

Chapter 10

Health and Safety

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Part 1**Public Nuisances****§10-101. Title.**

This Part shall be known as the “Public Nuisance Ordinance of the Borough of Hatboro.”

(Ord. 838, 12/18/1989, §1)

§10-102. Definitions.

1. In interpreting this Part, the singular shall include the plural and the masculine shall include the feminine. The word “person” includes natural person, partnership, firm, association, corporation, or Borough authority.

2. The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

Borough—the duly incorporated Borough of Hatboro, County of Montgomery, Commonwealth of Pennsylvania, in the United States of America.

Borough Council—the duly elected members of the Borough Council of the Borough of Hatboro.

Borough official—a duly appointed official of the Borough of Hatboro designated to enforce this Part.

Public nuisance—any action, obstruction, noise, or odor created, maintained, or continued so as to be injurious to health or an obstruction to the use of property or interferes with the repose, health, safety, life, or welfare of the public.

Right-of-way—a public street, road, or highway, lane, alley, sidewalk, or footpath officially dedicated and accepted by the Borough of Hatboro. Right-of-way shall include all that area between the legal right-of-way lines.

Sidewalk—a paved area lying between the curb line and the right-of-way or property line.

(Ord. 838, 12/18/1989, §2)

§10-103. Legislative Intent.

It is the intent of this Part to establish standards for the control and prevention of public nuisances and to promote an atmosphere of quiet, dignity, respect for rights of others, and to encourage cleanliness, safety, and order for the citizens of the Borough of Hatboro.

(Ord. 838, 12/18/1989, §3)

§10-104. Prohibited Acts.

1. No person shall permit the accumulation of refuse, trash, garbage, decaying vegetable matter, or organic waste substances of any kind including compost piles; or any other substance which emits odor, or fumes, or which may decay or deteriorate so

as to cause a danger or annoyance to others; either within any building or structure, or on any property within the Borough of Hatboro. [Ord. 907]

2. No person shall place, deposit or throw refuse, trash, garbage, decaying vegetable matter, or organic waste substances of any kind into any ravine, ditch or gutter, in any public right-of-way, or into any watercourse, pond, retention basin, or water control facility in the Borough of Hatboro.

3. No person shall permit a dead animal to remain exposed upon the surface of the ground; and, no putrid or decaying animal shall be kept in any building or structure in the Borough of Hatboro. Dead animals shall be disposed of in a sanitary fashion. Small rodents and birds may be buried deep enough so as to prevent their being dug up by other foraging animals. Deceased household pets should be delivered to a veterinarian or the SPCA for proper disposal unless the pet owner has made other legal arrangements for final disposal.

4. No person shall be permitted to dispose of refuse, trash, or garbage within the Borough of Hatboro except in accordance with current regulations regarding trash and garbage collection and disposal.

5. No person shall permit the accumulation of still or stagnant water upon their property so as to encourage the breeding of mosquitos. All marshes, swamps, and all pools or ponds, either natural or artificial, shall be maintained by the owner to prevent the breeding of mosquitos.

6. No person shall permit the chemical control of mosquitos other insects or rodents, or control of vegetation, except in accordance with current regulations regarding the use and storage of chemicals within the Borough of Hatboro. No person may spray chemicals for insect or vegetation control in such a fashion as to cause the spray to extend beyond their own property lines without first having received permission of the adjoining property owner to do so.

7. No person may burn any matter, thing, or substance within the limits of the Borough of Hatboro which shall emit into the air any foul or obnoxious odor. All burning must be done in accordance with current fire code provisions.

8. No person shall maintain any well, spring, cistern, or other source of water supply used for drinking or household purposes.

9. No person shall permit the drainage of household waste water into any gutter, watercourse, alley, or street. Water drained from swimming pools or other outdoor ponds, fountains, or similar water containers shall not be permitted to drain onto any public right-of-way without the permission of the Code Enforcement Officer. Such water may be drained directly in natural waterways or storm drains so long as the water does not contain any hazardous chemicals and the waterway or storm drain can adequately handle the increased water flow.

10. Owners of all property situate in the Borough of Hatboro shall keep their property reasonably free of weeds, wild honeysuckle, underbrush, cans, bottles, or any other refuse or debris which will create or harbor for rats or vermin. Owners of all property situate in the Borough of Hatboro must keep grass cut and brush or trees trimmed in the sidewalk or roadside areas adjoining their property so as to permit free and easy access to all public rights-of-way.

11. No person shall use any right-of-way in the Borough of Hatboro in a reckless

manner which causes danger to others or themselves, including the reckless use of roller skates, skate boards, wagons, carts, tricycles and bicycles, pogo sticks, or any other device or vehicle.

12. No person shall obstruct any public right-of-way so as to impede the use of the right-of-way in a safe manner, including the placing of signs, display of goods offered for sale, or any other action which is not specifically authorized by permit or by law.

13. No person shall discard or abandon in any place accessible to children, or shall leave or store unattended in any such place, any airtight container including, but not limited to, a refrigerator, freezer, chest, or wardrobe having a capacity of 1½ cubic feet or more and having an attached door or lid or similar moving, closing, or accessory with a latch, closing, or locking device.

14. *Weeds and Vegetation.*

A. No person, firm, or corporation, owning or occupying any property within the Borough of Hatboro, shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises, within 40 feet of a property line, so as to exceed a height of 6 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds, or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Borough.

B. The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim, or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of the provisions of paragraph .A.

C. The Borough Council, or any 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 or occupant, as the case may be, of any premises whereon grass, weeds, or other vegetation is growing or remaining in violation of the provisions of paragraph .A, directing and requiring such occupant to remove, trim or cut such grass, weeds, or vegetation, so as to conform to the requirements of this Part within 5 days after the issuance of such notice. In case any person, firm, or corporation 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 grass, weeds, or vegetation, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Borough from such person, firm, or corporation, in the manner provided by law.

[*Ord. 907*]

(*Ord. 838, 12/18/1989, §4; as amended by Ord 907, 9/23/1996, §10-104*)

§10-105. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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. 838*, 12/18/1989, §5; as amended by *Ord. 907*, 9/23/1996, §10-105)

Part 2**Noise****§10-201. Title.**

This Part shall be known as the “Anti-noise Ordinance of the Borough of Hatboro.”
(*Ord. 759, 7/22/1985, §1*)

§10-202. Findings; Purpose.

1. Whereas, excessive noise is a serious hazard to the public health and welfare and the quality of life.

2. Whereas, the people have a right to and should be ensured an environment free from noise that may jeopardize their health or welfare, or degrade the quality of life.

3. Whereas, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promotion of the public health, comfort, convenience, safety, and welfare and the peace and quiet of the inhabitants of the Borough of Hatboro.

4. Now, therefore, it is the policy of the Borough of Hatboro to prevent noise which may jeopardize the health or welfare of its citizens or degrade the quality of life.
(*Ord. 759, 7/22/1985, §2*)

§10-203. Terminology and Standards.

All terminology used in this Part and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

(*Ord. 759, 7/22/1985, §3*)

§10-204. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

Borough—Hatboro Borough, Montgomery County, Pennsylvania.

Continuous noise—a steady, fluctuating or impulsive noise which may or may not contain a pure tone, which varies in sound pressure level such that the same level is obtained repetitively at reasonable uniform intervals of time.

Department—any Borough agency.

Device—any mechanism which is intended to produce or which actually produces noise when operated or handled.

Emergency vehicle—a motor vehicle used in response to a public calamity or to protect persons or property from imminent danger.

Emergency work—work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to

protect person or property from an imminent exposure to danger.

Motor vehicle—any vehicle which is propelled or drawn by mechanical equipment, such as but not limited to passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles.

Muffler—any apparatus consisting of baffles, chambers, or acoustical absorbing materials, whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end.

Noise—any sound which is unwanted or which causes or tend to cause an adverse psychological effect on human beings.

Noise disturbance—any sound which annoys, disturbs or perturbs reasonable persons with normal sensitivities; or any sound which injures or endangers the comfort, repose, health, hearing, peace, or safety of other persons.

Person—any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of the United States, a state or any political subdivision of that state.

Plainly audible noise—any noise for which the information content of that noise is unambiguously communicated to the listener, such as but not limited to, understandable spoken speech or comprehensive rhythms.

Powered model vehicles—any powered vehicle, either airborne or land borne, which are not designed to carry persons or property, such as, but not limited to, model airplanes, boats, cars, or rockets and which can be propelled by mechanical means.

Property boundary—any imaginary line at the ground surface, which line separates the real property owned by one person from that owned by another person and its vertical extension.

Public right-of-way—any street, avenue, boulevard, highway, alley, or similar place which is owned or controlled by a public government entity.

Repetitive impulsive noise—any noise which is composed of impulsive noises that are repeated at sufficiently slow rates.

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 that propagates at finite speed to distant points.

Stationary emergency signaling devices—any device, excluding those attached to motor vehicles, used to alert persons engaged in emergency operations. These include, but are not limited to, firefighters, first aid squad members, and law enforcement officers, whether paid or volunteer.

Stationary noise source—any device, fixed or movable, which is located or used on geographically defined, real property other than a public right-of-way.

Time—prevailing time in the Borough of Hatboro.

(Ord. 759, 7/22/1985, §4)

§10-205. Enforcement.

It shall be the duty and responsibility of the Police Department of the Borough of

Hatboro to enforce the provisions of this Part.

(Ord. 759, 7/22/1985, §5)

§10-206. Method of Enforcement.

A violation of this Part shall be cause for a citation to be issued forthwith; provided, however, that if the noise source is not a motor vehicle moving on a public right-of-way, in lieu of a citation, enforcement personnel may issue a notice in writing, which may be served personally or by certified mail to the last known address of the person or persons in charge of or in control of the device, building, or premises. The notice shall state the nature of the violation and a specific time period for the correction and abatement of the violation. Failure to comply with the notice so issued shall constitute a violation of this Part.

(Ord. 759, 7/22/1985, §6)

§10-207. Power of Borough.

In order to implement the purposes of this Part, the Police Department of the Borough of Hatboro shall have the following powers:

A. *Inspections.* For reasonable cause and upon presentation of proper credentials, to enter any building, property, premises, or place and inspect any noise source for the purpose of ascertaining the compliance or noncompliance with any provisions of this Part, or have access to and require the production of books and papers pertinent to any matter under investigation.

(Ord. 759, 7/22/1985, §7)

§10-208. General Prohibitions.

It shall be unlawful for any person to make, continue or cause to be made or continued, or caused, any excessive or unusually loud noise, or to create a noise disturbance within the limits of the Borough of Hatboro.

(Ord. 759, 7/22/1985, §8)

§10-209. Specific Prohibitions.

The following acts, among others, are declared to be loud, disturbing, or excessive noise and/or noise disturbance in violation of this Part, but said enumeration shall not be deemed to be exclusive:

A. *Horns and Signaling Devices.* The sounding of any horn or signaling device on any motor vehicle except when used simultaneously with braking to avoid a pending accident or as required in the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

B. *Radios, Television Sets, and Similar Devices.*

(1) Operating or permitting the use or operation of any radio receiving set, musical instrument, television set, phonograph, drum, or other device for the production or reproduction of sound in such manner as to cause a noise disturbance.

(2) Operating any such device between the hours of 10 p.m. and 8 a.m. the following day in such a manner as to be plainly audible across real property boundaries or through partitions common to two parties within a building and

plainly audible at 50 feet from such device when operated within a motor vehicle parked on a public right-of-way or on a public space.

C. *Exterior Loudspeakers.* Using or operating any mechanical device or loudspeaker in a fixed or movable position exterior to any building or mounted upon any aircraft or motor vehicle, such that the sound therefrom is plainly audible at or beyond the property boundary of the source or on a public right-of-way.

D. *Animals.* Owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual howling, barking, meowing, squeaking, or other noise making shall cause a noise disturbance. The provisions of this Section shall apply to all private or public facilities, including any animal pounds which hold or treat animals.

E. *Loading Operations.* Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage cans, or other similar objects between the hours of 6 p.m. and 7 a.m. the following day in such a manner as to cause a noise disturbance.

F. *Construction Noise.* Causing excessive noise, or operating or causing to be operated, any equipment used in commercial construction, repair, alteration, or demolition work on buildings, structures, streets, alleys, or appurtenances thereto in any land use category between the hours of 6 p.m. and 7 a.m. weekdays, or 6 p.m. and 8 a.m. weekends and holidays (defined as New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, Christmas Day). [Ord. 977]

G. *Vehicle Repairs or Testing.* Repairing, rebuilding, modifying, or testing any motor vehicle, off-road vehicle, or motorboat in or near a residential use district in such a manner as to cause a noise disturbance.

H. *Powered Model Vehicles.* Operating or permitting the operation of powered model vehicles between the hours of 8 p.m. and 8 a.m. the following morning.

I. *Refuse Compacting Vehicles.* The operating or permitting the operation of any motor vehicle which can compact refuse and which creates during the compacting cycle, a disturbing noise between the hours of 9:30 p.m. and 6:30 a.m. the following morning.

J. *Stationary Emergency Signaling Devices.* Testing of only the electro-mechanical functioning of a stationary emergency signaling device shall occur at the same time each day that a test is performed, but not before 8 a.m. or after 6 p.m. Any such testing shall only use the minimum cycle test time.

K. *Tools.* Operating or permitting to be operated any powered saw, sander, drill, grinder, garden equipment, powered lawn mowers, or tools of like nature, used primarily for domestic purposes, outdoors in residential zones between 1 hour after sunset and 8 a.m. on the following day.

(Ord. 759, 7/22/1985, §9; as amended by Ord. 907, 9/23/1996, §10-209; and by Ord. 977, 11/26/2007)

§10-210. Exceptions.

1. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the

provisions of this Part. Nothing in this Section shall be construed to permit law enforcement, ambulance, fire, or other emergency personnel to make excessive noise when dearly unnecessary. The use of stationary emergency signaling devices shall be for emergency use only.

2. The Borough Council may grant specific and temporary exceptions to the provisions of this Part upon receipt of a written application requesting such exception. The application shall state the nature of the violation and the reason for the request. No exceptions shall be granted for a period exceeding 1 year from the date of the request. Any person affected by any noise source for which an application for exception has been filed may also submit information to the Borough Council in favor of or in opposition to the proposed exception. Notice of request for exceptions shall be advertised in a local newspaper of general circulation and persons residing within 200 feet of the location of the exception shall be notified by certified mail of the request. A public hearing shall be held within 30 days of receipt of the request and a decision rendered by the Borough Council within 30 days of the hearing.

(Ord. 759, 7/22/1985, §10)

§10-211. Violations and Penalties.

1. Any person, firm, or corporation who shall be found guilty of violating any provision of this Part, upon conviction thereof, shall be fined not less than \$50 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. Each violation of any of the provisions of this Part shall be deemed to be a separate and distinct offense. When a second and/or subsequent violation is committed by the same person or entity within any 12-month period, the fine shall be double the amount of the previous fine up to a maximum fine of \$1,000 for each separate and distinct offense.

2. Any person, firm, or corporation who shall be found guilty of violating any provision of this Part for a second or subsequent time within a 6-month period shall, upon conviction thereof, pay a fine of not less than \$200 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.

(Ord. 759, 7/22/1985, §11; as amended by Ord. 824, 12/18/1989; by Ord. 907, 9/23/1996, §10-211; by Ord. 977, 11/26/2007; and by Ord. 1005, 5/23/2011)

§10-212. Injunctive Relief.

The operation or maintenance of any noise source in violation of any provision of this Part shall be deemed and is declared to be a public nuisance and may be subject to abatements summarily by a restraining order or injunction issued by a court of competent jurisdiction or in any other manner available for the abatement of public nuisances.

(Ord. 759, 7/22/1985, §12)

Part 3**Abandoned Motor Vehicles****§10-301. Definitions.**

Abandoned motor vehicle—any motor vehicles which is found without the current year's registration or identification markers as required by law, has been continuously parked on public or private property for a period of 10 days, and is so disabled as to be incapable of being operated under its own power or is without one or more tires.

Motor vehicle—any vehicle which is self-propelled as defined by the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

(*Ord. 618, 5/13/1974, §1*)

§10-302. Abandonment Prohibited; Exceptions.

It shall be unlawful for any person to cause or allow a motor vehicle to be abandoned upon any public or private lands in the Borough of Hatboro; except that nothing herein contained shall be deemed to prohibit any person from parking, storing or repairing a motor vehicle upon private or public property where authorized under the laws of the Borough of Hatboro, nothing shall be deemed to prohibit the parking, storing or repairing of a motor vehicle which bears the current year's registration or identification marker as an antique vehicle as registered with and issued by the Commonwealth of Pennsylvania.

(*Ord. 618, 5/13/1974, §2*)

§10-303. Removal by Owner Required; Notice; Failure.

All abandoned motor vehicles shall be removed by the owner or operator thereof or by the owner or occupant of the private property on which the said motor vehicle is abandoned. Upon the failure of the owner or operator of any abandoned motor vehicle to remove the same within 24 hours after receiving notice from the Borough of Hatboro Police Department to remove the same, such notice being given whether by personal service or by certified mail to the owner or operator of such abandoned motor vehicle or to the owner or occupant of the private property on which the said abandoned motor vehicle is found, the Borough of Hatboro Police Department may remove the same or cause the same to be removed.

(*Ord. 618, 5/13/1974, §4*)

§10-304. Removal by Borough.

In removing any such abandoned motor vehicles, the Borough of Hatboro Police Department shall cause the same to be towed and stored by such garages or towing services as are designated by the Chief of Police of Hatboro to be approved storage garages or pounds for the storage of such vehicles.

(*Ord. 618, 5/13/1974, §5*)

§10-305. Storage Garages; Surety Bond.

Any designated storage garage, prior to engaging in any towing away and/or storing of any vehicle hereunder, shall file a surety bond with the Borough of Hatboro, said bond to indemnify the Borough of Hatboro and the owner of any impounded vehicle against loss thereof or injury or damage thereto while any vehicle, is in custody of such garage.

(*Ord. 618, 5/13/1974, §6*)

§10-306. Towing and Storage Charges.

Specific towing and storage charges to be made under this Part shall be the same as paid by the Borough to the towing and storage operator and such rates shall be posted in the Borough Building.

(*Ord. 618, 5/13/1974, §7; as amended by Ord. 620, 6/10/1974, §1*)

§10-307. Notice of Impoundment.

The Chief of Police, or someone at his discretion, within 12 hours after any vehicle has been removed and impounded, shall notify the owner of record or the operator of any such vehicle, either by personal service or by certified mail, or the owner or occupant of the property from which any such vehicle has been removed, in like manner, of the fact that such vehicle has been impounded, the place from which it was removed, the reason for its removal and impounding and the place where the vehicle has been impounded.

(*Ord. 618, 5/13/1974, §8*)

§10-308. Recovery.

The owner or operator of any impounded vehicle shall be entitled to recover possession of such vehicle upon the payment to the Borough of the towing and storage charges as above set forth.

(*Ord. 618, 5/13/1974, §9*)

§10-309. Payment of Charges; Hearing.

The payment of such towing and storage charges, unless made under protest, shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid. In the event that the towing and impounding charges are paid under protest, the offender shall be entitled to a hearing before a magisterial district judge or a court of record having jurisdiction.

(*Ord. 618, 5/13/1974, §10; as amended by Ord. 1005, 5/23/2011*)

§10-310. Ownership Not Ascertainable.

In the event that the Police Department shall be unable to ascertain the ownership of an abandoned motor vehicle found upon private property, the Chief of Police, or someone at his discretion, within 12 hours after which the vehicle has been found by the police, may notify the owner or occupant of the private property, by certified mail that such vehicle exists, and thereafter the said owner or occupant of the private property shall cause the abandoned motor vehicle to be removed to an authorized junk or scrap yard within 48 hours.

(*Ord. 618, 5/13/1974, §11*)

§10-311. Failure of Property Owner to Remove Vehicle; Penalty.

If the owner or occupant of such private property shall fail to remove the abandoned motor vehicle as set forth in this Section, the said owner or occupant shall be subject to the penalties provided in §10-314 of this Part. Each day that the motor vehicle is permitted to remain shall constitute a separate offense and distinct violation.

(*Ord. 618, 5/13/1974, §12*)

§10-312. Unclaimed Vehicles.

Where an abandoned motor vehicle is removed under the provisions of this Part and it remains unclaimed for a period of 15 consecutive days without being removed by its owner or any other person duly authorized to remove same, the Chief of Police shall be authorized to report or cause to be reported such abandonment to the Department of Revenue of the Commonwealth of Pennsylvania, as provided in the Vehicle Code or otherwise.

(*Ord. 618, 5/13/1974, §13*)

§10-313. Violations and Penalties.

Any person who shall violate the terms of this Part shall upon conviction thereof, 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. 618, 5/13/1974, §14; as amended by Ord. 835, 12/18/1989; and by Ord. 907, 9/23/1996, §10-313*)

