

Chapter 102
PRIVATE PROPERTY, STORAGE ON

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[HISTORY: Adopted by the Board of Supervisors of the Township of Scott: Art. I, at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. II, at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 104.

Zoning — See Ch. 135.

ARTICLE I
Vehicle Nuisances

[Adopted at time of adoption of Code¹]

§ 102-1. Definitions and word usage.

- A. As used in this Article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LESSEE — Owner for the purpose of this Article when the lessor holds the lessee responsible for maintenance and repairs.

¹ Editor's Note: See Ch. 1, General Provisions, Art. I.

MOTOR VEHICLE — Any type of mechanical device propelled by a motor in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

NUISANCE — Any condition, structure or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Township of Scott.

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.

- B. In this Article, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 102-2. Prohibited nuisances.

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:

- 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 motor 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 motor 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 floorboards, including trunk and fire wall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.

- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennas.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the township.

§ 102-3. Permitted storage of nuisances.

- A. Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in § 102-2 above 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 pursuant to a resolution of the Board of Supervisors.² The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six (6) feet high which is locked at all times when unattended.
- B. 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 (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, 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 eight hundred (800) square feet.
- C. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of Chapter 135, Zoning.

§ 102-4. Inspection of Premises; Notice to Comply.

- A. The Code Enforcement Officer is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Article. If noncompliance with the provisions of this Article 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 is unknown, by posting the notice conspicuously upon the offending premises.
- B. 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.

² Editor's Note: The current fee schedule is on file in the Administrative Offices of the township.

§ 102-5. Authority of township to remedy noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance 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.

§ 102-6. Hearing.

- A. Any person aggrieved by the decision of the Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors, provided that he files with the Board of Supervisors within ten (10) days after notice of the Code 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.
- B. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Code Enforcement Officer.

§ 102-7. Violations and penalties.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.), plus costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Article continues shall constitute a separate offense.

§ 102-8. Remedies not mutually exclusive.

The remedies provided herein for the enforcement of this Article 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.

ARTICLE II
**Abandoned Appliances, Machinery, Equipment
and Construction Materials**
[Adopted at time of adoption of Code³]

§ 102-9. Definitions and word usage.

- A. As used in this Article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

³ Editor's Note: See Ch. 1, General Provisions, Art. I.

LESSEE — Owner for the purpose of this Article 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 Scott.

OWNER — The actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether an individual or partnership, association or corporation.

PERSON — A natural person, firm, partnership, association, corporation or other legal entity.

- B. In this Article, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 102-10. Storage prohibited.

It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment or construction materials in the open on private property. Such storage shall constitute a nuisance and/or health hazard if any of the following conditions exist:

- A. Broken glass or metal parts with sharp or protruding edges.
- B. Containers which are conducive to the harboring and growth of vermin or animals.
- C. Storage in any manner which would allow the equipment, machinery, material or any part thereof to easily shift, tilt or fall from its original storage position.
- D. Containers of any liquid or material of a hazardous or potentially hazardous nature, including but not limited to gasoline, oil, battery acids, refrigeration agents and poisons.
- E. Any other condition which shall threaten the health, safety or welfare of the citizens.
- F. Refrigerators with the doors remaining attached.

§ 102-11. Storage requirements.

- A. Storage of such items as listed in § 102-10 hereof on private 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 § 102-10 shall apply for a permit for either temporary or permanent storage and pay a fee to the township pursuant to a resolution of the Board of Supervisors.⁴ Such nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six (6) feet high which is locked at all times when unattended.

⁴ Editor's Note: The current fee schedule is on file in the Administrative Offices of the township.

- B. 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 appliances, machinery, equipment or construction 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 nuisances may not exceed five hundred (500) square feet.
- C. Nothing herein shall be construed to permit the storage of appliances, machinery, equipment or material nuisances contrary to the provisions of Chapter 135, Zoning.

§ 102-12. Inspection of premises; notice to comply.

- A. The Code Enforcement Officer is hereby empowered to inspect private property on which appliances, machinery, equipment and/or various construction materials are stored to determine if there is compliance with the provisions of this Article. If noncompliance with the provisions of this Article constitutes a nuisance or if any condition, structure or improvement poses a danger 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 is unknown, by posting the notice conspicuously upon the offending premises.
- B. 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.

§ 102-13. Authority of township to remedy noncompliance.

If the owner of property on which appliances, machinery, equipment and/or construction materials are stored does not comply with the notice to abate the nuisance within the time limit prescribed, the township shall have the authority to take measures to correct the conditions and to 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.

§ 102-14. Hearing.

- A. Any person aggrieved by the decision of the Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors, provided that he files with the Board of Supervisors within ten (10) days after notice of the Code 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.

- B. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Code Enforcement Officer.

§ 102-15. Violations and penalties.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.), plus costs of prosecution, and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Article continues shall constitute a separate offense.

§ 102-16. Remedies not mutually exclusive.

The remedies provided herein for the enforcement of this Article 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.