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PART 1

GRASS, WEEDS AND OTHER VEGETATION

§10-101. Vegetative Growth Restricted.

No person, firm or corporation owning or occupying any property within the Borough of Philipsburg shall permit any grass or weeds to grow or remain upon such premises so as to exceed a height of six inches or to throw off any noxious odor to conceal any filthy deposit. Any grass or weeds growing upon any premises in the Borough in violation of any of the provisions of this Part is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

(Ord. 417, 8/5/1958, §1; as amended by Ord. 888, 3/2/1981, §1; and by Ord. 964, 7/8/1996)

§10-102. Responsibility of Owner or Occupant.

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 thereof shall remove, trim or cut all grass or weeds growing or remaining upon such premises in violation of the provisions §10-101 of this Part.

(Ord. 417, 8/5/1958, §2; as amended by Ord. 964, 7/8/1996)

§10-103. Notice to Remove, Trim or Cut; Borough May Do Work and Collect Cost.

The Borough Council or any officer or employee of the Borough designated thereby 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 or weeds is growing or remaining in violation of §10-101 of this Part, directing and requiring such occupant to remove, trim or cut such grass or weeds so as to conform to the requirements of this Part, within five days after issuance of such notice. In case any person, firm or corporation 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 or weeds and the cost thereof, together with 10% of such cost may be collected by the Borough from such person, firm or corporation in the manner provided by law.

(Ord. 417, 8/5/1958, §3; as amended by Ord. 888, 3/2/1981, §1; and by Ord. 964, 7/8/1996)

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§10-104. Exceptions.

This Part shall not apply to vegetation which is generally considered edible or planted for some useful or ornamental purpose.

(Ord. 417, 8/5/1958; as added by Ord. 964, 7/8/1996)

§10-105. Obstructions to Visibility; Responsibility to Trim.

1. No person shall plant or maintain any vegetation at any location where such vegetation restricts visibility at intersections, sidewalks or driveways.
2. Every owner of property in the Borough of Philipsburg shall be required to keep the limbs, branches and foliage of all trees growing upon such property which are adjacent to a street, sidewalk or alley trimmed so that no part of such limbs or branches or of the foliage growing thereupon shall have a clearance of less than eight feet above the surface of the sidewalk or of less than 12 feet above the surface of the roadway of any street or alley below such branches.
3. Any cutting or trimming of vegetation within the right-of-way of a state highway shall require a vegetation management permit from PennDOT, and such work shall be performed in accordance with PennDOT regulations.¹

(Ord. 417, 8/5/1958; as added by Ord. 964, 7/8/1996; as amended by A.O.)

§10-106. Responsibility to Remove.

It shall be the responsibility of every property owner upon whose property a tree or trees are located to promptly remove any tree or portion thereof which is diseased or damaged to such an extent as to endanger persons or property because said tree or portion thereof is likely to fall or because said tree is likely to spread disease to other trees. When trees are removed for any reason no stumps shall be left which exceed six inches in height and all debris will be promptly removed.

(Ord. 417, 8/5/1958; as added by Ord. 964, 7/8/1996)

§10-107. Notice of Violation.

Any person found to be in violation of any provision of this Part shall receive written notice from the Borough which shall specify the time in which said violation must be corrected. Following expiration of such time limit, the Borough Council shall have the authority to cause the work required to be done by the Borough or under contract with

¹ Editor's Note: Copies of the permit application form and regulations are available from the Borough Secretary.

the Borough and the Borough shall collect the cost of such work, with an additional amount of 10% from such property owner in default.

(Ord. 417, 8/5/1958; as added by Ord. 964, 7/8/1996)

§10-108. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 417, 8/5/1958, §4; as amended by Ord. 888, 3/2/1981, §1; and by A.O.

PART 2

ENGINE BRAKES

§10-201. Short Title.

This Part shall be known as the "Philipsburg Borough Brake Ordinance."

(Ord. 937, 11/13/1989, §1)

§10-202. Operation of Engine Brakes Declared a Nuisance.

The Borough Council of Philipsburg, Centre County, Pennsylvania, finds as a fact that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake, adversely affects the public health, safety and welfare of the residents of the Borough of Philipsburg and therefore is a nuisance in fact.

(Ord. 937, 11/13/1989, §2)

§10-203. Engine Brakes Prohibited.

No gasoline or diesel powered motor vehicle shall be operated on the streets, roads, alleys or highways within the Borough of Philipsburg, Centre County, Pennsylvania, utilizing, in said operation, an engine brake, permitting excessive noise to be created by said motor vehicle.

(Ord. 937, 11/13/1989, §3)

§10-204. Use Permitted in Emergency Situations.

This Part shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of Philipsburg Borough, other motor vehicle operators, pedestrians and the operator and passengers of the motor vehicle involved in said emergency situation.

(Ord. 937, 11/13/1989, §4)

§10-205. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in

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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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 937, 11/13/1989, §5; as amended by A.O.

PART 3

NOISE

§10-301. Unnecessary or Excessive Noise to be Disorderly Conduct.

The creation, within the Borough of Philipsburg, of any unnecessary or excessive noise or of any noise of such character, intensity or duration as to be detrimental to the health or life of any individual or in the disturbance of the public peace and welfare or the aiding and abetting in the creation of any such noise or suffering or permitting any such noise to continue is hereby prohibited and shall constitute disorderly conduct. Two Borough officials will agree the noise has gone beyond a reasonable level.

(Ord. 987, 5/18/2000; as amended by A.O.)

§10-302. Enumeration of Unnecessary or Excessive Noises.

Prohibited noise, within the meaning of this Part, is hereby defined to include the following:

- A. For any person at any time to use a horn or other warning device otherwise than as a reasonable warning or to make any unnecessary or unreasonable loud or harsh sound by means of a horn or other warning device.
- B. The playing of any radio, television, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or any dwelling, hotel or other type of residence or of any person in the vicinity thereof. [A.O.]
- C. Yelling, shouting, hooting, whistling or singing on the public streets so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence or of any persons in the vicinity thereof.
- D. Permitting any animal, bird or fowl in one's possession or under one's control to make any frequent or long continued noise of such character or intensity as to disturb the comfort or repose of any person.
- E. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger.
- F. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highways in any residential district or section other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays, except in the case of urgent neces-

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sity in the interests of public health and safety and then only with a permit from the Zoning and Code Enforcement Officer, which permit may be granted for a period not to exceed 30 days which the emergency continues. If the Borough Council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10:00 p.m. and 7:00 a.m. and if they shall further determine that loss or inconvenience would result to any part in interest, they may grant permission for such work to be done between the hours of 10:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

- G. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in session, which unreasonably interferes with the working of sessions thereof and the making of any other noise so as to annoy the users and/or occupants of such places or buildings as are herein defined.
- H. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to the sale or display of merchandise of a commercial character.
- I. Refuse Compacting Vehicles. Operating of or permitting to be operated the compacting cycle of the motor vehicle which can compact refuse between the hours of 6:00 p.m. and 6:00 a.m. the following day in residential areas.
- J. Yelling, shouting or any other noise that creates a disturbance across property lines. [A.O.]

(Ord. 987, 5/18/2000; as amended by A.O.)

§10-303. Exceptions.

None of the terms or prohibitions hereof shall apply to or be enforced against:

- A. Any vehicle or personnel working for the Borough of Philipsburg or PennDOT while engaged upon necessary public business. [A.O.]
- B. Excavations or repairs to bridges, streets or highways by or on behalf of the Borough of Philipsburg or PennDOT during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the daytime. [A.O.]
- C. Parades with band music on holidays or by civil organizations or by the public schools or divisions of the public schools.

- D. School sport events which may or may not be accompanied by cheering and/or music.
- E. The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character.
- F. Fireworks exhibits held under permit by the Borough of Philipsburg.
- G. Activities such as athletic events, public address systems, concerts or municipal and utility services. [A.O.]

(Ord. 987, 5/18/2000; as amended by A.O.)

§10-304. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$150 nor 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; provided, however, if the district justice determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fine or costs in installments and over such periods of time as the district justice deems to be just. 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. Violations of this Part shall be enforced by police and/or ordinance officer, or by two Borough officials.

(Ord. 987, 5/18/2000; as amended by A.O.)

PART 4

MOTOR VEHICLE NUISANCES

§10-401. Definitions.

1. 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 Borough of Philipsburg.

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. 981, 3/8/1999, §1)

§10-402. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person, owner or lessee, who does not hold a valid Philipsburg Borough junkyard permit, to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough of Philipsburg. A motor vehicle nuisance shall include any motor vehicle maintained in violation of the Property Maintenance Code² or which is unable to move under its own power and has any of the following physical defects. (This Part shall not apply to persons who hold a valid Philipsburg Borough junkyard permit.):

- A. Broken windshields, mirrors or other glass, with sharp edges.

² Editor's Note: See Ch. 5, Code Enforcement, Part 3.

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- 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.
- 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 fire wall.
- 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 or unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Philipsburg.

(Ord. 981, 3/8/1999, §2; as amended by A.O

§10-403. Storage of Motor Vehicles.

1. A person, owner or lessee may store one motor vehicle per premises in the Borough of Philipsburg only in strict compliance with the regulations provided herein and the Property Maintenance Code.
2. The motor vehicle must be stored within a garage or other enclosed building or outside within an opaque fence at least six feet high which is locked at all times when unattended.
3. With the special approval of the Borough Council of the Borough of Philipsburg, a motor vehicle may also be stored outside in an area enclosed by a chain-link fence at least six feet 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 300 square feet.
4. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Philipsburg Borough Zoning Ordinance [Chapter 27].

(Ord. 981, 3/8/1999, §3; as amended by A.O

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

1. The police and/or ordinance 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 and the Property Maintenance Code. 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 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. 981, 3/8/1999, §4; as amended by A.O.

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§10-405. 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 Borough of Philipsburg shall have the authority to take measures to correct the conditions and collect the costs of such corrections plus 10% of all costs. The Borough of Philipsburg 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. 981, 3/8/1999, §5)

§10-406. Hearing.

1. Any person aggrieved by the decision of the police and/or ordinance officer may request and shall then be granted a hearing before the Borough Council of the Borough of Philipsburg; provided, he files with the Borough Council of the Borough of Philipsburg within 10 days after notice of the police and/or ordinance officer 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 of the Borough of Philipsburg shall sustain, modify or overrule the action of the police and/or ordinance officer.

(Ord. 981, 3/8/1999, §6; as amended by A.O.)

§10-407. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 981, 3/8/1999, §7; as amended by A.O.)

§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 of the Borough of Philipsburg.

(Ord. 981, 3/8/1999, §8)

PART 5

**STORAGE OF ABANDONED APPLIANCES, MACHINERY, EQUIPMENT
AND/OR CONSTRUCTION MATERIALS**

§10-501. Definitions.

1. 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 or repairs.

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 Borough of Philipsburg.

OWNER — the actual owner, agent or custodian of the property on which machinery, equipment or materials 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. 982, 3/8/1999, §1)

§10-502. Storage of Nuisances Prohibited.

It shall be unlawful for any person who does not hold a valid Philipsburg Borough junkyard permit to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment or construction materials in the open on private property. Such storage shall constitute a nuisance and/or health hazard if any of the following conditions exist: (This Part shall not apply to persons who hold a valid Philipsburg Borough junkyard permit.)

- A. Broken glass or metal parts with sharp or protruding edges.
- B. Containers which are conducive to the harboring and growth of vermin or animals.
- C. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt or fall from its original storage position.

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- D. Containers of any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons.
- E. Any other condition which shall threaten the health, safety or welfare of the citizens.
- F. Refrigerators with the doors remaining attached.

(Ord. 982, 3/8/1999, §2)

§10-503. Storage Requirements.

1. Storage of such items as listed in §10-502 hereof on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Philipsburg ordinances or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-502 shall apply for a permit for either temporary or permanent storage and pay a fee to the Philipsburg Borough pursuant to a resolution of the Borough Council of the Borough of Philipsburg. Such nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least 6 feet high which is locked at all times when unattended.
2. With the special approval of the Borough Council of the Borough of Philipsburg, nuisances may also be stored outside in an area enclosed by a chain link fence at least 6 feet 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, the appliances, machinery, equipment or construction materials shall be kept free of vermin infestation while being stored and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisances may not exceed 300 square feet.
3. Nothing herein shall be construed to permit the storage of appliances, machinery, equipment or material nuisances contrary to the provisions of the Philipsburg Borough Zoning Ordinance [Chapter 27].

(Ord. 982, 3/8/1999, §3)

§10-504. Inspection of Premises; Notice to Comply.

1. The police and/or ordinance officer is hereby empowered to inspect private property on which appliances, machinery, equipment and/or various construction materials 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 danger 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. [A.O.]

2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition set forth in the notice 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. 982, 3/8/1999, §4; as amended by A.O.)

§10-505. Authority to Remedy Noncompliance.

If the owner of property on which appliances, machinery, equipment and/or construction materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Philipsburg Borough shall have the authority to take measures to correct the conditions and collect the costs of such corrections plus 10% of all costs. The Philipsburg 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. 982, 3/8/1999, §5)

§10-506. Hearing.

1. Any person aggrieved by the decision of the police and/or ordinance officer may request and shall then be granted a hearing before the Borough Council of the Borough of Philipsburg; provided, he files with the Borough Council of the Borough of Philipsburg within 10 days after notice of the police and/or ordinance 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 30 days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing, the Borough Council of the Borough of Philipsburg shall sustain, modify or overrule the action of the police and/or ordinance officer.

(Ord. 982, 3/8/1999, §6; as amended by A.O.)

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§10-507. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 982, 3/8/1999, §7; a amended by A.O.

§10-508. 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 of the Borough of Philipsburg.

(Ord. 982, 3/8/1999, §8)