

ORDINANCE NO. 216-10

Borough of Fleetwood

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD ENTITLED "Vector Control".

WHEREAS, the Borough of Fleetwood (hereinafter referred to as the "Borough") recognizes a need to maintain safety and order in the Borough; and

WHEREAS, in an effort to provide the best possible environment for all of the citizens of the Borough, and

WHEREAS, upon passage, a duly noticed public meeting will have been held by the Borough, as required by law, at which public meeting all residents and interested Persons were given an opportunity to be heard;

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF FLEETWOOD

SECTION 1. PURPOSE AND INTENT

It is the purpose and intent of the Borough to establish an ordinance to prevent the spread of Vectors and to continue to promote the quality of life and quiet enjoyment of the Borough of Fleetwood.

SECTION 2. DEFINITIONS

The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section except where the context and language clearly indicates or requires a different meaning.

Abandoned Structure - any Structure qualifying as abandoned under The Borough's Abandoned Property Ordinance and / or any property not continuously occupied for a period in excess of thirty (30) days.

Accessory Structure - a detached Structure which is not used or intended to be used for living or sleeping by human Occupants and which is located on or partially located on any premises.

Borough Council - the Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania.

Breeding Area - any condition which provides the necessary environment for the birth or hatching of Vectors.

Collection of Water - 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.

Dwelling - a building or Structure used for residential purposes.

Dwelling Unit - One (1) or more rooms in a Dwelling, which room or rooms have fixed cooking facilities arranged for occupancy by one (1) Person, (2) two or more Persons living together or one (1) family.

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 wastes resulting from the handling, preparation, cooking or consumption of foods.

Harborage - any place where Vectors can live, nest or seek shelter.

Occupant - any Person, living, sleeping, cooking or eating in, or actually having possession of, a Dwelling Unit or 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 has legal title to any premises, Dwelling Unit or Dwelling, with or without accompanying actual possession thereof or has charge, care or control of any premises, Dwelling or Dwelling Unit, as Owner or agent of the Owner, or an 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 Ordinance and of the rules and regulations adopted pursuant thereto, to the same extent as if that Person were the Owner.

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

Refuse - all solid wastes, except body wastes, including Garbage, ashes and Rubbish.

Rubbish - glass, metal, paper, plant growth, wood or non-putrescible solid wastes.

Structure - any building of any type including commercial, industrial, restaurant, bar or warehouse, whether abandoned or occupied.

Vector - a rodent, arthropod or insect capable of transmitting a disease or infection. Vectors shall include, but not be limited to rats, mosquitos, cockroaches, flies and ticks.

Vector Control Officer - such Person or agency or both so designated by Borough Council.

Vectorproofing - 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 and mosquito proofing.

SECTION 3- PROHIBITED ACTS

It shall be unlawful for any Person, Persons, firm, corporation, company or association, within the limits of the Borough of Fleetwood, Berks County, Pennsylvania:

A. To deposit any Refuse, offal, pomace, dead animals, decaying matter or organic substance of any kind in or upon any private lot, Dwelling, Dwelling Unit, building, Structure, Accessory Structure, Abandoned Structure, premises or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter or into any of the runs, creeks or bodies of water within or bounding the Borough of Fleetwood so that the same shall or may afford food, Harborage or Breeding Areas for rats, flies or other Vectors.

B. 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, unless the same is kept in approved covered receptacles or placed on open racks that are elevated not less than eighteen (18) inches above the

ground, and evenly piled or stacked or disposed of as may be approved by the Pennsylvania Department of Environmental Protection, or other agency of the Commonwealth of Pennsylvania or the Borough of Fleetwood.

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 in such a manner as may afford Harborage or Breeding Areas for rats or other Vectors.

D. To store Refuse in containers other than those which are made of durable, watertight, rust-resistant material having a close fitting lid which must be kept on the container when in use or plastic bags which are durable and watertight, and are secure or tied. 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 construct, maintain, or use as a sewage system, privy, urinal, cesspool or other receptacle for human excrement so that Vectors may have access to the excrementitious matter contained therein.

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

SECTION 4- RESPONSIBILITIES OF OWNERS AND OCCUPANTS

A. Every Owner of a Structure containing two or more Dwelling Units, used for commercial or industrial purposes or abandoned or not in use, shall maintain in a clean and sanitary condition the shared or public areas of the Dwelling and premises thereof.

B. Every Occupant of a Structure shall maintain in a clean and sanitary condition that part or those parts of the Structure, Dwelling Unit and premises thereof that the Person occupies and controls.

C. Every Occupant or occupier of a Structure and /or Dwelling Unit containing a single Dwelling Unit or otherwise shall be responsible for the Extermination of Vectors on the premises. Every Occupant of a Dwelling Unit in a Dwelling containing more than one (1) Dwelling Unit shall be responsible for such Extermination whenever the Dwelling Unit is the only Dwelling Unit infested, except

that where infestation is caused by failure of the Owner to maintain the Dwelling in a Vector proof condition, Extermination shall be the responsibility of the Owner. Whenever infestation exists in two (2) or more Dwelling Units within the Dwelling, or in the shared or public parts of any Dwelling containing two (2) or more Dwelling Units, Extermination shall be the responsibility of the Owner.

D. Every Owner of a non-dwelling type Structure shall be responsible for the Extermination of Vectors on the premises.

SECTION 5- VECTORPROOFING

A. Any Dwelling, building, Structure, Accessory Structure, premises or any other place may be required to be vectorproofed when found by the Borough Codes Officer to be providing Harborage or Breeding Areas for rats, flies, mosquitos or any other Vectors.

B. No Owner, Occupant, contractor, public utility company, plumber, or any other Person shall remove or fail to restore in like condition the Vectorproofing from any building, Structure, or Accessory Structure for any purpose.

SECTION 6- VECTOR CONTROL PLAN

A program plan and specifications for private Vector control programs may be required to be submitted to the Borough as deemed necessary by the Borough Codes Officer. The program plan shall be submitted by the Owner or agent of the property on or in which the 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 the Vectors. If, after review of the program plan by the Borough Codes Officer, it is found to be inadequate or incomplete, additional information may be required as well as additional control methods.

SECTION 7- INSPECTIONS

The Borough Codes Officer 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 Ordinance and to determine evidence of Vector infestation and the need for Vectorproofing or additions or repairs to existing Vectorproofing.

SECTION 8- NOTICE

When it is determined that any Dwelling, building, Structure, Accessory Structure, premises, Collection of Water or other place is in violation, a written notice shall be issued setting forth the alleged violations and advising the Owner, Occupant, operator or agent that such violations must be corrected. Notice may be mailed to the address of the property or personally attached to the front door of the Dwelling. The time for correction of the violations must be given and shall not exceed thirty (30) days.

SECTION 9- VIOLATIONS AND PENALTIES / ENTRY ONTO EXTERIOR AND INTO INTERIOR OF STRUCTURE

Any Person who shall fail to correct violations of this Ordinance within the time provided shall be subject to penalties as follows:

A. A fine of One Thousand Dollars (\$1,000) for the first violation and Two Thousand Dollars (\$2,000) for the second and subsequent violation of this Ordinance.

B. The Vector Control Officer has the option to make entry onto the property to determine the condition of the exterior of the Structure and yard. In the event the Vector Control Officer observes the presence of Vectors, efforts shall be undertaken to remove the Vectors by any means, including but not limited to traps or poison. In the event the foregoing actions are undertaken, the Owner shall be responsible for the cost of the pest control company in addition to all fines described above.

C. In addition to any other remedy available to the Borough, in the event the Borough Codes Officer deems it necessary to enter the Structure to abate the Vector issue, the Borough may seek additional relief by a judicial determination of a District Justice. That action could include, but would not be limited to, requesting the authority to enter the premises, dispose of any material identified as having the potential to cause the Harborage of Vectors, exterminating Vectors, and causing the property to be vectorproofed. The cost for the abatement, including legal fees, costs of removal of Garbage, costs of Extermination and costs of Vectorproofing shall be the responsibility of the Owner in addition to any and all fines as identified above and the Borough shall collect all such fees, costs and fines by any legal process, including filing liens against the property.

SECTION 10 -AMENDMENTS TO PENALTIES AND FEES

Penalties and fees outlined in this Ordinance may be modified by a Resolution, passed and adopted by the Borough Council of Fleetwood.

SECTION 11-SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 12-REPEALER

All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 13- EFFECTIVE DATE.

This Ordinance shall take effect on the date of final passage.

ORDAINED and ENACTED by the Borough Council of the Borough of Fleetwood in lawful session duly assembles this 14th day of September, 2015.

BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

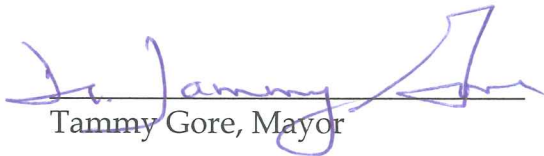
Attest: 

Colin Boyer, Secretary

By: 

Suzanne Touch, President

APPROVED this 14th day of September, 2015



Tammy Gore, Mayor

MUNICIPAL CERTIFICATION

I, Colin R. Boyer, (Assistant) Secretary of the Borough of Fleetwood, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 216-10 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Borough of Fleetwood, on 9/7, 2015, and was duly enacted and approved, as set forth at a Regular Meeting of the Borough Council held on 9/14, 2015.

Colin R. Boyer [SEAL]
(Assistant) Secretary