

Chapter 10

Health and Safety

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Part 1**Nuisances****A. General****§10-101. Purpose.**

The Council deems it to be in the best interest of the residents of the Borough of Swissvale that it prohibit dangerous structures, conditions or nuisances, and provide for the orderly abatement of such in the interest of the health, safety, morals, general welfare, cleanliness, beauty, convenience, comfort and safety of the Borough and its residents.

(Ord. 90-8, 11/14/1990, §1)

§10-102. Prohibit Dangerous Structures, Conditions or Nuisance.

It shall be unlawful for the owner or occupant of any property within the confines of the Borough of Swissvale to permit to exist thereon, any dangerous structures or conditions or nuisance, including but not limited to, the following, dangerous structures, garbage, rubbish, abandoned or junked automobiles, high or unsightly weeds, grass, shrubbery or other vegetation.

(Ord. 90-8, 11/14/1990, §2)

§10-103. Penalty for Dangerous Structures, Conditions or Nuisance.

Any owner or occupant of property within the territory limits of the Borough of Swissvale that permits to exist on property he owns or occupies a dangerous structure, condition or nuisance, as defined in §10-102, shall be subject to the fine and penalty as set forth in §10-110 of this Part, and the owner or possessor of property may be cited for such.

(Ord. 90-8, 11/14/1990, §3)

§10-104. Removal of Dangerous Structure, Condition, or Nuisance.

In cases in which the existence of a dangerous structure, condition or nuisance represents an immediate threat to the health, safety or welfare of the residents of the Borough of Swissvale or any other individual, the Borough or its designated officials or employees, shall have the authority to immediately remove the dangerous structure, condition or nuisance. The Borough shall thereupon collect the cost of such removal, together with a penalty of 10% of such cost, in the manner provided by law for the collection of municipal claims, by an action in assumpsit or by any other legal means.

(Ord. 90-8, 11/14/1990, §4)

§10-105. Notice of Removal of Nuisance.

In the event that the Borough determines that the dangerous structure or condition or nuisance does not present an immediate threat to health, safety and welfare of residents of the community or other individuals, it may provide the owner

or possessor of property with a notice to remove the nuisance and shall provide a period of 10 calendar days from the date of the notice for the abatement of such nuisance.

(*Ord. 90-8, 11/14/1990, §5*)

§10-106. Abatement of Dangerous Structure, Condition or Nuisance.

Failure to abate the dangerous structure or condition or nuisance in accordance with §10-105 shall subject the owner of the property to an additional fine as set forth in §10-110 below.

(*Ord. 90-8, 11/14/1990, §6*)

§10-107. Removal at Owner's Expense With Penalty.

Failure to abate the dangerous structure, condition or nuisance in accordance with the notice set forth in §10-106, the Borough, its employees or agents are hereby authorized to remove the dangerous structure, condition or nuisance at its own expense and to collect the cost of such removal, together with a penalty of 10% of such cost, in the manner provided by law for the collection of municipal claims, by action in assumpsit or by any other legal means.

(*Ord. 90-8, 11/14/1990, §7*)

§10-108. Notice of Removal.

Notice to remove the dangerous structure, condition or nuisance shall be given personally to the owner or occupant of the property or by registered mail, return receipt requested, or by posting on the premises, or by publication in a newspaper of general circulation in the Borough.

(*Ord. 90-8, 11/14/1990, §8*)

§10-109. Violation.

Each day that the dangerous structure, condition or nuisances described herein are permitted to exist shall constitute a separate violation, subjecting the owner or occupant to the fine described in §10-110.

(*Ord. 90-8, 11/14/1990, §9*)

§10-110. Penalty.

The existence of a nuisance as defined in §10-102 shall be a violation of this Part and any person found in violation of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Failure to abate the nuisances here and described within the 10 day abatement period described above shall subject the owner, occupant or other person in violation of this Part to additional prosecution and each day that said nuisance shall continue following said 10 day abatement period shall constitute a separate offense.

(*Ord. 90-8, 11/14/1990, §10; as amended by Ord. 05-02, 6/1/2005*)

B. Weeds and Other Nuisance Vegetation**§10-111. Purpose.**

The purpose of this Part is to protect and promote the health, safety and welfare of residents of the Borough of Swissvale through the prevention of unsafe, unhealthful and unpleasant conditions resulting from excessively high grass, weeds and vegetation. (Ord. 89-2, 2/8/1989, §1)

§10-112. Definitions.

1. The following terms used in this Part shall be defined as follows:

Borough - the Borough of Swissvale, Allegheny County, Pennsylvania.

Council - the Council of the Borough of Swissvale, Allegheny County, Pennsylvania.

Notice - any of the following:

- (1) Personal service of written notification.

- (2) Service by United States Mail, first-class prepaid, to the addressee's last known address.

- (3) Conspicuous posting on property owned or occupied by person receiving notification for a period of 10 calendar days.

Occupant - any person using land and/or a structure on an ongoing basis, including any tenant or renter. This definition may include any person other than the owner of the property.

Owner - the legal owner of real estate, including the owner as reflected in deed or document recorded in the office of the Recorder of Deeds of Allegheny County or any other County office.

Person - every natural person, firm, partnership, association or corporation.

(Ord. 89-2, 2/8/1989, §2)

§10-113. Height of Vegetation.

Neither the owner or occupant of any property within the Borough shall permit any grass, weeds or any vegetation that is not edible or planted for some useful or ornamental purpose to grow or remain upon such property so as to exceed a height of 6 inches or to throw off any unpleasant fumes, odors or pollen or to conceal any dirt, rubbish, or other waste matter. Any grass, weeds or other vegetation growing or remaining upon any property in the Borough in violation of the provisions of this Part is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the residents of the Borough.

(Ord. 89-2, 2/8/1989, §3; as amended by Ord. 06-05, 12/29/2006, §1)

§10-114. Removal, Trim or Cut of Vegetation.

The owner or occupant of any property shall remove, trim or cut any grass, weeds or other vegetation growing or remaining upon such property in violation of the provisions of §10-113 of this Part so as to remove any such violations.

(*Ord. 89-2, 2/8/1989, §4*)

§10-115. Notice to Owner or Occupant.

The Borough, through any authorized officer or employee, is hereby authorized to give notice to the owner or occupant of any property that grass, weeds or other vegetation are growing or remaining upon such property in violation of the provisions of §10-113 of this Part and to direct such owner or occupant to remove, trim or cut such grass, weeds or vegetation to remove such violation within 10 days of such notice. Any owner or occupant failing to comply with said notice within 10 days of notice shall be in violation of this Part.

(*Ord. 89-2, 2/8/1989, §5*)

§10-116. Violation and Penalty.

If an owner or occupant fails to comply with this Part within 10 days of notice in accordance with §10-115 of this Part or in the event that the existing violation of this Part constitutes an immediate threat to the health, safety or welfare of the residents of the Borough, the Borough may cause the grass, weeds or other vegetation to be trimmed, cut or otherwise brought into conformity with this Part, whereon, the cost to the Borough, together with a penalty of 10% of the costs, with interest at the legal rate of interest shall become due and owing to the Borough. The cost, penalty and interest, shall become a lien against the property in question and may be collected by the Borough from the owner or occupant in any manner provided by law.

(*Ord. 89-2, 2/8/1989, §6*)

§10-117. Fines.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not less than \$50 nor more than \$1000 plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues after notification in accordance with this Part shall constitute a separate violation of this Part.

(*Ord. 89-2, 2/8/ 1989, §7; as amended by Ord. 05-02, 6/1/2005*)

C. Dumping**§10-121. Unlawful to Dump.**

From and after the enactment of this Part, it shall be unlawful to dump or deposit or cause to be dumped or deposited or to permit to be dumped or deposited on any property within the Borough any household trash, cuttings from trees, bushes or grass, or earth, stones or rocks, offal, animal waste, or any unsanitary matter of any nature whatsoever, or any combination of the same when the same are left in such manner as constitutes a health hazard because of being a breeding place for infestation or because of the danger created to children who may be attracted to play in the area.

(*Ord. 79-9, 8/8/1979, §1*)

§10-122. Violation and Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine not to exceed \$1000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day in which a violation of this Part shall continue shall be deemed a separate offense.

(*Ord. 79-9, 8/8/1979, §2; as amended by Ord. 05-02, 6/1/2005*)

D. Noise**§10-131. Unlawful to Make Loud or Unusual Noise.**

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Borough.

(*Ord. 91-14, 11/13/1991, §1*)

§10-132. Examples of Loud, Disturbing and Unnecessary Noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Part, but said enumeration shall not be deemed to be exclusive, namely:

A. *Horns, Signaling Devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Borough, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

B. *Radios, Phonographs, Stereo Systems.* Using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11 p.m. and 7 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

C. *Loud Speakers, Amplifiers for Advertising.* The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure or for any other reason.

D. *Yelling, Shouting, Etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11 p.m. and 7 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, or other type of residence, or of any persons in the vicinity.

E. *Animals, Birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise disturbs the comfort or repose of any persons in

the vicinity.

F. *Exhausts*. The discharge into the open air of the exhaust of any motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

G. *Defect in Vehicle or Load*. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

H. *Loading, Unloading, Opening Boxes*. The creation of a loud and excessive noise in connection with loading or unloading any vehicle, including trash, garbage or recycling vehicles or the opening and destruction of bales, boxes, crates, and containers, other than between the hours of 7 a.m. and 6 p.m.

I. *Construction or Repairing of Buildings*. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7 a.m. and 6 p.m. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed 3 days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector 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 within the hours of 6 p.m. and 7 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 6 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.

J. *Schools, Courts, Churches, Hospitals*. The creation of any excessive noise of any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

K. *Hawkers, Peddlers*. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

L. *Drums*. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

M. *Metal Rails, Pillars and Columns, Transportation Thereof*. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places, other than between the hours of 7 a.m. and 6 p.m.

N. *Pile Drivers, Hammers, etc.* The operation between the hours of 10 p.m. and 7 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

O. *Blowers*. The operation of any noise-creating blower or power fan or any

internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(Ord. 91-14, 11/13/1991, §2)

§10-133. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine not to exceed \$1000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day in which a violation of this Part shall continue shall be deemed a separate offense.

(Ord. 91-14, 11/13/1991, §3; as amended by Ord. 05-02, 6/1/2005)

Part 2**Cooking Food Out-of-Doors for Commercial Purposes****§10-201. Purpose.**

The purpose of this Part is to promote and protect the health, safety, welfare, comfort, peace and comfortable use of property by Swissvale Borough residents and, in particular, to eliminate or mitigate the following hazards resulting from the cooking and preparation of food out-of-doors for commercial purposes:

A. The cooking and preparation of food out-of-doors for commercial purposes creates unwanted smoke, fumes and odors over an extended period of time which constitute a nuisance to the general public and to owners of neighboring property.

B. The cooking and preparation of food out-of-doors for commercial purposes creates a potential health hazard to the general public in the form of potentially contaminated or improperly prepared foods.

C. The prevention of such potential health hazard would require close and continuing regulation of the cooking and preparation of food out-of-doors that is beyond the financial and technical capabilities of Swissvale Borough.

D. The cooking and preparation of food out-of-doors for commercial purposes frequently creates sidewalk and traffic congestion from pedestrians and commuters who stop to purchase such food and who congregate in the vicinity of the area where food is being prepared, which interferes with the free flow of pedestrian and vehicular traffic in the Borough.

(Ord. 88-12, 12/14/1988, §1)

§10-202. Definitions.

The following words and phrases shall have the meaning ascribed to them, as follows:

Charitable organization - an organization described in §170(c) of the United States Internal Revenue Code.

Cooking - any broiling, boiling, baking, roasting, frying, heating or igniting of food for purposes of human consumption, whether through the use of an electrical or gas stove, charcoal grill, open flame or any other means.

Preparation - any serving, wrapping, offering, presenting or displaying of food for purposes of sale or consumption.

Out-of-doors - location in the open-air, location within a structure that is not fully enclosed by four walls and a roof, or location within a structure that fails to meet the requirements of all Borough ordinances, including the Uniform Construction Code [Chapter 5, Part 1], governing construction of commercial buildings and prevention of fire. [Ord. 05-02]

Commercial purpose - an activity having as its object, the sale, either directly or indirectly, of a product or products to the general public or the patrons of a business establishment.

Person - an individual, organization, corporation, partnership or governmental subdivision or agency, business, trust, state, association or any other legal or commercial entity.

(*Ord. 88-12, 12/14/1988, §2; as amended by Ord. 05-02, 6/1/2005*)

§10-203. Violations.

It shall be unlawful for any person to cook or prepare food out-of-doors for commercial purposes within the boundaries of Swissvale Borough.

(*Ord. 88-12, 12/14/1988, §3*)

§10-204. Exceptions.

1. This Part shall not apply to charitable organizations that engage in cooking and preparation of food out-of-doors for fewer than 7 days in any calendar year, provided they display a permit in accordance with this Section.

2. Charitable organizations eligible for an exemption from this Part shall apply for a permit issued by the Borough Secretary authorizing the organization to cook and prepare food out-of-doors for fewer than 7 days, and setting forth the dates the permit shall be in effect.

3. The application for the permit shall indicate the complete name and address of the organization, the dates on which the organization plans to cook and prepare food out-of-doors and the nature of the event held by the organization.

4. The organization shall display the permit issued by the Borough Secretary in accordance with this Section at all times during the period of exemption. The Chapter shall not apply to charitable organizations that engage in those activities prohibited by the Part for fewer than 7 days in any calendar year.

(*Ord. 88-12, 12/14/1988, §4; as amended by Ord. 89-7, 11/8/1989, §1*)

§10-205. Statutory Provisions Not Abrogated.

Nothing contained in this Part shall be construed as an abrogation or contradiction of any of the laws of the Commonwealth of Pennsylvania or any ordinance of Allegheny County dealing with the protection of public health, including regulations governing the preparation or sale of food or emission of pollutants. This Part shall be considered and construed as an additional protection for the general public and residents of Swissvale Borough.

(*Ord. 88-12, 12/14/1988, §5*)

§10-206. 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 \$1000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each and every offense, and each day in which such offense shall continue, except where otherwise provided by State law, shall be considered a separate offense.

(*Ord. 88-12, 12/14/1988, §6; as amended by Ord. 05-02, 6/1/2005*)

Part 3**Hazardous Materials Clean-Up****§10-301. Title.**

This Part shall be known as the “Borough of Swissvale Emergency Abatement Ordinance.”

(*Ord. 96-6, 8/14/1996, §1*)

§10-302. Legislative Findings.

1. The Borough of Swissvale determines that the release, deliberately or negligently, of any hazardous materials or deposits onto or upon properties or facilities within the service area of police, fire and other emergency services of the Borough of Swissvale, and that extended traffic obstructions threaten the safety and welfare of its residents and traveling public and create situations which must be immediately responded to and corrected.

2. The Borough Council of the Borough of Swissvale is desirous of protecting the safety and welfare of the residents of the community, traveling public and of emergency response personnel, and of obtaining expense reimbursement.

(*Ord. 96-6, 8/14/1996, §2*)

§10-303. Definitions.

Unless otherwise expressly stated, the following words shall, for the purposes of this Part, have the meanings herein indicated. Words in the singular shall include the plural, and those in the plural shall include the singular.

Hazardous materials or substances - any material or substance which is determined by the person in charge of police, fire or emergency services provided through the Borough of Swissvale, or their authorized representatives to pose an unreasonable or imminent risk to the life, health or safety of persons or property, and shall include, the not be limited to, such substances as gasoline, oil, vehicular fluids, explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables, corrosives or materials listed in the Hazardous Substance list of the Pennsylvania Department of Labor and Industry, the Solid Waste Management Act, 35 P.S. §6018.103, and the Worker and Community Right-to-Know Act, 35 P.S. §7303, and hazardous materials as defined at 35 P.S. §6022.103, the Hazardous Materials Emergency Planning and Response Act.

Person - any natural person, firm or corporation, association or partnership or other legal entity, excluding the Borough of Swissvale.

Traffic emergency - any condition which, in the determination of the police of Swissvale, constitutes an extended obstruction to cartways, sidewalks, roads, streets and highways in the Borough which require prompt removal and traffic control in order to prevent safe and convenient passage thereon or which otherwise poses an unreasonable risk to life, health, or safety of persons or property, and

shall include, but not be limited to firefighting, vehicle accidents, electrical conditions, vehicle failures or environmental accidents.

Vehicle - every device which is or may be moved or drawn upon a road, street or highway.

Cartway - the paved traveled portion of a road, street, or highway.

Sidewalk - any concrete or asphalt pedestrian walkway, including all structures or appurtenances necessary, desirable, or incidental to the installation and safe use of a sidewalk.

(Ord. 96-6, 8/14/1996, §3)

§10-304. Authority to Abate Emergency and Collect Costs.

The Borough of Swissvale hereby authorizes and directs its various emergency services, Borough employees or any other persons employed by the Borough for such purposes or any volunteer emergency services organization recognized by the Borough to take reasonable steps to clean up, or abate, or cause to be cleaned up or abated, any hazardous materials or substances released or to abate a traffic emergency within the service area of the Borough police. The reasonable steps to be taken shall include, without limitation, towing, removing and impounding of vehicles, providing traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and to recovering from any persons responsible for the traffic emergency or release of such hazardous materials or substances, any and all costs incurred in carrying out such steps to clean up and abate. Any person or persons who intentionally or accidentally or negligently caused such traffic emergency or release shall be liable for all costs of clean up and abatement incurred by the Borough of Swissvale or any volunteer emergency services organization recognized by the Borough of Swissvale in the clean up or abatement activities. For purposes of this Part, "release" shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment including, but not limited to, the abandonment or discarding of barrels, containers and other receptacles containing a hazardous material. The remedies provided by this Part shall be in addition to all other remedies provided by other laws or ordinances of the Commonwealth of Pennsylvania and the Borough of Swissvale.

(Ord. 96-6, 8/14/1996, §4)

§10-305. Determination of Costs.

1. For purposes of this Section, "costs of clean up and abatement" shall include, but are not limited to, actual labor cost of Borough personnel, including workman's compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of special cleaning or containment agents or fire extinguishing agents used and cost of any contracted labor and materials; and further, it shall include any costs incurred by the Department of Police of the Borough of Swissvale, the Fire Department of the Swissvale, emergency medical companies, and any other agency or contractor engaged in the abating or cleaning up activities, including but not limited to, all "response costs" as defined at 35 P.S. §6022.210(c), excepting however, costs of actual fire suppression services which are routinely provided.

2. A charge in an amount as established from time to time by resolution of

Borough Council shall be assessed for vehicle extrication services provided by the Swissvale Borough Fire Department, including but not limited to, use of the Hurst tool or jaws of life. This charge shall be payable by the person extricated. [*Ord. 05-02*]

(*Ord. 96-6, 8/14/1996, §5; as amended by Ord. 05-02, 6/1/2005*)

Part 4**Alarm Systems****§10-401. Definitions.**

The following terms shall have the following meanings for purposes of this Part:

Alarm system - a device designed for the detection of unauthorized entry or attempted unauthorized entry on premises and for alerting others of the commission of an unauthorized entry or for the detection of fire, which when activated, emits a sound or gives some other signal, either audible or visual, or transmits a signal or message. This definition shall include, but not be limited to, an audible alarm system, an automatic protection device or a silent alarm system.

Audible alarm system - an alarm device or system which causes an alarm to be sounded that can be heard by persons not inside the premises for which it is transmitted or received.

Automatic protection device - a device that is connected to a telephone line and programmed to select a predetermined telephone number and transmit, by voice message or code signal, an emergency message to police, fire or other emergency personnel, indicating a need for police, firefighting or other emergency response. For purposes of this Part, an automatic dialing device is deemed an automatic protection device, and is subject to the regulations set forth in this Part.

Commercial building - a structure which is not used primarily as a dwelling and in which less than 50% of the floor space is used for dwelling purposes.

False alarm - a visual, audible or other signal transmitted by an alarm system that indicates the existence of an emergency situation, when, in fact, an emergency situation does not exist.

Private residence - a structure that is used primarily as a dwelling.

Silent alarm system - an alarm system device which gives an audible or visual signal by wire or radio wave, but does not trigger an audible alarm system.

Service - hand delivery or mailing by regular, first-class mail.

Subscriber - a user, tenant, lessee, agent, employee, resident or other person who owns or is entitled to possession of any premises on which an alarm system has been installed.

(Ord. 91-6, 5/8/1991, §1)

§10-402. Administration and Enforcement.

The Chief of Police, the Fire Chief or their designee shall have the right to inspect any alarm system including any automatic protection device, audible alarm system or silent alarm system, on the premises where it is installed, at reasonable times, in order to determine whether the device is being used in conformity with the provisions of this Part.

(Ord. 91-6, 5/8/1991, §2)

§10-403. Maintenance of Alarm Systems.

Subscribers shall maintain alarm systems in proper operating condition and, once a year, upon request by the Chief of Police, the Fire Chief or their designee, shall arrange for a test of the alarm system.

(Ord. 91-6, 5/8/1991, §3)

§10-404. Alarm System Information.

Upon request, each subscriber shall supply to the Chief of Police, the Fire Chief or their designee, the date of installation of any alarm system, the date of termination of such alarm system, the subscriber's name, address and telephone number, and the name, address and telephone number of any agent or other responsible person designated to respond when the alarm system is activated.

(Ord. 91-6, 5/8/1991, §4)

§10-405. Response to Alarms.

The person or agent designated by the subscriber to respond to the alarm shall do so expeditiously and, in no case, more than 1 hour from the time the alarm system is activated.

(Ord. 91-6, 5/8/1991, §5)

§10-406. Duration of Signal.

Audible alarms shall have as part of the alarm system a device that automatically stops the alarm within 30 minutes from the time it is activated.

(Ord. 91-6, 5/8/1991, §6)

§10-407. Service Fees.

A service fee in an amount as established from time to time by resolution of Borough Council, shall be imposed in and be payable by a subscriber, for each false alarm system in excess of three false alarms in a 12-month period that is emitted by the subscriber's alarm system. This service fee shall be applicable to commercial buildings and private residences.

(Ord. 91-6, 5/8/1991, §7; as amended by Ord. 05-02, 6/1/2005)

§10-408. Payment of Service Fee.

The service fee provided for in §10-407 shall be payable to Swissvale Borough within 10 working days of notification to the subscriber of the imposition of the service fee.

(Ord. 91-6, 5/8/1991, §8)

§10-409. Disputed Fees.

Any subscriber charged for a false alarm service fee may dispute such charge by filing a written objection and appeal to the Chief of Police within 10 working days from the date of service in the subscriber if notice that a false alarm service fee has been imposed. If, upon consideration of the appeal, the Chief of Police decides that the

service fee is unwarranted, he may waive the service fee.

(*Ord. 91-6, 5/8/1991, §9*)

§10-410. Penalty.

Failure of any person, firm or corporation to comply with any of the requirements of this Part, or to pay a false alarm service fee after being duly notified that such fee has been imposed, shall be a violation of this Part and, upon conviction thereof, said person or persons, firm or corporation shall be sentenced to a fine of not less than \$50 nor more than \$1000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(*Ord. 91-6, 5/8/1991, §10; as amended by Ord. 05-02, 6/1/2005*)

Part 5**Fireworks****§10-501. General Provisions.**

1. *Scope.* The manufacture of fireworks is prohibited within the Borough. The display or discharge of fireworks shall comply with the requirements of this Part.

2. *Permit Required.* A permit shall be obtained from the Borough Manager for the display or discharge of fireworks.

3. *Permit Applications.* Application for permits shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

4. *Definition.*

A. The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, aerial fireworks or other fireworks of like construction, and any fireworks containing any explosive or flammable compound or any tablets or other device containing an explosive substance.

B. The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grain or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than .20 grain of explosive mixture, the sale and use of which shall be permitted at all times, nor shall the term "fireworks" include toy cannons which operate on the principle of mixing calcium carbide, weighing less than 1/10 of an ounce, and water in the reservoir of the cannon and in which ignition results upon the creation of a spark.

(Ord. 05-02, 6/1/2005)

§10-502. Display and Discharge.

1. *General.* It shall be a violation of this Part for any person to store, or use or explode any fireworks, except as provided in the rules and regulations issued by the fire official for the granting of permits for supervised public displays of fireworks by the Borough, fair associations, amusement parks and other organizations. Every such display shall be handled by a competent operator approved by the Borough Manager. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the Borough Manager, will not be a hazard to property or endanger any

person.

2. *Bond for Display.* The permittee shall furnish a bond in an amount deemed adequate by the Borough Council but not less than \$500, conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.

3. *Disposal of Unfired Fireworks.* Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in a safe manner approved by the Borough Manager.

4. *Seizure of Fireworks.* The fire official shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for display, stored or held in violation of this Part.

(Ord. 05-02, 6/1/2005)

§10-503. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 05-02, 6/1/2005)