

CHAPTER 10

HEALTH AND SAFETY

PART 1

DEBRIS

- §10-101. Debris Prohibited on Public Property
- §10-102. Debris Restricted on Private Property
- §10-103. Definitions
- §10-104. Exception for Construction Materials
- §10-105. Exception for Antique Motor Vehicles
- §10-106. Notice of and Penalty for Violation
- §10-107. Failure to Comply with Notice

PART 2

VEGETATIVE GROWTH

- §10-201. Vegetative Growth Restricted
- §10-202. Responsibility for Cutting or Removal
- §10-203. Notice of Violation; Borough May Do Work and Collect Cost Plus Additional Amount
- §10-204. Penalty for Violation

PART 3

OFFENSIVE MATERIALS

- §10-301. Storage and Disposal of Offensive Materials Restricted
- §10-302. Violation Constitutes Nuisance; Borough May Abate Nuisance and Collect Cost
- §10-303. Penalty for Violation

PART 4

NUISANCES

- §10-401. Definitions
- §10-402. Unlawful to Permit Nuisance
- §10-403. Abatement of Nuisance; Council to Collect Costs
- §10-404. Penalty for Violation
- §10-405. Other Legal Proceedings

PART 1

DEBRIS

§10-101. Debris Prohibited on Public Property.

It shall be unlawful for any person, firm or corporation to place, throw, pile or stack or cause to be placed, thrown, piled or stacked upon any public street or alley or upon any other public property in the Borough of Millersburg (the "Borough"), Dauphin County, Pennsylvania, any earth, brick, stone, wood, lumber, glass, tin, crockery ware, paper, garbage, tree or vegetation prunings, ashes, or rubbish or debris of any nature whatsoever.

(Ord. 2-1979, 5/10/1979, §1)

§10-102. Debris Prohibited on Private Property.

It shall be unlawful for any person, firm or corporation to place, throw, pile or stack, or cause to be placed, thrown, piled or stacked upon any private property in the Borough, any earth, brick, stone, wood, lumber, glass, tin, crockery ware, paper, garbage, tree or vegetation prunings, ashes or rubbish or to store abandoned or junked vehicles or debris of any nature whenever the same shall create an unsightly appearance and/or create a health hazard.

(Ord. 2-1979, 5/10/1979, §2)

§10-103. Definitions.

ABANDONED VEHICLES –

A. A vehicle (other than a pedalcycle):

- (1) That is inoperable and is left unattended on public property for more than 48 hours.
- (2) That has remained illegally on public property for a period of more than 48 hours.
- (3) Without a valid registration plate or certificate of inspection or title, left unattended on or along a highway or public street.
- (4) That has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

HEALTH AND SAFETY

- (5) That has remained on private property with consent of the owner or person in control of the property for more than 30 days without a valid registration plate and valid certificate of inspection.
- B. Vehicles and equipment used or to be used in construction or on the operation or maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned, when having affixed thereto a valid registration plate and certificate of inspection.

ANTIQUUE MOTOR VEHICLES — a motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications, and having thereon a valid registration plate and certificate of inspection.

CLASSIC MOTOR VEHICLE — a self-propelled vehicle, but not a reproduction thereof, manufactured more than 10 years prior to the current year and because of discontinued production and limited availability, determined by the department to be a model or make a significant value to the collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance, and having thereon a valid registration plate and certificate of inspection.

JUNKED VEHICLE — any vehicle which is without a currently valid registration plate and certificate of inspection and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition.

VEHICLE — every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

(Ord. 2-1979, 5/10/1979, §3)

§10-104. Exception for Construction Materials.

Nothing contained herein shall be understood to prevent the unloading or placing upon streets, alleys or private property of any articles or materials necessary in the erection or repair of any building or other work actually under construction, if the same shall be removed within 10 days after completion of the work, nor shall this Part prohibit the placing upon said streets, alleys or other property of an coal or materials delivered for private use of the property occupant, or the occupant of adjacent property, provided the same be removed within 24 hours.

(Ord. 2-1979, 5/10/1979, §4)

§10-105. Exception for Antique Motor Vehicles.

It shall not be a violation of this Part to store an antique and/or classic motor vehicle on private property as these terms are defined in this Part.

(Ord. 2-1979, 5/10/1979, §5)

§10-106. Notice of and Penalty for Violation.

The violator shall be notified by certified mail of violation and shall have 48 hours in which to comply with this Part. Any person, firm or corporation who, after receiving notice of violation, does not comply with this Part shall, upon conviction thereof be sentenced to a fine of not less than \$25 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. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 2-1979, 5/10/1979, §7; as amended by Ord. 1-2000, 9/14/2000; and by A.O.

§10-107. Failure to Comply with Notice.

If the violator fails, neglects or refuses to abate the nuisance within 48 hours, the Borough shall have the authority to enter the property of the violator. The Borough shall be entitled to collect the cost and expenses of the abatement or removal from the person who created, continued or maintained the nuisance. An additional 10% may be added to the costs and expenses collected as well as any additional penalty imposed under §10-106. In the event the violator does not pay the costs and expenses of the abatement as provided herein, the Borough is authorized to file a municipal lien against the affected real estate for such amount, which such lien shall be a lien in rem.

(Ord. 2-1979, 5/10/1979; as added by Ord. 1-2000, 9/14/2000)

PART 2

VEGETATIVE GROWTH

§10-201. Vegetative Growth Restricted.

No person, firm or corporation, owning or occupying any property adjacent to a tenanted lot 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 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.

(Ord. 8-1959, 9/10/1959, §1)

§10-202. Responsibility for Cutting or Removal.

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, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the §10-201.

(Ord. 8-1959, 9/10/1959, §2)

§10-203. Notice of Violation; Borough May Do Work and Collect Cost Plus Additional Amount.

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, weeds or other vegetation is growing or remaining in violation of the provisions of §10-201, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation, 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, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Borough from such person, firm or corporation, in the manner provided by law.

(Ord. 8-1959, 9/10/1959, §3)

HEALTH AND SAFETY

§10-204. Penalty for Violation.

Any person, firm or corporation who or which shall violate or fail, neglect or refuse to comply with any of the provisions 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 shall constitute a separate offense.

(Ord. 8-1959, 9/10/1959, §4; as amended by A.O.)

PART 3

OFFENSIVE MATERIALS

§10-301. Storage and Disposal of Offensive Materials Restricted.

It shall be unlawful for any person to keep or suffer to remain on his or her premises, or on any private property, any carcass, garbage, offal, putrid meat, nauseous liquids or other offensive or unwholesome matter, or cast the same upon any vacant lot, or upon any lot, or piece of ground belonging to this Borough, or on any highway, street or alley, or upon the shores or margins of any of the streams within this Borough, or so near the limits thereof as to annoy and be offensive.

(Ord. 3-1972, 3/9/1972, §1)

§10-302. Violation Constitutes Nuisance; Borough May Abate Nuisance and Collect Cost.

Any violation of this §10-302 is hereby declared to be a public nuisance, and the person violating the same, in addition to paying the fine and costs imposed, shall pay the costs of removing the same by the Borough.

(Ord. 3-1972, 3/9/1972, §2)

§10-303. Penalty 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 shall constitute a separate offense.

(Ord. 3-1972, 3/9/1972, §3; as amended by A.O.)

PART 4

NUISANCES

§10-401. Definitions.

NUISANCES — any use of property, real or personal, within the Borough, or any condition upon property with the Borough that, other than infrequently, causes or results in:

- A. Annoyance or discomfort to persons beyond the boundaries of that property.
- B. Interference with 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 interfere 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 same shall emanate.
 - (2) Loud playing of radios, stereos and other sound devices within a vehicle so as to be heard from outside of the vehicle.
 - (3) Keeping or harboring any dog, cat or other animal or fowl which, by frequent howling or barking or other noise or odor shall annoy or disturb the neighborhood or a number of persons. Keeping or harboring any dog which is allowed to periodically run loose and has bitten at least two persons.
 - (4) 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) Buildings or structures damaged or partially destroyed or in a state of disrepair or danger.

HEALTH AND SAFETY

- (e) Dangerous placement or storage of vehicles, materials or equipment.
 - (f) Lakes, ponds or swimming pools not properly safeguarded.
 - (g) Stagnant water in pools in which mosquitos, flies or other insects may multiply, including, but not limited to, open containers, discarded tires, sewage lagoons, ditches, roof gutters, wheelbarrows, bird baths, ornamental pools, swimming pools.
- (5) 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
 - (6) Creating or maintaining 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.

PERSON — shall mean and include any natural person, partnership, association, firm or corporation.

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. 1-1982, 6/10/1982, §1; as amended by Ord. 5-2000, 9/4/2000)

§10-402. Unlawful to Permit 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. 1-1982, 6/10/1982, §2)

§10-403. Abatement of Nuisance; Council to Collect Costs.

Any person who creates, continues, causes, maintains or permits 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 that person fails, neglects or refuses 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 the authority to enter upon the property of the person in default. Thereupon, Council shall collect the cost and expenses of the abatement or removal from the person who created, continued, caused or maintained the nuisance and/or permitted it to exist, that person having failed, neglected or refused to remove or abate the nuisance, with an additional amount of 10%, in the manner provided for the collection of municipal claims, or by an

action in assumpsit. Provided, the cost and expense may be in addition to any penalty imposed under §10-404.

(Ord. 1-1982, 6/10/1982, §3)

§10-404. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to a fine of not less than \$100 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. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1-1982, 6/10/1982, §1; as amended by A.O.)

§10-405. Other Legal Proceedings.

This Part shall not be construed to be the sole means for abatement of nuisances 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. 1-1982, 6/10/1982, §5)