

Chapter 10

Health and Safety

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Part 1**Weed Control****§10-101. Vegetative Growth a Nuisance Under Certain Conditions.**

1. No person, firm or corporation, owning or occupying any property within the Borough of Shillington shall permit any 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 8 inches; nor shall any noxious weeds prohibited by the Noxious Weed Control Law, 3 P.S. §255.8, or by regulations of the Department of Agriculture be permitted to grow within the Borough of Shillington including:

- A. Marihuana.
- B. Chicory, Succory or Blue Daisy.
- C. Canadian Thistle.
- D. Multiflora Rose.
- E. Johnson Grass.

2. Any grass, weeds or other vegetation growing upon any premises in the Borough of Shillington in violation of any of the provisions of this Section in hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough of Shillington.

(Ord. 855, 6/11/1992, §1)

§10-102. Responsibility for Removing, Cutting or Trimming.

The owner of any premises, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §10-201.

(Ord. 855, 6/11/1992, §2)

§10-103. Notice to Remove, Trim or Cut; Borough May Do Work and Collect Cost and Additional Amount.

The Borough Council, or any officer or employee of the Borough of Shillington designated thereby for this 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 the provisions of §10-201 of this Part, directing and requiring such occupant to remove, trim or cut such grass, weeds, or vegetation so as to conform to the requirements of this Part, within 5 days after issuance of such notice. Whenever, in the judgment of the Borough Manager it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Borough of Shillington designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 5 days. In case any person, firm or

corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough Council may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof shall be collected by the Borough of Shillington from such person, firm or corporation, in the manner provided by law.

(*Ord. 855, 6/11/1992, §3*)

§10-104. Penalties for Violation.

Any person, firm or corporation 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 after notice shall constitute a separate offense.

(*Ord. 855, 6/11/1992, §4; as amended by Ord. 1025, 10/14/2004*)

Part 2**Outside Storage of Motor Vehicles****§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 repair.

Motor vehicle - any type of mechanical device, propelled by motor, in which persons or property may be transported, including trailers or semi-trailers pulled thereby.

Nuisance - any condition, structure, vehicle or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough of Shillington.

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 masculine shall include the feminine and the neuter.

(Ord. 805, 6/9/1988, §1)

§10-202. Motor Vehicle Nuisance Prohibited.

1. 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 Shillington, or upon public or private streets within said Borough. A motor vehicle nuisance shall include any motor vehicle which has any of the following 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 taillamps 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 condition.

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 floorboards, including trunk and firewall.

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

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae suspended on unstable supports.

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

2. A motor vehicle nuisance shall further include parts of motor vehicles such as engine blocks, fenders, quarter panels, etc., which are also allowed to remain upon open private grounds.

(*Ord. 805, 6/9/1988, §2*)

§10-203. Storage of Motor Vehicle Nuisance Permitted.

Any person, owner or lessee who has three or more motor vehicle nuisances as defined in §10-302 above may store such vehicle(s) in the Borough of Shillington 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 of Shillington, such as may be provided from time to time by resolution of the Borough of Shillington. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building, or, outside within an opaqued fence at least 6 feet high, which is 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 154 square feet per vehicle.

(*Ord. 805, 6/9/1988, §3*)

§10-204. Inspection; Notice to Comply.

1. The Code 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 remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice.

(*Ord. 805, 6/9/1988, §4*)

§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 Shillington shall have the authority to take measures to correct the conditions and collect the costs of such corrections, including reasonable attorneys' fee and engineering fees, plus 10% of all costs. Additionally the Borough of Shillington has the power to remove uninspected vehicles or vehicles which are otherwise in violation of §10-302 from any street, alley or right-of-way within the Borough of Shillington with 10 days notice to the owner thereof and to assess any and all costs of the removal and storage against said owner. The Borough of Shillington, in such events 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. In addition, the Borough of Shillington shall have the right to enforce this Part in law or equity and such remedies shall be cumulative.

(*Ord. 805, 6/9/1988, §5; as amended by Ord. 1000, 10/10/2002, §1*)

§10-206. Penalties.

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

(*Ord. 805, 6/9/1988, §6; as amended by Ord. 1025, 10/14/2004*)

§10-207. 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. 805, 6/9/1988, §7*)

Part 3**Outside Storage of Materials on Private Grounds****§10-301. 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 repair.

Nuisance - any condition, structure, improvement or material which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough of Shillington; or which is detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

Owner - the actual owner, agent or custodian of the property, whether individual or partnership, association or corporation.

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

(Ord. 808, 7/14/1988, §1)

§10-302. Diminution of Property Values.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

(Ord. 808, 7/14/1988, §2)

§10-303. Storage in or on Motor Vehicles.

No person owning, leasing or possessing any truck or other motor vehicle shall cause to be stored or retained thereon, any discarded, abandoned, or junked items or material on streets, alleys or private property within the Borough of Shillington for a period in excess of 24 hours without having said vehicle totally covered or retained in building or garage, totally enclosed.

(Ord. 808, 7/14/1988, §3)

§10-304. Inspection; Notice to Comply.

1. The Code Enforcement Officer is hereby empowered to inspect grounds on which a potential nuisance is located to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, 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 are unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition, structure or improvement constituting

the nuisance which is complained of, and shall require the owner to remove or otherwise abate the condition, structure or improvement as set forth in said letter within 10 days of mailing or posting of said notice.

(*Ord. 808, 7/14/1988, §4*)

§10-305. Authority to Remedy Noncompliance.

If the owner does not comply with the notice to abate the conditions within the time limit prescribed, the Borough of Shillington shall have the authority to take measures to correct the conditions and collect the costs of such corrections, including reasonable attorneys' fees and engineering fees, plus 10% of all costs. The Borough of Shillington, 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. In addition, the Borough of Shillington shall have the right to enforce this Part in law or equity and such remedies shall be cumulative.

(*Ord. 808, 7/14/1988, §5*)

§10-306. Penalties.

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

(*Ord. 808, 7/14/1988, §6; as amended by Ord. 1025, 10/14/2004*)

§10-307. 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. 808, 7/14/1988, §7*)

Part 4**Alarm Devices****§10-401. Definitions.**

For the purpose of this Part, the following terms are defined as follows:

Alarm - a communication indicating or warning that a crime, fire or other emergency situation warranting immediate action by the Borough police or local fire companies has occurred or is occurring.

Alarm device - a privately owned and operated or a leased electronic, electrical, mechanical or similar device designed to transmit an alarm by wire, telephone, radio, audible signal (bell siren or buzzer) or other means to the Borough police, local fire companies, or any person who is within the sound transmitting distance limits of such an audible signal.

False Alarm - an alarm to which the Borough police or local fire companies respond, resulting from the intentional activation of an alarm device by an individual under circumstances where the individual had no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Borough police or local fire companies has occurred or was occurring.

Act of God - an event caused by the operation of nature and not due to human action, negligence, or system malfunction.

Permit holder - a person to whom the Borough police have issued an alarm device permit.

Person - an individual, corporation, partnership, incorporated association or other legal entity.

New installation - a business or residence at which an alarm device previously did not exist, or a business or residence which has made a major change to the existing alarm device in respect to sensory devices, control panel, audible signals, transmission devices or any combination of the aforementioned system components are changed.

(Ord. 865, 12/10/1992, §1)

§10-402. Purpose.

The purpose of this Part is to prevent an unnecessary response by the Fire Company or the Police Department resulting from an alarm received but which has been caused either by a defect in the fire alarm system or the burglar alarm system or by the accidental or careless use or misuse of such system.

(Ord. 865, 12/10/1992, §2)

§10-403. Permits.

1. It shall be unlawful for a property owner, lessee of property, or a person otherwise occupying a premises in the Borough to put an alarm device into operation on his or its premises without first obtaining an alarm device permit from the Borough police.

2. In order to apply for an alarm device permit, a person shall submit an application to the Borough Chief of Police stating the following:

A. His or its name.

B. His or its home address and/or principal business address and the telephone number of each.

C. The location at which the alarm device will be installed and operated.

D. If the alarm device is at a business, the names, addresses and telephone numbers of at least two individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time; or in lieu thereof, the company which provides alarm services at the premises and which has on file with it the names of such authorized key holders, provided that such security service company can be contacted 24 hours a day each and every day of the year. In the event that any of this emergency information should change, it is the business owner's responsibility to notify the Police Department immediately of such change.

E. If the alarm device is at a residence, the name, address and telephone number of at least two individuals who have keys to the premises and is authorized to enter the premises at any time shall be listed along with the individual's place of employment and its telephone number.

F. A complete description of the alarm device, including information indicating if the device is coordinated with any other type of antipersonnel, smoke, fire or personal safety device.

G. If the alarm device is to be leased or rented from, or is to be serviced pursuant to a service agreement by a person other than the person making application for an alarm device permit, the name, address, and telephone number of that person.

3. The Borough Police shall furnish forms upon which any person wishing to apply for an alarm device permit may submit his application.

4. A person applying for an alarm device permit shall submit a fee in an amount as established from time to time by resolution of Borough Council along with his application to cover the cost of issuing the permit. [*Ord. 1025*]

5. A person applying for an alarm device permit shall furnish proof that if an alarm device is designed to cause a bell, siren or sound-making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, siren or other sound-making device after 30 minutes of operation. Pre-existing units must be modified for a 30 minute device unless said unit cannot be modified without replacement.

6. Notwithstanding the language contained in subsection .1 of this Section, it shall not be unlawful for a person to continue to operate an alarm device on his premises without an alarm device permit after the effective date of this Part provided that said alarm device was in operation on the effective date of this Part, until such time as the Borough police or local fire companies respond to an alarm resulting from the activation of such alarm device, whereafter such person shall have 30 days within

which to apply for the alarm device permit required by this Part.
(*Ord. 865, 12/10/1992, §3; as amended by Ord. 1025, 10/14/2004*)

§10-404. Yearly Period Established.

For the purposes of this Part, the year or current year shall be intended to mean the 12-month period commencing July 1 and ending June 30.
(*Ord. 865, 12/10/1992, §4*)

§10-405. Intentional False Alarm.

It shall be unlawful to cause an intentional false alarm.

A. *Testing.* No person shall conduct or test any alarm device without first notifying the Police Department or the Fire Department, whichever is applicable.
(*Ord. 865, 12/10/1992, §5*)

§10-406. False Alarm Charges.

1. In the case of new installation, a 45-day testing period shall apply to allow the security service company and the applicant to adjust the system as necessary to prevent false alarm indications. During this 45-day period false alarm charges shall not be assessed.

2. A permit holder shall pay to the Borough a charge for each false alarm emanating from his alarm device during any calendar year as follows:

45-Day Testing Period	No Charge
First through Third False Alarm	No Charge
Fourth through Seventh Alarm	\$50 each occurrence
Eighth and Subsequent False Alarm	\$100 each occurrence

3. When a false alarm occurs, the Borough Chief of Police shall notify the permit holder of the alarm device from which the false alarm charge is due and the amount thereof, if any. Such notice shall be in writing and mailed to the permit holder at this last known address by certified mail, postage prepaid.

4. A false alarm charge shall be due and payable at the office of the Borough Secretary no later than 30 days from the date of the notice of the false alarm.

5. An exception to the false alarm charge shall be granted in the event that the false alarm is caused by an Act of God with the burden of proving said exception resting upon the permit holder.

6. Failure of permit holder to pay a false alarm charge on or before the due date shall subject such a permit holder to the penalties provided for in §10-407 of this Part.
(*Ord. 865, 12/10/1992, §6*)

§10-407. Penalties.

Any person, firm or corporation who shall violate any provision 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. 865*, 12/10/1992, §7; as amended by *Ord. 1025*, 10/14/2004)