

CHAPTER 10

HEALTH AND SAFETY

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Part 1

Storage of Junked Motor Vehicles and Machinery

§101. Statement of Legislative Intent. The Council of the Borough of New Holland, Lancaster County, Pennsylvania, finds that the storage or parking of wrecked, junked, stripped or abandoned motor vehicles on private property, or the storage, placement or accumulation on private property of junked, wrecked, discarded or abandoned machinery, equipment, household appliances or other debris and waste materials of any kind or description constitutes a nuisance and is detrimental to the public health, safety, morals and welfare, except when such vehicles or other herein named items are parked or stored in a building, or unless the same be authorized in conjunction with a business properly operated pursuant to other laws of the Borough of New Holland. (Ord. 300, 3/6/1979, §1)

§102. Definitions. The terms "junked," "wrecked," "stripped," "abandoned" and "discarded" as used herein shall mean that the items or materials so described are no longer in current usage as evidenced by an apparent relinquishment of all rights thereto through continued disuse. (Ord. 300, 3/6/1979, §2)

§103. Junked, Wrecked, Stripped or Abandoned Motor Vehicles. It shall be unlawful to park, store or leave any motor vehicle of any kind in a wrecked, junked, stripped or abandoned condition on private property, unless in a building, and it shall be unlawful for the owner of such motor vehicle, or the owner or occupant of any property, to allow, permit or suffer the same to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated pursuant to other laws of the Borough of New Holland. (Ord. 300, 3/6/1979, 3A)

§104. Junked, Wrecked, Discarded or Abandoned Machinery, Equipment, Household Appliances or Other Debris and Waste Materials. It shall be unlawful to store, place or accumulate on private property any junked, wrecked, discarded or abandoned machinery, equipment, household appliances or other debris and waste materials of any kind or description, unless in a building, and it shall be unlawful for the owner of such items, or the owner or occupant of any property to allow, permit or suffer the same to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated pursuant to other laws of the Borough of New Holland. (Ord. 300, 3/6/1979, §3B)

§105. Notice to Owners. If the Council of the Borough of New Holland or any of its authorized agents find that a violation of this Part exists, it shall notify the owner of the property on which the violation exists, or the owner of the motor vehicle or other discarded or abandoned item, or both, of the violation, and order the owner of said motor vehicle or vehicles or other items within five (5) days thereof, and the owner of the property on which the motor vehicle or vehicles or other items are stored or parked, within thirty (30) days thereof, to remove the motor vehicle or vehicles or other items. (Ord. 300, 3/6/1979, §4)

§106. Mode of Notice. Notice shall be given by personal service or by certified mail to the last known address of the violator. In the event that, on diligent search, the address of either the property owner or the owner of the motor vehicle or other items cannot be ascertained, the posting of the said notice or copies thereof on the real property, motor vehicle or other items, structure or area immediately adjacent thereto shall constitute sufficient notice. (Ord. 300, 3/6/1979, §5)

§107. Owner May Request Hearing. Within five (5) days after notice, the party or parties affected may request a hearing with the Council of the Borough of New Holland by filing a written request with the Secretary. The said Council after said hearing shall affirm, withdraw or modify the notice. (Ord. 300, 3/6/1979, §6)

§108. Failure to Request Hearing. If a hearing is not requested, then the parties affected shall proceed to remove, or have removed, the motor vehicle or vehicles or other items from the property in question in accordance with the notice and order. (Ord. 300, 3/6/1979, §7)

§109. Notice of Hearing. On proper request, a hearing on the matter shall be given forthwith and where more than one (1) party is involved it shall be the duty of the party requesting the said hearing to notify the Secretary of the Borough of New Holland of the names and addresses of all other parties affected or interested. (Ord. 300, 3/6/1979, §8)

§110. Failure to Act: Imposition of Costs. If the violation complained of shall not have been remedied within the period as required by the order, the Borough of New Holland shall, through its own agents, contractors and/or employees, remedy the violations and charge the costs thereof to the real property owner on whose property the vehicles or other items are located. Said costs shall, after a proper demand and refusal or failure to pay after thirty (30) days, constitute a lien on the said realty at such time as it shall thereafter be filed by the Borough Solicitor. (Ord. 300, 3/6/1979, §9)

§111. Penalty for Violation. Any person, firm or coproation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 300, 3/6/1979, §10; as amended by Ord. 427, 12/28/1993)

Part 2

Grass, Bamboo, and Weed Control

§201. Definitions. As used in this Part, singular words shall include the plural, masculine words shall include the feminine and neuter, and the following terms shall mean as follows:

BAMBOO - any monopodial (running) tropical or semi-tropical grasses from the genera Bambusa including, but not limited to, Bambusa, Phyllostachys, and Pseudosasa, as well as Common Bamboo, Golden Bamboo, and Arrow Bamboo.

BOROUGH - the Borough of New Holland.

PERSON - any natural person, partnership, association, firm, corporation, or other entity.

WEED - any Canadian or Russian thistle, chicory, burdock, nettle, poison ivy, sumac, goldenrod, wild lettuce, wild mustard, wild parsley, ragweed, milkweed, or any other plant or vegetation whatsoever not edible or planted for ornamental or agricultural purposes.

(Ord. 565, 1/7/2014, §1)

§202. Vegetation Growth a Nuisance under Certain Conditions.

1. No person owning or occupying any real property within the Borough shall permit (A) any grass, weeds, or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such real property so as to exceed a height of eight (8) inches; nor (B) any weeds prohibited by the Pennsylvania Noxious Weed Control Law, 3 P.S. §255.8, as amended from time to time, or by regulations of the Pennsylvania Department of Agriculture, to grow or remain on such real property, including, but not limited to:

- A. Marihuana (also known as Marijuana).
- B. Chicory, Succory or Blue Daisy.
- C. Canadian Thistle.
- D. Multiflora Rose.
- E. Johnson Grass.

2. Any grass, weeds, or other vegetation growing upon any real property 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, comfort, and welfare of the inhabitants of the Borough.

(Ord. 565, 1/7/2014, §1)

§203. Bamboo Regulations. Subject to any exemptions or exceptions in this Part, no person shall plant, cultivate, or cause or permit to grow, any bamboo on any real property in the Borough, subject to the following exceptions:

- A. The root system of such bamboo plants is entirely contained within an above ground level planter, barrel, or other vessel of such

design, material, and location as to entirely prevent the spread of growth of the bamboo plant's root system beyond the container in which it is planted.

B. The root system is contained within a barrier, constructed in accordance with the following specifications, and only after a compliance inspection is performed and a permit issued by the code enforcement officer:

(1) The barrier itself shall be composed of (a) a high-density polypropylene or polyethylene with a thickness of forty (40) ml or more, or (b) any other material that can not be penetrated by bamboo.

(2) With respect to polypropylene or polyethylene, each portion of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed to be used with such barriers.

(3) The barrier shall be installed not less than thirty (30) inches deep.

(4) The barrier shall be circular or oblong shaped.

(5) Not less than three (3) inches of the barrier shall protrude above ground level around the entire perimeter of the bamboo.

(6) When installed, the barrier shall slant outward from the bottom to top.

C. All bamboo plants shall be located, trimmed, and maintained so that no part of the plant shall be closer than ten (10) feet to any real property line.

(Ord. 565, 1/7/2014, §1)

§204. Bamboo Exemptions. This Part shall not apply to any real property owner or occupant who, prior to the effective date of this Part, has planted, caused, or permitted to grow any bamboo on any real property within the Borough limits, unless any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks, or leaves over any public way or any real property owned by another person. (Ord. 565, 1/7/2014, §1)

§205. Responsibility for Removing, Cutting, or Trimming. Each owner and each occupant of every real property in the Borough shall be, jointly and severally responsible to, remove, trim and/or cut all grass, weeds, or other vegetation growing or remaining upon such real property in violation of the provisions of this Part, and enforcement action may be brought against any one or combination of such responsible persons in the sole discretion of the Borough. (Ord. 565, 1/7/2014, §1)

§206. Notice to Remove, Trim or Cut Grass, Bamboo, or Weeds. 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, express mail or delivery service, or by ordinary United States mail to the owner or occupant, as the case may be, at the sole discretion of the Borough,

of any real property whereon grass, bamboo, weeds, or other vegetation are growing or remaining in violation of this Part, directing and requiring such occupant to remove, trim, or cut the grass, bamboo, weeds, or vegetation so as to conform to the requirements of this Part, within ten (10) days after issuance of such notice. (Ord. 565, 1/7/2014, §1)

§207. Authority for Borough to Remove, Trim and/or Cut and Collect Fees. In the event that any person shall neglect, fail, or refuse to comply with the notice provided in §206, within the period of time therein stated, the Borough may cause such grass, bamboo, weeds, or vegetation to be removed, trimmed, or cut. There is hereby imposed a fee of one hundred dollars (\$100.00) plus the actual cost of the labor involved for each time the Borough shall cause such grass, bamboo, weeds, or vegetation to be removed, trimmed, or cut; and the owner or occupant of the real property, as the case may be and at the sole discretion of the Borough, shall be billed after such work has been completed. (Ord. 565, 1/7/2014, §1)

§208. Delinquent Bills and Filing of Liens. Any bill or bills for the removal, trimming, or cutting of grass, bamboo, weeds, or vegetation that remains unpaid more than thirty (30) days.

A. Shall be subject to a penalty of ten percent (10%), which shall be added to such bill or bills.

B. Shall accrue interest at the rate of ten percent (10%) per annum from the date of the original bill.

C. May be enforced, in addition to or concurrent with any other enforcement remedy available to the Borough, by filing a lien against the real property in the same manner as other municipal claims are filed. In the case of filing of any such lien, an attorney fee of no less than three hundred dollars (\$300.00), or the amount actually incurred by the Borough, shall be added to the lien.

(Ord. 565, 1/7/2014, §1)

§209. Violations and Penalties. Any person who shall fail, neglect, or refuse to comply with any of the provisions of this Part shall, upon conviction in a summary proceeding brought before a magisterial district judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), plus attorney fees and costs of prosecution, and in default of payment thereof, imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Part that is violated shall also constitute a separate offense. (Ord. 565, 1/7/2014, §1)

