

CHAPTER 10

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PART 1
PROPERTY MAINTENANCE

§10-101. Short Title.

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

(Ord. 590, 3/14/2005, §1)

§10-102. 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 ordinance hereby establishes standards which the Borough Council considers to be fair and essential in meeting those minimum requirements.

(Ord. 590, 3/14/2005, §1)

§10-103. Authority.

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

(Ord. 590, 3/14/2005, §1)

§10-104. 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, tracts, premises 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 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 6 months.

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

(Ord. 590, 3/14/2005, §1)

§10-105. 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 ordinance is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establishes the higher standard shall prevail.

(Ord. 590, 3/14/2005, §1)

§10-106. 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. 590, 3/14/2005, §1)

§10-107. 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 or 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.

(Ord. 590, 3/14/2005, §1)

§10-108. 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. 590, 3/14/2005, §1)

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§10-109. 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 system 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. 590, 3/14/2005, §1)

§10-110. 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. 590, 3/14/2005, §1)

§10-111. Responsibilities of Owners.

1. Owner 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 ordinance, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this ordinance.

(Ord. 590, 3/14/2005, §1)

§10-112. 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 necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereof.

(Ord. 590, 3/14/2005, §1)

§10-113. 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 [Enforcement Officer] 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. 590, 3/14/2005, §1)

§10-114. 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 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. 590, 3/14/2005, §1)

§10-115. Hearing.

1. Any person aggrieved by the decision of the [Enforcement Officer/Inspector] 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 [Enforcement Officer's/Inspector's] decision, a written petition requesting such hearing and set-

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ting 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 [Enforcement Officer/Inspector].

(Ord. 590, 3/14/2005, §1)

§10-116. 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. 590, 3/14/2005, §1)

§10-117. 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. 590, 3/14/2005, §1)

PART 2

HEIGHT OF VEGETATION

§10-201. Vegetative Growth a Nuisance Under Certain Conditions.

1. No person, firm or corporation, owning or occupying any property within the Borough 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 12 inches; nor shall any noxious weeds prohibited by the Noxious Weed Control Law (3 P.S. §255.8) or by regulations of the Department of Agriculture be permitted to grow within the Borough including:
 - A. Marijuana.
 - B. Chicory, succory or blue daisy.
 - C. Canadian thistle.
 - D. Multiflora rose.
 - E. Johnson grass.
 - F. Musk thistle.
 - G. Bull thistle.
 - H. Jimson weed.
 - I. Mile-a-minute.
 - J. Kudzuvine.
 - K. Shattercane.
2. 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.

(Ord. 590, 3/14/2005, §1)

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§10-202. Responsibility for Removing, Cutting or Trimming.

The owner of any premises, or the occupant 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 the provisions of §10-201.

(Ord. 590, 3/14/2005, §1)

§10-203. Notice to Remove, Trim or Cut; Borough May Do Work and Collect Cost and Additional Amount.

The Borough Council, or any officer or employee of the Borough designated thereby for this 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 the provisions of §1 of this ordinance, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this ordinance, within 5 days after issuance of such notice. Whenever, in the judgment of the Code Enforcement Officer it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Borough Council or any officer or employee of the Borough designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 5 days. 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 Council may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof shall be collected by the Borough from such person, firm or corporation, in the manner provided by law.

(Ord. 590, 3/14/2005, §1)

§10-204. Penalties for Violation.

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. 590, 3/14/2005, §1)

PART 3

PROHIBITED SECURITY DEVICES

§10-301. Prohibited Design of Certain Security Devices.

Metal gates, including open link and cross-link metal gates, solid shutters, solid roll-down security grates or similar devices which either partially impair or block access and visibility to the front face of the buildings or structures used for commercial purposes in the Borough of Rockledge shall be prohibited.

(Ord. 521, 7/8/1996, §1)

§10-302. Compliance with this Part

Any security device referred to in §10-301 of this Part, which was lawfully installed prior to the effective date of this Part and not in conformance with the provisions of this Part, shall not be altered or repaired in any substantial manner, unless said alterations or repairs comply with the design specifications of this Part. Those previously existing security devices which are solid shutters shall be painted in a single solid color, shall be maintained graffiti free at all times and shall not be used for any advertising purposes.

(Ord. 521, 7/8/1996, §2; as amended by A.O.)

§10-303. 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. 521, 7/8/1996, §3)