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PART 1

WEEDS AND VEGETATION NUISANCES

✓ **§10-101. Certain Vegetation a Nuisance.**

No person owning or occupying any property within the Borough of Prospect shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six 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 of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough. Provided, in the case of any tract of undeveloped land five acres or more in area, this Section shall not apply to grass, weeds or vegetation growing more than 150 feet from any public street of the Borough or more than 150 feet from any residence. Provided further, this Section shall not apply to any forested land.

(Ord. 91-2, 11/4/1991)

§10-102. Responsibility for Removing Vegetation Nuisances.

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, 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 such premises in violation of any provision of §10-101 hereof.

(Ord. 91-2, 11/4/1991)

§10-103. Notice to Remove or Trim; Abatement by Borough.

The Mayor, or any officer or employee of the Borough designated by him 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 whereon grass, weeds or other vegetation is growing or remaining in violation of any provision of this Part, directing and requiring that the owner or occupant remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Part, within eight days after issuance of the notice. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or vegetation, and the expenses of the work, together with any additional penalty authorized by the law, maybe collected by the Borough from such person, in the manner provided by law.

(Ord. 91-2, 11/4/1991)

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§10-104. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than \$25 and not exceeding \$1,000 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 91-2, 11/4/1991; as amended by A.O.)

PART 2

PRIVATE PROPERTY MAINTENANCE

§10-201. Short Title.

This Part shall be known and cited as the "Borough of Prospect Property Maintenance Ordinance."

(Ord. 91-2, 11/4/1991)

§10-202. Preface.

Recognizing the need within the Borough of Prospect 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. 91-2, 11/4/1991)

§10-203. Authority.

This Part, and the objectives leading to its enactment, are authorized by the Borough Code.

(Ord. 91-2, 11/4/1991)

§10-204. Definitions.

BUILDING — a roofed structure, enclosed by one 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 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.

LOT — plot, tract, promises or parcel of land, with or without improvements thereto.

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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 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 months.

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

(Ord. 91-2, 11/4/1991)

§10-205. Application.

The provisions of this Part shall supplement local laws, ordinances or regulations existing in the Borough of Prospect 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. 91-2, 11/4/1991)

§10-206. 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. 91-2, 11/4/1991)

✓ **§10-207. 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. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.
- 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.
- F. The planting or placing of trees, shrubs or other obstructions which would prevent persons driving vehicles on public streets from obtaining a clear view of traffic.

(Ord. 91-2, 11/4/1991)

§10-208. 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.

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Methods employed for extermination shall conform with generally accepted practices.

(Ord. 91-2, 11/4/1991)

§10-209. 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. 91-2, 11/4/1991)

§10-210. Business or Manufacturing Uses.

No person shall use any property or operate 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 discharged into the air, or 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.

(Ord. 91-2, 11/4/1991)

§10-211. 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. 91-2, 11/4/1991)

§10-212. 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 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. 91-2, 11/4/1991)

§10-213. Inspection.

The Borough Council may, or may cause, through an authorized representative of the Borough, enter onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough of Prospect 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 thereof.

(Ord. 91-2, 11/4/1991)

§10-214. 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 Mayor and Police 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 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. 91-2, 11/4/1991)

§10-215. 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

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conditions and collect the cost of such corrections plus 10% 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. 91-2, 11/4/1991)

§10-216. Hearing.

1. Any person aggrieved by the decision of the Mayor and Police may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 10 days after notice of the Mayor's and Police'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 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 Mayor and police.

(Ord. 91-2, 11/4/1991)

§10-217. 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, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 91-2, 11/4/1991; as amended by A.O.)

§10-218. Owners Severally Responsible.

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part.

(Ord. 91-2, 11/4/1991)

§10-219. 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. 91-2, 11/4/1991)