

BOROUGH OF CORNWALL

Lebanon County, Pennsylvania

ORDINANCE NO. 2017-3

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF CORNWALL BOROUGH, CHAPTER 5, HEALTH AND SANITATION, CHAPTER 8, OFFENSES AND NUISANCES, AND CHAPTER 10, PUBLIC SAFETY, TO REVISE REGULATIONS GOVERNING ITEMS AFFECTING THE PUBLIC.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Cornwall, Lebanon County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of Cornwall Borough, Chapter 5, Health and Sanitation, Article 2, Abandoned Articles, §5-202, Definitions, shall be amended by adding the following definitions in alphabetical order:

Building materials – any material used for constructing buildings.

Construction vehicle – any vehicle used for earth moving, construction of a building, or property maintenance such as excavation equipment, scissors lift, forklift, skid loader, etc., excluding vehicles used for personal residential property maintenance.

Hazardous liquids – any substance or material which could adversely affect the safety of the public or handlers or carriers, such as motor oil, anti-freeze, gasoline, fuel oil, kerosene, batteries, automotive fluids, etc.

Section 2. The Code of Ordinances of Cornwall Borough, Chapter 5, Health and Sanitation, Article 2, Abandoned Articles, §5-203, Unlawful to Accumulate or Store Certain Junked, Abandoned, or Discarded Property, shall be amended to provide as follows:

- A. It shall be unlawful for any person to accumulate or store any junked, abandoned or discarded vehicle, trailer, boat, appliance, or household furnishing on private or public property within the Borough.
- B. Construction vehicles and building materials which are not screened, or within an enclosed structure, shall not be permitted on a property for a continuous period

greater than ninety (90) days. After ninety (90) days they will be considered "Abandoned" or "Discarded." This provision is not applicable to properties located within the Agricultural (A) District.

- C. Hazardous and flammable liquids shall be stored in approved OSHA or DOT containers within an enclosure or building unless stored within an approved exterior above ground, or below ground, storage tank. All hazardous and/or flammable liquids shall be stored in accordance with current OSHA and DOT regulations. This provision is not applicable to properties located within the Agricultural (A) District.

Section 3. The Code of Ordinances of Cornwall Borough, Chapter 5, Health and Sanitation, Article 2, Abandoned Articles, §5-204, Penalty for Violation, shall be amended to provide as follows:

§5-204. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Article, upon conviction thereof, shall be sentenced to pay 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 Article continues or each Section of this Article which shall be found to have been violated shall constitute a separate offense. The Borough shall be entitled to recover all of its reasonable attorneys' fees as costs of the proceeding in accordance with Section 3321(a)(5) of the Borough Code.

Section 4. The Code of Ordinances of Cornwall Borough, Chapter 5, Health and Sanitation, Article 3, Animals and Fowl, §5-301, Definitions, shall be amended by revising the following definitions:

Household pet - any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner and any domestic animal such as a pot belly pig, rabbit, hare, guinea pig, mouse, hamster or chinchilla. A household pet shall not include farm pigs or rats.

Small animal - any domestic animal such as a rabbit, hare, guinea pig, mouse, hamster or chinchilla; and any domestic fowl such as a chicken, turkey, goose, duck or pigeon (except homing pigeons).

Section 5. The Code of Ordinances of Cornwall Borough, Chapter 5, Health and Sanitation, Article 3, Animals and Fowl, §5-304, Conditions for Keeping Domestic Animals, Subsections A and B, shall be amended to provide as follows:

- A. Large animals shall be kept confined in quarters no part of which shall be closer than 100 feet from the exterior limits of any dwelling of any person other than the

owner of such animals, and not less than 50 feet from any street, and not less than 15 feet from any property line.

- B. Small animals shall be kept confined in quarters to the rear of the dwelling on the property on which such animals are maintained. Such building shall meet the side and rear yard setbacks as established in the Zoning Ordinance.

Section 6. The Code of Ordinances of Cornwall Borough, Chapter 5, Health and Sanitation, Article 4, Grass, Weeds and Other Vegetation, shall be amended to provide as follows:

Chapter 5 Health and Sanitation

Article 4 Grass, Weeds and Other Vegetation

§5-401. Grass, Weeds and Certain Other Vegetation Unlawful and a Nuisance under Certain Conditions.

No person, firm or corporation, owning or occupying any property within the Borough shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six (6) inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough. Provided; in the case of any tract of undeveloped land five (5) acres or more in area, this Section shall not apply to grass, weeds or vegetation growing more than 150 feet from any public street of the Borough or more than 150 feet from any residence. Provided, further; this Section shall not apply to any forested land.

§5-402. Responsibility for Removal, Trimming or Cutting Grass, Weeds and Other Vegetation.

The owner of any premises and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §5-401.

§5-403. Trees, Branches and Limbs Unlawful and a Nuisance Under Certain Conditions.

All trees, branches, and/or limbs which are determined to be a potential safety hazard to an adjacent structure or roadway shall be removed within one (1) year. Any such tree which is causing an imminent danger to a structure or roadway shall be removed within (30) thirty days of notice from the Borough. The owner of the premises shall be responsible for removing trees,

branches and/or limbs.

§5-404. Storage of Trimming or Grass Cuttings, Weeds and Other Vegetation.

All tree limbs, discarded wood, compost piles, and other yard debris shall not be stored within fifteen (15) feet of a property line or road right-of-way. Fire wood stock piles shall be exempt.

§5-405. Notice to Remove, Trim or Cut; Authority of Borough to Do Work at Expense of Person in Default.

Council, or any officer or employee of the Borough designated by Council for the purpose, is authorized to give notice, by personal service or by United States mail, to the owner and occupant, if different, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of §5-401, directing and requiring that owner or occupant to remove, trim or cut such grass, weeds or other vegetation, so as to conform to the requirements of this Article, within five (5) days after issuance of the notice. In case any person, firm or corporation neglects, fails or refuses to comply with the notice, within the period of time stated in it, the Borough authorities may remove, trim or cut such grass, weeds or vegetation, and the cost of the work, together with any additional penalty authorized by the law, may be collected by the Borough from that person, firm or corporation, in the manner provided by law.

§5-406. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Article, upon conviction thereof, shall be sentence to a fine of not less than \$100 and not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Article continues or each Section of this Article which shall be found to have been violated shall constitute a separate offense. The Borough shall be entitled to recover all of its reasonable attorneys' fees as costs of the proceeding in accordance with Section 3321(a)(5) of the Borough Code.

Section 7. The Code of Ordinances of Cornwall Borough, Chapter 8, Offenses and Nuisances, §8-201, Nuisance Defined, Subsection C, shall be amended to add a new Paragraph (7) which shall provide as follows:

- (7) Dangerous structures, including but not limited to buildings, or parts of buildings, in a state of dilapidation or disrepair.

Section 8. The Code of Ordinances of Cornwall Borough, Chapter 8, Offenses and Nuisances, §8-204, Penalty for Violation, shall be amended to provide as follows:

§8-204. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Article, upon conviction thereof, shall be sentenced to a fine of not less than \$100 and not more than

\$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Article continues or each Section of this Article which shall be found to have been violated shall constitute a separate offense. The Borough shall be entitled to recover all of its reasonable attorneys' fees as costs of the proceeding in accordance with Section 3321(a)(5) of the Borough Code.

Section 9. The Code of Ordinances of Cornwall Borough, Chapter 10, Public Safety, Article 1, Outdoor Fires, §10-104, Prohibited Burning of Domestic Refuse, shall be retitled "Prohibited Burning of Domestic Refuse and Other Non-Yard Waste" and shall be amended to provide as follows:

§10-104. Prohibited Burning of Domestic Refuse and Other Non-Yard Waste.

No person or persons shall burn, or cause to be burned, any domestic refuse, recyclable material, construction waste, or materials which may create, or cause to be created, toxic fumes, or excessive smoke (i.e. plastics, rubber, tires, etc.) on any property on any location within the Borough.

Section 10. The Code of Ordinances of Cornwall Borough, Chapter 10, Public Safety, Article 1, Outdoor Fires, §10-105, Conditions for Maintaining Outdoor Fires on Private Property, Subsection A, shall be amended to provide as follows:

- A. Every such out-of-door fire shall be built in and confined to a noncombustible container, covered with a screen of 1/2 inch or smaller mesh, or in such other suitable noncombustible container, unless attended at all times. No such fire shall be closer than 15 feet from any building or from any property line. No such fire shall be within 100 feet of any gasoline pump or gasoline storage tank. No such fire shall be allowed to burn except between the hours of sun-up and sunset, with the exception of cooking, recreational or ceremonial fires. No such fire shall be allowed within the Conservation Recreation (CR) or Residential Forest (RF) District when located a distance greater than 300 feet from a fire hydrant.

Section 11. The Code of Ordinances of Cornwall Borough, Chapter 10, Public Safety, Article 1, Outdoor Fires, §10-106, Enforcement and Penalty for Violation, shall be amended to provide as follows:

§ 10-106. Enforcement and Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Article, upon summary conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, including the Borough's reasonable attorneys' fees, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Article continues and each Section of this Article which shall be found to have been violated shall constitute a separate offense. This Article may be enforced by any

police officer and by any enforcement officer appointed by Borough Council to enforce this Article. The Borough shall be entitled to recover all of its reasonable attorneys' fees as costs of the proceeding in accordance with Section 3321(a)(5) of the Borough Code.

Section 12. All other sections, parts and provisions of the Code of Ordinances of the Borough of Cornwall shall remain in full force and effect as previously enacted and amended.

Section 13. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 14. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

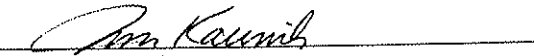
DULY ORDAINED AND ENACTED this 10 day of APRIL, 2017, by Borough Council of the Borough of Cornwall, Lebanon County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF CORNWALL
Lebanon County, Pennsylvania

Attest:


(Assistant) Secretary

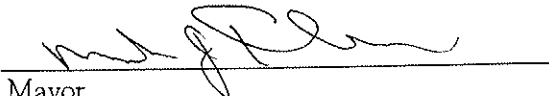
By:


(Vice) President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 10 day of APRIL, 2017.

By:


Mayor