

Chapter 10

Health and Safety

Part 1 Nuisances, General

A. Debris on Premises

- §10-101. Definitions
- §10-102. Storage of Nuisances Prohibited
- §10-103. Storage Requirements
- §10-104. Inspection of Premises; Notice to Comply
- §10-105. Authority to Remedy Noncompliance
- §10-106. Hearing
- §10-107. Penalties
- §10-108. Remedies not Mutually Exclusive

B. Prohibiting the Accumulation of Standing and/or Stagnate Water

- §10-111. Definitions
- §10-112. Standing or Stagnant Water Prohibited
- §10-113. Violation
- §10-114. Penalties

Part 2 Grass and Weeds

- §10-201. Maintenance of Weeds, Grass in Certain Instances Unlawful; Declared Nuisance
- §10-202. Owners Required to Trim, Remove, Etc., Vegetation in Violation of Section
- §10-203. Notice to Owner to Comply with §10-201
- §10-204. Removal by Borough Upon Failure of Owner to Comply with Notice of §10-203; Collection of Costs from Owner

Part 3 Fireworks

- §10-301. General Provisions
- §10-302. Display and Discharge
- §10-303. Penalties

Part 4 Burial of Deceased Persons

- §10-401. Burial of Remains
- §10-402. Dispose of Remains
- §10-403. Penalty

Part 5
Motor Vehicle Nuisances

- §10-501. Definitions
- §10-502. Motor Vehicle Nuisances Prohibited
- §10-503. Storage of Motor Vehicle Nuisances Permitted
- §10-504. Authority to Remedy Non-Compliance
- §10-505. Penalties
- §10-506. Remedies not Mutually Exclusive

Part 1**Nuisances, General****A. Debris on Premises****§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:

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.

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.

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. 623, 2/14/2006)

§10-102. Storage of Nuisances Prohibited.

It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment, or construction materials in the open on private property. Such storage shall constitute 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. Containers which are conducive to the harboring and growth of vermin or animals.

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. Containers of 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 shall threaten the health, safety or welfare of the citizens.

F. Refrigerators with the doors remaining attached.

(Ord. 623, 2/14/2006)

§10-103. Storage Requirements.

1. Storage of such items as listed in §10-102 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 subsection .2, shall apply for a permit for either temporary or permanent storage and pay a fee to the Borough in an amount as established from time to time by resolution of the Borough Council. Such nuisance(s) must be stored within a garage or other enclosed building or, outside, within an opaque fence at least 6 feet high which is locked at all times when unattended.

2. With the special approval of the Borough Council 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. In addition, the appliances, machinery, equipment, or construction materials shall be kept free of vermin infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisances may not exceed ____ square feet.

3. Nothing herein shall be construed to permit the storage of appliance, machinery, equipment, or material nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(Ord. 623, 2/14/2006)

§10-104. Inspection of Premises; Notice to Comply.

1. The Borough Building Inspector is hereby empowered to inspect private property on which appliances, machinery, equipment, and/or various construction 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 danger to the health, safety, or welfare of the public, he 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 condition 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 in the notice 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. 623, 2/14/2006)

§10-105. Authority to Remedy Noncompliance.

If the owner of property on which appliances, machinery, equipment, and/or construction materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% 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. 623, 2/14/2006*)

§10-106. Hearing.

1. Any person aggrieved by the decision of the Building Inspector may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 10 days after notice of the Building Inspector's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Building Inspector.

(*Ord. 623, 2/14/2006*)

§10-107. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$1,000, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 623, 2/14/2006*)

§10-108. 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 Borough Council.

(*Ord. 623, 2/14/2006*)

B. Prohibiting the Accumulation of Standing and/or Stagnate Water**§10-111. Definitions.**

Standing water - water and/or similar fluids that have accumulated in a stationary position with no existing current or drainage conduit.

Object or structure - any man-made item including, but not limited to, swimming pools; swimming pool covers; tires; barrels; dumpsters; containers, planters, motorized vehicles, boats, bathtubs, sinks, and appliances.

(*Ord. 593, 9/9/2003, §I*)

§10-112. Standing or Stagnant Water Prohibited.

It shall be unlawful for any person or legal entity to allow standing or stagnant water to exist in any object or structure located within the Borough of West Homestead for a period of longer than 3 days.

(*Ord. 593, 9/9/2003, §II*)

§10-113. Violation.

Should a person or legal entity be in violation of §10-112, the Ordinance Officer of the Borough, or other such person who shall be so authorized by the Borough shall notify the person or entity, in writing, by either, personal service or by posting of the property, whether they be an owner or occupant of the property where such violation exists that they have 3 days to remove all such standing or stagnant water or face the imposition of penalties as provided for in this Part.

(*Ord. 593, 9/9/2003, §III*)

§10-114. Penalties.

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof, shall 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. 593, 9/9/2003, §IV; as amended by Ord. 623, 2/14/2006*)

Part 2**Grass and Weeds****§10-201. Maintenance of Weeds, Grass in Certain Instances Unlawful; Declared Nuisance.**

No person owning or occupying any property within the Borough shall permit any debris to remain or permit grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any debris or any grass, weeds or other vegetation found or growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

(Ord. 398, 8/26/1970, §1)

§10-202. Owners Required to Trim, Remove, Etc., Vegetation in Violation of Section.

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove all debris and remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the §10-201 of this Section.

(Ord. 398, 8/26/1970, §1)

§10-203. Notice to Owner to Comply with §10-201.

The Borough Council, or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises where debris is found or grass, weeds or other vegetation is growing or remaining in violation of the provisions of §10-201, directing and requiring such occupant to remove such debris or remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of such section within 10 days after issuance of such notice.

(Ord. 398, 8/26/1970, §1)

§10-204. Removal by Borough Upon Failure of Owner to Comply with Notice of §10-203; Collection of Costs from Owner.

1. Any property owner, contractor or possessor of real property who either fails to remove overgrown weeds or debris or allows to accumulate on private property, which shall either be vacant or have a building erected thereon, debris, building materials or other discarded items shall be required to remove same within 10 days of being given written notice by the proper Borough officials.

2. Any person or persons that fail to comply with the provisions of this Part, upon conviction thereof, shall 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. In the event of said failure to comply, the Borough shall have the right to enter onto the property, remove such nuisances as set forth in the 10-day notice and the property owner shall be responsible for the payment of the cost thereof in addition to any fines imposed hereunder.

(Ord. 398, 8/26/1970; as amended by Ord. 499, 7/8/1986; and by Ord. 623, 2/14/2006)

Part 3**Fireworks****§10-301. General Provisions .**

1. *Scope.* The manufacture of fireworks is prohibited within the Borough. The display or discharge of consumer or display fireworks shall comply with the requirements of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the provisions of the International Fire Code, 2003 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

2. *Permit Required.* A permit shall be obtained from the Borough for the display or discharge of consumer and display fireworks in compliance with the provisions of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the International Fire Code, 2003 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

3. *Permit Applications.* Application for permits shall be made in writing at least 15 days in advance of the date of the display. Application for said permit shall be made pursuant to the procedure provided in the International Fire Prevention Code, 2003 edition, as amended, supplemented or replaced. The possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

4. *Definition.*

Consumer fireworks -

(1) Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for “consumer fireworks” as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard.

(2) The term does not include devices as “ground and hand-held sparkling devices,” “novelties” and “toy caps” in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Borough.

Display fireworks - as provided in 27 CFR §555.11 (relating to meaning of terms).

(Ord. 623, 2/14/2006)

§10-302. Display and Discharge.

1. *General.* It shall be a violation of this Part for any person to conduct a public or private display of consumer fireworks and display fireworks within the Borough except in accordance with a permit issued upon application as provided in §10-201.3 of this Part. Every such display shall be handled by a competent operator and shall be of

such a character and so located, discharged or fired as, in the opinion of the officer of the Borough charged with enforcement of the International Fire Code, or such other officer of the Borough as may be designated from time to time, in writing, after proper inspection, to not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, possession and use of consumer fireworks and display fireworks for such display shall be lawful for that purposes only. No permit shall be transferable.

2. *Bond for Display.* The permittee shall furnish a bond in an amount deemed adequate by the Borough Council but not less than \$500, conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.

3. *Seizure of Fireworks.* Any police officer of the Borough shall take, remove or cause to be removed at the expense of the owner, all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored, or held in violation of this Part or the Fireworks Law, 35 P.S. §1271 *et seq.* The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks. (Ord. 623, 2/14/2006)

§10-303. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 623, 2/14/2006)

Part 4**Burial of Deceased Persons****§10-401. Burial of Remains.**

The remains of any deceased person shall not be buried or otherwise disposed of within the confines of the Borough of West Homestead at any site that shall not have previously been designated a "cemetery" by the proper Borough Officials.

(Ord. 500, 9/6/1986, §1)

§10-402. Disposal of Remains.

It shall be unlawful for anyone to bury or otherwise dispose of the remains of any deceased person on any site with the Borough of West Homestead not having been designated a "cemetery."

(Ord. 500, 9/6/1986, §)

§10-403. Penalty.

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof, shall 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. 500, 9/6/1986, §3; as amended by Ord. 623, 2/14/2006)

Part 5**Motor Vehicle Nuisances****§10-501. Definitions.**

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

Lessee - the person leasing the real property upon which a motor vehicle is parked, stored or maintained; and under which this Part shall be considered synonymous with the term "owner", when the lease holds the lessee responsible for the maintenance and/or repairs of any such real property.

Motor vehicle - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon a public street or highway; this definition also includes all non-self-propelled "trailers" or "semi-trailers" whether freestanding (i.e., separated from the motor vehicle which normally tows said "trailer" or "semi-trailer") or attached to a motorized tow vehicle; excludes approved temporary construction sites and approved temporary modular classrooms.

Motor vehicle nuisance - see §10-502 of this Part for a definition of this term.

Nuisance - anything which constitutes a threat or potential threat to the health, safety, or welfare of the citizens of the Borough of West Homestead.

Owner - any person who is the owner of record, agent, or custodian of real property upon which a motor vehicle is situated; and which under this Part shall also include the "lessee" when the lease holds the "lessee" responsible for the maintenance, repairs or upkeep of any real property upon which a motor vehicle is situated.

Person - any natural person, firm, partnership, association, corporation, or other legal entity.

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. 542, 4/13/1993, §1)

§10-502. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person to maintain a "motor vehicle nuisance" upon private real property within the Borough, except when in full compliance with this Part. A "motor vehicle nuisance" shall be defined for purposes of interpretation of this Part as any "motor vehicle" or motor vehicle part which:

- A. Is unable to move under its own power.
- B. Does not bear a current registration plate.
- C. Does not bear a current valid inspection sticker.
- D. Which has any of the following defects:
 - (1) Broken windshield, mirror or other glass with sharp edges.
 - (2) One or more flat or open tires or tubes which could permit vermin

harborage.

- (3) Missing door, window, hood, trunk, or other body part which could permit vermin or animal harborage.
- (4) Missing tire resulting in unsafe suspension of the motor vehicle.
- (5) Broken headlight or tail-light with sharp edges.
- (6) Any disassembled chassis part which is either apart from the motor vehicle or loose within or on the vehicle.
- (7) Any protruding sharp object projecting from the chassis.
- (8) Any broken vehicle frame which is suspended from the ground in an unstable manner.
- (9) Leaking or damaged oil pan or fuel tank which could cause fire or explosion.
- (10) An exposed battery which may contain battery acid.
- (11) Any vehicle or vehicle part which is suspended with unstable support.
- (12) Any such other defect or vehicle part which could threaten the health, safety or welfare of the general public.

(*Ord. 542, 4/13/1993, §2*)

§10-503. Storage of Motor Vehicle Nuisances Permitted.

1. Any owner of real property in the Borough shall not cause or permit a "motor vehicle nuisance" to be parked, stored or otherwise maintained for any period of time on private property within the Borough of West Homestead; except when in full and strict compliance with this Part.

2. Any "motor vehicle nuisance" as herein defined shall be permitted in any residential zoning district in the Borough of West Homestead only when parked, stored or otherwise maintained entirely within a secured garage or other secured, approved and enclosed building.

3. Any "motor vehicle nuisance" as herein defined shall be permitted in any commercial or industrial zoning district in the Borough of West Homestead only when parked, stored or otherwise maintained, as follows:

A. Entirely within a secured garage or other secured, approved and enclosed building.

B. Elsewhere when in full compliance with all related controls and regulations in a permitted and approved junk, impounding or salvage yard or other permitted and approved business operation.

4. Nothing herein shall be construed to permit the parking, storage or maintenance of any "motor vehicle nuisance" contrary to the provisions of the Borough of West Homestead's Zoning Ordinance [Chapter 27].

(*Ord. 542, 4/13/1993, §3*)

§10-504. Authority to Remedy Non-Compliance.

1. If the owner of the private real property upon which a "motor vehicle nuisance" is situated should, for any reason, fail to remove said motor vehicle nuisance from the

premises within 15 calendar days after being notified of a violation by the Borough of West Homestead or any of its authorized agents, a citation will be issued from which an appeal may be taken to the magisterial district judge within 15 days of its issuance. If no appeal is taken to the magisterial district judge within 15 days of the issuance of the citation, then said "motor vehicle nuisance" will be towed by the Borough at the owner's expense. If an appeal is taken within the 15-day period, the magisterial district judge will determine, after an evidentiary hearing, if a violation has occurred. The Borough will produce photographic evidence of all violations. [*Ord. 623*]

2. In any event, the Borough, pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending private real property to accomplish the foregoing.

(*Ord. 542, 4/13/1993, §5; as amended by Ord. 623, 2/14/2006*)

§10-505. Penalties.

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof, shall 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 and pay all costs incurred by the Borough for towing and storage of "motor vehicle nuisances." Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 542, 4/13/1993, §7; and amended by Ord. 623, 2/14/2006*)

§10-506. 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 Borough Council.

(*Ord. 542, 4/13/1993, §8*)

