

CHAPTER XIV

HEALTH AND SAFETY

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Part 1

Motor Vehicle Nuisances

Section 101. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

(a) Lessee. Owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

(b) 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 Amity.

(c) Officer. Such individual, employee, agent or representative as may be established or designated by authority of the Board of Supervisors of the Township from time to time.

(d) Owner. The actual owner, agent or custodian of the property on which vehicles are stores, whether individual, partnership, association, corporation or other entity.

(e) Person. A natural person, firm, partnership, association, corporation or other legal entity.

(f) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracts, whether or not said device is registered for highway operations, and specifically including within the definition motor homes and mobile homes in all forms and without regard to whether said vehicles are being operated on the highways or are stationary.

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. (Ordinance 117, April 3, 1989, Section 1)

Section 102. Vehicle Nuisance Prohibited. It shall be unlawful for any person, owner or lessee to maintain a vehicle nuisance upon the open private grounds of such person, owner or lessee within the Township. A vehicle nuisance shall include one (1) or more vehicles which are unable to move under their own power or have any of the following physical defects:

(a) Broken windshields, mirrors or other glass with sharp edges;

(b) One (1) or more flat or open tires or tubes which could permit vermin harborage;

(c) Missing doors, windows, hood, trunk or other body parts which could permit animal harborage;

(d) Any body parts with sharp edges, including holes resulting from rust;

(e) Missing tires resulting in unsafe suspension of the vehicle;

- (f) Upholstery which is torn or open which could permit animal and/or vermin harborage;
- (g) Broken headlamps or tail-lamps with sharp edges;
- (h) Disassembled chassis parts apart from the vehicle stored in a disorderly fashion or loose in or on the vehicle;
- (i) Protruding sharp objects from the chassis;
- (j) Broken vehicle frame suspended from the ground in an unstable manner;
- (k) Leaking or damaged oil pan or gas tank which could cause fire or explosion;
- (l) Exposed battery containing acid;
- (m) Inoperable locking mechanism for doors or trunk;
- (n) Open or damaged floor boards, including trunk and fire wall;
- (o) Damaged bumpers pulled away from the perimeter of the vehicle;
- (p) Broken grill with protruding edges;
- (q) Loose or damaged metal trim or clips;
- (r) Broken communication equipment antennae;
- (s) Suspended on unstable supports;
- (t) Used as a means of equipment, garbage and rubbish storage;
- (u) Such other defects which could threaten the health, safety and welfare of the citizens of Amity Township.

(Ordinance 117, April 3, 1989, Section 2)

Section 103. Storage of Vehicle Nuisances Permitted. Any person, owner or lessee who has one (1) or more vehicles which are a nuisance, as defined in Section 102 of this Chapter, may store such vehicles within the boundaries of Amity Township only in strict compliance with the regulations provided herein. Such person, owner or lessee who elects to store a vehicle nuisance, as defined in Section 102 of this Chapter, must store the same within a garage or other enclosed building, or outside within an opaqued fence, at least six feet (6') high which is locked at all times when unattended. Such vehicle nuisances may be stored 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, oil or other flammable liquids shall be removed from the vehicle, and it shall be kept free of vermin infestation while being stored. The total area of storage of vehicle nuisances may not exceed two hundred (200) square feet, without obtaining a proper permit for storage of such nuisances from the Amity Township Board of Supervisors.

Any person, owner or lessee who has or desires to store vehicle nuisances, as defined in Section 102 of this Chapter, in an exterior storage area which exceeds two hundred (200) square feet must first apply for a permit for either temporary or permanent storage and pay a fee to the Township of Amity, such as

may be provided from time to time by Resolution of the Board of Supervisors. The vehicle nuisances must be stored within a garage or other enclosed building, or within an opaqued fence, at least six feet (6') high, or a chain link fence, at least six feet (6') high, screened by shrubbery around the perimeter to the height of the fence, which fence shall be locked at all times when unattended. In addition, all gas, oil or other flammable liquids shall be removed from the vehicles which shall be kept free of vermin infestation while being stored.

Nothing herein shall be construed to permit the storage of vehicle nuisances contrary to the provisions of the Amity Township Zoning Ordinance. (Ordinance 117, April 3, 1989, Section 3)

Section 104. Inspection; Notice to Comply.

(a) The officers of Amity Township are hereby empowered to inspect grounds on which vehicles are stored to determine if there is compliance with the provisions of this Part. If non-compliance 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, such officer shall issue a written notice to be served by registered or certified mail, return receipt requested, postage prepaid, 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.

(b) Said notice shall specify the condition, structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition, 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.

(Ordinance 17, April 3, 1989, Section 4)

Section 105. Authority to Remedy Non-Compliance. If the owner of the grounds on which vehicles are stored does not comply with the notice to abate the condition(s), within the time limit prescribed the Township shall have the authority to take measures to correct the condition(s) and collect the cost of such correction(s), 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. (Ordinance 117, April 3, 1989, Section 5)

Section 106. Hearing.

(a) Any person aggrieved by the decision of the Amity Township Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he filed with the Board of Supervisors within ten (10) days after notice of the 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.

(b) After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Officer.

(Ordinance 117, April 3, 1989, Section 6)

Section 107. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than One Thousand Dollars (\$1,000.00), and/or to undergo imprisonment for a term

not to exceed ninety (90) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ordinance 117, April 3, 1989, Section 7)

Section 108. 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. (Ordinance 117, April 3, 1989, Section 8)

Section 109. Severability. If any sentence, clause, section or part of this Part 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 Part. It is hereby declared as the intent of the Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause section or part thereof not been included herein. (Ordinance 117, April 3, 1989, Section 10)

Part 2

Weeds

Section 201. Vegetative Growth a Nuisance Under Certain Condition. No person, firm, corporation or other entity owning or occupying any property within the Township of Amity, excepting only property within and registered as part of the recorded Agricultural Security Area which is being used or occupied for agricultural purposes or in accordance with sound agricultural practices, shall permit any grass, weeds or vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of twelve inches (12"), 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 Amity, excepting only that property within and registered as part of the Agricultural Security Area being used or occupied for agricultural purposes or in accordance with sound agricultural practices, 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 Amity. (Ordinance 123, July 30, 1990, Section 1)

Section 202. Responsibility for Removing, Cutting or Trimming. The owner of any premises not otherwise exempted above, or the occupant of premises not so exempted, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of Section 201 of this Chapter not later than June 1 and August 15 of each and every year hereafter. (Ordinance 123, July 30, 1990, Section 2)

Section 203. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount. The Board of Supervisors, or any officer or employee of the Township of Amity designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises not so exempted whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of Section 201 of this Chapter, 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 fifteen (15) days after issuance of such notice. Whenever, in the judgment of the Township Code 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 Board of Supervisors, or any officer or employee of the Township of Amity designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, notice or order directing and requiring that such nuisance be abated within fifteen (15) days. In case any person, firm, corporation or other entity shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Board of Supervisors may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of ten percent (10%) of the cost thereof shall be collected by the Township of Amity from such person, firm, corporation or other entity, in the manner provided by law. (Ordinance 123, July 30, 1990, Section 3)

Section 204. Penalties for Violation. Any person, firm, corporation or other entity who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than Six Hundred Dollars (\$600.00), and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each

day that a violation of this Part continues after notice shall constitute a separate offense. (Ordinance 123, July 30, 1990, Section 4)

Section 205. Severability. If any sentence, clause, section, or part of this Part 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 Part.

It is hereby declared as the intent of the Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 123, July 30, 1990, Section 6)

Part 3

Discharge of Firearms

Section 301. Definitions. As used in this Part, the following terms shall have the meanings indicated:

(a) Day-care/Pre-school/Latch-Key Facility. A facility used for providing supervision and care of pre-school age children and school age children and licensed by the Commonwealth of Pennsylvania in accordance with 55 Pa.Code, Chapter 3270, 3280, 3290 and 3300, et seq.

(b) Firearm. A weapon used in the propulsion of shot, shell, bullet or any other object by the action of gunpowder, other explosive powder, compressed gas or compressed air.

(c) Farmer. A person actively engaged in the business of raising agricultural products or livestock in order to earn a livelihood.

(d) School District Property. Real estate owned by the Daniel Boone Area School District or the Pennsylvania State School Building Authority and located in the Township of Amity, Berks County, Pennsylvania.

(e) Township Parks and Recreation Areas. Real estate owned by the Township and designated as a recreation area as follows:

- (1) Lake Drive Park and Recreation Area
- (2) Hill Road Recreation Area
- (3) Myron S. Wheeler Recreation Area
- (4) Locust Grove Recreation Area
- (5) Amity Park Road Recreation Area
- (6) Amity Park Recreation Area located between Route 662 and Weavertown Road.

This definition does not include the area known as Monocacy Hill Park.

(Ordinance 203, August 3, 2004, Section 1)

Section 302. Prohibited Activities

(a) The intentional discharge of any firearm within the Township is prohibited within one hundred fifty (150) yards of the property line of any School District Property, Day-care/Pre-school/Latch-key Facility and Township Parks and Recreation Areas as defined above.

(b) The intentional discharge of any firearm within the Township shall not occur before one-half (1/2) hour after sunrise and shall end no later than one-half (1/2) hour before sunset.

(Ordinance 203, August 3, 2004, Section 1)

Section 303. Exemptions. The provisions of this Part shall not apply to the following uses or activities involving firearms where otherwise legal:

- (a) Authorized law enforcement officers acting in the line of duty.
- (b) Hunting or other activities regulated by and conducted in accordance with the PA Game and Wildlife Code, 34 PA C.S.A. 101 et seq.
- (c) Use of firearms in defense of human life.
- (d) Farmers protecting their crops or livestock.

(Ordinance 203, August 3, 2004, Section 1)

Section 304. Violations and Penalties Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this Part shall, upon conviction, be sentenced to pay a fine not to exceed One Thousand Dollars (\$1,000.00) plus costs of prosecution and/or imprisonment for a term not exceeding ninety (90) days. (Ordinance 203, August 3, 2004, Section 1)

Section 305. Severability. If any sentence, clause, section or part of this Part is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impact any other remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Township of Amity that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein. (Ordinance 203, August 3, 2004, Section 1)