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PART 1
PROPERTY MAINTENANCE STANDARDS

§ 10-101. Short Title. [Ord. 64, 2/7/1989, § 1]

This Part shall be known and cited as the "Oxford Township Property Maintenance Ordinance."

§ 10-102. Preface. [Ord. 64, 2/7/1989, § 2]

Recognizing the need within Oxford Township to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy; this Part hereby establishes standards which the Board of Supervisors considers to be fair and effective in meeting those minimum requirements.

§ 10-103. Authority. [Ord. 64, 2/7/1989, § 3; as amended by Ord. 2003-31, 10/21/2003, § 1]

This Part, and the objectives leading to its enactment, are authorized by the Second Class Township Code of Pennsylvania.

§ 10-104. Definitions. [Ord. 64, 2/7/1989, § 4]

As used in this Part, the following terms shall have the meanings indicated:

BOARD OF SUPERVISORS — The Board of Supervisors of Oxford Township, Adams County, Pennsylvania.

BUILDING — A roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT — An open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION — The presence of insects, rodents, vermin and/or other pests.

LOT — Plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER — Any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the

exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE — All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

TOWNSHIP — Oxford Township, Adams County, Pennsylvania.

UNOCCUPIED HAZARD — Any building, or part thereof, or man-made structure, which remains unoccupied for a period of more than six months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six months.

YARD — Any open space on the same lot with a building and, for the most part unobstructed from the ground up.

§ 10-105. Application. [Ord. 64, 2/7/1989, § 5]

The provisions of this Part shall supplement local laws, ordinances or regulations existing in Oxford Township or those of the Commonwealth of Pennsylvania. Where a provision of this Part is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall prevail.

§ 10-106. Buildings and Structures. [Ord. 64, 2/7/1989, § 6]

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.
2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to ensure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.
3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Board of Supervisors, remove, or cause the removal of, the building and/or structure.

§ 10-107. Yards, Open Lots, Parking Areas. [Ord. 64, 2/7/1989, § 7]

No person shall permit:

- A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.
- B. The development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts, or lots.
- C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.
- D. Wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.
- E. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property so as to constitute a safety hazard to pedestrian and/or vehicular traffic.

§ 10-108. Infestation, Prevention and Correction. [Ord. 64, 2/7/1989, § 8]

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices. (See Ord. 69, 2/7/1989 [Part 3].)

§ 10-109. Miscellaneous Provisions. [Ord. 64, 2/7/1989, § 9]

No person shall permit:

- A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.
- B. Roof gutters, drains or any other system designed and constructed to transport stormwater, to be discharged into any sanitary sewage system and/or any part thereof.

- C. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

§ 10-110. Responsibilities of Occupants. [Ord. 64, 2/7/1989, § 10]

Any occupant of a premises shall be responsible for compliance with the provisions of this Part with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

§ 10-111. Responsibilities of Owners. [Ord. 64, 2/7/1989, § 11]

1. Owners of premises shall comply with the provisions of this Part as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one or more violations of this Part, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part.

§ 10-112. Inspection. [Ord. 64, 2/7/1989, § 12]

The Board of Supervisors may, or may cause through an authorized representative of Oxford Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within Oxford Township for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereto.

§ 10-113. Notice to Comply. [Ord. 64, 2/7/1989, § 13]

1. 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, the authorized agent 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 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

§ 10-114. Authority to Remedy Noncompliance. [Ord. 64, 2/7/1989, § 14]

If the owner does not comply with the notice to abate the conditions, within the time limit prescribed, Oxford Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. Oxford 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.

§ 10-115. Hearing. [Ord. 64, 2/7/1989, § 15]

1. Any person aggrieved by the decision of the authorized agent may request and shall then be granted a hearing before the Board of Supervisors; provided, they file with the Township Secretary within 10 days after notice of the authorized agent'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 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 authorized agent.

§ 10-116. Penalties. [Ord. 64, 2/7/1989, § 16; as amended by Ord. 8/6/1996; and by Ord. 2003-31, 10/21/2003, § 1]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

§ 10-117. Owners Severally Responsible. [Ord. 64, 2/7/1989, § 17]

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part.

§ 10-118. Remedies Not Mutually Exclusive. [Ord. 64, 2/7/1989, § 18]

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.

PART 2

VEGETATION NUISANCES

§ 10-201. Vegetative Growth and/or Discharge of Grass Clippings a Nuisance Under Certain Conditions. [Ord. 68, 2/7/1989, § 1; as amended by Ord. 2000-4, 6/20/2000, § 1; by Ord. 2002-28, 9/18/2002, § 1; and by Ord. 2016-10, 4/27/2016]

No person, firm or corporation owning or occupying any property within Oxford Township shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful ornamental purpose, to grow or remain upon such premises so as to exceed a height of six inches, or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit or to create or produce pollen. Further, no person, firm or corporation owning or occupying any property within Oxford Township shall discharge, or permit to be discharged, grass clippings onto any roadway or alley within Oxford Township. Any grass, weeds or other vegetation growing upon any premises and any grass discharged in Oxford Township 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 Oxford Township. However, in no case shall this section apply to any premises or any portion of any premises where it is physically impossible to cut or trim the vegetation due to excess moisture in the soil. In any such case, a representative of the Township shall view the premises to confirm the inability to cut or trim the noncompliant vegetation.

§ 10-202. Responsibility for Removing, Cutting or Trimming. [Ord. 68, 2/7/1989, § 2; as amended by Ord. 2016-10, 4/27/2016]

The owner of any premises, or the occupant of 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 § 10-201.

§ 10-203. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount. [Ord. 68, 2/7/1989, § 3]

The Board of Supervisors, or any officer or employee of Oxford Township authorized 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 whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of § 10-201 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 10 days after issuance of such notice. Whenever, in the judgment of the Board of Supervisors 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 Oxford Township 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 10 days. 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 Board of Supervisors may order the

removal, rimming or cutting of such grass, weeds or vegetation, and the cost thereof of, together with a penalty of 10% of the cost thereof shall be collected by Oxford Township from such person, firm or corporation, in the manner provided by law.

§ 10-204. Repeat Offenders. [Ord. 68, 2/7/1989; as added by Ord. 200-4, 6/20/2000, § 3; and as amended by Ord. 2003-31, 10/21/2003, § 1]

Any person, association, corporation or other entity who shall be provided with notice under § 10-203 of this Part for two separate instances of vegetative growth in excess of six inches within a period of 60 consecutive days, shall be deemed to be a repeat offender of the provisions of this Part and, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment for a term not to exceed 90 days.

§ 10-205. Penalties for Violation. [Ord. 68, 2/7/1989, § 4; as amended by Ord. 8/6/1996; by Ord. 200-4, 6/20/2000, § 2]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

PART 3
VECTOR CONTROL

§ 10-301. Definitions. [Ord. 69, 2/7/1989, § 1; as amended by Ord. 2003-31, 10/21/2003, § 1]

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

ACCESSORY STRUCTURE — A detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on, or partially on, any premises.

BOARD OF SUPERVISORS — The Board of Supervisors of Oxford Township, Adams County, Pennsylvania.

BREEDING AREA — Any condition which provides the necessary environment for the birth or hatching of vectors.

COLLECTION OF WATER — Water contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof, gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind, or other containers or devices which may hold water.

COVERED RECEPTACLE — A container of metal, wood, heavy-duty plastic or synthetic material of solid construction, with a tight-fitting cover secured against wind and leakage.

DEP — Department of Environmental Protection, Commonwealth of Pennsylvania.

DILAPIDATED — Fallen into partial ruin or decay.

DISPOSAL — Storage, collection, disposal or handling of refuse.

EXTERMINATION — The control and elimination of vectors by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or State authority having such administrative authority.

GARBAGE — All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

HARBORAGE — Any place where vectors can live, nest or seek shelter.

OCCUPANT — Any person, over one year of age, living, sleeping, cooking or eating in or actually having possession of a dwelling unit or a rooming unit; in dwelling units a guest will not be considered an occupant.

OWNER — Any person who, alone or jointly or severally with others, shall have:

- A. Legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof.
- B. Charge, care, or control of any premises, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON — Any natural person, firm, partnership, association, or corporation.

REFUSE — All solid wastes, except human body wastes, and including handling of refuse.

RUBBISH — Glass, metal, paper, plant growth, wood, or nonputrescible solid wastes.

TOWNSHIP — Oxford Township, Adams County, Pennsylvania.

VECTOR — A rodent, arthropod, or insect capable of transmitting a disease or infection, including, but not limited to, rats, mosquitoes, cockroaches, flies and ticks.

VECTOR PROOFING — A form of construction to prevent ingress or egress of vectors to or from a given space or building or gaining access to food, water, or harborage, including, but not limited to, rat-proofing, flyproofing and mosquitoproofing.

§ 10-302. Prohibited Acts. [Ord. 69, 2/7/1989, § 2]

It shall be unlawful:

- A. For any person to deposit or to knowingly permit any person acting as agent, employee, or servant of said person to deposit any refuse, offal, pomace, dead animals, decaying matter, or organic substance of any kind in or upon any private lot, building, structure, accessory structure, premises, or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter, or into any of the waters of the commonwealth so that the same shall or may afford food, harborage or breeding areas for vectors.

- B. For any person to deposit or permit to accumulate in or upon any premises, improved or vacant, or on any open lot, or alley, any lumber, boxes, barrels, bottles, cans, glass, scrap iron, wire, metal articles, pipe, broken stone or cement, broken crockery, broken plaster, or rubbish of any kind, unless the same may be kept in covered receptacles or placed on open racks that are elevated not less than 18 inches above the ground, and evenly piled or stacked; or unless disposed of in a manner approved by DEP.
- C. To maintain a junkyard or a place for the dumping or wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, in such a manner as to afford harborages or breeding areas for vectors.
- D. To store refuse in containers other than covered receptacles, which shall be kept clean by rinsing and draining as often as necessary so as not to provide food or breeding areas for vectors.
- E. To dump, burn, bury, destroy, or otherwise dispose of refuse except at an approved refuse disposal site.
- F. To collect, haul, transport, or convey garbage in open, unenclosed, nonleakproof vehicles.
- G. To construct, maintain or use a sewage system, privy, urinal, cesspool, or other receptacle for human excrement so that vectors may have access to the excrementitious matter contained therein.
- H. To have, keep, maintain, cause or permit any collection of standing or flowing water except for agricultural or industrial purposes in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as effectually to prevent such breeding.

§ 10-303. Responsibilities of Owners and Occupants. [Ord. 69, 2/7/1989, § 3]

1. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof, in such a manner as to prevent breeding areas and harborages for vectors.
2. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for extermination within his dwelling unit. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

§ 10-304. Vectorproofing. [Ord. 69, 2/7/1989, § 4]

1. Any dwelling, building, structure, accessory structure, premises or any other place shall be required to be vectorproofed when found to provide harborage or breeding areas for vectors, upon written notice at least 10 days prior to a hearing, and upon hearing by the Board of Supervisors with an opportunity for the owner to be present, to cross examine witnesses, and to receive a written decision to be rendered within 35 days after the hearing and with a court appeal.
2. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the vectorproofing from any building, structure or accessory structure for any purpose.

§ 10-305. Private Vector Control Programs. [Ord. 69, 2/7/1989, § 5]

A program plan and specifications for private vector control programs shall be required to be submitted by the owner to Oxford Township upon determination of the necessity by the Vector Control Program Director. Said determination shall be served on the owner personally or by certified mail. Within 10 days of said service the owner may contest the necessity of the program by requesting a hearing to be conducted in accordance with § 10-304 of this Part. Said program plan shall be submitted by the owner to the Township Secretary within 10 days of notice. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program, if any, and any and all work to be conducted in an effort to control said vectors. The Vector Control Program Director shall review the program plan, and if the plan is found to be inadequate or incomplete, additional information may be required as well as additional control methods. The owner may request a hearing on the Director's determination in accordance with § 10-304 of this Part.

§ 10-306. Authority to Abate Vector Problems. [Ord. 69, 2/7/1989, § 6]

1. From and after passage of this Part, Oxford Township and/or a representative of the vector control program is empowered to make periodic inspections of the interior and exterior of all dwellings, buildings, structures, and accessory structures, premises, collections of water, or any other places to determine full compliance with this Part, and to determine evidence of vector infestation and the need for vectorproofing, or additions, or repairs to existing vectorproofing.
2. Whenever it shall be determined by the Board of Supervisors that any dwelling, building, structure, accessory structure, premises, collection of water, or any other place is in violation of this Part, a notice shall be issued setting forth the alleged violation(s), and advising the owner, occupant, operator, or agent, that such violation(s) must be corrected. The time for the correction of said violation(s) must be given as well as the necessary methods to be employed in the correction.

3. Whenever any violation(s) shall fail to be corrected within the time set forth, and any extension of time is not deemed to be necessary, Oxford Township may proceed to abate the violation(s) in the manner provided by law.
4. The owner shall have the right to appeal from said determination by hearing in accordance with § 10-304 of this Part.

§ 10-307. Penalties. [Ord. 69, 2/7/1989, § 7; as amended by Ord. 8/6/1996; and by Ord. 2003-31, 10/21/2003, § 1]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

PART 4
STORAGE OF MACHINERY, EQUIPMENT AND/OR MATERIALS ON
PRIVATE GROUND

§ 10-401. Definitions. [Ord. 65, 2/7/1989, § 1]

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

BOARD OF SUPERVISORS — The Board of Supervisors of Oxford Township, Adams County, Pennsylvania.

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 Oxford Township.

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.

TOWNSHIP — Oxford Township, Adams County, Pennsylvania.

2. 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.

§ 10-402. Health Hazards and Nuisances Prohibited. [Ord. 65, 2/7/1989, § 2]

It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance or health hazard to residents of Oxford Township. Specifically, the unsheltered storage or maintenance of unused, stripped, damaged and generally unusable machinery or equipment, or materials, shall be considered 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. Openings or areas which are conducive to the harboring and growth of vermin.

- C. Storage in any manner which would allow the equipment, machinery, material or any parts, thereof to easily shift, tilt or fall from its original storage position.
- D. Contains 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, in the opinion of the inspecting official shall be deemed to be a health hazard, potential health hazard or nuisance.

§ 10-403. Storage Requirements. [Ord. 65, 2/7/1989, § 3]

Storage of such items as listed in § 10-402 hereof on personal property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Oxford Township ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in § 10-402, must first apply for a permit for either temporary or permanent storage and pay a fee to Oxford 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 opaque fence at least six 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 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.

§ 10-404. Inspection; Notice to Comply. [Ord. 65, 2/7/1989, § 4]

1. A duly authorized agent of the Township 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 therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

§ 10-405. Authority to Remedy Noncompliance. [Ord. 65, 2/7/1989, § 5]

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, Oxford Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. Oxford 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.

§ 10-406. Hearing. [Ord. 65, 2/7/1989, § 6]

1. Any person aggrieved by the decision of the authorized agent may request and shall then be granted a hearing before the Board of Supervisors; provided, they file with the Township Secretary within 10 days after notice of the authorized agent'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 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 authorized agent.

§ 10-407. Penalties. [Ord. 65, 2/7/1989, § 7; as amended by Ord. 8/6/1996; and by Ord. 2003-31, 10/21/2003, § 1]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

§ 10-408. Remedies Not Mutually Exclusive. [Ord. 65, 2/7/1989, § 8]

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.

**PART 5
(RESERVED)¹**

§ 10-501. (Reserved)

¹Editor's Note: Former Part 5, Storage of Motor Vehicles on Private Ground, adopted 2/7/1989 by Ord. 66, was repealed 2/21/2006 by Ord. 2006-51, § 1.

PART 6
NUISANCES

§ 10-601. Definitions. [Ord. 47, 7/15/1986, § 1]

For the purpose of this Part the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

BOARD OF SUPERVISORS — The Board of Supervisors of Oxford Township, Adams County, Pennsylvania.

NUISANCE — The unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of person or property.

OWNER — A person owning, leasing, occupying or having charge of any premises within the Township and includes all joint owners.

PERSON — Any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.

TOWNSHIP — The Township of Oxford, Adams County, Pennsylvania.

VEGETATION — Any grass, weed or other plants of any nature which are not suited for human consumption or planted for some useful agricultural or ornamental purpose.

§ 10-602. Nuisances Declared Illegal. [Ord. 47, 7/15/1986, § 2; as amended by Ord. 2000-11, 12/19/2000, § 2; and by Ord. 2006-51, 2/21/2006, § 2]

Nuisances, including but not limited to the following, are hereby declared to be illegal:

- A. Storing or accumulating the following:
- (1) Garbage or rubbish.
 - (2) Junk material, including but not limited to unused or abandoned machinery, equipment or appliances.
 - (3) Other junk, including but not limited to any and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvable materials.

- B. Storing or accumulating abandoned or junked motor vehicles, including motor vehicles without a current state registration and/or current official state inspection emblem.
- C. Storing or accumulating more than three antique or collector motor vehicles for restoration which are neither sheltered by a building nor enclosed behind an evergreen or solid fence if permitted by other Township ordinances.
- D. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley in the Township into or upon any said highway, road, street, avenue, lane or alley; or from any property into or upon any adjoining property. **[Amended by Ord. 2015-106, 11/17/2015]**
- E. Draining or flowing, or allowing to drain or flow, any water or drainage from within any dwelling situate upon property along public highway, road, street, avenue lane or alley in the Township into or upon the cartway or traveled portion of any said highway, road, street, avenue, lane or alley, except where provision, has been made in said cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.
- F. Burning of garbage, tires, or tar products, unless specifically authorized by another ordinance or state statute.
- G. Maintaining or causing to be maintained, any dangerous structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings, including cellars and excavations, in a state of dilapidation, disrepair, or which may collapse by their own weight or by effect of the elements.
- H. Permitting or allowing any well or cistern to be, or remain, uncovered.
- I. Interfering with the flow of a stream, creek or other waterway by means of a dam or other construction, unless authorized by law.
- J. Removing the embankments of a stream so as to alter the natural flow of the stream.
- K. Pushing, shoveling or otherwise depositing snow or water which turns to ice upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- L. Allowing or permitting any obstruction or any excavation, upon any public right-of-way of any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials and only if such excavation is otherwise authorized by law.

- M. Allowing livestock such as horses, cows, and sheep to escape their enclosures or pastures.

§ 10-603. Written Notice to Violators Required. [Ord. 47, 7/15/1986, § 3]

1. Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:
 - A. By making personal delivery of the notice to the owner.
 - B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence.
 - C. By fixing a copy of the notice, to the door at the entrance of the premises in violation.
 - D. By mailing a copy of the notice to the last known address of the owner by certified mail.
 - E. By publishing a copy of the notice in a local newspaper of general circulation within Adams County, Pennsylvania, once a week for three successive weeks.
2. Such notice shall advise the owner of the existence of the nuisance and direct that said nuisance be abated within 20 days of service of the notice. Such notice shall advise the owner of the penalties authorized under § 10-604 hereof if he fails to abate the nuisance as directed; provided, however, that if the asserted nuisance is deemed to be life threatening, the Board of Supervisors may direct removal of the nuisance within 48 hours or may proceed to remove the nuisance without notice as provided for in § 10-604 hereof.

§ 10-604. Penalty for Violation. [Ord. 47, 7/15/1986, § 4; as amended by Ord. 71, 3/6/1990 as amended by Ord. 8/6/1996; and by Ord. 2003-31, 10/21/2003, § 1]

If any owner, after notice is given under the terms of this Part, refuses to comply with the terms thereof, or if he creates or permits the creation of a life-threatening nuisance or acquiesces in the existence of a life threatening nuisance on his property:

- A. He, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day's

continuance of a violation shall constitute a separate offense without the need of an additional notice. The offense contemplated herein shall be completed the day after the deadline date provided to the owner under the provisions of § 10-604 hereof or immediately upon its creation in the case of a life threatening nuisance.

- B. The Board of Supervisors may direct Township employees or agents to take all reasonably necessary actions to remove or abate the nuisance and to certify all costs incidental to the removal or abatement of the nuisance to the Township Solicitor. Such costs, plus a sum equal to 10% of such costs, shall be paid by the owner forthwith to the Township and shall be a lien upon such premises from the time of such nuisance removal or abatement, which, date shall be determined by the certificate of the person doing such work and filed with the Township Secretary. Such claim shall be enforced through the provision of the Pennsylvania Municipal Lien Law or any other lawful procedures.
- C. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violations, or seek any such relief as any such court of competent jurisdictions is empowered to afford.
- D. All penalties and remedies provided herein are cumulative and no one remedy shall exclude the applicability of another penalty or remedy.

PART 7
ABANDONED VEHICLES

§ 10-701. Definitions. [Ord. 2004-38, 9/7/2004, § 1]

The following words and phrases, when used in this Part, shall, for the purposes of this Part, have the following meanings, except in those instances where the context clearly indicates a different meaning:

ABANDONED MOTOR VEHICLE — A motor vehicle, or parts thereof, which has been voluntarily relinquished by its owner, with the intention of terminating his ownership, possession and control, without vesting ownership in any other person.

JUNKED MOTOR VEHICLE — Any motor vehicle, or parts thereof, not in running condition, left or stored in the open and not in such an enclosure as reasonably calculated to prevent children from playing on or about such motor vehicle.

MOTOR VEHICLE — Any vehicle, which is self-propelled and also any trailer or semitrailer designed for use with such vehicles.

§ 10-702. Prohibition. [Ord. 2004-38, 9/7/2004, § 1; as amended by Ord. 2006-51, 2/21/2006, § 3]

It shall be unlawful for any person, partnership, firm, association, or corporation to park or store any abandoned motor vehicle or junked motor vehicle: (a) on any street or in the open on public or private property for a period of longer than 10 days; (b) on private property under a well-maintained, opaque automobile cover for more than 90 days; or (c) in any other manner that threatens the health, safety, or welfare of the citizens of the Township.

§ 10-703. Evidence of Violation. [Ord. 2004-38, 9/7/2004, § 1]

The following acts or circumstances shall be prima facie evidence that a motor vehicle is an abandoned vehicle:

- A. Failure to move any motor vehicle disabled by reason of an accident for a period of 15 days from the date of said accident.
- B. The leaving of a motor vehicle that is inoperable on public property unattended for a period of more than 15 days.
- C. A motor vehicle that has remained illegally on public property for a period of more than 15 days.
- D. A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for a period of more than 15 days.

§ 10-704. Current Inspection or Registration Required. [Ord. 2004-38, 9/7/2004, § 1]

The failure of any motor vehicle to bear a current state registration and/or current official State inspection emblem shall be prima facie evidence that such motor vehicle is an abandoned motor vehicle and/or a junked motor vehicle.

§ 10-704A. Exemption for Active Duty Military Personnel. [Ord. 2006-51, 2/21/2006, § 4]

Active duty military personnel are exempt from the provisions of this Part that prohibit the storage of abandoned or junked motor vehicles on private property.

§ 10-705. Authority of Police. [Ord. 2004-38, 9/7/2004, § 1]

Any police officer of the Township is hereby authorized to remove any abandoned motor vehicle or junked motor vehicle from the street or from public property after said ten-day period, or immediately if the abandoned motor vehicle or junked motor vehicle is causing an immediate danger to the health, safety or welfare of the citizens of Oxford Township, and to cause such motor vehicle to be stored temporarily pending determination of ownership and notice to the owner thereof of its removal. Such police officer shall immediately notify the owner or reputed owner of said motor vehicle of its removal and of the intention of the Township to dispose of the motor vehicle unless it is claimed and the costs of removal and storage are paid within five days after the date of mailing of the notice.

§ 10-706. Procedure for Disposal. [Ord. 2004-38, 9/7/2004, § 1]

In the event that any abandoned motor vehicle or junked vehicle is not claimed and the cost of its removal and storage not paid within five days of the mailing of the notice prescribed in § 10-705 above or in the event that the identity or whereabouts of the owner cannot be determined after a reasonable investigation, application shall be made by the Township for a title or certificate of junk in its name and the motor vehicle disposed of as provided in the Motor Vehicle Code, 75 Pa.C.S.A. § 101 et seq.

§ 10-707. Penalty. [Ord. 2004-38, 9/7/2004, § 1]

In addition to costs of removal and storage, which are hereby placed on the owner of such abandoned motor vehicle or junked motor vehicle, any person or any officer of any partnership, firm, association or corporation who shall violate any provision of this Part, upon conviction thereof shall be subject to a criminal fine of not less than \$10 nor more than \$1,000 per violation, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. Any violation of this Part shall be deemed a separate offense for each and every day such a violation shall continue and shall be subject to the penalties above imposed for each and every separate offense.

PART 8
NOISE VIOLATIONS

§ 10-801. Definitions. [Ord. 2005-42, 3/15/2005, § 1]

The following words, as used in this Part, shall have the meanings hereby ascribed thereto:

NUISANCE — Any use of property, or conduct, or activity, or condition upon property within Oxford Township which shall cause or result in noise creating annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities, taking into consideration the location of the use or condition and the nature and condition of the surround neighborhood. Specifically, the word “nuisance” shall include but shall not be limited to the following:

- A. Operating or permitting the operation of or playing of radios, television sets, amplifiers, musical instruments and other sound devices which produces or amplifies sound which annoys a reasonable person of normal sensitivities.
- B. Operation of mechanically powered lawn mowers or garden tools, tractors, power tools, chainsaws, construction equipment and vehicles, or similar devices in housing developments, including but not limited to those developments within the Township known as Simme Valley Estates, Colonial Acres, South Branch Estates, Oxford Estates, Heritage Estates, Hollywood Estates, Oxford Meadows, or any other future housing development in the Township, or within 150 feet of a residential use, between the hours of 10:00 p.m. and 6:30 a.m. the following day, which annoys or disturbs a reasonable person of normal sensitivities.
- C. Owning, possessing, controlling, or harboring any animal or fallow which barks, bays, cries, squawks or makes any other such noise continuously and or intermittently for a period of 30 minutes or more, which annoys or disturbs a reasonable person of normal sensitivities.
- D. Operating or permitting the operation of any public or private motor vehicle or motorcycle or any equipment attached to such a vehicle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle or any equipment attached to such vehicle exceeds the level set forth in Title 67, Chapter 157, of the Pennsylvania Department of Transportation Regulations, "Established Sound Levels," promulgated under § 4523 of the Pennsylvania Vehicle Code.
- E. Operating or permitting the operation of any motor vehicle or motorcycle or any auxiliary equipment attached to such vehicle for a period of longer than 15 minutes in any hour while the vehicle is

stationary for reasons other than traffic congestion within 150 feet of a residential area.

PERSON — Any natural person, partnership, association, firm or corporation.

§ 10-802. Unlawful to Create or Maintain Nuisances. [Ord. 2005-42, 3/15/2005, § 2]

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any noise nuisance within Oxford Township.

§ 10-803. Exemptions. [Ord. 2005-42, 3/15/2005, § 3]

1. The provisions of this Part shall not apply to the emission of noise for the purpose of alerting persons to the existence of an emergency or to the emission of noise resulting from the performance of emergency work.
2. The provisions of this Part shall not apply to the emission of sound resulting from the construction, maintenance, repair, replacement or improvement of any municipal or utility installation in or about the public right-of-way.

§ 10-804. Removal or Abatement of Noise and Enforcements. [Ord. 2005-42, 3/15/2005, § 4]

Any person who shall create, continue, cause, maintain or permit to exist any noise nuisance at any place within Oxford Township shall after order from the Board of Supervisors or a designated representative, including Township police officers, remove or abate such nuisance. If such person shall fail, neglect, or refuse to abate such nuisance ordered, the Board of Supervisors shall have the authority in person or by its agents and or employees to sight such person for a violation of this Part and or to remove or abate such nuisance.

§ 10-805. Penalties. [Amended by Ord. 2009-77, 12/15/2009]

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction of thereof in action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$300 plus costs and, in the event of default of payment of said fine costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

PART 9

OUTDOOR WOOD-FIRED BOILERS**[Adopted by Ord. 2010-79, 6/15/2010]****§ 10-901. Title, Purpose and Authority.**

1. This Part 9 shall be known and may be cited as the “Oxford Township Outdoor Wood-Fired Boiler Ordinance.”
2. The Township has determined that air pollution from improperly installed, constructed, or operated outdoor wood-fired boilers is detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of the Township. The Township finds that the regulation of such devices is in the public interest and within the powers granted to the Township by the General Assembly. It is the purpose of this Part 9 to regulate the use of outdoor wood-fired boilers so as to allow their proper use when and where appropriate, while protecting the citizens and their property from the potential ill effects of their improper installation and use.
3. The Second Class Township Code authorizes townships of the second class to prohibit nuisances, to establish penalties therefor, and to seek equitable relief to abate nuisances.
4. The Pennsylvania Air Pollution Control Act (35 P.S. Chapter 23) authorizes municipalities of this commonwealth to enact ordinances for the control of air pollution in accordance with the terms of that Act, to issue orders for the enforcement of such ordinances, and to impose civil and criminal penalties for violation of the provisions of such ordinances.

§ 10-902. Definitions.

Unless the context clearly indicates otherwise, the following words shall have the meanings ascribed to them below. The singular shall include the plural and vice versa; male shall include female; and words used in the present tense shall include the past and future tenses.

ACT — The Pennsylvania Air Pollution Control Act, the Act of January 8, 1960, P.L. (1959) 2119, as amended; 35 P.S. Chapter 23.

ASHES — The residue from fire used for cooking, for heating buildings, from industrial processes, or from other fire such as combustion of certain wastes.

CHIMNEY — Any vertical structure enclosing a flue or flues that carries off smoke and other products of combustion from a furnace.

CLEAN WOOD — Any natural wood which has no paint, stains, varnish, or other types of coatings and which has not been treated with preservatives,

including but not limited to copper chromium arsenate, creosote, or pentachlorophenol.

GARBAGE — The wastes resulting from the handling, preparation, cooking and consumption of food and produce.

MAY — Unless the context clearly provides otherwise, the term “may” is permissive.

NUISANCE — The unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property. “Nuisance” is also any act defined by the Act as a nuisance or public nuisance.

OUTDOOR WOOD-FIRED BOILER — A fuel-burning device designed by the manufacturer specifically for outdoor installation, including installation in a structure not intended for human or animal habitation (such as a garage or shed), which is intended to burn clean wood or other approved solid fuels to provide heat to buildings and/or water via distribution of fluids heated by said device. Outdoor wood-fired boilers may also be called outdoor furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters; and all such devices of similar description shall be deemed to be outdoor wood-fired boilers for purposes of this Part 9.

OWNER — A person owning, leasing, renting, occupying or otherwise having charge or control of any premises or personal property within the Township.

PERSON — Any natural person, firm, partnership, association, corporation, company, society, estate, trust, board, municipality, or organization of any kind, whether profit or nonprofit, which is recognized by law as having rights and privileges.

REFUSE and RUBBISH — Any trash which is discarded or intended to be discarded, including but not limited to: garbage; combustible materials such as paper, wood scraps, cardboard, furniture, yard waste and bedding; noncombustible wastes such as concrete, brick, glass, and metals; sweepings from paved areas; and dirt and silt; but not including: dirt from excavation and land clearing associated with building construction approved by a building or land development permit; leaves, stalks, etc., generated in association with the cultivation and harvesting of agricultural products on an agricultural operation; and manure.

SHALL — Unless clearly stated otherwise, the term “shall” is mandatory and not discretionary, directory, or permissive.

TOWNSHIP — The Township of Oxford, Adams County, Pennsylvania, and its Board of Supervisors, officers, agents, employees, or assigns.

YARD WASTE — Any leaves, grass clippings, garden residue, shrubbery, and other vegetative material other than garbage or clean wood.

§ 10-903. Applicability.

This Part 9 applies to the installation and use of all outdoor wood-fired boilers within the Township. This Part does not apply to:

- A. Grilling or cooking using charcoal, wood, propane or natural gas in indoor or outdoor cooking or grilling appliances.
- B. Burning in a stove, furnace, fireplace or other heating device other than an outdoor wood-fired boiler within a building used for human or animal habitation when done for heating purposes.
- C. The use of propane, butane, acetylene, natural gas, gasoline or kerosene in a device intended and used for heating, construction, or maintenance activities (except when propane is used as a supplemental fuel in an outdoor wood-fired boiler).
- D. Outdoor fires in chimneys, fire pits, fireplaces, or other similar appliances for decorative or social purposes.

§ 10-904. Regulation of Outdoor Wood-Fired Boilers.

After the effective date of this Part 9, an outdoor wood-fired boiler may only be installed and used in accordance with the provisions of this Part. Outdoor wood-fired boilers in existence on the effective date of this Part shall not be subject to the limitations on location or those limitations on design and installation which are not specified as applicable to existing outdoor wood-fired boilers but shall be subject to the operation and maintenance requirements of Subsection C below and to all other requirements, including the prohibition on the creation of a nuisance by the operation of the outdoor wood-fired boiler in Chapter 10 of the Oxford Township Code of Ordinances.

- A. Limitations on Location for New Outdoor Wood-Fired Boilers.
 - (1) Outdoor wood-fired boilers may be installed only in the following zoning districts: Agricultural (A) and Residential Low-Density (RL).
 - (2) An outdoor wood-fired boiler shall not be installed if it will be within 300 feet from any building intended for human or animal occupancy not on the property of the owner. For purposes of this provision, the property of the owner is the tax parcel on which the outdoor wood-fired boiler is installed; any adjacent property, whether or not owned by the same person who owns the parcel on which the outdoor wood-fired boiler is installed, shall be considered not the property of the owner.

- (3) An outdoor wood-fired boiler shall not be installed within 100 feet of the property line.

B. Design and Installation.

- (1) The outdoor wood-fired boiler shall be equipped with a permanent chimney of masonry or double-walled metal construction that extends at least 12 feet above ground level. If there are any residences other than the owner's within 500 feet of the outdoor wood-fired boiler, the chimney must extend at least five feet above the highest residential roof within that distance. If the directions for installation provided by the manufacturer are more stringent (i.e., require a greater height above ground or a greater extension with respect to nearby buildings), then the manufacturer's recommendations shall govern. This provision shall apply to outdoor wood-fired boilers in existence on the effective date of this Part 9. Any such outdoor wood-fired boiler that does not meet this requirement shall be modified to meet this requirement within 120 days of the effective date of this Part 9.
- (2) An outdoor wood-fired boiler must be equipped with a screen or spark arrestor to prevent the discharge of sparks, embers or cinders, and allowing only gases and smoke to be discharged from the chimney or smoke pipe. The screen must be maintained or replaced as necessary so as to be effective for its purpose at all times. This provision applies to all outdoor wood-fired boilers in existence on the effective date of this Part 9; and in the case that a screen is not installed on such an outdoor wood-fired boiler, a proper screen shall be installed within 90 days of the effective date.
- (3) In the case that an outdoor wood-fired boiler that exists on the effective date of this Part 9 is modified, moved, replumbed, or rewired, all of the provisions of this section shall apply.

C. Operation and Maintenance. Operation and maintenance of an outdoor wood-fired boiler not in conformance with this section shall be a violation of this Part and subject to the penalties and remedies provided herein. Improper operation or maintenance of an outdoor wood-fired boiler may also be a nuisance and subject to the provisions of the Oxford Township Nuisance Ordinance.² The provisions of this section apply to all outdoor wood-fired boilers, including those in existence on the effective date of this Part 9.

- (1) Only clean wood may be burned in an outdoor wood-fired boiler. No garbage, refuse and rubbish, coal, gasoline, fuel oil, plastic, plywood, particle board, paint, tires, or other matter of any kind or description may be burned in an outdoor wood-fired boiler at any time.

²Editor's Note: See Ch. 10.

- (2) Use of supplemental fuel such as fuel oil, natural gas, propane, or coal may be allowed if the outdoor wood-fired boiler is designed and equipped for such use and use of such fuel is approved by the manufacturer, as stated in the operation and maintenance materials supplied by the manufacturer. Yard waste may be burned if allowed by the manufacturer and if such burning does not cause excessive smoke or odors prohibited by this Part 9. Paper and cardboard waste or other flammable materials may be used only to ignite an outdoor wood-fired boiler and only if in full accordance with the manufacturer's written recommendations. No outdoor wood-fired boiler shall be operated as a waste incinerator, and no materials other than clean wood shall be brought onto the owner's property for purposes of burning in an outdoor wood-fired boiler.
- (3) Wood and other combustible materials shall not be stored within five feet of an outdoor wood-fired boiler unless a greater distance is specified by the manufacturer, in which case the greater distance shall be observed. Storage of wood for the operation of an outdoor wood-fired boiler shall be made in an organized manner (e.g., stacked cordwood) and shall be subject to the Oxford Township Nuisance Ordinance.³
- (4) The outdoor wood-fired boiler shall be operated so as to produce a minimum amount of smoke and effluvia. The existence of visible smoke at or near ground level at the property line; production of smoke, ash, fumes, odors, or gases so as to cause irritation or respiratory problems to persons outside the property line; or deposition of cinders, soot, or ash on the property of others or such as to be a nuisance as defined by the Oxford Township Nuisance Ordinance⁴ shall be a nuisance and a violation of this Part 9 and subject to the remedies and penalties herein. The existence of adverse atmospheric conditions (e.g., a thermal inversion) shall not be a defense to a charge of violation of this section.
- (5) Ashes from an outdoor wood-fired boiler shall be properly disposed of. Accumulations of ashes on a property are governed by the Oxford Township Nuisance Ordinance, Chapter 10, § 10-107, Subsections B and C.

§ 10-905. Permits and Drawings.

1. No person(s) or entity(ies) shall install, construct or build an outdoor wood-fired boiler on property within the Township without first submitting a drawing and obtaining a permit for same from the Township. Upon request for such permit, and upon demonstration that the applicant meets the criteria set forth in this Part 9, and upon the payment of a permit fee, the

³Editor's Note: See Ch. 10.

⁴Editor's Note: See Ch. 10.

Secretary shall issue such permit to the applicant. The permit fee shall be as set by resolution from time to time by the Board of Supervisors.

- A. Requirements for Drawings. The following requirements shall apply to drawings under this section:
- (1) The drawing shall be prepared to be legible. A poorly drawn or illegible drawing shall be subject to rejection.
 - (2) The drawings shall show the perimeter of the subject tract of land where the furnace is to be installed.
 - (3) The drawings shall denote the total acreage of the applicant's subject tract of land.
 - (4) The drawings shall show abutting property lines and the names of abutting landowners.
 - (5) The drawings shall show the location of the proposed outdoor wood-fired boiler and the location of the neighboring residences and the applicant's residence.
2. If a permit from the Pennsylvania Department of Environmental Protection is required because the outdoor wood-fired boiler is regulated under the Act, the terms and conditions of that permit shall govern the operation of the appliance unless more-stringent terms are imposed by this Part 9, in which case such more-stringent conditions shall apply.

§ 10-906. Inspections and Enforcement Orders.

1. The Codes Enforcement Officer of the Township shall have the power and duty to enforce the provisions of this Part 9 and is authorized to conduct inspections, investigations and such other activities as may be necessary for such enforcement.
2. Whenever an agent or employee of the Township charged with the enforcement of the provisions of this Part 9 has been refused access to property or has been refused the right to examine any outdoor wood-fired boiler, its appurtenances or associated equipment, or the records pertinent to the design, installation, operation and maintenance of such equipment, such agent or employee may apply for a search warrant to any commonwealth official authorized by the laws of the commonwealth to issue the same to enable him to have access, examine such property, and examine and copy any such records, as the case may be. It shall be sufficient probable cause to issue a search warrant that the inspection is necessary to properly enforce the provisions of this Part 9.

3. The Codes Enforcement Officer may issue such orders as may be necessary to aid in the enforcement of the provisions of this Part 9. These orders shall include but not be limited to:
 - A. Orders requiring persons to cease and desist the unlawful installation, use, or operation of an outdoor wood-fired boiler;
 - B. Orders to take corrective action to avoid or to abate any violation of this Part 9; and
 - C. Orders requiring the production of information required to demonstrate compliance or noncompliance with this Part 9.
4. Such orders may establish a time for compliance or require the person in violation to provide a reasonable schedule for compliance, which such schedule shall, if found to be reasonable, then be deemed a condition of the order.
5. A person in receipt of an order issued under this Part 9 may appeal to the Board of Supervisors of Oxford Township. The filing of an appeal shall not act as a supersedeas; provided, however, that upon good cause shown, the Board of Supervisors may issue a supersedeas under its rules.
6. Failure to abide by the terms and conditions of an enforcement order issued under this Part 9 shall be a violation of this Part 9 and subject to the penalties provided hereunder, in addition to any penalties that may accrue for the underlying violation for which the order was issued.

§ 10-907. Criminal Penalties.

Any person who violates any provision of this Part 9 or any order issued by the Township pursuant to this Part 9 commits a summary offense and shall, upon conviction thereof before a District Magistrate, be sentenced to pay a penalty of not less than \$100 nor more than \$2,500 for each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment for 90 days for each separate offense. Employees of the Township authorized to conduct inspections or investigations are hereby declared to be law enforcement officers authorized to file citations for summary offenses under this Part 9, and the Township Solicitor is hereby authorized to prosecute such offenses. There is no accelerated rehabilitative disposition authorized for a summary offense.

§ 10-908. Suits.

In the case of any violation of this Part 9 or of the Act, the Township may, through its Solicitor and after notice to the Attorney General of its intent, file a civil action before the Court of Common Pleas of Adams County to restrain, abate, or prevent such violation. Such suit may include, when the circumstances require it or the public health is endangered, a plea for a preliminary injunction or temporary restraining order in addition to any relief at law or in equity.

§ 10-909. Other Provisions.

1. Repeal and Supersession. This Part 9 supersedes and replaces all prior ordinances to the extent that any such ordinance is contradictory or incompatible with this Part 9.
2. Severability. If any section, provision, sentence, clause or word of this Part 9 is held to be invalid by any court of competent jurisdiction, such section, provision, sentence, clause or word shall be deemed a separate, distinct and independent provision; and such holding shall not affect the validity of remainder of this Part 9; and this Part 9 shall be applied as if such invalid section, provision, sentence, clause or word did not exist.

§ 10-910. Effective date.

This Part 9 shall become effective five days from the date of enactment hereof by the Board of Supervisors.