

Chapter 10

Health and Safety

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Part 1**Carroll Valley Board of Health****§10-101. Borough Board of Health Established.**

A Borough Board of Health, composed of five members, appointed in the manner provided by law, is hereby created and established in and for the Borough. The Borough Board of Health shall perform all of the duties and may exercise any and all powers vested by law in boards of health in boroughs. Provided; the persons constituting the Board of Health and now functioning in the Borough shall constitute the Board of Health hereby created, and nothing in this Part shall affect the tenure of the said present Borough Board of Health. All vacancies hereafter occurring in the said Board of Health, regardless of the cause thereof, shall be filled in accordance with the provisions of the law governing boards of health in boroughs at the time of the occurrence of said vacancy.

(Ord. 7-80, 11/10/1980, §2-3071)

§10-102. Appointment of Health Inspector.

The Borough Board of Health is hereby empowered to appoint a Health Inspector, such appointment to be subject to confirmation by the Borough Council. Said Health Inspector shall have the same powers and duties as a duly appointed Health Officer, as provided by law.

(Ord. 7-80, 11/10/1980, §2-3072)

§10-103. Rules and Regulations.

The Health Inspector is hereby authorized to make an annual inspection and any necessary re-inspection of each establishment in the Borough offering food or beverages for sale to or consumption by the public. The inspection form used for these annual inspections shall be such form as established from time to time by the Borough. A score of 85, with no four point violations according to said form, shall be a prerequisite to issuance of a health permit.

(Ord. 7-80, 11/10/1980, §2-3073; as amended by Ord. 5-92, 6/8/1992)

§10-104. Permit Fees.

A fee shall be established from time to time, by resolution of Borough Council, for the initial annual inspection of premises offering food or beverages for sale to or consumption by the public. An additional fee, as established from time to time by Borough Council, will be charged for any reinspection which may be necessary before issuance of a health permit.

(Ord. 7-80, 11/10/1980, §2-3074; as amended by Ord. 5-92, 6/8/1992)

Part 2**Personal Property 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, 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 of Carroll Valley.

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. 5-92, 6/8/1992)

§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 Carroll Valley. A motor vehicle nuisance shall include any motor vehicle which 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 fire-wall.

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

P. Broken grill with protruding edges.

R. Loose or damaged metal trim and clips.

S. Broken communication equipment antennae.

T. Suspended on unstable supports.

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

(Ord. 5-92, 6/8/1992)

§10-203. Storage of Nuisances Prohibited.

It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment, or construction materials in the open on private property. Such storage shall constitute a nuisance and/or health hazard if any of the following conditions exist:

A. Broken glass or metal parts with sharp or protruding edges.

B. Containers which are conducive to the harboring and growth of vermin or animals.

C. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt, or fall from its original storage position.

D. Containers of any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents, and poisons.

E. Refrigerators with the doors remaining attached.

F. Any other condition which shall threaten the health, safety or welfare of the citizens.

(Ord. 5-92, 6/8/1992)

§10-204. Storage Requirements.

1. Storage of such items as listed in §§10-202 or 10-203 hereof on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Borough ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-203, shall apply for a permit for either temporary or permanent storage and pay a fee to the Borough as established, from time to time, by resolution of Borough Council. Such 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 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. At the sole discretion of Borough Council, a tarp completely covering the nuisance and secured against wind and weather may be substituted for the aforesaid fence. In addition, the appliances, machinery, equipment, or construction materials shall be kept free of vermin infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisances may not exceed 300 square feet.

3. Nothing herein shall be construed to permit the storage of appliance, machinery, equipment, or material nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

4. A temporary permit will be provided for vehicles which are covered with a tarp. (*Ord. 5-92, 6/8/1992*)

§10-205. Inspection of Premises; Notice to Comply.

1. The Code Enforcement Officer is hereby empowered to inspect private property on which appliances, machinery, equipment, and/or various construction materials 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 danger 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 considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice 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. 5-92, 6/8/1992*)

§10-206. Authority to Remedy Noncompliance.

If the owner of property on which appliances, machinery, equipment, and/or construction materials 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. 5-92, 6/8/1992*)

§10-207. Hearing.

1. Any person aggrieved by the decision of the Code Enforcement Officer 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 Code 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.

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

(Ord. 5-92, 6/8/1992)

§10-208. 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. 5-92, 6/8/1992; as amended by A.O.)

§10-209. 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. 5-92, 6/8/1992)