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HEALTH AND SAFETY

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Part 1

Insect and Rodent Control

§101. Definitions and Terms.

1. Eradication shall mean the elimination of rodents or insects and other pest life from any building, lot or premises through the use of traps, baiting, fumigation, or any other method of extermination approved by the Board of Health and subject to applicable laws relating to poisonous substances and fumigants.
2. Harborage shall mean any condition which provides shelter or protection for rodents, insects, or other pest life.
3. Person in control shall mean the owner or part owner of a building, lot or premises, whether an individual, partnership or corporation, the agent or occupant of a building, lot or premises, or any person who has the use or custody of the same, or any part thereof, whether an individual, partnership or corporation.
4. Rat-proofing shall mean the treatment or shielding, with material impervious to rodent gnawing, of all actual or potential openings in the exterior and interior walls, ground or first floors, roofs, foundations, basements, sidewalk gratings and other places that may be reached by rodents from the ground or by climbing or burrowing.
5. Board of Health shall mean the Board of Health of Fountain Hill or any officer or authorized representative thereof.

(Ordinance 303, April 3, 1972, §1)

§102. Elimination of Harborages.

1. All buildings, lots or premises within the corporate limits of Fountain Hill, shall be kept free from any condition conducive to rodent, insect and other pest life. The person in control shall not allow the accumulation of automobiles or trucks without current license plates or a current inspection sticker, garbage, refuse, or any material which may afford harborage or provide food for rodents, insects, or other pest life.
2. Whenever conditions inside or under unoccupied buildings provide extensive harborage for rats the Health Officer is empowered, if said conditions are not corrected in a period of 60 days after written notification to the owner, to institute condemnation and demolition proceedings. The cost of such proceedings is to be borne by the owner.

(Ordinance 303, April 3, 1972, §2)

§103. Prohibiting Conditions Conducive to Rodent, Insect, or Pest Life.

1. No person in control shall feed wild birds other than in a suitable, properly shielded container for the food, installed in such a manner as to be inaccessible to rodents and to prevent the scattering of food on the ground.
2. No person shall place food in the open for feeding any animal except in a container which will prevent the scattering of food upon the ground. Unconsumed food shall not be allowed to remain where it is accessible to rodents, insects, or other pest life.
3. When the Health Officer notifies the occupant or occupants of a building in writing that there is evidence of rat infestation on the premises, the said occupant or occupants shall immediately institute rat-eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises is declared by the Health Officer to be free of rat infestation. Unless said measures are undertaken within five days after receipt of notice, it shall be construed as a violation of the provisions of this ordinance and the occupant shall be held responsible thereof.

(Ordinance 303, April 3, 1972, §3; as amended by Ordinance 348, January 4, 1982)

§104. Eradication Measures.

1. When any building, lot or premises is subject to infestation by rodents, insects, or other pest life, the person in control shall apply continuous or repeated eradication measures, as required by the Board of Health, until there is no evidence of infestation remaining.
2. No building shall be demolished until the Board of Health certifies the Person in Control that the building and premises are free from the infestation of rodents, insects, or other pest life.

(Ordinance 303, April 3, 1972, §4)

§105. Rodent Proofing.

1. Whenever conditions inside, outside, or under a building, or on any lot or premises, provide harborage for rodents, the Board of Health may require any one, or more buildings to be rodent-proofed.
2. The person in control of a building or premises required to be rodent-proofed shall maintain the rodent-proofing in good repair. No person shall injure the rodent-proofing. When the rodent-proofing is injured, in making alterations, installa-

tions, additions, or repairs to the building, the person in control shall restore the rodent-proofing in good condition.

(Ordinance 303, April 3, 1972, §5)

§106. Violations and Penalties.

Any person in control who shall violate any provision or provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$300 and costs or imprisonment of not more than one day for each \$10 of unpaid balance of fine and costs. Each day's violation shall constitute a separate offense. (Ordinance 303, April 3, 1972, §6; as amended by Ordinance 348, January 4, 1982)

§107. Effective Date.

This ordinance shall take effect immediately upon its passage, the matter being one of urgency and necessity and the public welfare requiring it. (Ordinance 303, April 3, 1972, §8)

Part 2

Nuisances on Private Property

§201. Definition of “Nuisance.”

For the purpose of this ordinance the term nuisance is defined to mean any condition or use of premises, land, or buildings which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or scattering over the premises of any of the following:

1. lumber, junk, trash, or debris;
2. abandoned, discarded, or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers;
3. clean fill in an amount which significantly alters the face of the land, or which changes, the environment of a neighborhood in such a manner as to create or exacerbate problems of steep slopes, runoff of water, or other serious environmental hazard.
4. Junked and/or abandoned vehicles which include any vehicle presenting a hazard or danger to the public by virtue of its state or condition of disrepair including, but not limited to, the following:
 - A. Rusted and/or jagged metal on or protruding from the body of the vehicle.
 - B. Broken glass or windows on or in the vehicle.
 - C. Leaking of any fluids from the vehicle.
 - D. Unsecured and/or unlocked doors, hood or trunk.
 - E. Storage or placement of the vehicle in an unbalanced condition, such as on concrete blocks.
 - F. Harboring of rodents, insects or pests, or sheltering of cats, raccoons or other wild animals.

The foregoing examples are not exclusive of all conditions which may constitute a state or condition of disrepair.

[Ord. 553]

(Ordinance 320, November 3, 1975, §1; as amended by Ordinance 553, June 5, 1995)

§202. Responsibility for Maintaining Nuisance-Free Private Property.

No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. Persons owning, or having charge of property shall be responsible for seeing that others do not deposit or scatter debris or other materials on their property which may create a nuisance. (Ordinance 320, November 3, 1975, §2)

§203. Enforcement.

Any person violating the provisions of this ordinance shall, upon conviction thereof before any District Justice be liable to a fine not more than \$300 or imprisonment in the County Jail for a period of not more than one day for each \$10 of unpaid balance of fine and costs, at the discretion of the court. (Ordinance 320, November 3, 1975, §3; as amended by Ordinance 348, January 4, 1982)

Part 3

Weeds

§301. Nuisance Declared.

Any weeds such as jimson, burdock, ragweed, thistle, cockelbur, or other weeds of a like kind, found growing on any lot or tract of land in the Borough are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds grow or remain in any such place. (Ordinance 322, November 1, 1976, §1)

§302. Violation.

It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding six inches anywhere in the Borough; any such grass, plants, or weeds exceeding such height are hereby declared to be a nuisance. (Ordinance 322, November 1, 1976, §2)

§303. Duty of Health Officer.

It shall be the duty of the Health Officer or acting Health Officer to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds, grass, or plants are permitted to grow in violation of the provisions of this ordinance and to demand the abatement of the nuisance within 72 hours. Service may be made personally upon the owner or occupant of the premises or by certified mail, directed to either of said parties. (Ordinance 322, November 1, 1976, §3)

§304. Abatement.

If the person so served does not abate the nuisance within 72 hours, the Borough may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant. (Ordinance 322, November 1, 1976, §4)

§305. Charges.

Charges for such removal shall be a lien upon the premises and whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the said sum shall be collected by lien, by action in assumpsit or by any other manner which may be provided by law. (Ordinance 322, November 1, 1976, §5)

Part 4

Administration and Enforcement

§401. Board of Health Established.

A Board of Health is hereby established in and for the Borough of Fountain Hill, in accordance with the provisions of 1966, Feb. 1, P.L. (1965) 1656, No. 581, §3101. The Board of Health shall have general supervision over sanitary conditions in the Borough, shall be constituted as provided in the law, and shall perform all the duties and may exercise all the powers vested by law in boards of health in boroughs. Provided: the Board of Health in office at the time of adoption of this ordinance shall constitute the Board of Health as established hereby and nothing herein shall affect or change the tenure of any member of the present board of Health. (Ordinance 348, January 4, 1982)

§402. Administration and Enforcement.

The Board of Health may appoint a Borough Health Officer to serve for such a term as it by resolution shall direct, and to be compensated in such amount as may be authorized by Borough Council.

It shall be the duty of the health officer to attend all stated and special meetings of the Board of Health and at all times be ready and available for the prompt performance of his official duties. He shall perform such duties as are vested in local health officers by state laws and regulations and by Borough ordinances. He shall make sanitary inspections and shall execute the orders of the Board of Health and shall, in the performance of his duties, have the power and authority of a Borough Police Officer.

(Ordinance 348, January 4, 1982)

§403. Penalties.

Any person, firm or corporation who or which shall either: (a) violate any provision of any lawfully adopted rule or regulation of the Board of Health for which no specific penalty is provided therein; (b) fail to obey or comply with any lawful order of the Board of Health or Health Officer; or, (c) after due and proper notice, fail to abate any nuisance within the time limit prescribed by the Board of Health or Health Officer, shall, upon conviction thereof before a District Justice, be sentenced to a fine of not more than \$300 or to imprisonment not to exceed 30 days. Provided: any fine or penalty and costs imposed under the provisions of this section may be in addition to the cost of abatement or removal of any nuisance and any amount that may be lawfully added in the collection thereof. (Ordinance 348, January 4, 1982)

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§404. Enforcement and Prosecution.

All ordinances of the Borough of Fountain Hill which provide for the enforcement of same and prosecutions brought thereunder, by the Health Officer, be and are hereby amended to provide that any member of the Police Department of the Borough of Fountain Hill may also enforce and bring prosecutions thereunder. (Ordinance 348, January 4, 1982)