

Chapter 10

Health and Safety

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Part 1**General Nuisances****§10-101. Legislative Findings.**

The Borough of Pitcairn, Allegheny County, Pennsylvania, finds that removal of nuisances is in the interest of the citizens of the Borough and that the removal of nuisances on public and private property promotes the public health, safety and welfare of all residents of the Borough.

(Ord. 978, 5/31/2011)

§10-102. Definitions.

For the purpose of this Part, the following words and phrases, together with their derivations, shall have the meaning ascribed to them in this Section:

Abandoned motor vehicle—a motor vehicle that is inoperable and is left unattended on public property for more than 48 hours or that has remained illegally on public property for a period of more than 48 hours or that is left unattended on or along a public highway without a valid registration plate or valid and current inspection or that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

Borough—the Borough of Pitcairn, Allegheny County, Pennsylvania.

Borough Council—the Borough Council of Pitcairn Borough, Allegheny County, Pennsylvania.

Dangerous building—all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

(1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which exclusive of the foundation, show damage or deterioration to 33 percent of the supporting member or members or damage or deterioration to outside walls or coverings.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other cases so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.

(5) Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.

(6) Those which have parts thereof which are so attached that they may

fall and injure property or members of the public.

(7) Those which lack illumination, ventilation or sanitation facilities or, because of another condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.

(8) Those which, because of their location, are unsanitary or otherwise dangerous to the health or safety of the occupants of the Borough.

(9) Those existing in violation of any provision of any other ordinances of the Borough.

Garbage—any putrescible animal and vegetable waste including, but not limited to, offal, pomace, dead animals and decaying organic matter.

Junk motor vehicle—a motor vehicle that is without a valid registration plate or valid and current inspection and is unable to move under its own power with the exception of vehicles specifically excluded from this definition by Pitcairn Borough Council, after request for exception has been made by the Code Enforcement Officer.

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 semitrailers pulled thereby.

Nuisance—any activity, conduct or condition which causes injury, damages, hurt, inconvenience, annoyance or discomfort to the public or such part of the public as necessarily comes in contact with such activity, conduct or condition and which adversely affects the same's safety, health, morals or general welfare, including aesthetics.

Owner—a person owing, leasing, occupying or having charge of any premises within the Borough.

Person—any natural person, firm, partnership, association, corporation, company or organization of any kind.

Premises—any real property, building or structure.

Rubbish—any nonputrescible waste, either solid, liquid or a combination thereof, including but not limited to scrap wood, glass, metal, plastic, paper, stone, concrete or clay items.

(Ord. 978, 5/31/2011)

§10-103. Prohibited Acts.

It shall be unlawful for any person to create, maintain or permit to exist, either directly or indirectly, a nuisance within the Borough. Nuisances shall include, but are not limited to the following:

A. The existence of abandoned motor vehicles.

B. The presence, outside of a building or fully enclosed structure or outside of a lawfully licensed junkyard of one or more junk motor vehicles; except that, the owner of such premises or the owner, operator or custodian of such junk motor vehicle, who has the same for the bona fide purpose of repair of such a motor vehicle, may store or park said vehicle, outside of a building or fully enclosed structure, for a period not in excess of 30 days from the time said vehicle is first

brought upon said property, provided that a permit is first obtained from the Code Enforcement Officer of the Borough; and, further provided, that such person may have not more than one permit for the repair of junk motor vehicles at any one time, nor can more than one permit be issued for a junk motor vehicle. The fee for such permit shall be set forth from time to time by resolution of the Borough Council.

C. The presence of any garbage which shall or may afford food, harborage or breeding areas for vectors unless the same is kept in covered receptacles designated and manufactured for the storage of such items; and, further provided, that the same shall remain on said premises for a period of no longer than 10 days.

D. The presence of rubbish which, by its nature or due to its storage, has sharp or protruding edges or parts which pose a present or potential hazard to any person.

E. The storage or placement of equipment; rubbish, machinery, material, vehicles or any parts thereof in any manner which would allow the same to easily shift, tilt or fall from such position.

F. The draining or allowing to drain, by natural or artificial means, any foul or offensive liquid of any kind, from any premises into, upon or along any other premises, public right of way or public lands, except where provision has been made for the lawful drainage of such liquid in such manner and at such place. The existence of such drainage prior to the passage of this Part, shall not make such activity or condition lawful.

G. Maintaining, causing to be maintained or permitting the existence of any dangerous building, dangerous structure or dangerous physical condition on any premises.

H. Pushing, shoveling or otherwise depositing snow, ice, mud, rocks, earth, manure, animal waste, cut vegetation or any combination thereof, upon the cartway or traveled portion of any highway, road, street or alley, maintained by the Borough, County or Commonwealth.

I. Storage or placement of building materials which are not for the exclusive purpose of building or remodeling where a permit for said project has already been obtained.

(Ord. 978, 5/31/2011)

§10-104. Notice, Compliance and Enforcement.

1. Whenever the Code Enforcement Officer, Chief of Police, Mayor or Borough Secretary determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part, notice of such alleged violation shall be given to the person or persons responsible therefor, as hereinafter provided.

A. Such notice shall be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him personally or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice or if he is served with such notice by any other method authorized or required under the laws of this State.

B. Such notice shall set forth in what respects such conditions constitute a nuisance and whether removal is necessary and required by the Borough or whether the situation can be collected by repairs.

C. Such notice shall require the owner to commence action in accordance with the terms thereof within 20 days of the date of the notice and thereafter to complete the work necessary to comply fully with the terms of the notice, as soon as is reasonable, but not later than 30 days from the date of said notice. The Code Enforcement Officer may grant a request for a reasonable extension of time where he has evidence to believe that the responsible person is attempting to remove the alleged violation. However, no such extension of time may exceed a period of 90 days unless authorized by the Board of Appeals upon appeal of the responsible owner, operator, occupant or other person in charge.

D. The expense of said compliance shall be at the expense of the owner; provided, however, that if a violation requires immediate correction, such notice shall require the owner to immediately comply with the terms thereof.

2. Whenever the Code Enforcement Officer, Chief of Police, Mayor of Borough Secretary determines an emergency exists which requires immediate action to protect the public health, safety, morals or general welfare, they may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they deem necessary to meet the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Borough Council, such person shall be afforded a hearing within 15 days of receipt of said notice. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the Borough Council shall continue such order in effect or modify it or revoke it.

(Ord. 978, 5/31/2011)

§10-105. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 978, 5/31/2011)

§10-106. Conflict with Other Provisions.

In any case where a provision of this Part is found to be in conflict with a provision of any ordinance existing on the effective date of this Part, the provision which establishes the higher standard for the promotion and protection of the health, safety, morals and general welfare of the people shall prevail. In any case where a provision of this Part is found to be in conflict with a provision of any other ordinance existing on the effective date of this Part which establishes a lower standard for the promotion and protection of the health, safety, morals and general welfare of the people, the provisions of this Part shall be deemed to prevail, and such other ordinances are hereby declared

to be repealed to the extent that they may be found in conflict with this Part.

(Ord. 978, 5/31/2011)

§10-107. Abatement.

In addition to the penalties heretofore set forth in this Part, any activity, conduct or condition occurring or existing in violation of this Part is hereby authorized to require the removal of any such nuisance by the owner or occupier of the premises upon which such nuisance exists. If the owner or occupier fails, neglects or refuses to remove any such nuisance after being ordered to do so by the Borough, the Borough may cause the same to be done, and collect the cost thereof, together with a penalty of 10 percent of such cost, in the manner provided by law for the collection of municipal claims, or by an action of assumpsit, or the Borough may seek relief in equity.

(Ord. 978, 5/31/2011)

Part 2**Excessive Noise****§10-201. Unnecessary or Excessive Noise to Be Disorderly Conduct.**

The creation, within the Borough, of any unnecessary or excessive noise or of any noise of such character, intensity or duration as to be detrimental to the health or life of any individual or in the disturbance of the public peace and welfare or the aiding and abetting in the creation of any such noise to continue is hereby prohibited and shall constitute disorderly conduct.

(*Ord. 978, 5/31/2011*)

§10-202. Enumeration of Unnecessary or Excessive Noises.

Prohibited noise, within the meaning of this Part is hereby defined to include the following:

A. For any person at any time to use a horn or other warning device otherwise than as a reasonable warning or to make any unnecessary or unreasonable, loud or harsh sound by means of a horn or other warning device.

B. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or any dwelling, hotel or other type of residence or of any persons in the vicinity thereof.

C. Yelling, shouting, hooting, whistling or singing on the public streets so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence or of any persons in the vicinity thereof.

D. Permitting any animal, bird or fowl in one's possession or under one's control to make any frequent or long continued noise of such character or intensity as to disturb the comfort or repose of any person.

E. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger.

F. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highways in any residential district or section other than between the hours of 7 a.m. and 10 p.m. on weekdays, except in the case of urgent necessity in the interests of public health and safety and then only with a permit from the Secretary of Council, which permit may be granted for a period not to exceed 30 days while the emergency continues. If the Borough Council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10 p.m. and 7 a.m. and if they shall further determine that loss or inconvenience would result to any party in interest, they may grant permission for such work to be done between the hours of 10 p.m. and 7 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

G. The creation of any excessive noise on any street adjacent to any school,

institution of learning, church or court, while the same are in session, which unreasonably interferes with the workings of sessions thereof and the making of any other noise so as to annoy the users and/or occupants of such places or buildings as are herein defined.

H. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to the sale or display of merchandise of a commercial character.

I. *Refuse Compacting Vehicles.* Operating of or permitting to be operated the compact cycle of the motor vehicle which can compact refuse between the hours of 6 p.m. and 6 a.m. the following day in residential areas.

(Ord. 978, 5/31/2011)

§10-203. Exceptions.

None of the terms or prohibitions hereof shall apply to or be enforced against:

A. Any vehicle or personnel of the Borough while engaged upon necessary public business.

B. Excavations or repairs of bridges, streets or highways by or on behalf of the Borough during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the daytime.

C. Parades with band music on holidays or by civic organizations or by the public schools or divisions of the public schools.

D. School sports events which may or may not be accompanied by cheering and/or music.

E. The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character.

F. Fireworks exhibits held under permit by the Borough.

(Ord. 978, 5/31/2011)

§10-204. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 978, 5/31/2011)

Part 3**Dangerous Buildings****§10-301. Short Title.**

This Part shall be known as and may be cited as “Borough of Pitcairn Dangerous Buildings Ordinance.”

(*Ord. 978, 5/31/2011*)

§10-302. Application.

This Part shall apply uniformly to all persons, business organizations, nonprofit organizations, and all other legal entities; and, it shall apply uniformly to all property and all property owners within the Borough.

(*Ord. 978, 5/31/2011*)

§10-303. Definitions and Word Usage.

1. Unless otherwise specifically defined below, words or phrases used herein shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Part its most reasonable application consistent with its intent.

2. The word “shall” is always mandatory and not merely directory.

3. The word “Council” shall mean the existing elected or appointed members of the Borough Council.

4. The word “Borough” shall mean the Borough of Pitcairn.

5. The words “dangerous buildings” shall mean all the buildings or structures which have any or all of the following defects; and, all such buildings or structures shall be deemed “dangerous buildings” as:

A. Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation.

B. Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life and safety, morals, or the general health and welfare of the occupant or the people of the Borough.

C. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which is so utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation.

D. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which are so utterly fail to provide the amenities essential to decent living and are likely to cause accidents, sickness, or disease, so as to work injury to the health, morals, safety or general welfare of those living therein as well as other citizens of the Borough.

E. Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property.

F. Those which because of their general condition are unsafe, unsanitary or

dangerous to the health, morals, safety or general welfare of the people of the Borough.

6. Words used in the present tense include the future and past, words in the plural number include the singular, words in the singular number include words in the plural and words whether in the feminine, masculine or neuter shall include words of the other two genders.

(*Ord. 978, 5/31/2011*)

§10-304. Dangerous Buildings as Nuisances.

1. All “dangerous buildings” are hereby declared to be public nuisances and shall be repaired, vacated and/or demolished.

2. Each day a nuisance in the form of a dangerous buildings continues after notice is given that said dangerous building is to be repaired, vacated and/or demolished, shall constitute a separate offense in violation of this Part.

(*Ord. 978, 5/31/2011*)

§10-305. Investigation Procedure.

1. Whenever it is reported or comes to the attention of any person, citizen, Borough official or police officer that any building or structure completed or on the process of construction or any portion thereof is in a dangerous condition, such person shall report the same to the Borough Council or to the Mayor. If reported to the Mayor, then the Mayor shall notify the Borough Council.

2. The Borough Council shall then designate a Borough official or a committee or a police officer to make an investigation and examine the building or structure reported. If the official, committee, or police officer making the investigation believes that the structure is a dangerous building, then a written report of the investigation specifying the condition of the structure and in what respect it is dangerous shall be made and presented to Borough Council. The report may recommend whether the building can be repaired or whether it shall be removed as a dangerous building.

(*Ord. 978, 5/31/2011*)

§10-306. Hearing Procedure.

The Council of the Borough shall:

A. Upon receipt of a report in accordance with the investigation procedure provided hereinabove in §10-305 of this Part, give written notice to the owner or owners of such dangerous buildings as determined by the records in the County Assessment and Recorder of Deeds offices in and for the County, or failing to find any owner or owners, then notice shall be given to the occupant, mortgagee, lessee, agent or any other person found with an interest in said dangerous building as the Borough may discover, and said notice shall inform the owner or other party to appear before the Council on a date specified to show cause why the building or structure reported as a dangerous building should not be repaired, demolished or vacated in accordance with any written report to Council or determination made by Council.

B. Within not less than 10 days nor more than 60 days from the date of such

notice, hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or other person having an interest in said building shall offer related to the dangerous building.

C. Within 30 days of such hearing, make written findings of fact from the testimony offered pursuant to the hearing as to whether or not the building in question is a dangerous building.

D. Within not more than 30 days following the hearing provided for by paragraph .B hereof, issue an order, based upon findings of fact made pursuant to paragraph .C hereof, demanding the owner of said building to repair, demolish or vacate any building found to be a dangerous building.

(Ord. 978, 5/31/2011)

§10-307. Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Council in ordering repair, vacation or demolition of a dangerous building:

A. If the dangerous building can be repaired as determined by the Council so that it will no longer exist in violation of the terms of this Part, it shall be ordered repaired.

B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

C. If the dangerous building cannot be reasonably repaired as determined by the Council, it shall be demolished.

D. If the dangerous building is a fire hazard or is existing or erected in violation of the terms of this Part, any other ordinance of the Borough or any statute of the Commonwealth of Pennsylvania, it shall be demolished.

(Ord. 978, 5/31/2011)

§10-308. Enforcement Procedures.

1. If any structure is deemed to be a dangerous building within the standards of this Part after the hearing, then Council within the time set forth in §10-306.D of this Part shall cause notice of this order issued under §10-306.D of this Part to be served upon the owner or owners of such dangerous buildings as determined by the records previously or who appeared at the hearing, or to the occupant mortgage, lessee, agent or any other person found with an interest in said dangerous building who can be located.

2. The notice and order required by this Section shall be served personally upon the owner or owners of a dangerous building if such owner resides, or such owners, reside in the Borough or personally upon his agent if such agent resides within the Borough. If personal service required herein cannot be obtained, such notice shall be sent to the owner or owners of a dangerous building by certified mail at the last known address according to the records available in the Tax Assessment Office in and for the County in the Commonwealth of Pennsylvania.

3. The notice and order shall identify the building or structure deemed dangerous; contain a statement of the particulars which made this building or structure a

dangerous building and include an order requiring the same to be put in such condition as to conform with the terms of this Part; provided, further, in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure, in lieu of making the repairs thereto within the time period provided.

4. The notice and order shall require any person notified to repair, vacate or demolish any building to commence the work or act required by the notice, within 10 days of such notice and to comply with such repair, vacation or demolition within 60 days from the receipt of such notice.

(Ord. 978, 5/31/2011)

§10-309. Penalties.

1. Any owner, occupant or lessee who is in possession of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish any dangerous building issued under §10-308 of this Part or who violates any of the other provisions of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. Any person having an interest in any building who fails to comply with any notice or order to repair, vacate, or demolish any dangerous building within 90 days of the receipt of such notice, by such failure does empower the Council to cause such building or structure to be repaired, vacated or demolished by the Borough and to cause the costs of such repair, vacation or demolition together with a penalty of 10 percent to be charged upon the land upon which the building exists as a municipal lien, or alternatively to recover such costs and penalty in a suit at law against the owner or owners but failing to recover same to have the judgment therefore to be charged upon the land as a lien; and, this subsection is separate from in addition to the fine, penalty and costs which may be imposed by any other subsection of this Section.

(Ord. 978, 5/31/2011)

§10-310. Emergency Cases.

In cases where it reasonably appears that there exists an immediate danger onto the life or safety of any person caused or created by a dangerous building, the Council shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected as provided for in §10-309.2 of this Part.

(Ord. 978, 5/31/2011)

Part 4**Property Maintenance****§10-401. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

Borough—the Borough of Pitcairn.

Code Official—the official who is charged with the administration and enforcement of this Code, or any duly authorized representative. The Code Official, or any duly authorized representative, shall have all authority necessary to enforce the provisions of this act, including instituting summary citation proceedings.

Exterior property areas—the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Garbage—the animal and vegetable waste resulting from the handling, preparation cooking and consumption of food.

Infestation—the presence within or contiguous to a structure or premises of insects, rats, vermin or other pests.

Motor vehicle nuisance—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 windshields, mirrors or other glass with sharp edges.
- (2) One or more fiat or open tires or tubes which could permit vermin harborage.
- (3) Missing doors, windows, hoods, trucks, or other body parts which could permit animal harborage.
- (4) Any body parts with sharp edges including holes resulting from rust.
- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
- (7) Broken headlamps or tail lamps with sharp edges.
- (8) Dissembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- (9) Protruding sharp objects from the chassis.
- (10) Broken vehicle frames suspended from the ground in an unstable manner.
- (11) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- (12) Exposed battery containing acid.
- (13) Inoperable locking mechanism for doors or trunks.
- (14) Open or damaged floor boards including trunk and fire wall.
- (15) Damaged bumpers pulled away from the perimeter of vehicle.

(16) Broken grill with protruding edges.

(17) Loose or damaged metal trim and clips, broken communications equipment and antenna.

(18) Suspended on unstable supports.

(19) Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

Operator—any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner—any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person—an individual corporation, partnership, or any other group acting as a unit.

Premises—a lot, plot or parcel of land, including the buildings or structures thereon.

Public nuisance—includes the following:

(1) The physical condition or use of any premises regarded as a public nuisance at common law.

(2) Any physical condition, use or occupancy of any premises appurtenances considered an attractive nuisance to children including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.

(3) Any premises which has unsanitary sewage or plumbing facilities.

(4) Any premises designated as unsafe for human habitation or use.

(5) Any premises which is manifestly capable of being a fire hazard or are manifestly unsafe or unsecure as to endanger life, limb or property.

(6) Any premises from which the plumbing, heating and/or facilities required by this code have been removed or from which utilities have been disconnected, destroyed or rendered ineffective or from which utilities have been disconnected, destroyed or rendered ineffective or the required precautions against trespassers have not been provided.

(7) Any premises which is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds.

(8) Any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction overcrowded, open, vacant or abandoned, damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

Rubbish—combustible and noncombustible waste materials except garbage, and the term shall include the residue from burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery

and dust and other similar materials.

Structure—that which is built or constructed including, without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open-grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

(Ord. 978, 5/31/2011)

§10-402. Maintenance of Exterior Property Areas.

1. *Sanitation.* All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.

2. *Containers.* The operator of every establishment producing garbage, a vegetable waste or other putrescible material shall provide, and at all times cause to be used, leak proof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

3. *Grading and Drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or with any structure located thereon. Stagnant water shall be determined as any accumulation that has not disbursed within 7 days of the last recorded local rainfall. Exception: Water retention areas and/or reservoirs approved by the Code Official.

4. *Insect and Rat Control.* An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

5. *Weeds.* All lots shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens.

6. *Public Nuisance.* All exterior property areas and premises shall be maintained in such a manner so as not to constitute a public nuisance.

7. *Motor Vehicles in Residential Areas.* Not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and said vehicle shall not at any time be in a state of disassembly, disrepair, nor shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in a residential district unless said work is performed inside a structure or similarly enclosed area designed and approved for such purposes. In addition, not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district if such motor vehicle constitutes a motor vehicle nuisance.

(Ord. 978, 5/31/2011)

§10-403. Duties and Powers of Code Official.

1. *General.* The Code Official shall enforce all provisions of this Part.
2. *Notices and Orders.* The Code Official shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this Part's requirements for the safety, health and general welfare of the public.
3. *Inspections.* In order to safeguard the safety, health and welfare of the public, the Code Official is authorized to enter any structure, premises or exterior property area at any reasonable time for the purpose of making inspections and performing duties under this Part.
4. *Right of entry.* If any owner, occupant or other person in charge of a structure, premises or exterior property area subject to the provision of this Code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where an inspection authorized by this Part is sought, the administrative authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge shall cease and desist with such interference.
5. *Access by Owner or Operator.* Every occupant of a structure, premises or exterior property area shall give the owner or operator thereof or agent or employee, access to any part of such structure, premise or exterior property area, at reasonable times for the purpose of making such inspection maintenance, repairs or alterations as are necessary to comply with the provisions of this Part.
6. *Notice to Owner or to Person or Persons Responsible.* Whenever the Code Official determines that there has been a violation of this Part or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner described below.
7. *Manner of Notice.* The notice provided by the Code Official shall be in writing, include a description of the real estate sufficient for identification, include a statement of the reason or reasons why it is being issued, include a correction order allowing a reasonable time for the repairs and improvements required to bring the structure, premises or exterior property area into compliance with the provisions of this Part.
(Ord. 978, 5/31/2011)

§10-404. Violations and Penalties.

1. *Unlawful Acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure, premises or exterior property area, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions of this Part.
2. *Penalty.* Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
3. *Borough Permitted to Perform Work.* If the tenant occupant or owner of the exterior property area permits or causes said property to be maintained in violation of this Part, the Borough may, after providing said tenant; owner or occupant 20 days

prior written notice, correct the matter giving rise to the violation at Borough expense and may thereafter collect all costs and expenses, plus 10 percent incurred in connection with correcting the violation by filing a municipal claim or by an action in assumpsit.

(Ord. 978, 5/31/2011)

Part 5**Smoke Detectors****§10-501. Requirements in Buildings Used for Residential Occupancy, Responsibilities of Owner and Tenants/Residents.**

1. All buildings and structures used for residential occupancy including, but not limited to, single-family dwellings, multifamily dwellings, multifamily apartment houses, boardinghouses, lodging homes, rooming houses, tourist homes, bed-and-breakfast homes, dormitories, hotels, motels and residential buildings, shall have smoke detectors installed in each sleeping area of said building or structure. Where bedrooms or rooms habitually used for sleeping are separated by other use areas, such as kitchens, living rooms or dining rooms, they shall be considered as separate sleeping areas for the purpose of this Section. Additionally, in each multifamily dwelling or apartment house containing three or more units and in each boarding house, lodging home, rooming house, bed-and-breakfast home, tourist home, dormitory, hotel, motel and resident building, smoke detectors shall be installed in the cellar and/or basement and on every floor in common areas (e.g., basements, cellars, hallways, corridors, etc.) along with those placed in sleeping areas.

2. It shall be the responsibility of the owner of each new residential occupancy unit and each existing residential occupancy unit in any structure having at least one occupant to install smoke detectors as heretofore provided. It shall be the responsibility of the tenants/residents in all occupied units and of the owner in all other cases to maintain said smoke detectors. Such maintenance shall include keeping the smoke detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electric source so that they remain capable of transmitting an audible signal in the presence of smoke.

(Ord. 978, 5/31/2011)

§10-502. Requirements in Buildings Not Used for Residential Occupancy; Responsibilities of Owners and Tenants/Residents.

1. In all other buildings and/or structures in the Borough for which a use and/or occupancy permit has been issued, smoke detectors shall be installed and placed so as to provide adequate coverage for the structure in accordance with standards set forth in Chapter 4 of the National Fire Code, 1987 Edition, published by the National Fire Protection Association, Inc. (the "code"), three copies of which are on file in the office of the Secretary at the municipal building.

2. It shall be the responsibility of the owner of each new structure and each existing structure having at least one occupant, other than those structures identified in subsection .1 above, to install smoke detectors as heretofore provided. It shall be the responsibility of the tenants/occupants in all such occupied units and of the owner in all such unoccupied units, if any, to maintain said smoke detectors. Such maintenance shall include keeping the smoke detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electrical source so that they remain capable of transmitting an audible signal in the presence of smoke.

(Ord. 978, 5/31/2011)

§10-503. Specifications; Maintenance.

Each smoke detector shall be capable of sensing visible or invisible particles of combustion and shall be capable of producing an audible alarm thereof. Each smoke detection device utilized shall be maintained in operable condition and shall be of a type certified by a nationally recognized inspection agency, such as Underwriter's Laboratories, Inc., as a properly operating fire detection device for the protection of life safety.

(Ord. 978, 5/31/2011)

§10-504. Prohibited Acts.

In addition to any owner or tenant who fails to carry out the obligations imposed hereby, any person or persons who remove or destroy any smoke detector (except the owner or tenant for the purpose of immediate replacement) shall be deemed in violation of this Part.

(Ord. 978, 5/31/2011)

§10-505. Power Supply.

In any new construction, smoke detectors shall be hard-wired directly to the building's power supply. In all existing structures, it is preferred that smoke detectors be hard-wired to the building's power supply; however, a monitored battery supply is acceptable for residential structures. All existing nonresidential structures covered by this Part shall be protected by a hardwired smoke detector.

(Ord. 978, 5/31/2011)

§10-506. Alternative Fire Detection and/or Prevention Systems.

Alternative fire detection and/or prevention systems may be installed as a substitute for the smoke detectors required hereunder, provided that such alternative fire detection/prevention system has been individually approved and a permit therefore issued by the Code Enforcement Officer of the Borough (or such other persons as the Borough Council shall designate by resolution). Alternate fire detection and/or prevention systems installed and in operation prior to and on the effective date of this Part are hereby deemed acceptable, provided that such systems are in conformance with the standards of the above code.

(Ord. 978, 5/31/2011)

§10-507. Violations and Penalties.

Any person who violates this Part, upon conviction thereof before any magisterial district judge of the Borough or any other court having jurisdiction over the same, shall be sentenced to a fine of not less than \$100 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith who may have assisted in the commission of any such violation shall each be

guilty of a separate offense and, upon conviction thereof before any magisterial district judge in the Borough or other court having jurisdiction over the same, shall be sentenced to a fine of not less than \$100 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 978, 5/31/2011)

§10-508. Intent; Effect on Other Provisions.

This Part is intended to establish a minimum requirement for fire detection devices in buildings and structures located within the Borough. Other ordinances and/or codes requiring more stringent fire detection/prevention measures shall not be deemed in conflict herewith.

(Ord. 978, 5/31/2011)

Part 6**Vector Control****§10-601. Definitions.**

Accessory structure—a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.

Breeding area—any condition which provides the necessary environment for the birth or hatching of vectors.

Collection of water—contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind or other containers or devices which may hold water.

Dilapidated—fallen into partial ruin or decay.

Disposal—the storage, collection, disposal or handling of refuse.

Extermination—the control and elimination of vectors by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or State authority having such administrative authority.

Garbage—all animal and vegetable waste resulting from the handling, preparation, cooking or consumption of foods.

Harborage—any place where vectors can live, nest or seek shelter.

Occupant—any person over 1 year of age, living, sleeping, cooking or eating in, or actually having possession of, a dwelling unit or a rooming unit; except that in dwelling units a guest will not be considered an occupant.

Owner—any person who alone or jointly or severally with others:

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

B. Shall have charge, care or control of any premises, dwelling or dwelling unit, as owner or agent of the owner or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Refuse—all solid wastes, except body wastes, and shall include garbage, ashes and rubbish.

Rubbish—glass, metal, paper, plant growth, wood or nonputrescible solid waste.

Vector—a rodent, anthropoid or insect capable of transmitting a disease or infection. Vectors shall include, but not be limited to, rats, mosquitoes, cockroaches, flies, ticks, etc.

Vector proofing—a form of construction to prevent the ingress or egress of vectors

to or from a given space or building or gaining access to food, water or harborage. This term shall include, but not be limited to, rat proofing, fly proofing, mosquito proofing, etc.

(*Ord. 978, 5/31/2011*)

§10-602. Forbidden Acts.

It shall be unlawful:

A. For any person, firm or corporation to deposit any refuse, offal, pomace, dead animals, decaying matter, or organic substance of any kind in or upon any private lot, building, structure, accessory structure, premises or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter or into any of the waters of the Commonwealth so that the same shall or may afford food, harborage or breeding areas for rats, flies or other vectors and thereby create a public health threat.

B. For any person, firm or corporation to deposit or permit to accumulate in or upon any premises, improved or vacant or on any open lot or alley, any lumber, boxes, barrels, bottles, cans, glass, scrap iron, wire, metal articles, pipe, broken stone or cement, broken crockery, broken plaster, or rubbish of any kind so that the same may be kept in approved covered receptacles or placed on open racks that are elevated not less than 18 inches above the ground and evenly piled or stacked, or disposed of as may be approved by the Department of Environmental Protection.

C. To maintain a junkyard or place for the dumping or wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of dilapidated, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places may afford harborage or breeding areas for rats or other vectors and thereby create a public health threat.

D. To store refuse in containers other than plastic bags and containers which shall be made of durable, watertight, rust resistant material having a tight-fitting lid which must be kept on the container when in use. These containers must be kept clean by thorough rinsing and draining as often as necessary so as not to provide food or breeding areas for flies.

E. To dump, burn, bury, destroy or otherwise dispose of refuse except at an approved refuse disposal site.

F. To collect, haul, transport or convey garbage in open, unenclosed nonleak-proof vehicles.

G. To construct, maintain or use a sewage system, privy, urinal, cesspool or other receptacle for human excrement, so that vectors may have access to the excrementitious matter contained therein.

H. To permit weeds or similar vegetation more than 6 inches high to remain standing in any vacant lot, yard or other place except as may be approved by this Borough.

I. To have, keep, maintain, cause or permit any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as effectually to prevent such

breeding.

(*Ord. 978, 5/31/2011*)

§10-603. Responsibilities of Owners and Occupants.

Owners and occupants shall have the following responsibilities:

A. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

B. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

C. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rodents on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(*Ord. 978, 5/31/2011*)

§10-604. Vector Proofing.

Any dwelling, building, structure, accessory structure, premises or any other place may be required to be vector proofed when found to be providing harborage or breeding areas for rats, flies, mosquitoes, or any other vectors. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the vector proofing from any building, structure or accessory structure, for any purpose.

(*Ord. 978, 5/31/2011*)

§10-605. Vector Control Programs.

A program planned and specifications for private vector control programs may be required to be submitted to this Borough as deemed necessary by the Vector Control Officer. Said program plan shall be submitted by the owner or agent of the property on or in which said vector control program is or will be conducted. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program, and any and all work to be conducted in an effort to control said vectors. If, after review of the program plan by the Vector Control Officer, it is found to be inadequate or incomplete, additional information may be required as well as additional control methods.

(*Ord. 978, 5/31/2011*)

§10-606. Inspections.

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

2. Whenever it shall be determined that any dwelling, building, structure, accessory structure, premise, collection of water or any other place is in violation of this Part, a notice shall be issued setting forth the alleged violations and advising the owner, occupant, operator or agent that such violations must be corrected. The time for the correction of said violations must be given as well as the necessary methods to be employed in the correction.

3. Whenever said violations shall fail to be corrected within the time set forth and an extension of this time is not deemed to be necessary this Borough may proceed to abate the said violations in the manner provided by law.

(Ord. 978, 5/31/2011)

§10-607. Additional Rules.

The Borough Council of this Borough, by resolution duly adopted, may establish rules and regulations to carry out the provisions of this Part. Such rules and regulations shall become effective upon adoption of the resolution, unless another effective date is specified in the resolution.

(Ord. 978, 5/31/2011)

§10-608. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 978, 5/31/2011)

Part 7**Disorderly Houses****§10-701. Definitions.**

Disorderly house—any house, room or premises where frequent requests for police service for noise, assaults, batteries, drinking of intoxicating beverages, illegal drug usage and/or sale, loitering, gaming or other misbehavior can be documented.

Frequent requests for police service—more than three responses to the same address in the preceding 90-day period.

(Ord. 972, 9/14/2010, §I)

§10-702. Keeping of Disorderly House Prohibited.

It shall be unlawful for any property owner, lessee or tenant to maintain, keep, lease or allow a disorderly houseroom or other premises in the Borough of Pitcairn.

(Ord. 972, 9/14/2010, §II)

§10-703. Declaration of Public Nuisance.

Any such disorderly house, room or other premises that shall be disruptive to the peace and well-being of the surrounding and greater community is declared to be a public nuisance.

(Ord. 972, 9/14/2010, §III)

§10-704. Notification of Intent to Initiate Charges; Meeting with Police Chief.

After the third incident as defined above, the Chief of Police or other designated person shall, within 5 days, notify the property resident or owner, in writing, by either certified mail, posting, or personal service, of the Borough's intent to initiate charges with the magisterial district judge; and further, to allow said property resident and/or owner an additional 5-day period, commencing on the date of service, to notify the Police Chief, in writing, of said property resident/owner's desire to meet with the Police Chief in an attempt to rectify the conditions to be cited. Upon timely receipt of such notification the Police Chief shall meet with the property resident/owner within 5 days thereafter and attempt to reach an accommodation. Should the parties not be able to reach an accommodation the Police Chief will proceed forthwith to initiate charges before the magisterial district judge.

(Ord. 972, 9/14/2010, §IV)

§10-705. Violations and Penalties.

1. Any person and/or legal entity, including, but not limited to, the keeper, all parties connected with the maintenance of the disorderly house, and all parties patronizing or frequenting same, found guilty under the provisions of this Part shall be fined not less than \$500 for each offense and be imprisoned for not more than 30 days.

2. Upon a conviction under the terms of this Ordinance, the Borough may revoke

the occupancy permit of any house or premises found to be a disorderly house.
(*Ord. 972, 9/14/2010, §V*)

Part 8**False Alarms****§10-801. Title.**

This Part shall be known as the “Pitcairn Borough, False Alarm Ordinance.”
(*Ord. 974, 1/25/2011, §1*)

§10-802. Definitions.

Alarm system—any device designed or used for detection of intrusion into a building, structure or facility or for alerting persons in the attempt or commission of a crime or an emergency situation involving potential death or serious injury and which is directly connected to an audible alarm or the transmission of a related signal or message which is used to evoke an emergency response to any address or separate component of any system.

Emergency department—any municipal agency including police, fire, and any other duly constituted municipal authority, including, but not limited to, the Allegheny County Communications and/or Monroeville 911 Center.

False alarm—any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given to which police, fire department or emergency response agencies respond which is not the result of an attempted illegal entity, burglary, intrusion, fire, medical or other similar emergency, excluding weather extremes and utility interruptions, which activates a protection device. Any activation of an alarm system caused by any malfunction caused by violent natural catastrophic condition including electrical storms or power outages or conditions beyond the control of the permittee will not constitute a false alarm.

(*Ord. 974, 1/25/2011, §2*)

§10-803. Adoption and Authority.

The Pitcairn Borough Council, by authority granted to them as specified in the Pennsylvania Borough Code, 53 Pa.C.S.A. §45101 *et seq.*, as amended, hereby enacts the herein Part which shall be supplemental to enforcement under the Pennsylvania Crimes Code §7511 (18 Pa.C.S.A. §7511 (1998) together with all other laws and statutes of the Commonwealth of Pennsylvania and the ordinances of the Borough of Pitcairn.

(*Ord. 974, 1/25/2011, §3*)

§10-804. False Alarms Prohibited.

It shall be unlawful for the property owner, lessee or any person occupying or otherwise on any premises within Pitcairn Borough to make or cause to be made, a false fire or security alarm, directly or indirectly, to any police, fire department or emergency response agency responding to alarms within the Borough. A person and/or entity that causes or permits to be caused a false alarm violates this Part.

(*Ord. 974, 1/25/2011, §4*)

§10-805. Penalties and Fines.

1. Any person or other entity who, after receiving notice, written or oral, from the Pitcairn Borough Police, that Police, Emergency personnel or other municipal officials, have responded to one false alarm as defined in this Part during 1 calendar year shall thereafter pay a service fine of \$30 for a second false alarm in the same calendar year, \$50 for a third false alarm in the same calendar year, and \$100 for the fourth and each subsequent false alarm thereafter, in the same calendar year, plus the costs of prosecution.

2. For the purpose of determining the number of false alarms, the repeated alarms in a 24-hour period shall be deemed as one false alarm.

(Ord. 974, 1/25/2011, §5)

§10-806. Confidentiality.

The information furnished and secured pursuant to this Part shall be confidential in character and shall not be subject to public inspection other than as allowed by Pennsylvania law, and all records shall be so maintained that the contents thereof shall not be divulged to anyone except to the persons charged with the administration of this Part.

(Ord. 974, 1/25/2011, §6)

§10-807. Enforcement.

Enforcement of this Part shall be supplemental to enforcement under the Pennsylvania Crimes Code §7511. (18 Pa.C.S.A. §7511 (1998).

(Ord. 974, 1/25/2011, §8)