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Part 1

Weed Control

§101. Unlawful to Permit Grass, Weeds or Other Vegetation to Become Nuisances.

No person or persons, association, firm or corporation, owning or occupying any property within the Borough of Hollidaysburg, shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six 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 of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough. (Ord. 367, 12/8/1960, §1; as amended by Ord. 784, 11/7/2002, §1)

§102. Parcels Over Two Acres.

Parcels of more than two acres, including undeveloped and contiguous lots in a subdivision which when combined in area exceed two acres, shall be exempt from the provisions of this Part except that an area of 10 feet from the abutting property lines and any public street or sidewalk shall be maintained as set forth in §101 of this Part, and parcels that are under cultivation for agricultural purposes which shall exempt from the provisions of this Part. (Ord. 367, 12/8/1960; as added by Ord. 784, 11/7/2002, §1)

§103. Responsibility for Removal or Trimming Grass, Weeds or 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 or other vegetation growing or remaining upon such premises in violation of the provisions of §101 of this Part. (Ord. 367, 12/8/1960, §2; as amended by Ord. 784, 11/7/2002, §1)

§104. Notice to Remove; Authority of Borough to Remedy.

The Borough Council, or any officer or employee of the Borough designated thereby 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 on which grass, weeds or other vegetation is growing or remaining in violation of the provisions of the first section of this Part, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Part, within five days after issuance of such notice. In case any person or persons, association,

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firm or corporation 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 vegetation, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person or persons, association, firm or corporation, in the manner provided by law. (Ord. 367, 12/8/1960, §3; as amended by Ord. 784, 11/7/2002, §1)

§105. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 367, 12/8/1960, §4; as amended by Ord. 626, 4/13/1987; by Ord. 640, 4/10/1989, §15; and by Ord. 784, 11/7/2002, §1)

Part 2

Insect Control

§201. Collections of Water to be Treated to Prevent Breeding of Mosquitoes.

It shall be unlawful for any person to have, keep, maintain, cause or permit within the corporate limits of the Borough of Hollidaysburg any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectually prevent such breeding. Provided: the word "person," as used in this Part, shall mean and include any natural person, partnership, association, firm or corporation. (Ord. 126, 6/6/1932, §1; as amended by Ord. 346, 12/8/1960, §1; and by Ord. 784, 11/7/2002, §2)

§202. "Collections of Water" Defined.

Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks or flush closets or other water containers. (Ord. 126, 6/6/1932, §2; as amended by Ord. 346, 12/8/1960, §2; and by Ord. 784, 11/7/2002, §2)

§203. Evidence of Breeding of Mosquitoes.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there. (Ord. 126, 6/6/1932, §3; as amended by Ord. 784, 11/7/2002, §2)

§204. Methods of Treatment of Collections of Water.

Collections of water in which mosquitoes breed or are likely to breed shall be treated by such one or more of the following methods as shall be approved by the Health Officer:

- A. Screening with wire netting of at least 16 meshes to the inch each way, or any other material which will effectually prevent the ingress or egress of mosquitoes.
- B. Complete emptying every 48 hours of unscreened containers, together with their thorough drying and cleaning.
- C. Using a larvicide approved and applied under the direction of the Health Officer.

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- D. Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every 48 hours.
- E. Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
- F. Filling or draining to the satisfaction of the Health Officer.
- G. Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles, and other articles likely to hold water.

(Ord. 126, 6/6/1932, §4; as amended by Ord. 784, 11/7/2002, §2)

§205. Result of Failure to Take Measures to Prevent Breeding of Mosquitoes, After Notice.

In case the person responsible for the condition of premises on which mosquitoes breed, or are likely to breed, fails or refuses to take necessary measures to prevent their breeding within 48 hours after notice in writing has been given him by the Health Officer, or within such longer time after such notice as may be specified in the notice, the same person responsible shall be deemed guilty of a violation of this Part; and for each day after the expiration of 48 hours from the day on which such notice is given him, or for each day after the expiration of the time specified in the notice, as the case may be, that the person responsible fails or refuses to take such measures, the said person responsible shall be deemed guilty of a separate violation of this Part, and in case of such failure or refusal of the person responsible the Health Officer is authorized to take necessary measures to prevent the breeding of mosquitoes, and all necessary costs incurred by the Health Officer for that purpose shall be a charge against the person responsible. (Ord. 126, 6/6/1932, §5; as amended by Ord. 784, 11/7/2002, §2)

§206. Responsibility for Taking Measures to Prevent Breeding of Mosquitoes.

For the purpose of this Part the person responsible for the condition of any premises is the person using or occupying the same; or, in case no person is using or occupying the premises, the person who by law is entitled to the immediate possession of the same; or, in case the premises are used or occupied by two or more tenants of a common landlord, or form grounds appurtenant to a house occupied by two or more tenants of a common landlord, then the landlord; each tenant, however, is responsible for that part of the premises which he occupies to the exclusion of the other tenants; provided, that in case the premises are occupied by a tenant under a yearly or monthly tenancy, or under a lease for not more than a year, or under any lease whereby the lessor is expressly or impliedly obligated to keep the premises in repair, and the collection of standing or flowing water in which mosquitoes breed or are likely to breed is owing to the disrepair of the building or buildings, or to any natural quality of the premises, or to any condition that existed at the time when the tenant entered into possession, or to anything done on the premises by the landlord during the existence of the tenancy or lease, then, and in such

case, the landlord is the person responsible; provided further, that any person who has caused to exist on any premises of which he is not the owner, landlord, occupant, or tenant any collection of water in which mosquitoes breed or are likely to breed is responsible, as well as the owner, landlord, tenant, or occupant, as the case may be. (Ord. 126, 6/6/1932, §6; as amended by Ord. 784, 11/7/2002, §2)

§207. Access to Premises.

For the purpose of enforcing the provisions of this Part the Health Officer, or his lawful subordinate, may at all reasonable times enter in and upon any premises within his jurisdiction. (Ord. 126, 6/6/1932, §7; as amended by Ord. 784, 11/7/2002, §2)

§208. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 126, 6/6/1932, §7; as amended by Ord. 626, 4/13/1987; by Ord. 640, 4/10/1990, §16; and by Ord. 784, 11/7/2002, §2)

Part 3

Dangerous Openings

§301. Abandoned Holes or Openings in Earth Considered Dangerous.

All abandoned cesspools, open wells, air shafts, privies, vaults, septic tanks, which are not completely enclosed in concrete, and other similar openings in the earth's surface, constitute a dangerous and hazardous condition to the general welfare and safety of the residents of the Borough. (Ord. 492, 7/6/1970, §1)

§302. Dangerous Openings to be Removed or Filled.

Whenever any cesspool, open well, air shaft, privy, vault, septic tank not completely enclosed in concrete, and similar openings in the earth's surface, are abandoned because of the extension of water and/or sewer systems into the affected area, or for any other reason whatsoever, removal or backfilling must be completed within three months of the abandonment. (Ord. 492, 7/6/1970, §3)

§303. Property Owner's Responsibility.

Removal, filling or backfilling shall be the responsibility of the property owner whose premises contain an abandoned cesspool, open well, air shaft, privy, vault, septic tank not completely enclosed in concrete, or similar opening in the earth's surface. (Ord. 492, 7/6/1970, §4)

§304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 3 continues shall constitute a separate offense. (Ord. 492, 7/6/1970; as amended by Ord. 626, 4/13/1987; and by Ord. 640, 4/10/1989, §17)

Part 4

Abandoned Vehicles on Private Property

§401. 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 street or highways, and including trailers or semi-trailers pulled thereby.

NUISANCE — any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough of Hollidaysburg, or offensive to the sight.

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. 620, 1/6/1986, §1; as amended by Ord. 784, 11/7/2002, §3)

§402. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon open private grounds of such person, owner or lessee within the Borough of Hollidaysburg for a period exceeding 15 days. A motor vehicle nuisance shall include any motor vehicle which does not bear current registration, or any motor vehicle that 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.

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- 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 headlamps 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 Hollidaysburg, or are offensive to the sight.

(Ord. 620, 1/6/1986, §2; as amended by Ord. 642, 5/8/1989, §1; and by Ord. 784, 11/7/2002, §3)

§403. Storage of Motor Vehicle Nuisances Exception.

1. This Part shall not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful manner, other than in a residential district and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise or with regard to a vehicle

in an appropriate storage place or depository maintained in a lawful place and manner by the Borough or any other public agency or entity.

2. Exceptions.

- A. This Part shall not apply to any vehicle stored in an enclosed building that is fully enclosed with doors which shall remain closed except while moving or working on said vehicle.
- B. One vehicle may be stored by permit only, in an area enclosed by an opaque fence, at least six feet high or a nonopaque fence, at least six feet in height, screened 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, the motor vehicle and it shall be kept free of vermin infestation while being stored. Council shall set fee for said permits by resolution.
- C. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Hollidaysburg Zoning Ordinance [Chapter 27].

3. This part shall not apply to a salvage yard operated in a lawful manner, other than in a residential district.

(Ord. 620, 1/6/1986, §3; as amended by Ord. 784, 11/7/2002, §3)

§404. Inspection; Notice to Comply.

- 1. The Borough Manager or his designee is hereby empowered to inspect grounds 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 or is offensive to the sight, 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 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. 620, 1/6/1986, §4; as amended by Ord. 784, 11/7/2002, §3)

§405. Authority to Remedy Noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough of Hollidaysburg shall have the authority to take measures to correct the conditions, including impoundment as well as proceedings in equity, and collect the cost of such corrections plus 10% of all costs. The Borough of Hollidaysburg, 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. 620, 1/6/1986, §5; as amended by Ord. 784, 11/7/2002, §3)

§406. Hearing.

1. Any person aggrieved by the decision of the Borough Manager or his designee may request, and shall then be granted, a hearing before the Council of the Borough of Hollidaysburg; provided, he files with the Council within 10 days after notice of the Borough Manager's or his designee'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 Council of the Borough of Hollidaysburg shall sustain, modify or overrule the action of the Borough Manager or his designee.

(Ord. 620, 1/6/1986, §6; as amended by Ord. 784, 11/7/2002, §3)

§407. Penalties.

Any person who shall violate any provision of this Part, or shall fail to comply with the notice of the Borough Manager or his designee of the decision of the Borough Council shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 payable to the Borough of Hollidaysburg, and costs of prosecution, in addition to any costs and expenses incurred under §405, and/or to imprisonment for a term not to exceed 30 days; prosecution for each such violation shall be in accordance with the practice in the case of Summary Offenses, including default proceedings under Criminal Procedure Rule 65 or its equivalent. Each day a violation continues shall constitute a separate offense. (Ord. 620, 1/6/1986, §7; as amended by Ord. 640, 4/10/1989, §18; and by Ord. 784, 11/7/2002, §3)

§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 Council of the Borough of Hollidaysburg. (Ord. 620, 1/6/1986, §8; as amended by Ord. 784, 11/7/2002, §3)

Part 5

Dangerous Structures

§501. Title.

This Part shall be known as the “Hollidaysburg Dangerous Structure Ordinance.” (Ord. 584, 3/10/1980, §1)

§502. Definitions.

For the purpose of interpreting the provisions of this Part, the following words shall have the meaning or meanings ascribed:

DANGEROUS STRUCTURE — all buildings or structures which have been determined by the Borough Council, in accordance with the provisions of this Part, to have any or all of the following defects:

- A. Those buildings or structures which have been damaged by fire, wind, or other causes so as to have become dangerous to the life, safety, morals or the general health and welfare of the occupants or the people of the Borough of Hollidaysburg.
- B. Those buildings or structures which have become or are so delapidated, decayed, unsafe, unsanitary, vermin-infested, ratinfested, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause accidents, sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein as well as other citizens of the Borough of Hollidaysburg.
- C. Those buildings or structures which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property.
- D. Those buildings or structures which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Borough of Hollidaysburg.

PERSON — any natural person or persons, partnership, association, corporation, organization, or any other lawful entity.

The use of the singular shall include the plural, and the use of any gender shall include all genders.

(Ord. 584, 3/10/1980, §2)

§503. Public Nuisances.

All “dangerous structures”, within the terms of §502 of this Part, are hereby declared to be also public nuisances and shall be vacated, removed, repaired and/or demolished as provided in this Part. (Ord. 584, 3/10/1980, §3)

§504. Investigation Procedures.

1. Whenever it shall be reported or come to the attention of any Borough Official or Police Officer or fire marshal that any building or structure, completed or in the process of construction, or any portion thereof, is a dangerous structure as hereinabove defined, such person having knowledge thereof shall report the same to the Borough Manager. The Borough Manager shall bring the report to the attention of the Council of the Borough of Hollidaysburg at its next meeting. If the Council of the Borough of Hollidaysburg so instructs and authorizes, the Borough Manager shall immediately cause an investigation and examination to be made of such building or structure. Such investigation and examination shall be made by the Borough Manager, or his designated representative, and the Chief of Police or his designated representative. Prior to making the said investigation and examination the Borough Manager shall give written notice of intention to inspect the said building or structure not less than 24 hours prior to the investigation and examination to the owner and occupants and to all other persons known to have an interest in said structure, as shown by the land records of the Recorder of Deeds of Blair County, either by certified mail addressed to the occupants at the address of the premises and to the owners at the address given in the Blair County Assessor's Office or by delivering the notice personally by a member of the Police Department of the Borough. Such investigation and examination shall thereafter be made by the Borough Manager or his designated representative and the Chief of Police or his designated representative. Such investigation and examination shall be made only between the hours of 9:00 a.m. and 7:00 p.m., on Monday through Friday, unless the occupants and owners agree otherwise. If said investigation and examination indicates that the said building or structure is a dangerous structure in accordance with the provisions of this Part, a written report of such investigation and examination shall be submitted to the Council of the Borough of Hollidaysburg, specifying the condition of such building or structure and setting forth whether or in what respect the building or structure is dangerous and whether it is capable of being repaired or whether it should be demolished.
2. It shall be unlawful for any person or party to refuse entrance to or impede the Borough Manager, or his designated representative, and the Chief of Police, or his designated representative, or any other authorized Borough Official or individual in the investigation of any such building or structure under this Part, provided such individual presents proper identification and authorization from the Borough. The owner, occupant or operator of every building or structure within the Borough, or the person in charge thereof, shall give such Borough Official or au-

thorized individual free access thereto and to all parts thereof, and to the premises on which it is located, for the purpose of such investigation and examination.

(Ord. 584, 3/10/1980, §4)

§505. Hearing Procedures.

Upon receipt of a report in accordance with §504 of this Part, the Council of the Borough of Hollidaysburg shall:

1. Give written notice to the owner and occupants of said dangerous structure, and to all other persons known to have an interest in said dangerous structure as shown by the land records of the Recorder of Deeds of Blair County, to appear before the Council of the Borough of Hollidaysburg on the date specified in the notice to show cause why the building or structure reported to be a dangerous structure should not be repaired, vacated, removed and/or demolished in accordance with the enforcement provisions set forth in this Part. The notice of the said hearing shall either be delivered personally by a member of the Police Department of the Borough of Hollidaysburg, or sent by certified mail to the address given in the Blair County Assessor's Office, not less than 20 days prior to the date set for the hearing.
2. Hold a hearing and hear such testimony as the Borough investigators and the owner, or any other person having an interest in said building or structure, or any other interested party, shall offer relative to the condition of said building or structure.
3. Make written findings of fact from the testimony presented at said hearing as to whether the building in question is a dangerous structure within the terms of §502 of this Part 5.
4. Issue an order based upon said findings of fact demanding that the owner or other persons having an interest in said building repair, vacate, remove and/or demolish said building in accordance with the provisions of this Part.

(Ord. 584, 3/10/1980, §5)

§506. Standards for Repair, Vacation, Removal and/or Demolition.

The following standards shall be the basic guidelines to be followed by the Council of the Borough of Hollidaysburg in ordering the repair, vacation, removal and/or demolition of any dangerous structure pursuant to the provisions of this Part.

1. If the dangerous structure can be reasonably repaired so that it will no longer be in violation of the provisions of this Part, the Council of the Borough of Hollidays-

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burg shall order that said dangerous structure be vacated and/or repaired within a specified period of time.

2. If the dangerous structure cannot be reasonably repaired so that it will no longer be in violation of the provisions of this Part 5, the Council of the Borough of Hollidaysburg shall order that said building or structure be vacated, removed and/or demolished within a specified period of time.
3. If the dangerous structure is in such condition so as to make it dangerous to the health, morals, safety or general welfare of its occupants, the Council of the Borough of Hollidaysburg shall have the authority to order said dangerous structure to be vacated forthwith within a specified period of time.

(Ord. 584, 3/10/1980, §6)

§507. Enforcement Procedures.

If any building or structure is deemed to be a dangerous structure pursuant to the provisions of this Part 5, the Council of the Borough of Hollidaysburg shall immediately cause to be written a notice to be served upon the owner, occupants, and all other persons having an interest in said dangerous structure, as shown by the land records of the Recorder of Deeds of Blair County, of the findings and order of the Council of the Borough of Hollidaysburg.

1. The notice required by this section shall be served upon the owner, occupants, and all other persons interested in said dangerous structure by having the same delivered personally by a member of the Police Department of the Borough of Hollidaysburg, or by sending the same by certified mail to the address given in the Blair County Assessor's Office, and/or to the occupants at the address of the said premises.
2. The notice shall identify the building or structure deemed to be a dangerous structure, and shall contain a statement of the particulars which made this building or structure a dangerous structure, and shall contain a copy of the findings and order of the Council of the Borough of Hollidaysburg requiring said dangerous structure to be repaired, vacated, removed and/or demolished; provided that in any case where the said notice includes an order to repair said dangerous structure, the owner thereof shall have the option to remove and/or demolish such dangerous structure in lieu of making the repairs thereto.
3. Said notice shall require any person notified and ordered to repair, vacate, remove and/or demolish any such dangerous structure to commence the work or act required by the notice within a specified number of days of such notice, and to complete the required work or act within a specified number of days of such notice. The Council of the Borough of Hollidaysburg may, at its discretion, and upon presentation to said Council of evidence of good cause, grant extensions of time for the commencement and completion of such work or act required by the notice.

4. In addition to the written notice to be served as aforesaid, the Council of the Borough of Hollidaysburg shall cause a notice to be placed upon the building or structure deemed to be a dangerous structure, which notice shall read substantially as follows:

“This building has been found to be a dangerous structure by the Council of the Borough of Hollidaysburg. This notice is to remain on this building until it is repaired, vacated, removed and/or demolished in accordance with the notice which has been given to the owner, occupants and other persons interested in this building. It is unlawful to remove this notice until compliance is made under the provisions contained in the notice given to the above-named parties. This notice is posted upon this building in accordance with the Borough of Hollidaysburg “Dangerous Structure Ordinance.”

5. Any person who has been notified pursuant to the terms of this Part 5 to repair, remove or demolish any building or structure which has been deemed to be a dangerous structure shall immediately apply for and obtain from the Borough of Hollidaysburg the necessary permit to repair, remove or demolish said dangerous structure. A \$10 permit fee shall be charged by the Borough of Hollidaysburg for such permit.

(Ord. 584, 3/10/1980, §7)

§508. Penalties.

1. Any person who shall fail to comply with any notice or order to repair, vacate, remove and/or demolish any dangerous structure issued pursuant to the provisions of this Part 5, or any regulation or order issued thereunder, is guilty of a summary offense and shall, upon conviction before a district magistrate, be sentenced to pay a fine of not more than \$1,000, payable to the Borough of Hollidaysburg, and costs of prosecution, or to imprisonment in the Blair County Jail for not more than 30 days, or both, and prosecution for every such violation shall be according to the practice in the case of summary convictions. Each day's continuance of a violation shall constitute a separate offense. Penalties contained in this Part 5 are in addition to any other remedies provided by this Part or by law. [Ord. 640]
2. Any person removing the notice provided for in §507, Subsection 4 hereof, is guilty of a summary offense and shall, upon conviction before a district magistrate, be sentenced to pay a fine of not more than one \$1,000, payable to the Borough of Hollidaysburg, and costs of prosecution, or to imprisonment in the Blair County Jail for not more than 30 days, or both, and prosecution for every such violation shall be according to the practice in the case of summary convictions. [Ord. 640]
3. If the owner, occupants, or any other person having an interest in any dangerous structure, as shown by the land records of the Recorder of Deeds of Blair County, fails to comply with any notice or order to repair, vacate, remove and/or demolish

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any such dangerous structure within the period of time specified in said notice or order, the Council of the Borough of Hollidaysburg is empowered to cause such dangerous structure to be repaired, vacated, removed and/or demolished by the Borough and to cause the costs of such repair, vacation, removal and/or demolition, together with a penalty of 10% of such costs, to be charged against the land on which the dangerous structure existed as a municipal claim and lien and to collect the same in the manner provided by law for the collection of municipal claims, or to recover such costs and penalty by an action of assumpsit against the owner, occupants, or such other person having an interest in the dangerous structure and/or the land on which the dangerous structure is located; the recovery under these remedies may be in addition to the penalty imposed in paragraphs 1 and 2 of this section. Furthermore, the Borough of Hollidaysburg may seek additional relief by a Bill in Equity or by any other procedure which may be available under the law.

(Ord. 584, 3/10/1980, §8; as amended by Ord. 640, 4/10/1990, §19)

§509. Emergency Cases.

In cases wherein it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous structure as defined herein, the Council of the Borough of Hollidaysburg may cause the immediate repair, vacation, removal and/or demolition of such dangerous structure. The costs of such emergency repair, vacation, removal and/or demolition of such dangerous structure shall be collected in the same manner as provided for in §508, subsection 3. (Ord. 584, 3/10/1980, §9)

§510. Liability.

In the event that the owner of a building or structure, which has been determined to be a dangerous structure within the provisions of this Part, conveys said building or structure in any manner or method whether by sale, lease or otherwise, said owner shall still be responsible for compliance with the provisions of this Part; and it is the intent of this Part; and it is the intent of this Part 5 that the person acquiring said building or structure deemed to be a dangerous structure, shall be jointly and severally liable with the owner for compliance with this Part 5. (Ord. 584, 3/10/1980, §10)

Part 6

Property Maintenance

§601. Short Title.

This Part shall be known and cited as the “Borough of Hollidaysburg Property Maintenance Ordinance.” (Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§602. Preface.

Recognizing the need within the Borough of Hollidaysburg to establish certain minimum health and safety requirements for those buildings, structures or properties which are used or associated with human occupancy; this Part hereby establishes standards which the Borough Council considers to be fair and effective in meeting those minimum requirements. (Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§603. Authority.

This Part 6, and the objectives leading to its enactment, are authorized by the following provisions of the Borough Code, to wit: 53 P.S. §46202(24).

(Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§604. Definitions.

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

COURT — an open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

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

INFESTATION — the presence of insects, rodents, vermin and/or other pests.

LOT — plot, tracts, premises or parcel of land, with or without improvements thereto.

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OWNER — any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE — all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

UNOCCUPIED HAZARD — any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six months.

YARD — any open space on the same lot with a building and, for the most part unobstructed from the ground up.

(Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§605. Application.

The provisions of this Part 6 shall supplement local laws, ordinances or regulations existing in the Borough of Hollidaysburg or those of the Commonwealth of Pennsylvania. Where a provision of this Part 6 is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions which is more restrictive or which establishes the higher standard shall prevail. (Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§606. Yards, Open Lots, Parking Areas.

No person shall permit:

- A. 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. The development of accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots.
- C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.

- D. Sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.
- E. 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.

(Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§607. Infestation, Prevention and Correction.

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

(Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§608. 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 any sanitary sewage system and/or any part thereof.
- 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.

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(Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§609. Responsibilities of Occupants.

Any occupant of a premises shall be responsible for compliance with the provisions of this Part 6 with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof. (Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§610. Responsibilities of Owners.

1. Owner of premises shall comply with the provisions of this Part 6 as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one or more violations of this Part 6, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part 6.

(Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§611. Abatement.

1. Notice. Upon failure to comply with any terms or conditions of this Part 6, the owner and/or occupant shall be notified by the Borough Council or its authorized representative, by certified mail or through personal service, of said violation or violations. Such notifications shall be in writing and shall identify the premises and shall cite the specific violation or violations; shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of 10 days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice shall also advise that, in lieu of or in addition to fines and penalties, and subsequent to the ten-day period for voluntary compliance, the Borough may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expense so incurred in a manner as prescribed by law. In the event the owner and/or occupant cannot be ascertained or is not able to be located, a notice, containing the above required information in summary form, shall be published once in each of two consecutive weeks in a newspaper of general circulation in the Borough, advising of the existence of the violation and requiring correction thereof, in accordance with the terms and con-

ditions herein established; detailed notice thereof shall be posted on the subject premises and at the Borough Offices.

2. **Emergency Procedure; Summary Enforcement.** In cases of emergency, where delay in abatement required to complete the notice and abatement requirements of this Part will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the Borough Council may order a summary enforcement and abate the nuisance. To proceed with summary enforcement, the Borough shall determine that a public nuisance exists or is being maintained on premises in the Borough and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The Borough shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the Borough's intention to seek summary enforcement and time and place of the Council meeting to consider the question of summary enforcement. The Borough shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in this Part, and may order that such nuisance be immediately terminated and abated. If the nuisance is not immediately terminated or abated, the Borough Council may order summary enforcement and abate the nuisance.
3. **Immediate Abatement.** Nothing in this Part shall prevent the Borough, without notice or other process, from immediately abating any condition which poses an imminent threat and serious hazard to human life or safety.

(Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§612. Compliance.

The owner and/or occupant shall have 10 days from the receipt of a notice of violation or, alternatively, from the date of the second appearance of the published notice of violation, to correct any and all stipulated deficiencies. Extensions to the ten-day period in which deficiencies must be corrected may be granted by the Borough upon demonstration by the owner and/or occupant that such an extension thereto is warranted and justified. Failure to comply shall constitute a violation of this Part 6. A conviction of an owner and/or occupant shall not bar further prosecutions for noncompliance with this Part 6 subsequent to such conviction. (Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§613. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 6 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000, together with costs of prosecution, or to imprisonment for a term not to exceed 30 days. Each day a condition in violation of this Part 6 exists beyond the thirty-day voluntary compliance period

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shall constitute a separate violation of this Part 6. (Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 640, 4/10/1989, §20 and by Ord. 784, 11/7/2002, §4)

* Ord. 640 read “conviction.”

§614. Owners Severally Responsible.

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part 6, (Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

§615. Inspection.

The Borough Manager may, or may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereof. (Ord. 455, 6/5/1967; as revised by Ord. 626, 4/13/1987; as amended by Ord. 784, 11/7/2002, §4)

Part 7

Littering

§701. Littering Prohibited.

It shall be unlawful for any person, firm or corporation or any agent thereof to place, throw, store, accumulate or maintain, or cause to be placed, thrown, stored, accumulated or maintained any used cans, papers, paper boxes, rubbish, debris, animal matter, garbage, empty bottles or other containers upon any property within the Borough of Hollidaysburg or on or near any alley, highway or stream located in said Borough of Hollidaysburg, except in accordance with any Borough ordinance dealing with the collection of garbage, refuse, trash or solid waste. (Ord. 636, 6/13/1988, §1)

§702. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 30 days. (Ord. 636, 6/13/1988, §1; as amended by Ord. 640, 4/10/1989, §21)

Part 8

Aggravated Public Nuisance

§801. Findings.

The Borough Council hereby finds as follows:

- A. The repeated commission of criminal offenses and violations of the Borough's Code of Ordinances substantially annoys and injures the health, comfort, repose and safety of the public.
- B. The failure of owners of certain real property to control the activity occurring on their property causes repeated and substantial expenditures of public funds in order to enforce State laws and Borough ordinances upon or near their property. Among the property management practices that contribute to the existence of activities which disturb neighborhoods are the failure of owners of real property to require tenants to obey laws as a condition of leases, the failure to enforce existing provisions of leases, the failure of owners to respond to or take affirmative steps to address complaints by adjoining property owners, and the overall tolerance by owners of criminal activity on property by tenants or their guests, all of which substantially annoys and injures the health, comfort, repose and safety of the public.
- C. The decline in or depression of surrounding property values and the expenditure of public funds results in part from the fact that certain property owners fail to adequately manage and control their property.
- D. The provisions of this Part will assist the Borough in increasing property values, preserving the tranquility of neighborhoods and deterring property owners from adopting inadequate management practices.

(Ord. 770, 8/3/2000, §1)

§802. Definitions.

The following words or phrases shall, when used in this Part, have the following meanings:

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- A. A dwelling where the owner or occupant(s) of the dwelling conduct or commit the following activities within a dwelling unit or on the premises of a dwelling within any twenty-four-month period.
 - (1) Two or more felonies as defined by the Pennsylvania Crimes Code.

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- (2) Two or more State or Federal criminal offenses related to the illegal sale, possession or manufacture of controlled substances, cannabis or drug paraphernalia.
- (3) Three or more of any combination of the following:
 - (a) Any of the offenses described in Subsections (1) and (2) above.
 - (b) Any of the following offenses as defined in the Pennsylvania Crimes Code: assault, aggravated assault, disorderly conduct, criminal mischief, domestic abuse or corruption of minors.
- (4) Three or more violations of the Borough Code of Ordinances as set forth in this Chapter.

CANNABIS — any substance as defined in Act 64 of April 14, 1972, as amended, Controlled Substance, Drug, Device and Cosmetic Act.

COMMIT or COMMISSION — knowingly causing, allowing, aiding or concealing the fact of such act or activities.

CONTROLLED SUBSTANCE — any substance as defined in Act 64 of April 14, 1972, as amended, Controlled Substance, Drug, Device and Cosmetics Act.

DELIVER or DELIVERY — the actual, constructive or attempted transfer or possession of a controlled substance, or cannabis, with or without consideration, whether or not there is an agency relationship.

DWELLING — a house, apartment building, mobile home, trailer or other structures used or intended for use for human habitation and includes common areas within the structure which houses more than one dwelling unit.

DWELLING UNIT — one or more rooms designated, occupied or intended for occupancy as separate living quarters, for the exclusive use of a person or persons.

IN or ON THE PREMISES OF ANY DWELLING — a dwelling or the area within the boundary lines of any real property of the same ownership on which such dwelling is located.

OCCUPANT — any person who lives in or has possession or holds an occupancy interest in a dwelling unit, or any person residing or remaining on the premises of the dwelling with the actual or implied permission of an owner or lessee.

OWNER — any person, agent, manager, operator, firm or corporation having a legal or equitable interest in the property or realtor employed for a fee to manage the property; or recorded in the official records of the State, County or municipality as holding title to the property; or otherwise having control of the property, in-

cluding the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(Ord. 770, 8/3/2000, §2)

§803. Aggravated Public Nuisance Not Permitted.

No owner of real property shall knowingly allow or permit an aggravated public nuisance, or allow or permit an aggravated public nuisance to exist upon real property or part thereof, including any dwelling unit owned by that person. (Ord. 770, 8/3/2000, §3)

§804. Written Notice of Aggravated Public Nuisance.

Before the filing of a complaint alleging a violation of §803 of this Part, the Chief of Police or his designee shall, by certified mail, provide to the owner of the place at which the aggravated public nuisance is located, written notice of the following:

- A. An aggravated public nuisance, as defined in this Part, exists at the place specified in the notice.
- B. The owner of the place at which the aggravated public nuisance is located shall appear at the Borough Manager's Office at the address provided in the notice for a nuisance abatement conference with the Borough Solicitor, the Borough Manager, Chief of Police, Code Enforcement Officer and other appropriate Borough staff to discuss the possibility of entering into a written agreement to take action to abate the nuisance.
- C. Failure to appear at the Borough Manager's Office for said conference, as required by this Part, within the time indicated may result in the Borough filing a complaint alleging a violation under this Part.

(Ord. 770, 8/3/2000, §4)

§805. Nuisance Abatement Conference.

At the Nuisance Abatement Conference the Borough Solicitor, the Borough Manager, Chief of Police, Code Enforcement Officer, any other appropriate Borough staff members, and the property owner shall discuss the facts constituting the aggravated public nuisance and shall attempt to agree on specific actions that the property owner can take to abate said aggravated public nuisance. At said conference, the Borough Solicitor shall provide to the property owner available information from investigations by employees of the Borough regarding the commission of acts constituting the aggravated public nuisance, including the identity and last known addresses of individuals who have committed said acts. (Ord. 770, 8/3/2000, §5)

§806. Nuisance Abatement Agreement.

1. At the conclusion of the Nuisance Abatement Conference, the Borough Solicitor shall submit to the property owner a proposed written nuisance abatement agreement. If, at the conclusion of the conference, the Borough Solicitor needs more time to draft said proposed nuisance abatement agreement, then a follow-up conference shall be scheduled with the property owner within 20 days of the initial conference for submittal and review of the completed proposed nuisance abatement agreement.
2. Any nuisance abatement agreement under this Part shall include a list of specific actions and a specific schedule of deadlines for said actions to abate the aggravated public nuisance. It may also include provisions for a periodic assessment of the agreement's effectiveness and procedures for modification to the agreement. A nuisance abatement agreement or any written modification to said agreement may impose conditions or requirements on the property owner for a period of up to 24 months from the date the original agreement is entered into by the property owner and the Borough. A nuisance abatement agreement may impose one or more of the following conditions or requirements on the property owner:
 - A. Written notification from the property owner to an identified individual or individuals that they are prohibited from entering onto the property that is the location of the aggravated public nuisance.
 - B. Utilization of written leases containing a provision or provisions requiring eviction for criminal activity.
 - C. Any other reasonable conditions or requirements designed to abate the aggravated public nuisance.
3. Once a proposed written nuisance abatement agreement or written modification to nuisance abatement agreement has been submitted to the property owner, said property owner shall have five days to review it and enter into said agreement by signing it and returning it to the office of the Borough Manager.

(Ord. 770, 8/3/2000, §6)

§807. Filing a Complaint.

The Chief of Police may file a complaint alleging a violation of this Part under any of the following circumstances:

- A. The owner does not attend a conference with the Borough Solicitor within the time period prescribed in §804 of this Part.

- B. The owner fails to sign a proposed written nuisance abatement agreement or proposed written modification to said agreement within the prescribed time period set forth in §806 of this Part.
- C. The owner subsequently fails to comply with any conditions or requirements as set forth in a nuisance abatement agreement including any prescribed deadlines for taking particular actions.

(Ord. 770, 8/3/2000, §7)

§808. Evidence.

In any proceeding brought under this Part, the following shall be considered in determining whether or not the owner has allowed or permitted an aggravated public nuisance to exist:

- A. Evidence of notice by the Borough or by any person to the owner, notifying the defendant of the existence of any of the activities set forth in this Part.
- B. Actions taken by the owner to mitigate criminal activity or the existence of aggravated public nuisance(s) upon and in the vicinity of the property.
- C. Actions taken by the owner to remove persons who commit criminal offenses or aggravated public nuisance(s) from tenancy or occupancy or to prohibit the entry of such persons onto the premises of the dwelling.
- D. Actions taken by the owner to respond to notices sent by the Borough.

(Ord. 770, 8/3/2000, §8)

§809. Action to Abate.

In addition to prosecution of the offense defined in this Part or pursuing any other remedies available under this Part, the Borough Solicitor, upon receipt of reliable information that any real property within the corporate limits of the Borough is being maintained as an aggravated public nuisance, may prosecute an action for equitable relief, in the name of the Borough, to abate the aggravated public nuisance and to enjoin any person who shall own, rent, or occupy the real property, dwelling or dwelling unit in question from using or permitting its use contrary to the provisions of this Part. (Ord. 770, 8/3/2000, §9)

§810. Judgment.

No judgment finding a violation under this Part shall be entered against an owner if an owner has, in good faith, endeavored to prevent the aggravated public nuisance. An

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owner who has complied with all conditions or requirements of a nuisance abatement agreement and any modifications to said agreement, as defined in this Part, shall be deemed to have endeavored in good faith to prevent the aggravated public nuisance. (Ord. 770, 8/3/2000, §10)

§811. Penalties.

1. Upon finding that there exists a violation under this Part, in addition to the other penalties permitted by this Part, the following penalties may be imposed: court supervision or conditional discharge for a term of up to three years, conditioned on any or all of the following:
 - A. The completion of improvements upon the property which have the impact of mitigating crime including, but not limited to, the erection of fences, installation of security devices upon the entrances or increased lighting.
 - B. Requirement of a written lease for occupants which includes provisions requiring eviction for criminal activity.
 - C. Submitting tenancy lists on a periodic basis to the Police Department.
 - D. Posting a cash bond of no less than the minimum fine and up to the amount of the maximum fine for the period of court supervision or conditional discharge imposed by the court, such bond to be retained by the Borough in an interest-bearing account and conditioned on successful completion of the period of court supervision or conditional discharge.
 - E. Any other condition reasonably related to the objective of abating the aggravated public nuisance.
2. Upon conviction of a violation of this Part, the owner shall be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 770, 8/3/2000, §11)

Part 9

Noise

§901. General Provisions.

1. Title. This Part shall be known and may be cited as the “Hollidaysburg Noise Control Ordinance.”
2. Purpose. This purpose of this Part is to ensure that public health, safety and welfare shall not be abridged by making and creating of public nuisances from disturbing, excessive or offensive noises in the Borough of Hollidaysburg. The Council of the Borough of Hollidaysburg recognizes that uncontrolled noise represents a danger to the health and welfare of the residents of the community and that each person in the community is entitled to live in an environment in which the level of noise is minimized for the community good.
3. Scope. This Part shall apply to all persons, property, animals, equipment, appliances, instruments and other sound-emitting devices, as regulated herein.
4. Relationship With Other Restrictions. The provisions of this Part shall not interfere with, abrogate or annul other rules, regulations or ordinances, including Title 18 (Crimes Code) and Title 75 (Vehicle Code), Pennsylvania Consolidated Statutes. If more stringent requirements concerning noise abatement are contained in the other rules, regulations or ordinances, the more stringent regulations shall apply.

(Ord. 784, 11/7/2002, §5)

§902. Definitions.

1. The following words and phrases, when used in this Part, shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section. All acoustical terminology shall be interpreted in accordance with that contained in ANSI SI. 1, “Acoustical Terminology.” All other words and terms not defined herein shall be used with a meaning of standard usage.
2. Words in the present tense include the future tense; the singular number includes the plural and the plural number includes singular; words of masculine gender include feminine gender and words of feminine gender include masculine gender; the word includes or including shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character; the words “shall” and “must” are mandatory; words “may” and “should” are permissive; the words “used” and “occupied” include the words “intended, designed, maintained or arranged to be used or occupied.”

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ANSI — American National Standards Institute, Inc. or its successor.

BOROUGH — the Borough of Hollidaysburg, Pennsylvania.

CENTRAL BUSINESS DISTRICT (CBD) — an area contained in the C-2 zoning district as defined by the zoning map of the Borough of Hollidaysburg.

DECIBEL (dB) — a unit of sound level which is a division of a logarithmic scale used to express the ratio of the sound pressure of the source to the pressure of an arbitrarily chosen reference pressure; the ratio is expressed on the decibel scale by multiplying its base 10 logarithm by 20

DISTRICT — the zoning districts set forth on the zoning map of the Borough of Hollidaysburg.

NOISE — any sound emitted by a person, an appliance, equipment, instrument, other device or an animal other than a barking dog.

NOISE DISTURBANCE — any noise which:

- (1) Endangers or injures the safety or health of humans or animals.
- (2) Annoys or disturbs a reasonable person of normal sensibilities.
- (3) Jeopardizes the value of property or erodes the integrity of the environment.
- (4) Is in excess of the allowable noise level established in this Part.

PERSON — includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.

SOUND LEVEL — the sound pressure level (SPL) obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meters (ANSI SI 4-1971 or the latest approved revision thereof). The unit of measurement is the decibel. If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER — an instrument or combination of instruments which meets or exceeds the requirements for an ANSI Type SIA or Type S2A sound level meter.

(Ord. 784, 11/7/2002, §5)

§903. Noises Prohibited.

1. General Prohibitions. It shall be unlawful for any person(s) to make or cause to be made, a noise disturbance within the limits of the Borough excepts as provided in this Part. All such disturbances are declared to be public nuisances.
2. Specific Prohibitions. The following are specifically prohibited, except as otherwise provided in this Part.
 - A. Radios, television sets, phonographs, compact discs, CD-ROM and computer-generated musical instruments and similar devices, as follows:
 - (1) Operating or permitting the use of operation of any musical instrument, radio, television, phonographs, compact discs, CD-ROM and computer-generated musical instruments or other device for the production or reproduction of sound, in such a manner as to cause a noise disturbance.
 - (2) Operating any such device between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to be audible across real property boundaries or through partitions common to two parties within a building or plainly audible at 50 feet from such device when operated within a motor vehicle on a public right-of-way or in a public space.
 - B. Street Sales. Selling anything by shouting or by outcry except by permit.
 - C. Loading Operations. Loading, unloading, opening or otherwise handling boxes, crates, containers or similar objects between the hours of 9:00 p.m. and 5:00 a.m. the following day in such a manner as to create a noise disturbance within a residential district, except during an emergency.
 - D. Construction Noise. Operating or causing to be operated any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto in the following manner:
 - (1) With sound control devices which have been tampered with.
 - (2) In violation of any regulation of the United States Environmental Protection Agency; or,
 - (3) Between the hours of 9:30 p.m. and 6:00 a.m. the following day on weekdays and Saturdays and between 9:30 p.m. on Saturday evenings and 10:00 a.m. on Sunday mornings, which creates a noise disturbance, unless otherwise exempted in this Part or by an act of Council.

HEALTH AND SAFETY

- E. Explosives, Firearms or Similar Devices. The use or firing of explosives, firearms or similar devices which create a noise disturbance.
- F. Power equipment. Operating, or permitting to be operated, any power saw, sander, drill, grinder, garden equipment or tools of a similar nature, outdoors in residential districts between the hours of 9:30 p.m. and 7:00 a.m. the following day on weekdays and Saturdays and between 9:30 p.m. on Saturday evenings and 10:00 a.m. on Sunday mornings, which creates a noise disturbance, unless otherwise exempted in this Part or by an act of Council.
- G. No person(s) shall create or permit to be created noise which exceeds the following noise when measured at or beyond the property line of the noise source:
 - (1) All districts — 58 dBA, except;
 - (2) The Central Business District — 62 dBA.

(Ord. 784, 11/7/2002, §5)

§904. Exemptions.

Noise from the following sources shall be exempt from the noise standards specified herein:

- A. All safety signals and warning devices (e.g. stationary emergency signal devices, intrusions alarms, back-up alarms on trucks, police/fire/ambulance sirens) or any other device used to alert persons to an emergency or used during the conduct of emergency work.
- B. The provision, repair and maintenance of municipal facilities, services or public utilities.
- C. Bells, chimes and carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons and clock strike mechanisms that are currently in use for any purpose.
- D. Appliances, lawn and garden equipment or household power tools in use between the hours of 6:00 a.m. and 9:30 p.m. on weekdays and Saturdays, and between 10:00 a.m. and 9:30 p.m. on Sundays, provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified and in proper operating condition.

- E. Snow removal equipment, operated within the manufacturer's specification and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.
- F. Heavy construction equipment (including pile drivers, crawler-tractors, bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, ditches, trenches, compactors, scrapers, pavement breakers, compressors, pneumatic power equipment and similar devices) in use between the hours of 7:00 a.m. and 9:30 p.m. on weekdays and Saturdays and between 10:00 a.m. and 9:30 p.m. on Sundays, for the duration of such construction and demolition work, provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.
- G. Air conditioners, fans, heating units and similar devices, provided such are operated within the manufacturer's specifications when all reasonable measures have been taken to reduce noise levels as required and approved by the Borough Manager or his designee.
- H. Aircraft.
- I. Musical, festival, recreational and athletic events conducted by schools, organized recreation leagues, governmental agencies or quasi-governmental agencies, including such outdoor practices as may be necessary in preparation for such events.
- J. Activities permitted by special waiver, as provided herein, and activities conducted in accordance with special activity permits for use of public property or the public rights-of-way, approved by Borough Manager.

(Ord. 784, 11/7/2002, §5)

§905. Administration.

The provisions of this Part shall be enforced by police officers and other designated by the Borough Manager. (Ord. 784, 11/7/2002, §5)

§906. Special Waivers.

A temporary waiver from strict compliance with the noise standards specified herein may be granted to persons for emergencies, as determined by the Borough Manager, to protect health and safety or to comply with other lawful rules, regulations and ordinances. (Ord. 784, 11/7/2002, §5)

§907. Enforcement and Penalties.

1. Any noise in violation of this Part is hereby declared a public nuisance and may be abated by administrative proceedings, fines and penalties herein provided.
2. Nothing in this Part shall be construed to impair any cause of action or legal remedy thereof, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise on such place or manner, or at such levels which may give rise to such cause of action.
 - A. Procedure. If, in the enforcement of this Part, it is determined that a noise disturbance exists, a written warning or a citation may be issued. Any warning shall be in effect for 120 days. If within the 120 days another violation occurs, a citation shall be issued. A citation shall be issued for each subsequent violation that occurs during the one-hundred-day period.
 - B. Measurement and Test Procedures. Noise levels shall be measured in terms of dB(A) by conventional sound level meters on slow response.
 - C. Penalties. Any person found guilty of violating provisions of this Part, shall be find not less than \$100 nor more than \$600 for the first offense, and not less than \$150 nor more than \$600 for the second offense, and not less than \$200 nor more than \$600 for the third offense and not less than \$300 nor more than \$600 for the fourth and subsequent offenses in any one-hundred-day period and, upon failure to pay such fine, shall be sentenced to a jail for a term not to exceed 30 days for each offense. A separate and distinct offense shall be committed each day that a violation of the terms of this Part continues to exist.

(Ord. 784, 11/7/2002, §5)