

CHAPTER 10

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PART 1

STORAGE OF MOTOR VEHICLE NUISANCES

§101. DEFINITIONS.

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

LESSEE - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

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

NUISANCE - any condition, structure or improvement which will constitute a threat or potential threat to the health, safety or welfare of the citizens of the Township of Vernon.

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.

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.

(Ord. 1991-3, 10/6/1991, §1)

§102. MOTOR VEHICLE NUISANCES PROHIBITED.

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 of Vernon. 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 or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hoods, trunks or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges including holes resulting from rust.

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- 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 head lamps 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 frames 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 mechanisms 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 metal trim and clips.
- R. Broken communication equipment antenna.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Township of Vernon.

(Ord. 1991-3, 10/16/1991, §2)

§103. STORAGE OF MOTOR VEHICLE NUISANCES PERMITTED.

1. Any person, owner or lessee who has one or more motor vehicle nuisances, as defined in §102 of this Part, may store such vehicle(s) in the Township of Vernon 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 of Vernon such as may be provided from time to time by resolution of the Board of Supervisors of Vernon Township. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least 6 feet high which is locked at all times when unattended. With the special approval of the Board of Supervisors of Vernon Township motor vehicle nuisances

may also be stored outside in an area enclosed by a chainlink fence at least 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 liquids 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 400 square feet. [Ord. 1997-2]

2. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Vernon Township Zoning Ordinance [Chapter 27].

(Ord. 1991-3, 10/16/1991, §3; as amended by Ord. 1997-2, 3/6/1997)

§104. INSPECTION; NOTICE TO COMPLY.

1. The Vernon Township Police are hereby empowered to inspect grounds on which motor vehicles are stored to determine whether or not 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, the police officer 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.
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.

(Ord. 1991-3, 10/16/1991, §4)

§105. AUTHORITY TO REMEDY NONCOMPLIANCE.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the condition, within the time prescribed, the Township of Vernon shall have the authority to take measures to correct the condition and collect the cost of such corrections plus 10% of all costs. The Township of Vernon, 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.

(Ord.1991-3, 10/16/1991, §5)

§106. HEARING.

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1. Any person aggrieved by a decision of the Vernon Township police officer may request and shall then be granted a hearing before the Board of Supervisors of Vernon Township; provided, however, that he files with the Board of Supervisors of Vernon Township within the 10 days after notice of the police officer's decision a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not less 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 of Vernon Township will sustain, modify or overrule the action of the Vernon Township police officer.

(Ord. 1991-3, 10/16/1991, §6)

§107. EXEMPTIONS.

Notwithstanding the other applicable provisions of this Part, all motor vehicle dealers, all motor vehicle repair garages and all motor vehicle body repair garages are granted permission to retain on their premises for a period of 6 consecutive months motor vehicles which are located on their premises for purposes related to the operation of their business although said motor vehicles may fall into the classification of a nuisance as described in §102 of this Part. Upon written request of the owner of the premises wherein the aforesaid motor vehicles are located the 6 month limitation set forth herein may be extended upon written request to the Township Manager. The Township Manager may grant an extension for a time certain but not for a period in excess of an additional 6 months. The purpose and intent of this exemption is to permit motor vehicle dealers, motor vehicle repair garages and motor vehicle body repair garages to retain motor vehicles on their premises which have been placed on said premises for repair and/or renovation or other alterations.

(Ord. 1991-3, 10/16/1991, §7)

§108. PENALTIES.

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.

(Ord. 1991-3, 10/16/1991, §8; as amended by Ord. 1997-2, 3/6/1997; and by Ord. 1998-2, 3/5/1998)

§109. REMEDIES NOT MUTUALLY EXCLUSIVE.

The remedies provided herein, for the enforcement of this Part, or any remedy provided by law should not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively at the option of the Board of Supervisors of Vernon Township.

(Ord. 1991-3, 10/16/1991, §9)

PART 2

DANGEROUS STRUCTURES

§201. DANGEROUS OR DILAPIDATED BUILDINGS DEFINED.

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- A. Those which have been damaged by fire, wind or other causes so as to have become dangerous to the life, safety, morals or the general health and welfare of the occupants or the people of the Township of Vernon.
- B. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause accidents, sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein as well as other citizens of the Township.
- C. Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property.
- D. Those which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Township.

(Ord. 1976-2, 11/1/1976, §1)

§202. DANGEROUS BUILDINGS AS NUISANCES.

All dangerous buildings within the terms of §201 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

(Ord. 1976-2, 11/1/1976, §2)

§203. INVESTIGATION PROCEDURES.

Whenever it shall be reported or come to the attention of any Township official or police officer that any building or structure, completed or in the process of construction or any portion thereof, is in a dangerous condition, such person having knowledge thereof shall report same to the Board of Supervisors and the Board shall immediately cause an investigation and examination to be made of such building or structure. If such investigation or examination indicates such building or structure to be dangerous in accordance with the standards of §201 of this Part, a written report of such investigation shall be submitted to the Board of Supervisors specifying the exact condition of such building or structure and setting

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forth whether or in what respect the structure is dangerous and whether the structure is capable of being properly repaired or whether it shall be removed as a dangerous structure.

(Ord. 1976-2, 11/1/1976, §3)

§204. HEARING PROCEDURES.

The Board of Supervisors shall:

- A. Upon receipt of a report in accordance with §203 of this Part, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by land records of the Recorder of Deeds of Crawford County to appear before the Board on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the notice provided for herein in §206(3).
- B. Hold a public hearing and review the report referred to in §203 above and hear such testimony as the owner, occupant, mortgagee, lessee or any other person having an interest in said building shall offer relative to the dangerous building.
- C. Make written findings of fact as to whether or not the building in question is a dangerous building within the terms of §201.
- D. Issue an order based upon findings of fact made pursuant to subsection (C) of this Section demanding the owner, occupancy, mortgagee, lessee or any other person having an interest in said building to repair, vacate or demolish any building found to be a dangerous building within the terms of this Part; the Board shall finally proceed to enforce its order in accordance with the enforcement procedures set forth in §206.

(Ord. 1976-2, 11/1/1976, §4)

§205. STANDARDS FOR REPAIR, VACATION OR DEMOLITION.

The following standards shall be followed in substance by the Board of Supervisors in ordering repair, vacation or demolition:

- A. If the dangerous or dilapidated building can be repaired so that it will no longer exist in violation of the terms of this Part it shall be ordered repaired.
- B. If the dangerous or dilapidated building or structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C. In any case where a dangerous or dilapidated building or structure cannot be reasonably repaired it shall be demolished. In cases where a dangerous or

dilapidated building or structure is a fire hazard existing or erected or existing in violation of the terms of this Part or any Statute of the Commonwealth of Pennsylvania or the Township of Vernon, it shall be demolished.

(Ord. 1976-2, 11/1/1976, §5)

§206. ENFORCEMENT PROCEDURES.

1. If any structure is deemed to be a dangerous building within the standards set forth in §201 of this Part, the Board of Supervisors shall forthwith cause written notice to be served upon the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the deed of registration of any such dangerous building.
2. The notice required by this Part shall be served personally upon the owner of a dangerous building if the owner resides in the Township or personally upon his agent if such agent resides within the Township. If personal service as required herein cannot be obtained or if the owner resides outside of the Township such notice shall be sent to the owner of dangerous building by registered mail at the last known address thereof.
3. The notice shall identify the building or structure deemed dangerous and contain a statement of the particulars which made this building or structure a dangerous building and an order requiring the same to be repaired, vacated or demolished. In any case where the notice and order prescribe the repair of any structure the owner thereof shall have the option to remove such structure in lieu of making the repairs thereto within the time limits hereinafter set forth.
4. Such notice shall require any person notified to repair, vacate or demolish any building to commence the work or act required by the notice within 10 days of receipt of such notice and to complete such repair removal within 30 days thereof.
5. The Board of Supervisors shall cause to be placed on all dangerous buildings a notice reading substantially as follows:

This building has been found to be a dangerous building by the Board of Supervisors of the Township of Vernon. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee or agent of this building. It is unlawful to remove this notice until compliance is made under the terms contained and the notice given to the above named entity.

(Ord. 1976-2, 11/1/1976, §6)

§207. PENALTIES.

1. Penalties. Any person, firm or corporation who shall violate or permit the violation of any provision of this Part or the owner, occupant, mortgagee, lessee or any other person who shall fail to comply with any notice or order to repair, vacate or demolish any such dangerous building given by any person authorized by this Part or any order or regulation issued thereunder, 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. [Ord. 1998-2]
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction over proceedings brought under this Section.
5. If the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the land records of the Recorder of Deeds of the County of Crawford, fails to comply with any notice or order to repair, vacate or demolish any dangerous building within 30 days, the Board of Supervisors is empowered to cause such building or structure to be repaired, vacated or demolished by the Township and to cause the costs of such repair, vacation or demolition together with a penalty of 10% to be charged against the land on which the building existed as a municipal lien or to recover such costs in a suit at law against the owner or other such person having an interest in the building; provided, the recovery of such cost and expense together with the penalty may be in addition to the penalty imposed in subsection (1).

(Ord. 1976-2, 11/1/1976, §7; as amended by Ord. 1997-2, 3/6/1997; and by Ord. 1998-2, 3/5/1998)

§208. EMERGENCY CASES.

In cases wherein it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous building as defined herein the Board shall cause the immediate repair, vacation or demolition of such dangerous building without following the procedures established by this Part. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided for in §207(3).

(Ord. 1976-2, 11/1/1976, §8)

PART 3

RESTRICTING MAXIMUM SOUND LEVELS

§301. PURPOSE AND SCOPE.

It is the purpose and scope of this Part to provide regulations defining the maximum sound levels that vehicles, appliances and equipment shall be allowed to produce at specified distances from these devices, and also to provide for the prohibition of other kinds of prohibited noises. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of the Township of Vernon.

(Ord. 1997-4, 10/29/1997, §1)

§302. APPLICATION.

This Part shall apply:

- A. To all types of vehicles, appliances and equipment whether privately or publicly owned.
- B. To sounds of any time duration.
- C. To both the owner and operator of vehicles, appliances, equipment, devices, animals or any other object creating noises.

(Ord. 1997-4, 10/29/1997, §2)

§303. EXEMPTIONS.

The following devices are exempt from the provisions of these regulations:

- A. Aircraft (except model aircraft).
- B. Police, fire, ambulance and other governmental emergency vehicles.
- C. Back-up alarm devices on trucks and other equipment when installed and operated in accordance with Society of Automotive Engineers' recommended practice J 994, "Criteria for Back-Up Alarm Devices."
- D. Governmental warning devices (i.e., civil defense or fire siren).
- E. Machinery and equipment being utilized in agricultural activity or while the same is in transit in anticipation of being used in agricultural activity.

(Ord. 1997-4, 10/29/1997, §3)

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§304. DEFINITIONS.

All acoustical terminology shall be that contained in ANSI S1.1, "Acoustical Terminology."

ANSI - American National Standards Institute or its successors.

APPLIANCE - any device or combination of devices used or capable of being used as a means of accomplishing a desired end, such as a window air conditioning unit.

DAY - the 24 hour period starting at local midnight.

DAYTIME - 6 a.m. to 6 p.m.

DECIBEL (dB) - a unit of sound level which is a division of logarithmic scale used to express the ratio of the sound intensity of the source to the intensity of an arbitrarily chosen reference intensity. The ratio is expressed on the decibel scale by multiplying its "base 10 logarithm" by 10.

EQUIPMENT - any device or combination of devices to accomplish a desired end, such as a chain saw, bulldozer, etc.

EXCESSIVE NOISE - that would which is (1) injurious or which unreasonably interferes with the comfortable enjoyment of life and property. Measured noise levels in excess of limits established in these regulations or those specified in valid permits are declared to be excessive noise; (2) annoying to a person of ordinary sensibilities.

FLUCTUATING NOISE - a noise whose sound level varies significantly with time.

IMPULSIVE NOISE - characterized by brief excursions of sound level. The duration of a single impulse is usually less than one second.

INTERMITTENT NOISE - a noise whose sound level exceeds the ambient noise levels at least twice during the period of observation which is 1 minute or more. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of 1 second or more.

NOISE - any sound emitted by a person, animal, vehicles, appliance, equipment or other device and its environmental interaction.

ORDINANCE ENFORCEMENT OFFICER - any person appointed by the Township of Vernon with responsibility to enforce municipal ordinances or any sworn member of the Vernon Township Police Department.

PERSON - either the owner or operator of vehicles, appliances, equipment or devices.

PERIOD OF OBSERVATION - the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and the instrumentation being used. The period of observation must

be at least as long as the response time of the instrumentation. The greater the variance in individual sound level, the longer must be the observation time for a given expected accuracy of measurement.

SAE - Society of Automotive Engineers.

SOUND LEVEL (Noise level) - airborne sound levels are expressed in dB and obtained by the use of specific frequently dependent weighing networks as specified in the referenced standards. The specific weighing network used must be indicated by the proper notation. If the A-weighting is employed, the sound level is identified as db(A).

SOUND LEVEL METER - an instrument, or combination of instruments, which meets or exceeds the requirements for an ANSI Type S1A or Type S2A Sound Level Meter.

STEADY NOISE - a noise whose level remains essentially constant (i.e., fluctuations are less than 5 dB during the period of observation is a steady noise.)

VEHICLE - any device, or combination of devices, used for or capable of being used for transporting persons or property. Vehicles include, but are not limited to, the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts, racers and like devices, farm machinery, industry, highway graders, trailers, graders and semitrailers.

(Ord. 1997-4, 10/29/1997, §4)

§305. ENFORCEMENT.

1. **Abatement.** Any emission of noise from any source in excess of the limitation established in or pursuant to this Part herein described shall be deemed and hereby declared to be a public nuisance and may be abated, in addition to the administrative proceedings, fines and penalties herein provided. Such abatement may be made by any police officer or the Ordinance Enforcement Officer, or may be made by order of the Court of Common Pleas of Crawford County, Pennsylvania, on compliant, or petition filed on behalf of the Township of Vernon.
2. Nothing in this Part shall be construed to impair any cause of action, or legal remedy thereof, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise in such place or manner, or at such levels which may give rise to such cause of action.
3. The Noise Enforcement Officers of the Township of Vernon shall:
 - A. Be qualified by training and experience to perform the necessary measurements and procedures required to determine violations of the provisions of this Part.
 - B. File complaints with the District Justice to prosecute violations of this Part.

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- C. Investigate complaints of violations of this Part and make inspections and observations of noise conditions.
- D. Be authorized to issue a warning to persons considered in violation of these regulations, a warning which may allow an appropriate time not to exceed 30 calendar days for correction to bring the offending vehicle(s), appliance(s), equipment or other device(s) within the provisions of these regulations before enforcement by prosecution.

(Ord. 1997-4, 10/29/1997, §5)

§306. ADMINISTRATION.

The Township of Vernon shall:

- A. Have available in convenient form as in a unit the provisions of this Part and the recommended practices, rules, regulations and standards which have been adopted. A copy of the information sources shall kept on file in the Township of Vernon offices.
- B. Prepare and maintain records of all orders issued by the Noise Enforcement Officers and the Appeals Board.
- C. By the Board of Supervisors of Vernon Township, issue all standards, permits, certificates, notices or other matters required under the provisions of this Part and notify all persons concerned of any decisions rendered and provide such persons with an opportunity to be heard as herein set forth.
- D. Establish an Advisory Committee to investigate and make recommendations from time to time to the Board of Supervisors of Vernon Township with respect to needed additions or revisions of this Part.

(Ord. 1997-4, 10/29/1997, §6)

§307. APPEALS BOARD.

1. The Board of Supervisors of Vernon Township shall establish an Appeals Board consisting of five members to hear and decide cases regarding interpretations of this Part and variances for undue hardship situations.
2. The membership of the Appeals Board shall contain at least one member who is qualified by training and experience in the field of noise control and noise control regulations.

(Ord. 1997-4, 10/29/1997, §7)

§308. NOISE LIMITATIONS.

1. General. No person shall make, permit or cause to be made, any excessive noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically-operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound amplifying or other similar electronic device unless said person has obtained a special permit from the Board of Supervisors of the Township of Vernon or their designated agent as provided in this Part.
2. Musical Instruments. No person shall use or perform on any hand organ or other musical instrument or device, for pay or in expectation of payment, in any public way or public open space of the Township of Vernon before 6 a.m. or after 6 p.m. of the day unless said person has obtained a special permit from the Board of Supervisors of Vernon Township or their designated agent.
3. Noise from Premises. No person owning, or in possession or control of any building or premises shall use the same, permit the use of the same or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation if such use shall, by its boisterous nature, disturb the peace of the neighborhood as measured at the property line in which such building or premises is situated or be dangerous or detrimental to health.
4. Equipment Noise. It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other mechanical equipment operated by fuel or electric power in building or construction operations from 6 p.m. to 6 a.m. of the following day except for emergency work on public improvements, work of public service utilities and municipal services unless such equipment has been manufactured or modified for sound control and meets the provisions of this Part.
5. Noise in Handling Refuse Cans. No person shall make any unnecessary noise in the handling of ash, trash and garbage cans, either in loading or unloading, whether full or empty.
6. Noise in Vicinity of Hospitals, Schools and Churches. No person shall make any unnecessary noise in the vicinity of any hospital, or church during the hours of public worship or school during school hours.
7. Unlawful to Keep to Keep Noisy Animals. No person shall keep, or permit to be kept, harbor or otherwise maintain any animal which shall disturb the quiet of any public street or other public place or of any neighborhood; provided, however, that a noisy animal shall be defined as one or more animals which makes noises habitually, so as to constitute annoyance to a person of ordinary sensibilities.
8. Noise by Peddlers. No peddler or other person who plies a trade or calling of any nature on the streets of the Township of Vernon shall use any horn, bell or other sound instrument to make any noise tending to disturb the peace and quiet of the neighborhood for the purpose of directing attention to his wares, trade or calling.

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9. Use of Horns and Other Devices on Vehicles. No person, operating any vehicle, other than police, fire, public service or ambulance operators, shall sound any horn, bell, gong, siren or whistle except for the ordinary horn installed on such vehicle by the manufacturer, or sound any type of horn except when reasonably necessary to prevent accidents or to otherwise comply with the law of motor vehicles.
10. The operational performance standards established by this Part shall not apply to any public performance being conducted in accordance with provisions of a special permit obtained from the Board of Supervisors of Vernon Township or their designated agent for the conduct thereof.
11. Vehicles. No person shall operate either a motor vehicle of a type subject to registration except in police, fire equipment, ambulances, or other government emergency vehicles at any time, under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits for the category of minor vehicles based on a distance of 50 feet from the center of the lane traveled on within the speed limit specified in this Section under test procedures established by §310 of this Part.

<u>Type of Vehicle</u>	<u>Speed Limit of 35 MPH of Less</u>	<u>Speed Limit of 35 MPH or More</u>
(1) Any motor vehicle with a manufacturer's gross combination weight rating of 10,000 pounds or more and any combination of vehicles towed by such motor vehicle	86 dB(A)	90 dB(A)
(2) Any other vehicle or any combination of vehicles towed by such motor vehicle	76 dB(A)	82 dB(A)
(3) Any motorcycle or motor driven cycle	78 dB(A)	82 dB(A)

- A. This Section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this Code relating to motor vehicle mufflers for noise control.
- B. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle so that the noise level is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance with this subsection shall be those used to establish compliance of a new motor vehicle with the requirements of this Part.

- C. No person shall sell or lease or offer for sale or lease a new or second-hand vehicle that produces a maximum noise exceeding the noise limit at a distance of 50 feet from the centerline of travel as stated in subsection (8) of this Section. The manufacturer, distributor, importer or designated agent shall, if requested, certify in writing to the Township of Vernon that his vehicles sold or leased within the Township of Vernon comply with the provisions of this Part.

12. Equipment.

- A. No person shall operate any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet under test procedures established by §310 of this Part.

<u>Type of Equipment</u>	<u>Noise Limit</u>
(1) Construction and industrial machinery such as crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machinery, off-highway trucks, ditchers, trenchers, compactors, scrapers, pavement breakers, compressors and pneumatic power equipment but not including pile drivers	86 dB(A)
(2) Agricultural tractors and equipment	86 dB(A)
(3) Powered commercial equipment of 2 HP or less intended for infrequent use in residential areas such as chain saws, pavement breakers, log chippers, powered hand tools, etc.	84 dB(A)
(4) Powered equipment intended for repetitive use in residential areas such as lawnmowers, small lawn and garden tools, riding tractors, snow removal equipment, etc.	70 dB(A)

- B. No person shall sell or lease or offer for sale or lease new or second-hand equipment that produces a maximum noise exceeding the noise limit at a distance of 50 feet as stated in subsection (12)(A) above. The manufacturer, distributor, importer or designated agent shall, if requested, certify in writing to the Township of Vernon that his equipment sold or leased within the Township complies with the provisions of this Part.

(Ord. 1997-4, 10/29/1997, §8)

§309. USE OF PROPERTY.

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1. Any property use established in a zoning district as defined and designated under the provisions of the Vernon Township Zoning Ordinance [Chapter 27] shall be such as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.
2. Noise levels shall be measured in terms of the sound level in dBA using equipment which meets the requirements established by this Part.
3. In all commercial and industrial zoning districts, at no point on the boundary of any residential zoning district shall the sound level of any individual operation, or business, or the combined operations of any person, firm or corporation exceed the dBA levels shown below for the zoning district indicated from 6 p.m. to 6 a.m. of the following day, as measured under the test procedures established by §310(2) of this Part.
 - A. Maximum sound levels dB(A) along district boundaries as measured by conventional sound level meters on slow response:

	<u>Residential</u>	<u>Commercial/Industrial</u>
A-scale levels	55 dB(A)	62 dB(A)

- B. In commercial zoning districts all activities involving the production, processing, cleaning, servicing, testing, repair of materials, goods or products, or any property use shall conform with the performance standards state above; provided, that performance standards shall, in every case, be applied at the boundaries of the lot on which any such activities take place, except in such cases where the maximum permitted sound levels may be exceeded at a more distant point.
- C. In residential zoning districts, any property use shall conform with the performance standards stated above for residential district boundaries; provided; that performance standards shall, in every case, be applied at the boundaries of the lot on which such use is established except in such cases where the maximum permitted sound levels may be exceeded at a more distant point.
- D. The maximum sound levels established in this Section to be applied to the boundaries of a lot shall not apply to construction sites and emergency operations. Construction site noise levels shall be regulated by §308(12) of this Part.

(Ord. 1997-4, 10/29/1997, §9)

§310. TEST PROCEDURES.

1. Test procedures to determine whether maximum noises emitted by new motor vehicles sold or offered for sale or lease meet the noise limits stated in §308(12) of this Part shall be in substantial conformity with standards and recommended practices

established the SAE, Incorporated, and the Pennsylvania Department of Environmental Resources as well as the United States Environmental Protection Agency and such other and further standards as may be propounded in the Code of Recommended Practices of the Township of Vernon.

2. Test procedures to determine whether maximum noises emitted by powered equipment or powered hand tools, sold or leased, or offered for sale or lease, meet the noise limits stated in §308(12) of this Part shall be in substantial conformity with Standards and recommended Practices established by the SAE., Incorporated, and the Pennsylvania Department of Environmental Resources as well as the United States Environmental Protection Agency and such other and further standards as may be propounded in the Code of Recommended Practices of the Township of Vernon.

(Ord. 1997-4, 10/29/1997, §10)

§311. PENALTIES.

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.

(Ord. 1997-4, 10/29/1997, §11; as amended by Ord. 1998-2, 3/5/1998)

PART 4

NUISANCES

§401. DEFINITIONS.

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 sense 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.

ABANDONED or JUNK MOTOR VEHICLE - any vehicle in a non-serviceable condition or a vehicle which does not have both a current inspection sticker and a current registration plate attached to it.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township of Vernon, Crawford County, Pennsylvania.

JUNK MATERIAL - includes but is not limited to unused or abandoned machinery, equipment or appliances and all forms of waste and refuse of any type of materials including scrap metal, glass, industrial waste and other salvageable materials unless for resale that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township of Vernon or by the Commonwealth of 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.

PERSON - a natural person, firm, partnership, association, corporation, company, club, copartnership, society or any organization of any kind.

TOWNSHIP - the Township of Vernon, Crawford County, Pennsylvania.

(Ord. 2000-5, 12/7/2000, §1)

§402. NUISANCES DECLARED ILLEGAL.

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

- A. Storing or accumulating junk material.

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- B. Storing or accumulating abandoned or junk motor vehicle that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township of Vernon, Crawford County, Pennsylvania or by the Commonwealth of Pennsylvania. All such vehicles must be moved within 60 days or if at a vehicle repair business within 90 days.
- 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 or storing or accumulating in a non-orderly fashion three or less antique or collector motor vehicles for restoration.
- 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, laboratories, water closets, swimming pools, 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 or from any property into or upon any adjoining property.
- E. Permitting the growth of any grass, weeds, noxious weeds or any vegetation whatsoever not edible or planted for some useful, legal or ornamental purpose to conceal any rubbish, garbage, trash or any other violation of this Part.
- F. Permitting or allowing any well or cistern to remain uncovered.
- G. Allowing or permitting any excavation, material excavation or obstruction on or adjoining any highway, street or road to remain open or exposed without the same being secured by a barricade, temporary fence or other protective materials.
- H. Defacing public or private property. It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners or vehicles within the Township. Examples of defacing shall include, but not be limited to the following: application of paint, inks and dyes; affixing of any printed materials such as signs or posters.

(Ord. 2000-5, 12/7/2000, §2)

§403. WRITTEN NOTICE TO VIOLATORS REQUIRED.

Whenever a condition that constitutes a nuisance as defined in this Part is permitted or maintained, the Board of Supervisors of Vernon Township shall cause a written notice to be served upon the owner in one of the following manners:

* Editor's note: Ord. 2000-5 reads "principle."

- 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 whom 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.

(Ord. 2000-5, 12/7/2000, §3)

§404. PENALTY FOR VIOLATION.

This Part regulates building, housing, property maintenance, health, fire and public safety and shall be enforced pursuant to the provisions of the Act of Assembly known as the Second Class Township Code and specifically pursuant to 53 PS 56601 (C.1)(2).

- A. Enforcement thereof shall be by an action before a district magistrate in the same manner provided for in the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pennsylvania Rule of Criminal Procedure No. 83(3) (relating to trials in summary cases). The Board of Supervisors of Vernon Township hereby set a criminal fine in the amount of \$300 per violation and the cost of prosecution and in default of payment of such fine and costs of prosecution to undergo imprisonment for not more than 10 days provided, however, that each day's continuance of such a violation shall constitute a separate event.
- B. The Board of Supervisors of Vernon Township may direct the removal, repair or alteration as the case may be to be done by the Township and the cost of such removal, repair or alteration shall be determined by the certificate of the person doing such work and shall be filed with the Township Secretary and thereafter the same shall be certified to the Township Solicitor for the purpose of placing a lien upon the premises.
- 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 violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

(Ord. 2000-5, 12/7/2000, §4)

