

Chapter 10

Health and Safety

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Part 1**Health Hazards and Nuisances****§10-101. Definitions and Word Usage.**

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

Borough - Forest Hills Borough.

Borough Council - the Borough Council of Forest Hills Borough.

Code Official / Building Inspector - the Code Official/Building Inspector of the Borough, Borough Code Enforcement Officer, Borough Zoning Officer, and/or Police Chief, or other designee of the 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 Forrest Hills Borough.

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:

(1) The physical condition or use of any premises regarded as a public nuisance at common law.

(2) 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.

(3) Any premises which have unsanitary sewerage or plumbing facilities.

(4) Any premises designated as unsafe for human habitation or use.

(5) Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property.

(6) 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 precautions against trespassers have not been provided.

(7) Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have uncontrolled growth of weeds.

(8) 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.

Zoning Ordinance - Chapter 27 of the Forest Hills Borough Code, "Zoning," as amended.

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. 976, 1/16/2008)

§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.

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. 976, 1/16/2008)

§10-103. Storage Requirements.

1. Storage of items as listed in §10-102.2 hereof on private 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 §10-102.2 must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough 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 nontransparent fence at least 6 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 6 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 Zoning Ordinance [Chapter 27] and as such must comply in all respects with the Borough 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 Zoning Ordinance [Chapter 27].

(Ord. 976, 1/16/2008)

§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, 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, and/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 period.

(Ord. 976, 1/16/2008)

§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, then the Township shall have the authority to take measures to correct the conditions and collect the costs of such corrections plus 10 percent of all costs. The Borough, 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. 976, 1/16/2008)

§10-106. Specific Nuisances.

In addition to the foregoing provisions, the following specific acts shall be defined as and held to be nuisances, 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, motorcycles, motorbikes, scooters, go-karts or similar vehicles which are not adequately and properly equipped with mufflers in operating condition, or to operate the same so as to cause unnecessary noise, or to operate the same in a reckless or dangerous manner. No gasoline-powered lawn mower or gasoline-powered chain saw or other

similar equipment shall be operated on any day before 7 a.m. nor after 9 p.m.

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. Throwing trash or rubbish upon or littering the streets or public or private property adjacent thereto.

E. 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 Borough Zoning Ordinance [Chapter 27].

F. 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.

G. 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].

H. To be in violation of any curfew or legal restriction on public assembly hereinafter enacted by the Borough Council.

I. Begging, soliciting alms or vagrancy.

(Ord. 976, 1/16/2008)

§10-107. 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. 976, 1/16/2008)

§10-108. 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:

A. Open wells and cisterns.

B. Open excavations where construction or excavating is not currently proceeding.

C. Unfinished building, foundations or other structures where construction is not currently proceeding.

D. Buildings or structures damaged or partially destroyed or in a state of disrepair or dangerous so as to be in violation of the Borough Construction Code [Chapter 5, Part 1] or the Borough Property Maintenance Code [Chapter 5, Part 2].

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. 976, 1/16/2008)

§10-109. 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 (including but not limited to bulldozers, high lifts, backhoes, trucks, power shovels, pumps and jack hammers) or trucks in connection therewith between the hours of 9 p.m. to 7 a.m., Monday through Saturday, nor at any time on Sunday and on Federally designated legal holidays, except by a special permit issued by the Borough Manager or his designee. 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 or 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. Vehicles and equipment shall only be taken into lots or property at the place where the driveway is located and shall not run over curbing or gutters.

C. 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 removed immediately so as not to create any traffic safety hazard. In the event of a failure to comply with the foregoing requirements, the Code Official/Building Inspector, in his/her sole discretion, in addition to any fines that may be imposed, may require that there shall be installed a driveway of red dog, cinders or of slag or other composition from the street to the building line, and traffic from the street onto the premises shall be limited to the driveway. Persons subject to these penalties shall include, but not be limited to, the general contractor and subcontractors whose actions created the safety hazard, as well as the owner of the subject property and any other person responsible for the project.

(Ord. 976, 1/16/2008)

§10-110. Noxious or Offensive Activities.

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

(Ord. 976, 1/16/2008)

§10-111. 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 \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

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. 976, 1/16/2008)

§10-112. 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. 976, 1/16/2008)

Part 2**Unnecessary Noise and Sound Amplifying Devices****§10-201. Portable Audio Amplification Devices.**

No person shall operate, or cause to be operated, any audio amplification or reproduction device including, but not limited to, a hand carried radio, cassette, compact disc player, or one that is installed in or audio powered by a vehicle, on a Borough street or sidewalk, in a Borough park, on a public conveyance, or in any other public property which generates an A-weighted sound level in excess of 68 dB(a) in a residential area measured at, or adjusted to, a distance of 50 feet from the source. If an A-weighted sound device is not present, a violation has occurred if the disturbance is audible to an officer or other individual standing in excess of 75 feet away from the source of the disturbance.

(Ord. 885, 12/16/1998, §101)

§10-202. Audio Amplification Devices on Private and Public Property.

No person shall operate, or cause to be operated any audio amplification system on public or private property, which generates an A-weighted sound level in excess of 68 dB(a) measured at, or adjusted to, a distance of 50 feet beyond the boundary of the property in which the audio amplification or reproduction system is located. If an A-weighted sound device is not present, a violation has occurred if the disturbance is audible to an officer or other individual standing in excess of 75 feet away from the source of the disturbance.

(Ord. 885, 12/16/1998, §102)

§10-203. Measuring Sound Levels.

Sound levels under §§10-201 and 10-202 hereof shall be measured with a sound level measuring device, either Type I or Type II as defined by American National Standards Institute Specifications, Section 1.4-1971.

(Ord. 885, 12/16/1998, §103)

§10-204. Exemptions.

A person operating an audio amplification or reproduction device shall be exempt from this Part provided that:

A. The device is being operated to request assistance or warn of a hazardous situation.

B. The device is used in connection with an authorized emergency vehicle or a vehicle operated by a gas, electric, communications or water utility.

C. The device is being used in connection with a parade, political activity, amusement activity or community event which is being conducted under a permit issued by the Borough, County, State or Federal governmental authorities and is otherwise in compliance with the applicable ordinances of Forest Hills Borough and provided that the sound level in §§10-201 and 10-202 are not exceeded between the

hours of 11 p.m. and 7 a.m., prevailing time.

(*Ord. 885, 12/16/1998, §104*)

§10-205. Commercial Sound Apparatus Restrictions.

No person, for commercial purposes, shall erect or locate any device or apparatus in the front of or on the exterior of any premises, nor permit the erection or location thereof, which shall by mechanical or electrical means emit any loud sounds or noises so as to annoy or disturb passersby on the public thoroughfares or the general public.

(*Ord. 885, 12/16/1998, §105*)

§10-206. Sound-amplifying Machines for Advertising Purposes.

No person shall use, operate or permit to be played, used or operated any sound-amplifying machine or equipment for producing or reproducing of sound which is cast upon the public streets for the purpose of advertising, marketing or sale of goods or services.

(*Ord. 885, 12/16/1998, §106*)

§10-207. Peddlers and Hawkers.

No peddler, hawker or vendor shall shout or otherwise cry his wares which disturbs the peace and quiet of the neighborhood.

(*Ord. 885, 12/16/1998, §107*)

§10-208. Prohibited Noise.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, welfare, safety, peace or quiet of persons within Forest Hills Borough.

(*Ord. 885, 12/16/1998, §108*)

§10-209. Shouting.

No person shall yell, shout, hoot, whistle or sing on the public streets between the hours of 11 p.m. and 7 a.m., prevailing time; nor at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any building or of any persons in the vicinity.

(*Ord. 885, 12/16/1998, §109*)

§10-210. Vehicular Noise.

No person shall sound any horn or any signaling device on any automobile, motorcycle, or motor-bicycle or other vehicle in any street or public place of Forest Hills Borough, except as a danger warning signal; nor activate any such signal device that is unreasonably loud or harsh; nor shall any person sound any device for an unnecessary and unreasonable period of time; nor shall any air horn be used. This Section is not applicable to official emergency vehicles or other vehicles on emergency business.

(*Ord. 885, 12/16/1998, §110*)

§10-211. Mufflers.

No persons shall operate any motor vehicle or motorcycle or motor scooter in Forest Hills Borough without an appropriate muffling device on the exhaust system of said vehicle in order to prevent any unnecessary and unreasonably loud or harsh sound.

(*Ord. 885, 12/16/1998, §111*)

§10-212. Animal Noise.

The keeping of any animal or bird which causes frequent or long continued noise which disturbs the comfort or repose of any person in the vicinity is prohibited.

(*Ord. 885, 12/16/1998, §112*)

§10-213. Construction Noise.

The erection, excavation, demolition, alteration, construction or repair of any structure or the performance of any other work which causes similar noise between the hours of 9 p.m. and 7 a.m., prevailing time, except in the case of urgent necessity in the interest of public health and safety, is prohibited.

(*Ord. 885, 12/16/1998, §113*)

§10-214. Noise from Equipment and Machinery.

The operation between the hours of 9 p.m. and 7 a.m. prevailing time of any pile driver, steam or power shovel, excavating equipment, pneumatic hammer, steam or electric hoist or other appliance, apparatus, equipment or machinery, the use of which is attended by loud or unusual noise, is prohibited, except in the case of urgent necessity in the interest of public health and safety.

(*Ord. 885, 12/16/1998, §114*)

§10-215. Churches and Schools.

No person shall create any excessive noise on any street adjacent to any school, institution of learning, church or other public building while the same is in use, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys the pupils, churchgoers or other persons inside such building.

(*Ord. 885, 12/16/1998, §115*)

§10-216. Violations and 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 \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

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. 885, 12/16/1998, §116*)