

CHAPTER 10

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PART 1
NUISANCES

§10-101. Definitions.

As used in this Part:

WASTE - all materials constituting solid waste as defined in the Solid Waste Management Act, P.L. 380, No. 197, enacted July 7, 1980, 35 P.S. 6018.103, as amended.

(Ord. 695, 8/14/1986, §1)

§10-102. Keeping and Dumping of Waste.

The Council of the Borough of East McKeesport hereby declares to be a nuisance the keeping or dumping of waste upon one's property or dumping said waste upon the property of another within the confines of the Borough of East McKeesport.

(Ord. 695, 8/14/1986, §2)

§10-103. Maintaining a Nuisance.

It shall be illegal to maintain a nuisance as set forth herein within the Borough of East McKeesport or to dump or cause to be dumped any waste upon one's own property, or the property of another within the Borough of East McKeesport. The storage of waste in waste disposal containers for collection by a waste disposal firm pursuant to a private contract or a contract with the Borough of East McKeesport shall not be deemed to be a nuisance within the terms of this Part.

(Ord. 695, 8/14/1986, §3)

§10-104. Inspecting of Properties.

The Building Inspector and appropriate law enforcement officials of the Borough shall inspect various properties within the Borough shall inspect various properties within the Borough of East McKeesport to determine the presence of such material as set forth herein.

(Ord. 695, 8/14/1986, §4)

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§10-105. Penalty.

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. 695*, 8/14/1986, §5; as amended by *Ord. 828*, 6/12/2003, §1)

PART 2

REFUSE MATERIAL AND ABANDONED VEHICLES

§10-201. Purpose.

The Council deems it to be in the best interests of the residents of the Borough that Council provide for the orderly abatement of nuisances and to make regulations deems necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough and its residents.

(Ord. 618, 5/31/1973, §1)

§10-202. Nuisances.

It shall be unlawful for the owner or occupier of any property within the territorial limits of the Borough of East McKeesport to permit to exist therein any nuisance including, but not limited to, dangerous structures, garbage, rubbish, other refuse material, abandoned or junked vehicles, unsightly weeds, etc.

(Ord. 618, 5/31/1973, §2)

§10-203. Removal of Nuisances.

Except in cases of extreme emergency in which the Borough Council, or its employees or officials, shall deem it necessary to immediately remove dangerous nuisances, the owner or occupier of property containing any of the heretofore listed nuisances, shall be notified to remove same, in default of which the Borough may cause the same to be done and may collect the cost thereof, together with a penalty of 10% of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or may seek relief by complaint in equity.

(Ord. 618, 5/31/1973, §3)

§10-204. Notification to Remove.

The notice to remove nuisances shall be given personally to the owner or the occupant, or by registered or certified mail, or by posting of the premises, or by publication and shall provide for a minimum of 10 days for the abatement of such nuisance.

(Ord. 618, 5/31/1973, §4)

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§10-205. Penalty.

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 less than \$10 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. 618, 5/31/1973, §§5, 6; as amended by Ord. 828, 6/12/2003,§1)

PART 3

GRASS AND WEEDS

§10-301. Prohibiting Certain Growth.

No person, firm or corporation as owner or occupant in possession of any property within the Borough of East McKeesport shall permit any grass, weeds or other noxious vegetation whatsoever, not edible or planted for some useful or ornamental purpose whatsoever to grow or remain upon such premises in excess of a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any noxious and filthy deposit or to create and produce pollen nor permit any ornamental tree, shrub or other vegetation planted upon the property line at street intersections to remain untrimmed so as to interfere with proper view of said intersection and the flow of traffic and in any event not to exceed a height of 3 feet above the average street level of the abutting streets.

(Ord. 612, 12/14/1972, §1)

§10-302. Nuisance.

Any grass, weeds, ornamental tree or shrub or other vegetation growing upon any premises in said Borough in violation of §10-301 of this Part is hereby declared to be a nuisance and detrimental to the health, safety and welfare of the inhabitants of the Borough.

(Ord. 612, 12/14/1972, §2)

§10-303. Notice.

The Borough Secretary, the Street Commissioner or either of them is hereby authorized to give notice by personal service or registered United States mail to the owner or occupant, as the case may be, of any premises whereon grass, weeds, ornamental tree or shrub or other vegetation is growing and being in violation of the provisions of §10-301 of this Part directing and requiring such occupant to remove, trim or cut the same so as to conform to the requirements of this Part within 5 days after issuance of such notice, and in the event that any person, firm or corporation shall neglect, fail or refuse to comply with such notice within said stated time, the Borough authorities may remove, trim or cut such grass, weeds, ornamental tree or shrub or other vegetation, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such violator in the manner provided by law.

(Ord. 612, 12/14/1972, §3)

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§10-304. Penalty.

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 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. 612, 12/14/1972, §4; as amended by Ord. 828, 6/12/2003, §1)

PART 4

FOOD SAFETY

§10-401. Intent and Purpose.

It is the intent and purpose of the Borough to regulate the sanitary conditions relating to the sale, display and transportation of articles of food in the Borough of East McKeesport.

(Ord. 727, --/1990, §I)

§10-402. Definitions.

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

FOOD STORE - any store, shop, stand or vehicle from which are sold or offered for sale, fruits, vegetables, meats or dairy products.

PERSON - any natural person, association, partnership, firm or corporation.

(Ord. 727, --/1990, §II)

§10-403. Sanitary Conditions of Food Stores.

1. All food stores within the Borough of East McKeesport shall be at all times kept in a clean and sanitary condition by the person conducting the same free from offensive odors or any accumulation of animal or vegetable matter, and shall at all times be open to any authorized agent of the Borough or of the Board of Health of Allegheny County.
2. Any person conducting a food store within the Borough of East McKeesport shall display all articles of food in accordance with all existing regulations of the Allegheny County Health Department and shall at all times be opened to inspection by an authorized agent of the Borough or of the Board of Health of Allegheny County.
3. All outdoor displays of fruits and vegetables shall be done in a way so that the fruits and vegetables are displayed at least 3 feet off the ground.

(Ord. 727, --/1990, §III)

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§10-404. Fines and 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 shall constitute a separate offense.

(*Ord. 727, --/1990, §IV; as amended by Ord. 828, 6/12/2003, §1*)

PART 5

COUNTY DEPARTMENT OF HEALTH

§10-501. Becoming Subject to the Jurisdiction of the County Department of Health.

Upon the establishment of the County Department of Allegheny County, the Borough of East McKeesport will cease to exercise any of the public health functions vested in it by law and become subject to the jurisdiction of the said County Department of Health.

(Ord. 476, 11/8/1956, §1)

PART 6

JUNKED MOTOR VEHICLES OR JUNK MOTOR VEHICLE TRAILERS

§10-601. Definitions.

The following words, when used in this Part, shall have the following meaning unless otherwise clearly apparent from the context:

BOROUGH DESIGNATED GARAGE - any garage or garages with whom the proper officials of the Borough of East McKeesport have entered into a contract for the purpose of towing vehicles.

IMPOUNDED - a vehicle shall be deemed to be impounded at such time as the parking violation tag is affixed and the towing service is notified by the Police Department.

IN TOW - a vehicle shall be deemed to be in tow at such time as any chain, rope or any other means of linking the cars together shall be attached.

JUNKED MOTOR VEHICLE - any motor vehicle in such a state of disrepair as to be incapable of being moved on its own power or with any tire missing, or with one or more wheels missing, or in a dismantled or partially dismantled condition, or without current registration plate or without current inspection and emission stickers.

JUNKED MOTOR VEHICLE TRAILER - any trailer designed for attachment to a motor vehicle for the purpose of transportation of persons or goods, where such trailer is in such state of disrepair as to have any tire missing, or with one or more wheels missing or in a dismantled or partially dismantled condition or without a current registration plate.

PREMISES or **PROPERTY** - any lot or piece of ground within the Borough of East McKeesport.

VEHICLES - for the purpose of this Part, all autos, tractors, trucks, truck-tractors, trailers and other vehicles of any kind.

(Ord. 851, 4/14/2005, §1)

§10-602. Private Property Storage or Parking.

The outdoor storage or parking of one or more junked motor vehicles or junk motor vehicle trailers, or any combination thereof, for a period of seven consecutive days on any lot or piece of ground within the Borough of East McKeesport is hereby declared to be a public nuisance per se and is prohibited.

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(Ord. 851, 4/14/2005, §2)

§10-603. Public Property Storage or Parking.

The outdoor storage or parking of any junked motor vehicle or junked motor vehicle trailer on any street or public property for a period of more than 72 hours is hereby declared a public nuisance per se and is prohibited.

(Ord. 851, 4/14/2005, §3)

§10-604. Notice/Costs.

1. The East McKeesport Police Department shall notify the owners of the private property where such junked motor vehicles and/or junked motor vehicle trailers are unlawfully stored, directing that the same be removed within 10 days of such notice. Notice may be given by either regular first class United States Mail, by certified or registered mail, by personal service or by posting the premises.
2. If such junked motor vehicles and/or junked motor vehicle trailers are not so removed within the notice period, the East McKeesport Police Department shall cause the same to be done. All costs and expenses of such removal, together with a penalty of 10%, may be charged against the owner of the property from which the junked vehicles were removed.

(Ord. 851, 4/14/2005, §4)

§10-605. Exceptions.

The provisions of §§10-602 and 10-604 of this Part shall not apply to properties in districts where such storage and parking are otherwise lawful under any ordinance and shall further not apply where approval is or has been obtained for the temporary outdoor storage of damaged vehicles awaiting repair.

(Ord. 851, 4/14/2005, §5)

§10-606. Removal.

As to such junked motor vehicles or trailers parked or stored on streets or public property, the same may be removed forthwith by the East McKeesport Police Department. The costs and expenses of such removal and subsequent storage shall be charged to the owner of such vehicle.

(Ord. 851, 4/14/2005, §6)

§10-607. Report of Removal.

The person removing or directing the removal of any vehicle shall immediately make a report thereof to the Chief of Police. The report to contain the registration number and the location of the pound to which said vehicle has been removed and the reason for its removal.

(Ord. 851, 4/14/2005, §7)

§10-608. Record of Impoundment.

The Chief of Police shall keep a record of all vehicles impounded and be able at all times to furnish the owners or agents thereof with information as to the place of impounding.

(Ord. 851, 4/14/2005, §8)

§10-609. Impoundment Release.

Any vehicle impounded by virtue of this Part and before the same is placed in tow may be released to its owner or his agent upon payment of the proper towing and storage charge to the Borough designated tower.

(Ord. 851, 4/14/2005, §9)

§10-610. Towing Release.

Any vehicle taken in tow and unclaimed by its owner for a period of time exceeding 24 hours will be released to its owner or his agent upon payment of the proper towing storage charge referred to in §10-609.

(Ord. 851, 4/14/2005, §10)

§10-611. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not operate or relieve the owner from liability from any fine or penalty for violation of any law or ordinance on account of which the vehicle was impounded and further the payment of such charges shall constitute a waiver of any right to recover back the money so paid.

(Ord. 851, 4/14/2005, §11)

§10-612. Towing Notice.

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The police officer removing or directing the removal of any vehicle under the provisions of this Part shall affix securely a towing notice form to bear the license number of the vehicle, the date, time place and nature of the violation and the name or identifying badge number of the officer removing or directing the removal of the vehicle.

(Ord. 851, 4/14/2005, §12)

§10-613. Designated Tower.

The Borough designated tower shall agree to the following:

- A. To remove any and all illegally parked vehicles within the Borough at the call of any police officer of said Borough.
- B. The rates that are to be charged for the removal of the said illegally parked, wrecked, abandoned or seized motor vehicles shall not be changed except upon thirty days notice to the Borough Council and only upon their approval of the said change.

(Ord. 851, 4/14/2005, §13)

§10-614. Penalties.

In addition to the remedies set forth above, any person, firm or corporation violating any provision of this Part shall, upon conviction, pay a fine in an amount not exceeding \$500 or shall be subject to a period not exceeding 30 days in the Allegheny County Jail.

(Ord. 851, 4/14/2005, §14)

§10-615. Provisions.

The provisions of this Part shall not be construed in any way so as to broaden or enlarge the rights of private property owners for the storage or maintenance of junked motor vehicles and junked motor vehicle trailers.

(Ord. 851, 4/14/2005, §15)

§10-616. Enactment.

This Part is enacted under the Police Powers of the Borough, specifically §1202, subsection 5 of the Pennsylvania Borough Code, providing for the prohibition and removal of nuisances.

(Ord. 851, 4/14/2005, §16)