

CHAPTER 10

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PART 1

GRASS AND WEEDS

§101. Grass and Weeds Unlawful and a Nuisance Under Certain Conditions.

1. No person owning or occupying any property within the Borough shall permit any grass, weed or vegetation not planted for some ornamental, edible or useful purpose to grown or remain upon the property so as to exceed a height of six inches, emit any unpleasant or noxious odor, conceal any filthy deposit or disperse an excessive amount of pollen. No owner or occupant of any property in the Borough shall permit any edible or ornamental vegetation to grow in a wild, haphazard or random manner upon the property.
2. Any grass, weed or vegetation growing upon any property in the Borough in violation of any provision of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

(Ord. 906, 7/11/1967, §1; as revised by A.O.)

§102. Responsibility for Removing, Trimming or Cutting Grass and Weeds.

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant, in case of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon the premises in violation of §101.

(Ord. 906, 7/11/1967, §2)

§103. Notice to Remove, Trim or Cut; Authority for Borough To Do Work and Collect Cost, Plus 10%.

Council, or any officer or employee of the Borough designated by Council for the purpose, is hereby authorized to given notice, by personal service or by the United States mail, to the owner or occupant as the case may be, of any premises where grass, weeds or other vegetation is growing or remaining in violation of the provisions of §101, directing and requiring that occupant to remove, trim or cut that grass, weeds or vegetation so as to conform to the requirements of this Part within five days after issuance of the notice. In case any person shall neglect, fail or refuse to comply with the notice, within the period of time stated in it, the Borough authorities may remove, trim or cut the grass, weeds or vegetation, and the cost of the work, together with an additional penalty of 10%, may be collected by the Borough from that person in the manner provided by law.

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(Ord. 906, 7/11/1967, §3)

§104. Penalty For Violation.

Any person, who shall violate or fail, neglect or refuse to comply with any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 906, 7/11/1967, §4; as amended by A.O.)

PART 2

DESIGNATED SMOKING AREAS

§201. Designated Smoking Areas.

1. The following areas are to be designated as "no smoking" areas:
 - A. Council Chambers during public meetings.
 - B. Administrative offices.
 - C. All areas at the sewage plant to include the laboratory office, except the maintenance building.
 - D. All areas in the public service garage that have flammable items.
 - E. All areas in the park maintenance buildings that have flammable items.
 - F. Restrooms.
 - G. Greenville Recreation Center, gym, administrative office, art room, meeting room #2, front porch of Recreation Center, nature center, swimming pool locker rooms, maintenance building and snack bar.
2. The following are designated as smoking areas:
 - A. Borough public service garage.
 - B. Maintenance building.
 - C. All other areas in the recreation center not mentioned above.
3. Any person violating this policy shall be guilty of a violation and shall, upon conviction, pay a civil fine of \$15, pursuant to Act 168-1988, 53 P.S. §1230.1.

(Res. 1989-6, 3/14/1989)

PART 3

UNHEALTHY ACCUMULATIONS

§301. Definitions.

As used in this Part, the following words or phrases shall have the meaning ascribed to them in this Section.

ABANDONED — any item resting for more than 96 hours which is without current registration, without current inspection, in such a condition as to be unusable or inoperable, or in such a condition as not to be permitted on the public streets of the Borough regardless of whether it is for sale.

APPLIANCE — a stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, household articles used to perform any of the necessary work in a household, and articles 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.

PUBLIC VIEW — any tangible item that is visible from any point on public property or from any point on adjacent private property.

TRAILER — any wheeled device used for towing, transporting, hauling, dragging, or conveying.

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

(Ord. 1097, 7/8/1980, §1; as amended by Ord. 1259, 5/12/1992, Art. 1; and by A.O.

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§302. Unlawful Acts.

1. It shall be unlawful for any person to accumulate, collect, save, store, stockpile, or keep any refuse, garbage, rubbish, new or used construction material, salvaged material, junk, scrap, trash, or litter in public view.
2. It shall be unlawful for any person to accumulate, collect, save, store, stockpile, or keep any appliance or household furnishing in public view.
3. It shall be unlawful for any person to accumulate, collect, save, store, stockpile, or keep any abandoned, discarded, junked, or dilapidated vehicle, boat, trailer, tractor, farm implement, or mower in public view. One abandoned vehicle on a residential lot will not be considered in public view for a period of two years if it is fully covered by a cover specifically designed and manufactured for that specific vehicle.
4. It shall be unlawful for any person to accumulate, collect, save, store, stockpile, or keep toys and bicycles in the front yard or on the front porch of any premises regardless of their condition.

(Ord. 1097, 7/8/1980, §2; as amended by Ord. 1126, 7/13/1982, §1; by Ord. 1259, 5/12/1992, Art. 6; and by A.O.

§303. Penalties.

Any person upon conviction for violation of §302 of this Part shall for the first offense, be sentenced to pay a fine of \$600 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each subsequent offense, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 and costs and, in default of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 1097, 7/8/1980, §3; as amended by Ord. 1126, 7/13/1982, §2; by Ord. 1259, 5/12/1992, Art. 5; and by A.O.

PART 4

ADMINISTRATION

§401. Health Administration Under Board of Health.

The administration of health laws and ordinances in the Borough shall be enforced by the Board of Health, established in accordance with the provisions of the Borough Code. The Board of Health shall have general supervision over sanitary conditions in the Borough and shall perform all the duties and may exercise all the powers vested by law in boards of health of Boroughs.

(Ord. 1053, 9/13/1977)

§402. Secretary of Board of Health and Health Officers.

The Board of Health, at its annual organization meeting, shall appoint a secretary from among its members and a Health Officer who shall not be a member of the Board. In case of epidemic or other emergency, the Board of Health may appoint one or more additional health officers.

(Ord. 1053, 9/13/1977)

PART 5

LEAD POISON CONTROL

§501. Title.

This Part shall be known and may be referred to as the "Lead Poison Control Ordinance."

(Ord. 1299, 11/8/1994, Art. I)

§502. Abbreviations.

1. I.M. – interim management.
2. S.T.E.P. – short term emergency management procedures.
3. B.L.L. – blood lead level.

(Ord. 1299, 11/8/1994, Art. II)

§503. Definitions.

The following words, terms and phrases when used in this Part shall have the meaning ascribed to them in this Section except where the context clearly indicates to the contrary:

BOROUGH OF GREENVILLE — the Borough of Greenville, Board of Health, principal health officer of the Borough and any successor, bureau or agency of any authorized representative or agent of the Borough.

CHEWABLE SURFACE — shall include but not be limited to such surfaces as window sills, window frames, handrails, toys, furniture, foot utensils and other appurtenances offering a biting surface to a child who has demonstrated an evidence of lead poisoning.

DWELLING — a building or structure, occupied or designed or intended to be occupied as a place for human habitation or use or any part thereof including an accessory building or structure, yard or fence belonging thereto or usually enjoyed therewith and any institutional structure caring for or frequented by children such as a residential living facility or day care center.

DWELLING UNIT — any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or any part thereof.

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EFFECTIVE BARRIER — a technique that may be used to cover, restrict access to, segregate from or provide alternative safe areas to lead contaminated soil. The techniques may include, but not be limited to, the planting and maintaining of grass and shrubs to cover bare soil areas, the fencing of areas to restrict access and/or the providing of safe play areas such as a sand box.

ELEVATED BLOOD LEAD LEVEL — a blood lead level of a child under the age of six years of age confirmed by venous sample to be equal to or greater than the lead level defined as elevated by the United States Centers for Disease Control.

ENCAPSULATION — the covering of exposed surface with a minimum of two coats of lead free paint, varnish, glaze or other applied liquid surface coating on an adequately prepared surface as recommended by the manufacturer, with the following exceptions:

- A. It shall not include the covering of exposed surfaces where abrading may occur.
- B. It shall not include any exposed surface where there is an immediate danger of paint failure due to such environmental or structural circumstances such as plumbing failure, leaking roofs or direct exposure to weather.
- C. It shall not include any exposed surface where in the opinion of the Borough, or its authorized agent, encapsulation will not reduce the lead hazard to an acceptable level.

ENCLOSURE — the resurfacing or covering and sealing or caulking with mechanically affixed, durable materials so as to prevent or control chalking, flaking, lead containing substances from being part of house dust or accessible to children.

EMERGENCY — any case where the physician examining a child deems the blood lead level of the child to be high enough to require chelation of the child. Chelation of the child signals that the lead hazard in the child's home environment must be managed with immediacy so that the child may be discharged from inpatient — outpatient therapy into a safe, lead-free environment.

EXPOSED SURFACE — all interior surfaces of dwelling unit and those exterior surfaces which are readily accessible to either children under six years of age or pregnant women, who have tested positive for lead poisoning. Such exterior surfaces include, but are not limited to, stairs, decks, porches, railings, windows, doors and siding. Any area in the vicinity of a dwelling including, without limitation, any soil, yard or other area which may be subject to contamination from flaking or peeling lead based coatings or any peeling paint constitutes an exposed surface.

INTERIM MANAGEMENT — the reduction, removal, enclosure or encapsulation of lead followed by a thorough clean up and post-management clean up treatment

of surfaces and sources that may result in lead toxicity or poisoning. The methods of I.M. and subsequent disposal of lead shall not present a hazard to health from fumes, dust or vapors by inhalation, ingestion or absorption of the skin and mucous membranes and shall be in accordance with the I.M. and S.T.E.P. procedures as set forth in this Part and all other applicable laws, ordinances, regulations and safety standards of the Borough and the appropriate State and Federal agencies.

LEAD BASED COATINGS — any paint, varnish, glaze or other applied liquid surface coating or plaster which contains a quantity of lead equal to or greater than 0.5% by weight or 1.0 mg/cm² as measured by an x-ray florescence analyzer or equivalent.

LEAD CONTAMINATED SOIL — any soil containing a quantity of lead greater than 1,000 parts per million.

LEAD SAFE ENVIRONMENT — any environment free from chipping and peeling lead based paint and safe from other lead sources that exceed the guidelines set by the Borough, Centers for Disease Control and/or the Commonwealth of Pennsylvania.

LEAD SOURCE — a lead based coating or the presence of lead in dust, soil, water or other environmental sources exceeding guidelines as defined by the Borough, Centers for Disease Control and/or the Commonwealth of Pennsylvania.

NEAR TERM EXPOSURE THREAT — any material, surface or situation which, in the opinion of the Borough, represents a visually apparent or obvious lead source or situation that would exceed the guidelines set by the Centers of Disease Control, Commonwealth of Pennsylvania or the Borough.

OCCUPANT — any person living, sleeping, cooking, eating or having actual possession of a dwelling.

OPERATOR — any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

OWNER — a holder of any legal or equitable estate in the premises, whether alone or jointly with others and whether in possession or not.

STRIP — the stripping of an exposed surface to bare underlying materials which do not contain lead at unsafe levels. Dry sanding, heat guns, the use of an open flame torch and chemical strippers containing methylene chloride are prohibited stripping techniques.

SURFACE — the outer most layer or superficial area of materials (excluding paint, plaster or putty) of which the interior or exterior of a dwelling unit is constructed. This includes, but not limited to floors, stairs, windows, window sills,

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window frames, window sashes, door, door frames, baseboard and woodwork of a dwelling or dwelling unit.

(Ord. 1299, 11/8/1994, Art. III)

§504. Inspections.

1. The Code Enforcement Officer or the Enforcement Officer for the Greenville Board of Health shall have the authority to enter and inspect a dwelling in order to protect the health, safety and welfare of the public under the provisions of this Part whenever it has probable cause to conduct an inspection. For the purposes of this Part, probable cause to gain access to and to inspect a dwelling shall include but not be limited to the following:
 - A. That the Enforcement Officer receives a report of an elevated blood lead level of a child under age six or a pregnant woman who resides or frequently visits the dwelling to be inspected.
 - B. That such entry is for the purpose of re-inspecting a dwelling previously determined to be in violation of this Part.
2. The Code Enforcement Officer or the Enforcement Officer for the Board of Health shall notify the owner, operator, occupant or other person in charge of the dwelling of the proposed inspection and shall display proper identification and shall attempt to enter and inspect the dwelling at reasonable times.
3. If any owner, operator, occupant or other person in charge of the dwelling refuses, restricts or obstructs entry and inspection of a dwelling which is authorized by this Part, the Code Enforcement Officer or the Enforcement Officer of the Board of Health shall promptly apply for a search warrant to a court of competent jurisdiction and shall supply all necessary and reasonable affidavits and testimony to indicate that there is a reasonable or probable cause to conduct the inspection.

(Ord. 1299, 11/8/1994, Art. IV)

§505. Testing Procedures and Standards.

1. Testing and environmental investigation may be performed by any public or private agency, entity or firm approved by the Borough.
2. The physical determination of the lead content of service material may be made by nondestructive measurements using x-ray fluorescence analyzers or other instruments approved by the Borough. Lead content in surface materials equal to or greater than 1.0 mg/cm² of surface when tested by this method shall be in violation of this Part. The chemical determination of the lead content in surface materials may be made by the quantitative analysis of samples of those materials.

Lead content of any surface material equal to or greater than .5% by weight shall be in violation of this Part.

(Ord. 1299, 11/8/1994, Art. V)

§506. Determination of Health Hazard.

Any source of lead including, without limitation, a lead based coating shall be considered a health hazard to a child under six years of age or a pregnant woman, who has demonstrated an elevated B.L.L., if:

- A. It exists in or about a dwelling in which either a child under six years of age or a pregnant woman, who has demonstrated an elevated B.L.L., commonly resides or visits; and it has been determined by inspection or analysis to be on any exposed surface at a lead level in excess of current guidelines set by the Borough, Centers for Disease Control or the appropriate State or Federal agency.

(Ord. 1299, 11/8/1994, Art. VI)

§507. Notification of Violation and Abatement.

- 1. Upon receipt of (A) notification by a certified medical physician and/or Commonwealth of Pennsylvania that either a child under six years of age or a pregnant woman has a verified B.L.L. within the parameters set forth in the Borough of Greenville Lead Management Guide (Chart BG-1) and (B) an investigation indicating that there exists in a dwelling in which the child or pregnant woman resides or frequently visits, a lead based coating or other source of lead which may cause or contribute to an effected person's elevated B.L.L. The Borough has the authority to order the owner, operator and/or occupant of any dwelling in which the child or pregnant woman resides or frequently visits to comply with the actions set forth in the Borough of Greenville Lead Management Guide (Chart BG-1).

**LEAD MANAGEMENT CHART
(Chart BG-1)**

B.L.L.	Actions
>15 – 19 micro-gram/dl	1. Allow the Borough of Greenville to perform inspections of the property twice a month for a period of 3 months in order to monitor and record the progress of the affected child or pregnant woman.
>20 – 44 micro-gram/dl	1. Begin S.T.E.P. within 5 working days and complete within 7 working days.

**LEAD MANAGEMENT CHART
(Chart BG-1)**

- | B.L.L. | Actions |
|------------------------|--|
| | 2. Begin I.M. procedures within 10 working days. The completion date to be set by the Borough of Greenville but not to exceed 60 days. |
| >45 – 69 micro-gram/dl | 1. Begin S.T.E.P. immediately and complete within 3 working days.
2. Begin I.M. procedures within 5 working days. The completion date to be set by the Borough of Greenville but not to exceed 30 days. |
| >70 micro-grams/dl | 1. Begin S.T.E.P. and I.M. procedures immediately and complete them prior to the re-occupancy of the exposed child or pregnant woman or within 15 days. |
2. Short term emergency management procedures (S.T.E.P.) shall consist of the following actions and/or minimum requirements:
- A. The Borough of Greenville's Enforcement Officer(s) shall report the findings of the lead source health hazard to all occupants of the affected dwelling unit(s) and to the owner and/or operator of the building. A report of the findings shall likewise be given to all other persons or agencies as required by law.
 - B. The Borough of Greenville's Enforcement Officer(s) shall cause to have prominently posted on all entrances a notice as follows:

"This dwelling unit contains quantities of lead that may be hazardous to the health of pregnant women and children under six years of age."

Such notice shall not be removed without the approval of the Code Enforcement Officer or the Enforcement Officer for the Board of Health.
 - C. The owner, operator and/or occupant of the affected dwelling unit(s) shall isolate and remove from the premises all lead sources which present "near term exposure" threats to the health of pregnant women and children under six years of age.
 - D. The owner and/or operator shall perform a thorough post-management clean up of exposure areas using a high phosphate detergent.
3. Interim management procedures (I.M.) shall consist of the following actions and/or minimum requirements:

- A. The Borough of Greenville shall cause to have the property placed on a listing maintained by the Borough's designated enforcement authority or agency and said listing shall be made available to the public upon request.
 - B. The owner and/or operator of the effected dwelling unit(s) shall remove, replace, encapsulate, enclose and/or strip all areas and surfaces determined to have lead levels in excess of the current guidelines set by the Borough of Greenville, Centers for Disease Control or the appropriate State or Federal agencies. The methods of management for each identified "exposed surface" must be approved by the Borough of Greenville.
 - C. The owner and/or operator shall perform a thorough post-management clean up of all habitable areas using a high phosphate detergent.
 - D. The Borough of Greenville's Enforcement Officer(s) and/or Commonwealth of Pennsylvania shall be allowed to perform post-management inspections and/or testing as is necessary to ensure that the effected dwelling unit(s) is a lead safe environment.
4. If it is determined that the B.L.L. of the affected child or pregnant woman persists or increases after interim management procedures have been completed and upon recommendation by the acting certified physician and either the Commonwealth of Pennsylvania or the Greenville Borough Board of Health, the Borough will have the authority to require the owner, operator and/or occupant to take further corrective measures as necessary to ensure the health of the affected child or pregnant woman.
 5. All orders issued by the Borough of Greenville's Enforcement Officer(s) shall be issued in written form and shall be sent by certified mail, return receipt requested, to the last known address of the owner. In addition, the Borough of Greenville's Enforcement Officer(s) shall post the order on the dwelling described in the order.

(Ord. 1299, 11/8/1994, Art. VII)

§508. Protection of Occupants.

1. No owner or landlord found to be in violation of this Part may evict or cause to be evicted, occupants of any apartment or building found to be in violation of such ordinance, where the occupants have children, for the purpose of avoiding corrective maintenance which may have been ordered by the Code Enforcement Officer, the Enforcement Officer for the Board of Health, the court or any other appropriate authority.
2. In the event the dwelling or dwelling unit or premises in which lead hazard is found is vacated by the occupant who occupied the same at the time of the issuance or corrective notice referred to in subsection 1 above, such dwelling, dwelling

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unit or premises shall not be let or occupied by any other person until such corrective notice is complied with.

(Ord. 1299, 11/8/1994, Art. VIII)

§509. Remedy.

The imposition of a penalty herein prescribed shall not preclude the Borough from instituting appropriate action by injunction or any other legal remedy to prevent or correct any violation of this Part including, but not limited to, the right to make corrections, utilizing qualified Borough personnel or to have corrections made under agreement with a professional contractor, for any property not in compliance with this Part whose owner cannot be located or who does not comply with any order to make corrections. The Borough shall bill the property owner and place a lien against the property for expense incurred and unpaid.

(Ord. 1299, 11/8/1994, Art. X)

§510. Liability of Borough.

The issuance of a statement by the Borough to an owner and/or occupant that a violation notice has been abated does not subject the Borough to any claims for liability if the issuance of the statement was made in good faith.

(Ord. 1299, 11/8/1994, Art. XI)

§511. Penalty.

In addition to any other sanction or remedial procedure, any owner, operator, occupant or other person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, 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 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 1299, 11/8/1994, Art. XII; as amended by A.O.)