

ORDINANCE NO. 77-1

NORTH NEWTON TOWNSHIP, CUMBERLAND COUNTY,
PENNSYLVANIA: AN ORDINANCE TO PROVIDE FOR THE
PROTECTION OF THE PUBLIC HEALTH BY CONTROLLING OR
PREVENTING THE SPREAD OF VECTOR BORNE DISEASES AND
INFECTIONS BY THE ELIMINATION OF UNSANITARY CONDITIONS,
ELIMINATION OF BREEDING AND HARBORAGE AREAS, BY EXTER-
MINATION OF THE VECTORS, AND BY VECTORPROOFING AND THE
MAINTENANCE THEREOF IN A SANITARY AND VECTOR PROOFED
CONDITION.

IT IS HEREBY ORDAINED AND ENACTED BY the Board of Supervisors of North
Newton Township, Cumberland County, Pennsylvania, as follows:

SECTION 1 This Ordinance shall be known as the North Newton Township Vector
Control Ordinance.

SECTION 2 Definitions.

- A. VECTOR shall mean 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.
- B. VECTOR PROOFING shall mean 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.
- C. BREEDING AREA shall mean any condition which provides the necessary environment
for the birth or hatching of vectors.
- D. COLLECTION OF WATER means water 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.
- E. HARBORAGE shall mean any place where vectors can live, nest or seek shelter.
- F. EXTERMINATION shall mean 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.
- G. GARBAGE shall mean all animal and vegetable wastes resulting from the handling,
preparation, cooking or consumption of food.
- H. REFUSE shall mean all solid wastes, except human body wastes, and shall include
garbage, ashes and rubbish.

I. DISPOSAL shall mean and include the storage, collection, disposal or handling of refuse.

J. RUBBISH shall mean and include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.

K. ACCESSORY STRUCTURE shall mean 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.

L. DILAPIDATED shall mean fallen into partial ruin or decay.

M. OCCUPANT shall mean any person, over one (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.

N. OWNER shall mean any person who, alone or jointly or severally with others:

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

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 Ordinance and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

O. COVERED RECEPTACLE shall mean a container of metal, wood, heavy duty plastic or synthetic material of solid construction, non-leaking, with a tight-fitting cover secured against wind.

P. PERSON means any person, firm, partnership, association, or corporation.

Q. DER means Department of Environmental Resources, Commonwealth of Pennsylvania.

SECTION 3 Prohibited Acts.

A. It shall be unlawful for any person to deposit or to knowingly permit any person acting as agent, employee, or servant of said person 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 same shall or may afford food, harborage or breeding areas for rats, flies or vectors.

B. 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 covered receptacles or placed on open racks that are elevated not less than (18) eighteen inches above the ground, and evenly piled or stacked; or unless disposed of in a manner approved by DER.

C. It shall be unlawful to maintain a junk yard or a place for the dumping or wrecking or disassembling of 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, in such a manner as to afford harborage or breeding areas for vectors.

D. It shall be unlawful to store refuse in containers other than covered receptacles, which shall be kept clean by rinsing and draining as often as necessary so as not to provide food or breeding areas for vectors.

E. It shall be unlawful to dump, burn, bury, destroy, or otherwise dispose of refuse except at an approved refuse disposal site.

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

G. 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.

H. It shall be unlawful to permit weeds, or similar vegetation more than six to eight inches high to remain standing in any vacant lot, yard, or other place so as to provide a harborage or breeding area for vectors.

I. It shall be unlawful to have, keep, maintain, cause or permit any collection of standing or flowing water except for agricultural or industrial purposes in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as effectually to prevent such breeding.

SECTION 4 Responsibilities of Owners and Occupants.

A. Every owner of a dwelling containing two or more dwelling units shall maintain in clean and sanitary condition the shared or public areas of the dwelling and premises thereof, in such a manner as to prevent breeding areas and harborages for vectors.

B. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for extermination within his dwelling unit. Notwithstanding; the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a 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.

SECTION 5 Vector Proofing.

A. Any dwelling, building, structure, accessory structure, premise or any other place may be required to be vector proofed when found to provide harborage of breeding areas for vectors; upon written notice at least 10 days prior to hearing and upon hearing by the Board with an opportunity in owner to be present, to cross-examine witnesses, and to provide witnesses in his behalf with written decision served on owner to be rendered within 20 days after hearing and with right of appeal to Court of Common Pleas.

B. 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.

SECTION 6 Plans and Specifications for Private Vector Control Programs

A. A program plan and specifications for private vector control programs may be required to be submitted by owner to township upon determination of necessity by the vector control program director. Said determination shall be served on owner personally or by certified mail. Within 10 days of said service owner may contest the necessity of the program by requesting hearing to be conducted in accordance with Section 5. Said program plan shall be submitted by the owner to the Board within 30 days of notice. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program, if any, and any and all work to be conducted in an effort to control said vectors. The Board shall review the program plan by the Vector Control Program Director, and if it is found to be inadequate or incomplete, additional information may be required as well as additional control methods. Owner may request hearing on the Board's determination in accordance with Section 5.

SECTION 7 Authority to Abate Vector Problems

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

B. Whenever it shall be determined by Board that any dwelling, building, structure, accessory structure, premise, collection of water, or any other place is in violation of this Ordinance, 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.

C. Whenever said violations shall fail to be corrected within the time set forth, 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.

D. Owner shall have the right to appeal from said determination by hearing in accordance with Section 5.

SECTION 8 Penalty.

A. Any person who shall violate any provision of this Ordinance shall upon conviction before any District Justice of the Peace be sentenced to pay a fine not exceeding \$300 plus the cost of prosecution. Each day's violation shall constitute a separate offense. In default of the payment of such fine and costs, said person shall undergo imprisonment in the County Jail for a period not to exceed 90 days.

SECTION 9 Savings Clause.

A. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional to any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ENACTED AND ORDAINED this 1 day of August, 1977.

NORTH NEWTON TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Wayne M. Howe
Secretary

J. Glenn Garner
Jay W. McCulloch
Charles Gronoff