

Resolution of Architectural Control Committee  
Of Beech Mountain Lakes Association in Drums, PA

Policy on Unlicensed Abandoned Vehicles

**Recitals**

- 1) Whereas, Beech Mountain Lakes Association protective covenants, declarations, and rules and regulations, (hereinafter referred to as the “covenants”), describe how a property may be used, developed and maintained within the Beech Mountain Lakes community; and
- 2) Whereas, the Architectural Control Committee, (hereinafter referred to as the “ACC”), under Section 13 of the covenants, has the power to implement general use restrictions; and
- 3) Whereas, the Beech Mountain Lakes community and the ACC are in need of a uniform policy on unlicensed and/or abandoned vehicles; and
- 4) Whereas, the ACC wishes to adopt a uniform policy on unlicensed and/or abandoned vehicles on any lot; and
- 5) Whereas, property owners that received written permission from the ACC prior to the adoption of this policy, to the extent possible shall comply with all terms of this policy, but shall not be required to separately apply for a hearing before the ACC; and
- 6) Whereas, the ordinances of Butler Township relating to the storage of motor vehicles shall be included in this policy as follows:  
“Butler Township Ordinances 6/5/1958 as revised by Ord. 101591 Sections 101 through 105.”
- 7) Whereas, the covenants of Beech Mountain Lakes section 13.1, maintenance and section 13.5, nuisances which state
  - a. Section 13.1 Maintenance  
Each lot, whether occupied or unoccupied, and all improvements thereto shall at all times be maintained in good and clean condition; grass shall be mowed, rubbish and debris removed, and weeds controlled. If any lot or improvement

thereon is not so maintained, the Association may maintain, restore or repair the cost of which shall be a personal charge hereunder as more fully described in Section 3.7, neither the Association nor any of its agents or employees or contractors shall be liable for any damages which may result from any maintenance.

b. Section 13.5 Nuisances

No noxious or offensive activity shall be carried on in the common areas or any community common area nor shall any activity be conducted within the development, either willfully or negligently, which may be or become an annoyance or nuisance to other owners. No lot shall be used in whole or in part for the storage of rubbish or any character whatsoever, nor for the storage of any property or thing that will cause such property to appear in an unclean or untidy condition or that will be obnoxious to they eyes; nor shall any substance, thing or material be kept upon any property that will emit foul or obnoxious odors.

**Now, therefore be it resolved as follows:**

The Beech Mountain Lakes Association supplements Section 13.1, Maintenance and Section 13.5, Nuisances of the Beech Mountain Lakes Association Rules and Regulations by adopting Butler Township Ordinance 6/5/1958 as revised by Ordinance 101591, Sections 101 through 105, entitled Storage of Motor Vehicles, attached to this Resolution and made a part hereof. The policy on unlicensed and/or abandoned vehicles shall be effective on private lots and common areas within Beech Mountain Lakes. No vehicle that is unlicensed, uninspected, in disrepair or that is inoperable or abandoned will be permitted within the Beech Mountain Lakes Community. Vehicles stored in an existing garage will be permitted.

**Penalties**

The following penalties will apply to this policy.

- 1) Warning letter, with 15 days to comply.
- 2) After 15 days, \$100.00 fine and removal of vehicle by BMLA with all costs plus a 15% administration fee to be borne by owner.

**Separability**

Nothing in this policy shall be interpreted to negate or limit any other portions of the covenants, the power of the ACC or the Association.

All provisions of the covenants shall be followed including fees, applications and forms.

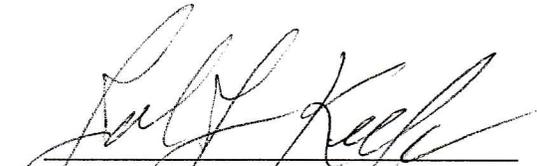
**Effective Date**

The aforementioned policy shall be effective upon the date of adoption by the Beech Mountain Lakes Association, Inc. Board of Directors, and the execution of this resolution.

Adopted this 24 day of FEBRUARY, 2009 by a unanimous vote of the Beech Mountain Lakes Association, Inc. Board of Directors.

**In witness whereof**, the undersigned executed this resolution on the 25 day of FEBRUARY, 2009.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Chairman, ACC

  
\_\_\_\_\_  
Secretary, ACC

## Part 1

## Storage of Motor Vehicles

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

LESSEE - owner for the purpose of this ordinance 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, excluding agricultural related equipment.

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

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 ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 6/5/1958, 6/5/1958; as revised by Ord. 101591, 10/15/1991)

§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 Butler. 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:

1. Broken windshields, mirrors or other glass, with sharp edges.
2. One or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.
7. Broken headlamps or tail-lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.

10. Broken vehicle frame suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunk.
14. Open or damaged floor boards including trunk and firewall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.
19. Suspended on unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Township of Butler.

(Ord. 6/5/1958, 6/5/1958; as revised by Ord. 101591, 10/15/1991)

§103. Storage of Motor Vehicle Nuisances Permitted. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §102 above may store such vehicle(s) in the Township of Butler 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 such as may be provided from time to time by resolution of the Board of Supervisors. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within a opaqued fence at least six feet (6') high which is locked at all times when unattended. With the special approval of the Board of Supervisors motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet (6') high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed two thousand (2,000'2) square feet.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Township Zoning Ordinance.

(Ord. 6/5/1958, 6/5/1958; as revised by Ord. 101591, 10/15/1991)

§104. Inspection; Notice to Comply.

1. The Code Enforcement Officer is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this ordinance. If noncompliance with the provisions of this ordinance 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. 6/5/1958, 6/5/1958; as revised by Ord. 101591, 10/15/1991)

§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 conditions, within the time limit prescribed, the Township of Butler 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. 6/5/1958, 6/5/1958; as revised by Ord. 101591, 10/15/1991)

§106. Hearing.

1. Any person aggrieved by the decision of the Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within ten (10) days after notice of the Code Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Code Enforcement Officer. (Ord. 6/5/1958, 6/5/1958; as revised by Ord. 101591, 10/15/1991)

§107. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00), and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 6/5/1958, 6/5/1958; as revised by Ord. 101591, 10/15/1991)

§108. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this ordinance, 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. 6/5/1958, 6/5/1958; as revised by Ord. 101591, 10/15/1991)