



**BOARD OF SUPERVISORS  
NORTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2010-2**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA PROVIDING FOR HEALTH AND SAFETY THROUGH REGULATIONS PERTAINING TO PRIVATE PROPERTY MAINTENANCE; NOTICES OF INFESTATION AND RODENT CONTROL; AND DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT, VIOLATIONS, PENALTIES AND THE RIGHT OF ENTRY; REPEALER; AND SEVERABILITY**

**NOW, THEREFORE**, be it enacted and ordained, by the Township of North Whitehall, County of Lehigh and Commonwealth of Pennsylvania, pursuant to the general powers permitted by the Second Class Township Code (53 P.S. Section 65101, et seq.) and it is hereby enacted and ordained by authority of the same, as follows:

**Section I. Name**

This ordinance shall be known and may be cited as the "North Whitehall Township Private Property Maintenance Ordinance."

## **Section II. Definitions**

**Eradication** – The elimination of rodents or insects and other pest life from any structure, building, lot, parcel or premises through the use of methods of extermination, subject to applicable laws relating to poisonous substances and fumigants.

**Harborage** – Any condition which provides shelter or protection for rodents, insects or other pest life.

**Municipal Waste** - Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

**Notice** – This term includes certified mail, posting of the property, or personal service. Notice as provided herein shall be attempted through certified mail or personal service, however, physically posting the property with a violation notice shall service as proper notice for purposes of enforcement and commencement of the five-day notice provisions under this Ordinance.

**Owner** – Any person, agent, operator, firm or corporation having a legal or equitable interest in real estate in the Township of North Whitehall or otherwise having control of the property, including guardian of an estate of such person and the executor or administrator of the estate of such person.

**Person** – This term includes an individual, group of individuals, partnership, firm, association or any other entity.

**Rat-proofing** – The treatment or application, with materials impervious to rodent-gnawing, of all actual or potential openings in the exterior and interior walls, ground or first floors, roofs, foundations, basements, sidewalk gratings and other places that may be reached by rodents from the ground or by climbing or burrowing.

### **Section III. Private Property Maintenance**

A. From and after the effective date of this Ordinance, it shall be unlawful and deemed a public nuisance for any owner, tenant or occupier of private property in the Township of North Whitehall to place or permit to remain on such private property the accumulation of Municipal Waste as regulated by North Whitehall Township Ordinance 2008-1.

B. From and after the effective date of this Ordinance, it shall be unlawful and deemed a public nuisance for any person to place or allow food in the open which would create a condition conducive to rodent, insect or other pest life. Garbage and waste material shall be placed in leak-proof containers with tight-fitting lids and stored in such a manner as not to create an attraction or harborage for rodents, insects or other pest life.

C. All structures, buildings, lots, parcels and premises within North Whitehall Township shall be kept free from a condition conducive to rodent, insect and other pest life. The person in control of said structure, building, lot, parcel or premises shall not allow the accumulation of vehicles, garbage, refuse

or any material, including but not limited to vegetation in the nature of high grass and weeds, as well as any other material, which may afford harborage or provide food for rodents, insects or other pest life.

D. Any owner, tenant or occupier of private property on which any of the foregoing prohibited conditions exist, shall within five (5) days after receipt of notice from the Township to do so, remove, correct or abate such condition.

#### **Section IV: Notice of Infestation**

When the Township provides notice in accordance with this Ordinance, to the person in control of a building or structure, or notice is posted on a building or structure in accordance with this Ordinance, stating that there is evidence of rat infestation on the premises, the person in control shall immediately institute rat-eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises is declared by the Township Zoning and Codes Enforcement Officer, or other agent designated by the Township, to be free of rat infestation. Unless said measures are undertaken within five (5) days after receipt of notice or the posting of the premises with notice, it shall be construed as a violation of the provisions of this Ordinance.

#### **Section V. Violations, Penalties and Enforcement**

A. Any person, whether as owner, tenant or occupier of private property, who violates or permits a violation of this Ordinance, upon being found liable therefore in enforcement proceedings, shall be subject to a fine of not more than

One Thousand (\$1,000.00) Dollars, plus all court costs, including reasonable attorney's fees, incurred by North Whitehall Township in the enforcement of this Ordinance. Each day during which any such condition is permitted to exist after the said five (5) day notice period has expired shall constitute a separate offense.

B. The Township shall not be required to send a notice of violation to repeat offenders of Section III of this Ordinance when the violation pertains to the same property owner who was the subject of a previous notice of violation of Section III of this Ordinance within a six (6) month period of time or less. The Township shall be permitted to file a citation directly with the District Magistrate Judge when this situation occurs.

C. The Codes Enforcement Officer or other agent of the Township, designated by the Board of Supervisors, is authorized to issue citations for violation of this Ordinance.

## **Section VI. Right of Entry**

The Township, through the Zoning and Codes Enforcement Officer or any other designated agent of the Township, shall have the right, after five (5) days notice, to go upon any private property to remove, correct or abate any condition which constitutes a violation of Section III of this Ordinance and may assess the cost thereof, plus an additional ten (10) percent of such cost, against the owner, occupier or tenant of such property who was given such five (5) day notice. In the event of an emergency where there is imminent peril to the lives or property of others, the Township or its designated agents, may go upon private property without prior notice to remove, correct or abate any such condition and shall in

such case assess the cost of such work, plus an additional ten (10) percent, against the owner of such property or any other person who created or permitted such condition to exist. Such cost plus ten (10) percent shall be collectible by the Township in the manner provided by law for the collection of municipal claims.

**Section VII. Repealer**

All other ordinances or parts thereof, which are in conflict with this Ordinance, are hereby repealed.

**Section VIII. Severability**

The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

**Section IX. Effective Date**

The within provisions shall become effective five (5) days after the adoption hereof.

**DULY ENACTED AND ORDAINED THIS SEVENTH DAY OF DECEMBER, 2010, BY THE BOARD OF SUPERVISORS OF NORTH WHITEHALL TOWNSHIP, AT A DULY ADVERTISED, NOTICED, PUBLISHED AND LAWFULLY ASSEMBLED REGULAR PUBLIC MEETING AND HEARING.**

ATTEST:

**BOARD OF SUPERVISORS OF  
NORTH WHITEHALL TOWNSHIP**

BY: *Brenda Norder*  
Brenda Norder,  
Secretary

BY: *Ronald E. Stahley*  
Ronald E. Stahley, Chairman

BY: *Ronald J. Heintzelman*  
Ronald J. Heintzelman,  
Supervisor

BY: *Jerome Joseph*  
Jerome Joseph, Supervisor