

## **CHAPTER 10**

### **HEALTH AND SAFETY**

#### **PART 1**

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**PART 1**

**HEALTH HAZARDS AND NUISANCES**

**§10-101. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**CODE OFFICIAL/BUILDING INSPECTOR** - The Code Official/Building Inspector of the Borough, Borough Code Enforcement Officer, Zoning Officer, Manager and/or Police Chief or other designee of the Borough Manager or Borough Council.

**LESSEE** - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and 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 Aspinwall.

**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.

**PUBLIC NUISANCE** - includes the following:

- A. The physical condition or use of any premises regarded as a public nuisance at common law.
- B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.
- C. Any premises which have unsanitary sewerage or plumbing facilities.
- D. Any premises designated as unsafe for human habitation or use.
- E. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property.
- F. Any premises from which the plumbing, heating and/or facilities required by this Part have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required

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precautions against trespassers have not been provided.

- G. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have uncontrolled growth of weeds.
  - H. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.
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. 995, 12/10/2003)*

### **§10-102. Health Hazards and Nuisances Prohibited.**

- 1. It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance, public nuisance or health hazard to residents of the Borough of Aspinwall.
- 2. Specifically, the unsheltered storage or maintenance of unused, stripped, damaged and generally unusable machinery or equipment, or materials, fixtures or appliances shall be considered a nuisance and/or health hazard if any of the following conditions exist:
  - A. Broken glass or metal parts with sharp or protruding edges.
  - B. Openings or areas which are conducive to the harboring and growth of vermin or pest insects.
  - 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.
  - D. Contains 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, in the opinion of the Code Official/Building Inspector shall be deemed to be a health hazard, potential health hazard or nuisance.

*(Ord. 995, 12/10/2003)*

### **§10-103. Storage Requirements.**

1. Storage of items as listed in §10-102.2 hereof of personal property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Borough ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-102 must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough of Aspinwall such as may be provided from time to time by resolution of the Borough Council. The nuisance(s) must be stored within a garage or other enclosed building or outside within a non-transparent fence at least 5 feet high which is locked at all times when unattended. With the special approval of the Code Official/Building Inspector, nuisances may also be stored outside in an area enclosed by a chain link fence, at least 5 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. All such storage areas shall be considered a structure under this Part and the Borough of Aspinwall Zoning Ordinance [Chapter 27] and as such must comply in all respects with the Borough of Aspinwall Zoning Ordinance [Chapter 27] in regard to structures. The total area of storage of such potential nuisances may not exceed 100 square feet. In addition, the machinery, equipment or materials shall be kept free of vermin and pest insect infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed.
2. Nothing herein shall be construed to permit the storage of machinery, equipment or material nuisances contrary to the provisions of the Borough of Aspinwall Zoning Ordinance [Chapter 27].

*(Ord. 995, 12/10/2003)*

**§10-104. Inspection; Notice to Comply.**

1. The Code Official/Building Inspector is hereby empowered to inspect grounds on which machinery, equipment, and/or various 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, public nuisance, or if any condition, structure, or improvement poses a threat to the health, safety or welfare of the public, the Code Official/Building Inspector 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 conditions considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition 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. 995, 12/10/2003)*

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### **§10-105. Authority to Remedy Noncompliance.**

If the owner of grounds on which the nuisance, public nuisance hazard, machinery, equipment and/or materials are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough of Aspinwall 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 Aspinwall, 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. 995, 12/10/2003)*

### **§10-106. Disorderly Conduct Defined, Prohibited.**

Disorderly conduct is hereby prohibited within the Borough of Aspinwall. Whoever willfully makes or causes to be made any loud, boisterous and unseemly noise or disturbance to the annoyance of the peaceable residents nearby, or near to any public highway, road, street, land, alley, park, square or common area, whereby the public peace is broken or disturbed or the traveling public annoyed, is guilty of the offense of disorderly conduct.

*(Ord. 995, 12/10/2003)*

### **§10-107. Specific Disorderly Acts.**

In addition to the foregoing provisions, the following specific acts shall be defined as and held to be disorderly conduct, and punishable as such:

- A. Loud playing of radios, television sets, amplifiers and sound devices so as to be heard beyond the premises.
- B. Operation of motor vehicles, construction equipment or vehicles, motorcycles, motorbikes, scooters, go-karts or similar vehicles which are not adequately and properly equipped with mufflers in operating condition, or to operate same so as to cause unnecessary noise to race same, or operate same in a reckless and dangerous manner. No gasoline-powered lawn mower or gasoline-powered chain saw or other similar equipment shall be operated on any day before 8 a.m. nor on Sunday before 12 noon.
- C. Operating an unlicensed vehicle, including go-karts, or operating model airplanes equipped with gasoline engines on a public street or on public or school grounds.
- D. The conduct of gambling or the permission by the owner or occupant of premises for others to conduct gambling on the premises, or permitting gambling devices and slot machines on the premises, or any person found in a place where gambling is conducted.

- E. Throwing trash or rubbish upon or littering the streets or public or private property adjacent thereto.
- F. Posting bills, notices, advertisements or signs on telephone or utility poles or elsewhere along streets, or on public or private property, other than signs permitted under the Zoning Ordinance [Chapter 27].
- G. The keeping or harboring of any dog 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, or the keeping of a vicious dog not adequately leashed or secured.
- H. The distribution, sale or exhibition of obscene, indecent or immoral pictures, films, literature or pamphlets, or engaging in any obscene, indecent or immoral act or show, in violation of the Adult Oriented Business Ordinance [Chapter 13, Part 8].
- I. To be in violation of any curfew or legal restriction on public assembly hereinafter established by Borough Council.
- J. Begging, soliciting alms or vagrancy.

*(Ord. 995, 12/10/2003)*

**§10-108. Garbage, Rubbish and Refuse.**

No person shall place, throw or deposit garbage, refuse, waste, rubbish, papers or decaying plant, animal or vegetable matter of any kind, including tree or plant cuttings, upon or along any street or highway or upon public property or along the bank of any stream or watercourse within the Borough.

*(Ord. 681, 2/9/1972, §8805)*

**§10-109. Dangerous Conditions and Structures.**

It shall be unlawful for any person to maintain or permit any of the following conditions or structures or premises to be in the Borough of Aspinwall:

- A. Open wells and cisterns.
- B. Open excavations where construction or excavating is not currently proceeding.
- C. Unfinished buildings, foundations or other structures where construction is not currently proceeding.
- D. Buildings or structures damaged or partially destroyed or in a state of

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disrepair or dangerous so as to be in violation of Chapter 5, Part 1, Building Construction, or Chapter 5, Part 2, Property Maintenance, of this Code.

- E. Dangerous placement of materials or equipment; abandoned refrigerators.
- F. Lakes, ponds or swimming pools not properly safeguarded. Stagnant water or pools in which mosquitoes, flies or insects multiply.
- G. Premises in any recorded plan of lots or highly developed neighborhood which are not landscaped and maintained free of weeds, unhealthful growth, noxious matter, junk or debris.

*(Ord. 681, 2/9/1972, §8806; as amended by Ord. 806, 6/11/1986)*

### **§10-110. Building and Road Construction.**

#### **1. Manner of Operation.**

- A. No person shall carry on any building or road construction, excavating, trenching or operation of heavy equipment or trucks in connection therewith between the hours of 7 p.m. and 7 a.m., Monday through Saturday, nor on Sundays and on Federally designated legal holidays, except by a special permit issued by the Borough. Such permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in a manner on in such a place that the public or residents will not be annoyed or disturbed by said construction work. Construction work shall be conducted in such a manner as to avoid or minimize causing dirt to be carried by wind onto adjacent properties or mud to be tracked or drained onto streets adjacent to the project.
- B. The emergency repair of broken water lines, gas lines, sewer lines or other utilities shall not be subject to the above time restrictions.

- 2. Dirt, Mud and Debris Deposits.** It shall be unlawful for any dirt, mud, soil, stone or debris to be washed, tracked or otherwise deposited upon the pavement of any street. Any dirt, mud, soil, stone or debris deposited upon the pavement of any street shall be completely removed before 5 p.m. of the same day.

*(Ord. 995, 12/10/2003)*

### **§10-111. Noxious or Offensive Activities.**

The use of any property or any activity within the Borough shall be in compliance with all the environmental performance standards contained in the Zoning Ordinance [Chapter 27].

*(Ord. 995, 12/10/2003)*

**§10-112. Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$300 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

*(Ord. 995, 12/10/2003)*

**§10-113. 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 inspecting official.

*(Ord. 995, 12/10/2003)*

