

Chapter 10

Health and Safety

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Part 1**Vegetative Nuisances****§10-101. Conditions for Declaring Nuisance.**

No person, firm or corporation owning or occupying any property in the Borough shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for a 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 grass, weeds or other vegetation growing upon any premises in the Borough in violation of any provision 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. 7/7/1975, §5-3001; as amended by Ord. 2006-3, 7/10/2006*)

§10-102. Responsibility for Removing, Trimming or Cutting Grass, Weeds and Certain Other Vegetation.

The owner of any premises as to vacant or unoccupied premises or as to premises occupied by the owner, and the occupant thereof, as to premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of any of the provisions of §10-101 hereof.

(*Ord. 7/7/1975, §5-3002*)

§10-103. Notice to Remove Trim or Cut; Authority for Borough to do Work.

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 whereon grass, weeds or other vegetation is growing or remaining in violation of any provision of §10-101 hereof, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or other vegetation, so as to conform to the requirements of this Part within 5 days after issuance of such notice. In case any owner or occupant shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or other vegetation, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such owner or occupant, in the manner provided by law.

(*Ord. 7/7/1975, §5-3003*)

§10-104. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence 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. 7/7/1975, §5-3004; as amended by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)

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

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, controlled by a motor, in which persons or property may be transported upon public street or highways, and including trailers or semi-trailers pulled thereby.

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 of North York.

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.

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. 75-8, 11/3/1975; as revised by Ord. 88-1, 2/1/1988)

§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 of North York. 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 headlamps 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 of North York.

(*Ord. 75-8, 11/3/1975; as revised by Ord. 88-1, 2/1/1988*)

§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 such as may be provided from time to time by resolution of the Borough Council. The maximum number of days for storage pursuant to such permit is 180 days. Storage longer than 180 days shall be deemed a violation and not storage pursuant to the permit. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within a opaqued fence at least 6 feet high which is locked at all times when unattended. 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 nor be for a term longer than 180 days. [*Ord. 2006-3*]

2. 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. 75-8, 11/3/1975; as revised by Ord. 88-1, 2/1/1988; as amended by Ord. 12/21/2000, §10; and by Ord. 2006-3, 7/10/2006*)

§10-204. Inspection; Notice to Comply.

1. The Enforcement Officer is hereby empowered to inspect grounds 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 5 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time. [*Ord. 2006-3*]

(*Ord. 75-8, 11/3/1975; as revised by Ord. 88-1, 2/1/1988; as amended by Ord. 2006-3, 7/10/2006*)

§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 conditions, within the time limit prescribed, the Borough of North York 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. 75-8, 11/3/1975; as revised by Ord. 88-1, 2/1/1988*)

§10-206. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 5 days after notice of the Enforcement Officer'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. [*Ord. 2006-3*]

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

(*Ord. 75-8, 11/3/1975; as revised by Ord. 88-1, 2/1/1988; as amended by Ord. 2006-3, 7/10/2006*)

§10-207. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence 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. 75-8, 11/3/1975; as revised by Ord. 88-1, 2/1/1988; as amended by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)

§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. 75-8, 11/3/1975; as revised by Ord. 88-1, 2/1/1988*)

Part 3**Enforcement of Health Laws****§10-301. Administration of Health Laws in the Borough of North York.**

The Department of Environmental Resources of the Commonwealth of Pennsylvania be and it is by this resolution requested, under the provisions of the Administrative Code of 1929, Article XXI, §2102, to take over the administration of the health laws within the Borough of North York, York County, Pennsylvania, at the expense of the Department of Environmental Resources.

(Ord. 88-1, 2/1/1988)

Part 4**Vector Control****§10-401. Definitions.**

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

Accessory structure - a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.

Breeding area - any condition which provides the necessary environment for the birth or hatching of vectors.

Collection of water - water contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind, or other containers or devices which may hold water.

Covered receptacle - a container of metal, wood, heavy duty plastic or synthetic material of solid construction, with a tight-fitting cover secured against leakage.

DEP - Department of Environmental Protection, Commonwealth of Pennsylvania. [Ord. 2006-3]

Dilapidated - fallen into partial ruin or decay.

Disposal - storage, collection, disposal or handling of refuse.

Extermination - the control and elimination of vectors by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or State authority having such administrative authority.

Garbage - all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

Harborage - any place where vectors can live, nest or seek shelter.

Occupant - any person, over 1 year of age, living, sleeping, cooking or eating in or actually having possession of a dwelling unit or a rooming unit; in dwelling units a guest will not be considered an occupant.

Owner - any person who, alone or jointly or severally with others shall have:

(1) Legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof.

(2) Charge, care, or control of any premises, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

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

Refuse - all solid wastes, except human body wastes, and including handling of refuse.

Rubbish - glass, metal, paper, plant growth, wood or nonputrescible solid wastes.

Vector - a rodent, arthropod, or insect capable of transmitting a disease or infection, including but not limited to rats, mosquitoes, cockroaches, flies and ticks.

Vector-proofing - a form of construction to prevent ingress or egress of vectors to or from a given space or building or gaining access to food, water, or harborage, including, but not limited to, rat-proofing, fly-proofing, and mosquito-proofing.

(*Ord. 90-4, 3/5/1990, §1; as amended by Ord. 2006-3, 7/10/2006*)

§10-402. Prohibited Acts.

It shall be unlawful:

A. For any person to deposit or to knowingly permit any person acting as agent, employee, or servant of said person to deposit any refuse, offal, pomace, dead animals, decaying matter, or organic substance of any kind in or upon any private lot, building, structure, accessory structure, premises, or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter, or into any of the waters of the Commonwealth so that the same shall or may afford food, harborage or breeding areas for vectors.

B. For any person to deposit or permit to accumulate in or upon any premises, improved or vacant, or on any open lot, or alley, any lumber, boxes, barrels, bottles, cans, glass, scrap iron, wire, metal articles, pipe, broken stone or cement, broken crockery, broken plaster, or rubbish of any kind, unless the same may be kept in covered receptacles or placed on open racks that are elevated not less than 18 inches above the ground, and evenly piled or stacked; or unless disposed of in a manner approved by DEP. [*Ord. 2006-3*]

C. To maintain a junkyard or a place for the dumping or wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, in such a manner as to afford harborage or breeding areas for vectors.

D. To store refuse in containers other than covered receptacles, which shall be kept clean by rinsing and draining as often as necessary so as not to provide food or breeding areas for vectors.

E. To dump, burn, bury, destroy, or otherwise dispose of refuse except at an approved refuse disposal site.

F. To collect, haul, transport, or convey garbage in open, unenclosed, non-leakproof vehicles.

G. To construct, maintain or use a sewage system, privy, urinal, cesspool, or other receptacle for human excrement so that vectors may have access to the excrementitious matter contained therein.

H. To have, keep, maintain, cause or permit any collection of standing or

flowing water except for agricultural or industrial purposes in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as effectually to prevent such breeding.

(*Ord. 90-4, 3/5/1990, §2; as amended by Ord. 2006-3, 7/10/2006*)

§10-403. Responsibilities of Owners and Occupants.

1. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof, in such a manner as to prevent breeding areas and harborages for vectors.

2. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for extermination within his dwelling unit. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonable insect-proof, condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(*Ord. 90-4, 3/5/1990, §3*)

§10-404. Vector-Proofing.

1. Any dwelling, building, structure, accessory structure, premises or any other place shall be required to be vector-proofed when found to provide harborage or breeding areas for vectors, upon written notice at least 10 days prior to an inspection thereof.

2. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the vector-proofing from any building, structure or accessory structure for any purpose.

3. Within 10 days after notice the owner may petition for a hearing by the Borough of North York with an opportunity for him to be present, to cross-examine witnesses, and to receive a written decision to be rendered within 30 days after the hearing. An appeal of this decision may be filed with a court of competent jurisdiction in accordance with the rules of civil procedure.

(*Ord. 90-4, 3/5/1990, §4*)

§10-405. Private Vector Control Programs.

A program plan and specifications for private vector control programs shall be required to be submitted by the owner to the Borough of North York upon determination of the necessity by the Vector Control Program Director. Said determination shall be served on the owner personally or by certified mail. Within 10 days of said service the owner may contest the necessity of the program by requesting a hearing to be conducted in accordance with §10-404 of this Part. Said program plan shall be submitted by the owner to the Borough of North York within 30 days of notice. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program, if any, and any and all work to be conducted in an effort to control said vectors. The Vector Control Program Director shall review the

program plan, and if the plan is found to be inadequate or incomplete, additional information may be required as well as additional control methods. The owner may request a hearing on the Director's determination in accordance with §10-404 of this Part.

(*Ord. 90-4, 3/5/1990, §5*)

§10-406. Authority to Abate Vector Problems.

1. From and after passage of this Part, the Borough of North York and/or a representative of the vector control program is empowered to make periodic inspections of the interior and exterior of all dwellings, buildings, structures, and accessory structures, premises, collections of water, or any other places to determine full compliance with this Part, and to determine evidence of vector infestation and the need for vector-proofing or additions or repairs to existing vector-proofing.

2. Whenever it shall be determined by the Borough of North-York that any dwelling, building, structure, accessory structure, premises, collection of water, or any other place is in violation of this Part, a notice shall be issued setting forth the alleged violation(s), and advising the owner, occupant, operator, or agent that such violation(s) must be corrected. The time for the correction of said violation(s) must be given as well as the necessary methods to be employed in the correction.

3. Whenever any violation(s) shall fail to be corrected within the time set forth, and an extension of time is not deemed to be necessary, the Borough of North York may proceed to abate the violation(s) in the manner provided by law.

4. The owner shall have the right to appeal from said determination by a hearing in accordance with §10-404 of this Part.

(*Ord. 90-4, 3/5/1990, §6*)

§10-407. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence 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. 90-4, 3/5/1990, §7; as amended by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)

Part 5**Abandoned and Junked Motor Vehicles****§10-501. Definitions.**

The following words and phrases when used in this Part shall, for the purposes of this Part, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

Abandoned motor vehicle - a motor vehicle, or parts thereof, which has been voluntarily relinquished by its owner, with the intention of terminating his ownership, possession and control, without vesting ownership in any other person.

Junked motor vehicle - any motor vehicle, or parts thereof, not in running condition left or stored in the open, and not in a garage or other closed building, as is reasonably calculated to prevent children from playing on or about such motor vehicle.

Motor vehicle - any vehicle which is self-propelled and also any trailer or semi-trailer designed for use with such vehicles.

(*Ord. 90-7, 5/7/1990, §1*)

§10-502. Prohibition.

It shall be unlawful for any person, partnership, firm, association or corporation, to park, place, keep or store on any street, or in the open on public or private property within the Borough of North York, York County, Pennsylvania, any abandoned motor vehicle or junked vehicle for a period longer than 5 days.

(*Ord. 90-7, 5/7/1990, §2; as amended by Ord. 2006-3, 7/10/2006*)

§10-503. Evidence of Violation.

The following acts or circumstances shall be prima facie evidence that a motor vehicle is an abandoned motor vehicle:

A. Failure to move any motor vehicle disabled by reason of an accident for a period of 5 days from the date of said accident. [*Ord. 2006-3*]

B. The leaving of a motor vehicle that is inoperable on public property, unattended for a period of more than 5 days. [*Ord. 2006-3*]

C. A motor vehicle that has remained illegally on public property for a period of more than 5 days. [*Ord. 2006-3*]

D. A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for a period of more than 5 days. [*Ord. 2006-3*]

(*Ord. 90-7, 5/7/1990, §3; as amended by Ord. 2006-3, 7/10/2006*)

§10-504. Current Inspection and Registration Required.

The failure of any motor vehicle to bear a current state registration and current official state inspection emblem shall be prima facie evidence that such motor vehicle

is an abandoned motor vehicle and/or junked motor vehicle.

(*Ord. 90-7, 5/7/1990, §4*)

§10-505. Authority of Police.

Any police officer or Code Enforcement Officer acting for the Borough is hereby authorized to remove any abandoned motor vehicle or junked motor vehicle from the street or from public or private property after said 5-day period and to cause such motor vehicle to be stored temporarily pending determination of ownership and notice to the owner thereof of its removal. Such police officer shall immediately notify the owner or the reputed owner of said motor vehicle of its removal and of the intention of the Borough to dispose of the motor vehicle unless it is claimed and the costs of removal and storage paid within 5 days after the date of mailing of the notice.

(*Ord. 90-7, 5/7/1990, §5; as amended by Ord. 2006-3, 7/10/2006*)

§10-506. Procedure for Disposal.

In the event that any abandoned motor vehicle or junked motor vehicle is not claimed and the costs of its removal and storage not paid within 5 days of the mailing of the notice prescribed in §10-505 above, or in the event that the identity or whereabouts of the owner cannot be determined after a reasonable investigation, application shall be made by the Borough for a title or certificate of junk in its name and the motor vehicle disposed of as provided in the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

(*Ord. 90-7, 5/7/1990, §6*)

§10-507. Penalty.

In addition to the costs for removal and storage, which are hereby placed on the owner of such abandoned motor vehicle or junked motor vehicle, any person, or any officer of any partnership, firm, association 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. Any violation of this Part shall be deemed a separate offense for each and every day such violation shall continue and shall be subjected to the penalties above imposed for each and every separate offense.

(*Ord. 90-7, 5/7/1990, §7; as amended by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)