

## ARTICLE 1161

### Health Nuisances

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### CROSS REFERENCES

Board of Health power to abate nuisances - See 3rd Class §2324 (53 P.S. §37324)  
Removal of rubbish from sidewalks - See GEN. OFF. Art. 721

#### 1161.01 DEFINITION.

"Public or common nuisance," when used in this Article, shall be that which is set up, maintained, continued or permitted to exist, so as to be injurious to the health, or an obstruction to the use of property by interfering with the repose, health, safety or life of any person; whatever is dangerous to human life or health; whatever renders the air, food, water or any drink or any product unhealthy, dangerous or injurious to human life or health. It shall be a violation of this Article to establish or allow such nuisance to continue to exist. The Bureau of Health shall determine when a nuisance is being created or perpetuated. (Ord. 3033. Passed 10/22/1985.)

#### 1161.02 ESTABLISHMENT OF PROTECTIVE RULES.

The Board of Health shall establish rules from time to time as may be deemed necessary for the protection of the repose, health, comfort, safety or life of the inhabitants of the City. Such rules shall be duly promulgated and published as provided by law, and the violation of any such rules now or hereafter established shall be subject to the penalties provided in this Article. (1946 Code C. 13 §8.)

#### 1161.03 TOILET FACILITIES, SEPARATE FACILITIES.

Where plumbing fixtures are required, separate facilities shall be provided for each sex. The following exceptions shall apply:

1. Separate facilities shall not be required in residential occupancies.
2. Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.
3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less in which food or beverage is served for consumption within the structure or tenant space.

(Ord. 3033. Passed 10/22/1985; Ord. 4088. Passed 9/4/2001.)

#### 1161.04 INSANITARY AND UNFIT BUILDINGS.

(a) Any dwelling, business place, manufacturing establishment, storeroom, warehouse or any building used or occupied as a dwelling or for business purposes, wherein conditions are found to be dangerous or detrimental to the health of the occupants or employees thereof, or to the public, shall be declared insanitary and unfit for habitation or business purposes.

(b) Any dwelling which is vacant for at least six months and has been found to be unfit under this Article or which has been condemned for Code Violations under Article 1733, BOCA National Property Maintenance Code, is declared to be a nuisance under this Article. (Ord. 2898. Passed 7/5/1983.)

#### 1161.05 FAILURE TO ABATE.

Every owner, agent, lessee, lessor or tenant who maintains or fails to abate a building declared insanitary and unfit for habitation or business purposes after a twenty-four hours' notice from the Bureau of Health to do so, shall be guilty of violating the provisions of this Article. (1946 Code C. 13 §11.)

#### 1161.06 PLACARDING.

When the owner, agent, lessee, lessor or tenant of an insanitary house, dwelling, business place, manufacturing establishment, storeroom, warehouse or any building used for dwelling or business purposes fails to comply with the order of the Bureau of Health, the house, dwelling or business place shall be quarantined and a placard stating the nature of the nuisance shall be posted in a conspicuous place where it shall remain until existing conditions have been abated to the satisfaction of a representative of the Bureau of Health. (1946 Code C. 13 §11.)

#### 1161.07 NOXIOUS WEEDS DEFINED; HEIGHT RESTRICTIONS; REMOVAL.

(a) Definitions

“Noxious Weeds” shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; however this term shall not include cultivated flowers and gardens.

“Running Bamboo” means any monopodial, or “running”, woody grass that spread variously, sending out underground runners (rhizomes) which sometimes range far from the parent plant. The definition refers to all parts of the bamboo including the above ground plant, its roots and rhizomes. For the purposes of enforcement of this Article running bamboo shall be identified by the structure of growth and need not be by biological identification.

(b) No person owning or holding real estate shall allow or maintain on any lot within the corporate limits any growth of noxious weeds to a height over one (1) foot if such weeds are within two hundred (200) feet of any buildings or any public right of way. Weeds cut on properties in violation of this ordinance must be removed from the property at the time of cutting. (Ord. 3130. Passed 7/21/1987; Ord. 4045. Passed 11/21/2000; Ord. 2017-14. Passed 4/18/2017)

(c) Any property owner or occupant who, with respect to running bamboo, plants, grows, maintains, or allows any of the same, on the property, or who permits running bamboo to spread from or to an adjoining property, shall be guilty of a summary offense, unless said owner can establish to the reasonable satisfaction of the City or court that the following conditions are met:

- (1) Such running bamboo existed at its then present location prior to the enactment of this ordinance;
- (2) No part of the running bamboo and its root system is closer than 20’ from any property line, utility easement, and public right of way;
- (3) Such running bamboo shall be isolated from all other vegetation by a barrier composed of a high density polypropylene or polyethylene, with a thickness of at least 40 mils. The barrier shall be secured and joined together with stainless steel clamps or stainless steel closure stripes designed to be used with such barriers and shall be installed at least thirty (30) inches deep. At least three (3) inches of barrier must protrude above ground level and the barrier shall slant outward from bottom to top.

(d) Disposal of removed running bamboo plant or root system shall be done in an ecologically sensitive manner within a sealed container.

(Ord. 2017-14. Passed 4/18/2017)

#### 1161.08 INFESTATION BY VECTORS.

When the Bureau of Health determines that an infestation of a building by rats, roaches or other potential disease vectors exists such as to be a health nuisance, owners of property believed to be a source of infestation or to be affected by the infestation shall be responsible to abate such nuisance in a manner and on a schedule prescribed by the Bureau of Health. All such nuisance abatement shall be done by a professional exterminator, certified in restricted-use pesticides, and acceptable to the Bureau of Health. In the event that the property owner shall fail to so act, such

property owner shall be liable for the penalties prescribed herein and the Bureau of Health shall then cause such property to be exterminated at the owner's expense. (Ord. 3033. Passed 10/22/1985; Ord. 2016-15. Passed 6/7/2016)

#### 1161.09 FAILURE TO COMPLY; COST OF LIEN.

Should any person refuse, neglect or fail to comply with any of the terms, provisions and requirements of this Article, or with any notice given in conformity with or pursuant to the provisions hereof, then the Bureau of Health is empowered and directed to engage all labor and furnish all materials necessary or required to comply with the notice and the cost and expense thereof, together with twenty percent, added thereon as a penalty, which shall be certified to the City Solicitor, who shall enter the same as a lien against the property in the Court of Common Pleas of Northampton or Lehigh Counties and shall proceed to collect same in like manner as other municipal claims are by law collectible. (Ord. 3033. Passed 10/22/1985.)

#### 1161.10 LIABILITY OF PROPERTY OWNER.

A property owner shall be equally liable with the tenant for a violation of any of the provisions of this Article and for any expense incurred by proper authority in the abatement of any nuisance specified by the provisions of this Article. (1946 Code C. 13 §14.)

#### 1161.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

- (a) First violation - A fine of \$100.00, or thirty days imprisonment, or both;
- (b) Second violation - A fine of \$250.00, or sixty days imprisonment, or both;
- (c) Third violation - A fine of \$500.00, or ninety days imprisonment, or both;
- (d) Fourth and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.

(Ord. 3033. Passed 10/22/1985; Ord. 3242. Passed 2/7/1989.)