

Chapter 10

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Part 1**Assigning Jurisdiction of Health Matters
to the County Department of Health****§10-101. Intention to Come under Jurisdiction of County Department of Health.**

It is hereby declared to be the intention of the Borough that upon the establishment of the County Department of Health of Allegheny County, the Borough will cease to exercise any of the public health functions vested in it by law and become subject to the jurisdiction of the County Department of Health.

(Ord. 556, 12/10/1956, §1)

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

The word "nuisance" as used in this Part, shall mean any use of property within the Borough, or any condition upon property within the Borough that, other than infrequently, shall cause or result in:

A. Annoyance or discomfort to persons beyond the boundaries of such property.

B. Interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property.

C. Disturbance to or interference with the peaceful use of the property of others within the Borough, in any case 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) Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises from which the sound emanates.

(2) Operation of gasoline-powered lawn mowers or gasoline-powered chain saws on any week day before 8:00 a.m. or on any Sunday before 12 noon.

(3) Operating model airplanes equipped with gasoline engines on any public street or on any playground.

(4) Keeping or harboring any dog or other animal or fowl which, by frequent howling or barking or other noise or odor annoys or disturbs the neighborhood or a number of persons.

(5) Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises.

(a) Open wells or cisterns.

(b) Open excavations.

(c) Unfinished buildings, foundations or other structures.

(d) Dangerous placement of materials or equipment.

(e) Lakes, ponds or swimming pools not properly safeguarded.

(f) Stagnant water in pools in which mosquitoes, flies or insects multiple.

(6) Carrying on any building or road construction, excavation, or trenching, or the operation of heavy equipment or trucks in connection therewith at any time on Sunday or a legal holiday, or on any other day of the year at any time between 7:00 p.m. and 7:00 a.m. without a special permit issued by the Secretary. That special permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in a manner or in such a place that the public or residents

will not be annoyed or disturbed by such construction work.

(7) Carrying on construction work in such a manner that dirt is carried by wind onto adjacent properties or that mud is tracked or drained into streets adjacent to the project.

(8) Washing, tracking or otherwise depositing dirt, mud, soil, stone or debris upon or onto the pavement of any street, without removing the material before 5:00 p.m. of the day on which the material was deposited.

(9) Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, fly-ash, dust, mud, dirt, acid, noxious or offensive fumes, gases or odors to be carried off the premises, or to cause any water to become polluted by sewage, industrial wastes, acid or other substance, or to cause a glare from lights, or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.

(10) Creation or maintenance of "attractive nuisances," which is the leaving of a dangerous instrumentality which by its character is dangerous and attractive to children and in a place frequented by children.

(Ord. 775, 7/11/1978, §8-2001)

§10-202. Unlawful to Create or Maintain Nuisance.

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough.

(Ord. 775, 7/11/1978, §8-2002)

§10-203. Removal or Abatement of Nuisances.

Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough, shall, within 10 days after notice from Council to do so, remove or abate that nuisance. If the person shall fail, neglect or refuse to abate the nuisance within the time limit, Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance, and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, Council shall collect the cost and expense of abatement or removal from the person who created, continued, caused or maintained the nuisance and/or permitted the nuisance to exist, with an additional amount of 10% in the manner provided for the collection of municipal claims, or by an action in assumpsit. Provided; that cost and expense may be in addition to any penalty imposed under §10-204.

(Ord. 775, 7/11/1978, §8-2003)

§10-204. Penalty for Violation.

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. Provided; each day's continuation of the maintenance of any nuisance, after the expiration of 10 days following the issuance of the notice referred to in §10-203, shall constitute a separate violation.

(*Ord. 775, 7/11/1978, §8-2004; as amended by Ord. 1077, 5/23/2006*)

§10-205. Exceptions.

This Part shall not be construed to be the sole means for abatement of nuisance within the Borough and nothing shall preclude any person from proceeding individually or with other injured persons to effect the abatement of a private nuisance. Furthermore, in the exercise of the powers conferred in this Part, the Borough may institute proceedings in equity.

(*Ord. 775, 7/11/1978, §8-2005*)

Part 3**Grass and Weeds****§10-301. Growth of Grass, Weeds and Other Vegetation Unlawful and a Nuisance under Certain Circumstances.**

No person owning or occupying any property within the Borough shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for a useful or ornamental purpose, to grow or remain upon those premises so as to exceed a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any provision of this Section is declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

(Ord. 730, 10/10/1974, §1)

§10-302. Responsibility for Removal or Cutting.

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant, in case of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon the premises in violation of any provision of §10-301.

(Ord. 730, 10/10/1974, §2)

§10-303. Notice to Remove or Trim; Authority for Borough to Do Work at Expense of Owner or Occupant of Property.

Council or any officer or employee of the Borough designated by Council 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 where grass, weeds or other vegetation is growing or remaining in violation of any provision of §10-301, directing and requiring that owner or occupant to remove, trim or cut that grass, weeds or vegetation so as to conform to the requirements of this Part, within 5 days after issuance of the notice. In case any person shall neglect, fail or refuse to comply with the notice, within the period of time stated in it, the Borough authorities may remove, trim or cut the grass, weeds, or vegetation, and the cost of the work, together with any additional penalty authorized by law, may be collected by the Borough from that person in the manner provided by law.

(Ord. 730, 10/10/1974, §3)

§10-304. Penalty for Violation.

Any person, firm or corporation who shall violate, neglect or refuse to comply with 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. 730, 10/10/1974, §4; as amended by Ord. 1077, 5/23/2006)

Part 4**Motor Vehicle Nuisances****§10-401. Definitions.**

1. As used in this Part, the following terms shall have the meaning 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. [Ord. 1077]

Nuisance - any condition, structure, or improvements, which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Borough of Glassport.

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 the masculine shall include the feminine and the neuter.

(Ord. 1055, --/2003, §1; as amended by Ord. 1077, 5/23/2006)

§10-402. 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 Glassport. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and 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 firewall.

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

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae.

S. Suspended on unstable supports.

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

(*Ord. 1055, --/2003, §2*)

§10-403. Storage of Motor Vehicle Nuisances Permitted.

1. Any person, owner, or lessee who has one or more motor vehicle nuisances as defined in §10-402 above may store such vehicle or vehicles in the Borough of Glassport 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 Glassport pursuant to a resolution of the Council of the Borough of Glassport. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside with a opaque fence at least 6 feet high which is locked at all times when unattended.

2. With the special approval of the Council of the Borough of Glassport motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubs 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. 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. Total area of storage of motor vehicle nuisances may not exceed _____ square feet.

3. Nothing herein shall be construed to permit the storage of motor nuisances contrary to the provisions of the Borough of Glassport Zoning Ordinance [Chapter 27].

(*Ord. 1055, --/2003, §3*)

§10-404. Inspection of Premises; Notice to Comply.

1. The enforcement office/inspector is hereby empowered to inspect private property 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 the 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 commence 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, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(*Ord. 1055, --/2003, §4*)

§10-405. Authority to Remedy Noncompliance.

If the owner or grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough of Glassport shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough of Glassport 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. 1055, --/2003, §5*)

§10-406. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Council of the Borough of Glassport; provided, he files with the Council of the Borough of Glassport within 10 days after notice of the Enforcement Officer's decision, a written petition requiring 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 Council of the Borough of Glassport shall sustain, modify, or overrule the action of the Enforcement Officer.

(*Ord. 1055, --/2003, §6*)

§10-407. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine 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. 1055, --/2003, §7; as amended by Ord. 1077, 5/23/2006*)

§10-408. 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. 1055, --/2003, §8*)

