

Chapter 10

Health and Safety

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Part 1**Grass, Weeds and Other Vegetation Nuisances****§10-101. Definitions.**

For the purpose of this Part, the following words shall have the meanings set forth below:

Agricultural purposes—shall include any property which is being used for the cultivation of crops planted for harvesting, or which has been used for such purpose at any time within the previous 5 years. This includes greenways located on such property for the purpose of drainage.

Noxious weeds—include, but are not limited to, Canadian thistle, multiflora rose, Johnson grass, Jimson weed, mile-a-minute, kudzu-vine, bull or spear thistle, musk or nodding thistle, shattercane, purple loosestrife, giant hogweed, goatsrue, poison ivy, poison oak, and poison sumac.

Vegetation—shall include grass and noxious weeds but shall not include (1) crops planted for harvesting or some other useful purpose, (2) ornamental plants customarily used for landscaping purposes, or (3) garden plantings of vegetables, fruits or flowers.

Wetland—is an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Woodland—is defined as a vegetation type dominated by wood vegetation having a mature or potential mature stand height exceeding 20 feet with an overstory canopy of more than 50 percent.

(Ord. 2004-6, 11/8/2004, §1)

§10-102. Vegetative Growth a Nuisance Under Certain Conditions.

1. No person, association, corporation or other entity owning or occupying any property within the Township of Reading shall permit any vegetation to grow or remain upon such property so as (A) to exceed a height of 9 inches within 150 feet of a residence on land not used for agricultural purposes, (B) to exceed a height of 2 feet on land used for agricultural purposes or not located within 150 feet of a residence, (C) to create an unpleasant or noxious odor, or (D) to conceal any waste or similar deposits.

2. This Part shall not apply to woodlands or wetlands or any premises or portion of premises where it is physically impossible to cut or trim the vegetation. In any such case, a representative of the Township shall view the premises to confirm the inability to cut or trim the noncompliant vegetation. Further, this Part shall not include vegetation that has been deliberately planted and is maintained and/or managed pursuant to an approved Operation and Maintenance Plan, intended for the useful purpose of inclusion as a stormwater measure and/or best management practice.

3. Notwithstanding any of the foregoing, the Townships Board of Supervisors may order compliance with this Part in any case where it is necessary for the health, safety, and welfare of the citizens of the Township.

(Ord. 2004-6, 11/8/2004, §2)

§10-103. Responsibility for Removing, Cutting or Trimming.

The owner and/or occupant of any premises shall remove, trim, or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of this Part.

(Ord. 2004-6, 11/8/2004, §3)

§10-104. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount.

1. The Board of Supervisors, the Codes Enforcement Officer, or any other authorized officer or employee of Reading Township, is hereby authorized to give notice, by personal service or by United States mail, to the owner and/or occupant of any premises whereon grass, weeds, or other vegetation is growing or remaining in violation of this Part, directing or requiring such owner or occupant to begin removing, trimming or cutting such grass, weeds, or vegetation so as to conform to the requirements of this Part, within 6 days after issuance of such notice and to bring the premises into full compliance with this Part within 15 days after issuance of such notice.

2. Whenever, in the judgment of the Board of Supervisors it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot be readily found or because a search for the owner or occupant would entail unreasonable delay, the Board of Supervisors, the Codes Enforcement Officer, or any other authorized officer or employee of Reading Township, may give notice by posting conspicuously on the property where such violation exists, a notice or order directing and requiring that such violation be abated within 6 days.

3. 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 Board of Supervisors may order the removal, trimming, or cutting of such grass, weeds, or vegetation, and the cost thereof, together with a penalty of 10 percent of the cost thereof, shall be collected by Reading Township from such person, firm or corporation in the manner provided by law, including but not limited to liening the property for said amount.

(Ord. 2004-6, 11/8/2004, §4)

§10-105. Repeat Offenders.

Any person, firm, or corporation who shall be provided with notice under §10-103 above for two separate instances of vegetative growth in violation of this Part within a period of 120 consecutive days, shall be deemed to be a repeat offender. Any subsequent violations within said 120-day period will not require a notice as set forth in §10-103 above before the Township undertakes any and all remedies available to it.

(Ord. 2004-6, 11/8/2004, §5)

§10-106. Penalties for Violation.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed 90

days.

(*Ord. 2004-6*, 11/8/2004, §6)

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

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

Nuisance—any condition, structure, improvement, or activity that shall constitute a threat or potential threat to the health, safety or welfare of the citizens of Reading Township, Adams County, Pennsylvania.

Owner—the actual owner, agent or custodian of the property on which machinery, equipment, or materials are stored, whether individual or partnership, association or corporation or person in control of the property.

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

Township—Reading Township, Adams County, Pennsylvania.

(Ord. 2004-10, 1/10/2005)

§10-202. Restriction on Open Storage of Unused or Unusable Personal Property.

1. *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 or other junk or rubbish in the open on private property or on public 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 conducive to the harboring and growth of vermin, pests or animals.

C. Storage in any manner that 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 of the Township.

2. *Storage Requirements.*

A. Storage of such items as listed in subsection .1 hereof on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in State or Federal laws. Each person or owner desiring to store items described in subsection .1 shall apply for a permit and pay a fee to

the Township pursuant to a resolution of the Board of Supervisors. Such nuisance must be stored within a garage or other enclosed building or, outside, within an opaque fence at least 6 feet high.

B. With the special approval of the Board of Supervisors, Nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by evergreen shrubbery around the perimeter to the height of the fence.

C. Either an opaque fence or a chain link fence must be accessed by an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended.

D. The appliance, 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.

E. The total area of storage of such nuisances may not exceed 10,000 square feet.

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

3. *Notice to Comply.*

A. 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 owners whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

B. Said notice shall specify the condition considered to be a 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.

4. *Hearing.* Any person aggrieved by the decision of the Zoning Officer or Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Township Secretary within 10 days after notice of the Officer's decision, a written petition requesting such hearing and setting forth a brief statement on the ground thereof.

A. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

B. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Zoning Officer or Code Enforcement Officer.

(*Ord. 2004-10, 1/10/2005*)

§10-203. Vector Control.

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

Breeding area—any condition which provides the necessary environment for the

birth or hatching of vectors.

Collection of water—water contained in 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, reservoirs, vessels, receptacles of any kind or other containers or devices which may hold water or water contained within ditches for longer than 7 days.

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.

DEP—Department of Environmental Protection, Commonwealth of Pennsylvania.

Dilapidated—falling 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 administration authority.

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

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

Occupant—any person actually having possession of a dwelling unit or a rooming unit in dwelling units; in dwelling units a guest will not be considered an occupant.

Refuse—all solid waste, except human body waste, and including handling of refuse.

Rubbish—glass, metal, paper, plant growth, wood or non-putrescible solid waste.

Vector—a rodent, arthropod, insect, or other animal capable of transmitting a disease or infection, including but not limited to rats, mosquitoes, cockroaches, fleas, 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.

2. *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 4 inches above the ground and evenly piled or stacked or unless disposed of in a manner approved by DEP.

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 harborages 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-leak proof vehicles.

G. To construct, maintain, or use a sewage system, privy, urinal, cesspool, or other receptacle for human excrements 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 effectively to prevent such breeding.

3. *Responsibilities of Owners and Occupants.*

A. 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 the premises thereof in such a manner as to prevent breeding areas and harborages for vectors.

B. 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 and 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.

4. *Vector Proofing.*

A. 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 10 days written notice from the Township's Zoning Officer or Codes Enforcement Officer.

B. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber or any other person to remove and fail to repair the vector proofing from any building structure or accessory structure for any purpose.

C. Within 10 days after notice from the Township requiring vector proofing, the owner may petition for a hearing by the Board of Supervisors 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.

5. *Notice to Comply.*

A. If the property is found to be in violation of this Part, he shall issue a written notice to be served by registered or certified mail upon the owner or occupant of said premises, or, if the owners whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

B. Said notice shall specify the condition in violation of this Part 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 requirements able notice within a reasonable time with time

6. *Hearing.* Any person aggrieved by the decision of the Zoning Officer or Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Township Secretary within 10 days after notice of the Officer's decision, a written petition requesting such hearing and setting forth a brief statement on the grounds therefore.

A. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

B. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Zoning Officer or Code Enforcement Officer.

(Ord. 2004-10, 1/10/2005)

§10-204. Regulating Private Property Maintenance.

1. *Definitions.*

Building—a roofed structure enclosed by one or more walls for the shelter, housing, storage or enclosure of persons, goods, materials, equipments or animals.

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

Refuse—all putrescible and non-putrescible solid waste including garbage, rubbish, ashes, dead animals, and market and industrial wastes.

Unoccupied hazard—any building or part thereof, or man-made structure which remains unoccupied for a period of more than 6 months with either doors, windows, or other openings broken, removed, boarded, or scaled up, or any building under construction upon which little or no construction work has been performed for a period of more than 6 months.

2. *Buildings and Structures.*

A. No owner of any building or structure shall fail to take steps and perform such maintenance thereto as may be required from time to time to ensure the property is safe, sound, sanitary and secure and does not present a health and/or

safety hazard to surrounding properties and to the general public.

B. No owner of any occupied building, or structure shall fail to take such steps as may be required to ensure that these are securely closed so as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard or threat thereof is precipitated due to a lack of maintenance or due to neglect.

C. Owners of any and all unoccupied buildings and/or structures, which have deteriorated to the point of being classified as unoccupied hazards and, therefore, constitute a severe health and/or safety hazard shall, upon direction of the Board of Supervisors, remove or cause the removal of the building and/or structure.

3. *Yards, Open Lots, and Parking Areas.* No person shall:

A. Permit fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.

B. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.

C. Wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds to remain open without adequate fencing or barricades to prevent access thereto by the general public. When necessary to prevent a hazardous condition, adequate fencing shall also be required for ornamental and farm ponds.

D. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants, or shrubbery or any portion thereof to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.

4. *Garbage and Refuse.* Adequate sanitary facilities and methods shall be used for the collection, storage handling and disposal of garbage and refuse.

5. *Miscellaneous Provisions.* No person shall permit:

A. Roof surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction or maintenance or manner of discharge.

B. Roof gutters, drains or any other system designed and constructed to transport stormwater to be discharged into the public sanitary sewage system and/or any part thereof or discharging directly onto any public street or highway.

C. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

6. *Notice to Comply.*

A. If non-compliance with the provisions of this Part constitute a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, the Township's Zoning Officer or Codes Enforcement Officer shall issue a written notice to be served by registered or certified mail upon the owner of said premises. If the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

B. 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, structure or improvement as set forth therein 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.

7. *Hearing.* Any person aggrieved by the decision of the Zoning Officer or Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Township Secretary within 10 days after notice of the Officer's decision, a written petition requesting such hearing and setting forth a brief statement on the grounds therefore.

A. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

B. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Zoning Officer or Code Enforcement Officer.

(*Ord. 2004-10, 1/10/2005*)

§10-205. Prohibiting Noise and Other Nuisances.

1. *Definitions.* The following words as used in this Part shall have the meanings hereby ascribed thereto:

Nuisance—any use of property, or conduct, or activity, or condition upon property within the Township which shall cause or result in annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities, taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word “nuisance” shall include but shall not be limited to the following:

(1) Operating or permitting the operation of or playing of radios, television sets, amplifiers, musical instruments and other sound devices which produces or amplifies sound which annoys a reasonable person of normal sensitivities.

(2) Operation of mechanically powered lawnmowers, tractors, power tools, chainsaws, or similar devices in a residential area between the hours of 10 p.m. and 7 a.m. the following day which annoys or disturbs a reasonable person of normal sensitivities. During periods of harvest, farm equipment shall be allowed between 7 a.m. and midnight.

(3) Owning, possessing, controlling, or harboring any animal or fallow which barks, bays, cries, squawks or makes any other such noise continuously and/or intermittently for an extended period which annoys or disturbs a reasonable person of normal sensitivities.

(4) Using any property or operating any business or other activity so as to permit or cause smoke, soot, odors, dust, mud, dirt, manure, acid, noxious or offensive fumes, gases or odors to be discharged from the air or to be carried off the premises, including onto a Township street or highway, or to cause glare from lights of such character to annoy or disturb reasonable person of normal sensitivities.

2. *Unlawful to Create or Maintain Nuisances.* It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance within the

Township.

3. *Removal or Abatement of Noise and Enforcement.* Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Township shall after notice from the Township's Zoning Officer or Codes Enforcement Officer or other designated representative, including Township police officers, remove or abate such nuisance.

(Ord. 2004-10, 1/10/2005)

§10-206. Nuisances in General.

1. *Nuisances Declared Illegal.* It shall be illegal to use public or private property in a manner that causes unreasonable, unwarrantable, or unlawful injury, damage, hurt, inconvenience, annoyance, or discomfort to any other person or resident of the Township.

2. *Notice to Violators.* Whenever a condition constituting a nuisance is permitted or maintained, the Township's Zoning Officer or Codes Enforcement Officer shall cause a written notice to be served upon the owner by registered or certified mail upon the owner of said premises. If the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises. Such notice shall advise the owner of the existence of the nuisance and direct that the owner commence abatement of said nuisance within 10 days of service of the notice or earlier if necessary to abate the nuisance within a reasonable period of time. If the asserted nuisance is deemed to be life threatening, the Board of Supervisors or its designee may direct the removal of the nuisance within 48 hours or may proceed to remove the nuisance without notice.

3. *Appeal Procedure.* Any person aggrieved by the decision of the Zoning Officer or Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Township Secretary within 10 days after notice of the Officer's decision, a written petition requesting such hearing and setting forth a brief statement on the grounds therefore.

A. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

B. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Zoning Officer or Code Enforcement Officer.

(Ord. 2004-10, 1/10/2005)

§10-207. Inspections.

Upon reasonable notice to the owner or occupant, the Township's Zoning Officer or Code Enforcement Officer is hereby empowered to inspect private property to determine if there is compliance with the provisions of this Part. In those matters where the nature of an alleged violation is such that an inspection of the interior of the building or structure is necessitated, prior arrangements must be made with the owner or his agent to secure access thereof.

(Ord. 2004-10, 1/10/2005)

§10-208. Remedies.

1. The Board of Supervisors may direct Township employees or agents to take

reasonably necessary actions to remove or abate nuisances and to certify all costs incidental to the removal or abatement of the nuisances to the Township Secretary. Such costs plus a sum equal to 10 percent of such costs shall be paid by the owner forthwith to the Township and shall be a lien upon such premises from the time of such nuisance removal or abatement, which date shall be determined by the certificate of the person who performed such work and filed with the Township Secretary. Such claim shall be enforced through the provisions of the Municipal Lien Law or any other lawful procedures.

2. 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 subject to a criminal fine of not less than \$10 nor more than \$1,000 per violation, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. 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.

3. The Township by means of complaint in equity may compel the owner of the premises to comply with the terms of any notice of violations or seek any such relief as any such court of competent jurisdiction is empowered to afford.

4. All penalties and remedies provided herein are cumulative and no one remedy shall exclude the applicability of another penalty or remedy.

(Ord. 2004-10, 1/10/2005)

