercial operation.
3. No Vehicle on public or private property shall be used for any purpose for which it was not intended, including as a trash container, the housing of animals or people. If a vehicle is converted for storage purposes it shall it be maintained in such condition that it will not draw rodents, birds, or other animals for nesting and hiding and must meet accessory structure zoning requirements. Conditions enabling such shall include missing doors, broken windows etc. that does not allow for proper securing of the vehicle. This shall not apply in the agricultural district when such use is for agricultural purposes.

301.5. Manufactured/Mobile Homes and other similar structures

1. Any manufactured/mobile home placed on a property, unless being there for a temporary nature such as for sale or waiting for placement shall be installed and secured as per required State and Local Codes. This temporary nature shall not exceed 6 months. A manufactured/mobile home may not be used for purposes other than their original intent as a residential structure.
2. Shipping containers being used as a storage unit must comply with zoning regulations for accessory uses and structures. Such containers must be maintained in such a manner to not be an advertisement (such as painting over logos). These provisions shall not apply to containers being used on a temporary basis.
3. Recreational Vehicles/Campers may not be used as permanent residential structures. This shall not apply to campgrounds.

Section 400. Emergency Measures/Temporary Safeguards

- 400.1. Whenever, in the opinion of the Code Official there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done to remedy the situation temporarily until the situation can be properly evaluated.
- 400.2. When necessary for public safety in the opinion of the Code Official, the Code Official upon authorization by a Township Supervisor and in cooperation with the Supervisor(s) has the authority to temporarily close sidewalks, streets, public ways and places adjacent to the unsafe area and prohibit the same from being utilized.
- 400.3. Costs incurred in the performance of emergency work shall be paid by the Township. All costs and expenses incurred in the performance of emergency work shall be assessed against the property owner. Any funds advanced by the Township for the performance of emergency work shall be recovered from the property owner of the premises where the violation occurred by instituting legal proceedings against the property owner. The legal counsel of the Township shall institute appropriate action to recover such

costs against the owner of the premises where the violation occurred.

Section 500 GENERAL LEGAL TERMS

501 – Effective Date – This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

502 – Pre-existing Situations/Conditions – This Ordinance shall also apply to pre-existing situations/conditions subject to the following additional criteria:

- 1) Any pre-existing condition that was specifically granted by way of a variance or other official actions of the Township or Township related entity shall be excluded from enforcement under this ordinance unless official action to reverse such permission is taken by the issuing body or entity with authority to do such.
- 2) The Board of Supervisors may grant longer extension or exemptions to pre-existing conditions in the following conditions:
 - a. A written request is made by the legal property owner or designee
 - b. The party must justify why the extension or exemption is requested
 - c. In cooperation with the Code Officer, it must be determined that no imminent public danger is present
 - d. In no circumstances when an extension or exemption is granted, may the owner or tenant cause the situation to become greater in non-compliance unless this is a temporary situation of less than 30 days and caused by efforts to correct the non-compliance.
 - e. The Board of Supervisors shall have the right to reverse the decision and cause the owner to correct the problem if written complaints are provided by adjacent property owners. In such case the violating owner shall be provided with written notice and have 120 days to bring the property into compliance.

ENACTED AND ORDAINED into an Ordinance this 11th day of September, 2023

ATTEST:

SECRETARY

TOWNSHIP OF WEST CHILLISQUAQUE






