

## **Chapter 10**

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Assigning Jurisdiction of Health Matters to the County Department of Health  
§10-101. Intention to Come under Jurisdiction of County Department of Health.

It is hereby declared to be the intention of the Borough that upon the establishment of the County Department of Health of Allegheny County, the Borough will cease to exercise any of the public health functions vested in it by law and become subject to the jurisdiction of the County Department of Health.

(Ord. 556, 12/10/1956, §1)



## Nuisances

### §10-201. Definitions and Interpretation.

The word "nuisance" as used in this Part, shall mean any use of property within the Borough, or any condition upon property within the Borough that, other than infrequently, shall cause or result in:

- A. Annoyance or discomfort to persons beyond the boundaries of such property.
- B. Interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property.
- C. Disturbance to or interference with the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word "nuisance" shall include but shall not be limited to the following:

(1) Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises from which the sound emanates.

(2) Operation of gasoline-powered lawn mowers or gasoline-powered chain saws on any week day before 8:00 a.m. or on any Sunday before 12 noon.

(3) Operating model airplanes equipped with gasoline engines on any public street or on any playground.

(4) Keeping or harboring any dog or other animal or fowl which, by frequent howling or barking or other noise or odor annoys or disturbs the neighborhood or a number of persons.

(5) Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises.

(a) Open wells or cisterns.

(b) Open excavations.

(c) Unfinished buildings, foundations or other structures.

(d) Dangerous placement of materials or equipment.

(e) Lakes, ponds or swimming pools not properly safeguarded.

(f) Stagnant water in pools in which mosquitoes, flies or insects multiple.

(6) Carrying on any building or road construction, excavation, or trenching, or the operation of heavy equipment or trucks in connection therewith at any time on Sunday or a legal holiday, or on any other day of the year at any time between 7:00 p.m. and 7:00 a.m. without a special permit issued by the Secretary. That special permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in a manner or in such a place that the public or residents

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will not be annoyed or disturbed by such construction work.

(7) Carrying on construction work in such a manner that dirt is carried by wind onto adjacent properties or that mud is tracked or drained into streets adjacent to the project.

(8) Washing, tracking or otherwise depositing dirt, mud, soil, stone or debris upon or onto the pavement of any street, without removing the material before 5:00 p.m. of the day on which the material was deposited.

(9) Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, fly-ash, dust, mud, dirt, acid, noxious or offensive fumes, gases or odors to be carried off the premises, or to cause any water to become polluted by sewage, industrial wastes, acid or other substance, or to cause a glare from lights, or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.

(10) Creation or maintenance of "attractive nuisances," which is the leaving of a dangerous instrumentality which by its character is dangerous and attractive to children and in a place frequented by children.

(Ord. 775, 7/11/1978, §8-2001)

### §10-202. Unlawful to Create or Maintain Nuisance.

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough.

(Ord. 775, 7/11/1978, §8-2002)

§10-203. Removal or Abatement of Nuisances.

Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough, shall, within 10 days after notice from Council to do so, remove or abate that nuisance. If the person shall fail, neglect or refuse to abate the nuisance within the time limit, Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance, and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, Council shall collect the cost and expense of abatement or removal from the person who created, continued, caused or maintained the nuisance and/or permitted the nuisance to exist, with an additional amount of 10% in the manner provided for the collection of municipal claims, or by an action in assumpsit. Provided; that cost and expense may be in addition to any penalty imposed under §10-204.

(Ord. 775, 7/11/1978, §8-2003)

§10-204. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense. Provided; each day's continuation of the maintenance of any nuisance, after the expiration of 10 days following the issuance of the notice referred to in §10203, shall constitute a separate violation.

(Ord. 775, 7/11/1978, §8-2004; as amended by Ord. 1077, 5/23/2006)

§10-205. Exceptions.

This Part shall not be construed to be the sole means for abatement of nuisance within the Borough and nothing shall preclude any person from proceeding individually or with other injured persons to effect the abatement of a private nuisance. Furthermore, in the exercise of the powers conferred in this Part, the Borough may institute proceedings in equity.

(Ord. 775, 7/11/1978, §8-2005)





## Grass and Weeds

### §10-301. Growth of Grass, Weeds and Other Vegetation Unlawful and a Nuisance under Certain Circumstances.

No person owning or occupying any property within the Borough shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for a useful or ornamental purpose, to grow or remain upon those premises so as to exceed a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any provision of this Section is declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

(Ord. 730, 10/10/1974, §1)

### §10-302. Responsibility for Removal or Cutting.

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant, in case of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon the premises in violation of any provision of §10-301.

(Ord. 730, 10/10/1974, §2)

### §10-303. Notice to Remove or Trim; Authority for Borough to Do Work at Expense of Owner or Occupant of Property.

Council or any officer or employee of the Borough designated by Council for the 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 where grass, weeds or other vegetation is growing or remaining in violation of any provision of §10-301, directing and requiring that owner or occupant to remove, trim or cut that grass, weeds or vegetation so as to conform to the requirements of this Part, within 5 days after issuance of the notice. In case any person shall neglect, fail or refuse to comply with the notice, within the period of time stated in it, the Borough authorities may remove, trim or cut the grass, weeds, or vegetation, and the cost of the work, together with any additional penalty authorized by law, may be collected by the Borough from that person in the manner provided by law.

(Ord. 730, 10/10/1974, §3)

### §10-304. Penalty for Violation.

Any person, firm or corporation who shall violate, neglect or refuse to comply with any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 730, 10/10/1974, §4; as amended by Ord. 1077, 5/23/2006)

Part 4

Motor Vehicle Nuisances

§10-401. Definitions.

1. As used in this Part, the following terms shall have the meaning 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. [Ord. 1077]

Nuisance - any condition, structure, or improvements, which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Borough of Glassport.

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. 1055, --/2003, §1; as amended by Ord. 1077, 5/23/2006)

§10-402. 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 Borough of Glassport. 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, hood, trunk, or other body parts which could permit animal harborage.

D. Any body parts with sharp edges including holes resulting from rust.

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 frame suspended from the ground in an unstable manner.

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K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.

L. Exposed battery containing acid.

M. Inoperable locking mechanism for doors or trunk.

N. Open or damaged floor boards including trunk and firewall.

O. Damaged bumpers pulled away from the perimeter of vehicle.

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae.

S. Suspended on unstable supports.

T. Such other defects which could threaten the health, safety, and welfare of the citizens of the Borough of Glassport.

(Ord. 1055, --/2003, §2)

§10-403. Storage of Motor Vehicle Nuisances Permitted.

I. Any person, owner, or lessee who has one or more motor vehicle nuisances as defined in §10-402 above may store such vehicle or vehicles in the Borough of Glassport 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 Borough of Glassport pursuant to a resolution of the Council of the Borough of Glassport. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside with a opaque fence at least 6 feet high which is locked at all times when unattended.

II. With the special approval of the Council of the Borough of Glassport motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubs 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. Total area of storage of motor vehicle nuisances may not exceed \_\_\_\_\_ square feet.

III. Nothing herein shall be construed to permit the storage of motor nuisances contrary to the provisions of the Borough of Glassport Zoning Ordinance [Chapter 27].

(Ord. 1055, --/2003, §3)

§10-404. Inspection of Premises; Notice to Comply.

1. The enforcement office/inspector 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 the 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.

(Ord. 1055, --/2003, §4)

§10-405. Authority to Remedy Noncompliance.

If the owner or grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough of Glassport shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough of Glassport 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. 1055, --/2003, §5)

§10-406. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Council of the Borough of Glassport; provided, he files with the Council of the Borough of Glassport within 10 days after notice of the Enforcement Officer's decision, a written petition requiring 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 Council of the Borough of Glassport shall sustain, modify, or overrule the action of the Enforcement Officer.

(Ord. 1055, --/2003, §6)

§10-407. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1055, --/2003, §7; as amended by Ord. 1077, 5/23/2006)

§10-408. 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. 1055, --/2003, §8)

**Part 5**  
**Use, Sale, and Possession of Fireworks**

**§10-501. Intent.**

Per the Pennsylvania Borough Code at 8 Pa. C.S.A. §1202(5), the Borough Council of the Borough of Glassport ("Borough Council"), is authorized to enact ordinances as may be expedient or necessary for the maintenance of the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough and its residents. Borough Council has determined that it is in the best interests of the Borough that the use, sale, and possession of fireworks within the Borough be regulated. Borough Council recognizes that the possession, sale, and use of fireworks, even those which are legal, if left unregulated, can create problems which can have a detrimental impact on the health, safety, and welfare of the community.

(Ord. 1189, 9/17/2019)

**§10-502. Definitions.**

The following definitions shall apply in the interpretation, administration, and enforcement of this Part:

*ACT 43* - An Act, signed into law October 30, 2017, amending the Act of March 4, 1971 (P.L. 6, No. 2) known as the Tax Reform Code.

*APA 87-1* - The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition.

*Borough* - the Borough of Glassport, Allegheny County, Pennsylvania.

*Borough Fire Chief* - The Borough of Glassport Fire Chief.

*Consumer fireworks* -

(1) Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.

(2) The term does not include devices as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

*Display fireworks* - Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

(1) Salutes that contain more than two grains or 130 milligrams of explosive materials;

(2) Aerial shells containing more than 60 grams of pyrotechnic compositions;  
and

(3) Other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

*Occupied structure* - A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

(Ord. 1189, 9/17/2019)

#### **§10-503. Scope.**

The manufacture of fireworks is prohibited within the Borough. The sale or offering for sale of display fireworks is prohibited within the Borough. The sale or possession of consumer fireworks is permitted pursuant to this Part. The display or discharge of consumer or display fireworks shall comply with the requirements of Act 43, the provisions of this Part and the provisions of the International Fire Code, 2009 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code (Chapter 5, Part 1).

(Ord. 1189, 9/17/2019)

#### **§10-504. Permit for Display and Discharge of Display Fireworks.**

1. *Permissible purposes.* As a prerequisite to possess and use display fireworks, a person must hold a permit from the Borough. Any individual or entity seeking to display and discharge display fireworks must comply with all of the conditions contained in the permit application, as well as the provisions of this Part. The permit must be available at the display covered by the permit or available when used as authorized by the permit for any of the following:

A. For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage;

B. By railroads or other transportation agencies for signal purposes or illumination;

C. In quarrying or for blasting or other industrial use;

D. In the sale or use of blank cartridges for a show or theater;

E. For signal or ceremonial purposes in athletics or sports;

F. By military organizations or organizations composed of veterans of the armed forces of the United States.

2. *Permit conditions.*

A. Each display shall be handled by a competent operator; and

B. The fire department chief or other appropriate officer, as designated by Borough Council, must deem the character and location of each display, prior to being fired or discharged, not to be either hazardous to property or dangerous to any person; and

C. After permission is granted under this section, possession and use of display fireworks for display shall be lawful for that purpose only.

D. A permit shall not be transferrable.

3. *Age limitation.* A display fireworks permit may not be issued to a person under 21 years of age.

4. *Bond and/or insurance.* The Borough shall require a bond and/or certificate of insurance deemed adequate by it from the permittee in a sum not less than \$100,000.00 conditioned for the payment of all damages which may be caused to person or property by reason of the display and arising from an act of the permittee or an agent, an employee, or a subcontractor of the permittee.

(Ord. 1189, 9/17/2019)

#### **§10-505. Request for Extension of Permit for Display and Discharge of Display Fireworks.**

1. *Authorization.* If, because of unfavorable weather, the display for which a permit has been granted does not occur at the time authorized by the permit, the person to whom the permit was issued may within 24 hours apply for a request for extension to the Borough.

2. *Contents of request.* The request for extension shall state under oath that the display was not made, provide the reason that the display was not made and request a continuance of the permit for a date designated within the request, which shall be not later than one week after the date originally designated in the permit.

3. *Determination.* Upon receiving the request for extension, the Borough, if it believes that the facts stated within the request are true, shall extend the provisions of the permit to the date designated within the request, which shall be not later than one week after the date originally designated in the permit.

4. *Conditions.* The extension of time shall be granted without the payment of an additional fee and without requiring a bond other than the bond given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the display occurring at the extended date and in the same manner and to the same extent as if the display had occurred at the date originally designated in the permit.

(Ord. 1189, 9/17/2019)

#### **§10-506. Use of Consumer Fireworks.**

1. *Conditions.* A person who is at least 18 years of age and meets the requirements of this section may purchase, possess, and use consumer fireworks. A person under 18 years of age may intentionally ignite or discharge consumer fireworks only when under the direct supervision of a parent, guardian, or responsible adult acting in loco parentis.

2. *Prohibitions.* A person shall not intentionally ignite or discharge:

A. Consumer fireworks on public or private property without the express permission of the property owner.

B. Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.

C. Consumer fireworks or sparkling devices into or at a motor vehicle, building, or another person.

D. Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance, or another drug.

E. Consumer fireworks within 150 feet of an occupied structure.

F. Consumer fireworks at any and all times between January 2 and July 3 and July 5 and December 31.

G. Consumer fireworks between the hours of 1:00 a.m. and 11:59 p.m. on January 1.

H. Consumer fireworks between the hours of 12:00 a.m. (midnight) and 12:00 p.m. (noon) on July 4.

3. *Permitted.* A person is permitted to intentionally ignite or discharge:

A. Consumer fireworks between 12:00 a.m. (midnight) and 1:00 a.m. on January

1.

B. Consumer fireworks between 12:00 p.m. (noon) and 11:59 p.m. on July 4.

(*Ord. 1189, 9/17/2019*)

#### **§10-507. Use of Display Fireworks.**

1. No display fireworks shall be ignited without a permit issued by the Borough as per this Part.

2. No display fireworks shall be ignited within 300 feet of a facility that meets the requirements of Sections 2407 and 2410 (relating to permanent and temporary sales locations) of Pennsylvania Act 43 of 2017.

(*Ord. 1189, 9/17/2019*)

#### **§10-508. Penalties.**

1. A person using consumer fireworks in violation of the provisions of this Part commits a summary offense and, upon conviction, shall be punished by a fine of not less than \$100 and not more than \$1,000 for each violation or, alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction, plus costs for each such violation. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Part. Each provision of this Part which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Borough, Pennsylvania law, or Federal law. In default of payment of any fine, such person shall be subject to imprisonment for not more than 30 days.

2. A person using display fireworks in violation of the provisions of this Part commits a summary offense and, upon conviction, shall be punished by a fine of not less than \$600 and not more than \$1,000 for each violation or, alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction, plus costs for each such violation. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Part. Each provision of this Part which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Borough, Pennsylvania law, or Federal law. In default of payment of any fine, such person shall be subject to imprisonment for not more than 30 days.

3. Any person who or which violates or fails to comply with any other provision of this Part shall, upon conviction, be sentenced to pay a fine of not less than \$300 and not more than \$1,000 for each violation or, alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction, plus costs for each such violation. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Part. Each provision of this Part which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Borough, Pennsylvania law, or Federal law. In default of payment of any fine, such person shall be subject to imprisonment for not more than 30 days.



4. The improper storage, sale, or use of consumer or display fireworks may be prosecuted under state and/or federal regulations.

*(Ord. 1189, 9/17/2019)*

**§10-509. Removal, Storage, and Destruction.**

The Pennsylvania State Police or a Borough Police Officer may seize, remove, or cause to be removed at the expense of the owner all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored, or held in violation of this Part. The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks.

*(Ord. 1189, 9/17/2019)*

**§10-510. Equitable Relief.**

In addition to or in lieu of the penalties provided in Section 10-508 hereof, any violations of the provisions of this Part may be abated or enforced by proceedings seeking equitable relief against the violator.

*(Ord. 1189, 9/17/2019)*

