

CHAPTER 10

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Part 1

Nuisances

§101. Definitions.

ENCLOSED — having a wall or walls, window or windows and a door or doors. [Ord. 1211-98]

NUISANCE — any condition or use of a premises or of a building which is unreasonable, unwarranted or unlawful and/or which causes or tends to cause injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of such person's legal and reasonable uses of said person's property or which causes or tends to cause diminution in the value of other property in the neighborhood. [Ord. 1211-98]

PERSON — as used in this Part, shall mean any natural person, firm, association, partnership or corporation.

PORCH or EXTERIOR ATTACHMENT — any area attached to or appended to a building regularly used for any occupancy. [Ord. 1211-98]

REFUSE or RUBBISH — refuse or rubbish shall mean, but not be limited to, the following; any waste paper, sweepings, ashes, household waste, glass, metal, furniture, rotted wood products, vehicle parts and accessories, or any other detrimental substance. [Ord. 1211-98]

(Ord. 6743, 4/3/1967, §§1 and 2; as amended by Ord. 1211-98, 8/10/1998, §1)

§102. Unlawful to Maintain Nuisances.

It shall be unlawful for any person to maintain, or permit to be maintained, a nuisance on any property owned or occupied by such person within the limits of the Borough of Gettysburg. (Ord. 6743, 4/3/1967, §3)

§103. Unlawful to Maintain Conditions Detrimental to Health.

It shall be unlawful for any person to maintain, or permit to be maintained, on any property owned or occupied by such person within the limits of the Borough of Gettysburg any condition detrimental to health and any such condition shall constitute a nuisance. (Ord. 6743, 4/3/1967, §4)

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§104. Accumulations of Refuse May Constitute Nuisance.

It shall be unlawful for any person to accumulate or cause or permit the accumulating of garbage, refuse or rubbish on public or private grounds within the limits of the Borough of Gettysburg and any such accumulation shall constitute a nuisance. (Ord. 6743, 4/3/1967, §5)

§105. Storage of Abandoned or Junked Automobiles May Constitute Nuisance.

It shall be unlawful for any person to store or cause or permit the storage of any abandoned or junked automobiles on public or private ground within the limits of the Borough of Gettysburg, and any such storage shall constitute a nuisance. (Ord. 6743, 4/3/1967, §6)

§106. Dangerous Structures Unlawful.

It shall be unlawful for any person to have, cause or permit the existence of any dangerous structure on public or private grounds within the limits of the Borough of Gettysburg. (Ord. 6743, 4/3/1967, §7)

§107. Unlawful to Maintain Interior Furniture On Porch.

Maintaining or causing to maintain upon any unenclosed porch or exterior attachment, furniture, other than furniture designed for exterior use, which is commonly intended for use inside a dwelling including, but not limited to, upholstered sofas, chairs, davenports, beds, divans and the like, shall constitute a nuisance. (Ord. 6743, 4/3/1967; as added by Ord. 1211-98, 8/10/1998, §3)

§108. Use of a Porch Roof for a Nondesignated Use Shall Constitute a Nuisance.

Use of a roof over a porch, an exterior attachment or any other portion of a building or structure at a second story level or higher for a use for which it was not specifically designed, such as, but not limited to, sunbathing, placement of furniture, social gatherings or other activities shall constitute a nuisance. (Ord. 6743, 4/3/1967; as added by Ord. 1211-98, 8/10/1998, §3)

§109. Abatement of Nuisances.

In the event any person shall violate any of the provisions of this Part the Code Enforcement Officer may order the abatement or removal of any such nuisance or dangerous structure by the owner or occupier of such grounds, after five days' written notice to such owner or occupier to do so and, upon default of the owners or occupiers of such grounds to abate or remove such nuisance or dangerous structure as so ordered, the

Borough shall abate or remove the same or cause its abatement or removal, and collect the cost thereof, together with a penalty of 10% of the such cost, in the manner provided by law. (Ord. 6743, 4/3/1967, 8; as amended by Ord. 1019-84, 8/13/1984; by Ord. 1028-85, 8/12/1985; and by Ord. 1211-98, 8/10/1998, §4)

§110. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of a minimum of \$25 and not more than \$1,000; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 6743, 4/3/1967, §9; as amended by Ord. 1028-85, 8/12/1985; by Ord. 1211-98, 8/10/1998, §5; and by Ord. 1236-99, 12/13/1999, §1)

Part 2

Grass, Weeds and Other Vegetation

§201. Definition and Interpretation.

In this Part 2 the word “person” shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter. (Ord. 134, 6/13/1968, §1)

§202. Grass, Weeds and Other Vegetation to be Cut and Removed Under Certain Conditions.

It shall be unlawful for any person, owning or occupying any property within the Borough of Gettysburg, to permit any grass or weeds or any other vegetation whatsoever not edible or planted for some useful or ornamental purpose to grow or remain upon the premises so as to exceed a height of 10 inches, or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit or to create or produce harmful pollen. (Ord. 134, 6/13/1968, §2; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1211-98, 8/10/1998, §5)

§203. Responsibility for Cutting and Removing Grass, Weeds and Other Vegetation.

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, trim or cut all grass, weeds J or other vegetation growing or remaining upon such premises in violation of any of the provisions of 202 of this Part 2. (Ord. 134, 6/13/1968, §3)

§204. Notice to Cut and Remove Grass, Weeds and Other Vegetation Authority for Borough to Do So and Collect Cost Plus 10%.

The Code Enforcement Officer, or any officer or employee of the Borough designated 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 of the provisions of 202 of this Part 2, 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 2, within five days after issuance of such notice. In case any person 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, with an additional charge of 10% shall be collected by the Borough from such

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person in default, in the manner provided by law. (Ord. 134, 6/13/1968, §4; as amended by Ord. 1028-85, 8/12/1985)

§205. Trees and Shrubs Overhanging Sidewalks Prohibited.

Trees, shrubs, hedges or other vegetation overhanging sidewalks or other pedestrian walkways at a height of less than eight feet shall constitute a nuisance. However, the right to designate higher or lower clearances in instances where conditions make it appropriate and expedient in accordance with Chapter 25, Part 1, "Regulations of the Shade Tree Commission," of the Book of Borough Ordinances shall be reserved to the Borough of Gettysburg Shade Tree Commission. (Ord. 134, 6/13/1968; as added by Ord. 1211-98, 8/10/1998, §7)

§206. Trees and Shrubs Overhanging Streets and Roads Prohibited.

Trees, shrubs or other vegetation overhanging a road right-of-way at a height of less than 16 feet, measured from the street surface at the curb, shall constitute a nuisance. However, the right to designate higher or lower clearances in instances where conditions make it appropriate and expedient in accordance with Chapter 25, Part 1, "Regulations of the Shade Tree Commission," of the Book of Borough Ordinances shall be reserved to the Borough of Gettysburg Shade Tree Commission. (Ord. 134, 6/13/1968; as added by Ord. 1211-98, 8/10/1998, §7)

§207. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a minimum fine of \$25 and not more than \$1,000; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 134, 6/13/1968, §5; as amended by Ord. 1028-85, 8/12/1985; by Ord. 1211-98, 8/10/1998, §6; and by Ord. 1236-99, 12/13/1999, §1)

Part 3

Vector Control

§301. Definitions.

As used in this ordinance, 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 wind and leakage.

DER — Department of Environmental Resources, Commonwealth of Pennsylvania.

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 one 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.

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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; or
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 ordinance 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.

VECTORPROOFING — 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. 1028-85, 8/12/1985)

§302. Prohibited Acts. It shall be unlawful:

1. 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.
2. 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 DER.

3. 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 harborages or breeding areas for vectors.
4. 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.
5. to dump, burn, bury, destroy, or otherwise dispose of refuse except at an approved refuse disposal site.
6. to collect, haul, transport, or convey garbage in open, unenclosed, nonleak-proof vehicles.
7. 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.
8. 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. 1028-85, 8/12/1985)

§303. 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. 1028-85, 8/12/1985)

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§304. 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 five days prior to a hearing, and upon hearing by the Code Enforcement Officer with an opportunity for the owner to be present, to cross-examine witnesses, and to receive a written decision to be rendered within 10 days after the hearing and with a right of court appeal.
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.

(Ord. 1028-85, 8/12/1985)

§305. 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 upon determination of the necessity by the Code Enforcement Officer. Said determination shall be served on the owner personally or by certified mail. Within five days of said service the owner may contest the necessity of the program by requesting a hearing to be conducted in accordance with §304 of this Part. Said program plan shall be submitted by the owner to the Code Enforcement Officer within 10 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 Code Enforcement Officer 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 Code Enforcement Officer's determination in accordance with §304 of this Part. (Ord. 1028-85, 8/12/1985)

§306. Authority to Abate Vector Problems.

1. From and after passage of this ordinance, the Borough 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 ordinance, 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 Council 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 Municipality may proceed to abate the violation(s) in the manner provided by law.

(Ord. 1028-85, 8/12/1985)

§307. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a minimum fine of \$25, and not more than one \$1,000, and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §1)

Part 4

Engine Brake Retarder

§401. Title.

This Part shall be known as the “Gettysburg Borough Engine Brake Retarder Ordinance.” (Ord. 1224-99, 5/10/1999, §1)

§402. Engine Brake Retarder Nuisance.

The Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, finds as a fact that the operation of engine brake retarder 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 retarder, adversely affects the public health, safety and welfare of the residents of the Borough of Gettysburg and, therefore, is a nuisance in fact. (Ord. 1224-99, 5/10/1999, §2)

§403. Prohibited Areas.

No gasoline-powered or diesel-powered motor vehicle shall be operated on SR 0030 (State Route 30), SR 3001 (Business Route 15), SR 0116 (State Route 116) and SR 0034 (State Route 34) within the Borough, utilizing, in said operation, an engine brake retarder, without exhaust mufflers or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle through the use of engine brake retarder. (Ord. 1224-99, 5/10/1999, §3)

§404. Exceptions.

This Part shall not apply to emergency driving situations requiring the utilization of an engine retarder to protect the safety and property of the residents of Gettysburg Borough, other motor vehicle operators, pedestrians and the operator and passengers of the motor vehicle involved in said emergency situation. (Ord. 1224-99, 5/10/1999, §4)

§405. Signs.

Signs shall be erected within the Borough limits advising motor vehicle operators of the prohibition of the use of engine brake retarders consistent with this Part. (Ord. 1224-99, 5/10/1999, §5)

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§406. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon summary conviction before a District Magistrate/District Justice having jurisdiction, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment for a period not to exceed 10 days. (Ord. 1224-99, 5/10/1999, §6; as amended by Ord. 1236-99, 12/13/1999, §1)