

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

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Part 1

Regulating Fires and Burning

§101. Legislative Findings. The Borough of New Holland, and other rural communities, have traditionally permitted the burning of material as a means of disposal thereof. Increased development, both commercial and residential, have caused conflicts with such means of disposal of waste. Such burning produces smoke and soot, which constitute a nuisance to adjoining landowners. Such burning also constitutes a fire hazard. The State and Federal government have become increasingly concerned about air quality and air pollution in the Southeast Pennsylvania region, as evidenced by regulations of the United States Environmental Protection Agency regarding monitoring and testing of auto emissions and legislation enacted by the Commonwealth of Pennsylvania regarding the same. The Borough of New Holland has regulated burning by the issuance of permits. There are currently fewer than ten (10) such permits issued in the Borough of New Holland. A ban on burning would therefore impact few citizens or businesses within the Borough of New Holland. As a result of concern for increased air pollution problems, public nuisances and fire hazards, and due to the minimal impact on citizens and businesses of the Borough of New Holland from a ban on burning, Council for the Borough of New Holland deems it to be in the best interests of the Borough of New Holland and its residents to prohibit the burning of any materials except as specifically set forth in this Part. (Ord. 422, 3/2/1993, §1)

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

COOK STOVE or GRILL - any device designed, constructed and/or manufactured for the exclusive purpose of cooking food, where the fuel for a fire contained therein is wood, charcoal, coal, liquid propane gas or natural gas.

FURNACE - any enclosed device specifically designed and used exclusively for burning of any material for the production of heat.

INCINERATOR - any device specifically designed and constructed for the burning of waste. Such definition shall not include any furnace, any indoor decorative fireplace, or any indoor wood or coal heating stove or cook stove. An enclosed barrel or drum shall not constitute an incinerator, whether or not the same includes a flue. Any device lacking a flue shall not constitute an incinerator, regardless of the purpose for which such device is designed or constructed.

OPEN FIRE - an unenclosed fire in which any material is burned and where air contaminates, including smoke and/or odor are emitted to the open air other than through a flue, with the exception of a cook stove or grill.

WASTE - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food; any combustible solid material including, but not limited to, old clothes, leather, wood, paper, cardboard, furniture, packing materials and other similar materials; trees, shrubs, branches, leaves and other vegetation; and any other flammable material, regardless of the source thereof, including, but

not limited to, rubber, fiberglass, electrical components or materials, plastics, fiberglass or asphaltic shingles, any product or material containing asbestos, paint, paint thinners, turpentine, tar or petroleum products, any other flammable liquids, plaster, drywall or gypsum board, styrofoam, sawdust, paper, fiberglass or other types of insulation, or any other similar material.

(Ord. 422, 3/2/1993, §2)

§103. Prohibition on Burning. After the effective date of this Part, with the exception of a fire in a cook stove or grill for the purpose of cooking food, no person shall kindle or maintain any open fire, or fire in any incinerator, or authorize any such fire to be kindled or maintained within the Borough of New Holland for the purpose of elimination or disposal of any waste. This Section shall not be deemed to prohibit the burning of any material in any furnace, or as a necessary part of any industrial or manufacturing process, so long as such burning is not solely for the purpose of elimination of waste or excess material. (Ord. 422, 3/2/1993, §3)

§104. Burning Permits.

1. No permits shall be issued pursuant to Ordinance No. 412, enacted December 3, 1991, after the effective date of this Part. Any permits previously issued shall continue according to their existing terms, and may be renewed by existing permit holders. The foregoing notwithstanding, all burning permits shall expire December 31, 1994. The fee for the renewal of any existing permit shall be prorated, if any renewal term shall be for less than one (1) year pursuant to the expiration date as set forth herein.

2. The burning of any waste pursuant to any permit prior to expiration thereof as hereinbefore set forth shall be in accordance with the terms and conditions as set forth in Ordinance No. 412, enacted December 3, 1991.

(Ord. 422, 3/2/1993, §4)

§105. Exceptions. Open fires, or fires in an incinerator, may be set in the performance of an official duty of any public officer or public employee, if the fire is necessary for:

A. The prevention of a fire hazard which cannot be abated by other means.

B. Protection of the public health.

C. The proper training of police and volunteer fire company personnel.

D. The elimination of any material, under supervision of the Borough of New Holland, if Council for the Borough of New Holland determines that there is no practical alternative for disposal of the material proposed to be burned.

(Ord. 422, 3/2/1993, §5)

§106. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to

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(7, §106, cont'd)

pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of said payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 422, 3/2/1993, §7)

Part 2

Recognizing Garden Spot Fire Rescue

§201. Fire Company Recognized. Garden Spot Fire Rescue as organized and existing in the Borough of New Holland, Lancaster County, Pennsylvania, is hereby designated as the officially recognized Fire Company for the Borough. (Ord. 559, 1/8/2013, §1)

§202. Authorized Activities of the Fire Company.

1. The Fire Company recognized by the Borough is hereby authorized to provide such services to the Borough as may be necessary for the protection of property and persons situate therein, which include, by way of example and not of limitation, the extinguishment and prevention of loss of life and property from fire, automobile accidents, medical emergencies, hazardous materials incidents and other dangerous situations.

2. The Company may also provide non-emergency and public service functions, such as, by way of example and not of limitation, removing water from property after storms, and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural causes or man-made situations.

3. The Company may also conduct and participate in such training activities and drills, either within or outside of the Borough, as may be deemed necessary by the officers of the Company to maintain proficiency in providing service.

4. The Company may also respond to calls and provide services to municipalities outside of the Borough.

(Ord. 559, 1/8/2013, §2)

§203. Authorized Activities of Members of the Fire Company. In addition to actually participating in the activities of the Company as authorized above, or in going to or returning from any activity, the members of the Company recognized by the Borough are also authorized to do the following things:

A. Engage in any type of drill, training, ceremony, practice, test or parade when duly called for or authorized by an officer or officers of the Company.

B. Engage in fund-raising activities for the Company, when authorized by an officer or officers of the Company.

C. Engage in the performance of any other Company duties or activities authorized by an officer or officers of the Company.

(Ord. 559, 1/8/2013, §3)

§204. Right to Seek Reasonable Cost Reimbursement.

1. The Borough hereby recognizes the authority of and authorizes the Company to recover the reasonable costs of firefighting materials, equipment, personnel hours and hazardous abatement materials involving any hazardous material incident, environmental incident, or safety and rescue incident or operation, including vehicular accidents.

2. Said reasonable costs as outlined may be recovered by the Company, through the Borough with the consent of Borough Council, or by Agreement with the Lancaster County Emergency Management Agency as an authorized agent for the collection of said reasonable costs. The utilization of Lancaster County Emergency Management Agency shall be used primarily for collection of costs for incidents involving the use of hazardous abatement materials and/or incidents directly involving the Lancaster County Emergency Management Agency.

3. In addition to the aforementioned reasonable costs, the Company, the Borough, or Lancaster County Emergency Management Agency, is hereby authorized to collect reasonable interest, as well as reasonable attorney fees, costs and expenses, reasonable administrative fees for collecting same and all additional fees and charges as may be authorized by the Hazardous Material and Emergency Planning and Response Act or authorized by any other statute, ordinance, resolution, rule, regulation, case law or common law.

(Ord. 559, 1/8/2013, §4)

§205. Purpose. The purpose of this Part is to recognize that the Company's acts which are classified as public firefighting duties are done on behalf of the Borough, and to state additional authorized activities for firefighters for workers' compensation purposes. (Ord. 559, 1/8/2013, §5)

Part 3

Truss Construction Sign Requirements

§301. Definitions.

COMBUSTIBLE TRUSS CONSTRUCTION - a combination of combustible members, including without limitation wood-frame and engineered lumber products, usually arranged in triangular units or "I" beam units to form a rigid framework for supporting floor and roof loads over a span of structural members that connect together to span the space between the walls of a building or other structure to support a vertical load.

DUPLEX DWELLING UNIT - a freestanding building containing two dwelling units for two families, arranged in a side-by-side or over and under configuration.

SINGLE-FAMILY DETACHED DWELLING UNIT - a freestanding building containing one (1) dwelling unit for one (1) family and typically having two (2) side yards, one (1) front yard, and one (1) rear yard.

TRUSS EMBLEM - a sign consisting of an isosceles triangle not less than twelve (12) inches horizontally by six (6) inches vertically and made of reflective material with red as the background and white lettering containing the following: "F" to signify a building or structure having a floor with truss construction; "R" to signify a building or structure having a roof with truss construction; or "FR" to signify a building or structure having both a floor and roof with truss construction. An example of the truss emblem is attached hereto as a reference.

(Ord. 531, 12/2/2008, §1)

§302. Identification of Truss Construction.

1. Building Permittees and Land Developers. Except as provided in §303 below, every person seeking a building permit or land development approval for any structure or building containing combustible truss construction in any form or manner shall install and maintain a visible truss emblem to the left of the main entrance and at a height of not less than five (5) feet above the finish grade or at such other place as the Fire Chief or his/her designee may determine.

2. Residential Owners, Developers, and Homeowners' Associations. Every owner, developer, or homeowners' association of a residential subdivision, residential condominium, or apartment complex in which combustible truss construction was used in the dwellings, buildings, or other structures within said subdivision, condominium, or complex shall install and maintain a truss emblem within the public right-of-way or upon the common element or area (in the case of a private street or condominium) at each entrance to such subdivision, condominium, or apartment complex, or at such other locations as the Fire Chief or his/her designee may determine.

(Ord. 531, 12/2/2008, §1)

§303. Exempt Buildings. The owner of any single-family detached dwelling unit or duplex dwelling unit shall be exempt from installing and maintaining a truss emblem. (Ord. 531, 12/2/2008, §1)

§304. Fire Chief Approval. The owner or developer of any building or structure required to have a truss emblem under this Part shall include (without limitation) in their land development plan that is submitted pursuant to the New Holland Borough Subdivision and Land Development Ordinance [Chapter 22], the design and location for each truss emblem, which must be approved in writing by the Fire Chief or his/her designee. (Ord. 531, 12/2/2008, §1)

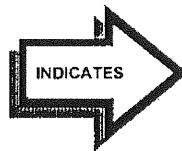
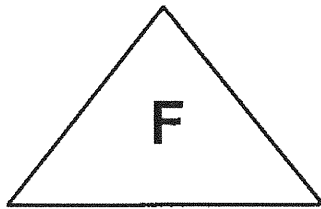
§305. Maintenance of Sign. Every owner of any structure or building containing combustible truss construction, and every owner, developer, or homeowners' association of a residential subdivision, residential condominium, or apartment complex in which combustible truss construction was used in the dwellings, buildings, or other structures within said subdivision, condominium, or complex shall be responsible for the maintenance of the truss emblems installed pursuant to this Part. The truss emblems shall be permanently affixed to the structure or building, and if the reflective material or lettering becomes worn over time such that it is not clearly visible from at least twenty-five (25) feet, such truss emblem shall be replaced. (Ord. 531, 12/2/2008, §1)



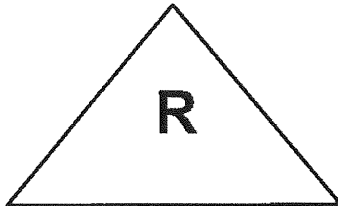
TRUSS BUILDING IDENTIFYING EMBLEMS

N.J.A.C. 5:70-2.20(a)1.

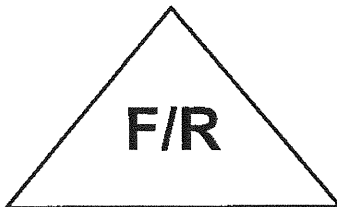
“The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by 6 inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem, as shown in diagram below.”



TRUSS FLOOR



TRUSS ROOF



TRUSS FLOORS & ROOF

N.J.A.C. 5:70-2.20(a)2.

“The emblem shall be permanently affixed to the left of the main entrance door at a height between 4 and 6 feet above the ground and shall be installed and maintained by the owner of the building.”

Department of Community Affairs
Division of Fire Safety
PO Box 809, Trenton, New Jersey 08625-0809
609.633.6132
609.633.6220 (Toll Free)

Part 4

Wood-Fired Boilers

§401. Title. This Part shall be known and may be cited as the "New Holland Borough Outdoor Wood-Fired Boiler Ordinance of 2011." (Ord. 545, 2/1/2011, §1)

§402. Authority. The Borough Council (herein "Council") of the Borough of New Holland (herein "Borough"), under, and by virtue of and pursuant to the authority granted by the Pennsylvania Borough Code, does hereby enact and ordain this Part. (Ord. 545, 2/1/2011, §1)

§403. Applicability. Except as otherwise provided in §410.10, this Part applies to the installation and use of all outdoor wood-fired boilers within the Borough.

A. This Part does NOT apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

B. This Part does NOT apply to burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.

C. This Part does NOT apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

(Ord. 545, 2/1/2011, §1)

§404. Purpose and Scope. Whereas, the Council has determined that air pollution from outdoor wood-fired boilers may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of the Borough, it is hereby declared to be the policy of the Borough to safeguard the citizens of the Borough from such air pollution. (Ord. 545, 2/1/2011, §1)

§405. Definitions. The following words, terms, and phrases, when used in this Part, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

APCA - Air Pollution Control Act.

BOROUGH - New Holland Borough, Lancaster County, Pennsylvania.

CLEAN WOOD - natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

CODE ENFORCEMENT OFFICER - the Borough Zoning Officer, any police officer having jurisdiction in the Borough, and any other person or persons designated by the Borough to be responsible for the administration and enforcement of this Part, all of whom shall jointly, severally, or in any other combination have the power to administer and enforce this Part concurrent with or in addition to the Borough.

COUNCIL - Borough Council of the Borough of New Holland.

EPA - United States Environmental Protection Agency.

MUNICIPALITY - a city, incorporated town, township, borough, county, municipal authority, or other public body created under State law having jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

OUTDOOR WOOD-FIRED BOILER - also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, or similar devices or equipment, including without limitation a fuel-burning device that:

(1) Is designed to burn clean wood or other approved solid fuels.

(2) The manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including without limitation structures such as garages and sheds.

(3) Heats building space or water, or both, through the distribution, typically through pipes, or a fluid heated in the device, typically water or a mixture of water and antifreeze.

PERSON - any individual, public, or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever that is recognized by law as the subject of rights and duties.

PHASE 2 OUTDOOR WOOD-FIRED BOILER - an outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of thirty-two hundredths (0.32) pounds per million British Thermal Units output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models usually will be identified with a white hang tag.

STACK - any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

(Ord. 545, 2/1/2011, §1)

§406. Regulation. On and after February 1, 2011, no person shall install, use, operate, or maintain an outdoor wood-fired boiler in the Borough. (Ord. 545, 2/1/2011, §1)

§407. Enforcement Orders.

1. The Borough and each Code Enforcement Officer shall have the power and duty to enforce the provisions of this Part.

2. The Borough or any Code Enforcement Officer may issue such orders as are necessary to aid in the enforcement of the provisions of this Part. Such orders shall include, without limitation, the following: orders requiring persons to cease unlawful use of outdoor wood-fired boilers that are in violation of any provision of this Part; orders to take corrective

action or to abate a public nuisance; or orders requiring production of information. Such an order may be issued if the Borough or any Code Enforcement Officer finds that any person is in violation of any provision of this Part.

3. The Borough or any Code Enforcement Officer may, in its, his, or her order, require compliance with this Part.

4. An order issued under this Section shall take effect upon notice, unless the order specifies otherwise. An appeal to the Council of any such order shall not act as a supersedeas; provided, however, that, upon application and for cause shown, the Council may issue such a supersedeas under rules established by the Council.

5. The authority of the Borough or any Code Enforcement Officer to issue an order under this Section is in addition to any remedy or penalty that may be imposed pursuant to this Part. The failure to comply with any such order is hereby declared to be a public nuisance.

(Ord. 545, 2/1/2011, §1)

§408. Responsibility of Owners and Operators.

1. Whenever the Borough or any Code Enforcement Officer finds that the illegal operation of an outdoor wood-fired boiler is occurring in the Borough in contravention of the requirements of this Part, the Borough or any Code Enforcement Officer may order the owner or operator to take corrective action to comply with this Part, or the Borough or any Code Enforcement Officer may order the owner or operator to allow access to the land by the Borough, any Code Enforcement Officer, or any third party to take such action.

2. For purposes of collection or recovering the costs involved in taking corrective action; pursuing a cost recovery action pursuant to an order; or recovering the costs or expenses of litigation, monitoring, sampling, testing, or investigation related to a corrective action or enforcement of this Part, the Borough may collect the amount in the same manner as civil penalties are assessed and collected following the process for assessment and collection of a civil penalty as described in §410 of this Part.

3. Regardless of whether any legal action is commenced to enforce a violation of this Part or any order issued pursuant to this Part, and in addition to and concurrent with any other remedy available at law, in equity, or otherwise for a violation of this Part or any order issued pursuant to this Part.

A. Any person who violates any provision of this Part shall pay and reimburse the Borough for all its attorney fees, costs, and expenses incurred to enforce this Part, which attorney fees, costs, and expenses shall be payable upon demand of the Borough.

B. All such attorney fees, costs, and expenses incurred by the Borough shall constitute a debt of such violator to the Borough, and the debt shall constitute a lien on all property owned by said person when a notice of lien incorporating a description of the property of the person subject to the action is duly filed with the prothonotary of the Court of Common Pleas where the property is located; and the prothonotary shall promptly enter upon the civil judgment or order docket, at

no cost to the Borough, the name and address of the person, as may be appropriate, and the amount of the lien as set forth in the notice of lien; and upon entry by the prothonotary, the lien shall attach to the revenues and all real and personal property of the person, whether or not the person is solvent.

C. Any district justice or court before whom a proceeding is brought to enforce any provision of this Part shall direct and order as part of any relief granted to the Borough that the violator of this Part pay the Borough any and all such attorney fees, costs, and expenses incurred by the Borough.

(Ord. 545, 2/1/2011, §1)

§409. Criminal Penalties. Any person who violates any provision of this Part or any order of the Borough or any Code Enforcement Officer issued pursuant to this Part commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2500.00) for each separate offense and, in default of the payment of such fine, maybe sentenced to imprisonment for ninety (90) days for each separate offense. Employees of the Borough authorized to conduct inspections or investigations and all Code Enforcement Officers are hereby declared to be law enforcement officers authorized to issue or file citations for summary violations under this Part, and the Borough also is hereby authorized to prosecute these offenses through the Borough Solicitor, Lancaster County District Attorney, or other person designated by Council. For purposes of this Section, a summary offense may be prosecuted before any district justice in the Borough. There is no accelerated rehabilitative disposition authorized for a summary offense.

(Ord. 545, 2/1/2011, §1)

§410. Civil Penalties.

1. In addition to and concurrent with any other remedy available at law, in equity, or otherwise for a violation of any provision of this Part or any order issued pursuant to this Part, any district justice and any court having jurisdiction of any matter brought before it pursuant to this Part, or the Borough, may assess a civil penalty for the violation. The penalty may be assessed whether or not the violation was willful, and regardless of whether legal action is commenced to enforce this Part. The civil penalty assessed shall not exceed twenty-five thousand dollars (\$25,000.00) per day for each violation. In determining the amount of the penalty, the Borough, district justice, or court shall consider the willfulness of the violation; damage to air, soil, water, or other natural resources of the Borough or their uses; financial benefit to the person in consequence of the violation; deterrence of future violations; cost to the Borough; the size of the source or facility; the compliance history of the source; the severity and duration of the violation; degree of cooperation in resolving the violation; the speed with which compliance is ultimately achieved; whether the violation was voluntarily reported; other factors unique to the owners or operators of the source or facility; and any and all other relevant factors.

2. When the Borough proposes to assess a civil penalty, it shall inform the person of the proposed amount of the penalty. The person charged with the penalty shall then have thirty (30) days to pay the proposed penalty in full; or if the person wishes to contest the amount of the penalty or the

fact of the violation to the extent not already established, the person shall cause to be delivered the proposed amount of the penalty to the Borough within such thirty (30) day period for placement in a noninterest bearing escrow account, or post an appeal bond to the Council within thirty (30) days in the amount of the proposed penalty, provided that such bond is executed by a surety licensed to do business in the Commonwealth of Pennsylvania and is satisfactory to the Borough. If, through administrative or final judicial review of the proposed penalty, it is determined that no violation occurred or that the amount of the penalty shall be reduced, the Borough shall, within thirty (30) days after such determination, remit the appropriate amount to the person. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless the appellant alleges financial inability to prepay the penalty or to post the appeal bond. Council shall conduct a hearing to consider the appellant's alleged inability to pay within thirty (30) days of the date of the appeal. Council may waive the requirement to prepay the civil penalty or to post an appeal bond if the appellant demonstrates and the Council finds that the appellant is financially unable to pay. Council shall issue an order within thirty (30) days of the date of the hearing to consider the appellant's alleged inability to pay. The amount assessed after an administrative hearing or after waiver of an administrative hearing shall be payable to the Borough and shall be collectible in any manner provided by law for the collection of debts, including without limitation the collection of interest on the penalty amount computed in accordance with §6621(a)(2) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §1 et seq.), as amended from time to time, from the date of assessment of the penalty. If any person liable to pay any such penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall constitute a debt of such person, as may be appropriate, to the Borough. The debt shall constitute a lien on all property owned by said person when a notice of lien incorporating a description of the property of the person subject to the action is duly filed with the prothonotary of the Court of Common Pleas where the property is located. The prothonotary shall promptly enter upon the civil judgment or order docket, at no cost to the Borough, the name and address of the person, as may be appropriate, and the amount of the lien as set forth in the notice of lien. Upon entry by the prothonotary, the lien shall attach to the revenues and all real and personal property of the person, whether or not the person is solvent.

(Ord. 545, 2/1/2011, §1)

§411. Unlawful Conduct. It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provision of this Part or to fail to comply with any order or other requirement of the Borough or any Code Enforcement Officer; or to cause a public nuisance; or to hinder, obstruct, prevent, or interfere with the Borough, its personnel, or any Code Enforcement Officer in their performance of any duty pursuant to this Part, including without limitation denying the Borough (or any of its Council members, mayor, employees, agents, or representatives), any Code Enforcement Officer, or any other person designated by the Borough access to the source or facility. (Ord. 545, 2/1/2011, §1)

§412. Public Nuisances. A violation of this Part or of any order issued by the Borough or any Code Enforcement Officer under this Part shall constitute a public nuisance. The Borough or any Code Enforcement Officer shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the Borough may recover the expenses of abatement following the process for assessment and collection of a civil penalty described in §410. Whenever the nuisance is maintained or continued contrary to this Part or any order issued pursuant to this Part, the nuisance may be abatable in the manner provided by this Part. Any person who causes the public nuisance shall be liable for the costs and expenses of abatement, and any attorney fees incurred by the Borough to enforce this Part. (Ord. 545, 2/1/2011, §1)