

CHAPTER 10

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Part 1

Property Maintenance

§101. Short Title. This Part shall be known and cited as the "Borough of Emporium Property Maintenance Ordinance." (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§102. Preface. Recognizing the need within the Borough 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 Borough Council considers to be fair and essential in meeting those minimum requirements. (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§103. Authority. This Part, and the objectives leading to its enactment, are authorized by the Borough Code. (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§104. Definitions.

BUILDING - a roofed structure, enclosed by one (1) 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 (3) 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.

JUNK MATERIAL - abandoned machinery, equipment or appliances and all forms of waste and refuse of any type of material, including scrap metal, glass and industrial waste or other similar material. [Ord. 427]

LOT - plot, tract, 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.

UNOCCUPIED HAZARD - any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six (6) 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 (6) months.

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

(Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993; as amended by Ord. 427, 10/19/1998, §1)

§105. Application. The provisions of this Part shall supplement local laws, ordinances or regulations existing in the Borough 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 regulation or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establish the higher standard shall prevail. (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§106. Buildings and Structures.

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 insure 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 Borough Council, remove, or cause the removal of, the building and/or structure.

(Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§107. Yards, Open Lots, Parking Areas. 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, lots.

C. Garbage, refuse, junk material to accumulate or be stored or to be blown about the surrounding neighborhood. [Ord. 427]

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 and which constitute a safety hazard to pedestrian and/or vehicular traffic.

(Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993; as amended by Ord. 427, 10/19/1998, §2)

§108. Infestation, Prevention and Correction.

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.

(Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§109. Miscellaneous Provisions. 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 systems 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.

(Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§110. Responsibilities of Occupants. 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. (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§111. Responsibilities of Owners.

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 (1) 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.

(Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§112. Inspection. The Borough Council may, or may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough 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 necessary, prior arrangements must be made with the owner, or his agent, to secure access thereto. (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§113. Notice to Comply.

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 Borough Manager 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. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§114. Authority to Remedy Noncompliance. If the owner does not comply with the notice to abate the conditions within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten (10) percent of all costs. The Borough, 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. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§115. Hearing.

1. Any person aggrieved by the decision of the Borough Manager may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within ten (10) days after notice of the Borough Manager'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 Borough Council shall sustain, modify or overrule the action of the Borough Manager.

(Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§116. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§117. Owners Severally Responsible. If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this Part. (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

§118. 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 Borough Council. (Ord. 316, 11/4/1968; as revised by Ord. 412, 10/4/1993)

Part 2
Vegetation

§201. Prohibited Vegetation. No person, firm or corporation owning or occupying any premises in the Borough of Emporium, Cameron County, Pennsylvania, shall permit any grass, weeds or other uncultivated or rank vegetable growth to grow or remain on such premises so as to exceed a height of six (6) inches or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit, or to create or produce pollen, or to create a fire hazard. (Ord. 308, 11/7/1966, §1)

§202. Removal and Trimming. The owner of such premises, if the same are unoccupied, otherwise the owner or the occupant, shall remove, trim or cut all grass, weeds or other prohibited vegetation growing or remaining on any premises in violation of §201 of this Part. (Ord. 308, 11/7/1966, §2)

§203. Nuisance Declared. All grass, weeds or other prohibited vegetation growing or remaining on any premises in violation of §201 of this Part be and the same is hereby declared dangerous to public health, safety, general welfare and cleanliness and a nuisance. (Ord. 308, 11/7/1977, §3)

§204. Notice of Violation. The Borough Manager is hereby authorized to notify the occupant, owner, apparent owner or reputed owner of any premises which are in violation of §201 of this Part in writing by personal service or by United States mail, to comply with the requirements of §202 of this Part, at no cost to said Borough. If all required removal or trimming is not removed within five (5) days after the issuance of such notice, said Borough shall cause such removal or trimming to be done and shall collect the costs thereof, together with a penalty of ten (10) percent of such cost, in the manner provided in the Borough Code, as now or hereafter amended. (Ord. 308, 11/7/1966, §4)

§205. 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 (\$600.00) dollars 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. 308, 11/7/1966; as amended by Ord. 412, 10/4/1993)

