

**CHAPTER 10  
HEALTH AND SAFETY**

**PART 1  
WEEDS**

- § 10-101. Weeds to Be Limited in Height.
- § 10-102. Borough May Cut Vegetation.
- § 10-103. Penalties.

**PART 2  
VECTOR CONTROL**

- § 10-201. Definitions.
- § 10-202. Prohibited Acts.
- § 10-203. Responsibilities of Owners and Occupants.
- § 10-204. Vectorproofing.
- § 10-205. Authority to Abate Vector Problems.
- § 10-206. Penalties.

**PART 3  
PROPERTY MAINTENANCE**

- § 10-301. Short Title.
- § 10-302. Preface.
- § 10-303. Authority.
- § 10-304. Definitions.
- § 10-305. Application.
- § 10-306. Buildings and Structures.
- § 10-307. Yards, Open Lots, Parking Areas.
- § 10-308. Infestation, Prevention and Correction.
- § 10-309. Miscellaneous Provisions.
- § 10-310. Responsibilities of Occupants.
- § 10-311. Responsibilities of Owners.
- § 10-312. Notice of Violation.
- § 10-313. Compliance.
- § 10-314. Penalties.
- § 10-315. Owners Severally Responsible.
- § 10-316. Inspection.

WORMLEYSBURG CODE

PART 4

STORAGE OF MOTOR VEHICLES

- § 10-401. Definitions.
- § 10-402. Motor Vehicle Nuisances Prohibited.
- § 10-403. Storage of Motor Vehicle Nuisances Permitted.
- § 10-404. Inspection; Notice to Comply.
- § 10-405. Authority to Remedy Noncompliance.
- § 10-406. Hearing.
- § 10-407. Penalties.
- § 10-408. Remedies Not Mutually Exclusive.

PART 5

ADMINISTRATION

- § 10-501. Request That State Department of Environmental Resources Take Over Administration of Health Laws in the Borough of Wormleysburg.

PART 6

PENALTY FOR MAKING FALSE ALARMS

- § 10-601. Definitions.
- § 10-602. Notification to Borough of Alarm Device.
- § 10-603. Time Limit.
- § 10-604. Intentional False Alarms.
- § 10-605. Fee for False Alarms.
- § 10-606. Procedure.
- § 10-607. Penalties.

PART 7

EMERGENCY MEDICAL SERVICES

- § 10-701. Designation of Emergency Medical Services.

PART 8

USE OF TOBACCO PRODUCTS

- § 10-801. Outdoor Use of Tobacco Products on Borough Property.
- § 10-802. Penalties.

## PART 1

## WEEDS

**§ 10-101. Weeds to Be Limited in Height. [Ord. 215, 8/26/1965, § 1]**

It shall be unlawful for any person, persons, firm or corporation, owning or having a personal interest in any real estate in the Borough of Wormleysburg, to 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.

**§ 10-102. Borough May Cut Vegetation. [Ord. 215, 8/26/1965, § 2; as amended by Ord. 361, 4/8/1986]**

All weeds or other vegetation permitted to grow or remain contrary to the provisions of § 10-101 of this Part may be cut and removed by and under the direction of the Mayor and the cost of removal shall be collected from the owner or owners of the premises and if not paid within 30 days proceedings shall be instituted by the Borough Solicitor either by lien or by action in assumpsit for the collection thereof, as provided by law, and notice from the Borough authorities shall not be necessary before filing a lien or instituting an action in assumpsit.

**§ 10-103. Penalties. [Ord. 215, 8/26/1965, § 3; as amended by Ord. 361, 4/8/1986]**

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 \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense.



PART 2  
VECTOR CONTROL

**§ 10-201. Definitions. [Ord. 291, 11/11/1975, § 2]**

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 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, receptacles of any kind or other containers or devices 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 waste resulting from the handling, preparation, cooking and consumption of foods.

**HARBORAGE** — Any place where vectors can live, nest or seek shelter.

**OCCUPANT** — Any person over one 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.

**OWNER** — Any person who, alone, jointly or severally with others:

- A. Shall have legal title to any premises, dwelling or dwelling unit with or without accompanying actual possession thereof, or
- B. Shall have charge, care or control of any premises, 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 waste, and shall include garbage, ashes and rubbish.

**RUBBISH** — Glass, metal, paper, plant growth, wood or nonputrescible 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, etc.

**VECTORPROOFING** — 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 ratproofing, flyproofing, mosquitoproofing, etc.

**§ 10-202. Prohibited Acts. [Ord. 291, 11/11/1975, § 3]**

1. It shall be unlawful for any person, firm or corporation to deposit any refuse, offal, pomace, dead animals, decaying matter or organic substance of any kind in or upon any private lot, building, structure, accessory structure, premises or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter or into any of the waters of the Commonwealth so that the same shall or may afford food, harborage or breeding areas for rats, flies or other vectors.
2. It shall be unlawful for any person, firm or corporation to deposit or permit to accumulate in or upon any premises, improved or vacant, or on any open lot or alley, any lumber, boxes, barrels, bottles, cans, glass, scrap iron, wire, metal articles, pipe, broken stone or cement, broken crockery, broken plaster or rubbish of any kind unless the same may be kept in approved covered receptacles or placed on open racks that are elevated not less than 18 inches above the ground and evenly piled or stacked or disposed as may be approved by the Department of Environmental Resources.
3. It shall be unlawful to maintain a junk yard or place for dumping, wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind for the storage 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 storage 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.

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. The 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.
5. It shall be unlawful to dump, burn, bury, destroy or otherwise dispose of refuse 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 permit weeds or other similar vegetation more than six inches high to remain standing in any vacant lot, yard or other place except as may be approved by the municipality.
9. 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 unless such collection of water is treated or maintained so as to effectually prevent such breeding.

**§ 10-203. Responsibilities of Owners and Occupants. [Ord. 291, 11/11/1975, § 4]**

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 of 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 a dwelling in a rodentproof or reasonable insectproof 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.

**§ 10-204. Vectorproofing. [Ord. 291, 11/11/1975, § 5]**

1. Any dwelling, building, structure, accessory structure, premises or any other place may be required to be vectorproofed 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 vectorproofing from any building, structure or accessory structure for any purpose.

**§ 10-205. Authority to Abate Vector Problems. [Ord. 291, 11/11/1975, § 6]**

1. From and after passage of this Part, the municipality 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 vectorproofing or additions or repairs to existing vectorproofing.
2. Whenever it shall be determined that any dwelling, building, structure, accessory structure, premises, 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 time for the correction of said violations must be given as well as the necessary methods to be employed in the correction.
3. Whenever said violations shall fail to be corrected within the time set for and an extension of this time is not deemed to be necessary, the municipality may proceed to abate the said violations in the manner provided by the law.

**§ 10-206. Penalties. [Ord. 291, 11/11/1975, § 7; as amended by Ord. 361, 4/8/1986]**

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 \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense.



## PART 3

## PROPERTY MAINTENANCE

**§ 10-301. Short Title. [Ord. 361, 4/8/1986]**

This Part shall be known and cited as the "Borough of Wormleysburg Property Maintenance Ordinance."

**§ 10-302. Preface. [Ord. 361, 4/8/1986]**

Recognizing the need within the Borough 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.

**§ 10-303. Authority. [Ord. 361, 4/8/1986]**

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

**§ 10-304. Definitions. [Ord. 361, 4/8/1986]**

**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.

**JUNK** — Any and all forms of waste, scrap, discarded materials or articles or parts thereof and shall include, but not be limited to, scrap metal; used, scrapped, or abandoned building materials; inoperable, scrapped, abandoned, or junked motor vehicles or parts thereof; machinery; appliances; furniture; farm machinery; or other nonfunctional equipment. **[Added by Ord. No. 514, 4/10/2018]**

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

**NUISANCE** — The unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his

reasonable rights of person or property. [Added by Ord. No. 514, 4/10/2018]

**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.

**§ 10-305. Application. [Ord. 361, 4/8/1986]**

The provisions of this Part shall supplement local laws, ordinances or regulations existing in the Borough or those of the Commonwealth of Pennsylvania. Where a provision of this Part 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.

**§ 10-306. Buildings and Structures. [Ord. 361, 4/8/1986]**

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.
2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.
3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Borough Council, remove, or cause the removal of, the building and/or structure.

**§ 10-307. Yards, Open Lots, Parking Areas. [Ord. 361, 4/8/1986]**

1. 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. Wells, cesspools, cisterns, 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.

**§ 10-308. Infestation, Prevention and Correction. [Ord. 361, 4/8/1986]**

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) in accordance with the provisions of this Part.

**§ 10-309. Miscellaneous Provisions. [Ord. 361, 4/8/1986]**

1. 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.

- D. The accumulation or storage of junk on any premises or property within the Borough unless the accumulation or storage thereof is expressly authorized by the Borough in writing. This includes without limitation, the accumulation or storage of junk under any structure that is not completely enclosed, including, but not limited to, porches, carports, pavilions, tents, and the like. **[Added by Ord. No. 514, 4/10/2018]**
- E. The condition of the lands, grounds, or other premises that they own, occupy, lease, and/or keep to be offensive and a nuisance to a neighbor or the neighborhood, or to create a health or safety risk to the children and residents of the Borough. **[Added by Ord. No. 514, 4/10/2018]**

**§ 10-310. Responsibilities of Occupants. [Ord. 361, 4/8/1986]**

Any occupant of a premises shall be responsible for compliance with the provisions of this Part 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.

**§ 10-311. Responsibilities of Owners. [Ord. 361, 4/8/1986]**

- 1. Owner of premises shall comply with the provisions of this Part 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, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part.

**§ 10-312. Notice of Violation. [Ord. 361, 4/8/1986]**

Upon failure to comply with any terms or conditions of this Part, 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 notification 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 30 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 thirty-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 expenses 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 conditions herein established; detailed notice thereof shall be posted on the subject premises and at the Borough Building.

**§ 10-313. Compliance. [Ord. 361, 4/8/1986]**

The owner and/or occupant shall have 30 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 thirty-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. A conviction of an owner and/or occupant shall not bar further prosecutions for noncompliance with this Part subsequent to such conviction.

**§ 10-314. Penalties. [Ord. 361, 4/8/1986]**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300; together with costs of prosecution, or to imprisonment for a term not to exceed 30 days. Each day a conviction in violation of this Part exists beyond the thirty-day voluntary compliance period shall constitute a separate violation of this Part.

**§ 10-315. Owners Severally Responsible. [Ord. 361, 4/8/1986]**

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part.

**§ 10-316. Inspection. [Ord. 361, 4/8/1986]**

The Borough Council 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.



## PART 4

## STORAGE OF MOTOR VEHICLES

**§ 10-401. Definitions. [Ord. 361, 4/8/1986]**

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 Wormleysburg.

**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.

**§ 10-402. Motor Vehicle Nuisances Prohibited. [Ord. 361, 4/8/1986]**

1. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:
  - A. Broken windshields, mirrors or other glass, with sharp edges.
  - B. One or more flat or open tires or tubes which could permit vermin harborage.
  - C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
  - D. Any body parts with sharp edges including holes resulting from rust.

- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken 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.

**§ 10-403. Storage of Motor Vehicle Nuisances Permitted. [Ord. 361, 4/8/1986]**

1. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in § 10-402 above may store such vehicle(s) in the Borough only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided from time to time by resolution of the Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within a opaqued fence at least six feet high which is locked at all times when unattended. With the special approval of the Borough Council motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire



or emergency equipment. Such gate shall remain locked at all times when unattended. In addition all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 150 square feet.

2. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough Zoning Ordinance.

**§ 10-404. Inspection; Notice to Comply. [Ord. 361, 4/8/1986]**

1. The Code Enforcement Officer 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, 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.

**§ 10-405. Authority to Remedy Noncompliance. [Ord. 361, 4/8/1986]**

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 shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough, 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.

**§ 10-406. Hearing. [Ord. 361, 4/8/1986]**

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

**§ 10-407. Penalties. [Ord. 361, 4/8/1986]**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$300, and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

**§ 10-408. Remedies Not Mutually Exclusive. [Ord. 361, 4/8/1986]**

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

PART 5  
ADMINISTRATION

**§ 10-501. Request That State Department of Environmental Resources Take Over Administration of Health Laws in the Borough of Wormleysburg. [Ord. 361, 4/8/1986]**

The Department of Environmental Resources of the Commonwealth of Pennsylvania be and it is by this resolution requested, under the provisions of the Administrative Code of 1929, Article XXI, Section 2102, to take over the administration of the health laws within the Borough of Wormleysburg, Cumberland County, Pennsylvania, at the expense of the Department of Environmental Resources.



## PART 6

## PENALTY FOR MAKING FALSE ALARMS

**§ 10-601. Definitions. [Ord. 404, 8/9/1994, § 1]**

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

**ACCIDENTIAL FALSE ALARM** — Any false alarm which is not an intentional false alarm as defined herein.

**ALARM** — A communication to the Police or Fire Department or to any radio system which in turn communicates with the said Police or Fire Department indicating that a crime, fire or other emergency situation warranting immediate action by the Police or Fire Department has occurred or is occurring.

**ALARM DEVICE** — A mechanical device designed to automatically transmit an alarm by wire, telephone, radio or other means (i) directly to the Police or Fire Department, (ii) to a person who is instructed to notify the Police or Fire Department of the alarm or (iii) to activate a bell or sounding device to be heard outside a building which is intended to alert the Police, Fire Department or others to the existence of a crime, fire or other emergency situation warranting action by Police or Fire Department.

**FALSE ALARM** — An alarm to which the Police or Fire Department responds resulting from the activation of an alarm device when a crime, fire or other emergency warranting immediate action by the Police or firemen has not, in fact occurred, not to include alarms caused by natural causes such as storms, power failures or other causes not caused by a faulty or over sensitive alarm device.

**FIRE DEPARTMENT** — The Fire Department of or for the Borough of Wormleysburg including any Wormleysburg fireperson.

**INDIRECT ALARM DEVICE** — An alarm device designed to transmit an alarm to a person who is instructed to notify the Police or Fire Department of the alarm.

**INTENTIONAL FALSE ALARM** — A false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where the individual has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Police or Fire Department has occurred or is occurring.

**OWNER** — An individual, corporation, partnership, incorporated association or other similar entity owning the premises with an alarm device.

**POLICE DEPARTMENT** — The Police Department of or for the Borough of Wormleysburg including any Wormleysburg police officer.

**TELEPHONE DIALER ALARM DEVICE** — An alarm device designed to automatically transmit a recorded message over a regular telephone line directly to the Police or Fire Department, or to a person who is instructed to notify the Police or Fire Department, of the alarm.

2. In this Part, the singular shall include the plural; the plural shall include the singular; the masculine shall include the feminine and the neuter.

**§ 10-602. Notification to Borough of Alarm Device. [Ord. 404, 8/9/1994, § 1]**

1. All property owners, lessees of property or a person otherwise occupying a premises within the Borough of Wormleysburg, which presently has an alarm device in operation on its premises or which premises is hereafter provided with an alarm device shall, within 40 days of the date of the enactment of this Part, provided the Chief of Police of the Borough of Wormleysburg with the following information:
  - A. Name or names of property owners.
  - B. Home and business addresses and the home and business telephone numbers of the property owner or property owners.
  - C. The physical location of the alarm device at the property.
  - D. Names, addresses and telephone numbers of at least two individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time, but who do not reside at the premises at which the alarm device is located.
  - E. A general written description of the device other than schematics.
  - F. If the device is to be leased or rented from, or is to be services pursuant to a service agreement by a person or entity other than the owner, the name, address and telephone number of that person or entity must be provided.
  - G. Each owner providing the information set forth in subsections (A) through (F) above shall also sign a statement in the following form:

The undersigned owner of a premises containing an alarm device, intending to be legally bound hereby, agrees with the Borough of Wormleysburg that the undersigned, nor anyone claiming by, through, or under the undersigned, shall make any claim against the Borough of Wormleysburg, its public officials, employees or agents, for any damages caused to the premises and property at which the alarm device is located, if such damage is caused by a forced entry to said premises by police officer or fireperson or other authorized agent of the Borough of Wormleysburg in order to answer an alarm from said alarm device at a time when said premises are or appear to be unattended or when in the discretion of the person(s) responding the circumstances appear to warrant a forced entry. The aforesaid information and statement shall be set forth in writing by the owner, dated, signed and filed with the Police Department of or for the Borough of Wormleysburg.

**§ 10-603. Time Limit. [Ord. 404, 8/9/1994, § 1]**

No alarm shall sound externally in excess of 30 continuous minutes.

**§ 10-604. Intentional False Alarms. [Ord. 404, 8/9/1994, § 1]**

No person shall create an intentional false alarm.

**§ 10-605. Fee for False Alarms. [Ord. 404, 8/9/1994, § 1]**

With respect to any false alarm occurring 30 days after the installation of an alarm service to which the Police Department or Fire Department, or their personnel, respond, the owner shall pay to the Borough of Wormleysburg the following fees:

First to third alarm each calendar year	no charge
Fourth to tenth alarm each calendar year	\$40 per alarm
All alarms in excess of 10 each calendar year	\$60 per alarm

**§ 10-606. Procedure. [Ord. 404, 8/9/1994, § 1]**

1. When a false alarm occurs, the Police Department, within 60 days from the date of the false alarm, shall notify the owner of the premises in which the alarm device is situated from the false alarm emanated that a false alarm is due and the amount thereof. Said notice shall be in writing and mailed to the owner at the owner's last known address by regular mail, postage prepaid. Failure of the Police Department to mail notice of assessment of a false charge within 60 days from the occurrence of the false alarm shall preclude the Borough of Wormleysburg from assessing a false alarm charge.

2. A false alarm charge shall be due and payable at the office of the Police Department 30 days from the date of the mailing of the notice of assessment of the charge.
3. Failure of a person to pay a false alarm charge on or before the date shall constitute a violation of this Part and shall subject said person to the penalties set forth herein.

**§ 10-607. Penalties. [Ord. 404, 8/9/1994, § 1]**

Any person who shall violate any provision of this Part 6 of Chapter 10 of the Borough of Wormleysburg Code of Ordinances shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs of prosecution and upon failure to make prompt payment of same or imprisonment for a term not to exceed 90 days.



PART 7

**EMERGENCY MEDICAL SERVICES**

**§ 10-701. Designation of Emergency Medical Services. [Ord. 416, 6/9/1998, § 1]**

West Shore Emergency Medical Services/West Shore Advanced Life Support, Inc. is hereby designated and recognized as the entity to provide emergency medical services in the Borough of Wormleysburg.



## PART 8

**USE OF TOBACCO PRODUCTS****§ 10-801. Outdoor Use of Tobacco Products on Borough Property. [Ord. 476, 10/14/2008, § 5]**

The outdoor use by any person of a tobacco product on Borough Property is prohibited.

**§ 10-802. Penalties. [Ord. 476, 10/14/2008, § 5]**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 plus costs of prosecution.

