

Chapter 10

Health and Safety

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Part 1**Grass, Weeds and Other Vegetation****§10-101. Definition and Interpretation.**

In this Part, the word “person” shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural and the plural the singular, and the masculine shall include the feminine and the neuter. (Ord. 109, 8/19/1966, §1)

§10-102. Grass, Weeds and Other Vegetation a Nuisance Under Certain Conditions.

No person, owning or occupying any real estate within the Borough of Oklahoma, 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 6 inches, or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Part is declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

(Ord. 109, 8/19/1966, §2)

§10-103. Owner or Occupant of Premises to Remove, Trim or Cut Grass, Weeds or Other Vegetation.

The owner of any premises, as to vacant or unoccupied 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 any of the provisions of §10-102.

(Ord. 109, 8/19/1966, § 3)

§10-104. Notice to Remove, Trim or Cut; Authority for Borough to Do Work and Collect Cost and Additional Amount.

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 the United States mail, 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 any of the provisions of the §10-102 directing and requiring such owner or occupant, as the case may be, to remove, trim or cut such grass, weeds or other vegetation so as to conform to the requirements of this Part within 5 days after issuance of such notice. In case any person 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 other vegetation, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person in default, in the manner provided by law.

(*Ord. 109*, 8/19/1966, §4)

§10-105. Penalty for Violation.

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 less than \$50 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. 109*, 8/19/1966, §5; as amended by *Ord. 204A*, 2/13/1989, §12; and by *Ord. 2015-04*, 12/14/2015)

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

1. The word “nuisance” as used in this Part shall mean any use of property within the Borough of Oklahoma, or any condition upon property within the Borough that, other than infrequently, causes or results in:

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

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

C. Disturbance to or interference with the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word “nuisance” shall include but shall not be limited to the following:

(1) Loud playing of radios, television sets, juke boxes, amplifiers and other sound devices so as to be heard beyond the premises from which the sound emanates.

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

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

(4) Keeping or harboring any dog or other animal or fowl which, by creation of odor or by frequent howling or barking or other noise, particularly by barking after 10:00 p.m. or before 6:00 a.m., annoys or disturbs the neighborhood or a number of persons.

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

(a) Open wells or cisterns.

(b) Open excavations.

(c) Unfinished buildings, foundations or other structures.

(d) Dangerous placement of materials or equipment.

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

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

(6) Carrying on any building or road construction, excavation, or trenching, or the operation of heavy equipment or trucks in connection therewith at any time on Sunday or a legal holiday, or on any other day of the year at any time between 7:00 p.m. and 7:00 a.m. without a special permit

issued by the Borough Secretary. That special permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in such a manner or in such a place that the public or residents will not be annoyed or disturbed by that construction work.

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

(8) Carrying on any mechanical work in the nature of that done in a machine shop, auto body or repair shop or similar establishment, at any time on Sunday, or on any week day after the hour of 9:00 p.m. or before the hour of 7:00 a.m.

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

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

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

2. The word "person" as used in this Part, shall mean and include any natural person, partnership, association, firm or corporation.

3. 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. 182, 9/12/1983, §1)

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

It shall be unlawful and a violation of this Part for any person to create, continue, cause, maintain or permit any nuisance at any place within the Borough of Oklahoma.

(Ord. 182, 9/12/1983, §2)

§10-203. Removal or Abatement of Nuisances.

Any person who creates, continues, causes, maintains or permits to exist any nuisance at any place within the Borough of Oklahoma shall, within 10 days after notice from the Borough Council to do so, remove or abate that nuisance. If that person fails, neglects or refuses to abate the nuisance within the time limit, Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance, and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, Council shall collect the cost and expense of the abatement or removal from the person who created, continued, caused or maintained the nuisance and/or permitted it to exist, that person having failed, neglected or refused to remove or abate the nuisance, with an additional amount of 10 percent, in the manner provided

for the collection of municipal claims, or by an action in assumpsit. Provided the cost and expense may be in addition to any penalty imposed under §10-204.

(*Ord. 182, 9/12/1983, §3*)

§10-204. Penalty for Violation.

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 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 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. 182, 9/12/1983, §4; as amended by Ord. 204A, 2/13/1989, §13; and by Ord. 2015-04, 12/14/2015*)

§10-205. Exceptions.

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

(*Ord. 182, 9/12/1983, §5*)

Part 3**Discarded Vehicles and Appliances****§10-301. Definitions.**

As used in this Part, the following words and terms shall have the meanings ascribed to them in this section:

Abandoned—any item resting for 96 hours or more and which is inoperable, without current registration plates, certificate, or inspection, or in such a condition as to be unusable.

Appliance—a stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, household article used to perform any necessary work in a household, any article used in business to increase production or to speed, ease or eliminate work.

Boat—any vessel capable of transporting a person on any river, stream, creek, lake or ocean.

Discarded—any item resting for 96 hours or more with no known or apparent owner.

Household furnishing—all items normally found and used in a home.

Junked— items sold or to be sold for scrap, being stripped or being used or sold for parts.

Person—a natural person, the members of an unincorporated association, all of the partners of a partnership, and the officers and board of directors of a corporation.

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

Vehicles—an automobile, motorcycle, motorbike, minibike, bicycle, go-cart, truck or other wheeled means of conveyance, motorized or self-propelled.

(Ord. 165, 9/10/1979, §1)

§10-302. Unlawful to Accumulate Junked, Abandoned or Discarded Vehicles, Trailers, Boats, Appliances or Household Furnishings.

It shall be unlawful for any person to accumulate or store any junked, abandoned or discarded vehicle, trailer, boat, appliance or household furnishing on private or public property within the Borough of Oklahoma.

(Ord. 165, 9/10/1979, §2)

§10-303. Violation.

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 less than \$25 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. 165, 9/10/1979, §3; as amended by Ord. 2015-04, 12/14/2015)

§10-304. Prosecution.

All prosecutions for violation of this Part shall be brought in the name of the Borough of Oklahoma before the magisterial district judge having jurisdiction in the Borough, and shall be commenced by information and warrant, citation, or complaint and summons and shall be directed to and be served by a constable or other proper person. Warrants shall be returnable forthwith and upon such return like proceedings shall be had as in case of summary convictions.

(Ord. 165, 9/10/1979, §4; as amended by Ord. 2015-04, 12/14/2015)