

## **Chapter 10**

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**Part 1****Administration****§10-101. County Department of Health Jurisdiction.**

It is hereby declared to be the intention of the Township of Baldwin that upon the establishment of the County Department of Health of Allegheny County, the Township will cease to exercise any of the public health functions vested in it by law and become subject to the jurisdiction of the said County Department of Health.

*(Ord. 5-1956, 10/8/1956, §1)*



**Part 2****Littering****§10-201. Definitions.**

In this Part the following definitions apply:

*Garbage* - decayable animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

*Junk* - any old or discarded material or materials, consisting of metals, rags, and similar materials.

*Litter* - includes “garbage,” “refuse,” “rubbish,” and “junk” as defined, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

*Park* - a park, square, playground, beach, recreation center, or other public area in the Township, owned or used by the Township and devoted to recreation.

*Private premises* - any dwelling, house, building, or other structure or parking lot designated, or used either wholly or in part for private residential, industrial, or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

*Public place* - all streets, sidewalks, boulevards, alleys, or other public ways, and all public parks, squares, spaces, grounds, and buildings.

*Public receptacle* - a receptacle placed by the Township at various locations for the reception of litter, other than household or commercial refuse.

*Refuse* - all other material or matter discarded or abandoned as worthless, not included with the term “garbage” or “rubbish,” as above defined.

*Rubbish* - non-putrescible solid wastes consisting of both combustible and non-combustible wastes, including paper, wrappings, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

*Vehicle* - every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Ord. 4-1961, 5/1/1961, §1)

**§10-202. Unlawful Deposit.**

No person shall place on any of the streets, public ways, streams, or sewer inlets of the Township any excrement, filth, garbage, ashes, refuse, waste paper, rubbish, animal carcass, junk, empty boxes or containers, or abandoned matter of any kind.

(Ord. 4-1961, 5/1/1961, §2)

**§10-203. Receptacles.**

No person shall place or deposit litter in or upon any street, sidewalk, or other

public place within the Township except in public receptacles or in authorized private receptacles.

*(Ord. 4-1961, 5/1/1961, §3)*

**§10-204. Manner of Receptacle Use.**

No person shall place or deposit litter in public receptacles or in authorized private receptacles except in such a manner as to prevent it from being scattered or carried by the elements onto any street, sidewalk, other public place, or upon private premises.

*(Ord. 4-1961, 5/1/1961, §4)*

**§10-205. Clearing of Sidewalks.**

Persons owning or occupying private premises shall make reasonable efforts to keep the sidewalk in front of such premises free of litter.

*(Ord. 4-1961, 5/1/1961, §5)*

**§10-206. Unlawful Sweepings.**

No person shall sweep into or deposit in any gutter, street, or other public place the accumulation of litter from any building, lot, or from any public or private sidewalks or driveway.

*(Ord. 4-1961, 5/1/1961, §6)*

**§10-207. Littering from Vehicle.**

No person in a vehicle shall throw or deposit litter upon any street, other public place, or private premises.

*(Ord. 4-1961, 5/1/1961, §7)*

**§10-208. Vehicles to Be Litter-Free.**

No person shall operate a truck or other vehicle unless the vehicle is so constructed or loaded as to prevent its contents from falling, being blown, or deposited upon any street or other public place.

*(Ord. 4-1961, 5/1/1961, §8)*

**§10-209. Unlawful Deposit in Parks.**

No person shall throw or deposit litter in any park, except in public receptacles, and in such a manner as to prevent the litter from being scattered or carried by the elements onto any part of the park, upon any street, or other public place. Where public receptacles are not provided, all litter shall be carried from the park by the person responsible for its presence and properly disposed of elsewhere.

*(Ord. 4-1961, 5/1/1961, §9)*

**§10-210. Unlawful Deposit in Water Body.**

No person shall throw or deposit litter in any fountain, lake, stream, or other body of water.

*(Ord. 4-1961, 5/1/1961, §10)*

**§10-211. Unlawful Deposit on Private Property.**

No person shall throw or deposit litter on any private premises, whether or not owned by such person, except that the owner or person in control of private premises may maintain authorized private receptacles for deposit or collection of litter.

(Ord. 4-1961, 5/1/1961, §11)

**§10-212. Private Property to Be Maintained Free of Litter.**

The owner or person in control of any private premises shall at all times maintain the premises free of litter; provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles.

(Ord. 4-1961, 5/1/1961, §12)

**§10-213. Unlawful Deposit on Vacant Lots.**

No person shall throw or deposit litter on any open or vacant private lots or premises whether owned by such person or not.

(Ord. 4-1961, 5/1/1961, §13)

**§10-214. Township May Clear Litter.**

Procedure for clearing of litter from open private premises by the Township is as follows:

A. *Notice to Remove.* The Chief of Police or other police officer is authorized and empowered to notify the owner of any open or vacant private premises, or the agent of such owner, to remove and dispose of litter located on such premises. Such notice shall be sufficient if mailed to the owner at his last known address.

B. *Action upon Noncompliance.* Upon the failure, neglect, or refusal of any owner or agent to dispose of litter within 10 days after the mailing of the notice provided for in paragraph .A above, the Chief of Police or other police officer is authorized and empowered, by himself or by contract, to dispose of the litter.

C. *Cost to Be Charged to Property Owner.* When the Chief of Police or other police officer has effected the removal of such litter, the cost thereof shall be charged to the owner of the property. Legal interest shall be charged if the amount due the Township is not paid within 30 days from the date the bill is rendered.

D. *Lien.* When the amount due the Township is not paid by the owner within 30 days after a bill for the removal of the litter is rendered, a lien shall be recorded against the property for the cost of removal, in the manner now provided by law.

(Ord. 4-1961, 5/1/1961, §14)

**§10-215. Penalties.**

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 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. 4-1961, 5/1/1961, §15; as amended by Ord. 427, 4/4/2006)

**§10-216. Notice of Certain Violations.**

Whenever an officer observes a violation of the provisions of §§10-204, 10-205, 10-209, 10-210, and 10-212, he shall hand to the violator or leave upon or affix to the premises where the violation occurred a printed notice of violation. The notice of violation shall bear the date, time, and nature of the violation, the fine prescribed therefor, and shall be signed by the officer issuing the notice and shall bear the officer's number. Any person who receives notice of violation may pay a fine in the amount of \$5 within 10 days by admitting the violation and waiving appearance before a magisterial district judge. The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing.

*(Ord. 4-1961, 5/1/1961, §16; as amended by Ord. 427, 4/4/2006)*

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**Part 3****Grass, Weeds, and Other Vegetation****§10-301. Grass and Obnoxious Vegetation; Regulated and Prohibited.**

No person, partnership, firm, or corporation owning or occupying any property within the Township of Baldwin shall permit the following growths and vegetation which are hereby declared to be a detriment to the health, safety, and welfare of the Township:

- A. Grass in excess of 6 inches.
- B. Poison ivy, poison oak, and other toxic vegetation.
- C. Weeds and other obnoxious vegetation.

(*Ord. 341, 10/2/1990, §I*)

**§10-302. Responsibility for Removal and Cutting.**

The owner or occupant of any premises shall remove, trim, or cut all vegetation growing or remaining upon such premises in violation of §10-301.

(*Ord. 341, 10/2/1990, §II*)

**§10-303. Notice of Violation; Noncompliance.**

1. The Board of Commissioners, or any officer or employee of the Township designated thereby, shall give notice by personal service or by registered mail to the owner or occupant, as the case may be, of any premises whereon vegetation is growing or remaining in violation of the provisions of §10-301, directing and requiring such owner or occupant to remove, trim, or cut such vegetation so as to conform to the requirements of §10-301, within 5 days after receipt of said notice.

2. Should the owner or occupant of such premises neglect, fail, or refuse to comply with such notice, the Township or its agents may remove, trim, or cut such vegetation and collect the cost thereof, together with a penalty of 10 percent of such cost, in the manner provided by law.

(*Ord. 341, 10/2/1990, §III*)

**§10-304. Penalties.**

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 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. 341, 10/2/1990, §IV; as amended by Ord. 427, 4/4/2006*)



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**Part 4****Nonoperable and Abandoned Vehicles****§10-401. Unlawful Storage upon Private Property.**

The storage of abandoned, junked, or partially dismantled, uninspected, or unlicensed vehicles, whether on public or private property, is hereby declared to be a nuisance except that this Part shall not apply with regard to a motor vehicle in an enclosed building or in a vehicle repair business in the area zoned commercial/industrial.

(*Ord. 400, 3/6/2001, §1*)

**§10-402. Notice and Abatement of Unlawful Storage.**

Any person, being the owner or occupier of such public or private property, on which such nuisance is located, shall, within 10 days after written notice thereof, mailed by certified or registered mail to his last known address, or posted upon the premises in a conspicuous place thereon, remove said abandoned, junked, partially dismantled, uninspected, or unlicensed vehicle or vehicles.

(*Ord. 400, 3/6/2001, §2*)

**§10-403. Remedial Action Reserved by Township.**

In default of such removal within the time above specified, the Township of Baldwin may cause the same to be done, and collect the cost thereof, or by action of assumpsit, bill in equity, or other relief as authorized by law.

(*Ord. 400, 3/6/2001, §3*)

**§10-404. Penalties.**

In addition to the above remedies, for each and every violation of the provisions of this Part, any owner or occupier of the premises, where such violation has been committed or shall exist, and any other person who knowingly commits, takes part in or assists in any such violation, or who maintains any premises in which such violation shall exist, shall violate any provision of this Part, upon conviction thereof, shall 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 a term of imprisonment not to exceed 30 days. Whenever such person shall have been officially notified by the Township Secretary, or police officer, or by service of a summons or complaint in a legal proceeding under this Part, or in any other official manner, that he is committing or permitting a violation, of this Part, then each day's continuance of such violation, after such notice, shall constitute a separate offense punishable by a like fine or penalty.

(*Ord. 400, 3/6/2001, §4; as amended by Ord. 427, 4/4/2006*)

**§10-405. Inspection.**

The Police Chief or any person designated by him may enter upon private property at all reasonable hours for the purpose of inspecting such vehicle, posting notice thereon and removing such vehicle, and it shall be unlawful for any person to prevent the Police

Chief or any of his designated agents to enter upon private property for the purpose of carrying out his duties as prescribed in this Part.

(*Ord. 400, 3/6/2001, §5*)

**§10-406. Employment of Services for Enforcement.**

The Board of Township Commissioners of the Township of Baldwin is hereby authorized to designate a tow truck or tow trucks and to employ the services and use the facilities of any automobile junkyard for the purpose of enforcing the provisions of this Part.

(*Ord. 400, 3/6/2001, §6*)

**§10-407. Vehicles without Valid Tags and Inspections.**

Subject to the other provisions of this Part, no person shall park or allow to remain parked, on any Township street, any vehicle which does not have displayed conspicuously on the vehicle a current, valid inspection and a current, valid license tag, as required by the laws and regulations of the Commonwealth of Pennsylvania. If a vehicle has a current, valid inspection sticker and/or current, valid license tag from another state, said inspection sticker and/or license tag must be replaced by a Pennsylvania sticker and/or a Pennsylvania tag within the time provided in the law and regulations of Pennsylvania.

(*Ord. 400, 3/6/2001, §7*)

**§10-408. Definitions.**

As used herein, the terms:

*Person* - shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

*Vehicle* - shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.

(*Ord. 400, 3/6/2001, §8*)

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**Part 5****Nuisances****§10-501. Scope.**

From and after the effective date of this Part, no person who owns, controls, or leases any property within the Township shall permit on any of said property any condition or persons productive of a nuisance detrimental to the public health, safety, and welfare of the residents of the Township.

(*Ord. 290, 7/7/1981, §1*)

**§10-502. Prohibited Activities.**

Conditions or the acts of any person constituting a nuisance shall include willfully making any loud, boisterous, or unseemly noise or disturbance; fighting or quarreling or inciting others to fight or quarrel; publicly making use of obscene or indecent language whereby the public peace is broken or disturbed or the traveling public annoyed.

(*Ord. 290, 7/7/1981, §2*)

**§10-503. "Public" Defined.**

The word "public" shall mean affecting or likely to affect persons in a place to which the public has access; among the places included are streets, roadways, apartment houses, schools, residences, and any neighborhood.

(*Ord. 290, 7/7/1981, §3*)

**§10-504. Penalties.**

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 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. 290, 7/7/1981, §4; as amended by Ord. 427, 4/4/2006*)



**Part 6****Noise Abatement Ordinance****§10-601. Short Title.**

This Part shall be known and referred to as the “Noise Abatement Ordinance.”  
(*Ord. 452, 2/1/2011, §1*)

**§10-602. Definitions.**

For the purpose of this Part, the following words, terms and phrases shall have the meanings indicated herein:

*Decibel*—a standard unit for measuring the sound pressure level according to standard scientific principles. Standard notation is dB.

*Emergency*—any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Motor vehicle*—as defined in the Commonwealth’s Motor Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

*Noise*—any sound emitted by a person, an appliance, equipment, an instrument or other device or animal.

*Noise disturbance*—any noise which:

- (1) Endangers or injures the safety or health of humans or animals.
- (2) Willfully, recklessly or negligently annoys or disturbs a reasonable person of ordinary sensibilities.
- (3) Jeopardizes the value of property and/or erodes the integrity, peace or good order of the environment.
- (4) Is plainly audible from a distance of 50 feet or more from its source.
- (5) Is in excess of the allowable noise levels established under this Part.

*Noise plainly audible*—noise for which the information content of that noise is unambiguously communicated to the listener, such as but not limited to, spoken speech or musical rhythms.

*Sound*—a temporal and spatial oscillation in pressure or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.

(*Ord. 452, 2/1/2011, §2*)

**§10-603. General Noise Disturbance Prohibitions.**

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

2. No person shall cause to be made, directly or indirectly, by any means whatsoever, any sound that either:

A. Exceeds the following measurements on the A weighing scale of the sound level meter when measured at any point on the complainant's property:

- (1) 65 decibels (dBA) between the hours of 8 a.m. and 9 p.m.
- (2) 50 decibels (dBA) between the hours of 9 p.m. and 8 a.m.

B. Exceeds the following measurements on the A weighing scale of the sound level meter when measured in the center of a closed room where the complaint originates:

- (1) 50 decibels (dBA) between the hours of 8 a.m. and 9 p.m.
- (2) 40 decibels (dBA) between the hours of 9 p.m. and 8 a.m.

C. Constitutes a noise disturbance as defined in this Part or which violates the general or specific noise prohibitions as set forth in §10-604 hereof.

(Ord. 452, 2/1/2011, §3)

#### **§10-604. Specific Noise Disturbance Prohibitions.**

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

A. *Radio, Television, and Other Audible Devices.* No person shall operate, play or permit the operation of playing of any radio, television, drum, musical instrument, music player, sound amplifier, any similar, or other audible device in a manner which produces, reproduces or amplifies sound:

(1) In such manner as to cause a noise disturbance, as defined by this Part.

(2) Which is plainly audible at a distance of 50 feet from such source on any private or public property, or from, in or on a motor vehicle or hand-carried on a public right-of-way or public space.

(3) Which is plainly audible at a distance of 50 feet from, in or on a motor vehicle from which the noise emanates or which is such that the operator of the vehicle cannot plainly hear or comprehend emergency signals or devices.

(4) Between the hours of 9 p.m. of one day and 8 a.m. of the following day such that the noise disturbance is plainly audible 50 feet or more from its source or if plainly audible through partitions common to two parties within a building.

B. *Motor Vehicles.*

(1) No person shall cause to be discharged upon the open air the exhaust of any stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises from there.

(2) No person shall cause the tires of any motor vehicle to make a squealing or other harsh or loud sound except in the event of an emergency.

(3) No person shall cause a motor vehicle to idle in such a manner as to create a noise disturbance as defined by this Part.

C. *Yelling, Shouting and the Like.* No person shall yell, shout, hoot, whistle

or sing on the public street, particularly between the hours of 9 p.m. on one day and 8 a.m. of the next, or at any time or place, in a manner that creates a noise disturbance, so as to annoy or disturb the quiet, comfort or repose of persons in any school, church or office, or any dwelling, hotel or other type of residence, or of any persons in the vicinity.

D. *Animals, Birds, Etc.* No person shall own, possess, harbor or control any animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of 10 minutes or more, or which makes such noise intermittently for 30 minutes or more, to the disturbance of any person at any time of the day or night, regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other cause which teased or provoked the animal or bird.

(Ord. 452, 2/1/2011, §4)

#### **§10-605. Exemptions.**

The prohibitions of this Part shall not apply to the following:

A. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

B. Noises caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.

C. Noises resulting from the provision, repair and maintenance of municipal/governmental facilities, services or public utilities.

D. The playing of music for specifically permitted carnivals, parades and concerts within the Township of Baldwin.

(Ord. 452, 2/1/2011, §5)

#### **§10-606. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall 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 a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated after notice to desist shall constitute a separate offense.

(Ord. 452, 2/1/2011, §6)

