

CHAPTER 10
HEALTH AND SAFETY

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Part 1

Storage of Motor Vehicle Nuisances

§101. Definitions. 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 public streets or highways, and including trailers or semi-trailers pulled thereby.

NUISANCE - any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Township of Lower Oxford.

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.

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. 1-93, 1/6/1993)

§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 Lower Oxford. A motor vehicle nuisance shall include any motor vehicle which is not registered and/or inspected and/or is unable to move under its own power. (Ord. 1-93, 1/6/1993)

§103. Storage of Motor Vehicle Nuisances Permitted.

1. Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in §102 above may store such vehicle(s) in the Township only in strict compliance with the regulations provided herein. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building.

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

(Ord. 1-93, 1/6/1993)

§104. Code Inspection of Premises; Notice to Comply.

1. The Code Enforcement Officer is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this 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 or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 1-93, 1/6/1993)

§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 nuisance, within the time limit prescribed, the Township of Lower Oxford shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10) of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing. (Ord. 1-93, 1/6/1993)

§106. 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 one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (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. 1-93, 1/6/1993; as amended by Ord. 2-98, 3/11/1998)

§107. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors. (Ord. 1-93, 1/6/1993)

Part 2
Weed Control

§200. Weeds Declared a Nuisance. Any weeds, including, but not limited to jimson, burdock, ragweed, thistle, cocklebur or other weeds of like kind, or any vines, tall grasses or other objectionable vegetation, exceeding twelve (12) inches in height, growing on any lot or tract of ground in the Township, are hereby declared to be a nuisance. It is hereby declared to be unlawful for any person, firm or corporation to permit any such weeds, vines, tall grasses or other objectionable vegetation to grow or remain on any lot or tract of ground in the Township. (Ord. 3/1/1978, 3/1/1978, §801)

§201. Notice. It shall be the duty of the Code Enforcement Officer to cause to be served a notice upon the owner or occupant of any premises on which any such weeds, vines, tall grasses or other objectionable vegetation are permitted to grow in violation of the provisions of this Part 2, and require abatement of the nuisance within ten (10) days from the date of service of such notice. The service of such notice shall be made upon the owner or occupant of the said premises either by delivering the same to and leaving it with any adult person in charge of the said premises, or in case no such person is found upon the said premises by affixing the same in a conspicuous position upon the said premises. (Ord. 3/1/1978, 3/1/1978, §802; as amended by Ord. 1-93, 1/6/1993)

§202. Failure to Abate Nuisance. In the event the owner or occupant shall refuse to negate such nuisance within a period of ten (10) days as required by the notice, the township of Lower Oxford shall file such remedy at law or equity which is available to it and also may file an action as noted in §204 below. Attorney's fees and costs for the filing of the action are a charge to be paid by the property owner or occupant. (Ord. 3/1/1978, 3/1/1978, §803; as amended by Ord. 1-2005, 10/12/2005, §2)

§203. Municipal Claims to be Filed. All costs and expenses incurred by the Township in the abatement of such nuisances shall be a lien upon the premises, and whenever a bill therefor remains unpaid for a period of sixty (60) days after it has been rendered, the Township Solicitor shall file a municipal claim for such costs and expenses, together with a penalty of ten (10%), in the manner provided by law for the collection of municipal claims. (Ord. 3/1/1978, 3/1/1978, §804)

§204. Penalties. Any person, firm or corporation who shall violate any provision of this Part or fail to abate such nuisance in accordance with the requirements of any such notice, in addition to the payment of the said costs and expenses, 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 one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (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. 3/1/1978, 3/1/1978, §805; as amended by Ord. 1-93, 1/6/1993; and by Ord. 2-98, 3/11/1998)

Part 3
911 Ordinance

§300. Background and Justification.

1. The purpose of this Part is to provide for a uniform, logical and readily observable street address identification system for all occupiable properties in the Township, whether residential, commercial or industrial. Such a system is necessary in order to ensure that appropriate emergency response (police, fire, medical, etc.) can be effectively achieved throughout Lower Oxford Township. With the recent establishment of a County-wide 911 communications system, it is essential that a unique identifier be established for each property and that the correct identification can be directly associated with the actual, physical location of the property.

2. Every effort will be made to minimize inconveniences to present residents of Lower Oxford Township due to this system, but changes to some current numbers are inevitable where confusing, overlapping or irregular numbering exists. Further, some existing properties have never had a number assignment and even though mail delivery at the property is not presently contemplated, a number must still be assigned and posted in order to identify the property for potential emergency access.

(Ord. 2-96, 4/10/1996, §300)

§301. Applicability. This Part applies to all principal buildings within Lower Oxford Township, Chester County, Pennsylvania, and upon each tract, lot or parcel of land. (Ord. 2-96, 4/10/1996, §301)

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

ACCESSORY BUILDING - a subordinate building, the use of which is customarily incidental to that of a principal located on the same lot and is used for an accessory use only.

PRINCIPAL BUILDING - any building or structure present on a tract, lot or parcel of land in which a regular occupancy or use is carried out. This includes a dwelling, place of business or industry, or any other use requiring a location identity.

(Ord. 2-96, 4/10/1996, §302)

§303. Assignment of Numbers.

1. Street address numbers shall be assigned to each building, tract, lot or parcel of land, placed on file in the Lower Oxford Township office and assigned to owners or occupants of such buildings, tracts, lots or parcels of land by the Township Administrative Officer or by such other person as may be designated by a resolution of the Board of Supervisors. Once assigned, all such properties shall be designated for all purposes by the number assigned and thereafter all persons shall take due notice thereof and comply with the provisions of this Part.

2. The Township Administrative Officer, or such other person as may be designated, shall have the power and duty to correct any errors with respect to assignment of street address numbers, as and when such errors are discovered. The Board of Supervisors shall have the right and power to change a street address number or numbers assigned to any property whenever it may deem such a change necessary and desirable, and require the owner or the occupant thereof to comply with the provisions of this Part with respect to such change.

(Ord. 2-96, 4/10/1996, §304)

§304. Application for Street Address Number. The owner or occupant of each tract, lot or parcel of land to which no street address number has previously been assigned shall, upon purchase or occupancy thereof or within seven (7) days of discovery that no such number has been assigned, make application to the Township Administrative Officer or designated agent for assignment of such number, and thereupon a correct street address number shall be assigned to that property. (Ord. 2-96, 4/10/1996, §305)

§305. Numbering of Subdivision Lots.

1. The Township Administrative Officer shall be responsible for assigning proper street address number sequences to the lots which are created as a result of a subdivision. Said numbers shall be in proper municipal sequence in relation to the numbers assigned to other lots fronting on the same street and shall be properly recorded on the subdivision plan.

2. When the assignments required under subsection (1), hereof, have been completed for previously approved subdivisions, they shall be appended to the final subdivision plan and thereby incorporated therein by reference. No subdivider shall sell or convey any lot or dwelling unit or other principal building upon said lot, nor lease or otherwise permit the use and occupancy thereof, without first complying with the requirements of this Part.

3. The requirements for application for street address number and display thereof shall be a condition precedent to the submission of any application for an occupancy permit.

(Ord. 2-96, 4/10/1996, §306)

§306. Size and Location of Numbers. In order to comply with this Part, street address numbers shall be Arabic in design, shall have a minimum height of three (3) inches and shall be mounted in secure fashion by one (1) or more of the approved manners. The numbers shall be sufficiently legible as to contrasting background, arrangement, spacing, size and uniformity of numerals so that the numbers may be read with ease during daylight hours by a person possessing normal vision, if he views the numbers from the centerline of the facing street. The numbers shall be placed so that trees, shrubs and other obstructions do not block the line of sight of the numbers from the center of the street. Auxiliary numbers, when required, shall be mounted at a height between four (4) and ten (10) feet upon the adjacent grade or exterior landing beneath, but never higher than fifteen (15) feet above the adjoining grade. The following are approved manners for displaying street address numbers:

A. Occupancies with mailboxes at the end of driveways shall display numbers on both sides of the mailbox or support post. When mailboxes are placed on the opposite side of the facing street from the occupancy, auxiliary numbers shall be provided on the property in addition to the mailbox numbers. When two (2) or more mailboxes are located side-by-side together in a row, then numbers shall be placed on the fronts of the mailboxes.

B. Occupancies without mailboxes at the end of driveways shall place numbers in the general vicinity of the main entrance or path of travel which leads to the principal building(s). Such numbers must be clearly visible from the center of the street.

C. Those occupancies with no mailboxes which are built down long driveways or occupancies which are not visible from the street shall have a marker or post of noticeable size placed at the driveway entrance. If more than one (1) occupancy or principal building shares the driveway, then each occupancy shall be so numbered and in a manner which clearly distinguishes each one.

D. Occupancies with shared driveways shall also display auxiliary numbers at or near the main entrance of each principal building according to the specifications herein.

(Ord. 2-96, 4/10/1996, §307)

§307. Violations and Penalties.

1. The absence of street numbers, or the insecure fastening or absence of any numeral thereof, or the use of any street address number not assigned by the Township Administrative Officer, or the failure of a street address number to meet the elevation requirements or the visibility requirements shall be a violation of this Part. Upon discovery, a notice of violation shall be sent by certified mail to the property owner or occupant, or shall be posted in a prominent place upon the property by the Township Code Enforcement Officer or his agent, or shall be personally served upon the property owner or occupant by his agent. Such notice shall specify the specific provision of the Part violated and shall require compliance with that provision within fifteen (15) days from the service or posting of the notice.

2. When any person fails to comply with the notice of violation within the stated time frame, the Township shall have the right to place the appropriate identification signs on the property and to charge the owner/occupant with the costs associated therewith. If such costs are not reimbursed to the Township within thirty (30) days of notice thereof, the Township shall have the right to place a lien against the property for same.

3. 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 one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (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. 2-98]

(Ord. 2-96, 4/10/1996, §308; as amended by Ord. 2-98, 3/11/1998)

§308. Enforcement. The final authority for determining and assigning the street number or numbers to be used upon any particular property, as well as the enforcement of this Part, shall be in the office of the Township Code Enforcement Officer, his agent, or such other person as provided for in §303 of this Part. (Ord. 2-96, 4/10/1996, §309)

Part 4

Public Safety

§401. Fire Protection. The Union Fire Company #1 of Oxford will provide fire protection for the residents of Lower Oxford Township. (Res. 1-99, 1/4/1999)

§402. Ambulance Service. The Union Fire Company #1 of Oxford will provide ambulance service for the residents of Lower Oxford Township. (Res. 1-99, 1/4/1999)

§403. Rescue Service. The Union Fire Company #1 of Oxford will provide rescue service for the residents of Lower Oxford Township. (Res. 1-99, 1/4/1999)

§404. Police Protection. The Pennsylvania State Police of Avondale Barracks will provide police protection for the residents of Lower Oxford Township. (Res. 1-99, 1/4/1999)

