

Chapter 10

Health and Safety

Part 1

Health Hazards and Nuisances

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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:

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 Township.

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. Any premises designated as unsafe for human habitation or use.

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

(5) 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.

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

(7) 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. 137, 7/5/2005)

§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 Township.

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 Township Code Official/Building Inspector shall be deemed to be a health hazard, potential health hazard or nuisance.

(Ord. 137, 7/5/2005)

§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 Township 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 Township such as may be provided from time to time by resolution of the Board of Supervisors. The nuisance(s) must be stored within a garage or other enclosed building or outside within a non-transparent fence at least 6 feet high which is locked at all times when unattended. With the special approval of the Township 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 Township Zoning Ordinance [Chapter 27], as amended, and as such must comply in all respects with the Township 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 Township Zoning

Ordinance [Chapter 27], as amended.

(Ord. 137, 7/5/2005)

§10-104. Inspection; Notice to Comply.

1. The Township 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 Township 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; require the owner to commence to remove or otherwise rectify the condition as set forth therein; and provide the owner with a reasonable time period to remove or otherwise rectify the condition and to otherwise fully comply with the requirements of the notice and this Part.

(Ord. 137, 7/5/2005)

§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% of all costs. The Township, 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. 137, 7/5/2005)

§10-106. 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 Township.

(Ord. 137, 7/5/2005)

§10-107. Noxious or Offensive Activities.

The use of any property or an activity within the Township shall be in compliance with all environmental performance standards contained in the Township Zoning Ordinance [Chapter 27], as amended and with all other applicable regulations of the Frazer Township Code of Ordinances and other Township ordinances.

(Ord. 137, 7/5/2005)

§10-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedures, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist or for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation and the service of any required notice of violation are hereby delegated to the Township Secretary, the Township Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Township Secretary or the Board of Supervisors shall deem appropriate.

(Ord. 137, 7/5/2005)

§10-109. 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. 137, 7/5/2005)