

CHAPTER 13

NUISANCES

ARTICLE A PURPOSE AND DEFINITIONS

Section 13-1 Purpose

The purpose of this Chapter is to provide for the protection and promotion of the public health through the prevention and abatement of operations and conditions which may constitute a public health nuisance.

Section 13-2 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

COMMUNITY SEWAGE SYSTEM - Any system, whether publicly or privately owned, for the collection, treatment and/or disposal of sewage and/or industrial wastes of a liquid nature including various devices for the treatment of such sewage or industrial wastes, serving one or more individual lots.

ESTABLISHMENT - Any industrial establishment, mill, factory, tannery, paper or pulp mill, garage, oil refinery, oil well, boat, vessel, mine, coal colliery, breaker or coal processing operation, dredging operations, quarry, and each and every other industry, plant, or works.

GARBAGE - All putrescible wastes (except sewage and body waste); including but not limited to animal and vegetable offal.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM - Any single system of piping, tanks, or other facility for the disposal of sewage, in whole or in part, into the soil or into the waters of the Commonwealth, and which is not accessible to or does not connect with a community sewerage system operated under permit of the Pennsylvania Department of Environmental Protection.

INDUSTRIAL WASTE - Any liquid, gaseous, radioactive, solid, or other substance, not sewage, which results from any manufacturing or industry, or from any establishment (as defined above), as well as any mine drainage, silt, coal mine solids, rock, debris, dirt, and clay from coal mines, coal collieries, breakers, or other coal processing operations. This term shall include all such substances whether or not they are generally characterized as waste.

NUISANCE - Whatever is dangerous to human life or detrimental to public health.

PREMISES - A lot, plot, or parcel of land, including the buildings and structures thereon.

REFUSE -All non-putrescible wastes, generally regarded and classified as rubbish, trash, junk, and similar designations.

SEWAGE - Any substance which contains any of the waste products, excrement, or other discharge from the bodies of human beings or animals, and any biological, chemical, radioactive, or other noxious or deleterious substance which is harmful or inimical: to the public health; to animal or aquatic life; or to use of water for domestic water supply or for recreation. This term shall include kitchen and laundry waste.

SOLID WASTE - All combinations of ashes, garbage, refuse, hazardous material, combustible materials, and industrial wastes, or any part thereof, which are not disposed of under a permit issued by the Pennsylvania Department of Environmental Protection.

VECTOR (of disease) - Any living creature that transmits an infectious agent to humans.

WATER SUPPLY - A source or sources of water, as well as any and all water treatment, storage, transmission, and distribution facilities.

WATERS OF THE COMMONWEALTH - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs, and all other bodies or channels of surface and underground water, or any of their parts whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

ARTICLE B GENERAL PROVISIONS

Section 13-3 Sewage Disposal

- a. Construction and use of Receptacles- No individual sewage disposal system, community sewerage system, privy, cesspool, urinal, or other receptacle for sewage shall be constructed, maintained, or used which directly or indirectly drains or discharges over or upon the surface of the ground or into the waters of the Commonwealth.
- b. Cleansing of Receptacles- All individual sewage disposal systems, community sewerage systems, privies, cesspools, urinals or other receptacles for sewage shall be emptied or cleansed at sufficiently frequent intervals to prevent the contents from overflowing.
- c. Transportation of Sewage- The transportation of sewage shall be accomplished in water-tight containers with tight-fitting covers which are approved by the Department. Such containers shall be thoroughly cleansed after each use.
- d. Disposal of Sewage:
 - i. No sewage shall be placed on the surface of the ground, buried, or otherwise disposed of where it is likely to gain access to any waters of the Commonwealth, unless approved and licensed by the Department and/or the Pennsylvania Department of Environmental Protection. The use of sewage as fertilizer is permissible as long as such use does not become a nuisance detrimental to the public health.
 - ii. The contents of individual sewage disposal systems, community sewerage systems, privies, cesspools, urinals, or other receptacles for sewage shall not be used on any ground on

which vegetables which are eaten uncooked by humans are being grown.

- e. Public Accommodations- Sufficient and suitable free privy or toilet accommodations, as determined by the Department shall be provided at all buildings and premises which are open to the public. Such accommodations must be well-lighted, ventilated and separated for each sex.
- f. Accessibility of Public Sewers - No individual sewage disposal system, privy, cesspool, or similar receptacle for sewage shall be constructed, maintained, or used on premises where a sewer which is part of a sewer system from which sewage is discharged in the waters of the Commonwealth under a permit from the Pennsylvania Department of Environmental Protection is "accessible" (as this word is defined in the appropriate State, county or local law regulating public sewers.)
- g. Discharge of Wash Water - No kitchen, bathtub, shower, pool, or laundry water shall be allowed to discharge or flow over or upon the surface of the ground, or into the waters of the Commonwealth, and shall, instead, be required to discharge or flow into the applicable individual sewage disposal system or community sewerage system.

Section 13-4 Decaying Matter

- a. Disposal of Decaying Matter:
 - i. No garbage, offal, pomade or dead animals shall be thrown, deposited, cast, or permitted to accumulate upon the ground, in or on any ravine, ditch or gutter, on any street, highway, or thoroughfare, or anywhere where it is likely to gain access to or to contaminate the waters of the Commonwealth.
 - ii. The transportation of organic waste shall be effected in watertight vehicles or containers, properly covered to avoid spillage, cleansed at sufficient intervals to prevent obnoxious odors, and shall be in accord with the provisions of these Rules and Regulations, where applicable.
- b. Accumulation of Manure - Manure shall not be allowed to

accumulate in any place where it may contaminate any source of drinking water or any waters of the Commonwealth, or where it may contribute to the breeding of vectors so as to become a nuisance detrimental to the public health.

- c. Dead Animal Carcasses:
 - i. The carcass of any dead animal not killed for food shall be removed and disposed of by burial or incineration or some other sanitary method, within twenty-four (24) hours after death.
 - ii. If the carcass is buried, it shall be placed so that every part shall be covered by at least two (2) feet of earth, at a location not less than: one-hundred (100) feet from any waters of the Commonwealth, and ten (10) feet from the seasonably high ground water table and/or bedrock formation. This location shall not be subject to overflow by the waters of the Commonwealth.
 - iii. In all cases of death from communicable disease, the carcass shall be thoroughly enveloped in unslaked lime.

Section 13-5 Water

- a. Stagnant Water - No person shall maintain or permit to be maintained any pond, privy vault, cesspool, well, cistern, rain barrel, individual sewage disposal system, community sewerage system, or other receptacle or system containing water, unless such receptacle or system is constructed and maintained in a manner to prevent the breeding of mosquitoes, flies, or vectors of disease.
- b. Water Supply - No owner, operator, or occupant of any premises shall maintain any well, spring, cistern, or other source of water supply used for drinking or household purposes to which the public has or may have access, and which is polluted or which is so situated or constructed that it may become polluted in any manner which may render such water supply injurious to the public health.

Section 13-6 Industrial Establishments and Industrial Wastes

- a. No person maintaining a slaughterhouse, rendering works, depository of dead animals, glue works, tannery, wool-washing establishment, paper mill, byproduct coke oven, dye works, oil refinery, dairy, creamery, cheese factory, milk station, or similar establishment; or engaged in the manufacture of gas, chemicals, explosives, fertilizers, or similar products; or in the business of soap making, fish oil extraction, bone boiling, or any similar occupation; or maintaining any other " establishment" that is defined in Section 13-2, above, shall allow any of the following:
 - i. Any noxious gases, which are deleterious or detrimental to public health, to escape into the air.
 - ii. Any substance, which is deleterious or detrimental to public health, to:
 - (a) accumulate upon the premises;
 - (b) be thrown or allowed to discharge into any street, roadway, or public place; or
 - (c) be thrown or allowed to discharge into any waters of the Commonwealth.
- b. All "establishments" (as defined in Section 13-2 above) including, but not limited to, slaughterhouses, rendering works, bone boiling establishments, depositories for dead animals, garbage disposal works, piggeries, and similar establishments which handle organic matter, shall have an adequate water supply for the purpose of keeping the establishment clean and sanitary. All floors in each establishment shall be constructed of concrete or other impervious material, and shall have adequate provision for drainage to a cesspool or other individual sewage disposal system which is approved by the Department, or a community sewerage system which is approved by the Pennsylvania Department of Environmental Protection.
- c. No pigsty, piggery, livestock operation, or any other similar operation or facility shall be built or maintained on marshy ground or land subject to overflow where it may prejudicially affect any water supply, or where, as a source of vector breeding, it may become a

menace to the public health, or where it may otherwise affect the waters of the Commonwealth. The following requirements shall also be met for any of these said operations or facilities:

- i. If garbage is fed to pigs or any other livestock, provisions shall be made so that all unconsumed garbage shall be removed daily and disposed of by burial or incineration.
- ii. All garbage shall be handled and fed upon platforms of concrete or other impervious material.
- iii. Unslaked lime, hypochlorite of lime, borax or mineral oil shall be used daily in sufficient quantities to prevent the breeding of mosquitoes, flies, or vectors.
- d. No livestock, feedlot, spraying dock, loading and unloading dock, or any other such facility of operation shall be located so as to allow sewage to have direct or indirect access to the waters of the Commonwealth. An exception shall be made, however, for any livestock crossing.

Section 13-7 Open Burning

No person, municipality, or authority shall burn any refuse or solid waste except at a site permitted and licensed for such use by the Pennsylvania Department of Environmental Protection.

Section 13-8 General Standards and Abatement of Nuisances

- a. No person shall do or assist in any act which is or may be detrimental to the public health or the life or health of any individual unless the act is authorized by law. No person shall fail to do any reasonable act or take any necessary precaution to protect human life and health.
- b. No person shall commit or maintain a nuisance and no person shall allow such a nuisance to exist or to be created in respect of any matter, thing, property, or premises which he/she/they owns or controls.