

## **Chapter 10**

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**Part 1****Weed Control****§10-101. Short Title.**

This Part shall be known as the “Weed, Control Ordinance,” of the Township of Heidelberg.

(*Ord. 2-86, 4/4/1986, §1*)

**§10-102. Weeds and Other Growth; a Nuisance under Certain Conditions.**

In the interest of health, safety, and welfare of the inhabitants of Heidelberg Township, no person, firm, or corporation, owning, occupying, leasing, or having a present interest in any real estate within the Township of Heidelberg shall permit any grass or weeds or any vegetation whatsoever, which is not edible, or planted for some useful or ornamental purpose, or planted for agricultural purpose, to grow or remain upon such premises as to exceed a height of 12 inches, or to throw off any unpleasant or noxious odor, or do conceal any filthy deposit, which would create or produce pollen. Any grass, weeds, or other vegetation so described, growing upon any premises in Heidelberg Township in violation of any of the provisions of this Section, is hereby declared to be a public nuisance and detrimental to the health, safety, cleanliness, and comfort of Heidelberg Township.

(*Ord. 2-86, 4/4/1986, §2*)

**§10-103. Responsibility for Removing, Cutting, or Trimming by June 1 and by August 15, Annually.**

The owner of any premises, or the occupant in any premises occupied by other than the owner in the AP or BM zoning districts shall remove and trim or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of §10-102, above, no later than June 1 and August 15 of each and every year hereafter.

(*Ord. 2-86, 4/4/1986, §3; as amended by Ord. 2010-1, 4/8/2010*)

**§10-104. Notice to Remove, Trim, or Cut; Municipality May Do Work and Collect Cost and Additional Amount.**

1. The Supervisors of Heidelberg Township, or any officer or employee of Heidelberg Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds, or other vegetation as described aforementioned is growing or remaining in violation of the provisions of §10-102 of this Part, directing and requiring such occupant to remove, trim, or cut such grass, weeds, or vegetation so as to conform to the requirements of this Part within 15 days after issuance of such notice.

2. Whenever, in the judgment of Heidelberg Township, it shall appear to be impractical to give notice as above provided, either because the owner or occupant cannot readily be found, or because a search of the owner or occupant would entail unreasonable delay, the Supervisors of Heidelberg Township, or any other office or

employee of Heidelberg Township designated hereby for that purpose, shall give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 15 days.

3. In case any person, firm, or corporation shall neglect, fail, or refuse to comply with such notice within the period of time stated herein, the Supervisors of Heidelberg Township may order the removal, trimming, or cutting of such grass, weeds, or other vegetation, and the cost thereof, together with a penalty of 10 percent of the cost thereof, shall be collected by Heidelberg Township from such person, firm, or corporation, in the manner provided by law.

(*Ord. 2-86, 4/4/1986, §4*)

**§10-105. Exemptions from Compliance for Certain Districts.**

Due to the unusual topography and structure of certain lands in Heidelberg Township, the owners or occupants of those premises which are located in the Environmental Protection Districts, as that term is defined by §27-901 *et seq.* of the Zoning Ordinance of Heidelberg Township [Chapter 27] as amended and as delineated on the Official Zoning Map, shall be exempted from having to comply with the provision.

(*Ord. 2-86, 4/4/1986, §5*)

**§10-106. Penalties 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 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. 2-86, 4/4/1986, §6; as amended by Ord. 2010-1, 4/8/2010*)

**Part 2****Nuisances****§10-201. Short Title.**

This Part shall be known and may be cited as the “Nuisance Ordinance” and is enacted under the authority of the Second Class Township Code, 53 P.S. §65101 *et seq.* (Ord. 87-2, 12/4/1987, §I)

**§10-202. Definitions.**

*Motor vehicle*—any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby, not including agricultural equipment. [Ord. 2010-1]

*Nuisance*—that which endangers life or health, or which is an unreasonable, unwarrantable, or unlawful use of property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to another in the legitimate enjoyment of his reasonable rights of person or property. The accumulation of refuse and garbage shall constitute a nuisance.

*Occupier*—one who is in possession of the premises. A tenant, even though absent, shall be deemed to be in possession of the premises and the occupier.

*Owner*—the person in whom title of the property is vested.  
(Ord. 87-2, 12/4/1987, §II; as amended by Ord. 2010-1, 4/8/2010)

**§10-203. Prohibitions.**

From and after the effective date of this Part:

A. The existence of a structure causing a nuisance, whether on private or public land, is hereby prohibited.

B. No person shall cause or aid in causing any nuisance within the Township.

C. *Motor Vehicle Nuisances Prohibited.* 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 right-of-way or setbacks within the Township except as hereinafter provided. 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:

(1) Broken windshield, mirror or other glass.

(2) One or more flat or open tires or tubes which could permit vermin harborage.

(3) Missing door, window, hood, trunk, or other body part which could permit animal harborage.

(4) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.

- (5) Protruding sharp object from the chassis.
- (6) Broken vehicle frame suspended from the ground in an unstable manner.
- (7) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- (8) Exposed battery containing acid.
- (9) Damaged bumpers pulled away from the perimeter of the vehicle.
- (10) Broken grill with protruding edges.
- (11) Suspended on unstable supports.
- (12) Other defects which could threaten the health, safety and welfare of the citizens of the Township.

[Ord. 2010-1]

*D. Storage of Motor Vehicle Nuisances.*

(1) *Residential Uses.* No person, owner or lessee of a property on a residential use property may store more than two motor vehicle nuisances on their property for more than 90 days unless stored within a garage or other enclosed building.

[Ord. 2010-1]

(Ord. 87-2, 12/4/1987, §III; as amended by Ord. 2010-1, 4/8/2010)

**§10-204. Violations.**

1. Whenever a structure is causing a nuisance or is found to exist in violation of the terms of this Part, and the existence of such structure is, in the opinion of the Board of Supervisors, such as to constitute an immediate menace to the health and/or safety of persons residing within the Township, then and in such event, the owner or occupier shall, upon written notice from the Township Secretary of the existence of such structure causing a nuisance, cause the same to be removed within 24 hours of the receipt of such notice, and each 24-hour violation shall be deemed a separate offense.

2. Any person, whether owner or occupier of any real estate within Heidelberg Township, after receiving notice from any authorized Township official including, but not limited to, a Supervisor or Township Administrator, of the existence of a nuisance in violation of the terms of this Part, whether such notice be written or oral, shall immediately cause the elimination of such nuisance within the time limit established by such administration.

(Ord. 87-2, 12/4/1987, §IV)

**§10-205. Failure or Refusal to Act.**

1. In the event the owner or occupier, upon receiving the notice described above, fails to eliminate or cease the violation, certified mail notice shall be sent to the owner and occupier in all cases involving a structure or improvement to real estate and, in all other cases, to the occupier of the premises, following which the Board of Supervisors may proceed to remove the nuisance as set forth in this Section.

2. The Township, upon refusal by the owner or occupier to remove any structure

causing a nuisance, or to terminate or to remove the nuisance as described in §10-202 herein within the time limits prescribed, may cause the same to be done and collect the costs thereof, together with a penalty provided for in §10-206 or, at the option of the Township, may proceed to file and collect said costs plus 10 percent added for administrative costs by way of a municipal lien as is provided by law.

*(Ord. 87-2, 12/4/1987, §V)*

**§10-206. Penalties.**

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 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. 87-2, 12/4/1987, §VI; as amended by Ord. 2010-1, 4/8/2010)*





**Part 3****Snow Removal****§10-301. General.**

Following the effective date of this Part, it shall be unlawful to park, or allow to be parked any motor vehicle or other vehicle, within any right-of-way, street or road which is part of the Township System (except for Glen Court, Heidelberg Heights Road from Memorial Road to Meadowview Road, Lakeview Street, Herman Street, Thompson Street, Crest Street, and Hillside Road) after the start of a snow fall and until the snow has stopped falling and the snow has been completely plowed for the full width of the cart way.

(Ord. 2010-1, 4/8/2010)

**§10-302. Removal of Abandoned Vehicles.**

Any employee of Heidelberg Township engaged in road work upon approval of the Township Road Master, is hereby authorized to extract any vehicle abandoned or parking upon any public highway or street in violation of the terms and provisions of this Part, and to have the vehicle removed to the nearest garage or other place of safety. The registered owner of any said vehicle shall be notified of the fact of the removal and of the place to which said vehicle has been removed, where he or she may obtain the same upon payment of any and all towing and storage charges. Neither the Township nor any of its officers or employees shall be held responsible for any damage to any vehicle occurring as a result of towing and/or storage of a vehicle parked in violation of the Part.

(Ord. 2010-1, 4/8/2010)

**§10-303. Resident's Responsibilities.**

1. It shall be unlawful for owners, occupants or tenants of property to dump, throw, shovel, pile or push any snow or ice removed from driveways or walkways into any public highway or street.

2. No snow, ice, slush, or a combination thereof, shall be pushed or deposited into any storm drain area, stream, river, culvert or catch basin.

3. No snow, ice, slush, or a combination thereof, shall be deposited, pushed or maintained within a commercial, manufacturing, light industrial or multiple family zoning district parking facility or at or near an intersection in any zoning district, in a manner or at a location which creates a traffic hazard by impairing visibility from or of a public highway.

4. No person shall damage any Township property including, but not limited to, traffic signs, culverts, etc. while removing snow, ice, slush, or a combination thereof. Any damage to Township property shall be repaired or replaced in accordance with the requirements of the Township at the expense of the property owner and/or snow removal agency.

5. *Responsibility for Removal of Snow and Ice from Sidewalks.* Every person in charge or control of any building or lot or land fronting or abutting on a paved sidewalk,

whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed or cleared away, snow and/or ice from a path at least 30 inches in width from sidewalk as in front of or abuts said building or lot of land.

A. Except as provided in paragraph .B hereof, snow and ice shall be removed from sidewalks within 24 hours after the cessation of any fall of snow, sleet or freezing rain.

B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and, shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

*(Ord. 2010-1, 4/8/2010)*

#### **§10-304. Removal of Snow and Other Items Around Fire Hydrants.**

1. Fire hydrants shall not be covered. The property owner is hereby required to remove or cause to be removed all snow, ice, slush, or any combination thereof or any accumulation and/or impediment which would limit access to, from, and/or around all of the fire hydrants which are located on said property, so as to provide immediate access by fire rescue personnel in cases of emergency. In cases involving a storm, fire hydrants shall be cleared of all snow, ice, slush, or any combination thereof within 24 hours following the storm, in any event, any accumulation shall be removed not less than once in every 24-hour period.

2. In all other cases involving the accumulation of natural and/or man-made items around fire hydrants the property owner is responsible for the immediate removal of said items. In either case fire hydrants shall be cleared sufficiently so emergency personnel have total access to hydrants. This is necessary to allow for fire hose connections to be made to access water in the event of a fire. The owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by said owner or is unoccupied or vacant.

3. In cases where the owner, occupant, or tenant as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of this Section of this Part, or within the time period required therein, the Township of Heidelberg, Lehigh County, Pennsylvania, may in its discretion, proceed immediately to clear the snow, ice, slush, or any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants and to collect the expenses, with any additional amount allowed by law, from fine or penalty imposed under §10-305 of this Part. In no case is the Township of Heidelberg liable if it does not exercise the Township option for removal of snow, ice, slush, any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants as defined within this Section.

*(Ord. 2010-1, 4/8/2010)*

#### **§10-305. Penalties.**

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. 2010-1, 4/8/2010)*



**Part 4****Key Lock Box****§10-401. Key Lock Box System.**

1. The following structures shall be equipped with a key lock box at or near the main entrance or such other location as designated by the "Fire Chief."

A. Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.

B. Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units.

C. Governmental structures, schools, hospitals, hotels and nursing care homes and facilities, personal care homes, assisted living facilities and buildings used by similar health and/or personal care facilities regardless of what they call themselves or how they may be licensed by State or Federal agencies.

D. Any building or facility containing a quantity of hazardous materials which would require compliance with Title III of SARA (Superfund Amendment Reauthorization Act).

E. Residential homes that have restricted access through driveway security gates.

2. All newly constructed structures and/or additions and/or remodeling of structures subject to this Section shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

*(Ord. 2011-1, 5/12/2011)*

**§10-402. Type.**

1. The "Knox Box Rapid Entry System" shall be UL listed. The lock box shall be master keyed to the key configuration assigned to the volunteer fire company serving as the first responder in the geographical area where the building or structure in operation is located.

2. The Fire Chief may require a lock box tamper switch be connected to a building's fire alarm system.

*(Ord. 2011-1, 5/12/2011)*

**§10-403. Location.**

1. The lock box shall be installed on the front of the building near the main entrance or an alternate location designated by the Fire Chief.

2. The lock box shall be installed between 4 and 6 feet above the ground unless approved at a higher or lower level by the Fire Chief.

*(Ord. 2011-1, 5/12/2011)*

**§10-404. Keys Required.**

1. The owner or person in control of building or facilities described in §10-401 is required to place in the lock box various keys and information and when the lock box is not of adequate size to contain all the information, an additional document vault shall be provided immediately inside the main entrance or at such other locations as designated in writing and approved by the Fire Chief. The lock box shall contain:

A. Keys, separately tagged and indexed to a floor plan to clearly and quickly identify what doors or locks they operate, to:

(1) All locked points of access.

(2) All locked points of access to common hallways or utility rooms, contained within such buildings or facilities.

(3) Locked mechanical rooms.

(4) Locked electrical rooms.

(5) Locked sprinkler control rooms.

(6) Reset pull-stations or other fire protection devices.

(7) All other locked areas, other than individual apartments or rented rooms, as directed by the Fire Chief.

(8) Sealed floor plans which include telephone numbers (plant managers, owner, etc.) and utility locations (gas, electric, etc.) shall be provided in the lock box or additional document vault, as directed by the Fire Chief, and to the volunteer fire company.

2. The labeling and tagging of keys and the plans within the lock box and the additional document vault, if any, shall be kept current.

*(Ord. 2011-1, 5/12/2011)*

#### **§10-405. Material Safety Data Sheets (MSDS).**

Where a building contains a business or activity that is required to maintain material safety data sheets, a lock box documents vault must be installed. The vault shall contain copies of the MSDS that are required to be on file within the building as well as a floor plan or written description that indicates the location of the general areas of the materials will be found within the building. The MSDS shall be kept current.

*(Ord. 2011-1, 5/12/2011)*

#### **§10-406. Definitions.**

1. As used in this Part, the word “owner” shall mean each individual person who holds record title to the real estate as of the date of the offense and, if the real estate is not owned by individual person(s) with respect to corporations, means the chief executive officer of the corporation, and with respect to partnerships and joint ventures, means each partner or joint venture except that in limited partnership situations, the word “owner” shall mean managing partner(s) and shall exclude limited partners unless they are also managing partners.

2. As used in this Part, “person in control” of buildings or facilities shall mean the person in charge of the day-to-day operation and functioning of the building or facility. A business organization may designate the “person in control” by submitting a written

and signed communication to the Township Administrator advising of the name, address and daytime and nighttime telephone numbers of said person and, if such designated person is made the owner(s) of the real estate shall not be subject to responsibility for compliance with this ordinance unless the designated “person in control” is no longer in charge of the day-to-day operation and functioning of the building or facility at the time of the violation.

3. *Fire Chief.* The designated person in charge of firefighting operations of the Germansville Fire Company. It shall be the responsibility of the Township to inform the Fire Chief of the location and contact information for the commercial building with the lock box in place.

(*Ord. 2011-1, 5/12/2011*)

