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**PART 1**

**SMOKING IN MUNICIPAL BUILDING**

**§101. Preamble.**

The Borough Council of the Borough of New Oxford recognizes the right and need of those who wish to breath smoke-free air and finds and declares that the smoke of tobacco, tobaccorelated products and tobacco substitutes, filters and other plants or weeds is a hazard to the health of the general public, the officials and employees of the Borough of New Oxford. Accordingly, it has been determined that the health, safety and welfare of the Borough of New Oxford would be furthered by the prohibition of smoking within the Municipal Building of the Borough of New Oxford, located at 101 Berlin Road, New Oxford, Pennsylvania.

(Ord. 358, 6/5/1995, §1)

**§102. Definitions.**

As uses in this Part, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

BOROUGH — the Borough of New Oxford.

SMOKE or SMOKING — the act of burning any tobacco product, weed or filter or plant of any kind in a cigarette, cigar, pipe or in any other device.

(Ord. 358, 6/5/1995, §2)

**§103. Prohibition.**

No person shall smoke in any portion of the Borough's Municipal Building located at 101 Berlin Road, New Oxford, Pennsylvania.

(Ord. 358, 6/5/1995, §3)

**§104. No Preemption.**

This Part shall not be interpreted to permit smoking where it is otherwise restricted by law.

(Ord. 358, 6/5/1995, §4)

**§105. Penalty.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 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 Part continues shall constitute a separate offense.

(Ord. 358, 6/5/1995, §5; as amended by Ord. 384, 6/7/1999)

**PART 2**

**ABANDONED OR JUNKED VEHICLES AND OTHER DEBRIS**

**A. General Purposes and Definitions**

**§201. Purpose.**

The purpose of this Part is to protect the health, safety, morals and welfare of the citizens of the Borough by causing the removal of abandoned, illegally parked, stored, wrecked, junked and stripped vehicles from both public and private property, or the storage, placement or accumulation on private property of junked, wrecked, discarded or abandoned machinery, equipment, household appliances, household furnishings or other debris and waste materials of any kind or description, and to abate public nuisances caused by the storage of, parking of and accumulation of such vehicles, machinery, household appliances, household furnishings or other debris and waste materials of any kind or description which are detrimental to the health, safety, morals and welfare of the citizens of the Borough and which constitute a peril to highway and traffic safety.

(Ord. 306, 10/5/1981, §1)

**§202. Definitions.**

As used in this Part, the following words or phrases shall have the meaning ascribed to them in this Section:

ABANDONED — any item resting for 96 hours or more and which is inoperable, without current registration plates, certificate or inspection or in such a condition as to be unusable.

APPLIANCE — a stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, household articles used to perform any of the necessary work in a household, and articles used in business to increase production or to speed, ease or eliminate work.

DISCARDED — any item resting for 96 hours or more with no known or apparent owner.

HOUSEHOLD FURNISHINGS — includes all items normally found and used in a home.

JUNKED — items sold or to be sold for scrap, being stripped or being used or sold for parts.

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**MACHINERY** — machines or the constituent parts of a machine taken collectively, any combinations of mechanical means designed to work together so as to effect a given end.

**PERSON** — a natural person, the members of an unincorporated association, all of the partners of a partnership and the officers and board of directors of a corporation.

**VEHICLE** — an automobile, motorcycle, motorbike, minibike, bicycle, go-cart, truck or other wheeled means of conveyance, motorized or self-propelled.

(Ord. 306, 10/5/1981, §2)

### **B. Junked, Wrecked, Stripped or Abandoned Vehicles on Public Property**

#### **§211. Authority to Impound Vehicles.**

The Police Department is hereby authorized to remove a vehicle from any street, highway or public place located within the Borough limits, to the nearest garage or lot or other place of safety, or to a garage designated or maintained by the Borough Police Department or otherwise maintained by the Borough, when such vehicle shall be deemed to have been junked, abandoned or discarded, or when such vehicle is parked on any street, highway or public place in the Borough in violation of any law or ordinance of the Borough; provided, no vehicle shall be removed or impounded except in strict adherence to the following Sections of this Part.

(Ord. 306, 10/5/1981, §3; as amended by Ord. 335, 6/6/1988)

#### **§212. Contracts for Towing.**

The Borough Council is hereby authorized and directed to solicit bids and to enter into contracts with one or more reputable private towers to tow to designated pounds vehicles wrecked, abandoned, seized or illegally parked within the limits of the Borough of New Oxford, when such towing service is authorized by the Borough Council or any agent thereof.

(Ord. 306, 10/5/1981, §4)

#### **§213. Contractor's Bond.**

The said contractors shall each give a bond in the sum of \$5,000 to insure the faithful and careful performance of the said contracts.

(Ord. 306, 10/5/1981, §5)

**§214. Towing Charges.**

The towing charges shall be established in the contract between the Borough and the private towing contractors. A copy of the rates charged for towing all types of vehicles shall be posted in a conspicuous place in all designated pounds.

(Ord. 306, 10/5/1981, §6)

**§215. Notice of Intended Removal and Impounding.**

In any case where the violation is not causing immediate harm, and in the discretion of the Police Department, the Police Department shall give 24 hours notice of the intended removal and impounding to the violator.

(Ord. 306, 10/5/1981, §7)

**§216. Police to Notify Owners of Impounded Vehicles.**

Within 12 hours from the time of removal of any vehicle under authority granted by this Section, notice of the fact that such vehicle has been impounded shall be sent by the Police Department to the owner of record of such vehicle. Such notice shall designate the place from which said vehicle was removed, the reason for its removal and impounding, and the garage or lot in which it shall have been impounded.

(Ord. 306, 10/5/1981, §8)

**§217. Effect of Payment of Towing and Impounding Charges without Protest.**

The payment of any towing and impounding charges authorized by this subpart shall, unless such payment shall have been made "under protest," be final and conclusive and shall constitute a waiver of any right to recover the money so paid.

(Ord. 306, 10/5/1981, §9)

**§218. Effect of Payment of Charges Under Protest.**

In the event that any towing and impounding charges so imposed shall be paid "under protest," the offender shall be entitled to a hearing before a District Justice or court of record having jurisdiction, in which case such defendant shall be proceeded against and shall receive such notice as is provided by the Vehicle Code in other cases of summary offenses, and shall have the same rights as to appeal and waiver of hearing.

(Ord. 306, 10/5/1981, §10)

**§219. Records of Vehicles Removed and Impounded.**

The Police Department shall keep a record of all vehicles impounded and shall be able at all times to furnish the owners or agents of the owners thereof with information as to the place of storage of such vehicles.

(Ord. 306, 10/5/1981, §11)

**§220. Owner or Operator of Vehicle Remains liable for Fine or Penalty.**

The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which said vehicle was removed and impounded.

(Ord. 306, 10/5/1981, §12)

**§221. Restrictions Upon Removal of Vehicles.**

No vehicle shall be removed under the authority of this subpart if, at the time of the intended removal thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

(Ord. 306, 10/5/1981, §13)

**C. Private Property**

**§231. Abandoned Vehicles.**

It shall be unlawful to park, store or leave any vehicle of any kind in a wrecked, junked, stripped or abandoned condition, or any vehicle whether occupied or not, in a place where its presence constitutes a hazard on private property, or for the owner of such vehicle, or the owner or occupant of any property, to allow, permit or suffer the same to be left upon a privately owned property unless the same be in a building or authorized in conjunction with a business property primarily devoted to the sale and/or repair of vehicles, and operated pursuant to the laws of the Borough of New Oxford.

(Ord. 306, 10/5/1981, §14; as amended by Ord. 335, 6/6/1988)

**§232. Junked, Wrecked, Discarded or Abandoned Machinery, House-Hold Appliances, Household Furnishings or other Debris and Waste Materials.**

It shall be unlawful to store, place or accumulate on private property any junked, wrecked, discarded or abandoned machinery, household appliances, household furnishings or other debris and waste materials of building, and it shall be unlawful for the owner of such items, or the owner or occupant of any property, to allow, permit or suffer the same to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated pursuant to the laws of the Borough of New Oxford.

(Ord. 306, 10/5/1981, §15)

**§233. Notice to Owners.**

If the Borough Council members or any of their authorized agents find that a violation of this Section exists, they shall notify the owner of the property on which the violation exists, or the owner of the vehicle or other discarded or abandoned item, or both, of the violation, and order the owner of the vehicle or vehicles or other items within 10 days thereof, and the owner of the property on which the vehicle or vehicles or other items are stored or parked, within 10 days thereof, to remove the vehicle or vehicles or other items.

(Ord. 306, 10/5/1981, §16)

**§234. Mode of Notice.**

Notice shall be given by personal service or by certified mail to the last known address of the violator. In the event that, on diligent search, the address of either the property owner or the owner of the vehicle or other items cannot be ascertained, the posting of the notice or copies thereof on the real property, vehicle or other items, structure or area immediately adjacent thereto shall constitute sufficient notice.

(Ord. 306, 10/5/1981, §17)

**§235. Owner may Request Hearing.**

Within 10 days after notice, the party or parties affected may request a hearing with the Borough Council by filing a written request with the Borough Secretary. The Borough Council members, after hearing, shall affirm, withdraw or modify the notice.

(Ord. 306, 10/5/1981, §18)

**§236. Failure to Request Hearing.**

If a hearing is not requested then the parties affected shall proceed to remove, or have removed, the motor vehicle or vehicles or other items from the property in question in accordance with the notice and order.

(Ord. 306, 10/5/1981, §19)

**§237. Notice of Hearing.**

On proper request, a hearing on the matter shall be given forthwith and where more than one party is involved it shall be the duty of the party requesting the hearing to notify the Secretary of the names and addresses of all other parties affected or interested.

(Ord. 306, 10/5/1981, §20)

**§238. Failure to Act; Imposition of Costs.**

If the violation complained of shall not have been remedied within the period as required by the order, the Borough shall, through its own agents, contractors and/or employees, remedy the violations and charge the costs thereof to the real property owner on whose property the vehicles or other items are located. The cost shall, after a proper demand and refusal or a failure to pay after 30 days, constitute a lien on the realty at such time as it shall thereafter be filed by the Solicitor.

(Ord. 306, 10/5/1981, §21)

**§239. Emergency Powers.**

Nothing in this Part shall prevent duly authorized police officials from removing from private property, without notice, any attended or unattended vehicle, the presence of which constitutes a hazard or threat to the life, health, safety, welfare and morals of the citizens of the Borough of New Oxford, and which is immediately dangerous and, in the opinion of the authorized police officials, constitutes a nuisance which gives rise to the existence of emergency conditions.

(Ord. 306, 10/5/1981, §22)

**§240. Applicability of subpart B.**

The provisions of subpart B, concerning the place of storage, towing and charges therefor, and the bonding provisions and the recording of any removal and impounding of junked, wrecked or stripped vehicles shall be followed in any proce-

dures under subpart C, where the same do not conflict with any provision of subpart C.

(Ord. 306, 10/5/1981, §23)

**D. General Provisions**

**§241. Violations and Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine 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 Part continues shall constitute a separate offense.

(Ord. 306, 10/5/1981, §24; as amended by Ord. 384, 6/7/1999)



**PART 3**

**GRASS, WEEDS AND OTHER VEGETATION**

**§301. Definition and Interpretation.**

In this Part, the word "person" shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 255, 11/6/1969, §1)

**§302. Brush, Grass, Weeds and Certain Other Vegetation Unlawful Under Certain Conditions**

No person owning or occupying any property within the Borough of New Oxford shall permit any brush, grass, weeds or any vegetation whatsoever, not planted or grown for some useful or ornamental purpose, to grow or remain upon such property so as to exceed a height of eight inches or to throw off any unpleasant or noxious odor or to conceal any filthy or hazardous condition or produce pollen or encroach on the public sidewalks so as to diminish any portion of the full width of said sidewalk or to cause an unsafe condition, such as a trip hazard or slippery surface upon such sidewalk. Any brush, grass, weeds or other vegetation growing upon any property within the Borough in violation of the provisions of this section is hereby declared to be a nuisance to the public and detrimental to the health, safety, welfare and comfort of the inhabitants of the Borough of New Oxford.

(Ord. 255, 11/6/1969, §2; as amended by Ord. 426, 11/3/2008)

**§303. Responsibility for Removing, Trimming or Cutting Certain Brush, Grass, Weeds and other Vegetation.**

The owner of any premises, whether the premises are vacant or occupied by the owner, and the occupant thereof, if not the owner, shall be jointly and severally responsible for the removal, trimming, or cutting of all brush, grass, weeds or other vegetation growing or remaining upon such property or premises in violation of the provisions of the preceding §302 of this Part. Notwithstanding anything set forth in this Part, the owner may assign his obligations described herein to his tenant; provided, however, that the owner may be solely responsible for all violations and penalties provided under this Part.

(Ord. 255, 11/6/1969, §3; as amended by Ord. 426, 11/3/2008)

**§304. Authority for Borough to Remove, Trim or Cut.**

The Borough Council, or any code enforcement officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner and/or occupant, as the case may be, of any premises whereon brush, grass, weeds or other vegetation is growing or remaining in violation of §302 of this Part, directing and requiring such owner and/or occupant to remove, trim or cut such brush, grass, weeds or other vegetation, so as to conform to the requirements of this Part, within five days after issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim or cut such brush, grass, weeds or other vegetation; and the cost thereof, with an additional charge of 10% thereof, shall be collected by the Borough from such person in default in the manner provided by law.

(Ord. 255, 11/6/1969, §4; as amended by Ord. 426, 11/3/2008)

**§305. Penalty for Violation.**

Any person violating or failing, neglecting or refusing to comply with any provision of this Part, or of any notice given pursuant thereto shall, upon conviction thereof, be sentenced to pay a fine not less than \$50 nor more than \$600 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 Part continues, after the expiration of the time stated in the notice pertaining thereto, shall constitute a separate offense.

(Ord. 255, 11/6/1969, §5; as amended by Ord. 384, 6/7/1999)

**PART 4**

**PROHIBITED BUSINESSES AND INDUSTRIES**

**A. Cemeteries**

**§401. Definition and Interpretation.**

The word "person," as used in this subpart, shall mean and include any natural person, partnership, association, firm or corporation. In this subpart, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 254, 11/6/1969, §1)

**§402. Unlawful to Bury Deceased Persons Except in Established Cemeteries.**

It shall be unlawful for any person to bury any deceased person at any place within the limits of the Borough of New Oxford, except in a cemetery located in the Borough and established prior to the enactment of this subpart.

(Ord. 254, 11/6/1969, §2)

**§403. Unlawful to Establish New Cemeteries or Expand or Enlarge Existing Ones.**

It shall be unlawful for any person to establish or begin the operation of any cemetery at any place within the present or future limits of the said Borough, or to expand or enlarge the area of any cemetery established within the present limits of the Borough prior to the enactment of this subpart, or within any territory subsequently annexed to the Borough after the effective date of such annexation.

(Ord. 254, 11/6/1969, §3)

**§404. Penalty for Violation.**

Any person who shall violate any provision of this subpart shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$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 subpart continues shall constitute a separate offense.

(Ord. 254, 11/6/1969, §4; as amended by Ord. 384, 6/7/1999)

**B. Establishments for Receiving Dead Animals**

**§411. Unlawful to Operate or Maintain Establishments for Receiving or Reduction of Dead Animals.**

No person or persons, partnership, firm or corporation shall operate or maintain an establishment for the receiving of, or for the reduction of, dead animals or any part thereof, within the Borough of New Oxford.

(Ord. 153, 6/6/1945, §1; as amended by Ord. 237, 11/6/1969, §1)

**§412. Penalty for Violation.**

Any person who shall violate any provision of this subpart shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$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 subpart continues shall constitute a separate offense.

(Ord. 153, 6/6/1945, §2; as amended by Ord. 237, 11/6/1969, §1; and by Ord. 384, 6/7/1999)

**C. Noxious Businesses**

**§421. Definitions.**

As used in this subpart:

NUISANCE — any act, occupation or structure which endangers life or health, gives offense to the senses, violates the laws of decency or obstructs reasonable and comfortable use of property, and which affects all people coming within the extent of its range or operation.

PERSON — includes a firm, partnership or corporation.

PERSON RESPONSIBLE — the owner or occupier of such grounds upon which there is a nuisance, dangerous structure, noxious or offensive manufacture, art, trade or business.

(Ord. 205, 8/3/1964, §1)

**§422. Nuisances, ETC., Prohibited.**

No person shall, within the limits of the Borough of New Oxford, maintain a nuisance or dangerous structure on public or private grounds within the Borough.

(Ord. 205, 8/3/1964, §2)

**§423. Noxious Businesses Prohibited.**

No person shall carry on any manufacture, trade or business within the Borough of New Oxford which shall be noxious or offensive to the inhabitants therein.

(Ord. 205, 8/3/1964, §3)

**§424. Determination of Nuisance or Noxious Business.**

The Mayor of the Borough of New Oxford may, upon complaint of any inhabitant of the Borough or upon his own initiative, investigate any activity, business or structure within the Borough to determine whether it constitutes a nuisance, dangerous structure or a manufacture, art, trade or business which is noxious or offensive to the inhabitants of the Borough. After such reasonable investigation, as the Mayor shall consider necessary, he shall determine whether or not such activity or structure is prohibited under the terms of this subpart. If the Mayor determines that the activity or structure does constitute a violation of this subpart, the following shall apply:

- A. In the case of a structure which constitutes a nuisance or which is a dangerous structure, the Mayor shall notify the person responsible to remove the same within 30 days of such notice. Any person aggrieved by the order to so remove shall have the right to appeal to the Borough Council within the time of said notice. If the Borough Council shall sustain the Mayor's determination, the person responsible shall have 15 days from the date of the Borough Council action in which to comply with the Mayor's order. In the case of a person not complying with the Mayor's order, either within the time limit thereof, if no appeal to the Borough Council is taken, or within 15 days after the determination of the Borough, in case there is an appeal, the Borough may cause the nuisance or dangerous structure to be removed and shall collect the costs thereof, together with a penalty of 10% of such costs, from the person responsible in the manner provided by law for the collection of municipal claims or by action in assumpsit.
- B. In the case of a nuisance, noxious or offensive manufacture, art, trade or business, the Mayor shall notify the person responsible to abate the nuisance or to cease carrying on of the noxious or offensive manufacture, art, trade or business within 30 days of the notice. Any person aggrieved by said order may appeal to the Borough Council within the time limit of the order. If the Borough Council sustains the determination of the Mayor, the person responsible shall have a period of 15 days from the time of the Borough Council's determination within which to comply with the order. Any person failing to comply with the said order when the same becomes final shall be guilty of a violation of this sub-

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part and, upon conviction thereof shall, be sentenced to pay a fine not to exceed \$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 subpart continues shall constitute a separate offense. [Ord. 384]

(Ord. 205, 8/3/1964, §4; as amended by Ord. 241, 11/6/1969, §1; and by Ord. 384, 6/7/1999)

### **§425. Remedies of Borough.**

The Borough may, in addition to its other rights or remedies contained in this subpart, institute such actions in law or in equity as the Borough Council may decide, to enforce the provisions of this subpart.

(Ord. 205, 8/3/1964, §5)

## **D. Head Shops, Adult Bookstores and Massage Parlors**

### **§431. Definitions.**

For the purposes of this subpart, the words and phrases set forth below shall have the meaning respectively ascribed to them:

**CONTROLLED SUBSTANCE** — a drug, substance or immediate precursor as defined in Schedules 1 through 5 of the Pennsylvania Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. §790.104, or any amendments thereto.

**DRUG PARAPHERNALIA** — any objects, devices, instruments, apparatus or contrivances whose primary and traditionally exclusive use is in connection with the illegal use of any and all controlled substances under the laws of Pennsylvania.

**EXPOSURE** — the failure to conceal with a fully opaque covering the sexual or genital parts of the body of any person.

**HEAD SHOP** — any business, the operation of which involves the sale, lease, trade or display for sale of any and all types of drug paraphernalia.

**IMMEDIATE PRECURSOR** — a substance which under the regulations of the Pennsylvania Department of Health is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used in the manufacture of a controlled substance.

**MASSAGE** — any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the exter-

nal parts of the human body with the hands or with the aid of any mechanical, electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

MASSAGE PARLOR — any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

OBSCENE MATERIALS — any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or printed matter which:

- (1) Depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving-artificial sexual stimulation; and,
- (2) Taken as a whole, appeals to the prurient interest; and,
- (3) Taken as a whole, does not have serious literary, artistic, political or scientific value.

PRURIENT INTEREST — to be judged with reference to average adults in the local community unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

SADOMASOCHISTIC ABUSE — flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SEXUAL CONDUCT — actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic area or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

SEXUAL EXCITEMENT — the condition of human male or female genitalia when in a state of sexual stimulation or arousal.

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SEXUAL OR GENITAL PARTS – includes the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

(Ord. 310, 2/7/1983, §1)

### **§432. Prohibited Activities.**

The following activities shall be deemed to be in violation of this subpart and any person committing such acts shall be subject to the penalties prescribed herein:

- A. In no instance shall the operation of any business, commonly known as a head shop, which involves in whole or in part, the sale, lease, trade or display for sale of any and all types of drug paraphernalia as defined herein be permitted within the Borough.
- B. In no instance shall the operation of any business which has obscene materials as defined herein as substantial or a significant portion of its stock-in-trade be permitted within the Borough.
- C. In no instance shall the operation of a massage parlor in which any of the following activities are carried on be permitted within the Borough:
  - (1) The treatment of any person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor or registered physical therapist, which order shall be dated and shall specifically state the number of treatments. The date and hour of each treatment given and the name of the person or persons giving the treatment shall be entered on such order by the establishment where such treatments are given and shall be available for inspection by the police. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor or in a regularly established and licensed hospital or sanitarium.
  - (2) The massage of, or physical contact with, the sexual or genital parts of one person by any other person.
  - (3) The exposure of the sexual or genital parts of the body of any person.

(Ord. 310, 2/7/1983, §2)

### **§433. Penalties.**

Any person who shall violate any provision of this subpart shall, upon conviction thereof, be sentenced to pay a fine not less than \$300 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 subpart continues shall constitute a separate offense.

(Ord. 310, 2/7/1983, §3; as amended by Ord. 384, 6/7/1999)



**PART 5**

**PUBLIC HEALTH AND SANITATION**

**§501. "Person" Defined.**

The word "person," as used in this Part, shall mean any natural person, firm, association, partnership or corporation.

(Ord. 276, 5/7/1973, §1)

**§502. Definitions.**

NUISANCE — the unreasonable, unwarrantable or unlawful use of property which causes injury, damage, hurt, inconvenience, annoyance to reasonable rights of persons of property.

REFUSE — hedges, shrubbery, trees, grass, leaves and other similar natural growth not possessing life.

(Ord. 276, 5/7/1973, §2; as amended by Ord. 346, 5/6/1991)

**§503. Unlawful to Maintain Nuisances.**

It shall be unlawful for any person to maintain, or permit to be maintained, a nuisance on any property owned or occupied by such person within the limits of the Borough of New Oxford.

(Ord. 276, 5/7/1973, §3)

**§504. Unlawful to Maintain Conditions Detrimental to Health.**

It shall be unlawful for any person to maintain, or permit to be maintained, on any property owned or occupied by such person within the limits of the Borough of New Oxford, any condition detrimental to health and any such condition shall constitute a nuisance.

(Ord. 276, 5/7/1973, §4)

**§505. Accumulations of Refuse may Constitute Nuisance.**

It shall be unlawful for any person to accumulate or cause or permit the accumulating of garbage, refuse or rubbish on private grounds within the limits of the Borough of New Oxford and any such accumulation shall constitute a nuisance.

(Ord. 276, 5/7/1973, §5)

**§506. Storage of Abandoned or Junked Automobiles may Constitute Nuisance.**

It shall be unlawful for any person to store or cause or permit the storage of any abandoned or junked automobiles on public or private ground within the limits of the Borough of New Oxford, and any such storage shall constitute a nuisance.

(Ord. 276, 5/7/1973, §6)

**§507. Dangerous Structures Unlawful.**

It shall be unlawful for any person to have, cause or permit the existence of any dangerous structure on public or private grounds within the limits of the Borough of New Oxford.

(Ord. 276, 5/7/1973, §7)

**§508. Mosquito Control.**

It shall be unlawful to have, keep, maintain, cause or permit, within the limits of the Borough of New Oxford, any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding. Any collection of water considered in this Part shall be held to be those 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 or flush closets, reservoirs, vessels, receptacles of kind or other containers or devices which may hold water.

(Ord. 276, 5/7/1973, §8)

**§509. Prevention.**

The methods used, or treatment directed, toward the prevention of breeding of mosquitos in collections of water shall be of a type approved by the Borough Council or designated official. The Borough Council or designated official shall, from time to time, issue mosquito control regulations.

(Ord. 276, 5/7/1973, §9)

**§510. Evidence and Violation.**

The presence of mosquito larvae in collections of water shall be evidence that mosquitos are breeding there, and failure to prevent such breeding within 3 days after notice by the Borough Council or designated official shall be deemed a violation of this Part.

(Ord. 276, 5/7/1973, §10)

**§511. Abatement of Nuisances.**

In the event any person shall violate any of the provisions of this Part, the Borough Council may order the abatement or removal of any such nuisance or dangerous structure by the owner or occupier of such grounds, after 15 days written notice to such owners or occupiers to do so and, upon default of the owners occupiers of such grounds to abate or remove such nuisances or dangerous structure as so ordered, the Borough shall abate or remove such nuisance or dangerous structure as so ordered, the Borough shall abate or remove the same or cause its abatement or removal, and collect the cost thereof, together with a penalty of 10% of the cost, in the manner provided by law.

(Ord. 276, 5/7/1973, §11)

**§512. Penalty for Violation.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$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 Part continues shall constitute a separate offense.

(Ord. 276, 5/7/1973, §12; as amended by Ord. 384, 6/7/1999)



**PART 6**

**ENGINE BRAKE RETARDERS**

**§601. Title.**

This Part shall henceforth be known as the "New Oxford Borough Engine Brake Retarder Ordinance."

(Ord. 390, 6/20/2001, §1)

**§602. Intent and Purpose.**

The Borough Council of the Borough of New Oxford, Adams County, Pennsylvania, finds as a fact that the operation of an engine brake retarder on a gasoline-powered or diesel-powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of an engine brake retarder, adversely affects the public health, safety and welfare of the residents of the Borough of New Oxford and, therefore, is a nuisance in fact.

(Ord. 390, 6/20/2001, §2)

**§603. Prohibition.**

No gasoline-powered or diesel-powered motor vehicles shall be operated within the Borough of New Oxford, Adams County, Pennsylvania, utilizing, in said operation, an engine brake retarder causing excessive noise to be created by said motor vehicle through the use of the engine brake retarder.

(Ord. 390, 6/20/2001, §3)

**§604. Exception.**

This Part shall not apply to emergency driving situations requiring the utilization of an engine brake retarder to protect the safety and property of the residents of New Oxford Borough, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

(Ord. 390, 6/20/2001, §5)

HEALTH AND SAFETY

**§605. Signs.**

Signs shall be erected within the New Oxford Borough limits advising motor vehicle operators of the prohibition of the use of engine brake retarders consistent with this Part.

(Ord. 390, 6/20/2001, §5)

**§606. Penalties.**

Any person, firm, corporation or organization violating any of the provisions of this Part shall, upon summary conviction before a District Magistrate/District Justice having jurisdiction, be sentenced to pay a fine of not less than \$300 nor more than \$600 and costs of prosecution, and, in default of payment thereof, shall be sentenced to undergo imprisonment for a period not to exceed 30 days.

(Ord. 390, 6/20/2001, §6)