

Chapter 10

Health and Safety

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Part 1**Grass, Weeds and Other Vegetation****§10-101. Unlawful Growth of Grass, Weeds and Other Vegetation.**

1. No person, firm, partnership or corporation, owning or having a present interest in or occupying any real estate in the Township shall, except as hereinafter provided, permit any grass or weeds or vegetation not eatable or planted for some useful or ornamental purpose, to grow or remain on such premises, including any portion of the premises occupied by a street or alley, so as to exceed a height of 6 inches or to throw off any unpleasant or obnoxious odor or to conceal any debris or to create or to produce pollen. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township.

2. Provided, however, that no such weeds, grass or similar vegetation as heretofore defined, shall come within the terms of this Part except within a radius of 150 feet from a structure inhabited by humans; and, provided further, that weeds or grass intermingled with growing cultivated crops, or on premises adjacent to agricultural land, or land in agricultural use, shall not come within the provisions of this Part.

(*Ord. 31, 9/3/1981, §I*)

§10-102. Property Owners to Remove, Trim, or Cut Grass, Weeds or Other Vegetation, Responsibility of Occupants.

The owner of any such premises, whether occupied by the owner or not, shall be responsible to remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of §10-101 of this Part. Both the owner and the occupant, in the case of premises occupied by other than the owner, shall be jointly responsible for the compliance with this Part.

(*Ord. 31, 9/3/1981, §II*)

§10-103. Notice to Owners and Occupants of Premises.

In addition to the penalties as hereinafter imposed in this Part, the Township Supervisors, or any officer or employee of the Township designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States certified mail to the owner or the occupant, or either of them, of a violation of the terms and conditions of this Part, directing and requiring such occupant or owner or both of them to remove, trim, spray, or cut such grass, weeds or vegetation, so as to conform to the requirements of this Part, within 5 days after issuance of such notice.

(*Ord. 31, 9/3/1981, §III*)

§10-104. Violation of Provisions of this Part.

If any such owner and/or occupant shall neglect to comply with such notice within the period of time stated herein, the Township authorities shall have the following remedies:

- A. They may remove, spray, trim or cut such grass, weeds or vegetation so as

to comply with the provisions of this Part; and the reasonable cost thereof, together with an additional penalty of 10 percent of reasonable costs may be collected by the Township from such owner or occupant as a penalty under the provisions of this Part, or in any other manner provided by law. This right as herein vested in the Township shall be in addition to penalties prescribed by the provisions of this Part for the conviction of the owner or occupant as aforesaid to comply with the terms of this Part.

B. They may initiate summary proceedings against any person firm or corporation who shall violate any of the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge 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 less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 125B*]

(*Ord. 31, 9/3/1981, §IV; as amended by Ord. 125B, 9/16/2014*)

Part 2**Vector Control****§10-201. Short Title.**

This Part shall be known as the “Vector Control Ordinance.”

(*Ord. 51, 12/11/1986, §1*)

§10-202. Authority.

The acts prohibited herein are hereby declared to constitute a public nuisance, which unless controlled, constitute a serious threat to the health, safety and welfare of the citizens of West Cocalico Township.

(*Ord. 51, 12/11/1986, §2*)

§10-203. Definitions.

For the purpose of this Part the following definitions shall apply:

Accessory structure—a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.

Breeding area—any condition either created or contributed to by man which provides the necessary environment for the birth or hatching of vectors.

Collection of water—considered in this Part shall be held to be those contained in ditches, 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, tanks of flush closets, reservoirs, vessels, or other receptacles, containers, or devices of any kind which may hold water.

Dilapidated—fallen into partial ruin or decay.

Disposal—the 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 administrative authority.

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

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

Occupant—any person, over 1 year of age, living, sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a rooming unit; except that in dwelling units a guest will not be considered an occupant.

Offal—include sewage, sludge, manure, animal carcasses or parts thereof, blood, bones, or other waste products of an organic nature.

Owner—any person who, alone or jointly or severally, with others:

(1) Shall have legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof.

(2) Shall have charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Refuse—all solid wastes, except body wastes, and shall include garbage, ashes, and rubbish.

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

Vector—a rodent, arthropod, or insect capable of transmitting a disease or infection. Vectors shall include, but not be limited to, rats, mosquitoes, cockroaches, flies, ticks, fleas, etc.

Vector proofing—a form of construction to prevent the ingress or egress of vectors to or from a given space or building or gaining access to food, water or harborage. This term shall include, but not be limited to, rat proofing, fly proofing, mosquito proofing, etc.

(Ord. 51, 12/11/1986, §3)

§10-204. Prohibited Acts.

1. It shall be unlawful for any person, firm or corporation to deposit any refuse, offal, garbage, pomace, decaying matter, or organic substance of any kind in or upon any public or private lot, building, structure, accessory structure, premises, or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter, stream, pond, or into any of the waters of the Commonwealth so that same shall or may afford food, harborage, or breeding areas for rats, flies, mosquitoes, or other vectors.

2. It shall be unlawful for any person, firm, or corporation to deposit or permit to accumulate in or upon any premise, 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 approved covered receptacles or placed on open racks that are elevated above the ground, and evenly piled or stacked, or disposed of as may be approved by the Department of Environmental Protection. [Ord. 125B]

3. It shall be unlawful to maintain a junkyard or place for the dumping or wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind or for the storing or leaving of dilapidated, wrecked or abandoned 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 which said places may afford harborage or breeding areas for rats or other vectors, unless same shall constitute an approved use within the Township, and then only if such other methods of vector control are employed, such as extermination or vector proofing, which will substantially eliminate the breeding, propagation of vectors, or the harborage of same.

4. It shall be unlawful to store refuse in containers other than those which shall be made of durable, watertight, rust-resistant material having a tight-fitting lid which must be kept on the container when in use. These containers must be kept clean by thorough rinsing and draining as often as necessary so as not to provide food or breeding areas for flies. Plastic garbage bags must be kept within such containers.

5. It shall be unlawful to dump, burn, bury, destroy, or otherwise dispose of refuse in such a manner as to foster the propagation of vectors, or except at an approved refuse disposal site.

6. It shall be unlawful to collect, haul, transport, or convey garbage in open, unenclosed, non-leakproof vehicles.

7. It shall be unlawful to construct, maintain or use a sewage system, privy, urinal, cesspool, or other receptacle for human excrement so that vectors may have access to the excrementitious matter contained therein.

8. It shall be unlawful to have, keep, maintain, cause or permit any collection of standing or flowing water in which mosquitoes breed or are likely to breed, other than those occurring naturally, unless such collection of water is treated or maintained so as effectually to prevent such breeding.

(*Ord. 51, 12/11/1986, §4; as amended by Ord. 125B, 9/16/2014*)

§10-205. Responsibilities of Owners and Occupants.

1. 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 premises thereof.

2. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

3. Every occupant of a dwelling containing a single-dwelling unit shall be responsible for the extermination of insects, and/or rodents, on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain the dwelling in 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.

(*Ord. 51, 12/11/1986, §5*)

§10-206. Vector Proofing.

1. Any dwelling, building, structure, accessory, structure, premise or any other place may be required to be vector-proofed when found to be providing harborage or breeding areas for rats, flies, mosquitoes, or any other vectors.

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

(*Ord. 51, 12/11/1986, §6*)

§10-207. Plans and Specifications for Private Vector Control Programs.

A program plan and specifications for private vector control programs may be required to be submitted to the Township as deemed necessary by the Vector Control Officer. Said program plan shall be submitted by the owner or agent of the property on or in which said vector control program is or will be conducted. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program, and any and all work to be conducted in an effort to control said vectors. If, after review of the program plan by the Vector Control Officer, it is found to be inadequate or incomplete, additional information may be required as well as additional control methods.

(*Ord. 51, 12/11/1986, §7*)

§10-208. Authority to Abate Vector Problems.

1. From and after passage of this Part, the Township and/or a representative of the vector control program is empowered to make inspections of the interior and exterior of all dwellings, buildings, structures, and accessory structures, premises, collections of water, or any other places to determine full compliance with this Part, and to determine evidence of vector infestation and the need for vector proofing or additions or repairs to existing vector proofing.

2. Whenever it shall be determined that any dwelling, building, structure, accessory structure, premise, collection of water, or any other place is in violation of this Part, a notice shall be issued setting forth the alleged violations, and advising the owner, occupant, operator, or agent that such violations must be corrected. The recipient of the notice shall have 7 days to present to the Vector Control Officer a plan of correction, which shall upon approval be immediately initiated. A recipient shall have an additional 7 days to amend the plan as required by the Vector Control Officer.

3. Whenever said violations shall fail to be corrected within the time set forth in the approved plan, and an extension of this time is not deemed to be necessary, the Township may proceed to abate the said violations in the manner provided by the law. To this end, the Vector Control Officer is hereby empowered, with the Township Supervisors' consent, to enter onto the property where the violation exists, along with such of the Township employees as may be necessary, and take such steps as are reasonably necessary to correct the violation. In the alternative, the Vector Control Officer may contract, on behalf of the Township, for the services of professional exterminators or other contractors to enter onto the premises and abate the violation. All costs attributable to the abatement procedure shall be charged to the owner of the property on which the violation occurs. If the owner fails to reimburse the Township within 30 days of demand for payment, the Township may file a claim in assumpsit, file a municipal claim, or both. This provision shall be in addition to, and shall not replace, §10-211 below.

4. The foregoing to the contrary notwithstanding, the Vector Control Officer may direct specific corrections of a minor nature in the notice. Such corrections shall be accomplished within 7 days of the date of posting of the notice without the necessity of a plan being submitted.

(*Ord. 51*, 12/11/1986, §8)

§10-209. Vector Control Officer.

1. The position of Township Vector Control Officer shall be held by such person or entity, and under such terms and conditions, as the Supervisors may from time to time direct by a duly adopted resolution of the Board.

2. The present Township Vector Control Officer shall remain in such position until replaced as aforesaid.

(*Ord. 51*, 12/11/1986, §9; as amended by *Ord. 76*, 1/19/1993)

§10-210. Farms.

1. A farm shall be defined as any place where 10 or more acres of land are employed by the owner to raise crops or animals for sale for human or animal consumption, or where there is less than 10 acres, but it has an anticipated annual income in excess of \$10,000 from the same sources.

2. Farms shall be exempt from the requirements of §§10-203–10-206, unless the prohibited practice creating or fostering the vector problem results from poor agricultural practices, or practices which are not normally accepted as necessary to the operation of a farm, or which present a direct risk to the health or safety of the residents of West Cocalico Township.

(*Ord. 51*, 12/11/1986, §10)

§10-211. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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 fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 51*, 12/11/1986, §11; as amended by *Ord. 125B*, 9/16/2014)

Part 3**Reimbursement for Hazardous Materials Clean Up Costs****§10-301. Recovering Reasonable Response Costs.**

West Cocalico Township hereby authorizes the aforesaid companies to recover the reasonable response costs (including, but not limited to: materials, administrative, personnel, and legal costs incurred from its initial response up to the time of recovery of same) as authorized from time to time by the Hazardous Material Emergency Planning and Response Act, 35 P.S. §6022.101 *et seq.*, but subject to the restrictions and procedures set forth therein.

(*Ord. 96, --/--, §1*)

§10-302. Authorization to Recover Reasonable Costs.

Pursuant to its rule making authority granted by the Second Class Township Code, 53 P.S. §65101 *et seq.*, the Township's volunteer fire companies are hereby authorized and instructed to recover the reasonable costs (including, but not limited to: the fair market value of any of such company's materials, equipment, or apparatus which may be expended, consumed, or destroyed, as well as the reasonable costs incurred to repair damage inflicted upon same) involved in traveling to, returning from, or attending an automobile incident or accident or hazmat incident. Where not determined by actual repair costs or fair market value, the aforesaid companies shall follow the current Lancaster County Fire Chiefs Association Cost Recovery Fee Schedule for vehicle related incidents which is in effect at the time of the incident.

(*Ord. 96, --/--, §2*)

§10-303. Primary Source for Compensation.

Except as may be provided by law or contract, any insurance maintained by a Township volunteer fire company shall remain the primary source for compensation as the result of any damage or injury to such fire company's personnel, equipment or apparatus. Any fire company suffering damage as aforesaid shall have the discretion to abandon a claim against a responsible party in the event that it has been fully compensated by proceeds from its own insurance company and is further satisfied that it will not, as a result of abandoning such claim, suffer any economic detriment. This Section is not intended to abrogate any responsibility imposed upon a volunteer fire company or an insurance carrier under an applicable insurance policy maintained by such volunteer fire company. Any provision contained in this Part which would have the result of preventing such fire company from recovering insurance proceeds under any insurance policy maintained by that volunteer fire company that would exceed damages recoverable from a responsible party shall be deemed inapplicable.

(*Ord. 96, --/--, §3*)

§10-304. Costs and Damages.

All applicable costs and damages as aforesaid shall be assessed against the responsible party. The responsible party shall be deemed to be the party, and such

party's employer if the vehicle was either owned by an employer, or being operated in the course of such employer's business, who is determined to be responsible in an applicable police incident report. In a one-vehicle incident, the responsible party shall be deemed to be the driver and his employer as aforesaid. In the event the police report does not identify a responsible party, then all drivers (and employers) involved in the incident shall be deemed jointly and severally liable as aforesaid.

(Ord. 96, --/--, §4)

§10-305. Written Assessment.

The involved Township volunteer fire company shall advise the Township of the amount required for reimbursement, and shall supply the Township with a copy of the applicable police report as soon alter the incident as reasonably possible. The Township shall make a written assessment upon the person or persons it determines to be the responsible party as aforesaid, as soon as reasonably possible alter the costs and the responsible party have been determined. In the event that the designated responsible party or parties shall deny responsibility or otherwise refuse to remit the assessment within 60 days of posting of such assessment, the Township volunteer fire company is hereby authorized to initiate legal proceedings to collect the amount assessed in a court of competent jurisdiction. All monies received pursuant to an assessment shall be forwarded to the applicable fire company within 30 days.

(Ord. 96, --/--, §5)

§10-306. Collection of Assessment.

The Township Solicitor is authorized to provide such assistance as the fire company shall require in order to collect an assessment. In regards to a hazmat incident, such reasonable costs incurred for the Solicitor shall be included within the assessment.

(Ord. 96, --/--, §6)

§10-307. Waiving a Claim for Assessment.

The fire company shall have the right to waive a claim for assessment in any case it deems the losses to be either de minimus or where the cost for litigation would reasonably be expected to exceed the assessment to be collected.

(Ord. 96, --/--, §7)

§10-308. Procedures.

The companies shall attempt, to the greatest degree possible, to standardize their procedures in regard to actions taken pursuant to this Part.

(Ord. 96, --/--, §8)

§10-309. Liability.

Nothing in this Part shall be deemed to impose any liability or responsibility upon West Cocalico Township except as specifically set forth above. All filing fees and costs of litigation, except for the services of the Township Solicitor, shall be the responsibility of the companies.

(Ord. 96, --/--, §9)

§10-310. Police Report.

The companies shall be issued a police report for any incident in which either are involved as soon as reasonably possible, at no charge.

(*Ord. 96, --/--, §10*)

§10-311. Costs.

The Township may from time to time, by resolution, adopt a schedule of costs to be assessed as a result of an automobile or hazmat incident, which upon adoption shall supersede the Fire Chiefs' schedule as aforesaid.

(*Ord. 96, --/--, §11*)

