

CHAPTER 10
HEALTH AND SAFETY

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Part 1

Overgrown Vegetation

§10-101. Purposes.

The purposes of this Part are to:

- A. Safeguard public health, safety and general welfare.
- B. Preserve the value of property within the Borough of Beaver.
- C. Protect the municipal tax base by preventing the decline of property value.

(Ord. 742, 7/13/2004)

§10-102. Interpretation.

The provisions of this Part shall be interpreted according to the following principles:

- A. Words used in this Part which are not specifically defined in §10-103 shall have their common or ordinary meanings, as shown by a standard dictionary.
- B. It is the intent of the Council that the word "vegetation," as defined below, shall have independent significance and comprehensive scope and shall not be narrowly construed to exclude any form of plant life.
- C. The various provisions of this Part shall be severable from each other, so that if any provision is finally determined to be illegal or invalid, either generally or in a particular application, the efficacy of the remaining provisions shall not be impaired.

(Ord. 742, 7/13/2004)

§10-103. Definitions.

As used in this Part, the following words and phrases shall have the meanings specified:

BOROUGH — the Borough of Beaver.

GRASS — any plant (typically of the family Gramineae) used to establish a lawn on a property. The term does not include "ornamental grass," as defined below.

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OCCUPANT — the person occupying or using a property.

ORNAMENTAL GRASS — any grass or grasslike plant not customarily used to establish a lawn by means of regular mowing, but used primarily to provide contrast or otherwise enhance the appearance of a property.

OWNER — the person having legal title to a property.

PERSON — any individual, partnership, corporation, association, cooperative enterprise, government unit or agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment or civil penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLANT — any living thing that cannot move voluntarily, has no sense organs and generally makes its own food by photosynthesis; a vegetable organism, as distinguished from an animal organism.

PROPERTY — any lot or parcel of land within the Borough.

VEGETATION — plant life in general which is not deliberately cultivated within a yard for either food production or property ornamentation. The term does not include flowers, vegetables in plots or home gardens, or decorative shrubs or bushes.

WEED — any plant of rank or profuse growth or unsightly appearance; or any useless or undesirable plant.

(Ord. 742, 7/13/2004)

§10-104. Prohibited Acts.

1. It is unlawful for any person to permit any grass or weed to grow to a height exceeding six inches upon any property within the Borough.
2. It is unlawful for any person to permit any grass, weeds or other vegetation to project onto any street, alley, curb or sidewalk abutting any property within the Borough.
3. It is unlawful for a person to permit any grass, weeds or other vegetation to grow in the joints, holes or cracks of any curb or sidewalk abutting any property within the Borough.

(Ord. 742, 7/13/2004)

§10-105. Responsibility.

1. The owner of a property shall be deemed responsible for its condition, even if not in occupancy thereof. Any agreement between an owner and a tenant or other occupant regarding the condition of the property shall not affect the application of this Part to the owner.
2. The occupant of a property shall likewise be deemed responsible for its condition. Any agreement between an occupant and the owner regarding the condition of the property shall not affect the application of this Part to the occupant.
3. If a property has more than one owner, each owner shall be deemed responsible for the condition of the property and shall be subject severally to the provisions of this Part.
4. If a property has more than one occupant, each occupant shall be deemed responsible for the condition of the property and shall be subject severally to the provisions of this Part.

(Ord. 742, 7/13/2004)

§10-106. Inspection and Notices.

1. The Code Enforcement Officer shall conduct property inspections on a regular basis to determine whether any prohibited condition exists.
2. Whenever an inspection discloses that a prohibited condition exists, the Code Enforcement Officer shall promptly issue an enforcement notice. The enforcement notice shall
 - A. Be in writing;
 - B. Include a statement of the reason(s) it is being issued;
 - C. Direct that the prohibited condition be corrected within the next five days; and
 - D. Be served upon the owner and/or occupant.
3. An enforcement notice shall be sent by first-class mail to the last known address of the owner and occupant. If the mailing is returned with the notation as refused or unclaimed, the notice shall be conspicuously posted on the subject property, and service shall be deemed to have occurred upon such posting.

(Ord. 742, 7/13/2004)

§10-107. Borough Remedies.

1. If an enforcement notice is not complied with, the Code Enforcement Officer shall promptly either commence a criminal proceeding or take appropriate action to correct the prohibited condition, or both.
2. When the Borough takes action to correct a prohibited condition, its employees or contractors shall have the authority to enter upon the subject property.
3. All remedies of the Borough pursuant to state law and this Part shall be nonexclusive and cumulative, so that the pursuit of any particular course of action shall not constitute an election of remedies. Remedies may be pursued simultaneously or consecutively and in such number or order as the Borough sees fit.

(Ord. 742, 7/13/2004)

§10-108. Criminal Penalties.

1. Offense defined.
 - A. Any person who violates §10-104 of this Part is guilty of a summary offense.
 - B. Each day a violation is continued shall be deemed a separate offense.
2. Penalties. A person convicted of an offense under this section shall be sentenced to pay a fine of not less than \$200 nor more than \$600, plus all costs of prosecution, or, in default of payment, to undergo imprisonment for not less than 10 nor more than 30 days.

(Ord. 742, 7/13/2004)

§10-109. Enforcement Costs.

1. The Borough shall be entitled to recover from the person or persons responsible for a prohibited condition all expenses paid or incurred by the Borough relating to the correction thereof and the enforcement of this Part. Such expenses shall include but not be limited to:
 - A. Costs of labor, materials or equipment.
 - B. Attorneys' fees relating to preparation for and attendance at any legal proceedings.
 - C. Court costs.
 - D. An additional amount of 10% of the total of all other expenses, as a penalty.

2. Such costs shall be collected by the Borough in the manner provided by state law for the collection of municipal claims, or by a civil court action, as the Borough may see fit.

Part 2

Waste Control

§10-201. Purposes.

The purposes of this Part are to:

- A. Safeguard public health, safety and general welfare.
- B. Preserve the value of property within the Borough of Beaver.
- C. Protect the municipal tax base by preventing the decline of property values.

(Ord. 739, 2/10/2004)

§10-202. Interpretation.

The provisions of this Part shall be interpreted according to the following principles:

- A. Words used in this Part which are not specifically defined in §10-203 shall have their common or ordinary meanings, as shown by a standard dictionary.
- B. The various provisions of this Part shall be severable from each other, so that if any provision is finally determined to be illegal or invalid, either generally or in a particular application, the efficacy of the remaining provisions shall not be impaired.

(Ord. 739, 2/10/2004)

§10-203. Definitions.

As used in this Part, the following words and phrases shall have the meanings specified:

BOROUGH — the Borough of Beaver

GARBAGE — putrescible animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

PERSON — any individual, partnership, corporation, association, institution, cooperative enterprise, government unit or agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment or civil penalty, or any combination of the foregoing, the term "per-

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son" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PROPERTY — any tract or parcel of land within the Borough.

RUBBISH — combustible and noncombustible waste materials, except garbage.

WASTE — any garbage, rubbish or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments. The term does not include source-separated recyclable materials.

(Ord. 739, 2/10/2004)

§10-204. Prohibited Acts.

1. It is unlawful for any person to cause or permit any uncontained waste to be deposited upon any street, alley, sidewalk or property within the Borough.
2. It is unlawful for any property owner or occupant to cause or permit the use of any property within the Borough as a private or public dump for any waste.

(Ord. 739, 2/10/2004)

§10-205. Criminal Penalties.

1. Offense defined.
 - A. Any person who violates §10-204 of this Part is guilty of a summary offense.
 - B. Each day a violation is continued shall be deemed a separate offense.
2. Penalties. A person convicted of an offense under this section shall be sentenced to pay a fine of not less than \$200 nor more than \$600, plus all costs of prosecution, or in default of payment, to undergo imprisonment for not less than 10 nor more than 30 days.

(Ord. 739, 2/10/2004)

§10-206. Borough Remedies.

1. In addition to the criminal penalties provided for in §10-205 above, the Borough shall have the right to obtain equitable relief by a civil action in court.

2. All remedies of the Borough pursuant to state law and this Part shall be nonexclusive and cumulative, so that the pursuit of any particular course of action shall not constitute an election of remedies. Remedies may be pursued simultaneously or consecutively and in such number or order as the Borough sees fit.

(Ord. 739, 2/10/2004)

§10-207. Enforcement Costs.

The Borough shall be entitled to recover from the person or persons responsible for an unlawful act, as defined above, all expenses paid or incurred by the Borough relating to the enforcement of this Part. Such expenses shall include but not be limited to:

- A. Costs of inspections or investigations.
- B. Costs of clean-up and removal.
- C. Attorneys' fees relating to preparation for and attendance at any legal proceedings.
- D. Court costs.

(Ord. 739, 2/10/2004)

