

**NEW BETHLEHEM BOROUGH,
CLARION COUNTY, PENNSYLVANIA**

Ordinance No. 868

**AN ORDINANCE PROVIDING FOR THE ERADICATION OF RATS AND
PESTS IN AND AROUND BUILDINGS AND WATERCOURSES WITHIN THE
BOROUGH OF NEW BETHLEHEM, THE ELIMINATION OF RAT AND PEST
HARBORAGE, AND THE ALTERATION OF STRUCTURES SO AS TO
PREVENT FUTURE RODENT OR PEST INFESTATION**

WHEREAS, it is the intent of the Council of New Bethlehem Borough to take reasonable measures to foster and protect the health, safety and well-being of the community;

WHEREAS, it has been observed by and reported to officials of New Bethlehem Borough that there are buildings and structures within the Borough of New Bethlehem that are infested with rats, pests and other rodents;

WHEREAS, the members of the New Bethlehem Borough Council recognize that rat, rodent and pest infestation and harborage pose a serious public health threat;

BE IT ORDAINED BY THE COUNCIL OF NEW BETHLEHEM BOROUGH,
CLARION COUNTY, PENNSYLVANIA:

SECTION I. PURPOSE

It is the purpose of this ordinance to protect the public health, safety, and welfare by requiring owners and occupants of buildings and watercourses in the borough to eradicate rats, rodents and other pests residing in and around such locations, eliminate rat, rodent and pest harborage, and rat-proof structures in order to eliminate the serious health hazard presented by rats, rodents and other pests. It is also the purpose of this ordinance to require measures to eliminate rodent harborage and infestation in commercial establishments where food is stored and to rodent-proof animal feed containers.

SECTION II. DEFINITIONS

- A. BUILDING.** Any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.
- B. OCCUPANT.** Any person living in, sleeping in, possessing, or otherwise using any building or part thereof.

- C. **OWNER.** Any person who, alone or jointly or severally with others, or in a representative capacity, including without limitation, an authorized agent, executor, or trustee, has legal or equitable title to any building with or without actual possession thereof.
- D. **RAT ERADICATION.** The elimination or extermination of rats within and adjacent to buildings by any accepted measure, including without limitation, poisoning, fumigating, or trapping.
- E. **RAT HARBORAGE.** Any plant growth, object, condition or structure that provides rats with shelter from the weather, protection from predators, or sites for nest building and rearing of young.
- F. **RAT PROOFING.** Any form of construction to prevent the ingress of rats into buildings from the outside or from one building to another and consists of treatment with material impervious to rat gnawing of all actual or potential openings in exterior walls, ground or first floors, basements, roofs, and foundations that may be reached by rats from the ground, by climbing, or by burrowing.
- G. **RODENT.** Members of the order of rodentia, including, without limitation, rats and mice, any other introduced rodents, and various native species such as field mice, moles, voles, and wood rats.

SECTION III. REQUIREMENTS

A. BUILDINGS

1. All buildings, docks, store rooms, warehouses, grain elevators, slaughterhouses, and residences (hereinafter referred to as “buildings”) within the Borough of New Bethlehem (hereinafter referred to as “borough”) and premises within the borough shall be kept free from any condition conducive to rodents and other pest life. The person in control shall not allow the accumulation of water, garbage, building material, brush or any other material which may afford harborage or provide food for rodents or other pest life. All buildings and premises shall be maintained in a clean and sanitary condition and rendered free from rodents and other pests.
2. It shall be unlawful for any person to keep, store, or expose for sale any food products or other goods, wares, or merchandise; or to occupy or maintain any building or premises; or to reside in any residence without complying with the provisions of this Ordinance.
3. It shall be the duty of the owner, lessee, operator, or occupant (hereinafter referred to as the “owner or occupant”) of any building to take such preventive and remedial rodent-proofing measures as required to comply with the provisions of this ordinance.

4. No owner or occupant of a building shall fail to rat-proof it or to maintain such building and its adjacent premises free of rats or fail to repair all breaks or leaks in rat-proofing material.
5. No occupant or owner of any building or any contractor or other person shall remove rat-proofing from any building and fail to restore it in a satisfactory condition, shall damage it without restoring it, or shall make any new openings that are not closed or sealed effectively against the entrances of rats.
6. No person shall construct, repair, or remodel any building unless such construction, repair, or remodeling renders the building rat-proof as required by this ordinance.
7. No building shall be demolished until the Borough Council, through its authorized inspectors, certifies that the building and premises are free from the infestation of rodents or other pests.

B. PROTECTION OF FOOD

1. All food products or other goods, whether kept for sale, storage, handling or for any other purpose, shall be so protected as to prevent rodents from gaining access thereto or coming in contact therewith. Protection includes taking construction measures to prevent the ingress of rodents into the building from the exterior or from one building to another by treating with material impervious to rodent gnawing all actual or potential openings in exterior walls, ground or first floors, basements, roofs, and foundations that may be reached by rodents from the ground, by climbing, or by burrowing.
2. No person shall fail to store feed for chickens, cows, pigs, horses, and other animals in rodent-free and rodent-proof containers or rooms or a rodent-proof building.

C. ELIMINATION OF HARBORAGE

1. No owner of a ditch, drainage pond, lake, or other water course or body of water shall fail to eliminate harborage of food sources for rats or other pests or to eradicate rat or pest infestation when it occurs on such property.
2. No owner of vegetation, which includes, but is not limited to grass, weeds and shrubs, shall fail to eliminate the vegetation when evidence is found of rodent activity. Elimination includes cutting and removal of vegetation that provides for rodent harborage.

SECTION IV. ADMINISTRATION

A. **INSPECTION-RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce or determine compliance with the provisions of this ordinance or whenever the Borough Council has cause to believe that a violation of this ordinance has been or is being committed, the Borough Council, through its authorized inspectors, as designated by the Borough Council, may enter any land, building, structure, or premises at reasonable times to inspect the same. If entry is refused, the authorized inspector shall have recourse to the remedies provided by law to secure entry, including but not limited to search warrants.

B. VIOLATIONS-ENFORCEMENT

1. If the Borough Council, through its authorized inspectors, finds that any person has failed to rat-proof a building or maintain it in a rat-free or pest-free condition, the Borough Council shall direct the Borough Secretary to notify the owner or occupant of the duty to rat-proof or to eradicate a rat or pest infestation and order that the owner or occupant has fourteen (14) days in which to complete required rat or pest-proofing and/or rat or pest eradication measures. The Borough Secretary may extend the time limit if the owner or occupant shows good cause by means of written notification delivered to the Borough Secretary. Notice to the owner or occupant under this subsection is sufficient if it is deposited in the mail by first class mail to the last known address of the property owner on the records of the borough.
2. Whenever the Borough Secretary issues a notice and order to the owner or occupant of a building or premises that there is evidence of rodent or pest infestation of the building or premises, said owner or occupant shall also continuously maintain such measures in a satisfactory manner until the building or premises is declared by the Borough Council, through its duly authorized inspectors, to be free of rodent or pest infestation.
3. The owner or occupant of any rodent-proofed building or premises is required to maintain the building or premises in a rodent-proof condition and to repair all breaks that may occur in the rodent-proofing without a specific order from the Borough.

SECTION V. PENALTIES

1. Any owner or occupant who fails to comply with any provision of this ordinance within the time period provided in Section IV(B)(1) after notice of the violation is given, shall be guilty of a summary offense upon conviction by the District Justice, and shall be subject to a fine not to exceed the maximum of five hundred dollars (\$500) plus costs of prosecution, or imprisonment for a term not to exceed thirty (30) days, or any combination of the foregoing penalties. Each fourteen (14) days that prohibited conditions are maintained shall constitute a separate offense.
2. If the owner or occupant fails to comply with the notice and order in Section IV, in addition to the penalties in Section V.1, Borough Council shall cause such building or

structure to be brought into compliance with this ordinance and the costs of such repair and eradication, plus attorneys' fees and costs of such actions, shall be charged against the property as a municipal lien and/or to be recovered in a suit at law against the owner.

3. In order to enforce penalties, the Borough Council may also, after default of the original fourteen (14) days notice, issue a cease operations order setting forth the violation and any unpaid fines, court costs and/or costs of repair or eradication and shall cause the premises to be vacated of all employees, patrons and occupants until all such charges are paid. Any cease operations order shall be and remain posted at every entrance to the premises until all such charges are paid and the order is removed by the Borough Council or its agents.

SECTION VI. SEVERABILITY

If any section or provision of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section or provision not adjudged invalid or unconstitutional.

ORDAINED and ENACTED as an Ordinance of the Borough of New Bethlehem, Clarion County, Pennsylvania, this 21st day of February, 2006.

NEW BETHLEHEM BOROUGH

By: s/ Gary D. Shea
President of New Bethlehem Borough Council

ATTEST:

s/Richard D. McGarrity
Secretary

The foregoing Ordinance of the Borough of New Bethlehem is hereby approved by the Mayor of New Bethlehem Borough on the 21st day of February, 2006.

Tom Seidle
Mayor of the Borough of New Bethlehem