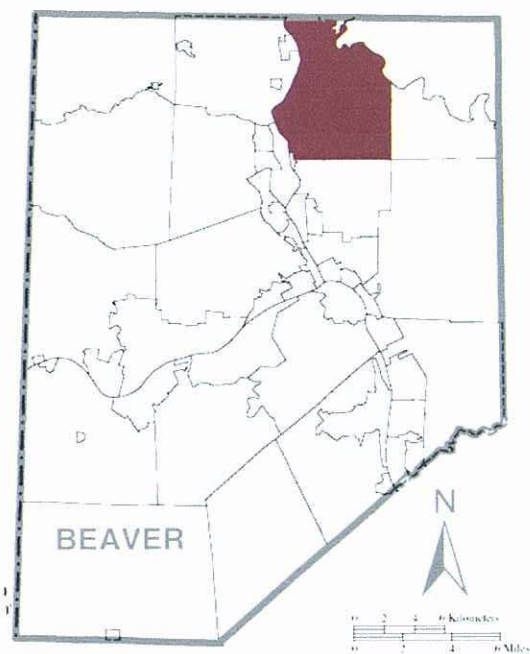


# North Sewickley Township Beaver County, PA

## Chapter 10 Health and Safety



### CODIFICATION OF ORDINANCES

## CHAPTER 10

### HEALTH AND SAFETY

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## CHAPTER 10 HEALTH AND SAFETY

**History:** Ordinance No. 72, November 12, 1991; and Ordinance No. 118, June 13, 2006.

<i>Vector Control</i>	<i>Excessive Growth of Weeds or Grass</i>
§10-101 Short Title	§10-201 Definitions
§10-102 Definitions	§10-202 Prohibition Against Excessive Growth of Weeds or Grass
§10-103 Prohibited Acts	§10-203 Mowing in Nonresidential Areas
§10-104 Responsibilities of Owners and Occupants	§10-204 Exceptions
§10-105 Vector Proofing	§10-205 Procedures
§10-106 Plans and Specifications for Private Vector Control Programs	§10-206 Enforcement
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### PART 1 Vector Control

#### §10-101 SHORT TITLE

This Chapter shall be known as the "Vector Control Ordinance."

#### §10-102 DEFINITIONS

- A. ACCESSORY STRUCTURE: A detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.
- B. BREEDING AREA: Any condition which provides the necessary environment for the birth or hatching of vectors.
- C. COLLECTION OF WATER: Any condition of standing or running water that facilitates the breeding of vectors.
- D. DILAPIDATED: Fallen into partial ruin or decay.
- E. DISPOSAL: The storage, collection, disposal or handling of refuse.
- F. EXTERMINATION: The control and elimination of vectors by:
  - (1) Eliminating their harborage places;
  - (2) Removing or making inaccessible materials that may serve as their food; and
  - (3) Any recognized and legal vector control elimination methods approved by the local or Commonwealth authority.
- G. GARBAGE: All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.
- H. HARBORAGE: Any place where vectors can live, nest or seek shelter.



- I. OCCUPANT: Any persons over one (1) year of age living, sleeping, cooking or eating in, or actually having possession of, a dwelling unit or a rooming unit; except that in dwelling units, a guest will not be considered an occupant.
- J. OWNER: The person who, along or jointly or severally with others:
  - (1) Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying possession thereof; or
  - (2) Shall have charge, care or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- K. REFUSE: All solid wastes, except body wastes, and shall include garbage, ashes and rubbish.
- L. RUBBISH: Glass, metal, paper, plant growth, wood or non-putrescible solid wastes.
- M. VECTOR: A rodent, arthropod or insect capable of transmitting a disease or infection. Vectors shall include, but not be limited to, rats, mice, mosquitoes, cockroaches, flies, ticks, etc.
- N. VECTOR-PROOFING: A form of construction to prevent the ingress or egress of vectors to or from a given space or building or gaining access to food, water or harborage. This term shall include, but not be limited to, rat proofing, fly proofing, mosquito proofing, etc.

#### **§10-103 PROHIBITED ACTS**

- A. It shall be unlawful for any person, firm, or corporation to deposit any refuse, offal, pomace, dead animals, decaying matter, or organic substance of any kind in or upon any private lot, building, structure, accessory structure, premises, or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter, or into any of the waters of the Commonwealth so that same shall or may afford food, harborage, or breeding areas for rats, flies or other vectors.
- B. Except in areas of construction it shall be unlawful for any person, firm, or corporation to deposit or permit to accumulate in or upon any premise, improved or vacant, or on any open lot or alley, any lumber, boxes, barrels, building materials, bottles, cans, glass, scrap iron, wire, pipe, broken crockery, broken plaster, metal articles, broken stone or cement, or rubbish of any kind, unless the same may be kept in approved covered receptacles or placed on open racks that are elevated not less than eighteen inches (18") above the ground and evenly piled or stacked, or disposed of as may be approved by the Department of Environmental Protection.
- C. In areas of construction, reasonable care must be taken by the owner and/or building to prevent the buildup of debris and to maintain the premises in an orderly manner.
- D. It shall be unlawful to store refuse in containers other than those which shall be made of durable, watertight, rust resistant material having a tight-fitting lid which must be kept on the container when in use. These containers must be kept clean by thorough rinsing and draining as often as necessary so as not to provide food or breeding areas for flies.
- E. It shall be unlawful to dump, bury, destroy, or otherwise dispose of refuse except at an approved refuse disposal site.
- F. It shall be unlawful to have, keep, maintain, cause or permit any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as effectually to prevent such breeding.



**§10-104 RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

- A. Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- B. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.
- C. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rodents, on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infected. Notwithstanding, the foregoing provisions of this Part, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

**§10-105 VECTOR PROOFING**

- A. Any dwelling, building, structure, accessory structure, premise or any other place may be required to be vector proofed when found to be providing harborage or breeding areas for rats, flies, mosquitoes, or any other vectors.
- B. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber, or any other person to remove and fail to restore in like condition the vector proofing from any building, structure, or accessory structure for any purpose.

**§10-106 PLANS AND SPECIFICATIONS FOR PRIVATE VECTOR CONTROL PROGRAMS**

The Township of North Sewickley may require the owner, agent, or occupant of any property to submit a plan within a specified time limit to abate any violations of this Chapter. Upon review of such a plan, the authorized agent of the Township shall decide if the plan is adequate and, if so, set a time limit for carrying out its provisions.

**§10-107 AUTHORITY TO ABATE VECTOR PROBLEMS**

- A. Any authorized representative of the Township of North Sewickley is empowered to inspect any property within the Township to determine compliance with this Chapter.
- B. In the event of violations of this Chapter, a notice shall be issued to the responsible person or persons setting forth the alleged violations and establishing a time limit for their correction.
- C. Whenever those violations fail to be corrected within the time set forth, and an extension of this time is not deemed to be necessary, the Township may proceed to abate the violations in the manner provided by law.

**§10-108 PENALTY**

Any person, firm, or corporation who or which violates any provision or provisions of this Chapter shall, upon conviction before a district justice, be sentenced to pay a fine not exceeding one hundred dollars (\$100.00) plus costs of prosecution. Each day's violation shall constitute a separate offense. In default of the payment of such fine and costs, said person shall undergo imprisonment in the county jail for a period not to exceed thirty (30) days.



## Part 2

### Excessive Growth of Weeds or Grass

#### §10-201 DEFINITIONS

The following terms have the meanings set forth herein when used in this Ordinance:

- A. **EXCESSIVE GROWTH OF WEEDS OR GRASS:** Permitting any grass or weeds or any other vegetation whatsoever to grow on any property subject to this Chapter to a height greater than six inches (6") above the ground or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen.
- B. **RESIDENTIAL AREAS:** Any area of North Sewickley Township that does not constitute farmland or forestland as defined in the Pennsylvania Preference of Assessment Act or is within two hundred feet (200') of any building or structure available for use for human habitation.

#### §10-202 PROHIBITION AGAINST EXCESSIVE GROWTH OF WEEDS OR GRASS

Following the enactment of this Chapter, no property owner or resident of North Sewickley Township shall permit the excessive growth of weeds or grass on their property within residential areas of North Sewickley Township as defined herein. The excessive growth of weeds within residential areas of North Sewickley Township, as defined herein, is found to be a nuisance and detrimental to the health, safety and welfare of the residents of North Sewickley Township, and also to constitute a fire hazard within North Sewickley Township.

#### §10-203 MOWING IN NONRESIDENTIAL AREAS

- A. The owner of every tract or parcel of real property located within the Township not classified as residential areas as hereinabove defined shall mow his or her property at least twice each calendar year as follows:
  - (1) Once between May 1<sup>st</sup> and June 10<sup>th</sup>.
  - (2) Once between July 1<sup>st</sup> and September 30<sup>th</sup>.
- B. Provisions of this Part shall not apply to the following:
  - (1) Trees, whether coniferous or deciduous, shrubs, flower beds or gardens, vegetables and vegetable gardens, wild flower gardens, wetlands, woodlands and forested areas, areas within ten feet (10') of a stream or pond, and land actively cultivated in crop production or engaged in farming or animal husbandry.

#### §10-204 EXCEPTIONS

Nothing herein contained, however, shall require the cutting of grass or weeds, or other vegetation growing in areas which customarily and historically have contained brush and dense foliage or which remain undeveloped and are not within two hundred feet (200') of any building or structure available for use for human habitation. Nor shall any such grass, weeds or other vegetation be required to be cut or maintained when such cutting or maintaining would impose a hardship or safety concern on the property owner because of the presence of extreme slope grades, crevices or the existence of areas which are unable to be reasonably cleared.

#### §10-205 PROCEDURES

The North Sewickley Board of Supervisors, or any person acting on their behalf, shall notify any property owner or resident within a residential area of North Sewickley Township of the excessive growth of weeds or grass on their property. Said notice shall afford the property owner five (5) days to remove said excessive growth. Said written notice shall be sent by First Class Mail and Certified Mail to the property

owner's last known address. Failure of the property owner to remove the excessive growth of weeds or grass from owner's property within the said five (5) day period shall result in an imposition of penalties as follows:

- A. First offense: \$25.00
- B. Second offense: \$50.00
- C. Third offense: \$100.00

Each day that said prohibited growth of weeds or grass is permitted shall be considered a separate offense.

In the event that the Township cannot effect service upon any property owner as hereinabove provided due to no known accurate address of the owner or the owner's refusal to accept such notice, the Township may post said notice on the premises where the violation exists for a five (5) day period of time, which shall be deemed to have the same effect as the owner having received personal service or service by mail as above provided.

### **§10-206 ENFORCEMENT**

Upon the failure of said property owner or resident to remove the excessive growth of weeds or grass within the time allowed by the notice, the Township shall have the right, but not the duty, to come onto the premises and remove the excessive growth of weeds by appropriate methods. Thereafter, the Township shall notify the property owner or resident of the cost of said removal by First Class Mail and demand payment to the Township within thirty (30) days after the date of said notice. Upon the failure of the Township resident or property owner to pay the costs over to the Township, the Board of Supervisors shall cause a Municipal Claim to be filed against the subject premises.