

## **Chapter 10**

### **Health and Safety**

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**Part 1****Nuisances****§10-101. Nuisances Prohibited.**

No person or municipality shall cause or permit to exist upon land which he owns or cause to exist upon public lands or lands which are leased or occupied any nuisance including, but not limited to, accumulations of garbage, rubbish, and the storage of abandoned or junked automobiles, the carry-on of offensive manufacturing or business, and the maintenance of any dangerous structure, including any dwelling that is unfit for human habitation and beyond repair. However, nothing contained herein shall be construed to prevent the development of natural resources or the establishment of an industrial plant or plants for the processing of same in the Borough of Port Matilda.

(*Ord. 103, 3/16/1974, §1*)

**§10-102. Abatement.**

It shall be the duty of any person creating a nuisance or responsible for the creation of a nuisance, or any owner of land upon which a nuisance exists, to remove such nuisance including, but not limited to, a dangerous structure, upon notice by the enforcement officer appointed by the Port Matilda Borough Council to do so. Upon failure to comply with such notice, the Borough may remove the nuisance and collect the cost of such removal, plus an additional 10 percent, from the person responsible for removal. Such amount may be collected as provided by law.

(*Ord. 103, 3/16/1974, §2; as amended by Ord. 120, 12/27/1979, §X-2; and by Ord. 178, 9/15/2009*)

**§10-103. Penalty for Violation.**

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. 103, 3/16/1974, §3; as amended by Ord. 120, 12/27/1979, §X-3; and by Ord. 178, 9/15/2009*)



**Part 2****Motor Vehicle Nuisances****§10-201. 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.

*Motor vehicle*—any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

*Nuisance*—any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Borough.

*Owner*—the actual owner, agent or custodian of the property on which motor vehicles 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. 178, 9/15/2009)

**§10-202. Motor Vehicle Nuisances Prohibited.**

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken head-lamps or tail-lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.

K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.

L. Exposed battery containing acid.

M. Inoperable locking mechanism for doors or trunk.

N. Open or damaged floor boards including trunk and firewall.

O. Damaged bumpers pulled away from the perimeter of vehicle.

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae.

S. Suspended on unstable supports.

T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

*(Ord. 178, 9/15/2009)*

### **§10-203. Storage of Motor Vehicle Nuisances Permitted.**

1. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §10-202 above may store such vehicle(s) in the Borough only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either temporary or permanent storage and pay a fee to the Borough pursuant to a resolution of the Borough Council. The motor vehicle 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 motor vehicle 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, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 200 square feet.

3. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

*(Ord. 178, 9/15/2009)*

### **§10-204. Inspection of Premises; Notice to Comply.**

1. The enforcement officer appointed by the Port Matilda Borough Council is hereby empowered to inspect private property on which motor vehicles 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, 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 or structure or improvement complained

of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement 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. 178, 9/15/2009)*

**§10-205. Authority to Remedy Noncompliance.**

If the owner of grounds on which motor vehicles 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 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. 178, 9/15/2009)*

**§10-206. Hearing.**

1. Any person aggrieved by the decision of the enforcement officer appointed by the Port Matilda Borough Council 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 enforcement officer appointed by the Port Matilda Borough Council'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 enforcement officer appointed by the Port Matilda Borough Council.

*(Ord. 178, 9/15/2009)*

**§10-207. 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. 178, 9/15/2009)*

**§10-208. 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. 178, 9/15/2009)*



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**Part 3****Engine Brakes****§10-301. Short Title.**

This Part shall be known as the “Port Matilda Borough Engine Brake Ordinance.”  
(*Ord. 150, 6/10/1991, §1*)

**§10-302. Nuisance.**

The Borough Council of the Borough of Port Matilda, Centre County, Pennsylvania, finds as a fact that the operation of an engine brake on a gasoline-powered or diesel-powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake, adversely affects the public health, safety and welfare of the residents of the Borough of Port Matilda, and, therefore, is a nuisance in fact.

(*Ord. 150, 6/10/1991, §2*)

**§10-303. Excessive Noise from Engine Brakes Prohibited.**

No gasoline-powered or diesel-powered motor vehicle shall be operated on the streets, roads, alleys or highways within the Borough of Port Matilda, Centre County, Pennsylvania, utilizing, in said operation, an engine brake, permitting excessive noise to be created by said motor vehicle.

(*Ord. 150, 6/10/1991, §3*)

**§10-304. Emergencies Exempt.**

This Part shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of Port Matilda Borough, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

(*Ord. 150, 6/10/1991, §4*)

**§10-305. Penalty for Violation.**

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. 150, 6/10/1991, §5; as amended by Ord. 178, 9/15/2009*)



**Part 4****Limits of Burning****§10-401. Definitions.**

The following words, when used in this Part, shall have the meanings hereby respectively ascribed thereto:

*Garbage*—all animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

*Recreational burning*—burning for the purpose of entertainment, e.g., campfires, grills and outdoor cooking, (marshmallows, hot dogs, etc.).

*Refuse*—discarded articles or materials, not including garbage, but including junk, and combustible and noncombustible waste other than rubbish as hereinafter set forth.

*Rubbish*—combustible organic and inorganic matter specifically limited to dried leaves, tree branches, other plant material, paper, cardboard, wood and other combustible building material. These materials must be solids, and not considered highly flammable or explosive.

(Ord. 178, 9/15/2009)

**§10-402. Prohibitions.**

Within the Borough of Port Matilda limits, no person shall:

A. Burn on any street or side walk in the Borough at any time, or under any circumstances.

B. Burn in a building on any public or private ground in the Borough unless the structure is a stove, furnace, fireplace or other designed container for fire.

C. The fire can be outside if confined to a safe metal or other noncombustible container or receptacle. Fires in approved containers must be kept under observation by an adult person until the fire is extinguished.

D. Burning in an approved container is only allowed from the hours of 7 a.m. to 7 p.m.

E. No person or persons shall burn or attempt to burn anywhere in the Borough any garbage or refuse or any other materials other than rubbish.

(Ord. 178, 9/15/2009)

**§10-403. Exceptions.**

Exceptions to this Part are:

A. Recreational burning.

B. A fire burned under direct control of a recognized volunteer or paid fire company shall be permitted if necessary for:

(1) The prevention of a fire hazard which cannot be abated by other means.

(2) The protection of public health.

C. Other exceptions may be made by the Borough Council when petitioned, and shall be granted when the circumstances reasonably require outside burning, and do not present a hazard or annoyance to persons or property. No such burning shall be performed until after the granting of a waiver to this Part.

*(Ord. 178, 9/15/2009)*

**§10-404. Regulations.**

Regulations governing recreational fires:

- A. Only charcoal, LP gas or wood may be used to fuel recreational burning.
- B. All recreational burning must be tended at all times until the fire is out.
- C. Recreational burning which creates or adds to hazardous circumstances in the judgment of the Mayor or Borough Council as a whole, or a Borough Manager, may be ordered extinguished and discontinued.
- D. Recreational fires shall only be allowed in the park in the provided grills, or grills brought into the park, and must follow all parts of this Part governing a recreational fire.
- E. The recreational fire must be manageable by a single person. Manageable will be determined by paragraph .C above.
- F. The recreational fire must be no larger than a 4-foot wide radius.
- G. Any fire must be at least 10 feet from all property lines.

*(Ord. 178, 9/15/2009)*

**§10-405. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of between \$100 and \$300, plus costs and, in default of payment of said fine and costs, may be subject to a term of imprisonment not to exceed 30 days.

*(Ord. 178, 9/15/2009)*