

## **Chapter 10**

### **Health and Safety**

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**Part 1****Open Burning****§10-101. Definitions.**

As used in this Part, the following terms shall be defined in accordance with the description that follows the word:

*Bonfire*—an outdoor fire utilized for ceremonial purposes.

*Open burning*—the burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. Open burning does not include outdoor cooking that occurs on a gas grill or burner, campstove, or over charcoal briquettes in a grill or other cooking device designed for such an application. Cooking over an open wood or other combustible material flame, however, does constitute open burning for the purposes of this Part. [Ord. 2005-12]

*Ornamental fire*—a small outdoor fire or flame used for lighting, warmth, or to repel insects, including patio torches, candles, luminaries, and similar small ornamental flames, and also including fires conducted in a screened or enclosed outdoor fireplace. [Ord. 2005-12]

*Person*—a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word “person” appears in any Section of this code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of such Section.

(Ord. 2000-4, 4/15/2000, §1; as amended by Ord. 2005-12, 11/9/2005, §1)

**§10-102. General.**

A person shall not cause or allow open burning except as provided for in this Part. (Ord. 2000-4, 4/15/2000, §2)

**§10-103. Allowable Burning.**

Open burning shall be allowed without permit and without prior notification to the Borough for ornamental fires, highway safety flares, smudge pots and similar occupational needs.

(Ord. 2000-4, 4/15/2000, §3; as amended by Ord. 2005-12, 11/9/2005, §1)

**§10-104. Permit Required.**

Open burning, other than as permitted under §10-103, shall be allowed after

obtaining a permit or other proper authorization from the person in charge of the Borough office for recognized agricultural or range or wildlife management practices, prevention or control of disease or pests, heating for warmth of outworkers, and a bonfire.

(*Ord. 2000-4, 4/15/2000, §4; as amended by Ord. 2005-12, 11/9/2005, §1*)

**§10-105. Bonfire Conditions.**

A bonfire shall only be allowed when the conditions of this Section are met.

A. *Bonfire Size and Duration.* A bonfire shall not be more than 5 feet by 5 feet by 5 feet in dimension and shall not burn longer than 3 hours.

B. *Bonfire Material.* Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be used for waste disposal purposes and the fuel shall be chosen to minimize the generation of air contaminants.

C. *Permit Issued.* All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

(*Ord. 2000-4, 4/15/2000, §5*)

**§10-106. Notification and Permission.**

Open burning shall be allowed with prior notification to the person in charge of the Borough office. The person in charge of the Borough office shall give written permission only after it has been determined that approved fire safety requirements and emission standards are to be met.

(*Ord. 2000-4, 4/15/2000, §6*)

**§10-107. Notification.**

Applications for open burning shall be submitted in writing at least 10 days before the fire is set and shall be in such form and contain such information as required by the Borough office. Such applications shall contain, as a minimum, information regarding the purpose of the proposed burning; the nature and quantities of material to be burned; the date when such burning will take place; and the location of the burning site.

(*Ord. 2000-4, 4/15/2000, §7*)

**§10-108. Location Requirements.**

Except for ornamental fires, the location for any open burning shall not be less than 100 feet from any structure and provisions shall be made to prevent the fire from spreading to within 100 feet of any structure.

(*Ord. 2000-4, 4/15/2000, §8; as amended by Ord. 2005-12, 11/9/2005, §1*)

**§10-109. Open Burning Stipulations.**

Open burning shall not be used for waste disposal purposes, shall be of the minimum size for the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

(*Ord. 2000-4, 4/15/2000, §9*)

**§10-110. Open Burning Attendance.**

Any open burning shall be constantly attended until the fire is extinguished. Fire-extinguishing equipment shall be available for immediate use.

(*Ord. 2000-4, 4/15/2000, §10*)

**§10-111. Enforcement.**

The provisions of this Part shall be enforced by the Borough Police Department and by any other official so designated from time to time by motion of the Borough Council.

(*Ord. 2000-4, 4/15/2000, §11*)

**§10-112. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 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 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2000-4, 4/15/2000, §12; as amended by Ord. 2011-3, 11/9/2011*)



**Part 2****Vegetative Growth Nuisances****§10-201. Vegetative Growth a Nuisance under Certain Conditions.**

1. No person, firm or corporation, owning or occupying any property within the Borough of Ivyland 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 8 inches, or to throw or give 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 of Ivyland 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.

2. No person, firm or corporation, owning or occupying any property within the Borough of Ivyland shall permit any grass, weeds, bushes, shrubs, trees, plants, or any vegetation whatsoever, to grow in such a way as to constitute a danger to traffic on a street or public road by obscuring the view. A clear sight triangle of 50 feet for all intersections of Borough streets with either Jacksonville Road (SR 332) or Bristol Road (SR 2025), and a clear sight triangle of 25 feet for all other intersections within the Borough, measured along the right-of-way lines of intersecting streets or roads, shall be maintained, within which all grass, weeds, bushes, shrubs, trees, plants, and all other vegetation shall be limited to a height of not more than 2 feet above the street grade, except that tree branches may fall in the clear sight triangle, provided that they are either lower than 2 feet or higher than 8 feet above grade level. It is provided, however, that the above-mentioned clear sight triangle dimension for any particular intersection may be reduced by the Borough Engineer in writing filed with the Borough office. Any grass, weeds, bushes, shrubs, trees, plants, or other vegetation growing upon any premises in the Borough of Ivyland 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. 1993-5, 11/3/1993, §1; as amended by Ord. 2000-1, 2/2/2000, §1)*

**§10-202. Responsibility for Removing, Cutting or Trimming.**

The owner of any premises, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §10-201 above.

*(Ord. 1993-5, 11/3/1993, §2)*

**§10-203. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount.**

The Borough Council of the Borough of Ivyland, or any officer or employee of the Borough designated thereby as the enforcement officer for purposes of this Part, is hereby authorized to give notice, by personal service or by United States certified mail, return receipt requested, to the owner or occupant, as the case may be, of any premises

whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of §10-201 above, directing and requiring such owner or occupant to remove, trim, or cut such grass, weeds or vegetation so as to conform to the requirements of this Part, within 5 days after receipt of such notice. Whenever it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found and a search would entail an unreasonable delay, or the notice by certified mail as above provided is refused or returned undelivered, or for any other reason, then the Borough Council or any designated enforcement officer may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 5 days of the date of such posting. Should the owner or occupant, as the case may be, neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough Council may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a removal fee of 10 percent of the cost thereof, shall be collected by the Borough from such owner or occupant, in the manner provided by law. The Zoning Officer of the Borough of Ivyland is hereby designated as an enforcement officer for purposes of this Part.

*(Ord. 1993-5, 11/3/1993, §3)*

**§10-204. Penalties for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 1993-5, 11/3/1993, §4; as amended by Ord. 2011-3, 11/9/2011)*



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**Part 3****Storage of Junked Motor Vehicles****§10-301. Purpose.**

The Borough Council recognizes and finds that the presence of junked vehicles creates a hazard or threat, or potential threat, to the health, safety and welfare of the Borough's citizens because accumulation of such junked vehicles provides a breeding area for rodents and vermin and because such accumulation provides an attractive nuisance for children who are not aware of the dangers involved.

(Ord. 2005-9, 9/14/2005, §1)

**§10-302. Definitions.**

For purposes of this Part the following definitions shall be applicable:

*Allowable storage area*—an enclosed and locked building. Any allowable storage area must comply with ordinances and regulations applicable to buildings.

*Junked motor vehicle*—a motor vehicle or trailer which is partially dismantled, unused for a period longer than 3 months, unusable or wrecked and which cannot safely or legally be operated on the streets or highways of this Borough or Commonwealth. Currently licensed, registered and inspected vehicles shall not be included within this definition.

*Motor vehicle*—any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motorhomes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

*Motor vehicle parts*—any part or parts of any motor vehicle.

*Person*—includes any natural person, firm, partnership, association, corporation, or other legal entity of whatever kind.

*Private property*—any real property not owned by the Federal government, State, County, school district or other political subdivisions.

*Removal*—the physical location or relocation of a motor vehicle to an authorized location.

*Trailer*—any wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, boat or other object.

*Unsheltered storage*—any storage except storage in and allowable storage area.

(Ord. 2005-9, 9/14/2005, §2)

**§10-303. Declaration of Nuisance.**

The unsheltered storage of a junked motor vehicle as otherwise defined in this Part constitutes a hazard or threat or potential threat to the health, safety, or welfare of the Borough's citizens, and is hereby declared a public nuisance and is prohibited.

(Ord. 2005-9, 9/14/2005, §3)

**§10-304. Prohibited Storage.**

1. It shall be unlawful for any person owning or having custody or control of any junked motor vehicle or any motor vehicle parts which create a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens to store or permit any such vehicle or parts to remain in unsheltered storage on any private property or public street or highway within the Borough for a period of more than 7 days after receipt of an official notice requiring such removal, and it shall be further unlawful for any person owning any private property in the Borough or leasing any such property to store or to permit to remain any such vehicles or accessories on his property for more than a like period. [*Ord. 2011-3*]

2. It shall further be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

(*Ord. 2005-9, 9/14/2005, §4; as amended by Ord. 2011-3, 11/9/2011*)

**§10-305. Permitted Storage.**

Notwithstanding the foregoing, the maximum number of junked motor vehicles that may be stored in an allowable storage area is one per property except as permitted below.

(*Ord. 2005-9, 9/14/2005, §5*)

**§10-306. Exceptions.**

1. The prohibitions of §10-304 hereof shall not apply to the premises of a business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers. Such business enterprises shall include auto repair and auto body shops, but shall not include tire, battery and accessory sales stores, and the provisions hereof extending to permitted storage shall not extend to the storage at such business enterprises of more than five junked vehicles or trailers at any one time.

2. The prohibition of §10-304 hereof shall likewise not be applicable to salvors holding a current certificate of authorization issued by the Department of Transportation of the Commonwealth of Pennsylvania, provided, however, that such salvor is otherwise operating in a lawful place and manner.

(*Ord. 2005-9, 9/14/2005, §6*)

**§10-307. Investigation of Premises.**

The Borough police, Building Inspector or Code Enforcement Officer, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected junked motor vehicle or motor vehicle accessories stored or maintained in violation of this Part and record the make, model, style and identification numbers and its situation and condition.

(*Ord. 2005-9, 9/14/2005, §7*)

**§10-308. Notice of Removal.**

Whenever the Borough police, Building Inspector, Code Enforcement Officer or any member of his department finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property or public street or highway within the Borough and in violation of the provisions of this Part, the Building Inspector or Code Enforcement Officer shall send by certified or registered mail a notice to the owner of record or person having custody of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the Borough, on which the same is located, to remove the junked motor vehicle, trailer or motor vehicle accessories within 7 days. Such notice shall contain the following additional information:

A. Nature of complaint.

B. Description and location of the motor vehicle and/or motor vehicle accessories.

C. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than 7 days from the date of notification.

D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.

E. Statement that if removal is made within the time limits specified, notification thereof shall be given in writing to the Building Inspector or Code Enforcement Officer.

F. Statement of the penalties provided for noncompliance with such notice.

(*Ord. 2005-9, 9/14/2005, §8*)

**§10-309. Penalties for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2005-9, 9/14/2005, §9; as amended by Ord. 2011-3, 11/9/2011*)

**§10-310. Other Remedies.**

Nothing herein shall limit any other remedy available to the Borough to abate the public nuisance of a junked motor vehicle. The Borough is specifically authorized to pursue a civil penalty and any other available legal or equitable remedy to abate such nuisance, and may, at any time after expiration of the 7-day notification period, cause the removal of such nuisance at the expense of the owner of the junked motor vehicle and/or the owner of the private property where the vehicle is located, in which case the Borough shall be authorized to file a municipal lien for its expenses, including legal fees, arising from such removal.

*(Ord. 2005-9, 9/14/2005, §10)*

**Part 4****Storage of Machinery, Equipment and Other Materials****§10-401. Definitions.**

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

*Ashes*—the residue resulting from the burning of wood, coal, coke or other combustible material.

*Borough*—the Borough of Ivyland.

*Garbage*—all animal and vegetable waste solids resulting from the handling, preparation, cooking and consumption of foods.

*Inspecting official*—the person designated by resolution of Borough Council of the Borough of Ivyland to enforce the provisions of this Part.

*Lessee*—a person who possesses or occupies real property within the Borough pursuant to a lease agreement with the title owner of such property.

*Nuisance*—any condition, structure, improvement or circumstance existing upon any real property within the Borough which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough or the public generally.

*Owner*—the title owner of real property within the Borough, such title owner's agent or custodian of the property, or for purposes of this Part, a lessee of such property where the title owner, as lessor, holds the lessee responsible for maintenance of and repairs to the property pursuant to the lease agreement.

*Person*—a natural person, firm, partnership, legal entity.

*Refuse*—all rubbish, garbage, ashes, and municipal waste and recyclable materials as defined by the Municipal Waste Collection and Transportation Ordinance, *Ord. 2008-1*, 3/12/2008 [Chapter 20, Part 1]. [*Ord. 2011-3*]

*Rubbish*—glass, metal, paper, plant growth, wood, or nonputrescible solid wastes.

(*Ord. 1993-3*, 5/5/1993, §1; as amended by *Ord. 2011-3*, 11/9/2011)

**§10-402. Declaration of Nuisance.**

The accumulation, maintenance and/or storage of refuse and the unsheltered accumulation, maintenance and/or storage of unused, stripped, damaged and generally unusable machinery, equipment or materials upon or in any real property within the Borough is hereby declared to be a hazard to health and a nuisance.

(*Ord. 1993-3*, 5/5/1993, §2)

**§10-403. Health Hazards and Nuisances Prohibited.**

1. It shall be unlawful for any person to accumulate, maintain and/or store or permit the accumulation, maintenance and/or storage of refuse upon or in any real property within the Borough.

2. It shall be unlawful for any person to accumulate, maintain, and/or store in an unsheltered manner or permit the unsheltered accumulation, maintenance and/or storage of unused, stripped, damaged and generally unusable machinery, equipment or materials upon or in any real property within the Borough if any of the following conditions exist with respect thereto:

A. It contains broken glass or metal or other parts with sharp or protruding edges.

B. It contains openings or areas which are conducive to the harboring or growth of vermin.

C. It is stored in such a manner as to allow it or any portion thereof to easily shift, tilt, or fall from its original storage position.

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

E. It contains or produces any other condition which the inspecting official of the Borough determines to be dangerous to the public health, safety and welfare.

*(Ord. 1993-3, 5/5/1993, §3)*

#### **§10-404. Shelter Requirements.**

1. Accumulation, maintenance and storage of machinery, equipment and/or materials as described in §10-403.2 above shall be permitted only in strict compliance with the provisions of this Section; except however, if a stricter standard is imposed pursuant to any other applicable Federal, State or Borough law, ordinance or regulation, then such stricter standard shall apply.

2. Accumulation, maintenance and storage of machinery, equipment and/or materials as described in §10-403.2 above shall not constitute a violation of this Part provided it is stored within a garage or other enclosed building or in an external area which is completely fenced with an opaque fence at least 6 feet high and shall contain an unobstructed gate capable of admitting fire or emergency equipment which shall remained locked at all times when unattended. In addition, the machinery, equipment and/or materials shall be kept free of vermin infestation while being stored and all gas, oil or other potentially hazardous or toxic substances shall be removed. The total area of storage of such machinery, equipment and/or materials, whether in a building or fenced area, may not exceed 120 square feet.

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

*(Ord. 1993-3, 5/5/1993, §4)*

#### **§10-405. Inspection; Notice to Comply.**

1. The inspecting official is hereby authorized and empowered to inspect the grounds and storage areas of any property within the Borough to determine if there is any accumulation, maintenance and/or storage of refuse or unused, stripped, damaged, and generally unusable machinery, equipment or materials upon such property in violation of this Part. If the inspecting official shall determine that there is a violation

of the provisions of this Part, the inspecting official shall forthwith issue a written notice of violation to the owner of the premises where the violation exists. Said notice shall be served upon the owner by United States certified mail, return receipt requested, or, if undeliverable for any reason, by posting same conspicuously upon the property where the violation exists.

2. Said notice shall specify the nature of the violation and shall require the owner to commence to remove or otherwise correct the condition giving rise to the violation within 10 days of the mailing or posting of said notice, and directing the owner to thereafter fully complete the removal or correction of the condition giving rise to the violation within a reasonable time as established, in light of the nature and extent of the violation, by the inspecting official.

*(Ord. 1993-3, 5/5/1993, §5)*

**§10-406. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 1993-3, 5/5/1993, §6; as amended by Ord. 2011-3, 11/9/2011)*

**§10-407. Remedies.**

Nothing herein contained shall be construed to prevent the Borough from exercising any and all other remedies available to the Borough in law or equity to correct or otherwise abate any nuisance declared pursuant to the provisions of this Part.

*(Ord. 1993-3, 5/5/1993, §7)*

