

**TOWNSHIP OF THORNBURY
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 OF 2022

AN ORDINANCE OF THORNBURY TOWNSHIP, DELAWARE COUNTY, AMENDING THE THORNBURY TOWNSHIP CODE OF ORDINANCES, AS AMENDED, TO ADD A NEW CHAPTER 12, ENTITLED HEALTH CODE AND ESTABLISHING ADDITIONAL HEALTH REGULATIONS BY ADDING ARTICLE I, PUBLIC EATING AND DRINKING PLACES; ARTICLE II, FOOD ESTABLISHMENTS; ARTICLE III, FOOD VENDORS; ARTICLE IV, WATER SUPPLIES; ARTICLE V, HAZARDOUS SUBSTANCES; ARTICLE VI, PUBLIC BATHING PLACES; ARTICLE VII, HOUSING; ARTICLE VIII, RODENT AND INSECT CONTROL; AND ARTICLE IX, RABIES CONTROL; AND BY ADDING ARTICLE X, APPLICABILITY OF OTHER CODES AND ENFORCEMENT.

WHEREAS, the Board of Supervisors (“Board of Supervisors”) of Thornbury Township, Delaware County (“Township”), in accordance with the authority granted under Article XXX, Section 3001 of the Pennsylvania Second Class Township Code [53 P.S. § 68001] (“Second Class Township Code”), adopted Resolution No. 11 of 2021, which among other things, established a Thornbury Township Board of Health (“Board of Health”), appointed the initial members of said Board of Health and appointed a Health Officer; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 1 of 2021, which among other things, enacted health and sanitation regulations in accordance with the Second-Class Township Code and the laws of the Commonwealth of Pennsylvania (“Commonwealth”) for implementation and enforcement by the Board of Health, Health Officers and any appointed Health Inspectors, to protect the overall health and safety of the Township and its residents.

WHEREAS, the Board of Supervisors desires to enact additional regulations for implementation and enforcement by the Board of Health, Health Officers and any appointed Health Inspectors, regulating areas of public concern, such as public eating and drinking places, food establishments, food vendors, water supplies, hazardous substances, public swimming pools, housing, rodent and insect control, and rabies control, in order to better protect the overall health and safety of the Township and its residents.

NOW THEREFORE IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Thornbury, Delaware County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Chapter 12, entitled, Health Code.

Section 2. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article I, Public Eating and Drinking Places, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE I
Public Eating and Drinking Places

§ 12-1. Definitions.

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

BOARD OF HEALTH – The Board of Health of Thornbury Township, Delaware County, Pennsylvania.

EMPLOYEE – Any person employed by or receiving compensation in exchange for services provided to a licensee, including without limitation, any person who handles food or drink during its preparation or serving or comes in contact with any eating or cooking utensils or provides services in a room in which food or drink is prepared or served. This shall include the licensee or any member of the licensee's family.

ITINERANT PUBLIC EATING AND DRINKING PLACE — One operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

LICENSE — The permission granted, by the Health Officer, to a licensee to conduct a public eating and drinking place.

LICENSEE — Any person, partnership, association, corporation or other entity who is the holder of a license for the purpose of conducting or operating within the limits of the Township a public eating or drinking place.

NEW ESTABLISHMENT — Any place which has been newly constructed and/or in which a change of ownership has taken place.

PUBLIC EATING AND DRINKING PLACE — Restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, private club, hospital kitchen, dining room or snack bar, industrial kitchen, dining room, cafeteria or snack bar, school lunchroom or cafeteria or any other place where food, drinks or refreshments are served, sold or prepared and sold or given away, to be consumed on the premises; provided, however, that this definition shall not be interpreted to include boardinghouses or private homes.

§ 12-2. Licenses and inspections.

- A. It shall be unlawful for any person to operate a public eating and drinking place in the Township who does not possess a license from the Board of Health. Licenses shall be granted for a period of one year or portion thereof. Said year shall commence when the license is issued and shall be valid until the last day of the month issued one year later. Such license shall be conspicuously displayed at all times in the place thereby licensed and shall not be transferable. Application for renewal of a license shall be made at least 30 days before the expiration of the existing license. Licenses may be suspended or revoked for violations by the licensee of these rules and regulations. No license shall be suspended or revoked without the licensee being given a hearing before the Board of Health. A late fee computed at 10% of the license fee shall be assessed for each month, or part thereof, that the license fee is paid more than 30 days after the due date.

B. Computation of license fee.

- (1) The Health Officer or any proper authorities of the Board of Health shall make periodic inspections of any premises licensed for public eating and drinking places within the Township. The licensee shall be required to pay a fee for such license as set from time to time by resolution of the Board of Supervisors, based upon the square footage of the establishment as follows:

Floor area (square feet)

Under 1,000
1,001 to 1,500
1,501 to 2,500
2,501 to 5,000
5,001 to 7,500
7,501 to 10,000
10,001 to 15,000
15,001 and over

- (2) A “snack bar,” which is a counter area in an enclosed facility where food, drinks and/or refreshments are served or sold and to be consumed on the premises, which are primarily intended for recreational or entertainment purposes, other than a public eating or drinking place, shall have its square footage of floor area computed based upon the snack bar service area and restroom facilities only.
- (3) The licensee for itinerant public eating and drinking place shall be considered to be the entity hosting the event and shall pay a fee for the license valid for one year from the issue date, as set forth from time to time by resolution of the Board of Supervisors, based upon the number of food vendors operating at an event, with one fee for the first vendor and another fee for each additional vendor.

§ 12-3. Employees; contagious diseases.

- A. No licensee shall hereafter keep in active food handling or other public service any employee known to be afflicted with a disease in a communicable form. No licensee or manager of any establishment covered in this Chapter shall permit such employee to actively continue in such capacity if such licensee or manager has valid reason to suspect that such person is afflicted with a disease in a communicable form which may endanger the public.
- B. The Health Officer shall have full power and authority at any time to require examinations and tests as may be necessary to determine whether any employee of a licensee has a disease in a communicable form or is a carrier of a communicable disease. It shall be the duty of all employees to submit to such examinations at the request of the Health Officer, and any employee who shall refuse to submit to such examination shall not be continue as employee in any public eating and drinking place in the Township, until such employee can demonstrate to the satisfaction of the Health Officer that there is no danger to the public from continued employment or service.
- C. Disease control. No person who is infected with any disease in a communicable form or is a carrier of such disease shall work in a public eating or drinking place, and the licensee of

each place shall not employ any such person or persons suspected of being infected with any disease in a communicable form or being a carrier of such disease. If the licensee suspects that any employee has contracted any such disease in a communicable form or has become a carrier of such disease, he shall notify, in writing, the Health Officer immediately.'

- D. Procedure when infection is suspected. Where there is reasonable ground for the Health Officer to suspect that there is transmission of an infectious disease from any of a public eating or drinking place to the public, the Health Officer is authorized to require the licensee of the said eating and drinking place to forthwith carry out any or all of the following measures:
- (1) The immediate exclusion of the employee from the said public eating and drinking place.
 - (2) The immediate closing of the public eating or drinking place until the danger of disease outbreak ceases to exist.
 - (3) Adequate medical examinations of the employee and of his associates, including appropriate laboratory examination.
 - (4) Any other measures required by Federal or State law.
- E. Food handlers. All employees handling food are required to obtain a food handler's certificate from the Health Officer within five days of employment. All employees who work five days in any one calendar month shall have a certificate.

§ 12-4. Approval of Plans.

- A. Unless otherwise specifically exempt from the requirements of this section, no person shall undertake to remodel or alter any existing building or portion thereof which is being used or is proposed for use as a public eating and drinking place, or shall undertake to construct a new building which is to be used in whole or in part as a public eating and drinking place, without first having submitted plans thereof in duplicate to the Health Officer for approval. The requirements of this subsection shall be in addition to and not in lieu of any other applicable Township codes, rules and regulations requiring the submission of applications and plans and obtaining approvals and permits for the work contemplated.
- B. Such plans shall be accompanied by data completely describing the public eating and drinking place or the addition or alteration proposed. If approved, one set of plans bearing such approval in writing shall be returned to the applicant. If not approved, the manner in which such plans do not meet the requirements of these rules and regulations shall be marked on both sets of plans, and one set of plans will be returned to the applicant.
- C. The Health Officer shall be guided by the provisions of these rules and regulations affecting such construction, the proposed methods of receiving and distributing perishable food or drink and any applicable laws relating to the handling or processing of food or drink.

§ 12-5. Construction and cleanliness.

- A. Floors. The floors of all rooms in which food or drink is prepared or stored or in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair. In the case of all new establishments, the floors of all

rooms in which food or drink is prepared or stored or in which utensils are washed shall be constructed of material impervious to water and shall be provided with a sanitary base and with adequate and sufficient drains to permit cleaning.

- B. Walls and ceilings. Walls and ceilings of all rooms in which food or drink is prepared, served or stored or utensils are washed or stored shall be kept clean and in a sanitary condition. The walls of all such rooms shall have a smooth washable surface up to the level exposed to soiling by splash or spray and shall be finished in a light color. No paper or oilcloth coverings are permitted on walls of kitchens and food preparation rooms. In the case of all new establishments, all rooms in which food or drink is prepared or served or in which utensils are washed shall have a clear ceiling height of not less than seven feet.
- C. Construction of kitchens. The rooms in which food is prepared shall be of adequate size and construction to permit easy cleansing and the unhampered performance of all kitchen operations.
- D. Construction and location of utensils and equipment.
 - (1) All eating and cooking utensils and all showcases and display cases or windows, counters, shelves, tables, booths and refrigerating and other equipment shall be of a sanitary design and construction and so located as to be easily cleaned and shall be kept clean and in a sanitary condition. In new establishments or in establishments where new installations of equipment are made, all equipment used for the preparation, storing, handling or serving of food or drink shall be equivalent to or in excess of that specified in the National Sanitation Foundation standards. Such equipment shall be spaced away from walls and corners so as to permit access for cleaning. Thirty inches of working space shall be required between all units of new equipment unless such equipment is movable. A minimum of 30 inches of working space shall be provided between counters, back bars and worktables wherever located.
 - (2) No cooking unit of any kind shall be permitted to be placed or located in any bay window. All new installations of equipment shall be elevated at least six inches from the floor on pear-shaped legs or sealed tight to the floor with a three-inch cove base or stainless steel removable kickplates. Where equipment with closed bottoms without air spaces is set on a masonry base, the top of the base shall be waterproofed with mastic.
 - (3) Plates, cups, saucers, dishes, crockery or chinaware which are cracked, chipped or broken shall not be used to contain food or drink. All such cracked, chipped and broken plates, cups, saucers, dishes, crockery or chinaware will be destroyed and discarded at the time of inspection. Food-contact surfaces of equipment and utensils shall be smooth; shall be free of breaks, open seams, cracks, chips, pits and similar imperfections; shall be in good repair; and shall be easily cleaned.
 - (4) In cases of all new construction, shelves shall be constructed at least two inches from the wall unless tightly stripped to eliminate cracks.

- E. Doors and windows. When flies are prevalent, all openings into the outer air shall be effectively screened (April 1 to December 1) with not less than sixteen-mesh wire. Doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies. All screen doors shall open outward. Doors and windows shall be kept clean, inside and out. The presence of flies or flying insects shall be presumptive evidence of failure to comply with this section.
- F. Lighting. All rooms in which food or drink is prepared or in which utensils are washed shall be well-lighted, with adequate natural or artificial lighting sufficient to produce an intensity of not less than 15 footcandles at 30 inches from the floor. In rooms where food is stored, lighting shall be provided sufficient to produce an intensity of not less than five footcandles at 30 inches from the floor.
- G. Ventilation. All rooms in which food or drink is prepared or served or in which utensils are washed shall be well-ventilated. There shall be openings to the outer air at least equal to 5% of the floor area. In the case of artificial ventilation where food is prepared, facilities must be provided for at least eight air changes per hour. In no case shall recirculation of air be permitted. All rooms in which food or drink is served shall be provided with at least five air changes per hour, and not more than 50% recirculation shall be permitted. All cooking units shall be hooded and vented to the outside air by forced draft; provided, however, that the latter requirement shall not apply to a simple bread toaster and to a coffee urn. When cooking units are vented to the outside air, the vents shall be carried above the highest window of this or adjacent buildings. All ventilation systems shall be maintained in a clean and sanitary condition.

§ 12-6. Toilet facilities.

- A. In all new establishments or establishments where alterations are made, toilet facilities as required by the Thornbury Township Building Code shall be provided.
- B. Toilet rooms shall not open directly into any room in which food or drink is prepared or handled. No entrance to a toilet room shall lead through living quarters or through an area where food or drink is stored, prepared or handled. An intervening vestibule of at least three by three feet shall be provided. The doors of all toilet rooms and vestibules shall be self-closing.
- C. Toilet rooms shall be kept clean, in good repair, well-lighted and properly ventilated by exterior windows or mechanical means. The walls and ceilings shall be of a smooth washable surface and shall be finished in a light color.
- D. Hand-washing facilities with automatic running hot and cold water, sanitary towels and soap shall be in or adjacent to the toilet room. The use of the common towel is prohibited. Hand-washing signs shall be posted in each toilet room used by food handlers. No employee shall return to work after using the toilet without first washing hands.
- E. In all new establishments or establishments where alterations are made, the floors of the toilet rooms shall be constructed of a material and joints impervious to water and shall be provided with a sanitary base.

§ 12-7. Lavatory facilities.

All kitchen, stands and counters where food is prepared shall be equipped with or have adjacent thereto separate hand-washing facilities for the washing and cleansing of the hands, equipped with automatic running hot and cold water, soap and sanitary towels.

§ 12-8. Water supply.

Automatic running hot and cold water under pressure of not less than 15 pounds per square inch shall be easily accessible to all rooms in which food is prepared or utensils are washed and shall be adequate and of a safe, sanitary quality.

§ 12-9. Washing facilities.

A. In all public eating and drinking places where dish or utensil washing is done by other than mechanical means, no less than three compartment sinks shall be provided and equipped with running hot and cold water.

(1) Procedure.

- (a) Wash (water 110° to 130° F.).
- (b) Rinse (warm water).
- (c) Sanitize (water 180° F. for two minutes).

(2) Alternative.

- (a) Wash (water 110° to 130° F.).
- (b) Rinse (warm water).
- (c) Sanitize with a chemical such as hypochlorite compounds or chlorine-containing compounds of equal efficiency at a minimum concentration of 100 parts per million for at least 30 seconds; Quaternary ammonium compounds at a minimum concentration of 200 parts per million for at least 30 seconds; or iodoform compounds at a minimum concentration of 12.5 parts per million for at least 30 seconds.

B. There shall be a drainboard of a material impervious to moisture affixed to each end of the unit. In new establishments or establishments where alterations are made, each compartment of the sink shall be of a size not less than 16 inches square by 14 inches deep. Each compartment for sinks in soda fountains and bars shall be no less than 12 inches square by 10 inches deep. Mechanical dishwashing machines shall be equipped to provide a minimum water temperature in the machine of at least 180° F. Mechanical dishwashers shall be equipped with two thermometers for indicating the wash and sterilizing temperatures. Prerinse or presoak facilities shall be provided for either mechanical or manual dishwashing.

C. Cleaning and bactericidal treatment of utensils and equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods or sinks, shall be kept clean and free from dust, dirt, insects and other sources of contamination. All clothes used by waiters, chefs and other employees shall be kept clean. All eating and drinking utensils shall be thoroughly cleaned and subjected to an approved bactericidal process after

each use and at the time of service to the public be thoroughly clean and sterilized. All multiuse containers and utensils used in the preparation, cooking and serving of food and drink shall be thoroughly cleansed and subject to an approved bactericidal process immediately following the day's operation. Towel drying is not permitted.

- D. Storage and handling of utensils and equipment. After cleansing and sterilizing, all utensils and equipment must be stored above the level of the floor in a clean, dry place, protected from flies, dust or other contamination, and no utensils shall be handled except in such manner as to prevent contamination. Single-service utensils shall be purchased only in sanitary containers and shall be stored therein in a clean, dry place until used and shall be handled in a sanitary manner. Kitchens shall be used only for cooking and the storage of food products and kitchen, cooking or eating utensils and equipment in use.

§ 12-10. Disposal of waste.

All liquid waste resulting from the cleansing and rinsing of utensils and floors and from flush toilets and lavatories must be disposed of in a public sewer or, in the absence of a public sewer, by methods approved by provisions of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended). All garbage must be stored in nonleaking metal containers with tight-fitting lids or in an approved garbage storage room, and all waste material must be kept free of garbage and stored in nonleaking metal containers with tight-fitting lids or in an approved waste material storage room and be covered at all times. Garbage and other waste materials must be removed from the premises as often as necessary to prevent a nuisance and shall be disposed of in a manner to be approved by the Health Officer. All garbage and waste receptacles must be washed when emptied and treated with a disinfectant if necessary, to prevent a nuisance. Adequate can washing facilities shall be provided.

§ 12-11. Refrigeration.

All readily perishable food or drink shall be kept at temperatures lower than 40° F., except when being prepared or served. All refrigerators must be equipped with an indicating thermometer accurate to plus and minus 2° F., located in the warmest part of the facility in which food is stored and of such type and so situated that the thermometer can easily and readily be observed for reading and maintained in a clean and sanitary condition. Wastewater from refrigeration equipment shall be disposed of in accordance with the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended).

§ 12-12. Wholesomeness of food and drink.

- A. All food and drink shall be wholesome and free from spoilage and contamination. All milk, ice cream and other frozen dairy products shall be from sources approved by the Board of Health. Milk must be served in or from the half-pint container in which it was received from the distributor or by other methods approved by the Board of Health. This requirement shall not apply to cream which may be served from the original bottle or from a dispenser approved by the Board of Health.
- B. In the case of milk drinks, the milk used shall include the entire contents of the original container. No part or parts of any food previously served to the customer can again be served in any form to other customers. This requirement includes the remaining portions of crackers,

cream, bread, slaw, unused salads, butter, jellies and all other foods which are not served in tightly covered dispensers or any parts of other foods that have been served as a part of a meal and with which there has been possible human contact.

- C. No cream puffs, eclairs, napoleons, cream pies, cream-filled layer cakes and similar products containing custard or whipped cream shall be sold or stored unless kept in a storage compartment the maximum temperature of which is not greater than 40° F.
- D. All oysters, clams and mussels shall be from approved sources. The shells of shellfish used for service cannot be reused.
- E. All ice shall be from an approved source and must meet the standards as set forth in Article V of these rules and regulations.

§ 12-13. Storage and display of food and drink.

All food and drink shall be stored, handled, cooked, processed, prepared, displayed or dispensed as provided under Article II, § 12-26, hereof. Sugar served in all public eating and drinking places shall be dispensed from containers which provide protection against dirt, dust, other contamination and human handling at all times, except in the case of lump or packaged sugar which is individually wrapped. Unwrapped or otherwise unprotected displayed food which is subject to contamination through public handling, coughing or sneezing shall be protected by means of glass or similar partitions or through other approved means.

§ 12-14. Cleanliness of food handlers.

All food handlers shall wear clean garments and shall keep their hands and fingernails clean at all times when engaged in the handling of food, drink, utensils or equipment. Employees shall wear hair nets or caps while engaged in the preparation of food. All food handlers who in any manner come in contact with or handle food shall, before beginning work, thoroughly wash their hands with soap and water. No employee shall use tobacco in any form while engaged in the preparation or handling of food and drink.

§ 12-15. Insect and rodent control.

All persons engaged in the operation of any public eating and drinking place shall be required to take all necessary precautions to keep the premises free of rats and vermin. In the case of rat or vermin infestation, operators shall report such infestation to the Board of Health for the purpose of procuring proper advice and instructions in order to eliminate the nuisance. In the case of all new establishments, all rooms in which food or drink is prepared, stored or served shall be of a ratproof construction.

§ 12-16. General operation.

- A. The premises of all public eating and drinking places shall be kept clean and free of litter or rubbish.

- B. No sleeping facilities or domestic activities shall be permitted in any room which is part of, or which opens into any room where food is prepared, stored or served or in which utensils are washed or stored.
- C. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean.
- D. Soiled linens, coats and aprons shall be kept in vermin-proof containers provided for this purpose.
- E. No public eating and drinking places shall be located in any cellar, basement or other place below the natural surface of the ground except with the written permission of the Board of Health.
- F. Bulk ice cream cannot be dispensed unless running water is provided next to the cabinet containing the ice cream. The utensils used in dispensing bulk ice cream must be sterilized frequently, washed by running water after each usage, and kept dry when not in use.
- G. No article, polish or other substance containing any cyanic preparation or other poisonous materials shall be used for the cleaning, disinfecting or polish of utensils or containers used in preparing or handling any food or drink.
- H. No substance containing any cyanide, fluoride, lindane or other poison shall be kept or used as an insecticide or exterminator in any place where food or drink is exposed during sale, preparation, holding or handling or in such manner as to contaminate such food or drink.
- I. Service dogs are permitted where a disability is obvious. Where a disability is not obvious, service dogs shall be limited to those which are required because of a disability and are trained to perform a task(s) that are directly related to the owner's disability. In the case of the latter, employees shall inquire (1) is the dog a service animal required because of a disability; and (2) what work or task has the dog been trained to perform, before allowing a service dog into the dining room, kitchen or storeroom of any public eating or drinking place.
- J. Before a new establishment can begin operation, the proprietor shall contact the Health Officer and request an interview with the Health Officer to review the specifics of the proposed operation and its compliance with this Article.

§ 12-17. Right of Entry for inspections.

The Health Officer in the performance of any duty imposed by this Chapter shall have full access to any place, container, conveyance or records used in the production, preparation, manufacture, packing, storage, transportation, handling, distribution or sale of any food. Without any prior notice, he shall be entitled to make an examination, open any package or container, examine records and take therefrom a sample for analysis of any food manufactured, sold, exposed for sale or found to be in possession of the licensee in violation of any provisions of these rules and regulations.

§ 12-18. Samples of food for examination.

- A. Every person who shall distribute or sell or offer for distribution or sale or have in his possession any food shall, on request and tender of the value by the Health Officer, deliver as much thereof to such representative as may be requested as a sample.
- B. If such request is not immediately complied with, the Health Officer may demand and take as much of the food as it may think necessary, tendering to the person in charge what it deems to be its reasonable value.
- C. At no time shall a licensee have in his possession, either for sale or not for sale, food or drink which is unfit and is likely to cause illness or transmit disease. When, in the opinion of the Health Officer, such food or drink exists it shall be ordered denatured, removed and disposed of.
- D. It shall be the duty of the licensee or person in charge of such substance to immediately remove and dispose of it at his own expense according to the direction of the Health Officer. In case the licensee or person in charge shall fail to immediately remove and dispose of such substance, as ordered, the same shall be caused to be denatured, removed and disposed of by the Health Officer at the expense of the licensee or person in charge.

§ 12-19. Condemnation and embargo.

Such samples of food, drink, ingredients, containers or any substance used in connection with the preparation of food or drink may be taken by the Health Officer for examination as often as may be deemed necessary for the detection of any impure or unsanitary condition. Any food, drink or any substance used in connection with the preparation of food or drink sold, offered for sale or kept may be condemned, removed or destroyed by or under the direction of the Health Officer if, in the judgment of such representative, such food, drink or substance is decomposed, contaminated, impure, unfit for human consumption or dangerous to the public health. Any such food, drink or other substance may be stopped from sale or use and placed under an embargo by the Health Officer for such reasonable period of time as may be required to make investigation or examination, if such may be necessary to determine that such food, drink or other substance is decomposed, impure, unfit for human consumption or dangerous to the public health. No such food, drink or other substance shall be used, removed, destroyed or otherwise disposed of while under such embargo except by or under the direction the Health Officer.

§ 12-20. Closing of premises.

- A. Whenever the licensee of a public eating and drinking place shall fail to keep his public eating and drinking place in a sanitary condition, or whenever food or drink or the sale of the same is likely to cause or transmit disease, the Board of Health, upon proper notification, shall order such public eating and drinking place closed until it shall have been put in a sanitary condition or until the food or drink or the sale of the same shall be no longer likely to cause any illness or transmit disease. The licensee of the public eating and place, when so ordered, shall immediately comply with and obey such order and shall not conduct further operations until permission has been granted by the Board of Health.

- B. Failure of the licensee to comply with the order of the Board of Health shall result in the Board of Health ordering the Health Officer to take necessary steps to close and padlock said premises until it shall have complied with the order of the Board of Health.

Section 3. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article II, Food Establishments, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE II Food Establishments

§ 12-21. Definitions.

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

BOARD — The Board of Health of Thornbury Township, Delaware County, Pennsylvania.

CUSTARD MIX and CUSTARD-FILLED — Refer to any product, consisting principally of flour, sugar, eggs and milk, with or without cornstarch, heated, cooled and applied to pastry without subsequent heating and to filled pastry, such as cream puffs or eclairs, which may be heated subsequent to filling.

FOOD ESTABLISHMENT — Any place where food or beverage intended for human consumption is kept, stored, manufactured, prepared, dressed, handled, sold or offered for sale, with or without charge, either at wholesale or retail, and not consumed on the premises; provided, however, that the term “food establishment” shall not include a public eating and drinking place, and the term “food,” as used in this Chapter, shall include not only every article used for food by man but also every article used for or entering into the composition of or handled for use as an ingredient in the food.

LICENSE — The permission granted to a licensee to conduct a food establishment.

LICENSEE — Any person, partnership, association, corporation or other entity who is the holder of a license for the purpose of conducting or operating within the limits of the Township a public eating or drinking place.

NEW ESTABLISHMENT — Any place that has been newly constructed or in which a change of ownership has taken place.

OFFERED FOR SALE — Applies to any food or drink kept or displayed in any store, place, dispenser or vehicle in the manner in which food or drink is ordinarily kept or displayed.

PERISHABLE FOODS — Any food or beverage or ingredients, exclusive of milk and milk products, capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products that are processed are excluded from the terms of this definition.

SHELLFISH — Oysters, clams, scallops or mussels, fresh or frozen; any shrimp, crab or lobster, fresh, frozen or cooked but not placed in a sealed container; and any other mollusks, fresh or frozen, intended for human consumption.

§ 12-22. Licenses.

- A. It shall be unlawful for any person to operate a food establishment in the Township who does not possess a license from the Board of Health. Licenses shall be granted for a period of one year or portion thereof. Said year shall commence when the license is issued and shall be valid until the last day of the month issued one year later. Such license shall be conspicuously displayed at all times in the place thereby licensed and shall not be transferable. Application for renewal of a license shall be made at least 30 days before the expiration of the existing license. A late fee computed at 10% of the license fee shall be assessed for each month or part thereof, that the license fee is paid more than 30 days after the due date.
- B. Licenses may be suspended or revoked for violation by the holder thereof of these rules and regulations. No license shall be suspended or revoked without a licensee being given a hearing before the Board of Health.
- C. The Health Officer shall make annual inspections of any licensee within the Township and an inspection of any retail food establishment. Such licensee shall pay a fee for the license as set from time to time by resolution of the Board of Supervisors, based on the square footage of the establishment as follows:

Floor area (square feet)

Under 1,000
1,001 to 1,500
1,501 to 2,500
2,501 to 5,000
5,001 to 7,500
7,501 to 10,000
10,001 to 15,000
15,001 and over

§ 12-23. Approval of plans.

No person shall undertake to construct a new building or remodel or alter an existing building or portion thereof for, or install equipment which is being used or is proposed for use in, a food establishment without first submitting plans for approval thereof as provided under Article I, § 12-4, of this Chapter.

§ 12-24. Structures.

- A. Enclosures. Every such food establishment shall be so constructed and maintained as to provide adequate enclosure and protection of the food or drink and the food- or drink-handling operations contained therein.
- B. Floors. The floor of any room or place where food or drink is stored, prepared or served or in which utensils are cleansed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair.
- C. Walls and ceiling. The walls and ceiling of any room or place where food or drink is stored, prepared or handled shall be clean and in good repair. Such walls and ceiling shall be painted or

finished in light color and refinished as often as necessary. Walls in food preparation areas shall have a smooth, washable surface up to the level exposed to soiling by splash or spray.

- D. Doors and windows. All openings to the outside shall be effectively screened or otherwise protected during the period when flies are prevalent (April 1 to December 1). Doors shall open outward and be self-closing or otherwise effectively closed. All effective means shall be provided to prevent the entrance of flies and other insects through such openings. Doors and windows shall be kept clean inside and outside. The presence of flies or flying insects within the structure shall be presumptive evidence of failure to comply with this section.
- E. Lighting. Lighting in any room or place in which food or drink is stored, prepared or handled or in which utensils are washed shall be adequate for all working purposes and to facilitate effective and thorough cleaning.
- F. Ventilation. Adequate ventilation shall be provided in any room where food or drink is stored, prepared or handled or in which utensils are washed so that such rooms are reasonably free of disagreeable odors and condensation, undue heat or cold, toxic substances, smoke, vapor, dust or other substance affecting or likely to affect the food or drink or causing or likely to cause an atmospheric condition dangerous to the health of employees or contributing to an insanitary practice or condition. All ventilation systems shall be maintained in a clean, sanitary manner.
- G. Toilets and lavatory facilities.
 - (1) Adequate lavatory facilities, including toilets, hand-washing facilities, automatic running hot and cold water, powdered or liquid soap in appropriate dispensers, sanitary towels and toilet paper, shall be provided for use at all times when such food establishment is in operation.
 - (2) Adequate and separate toilets shall be provided for and be readily accessible to persons employed as food handlers or otherwise and shall be located on premises.
 - (3) Toilet rooms shall not open directly into any room in which food or drink is prepared or handled. An intervening vestibule of at least three feet square must be provided. The doors of all toilet rooms shall be self-closing.
 - (4) The toilet shall be kept clean, in good repair, well-lighted and properly ventilated by exterior windows or other mechanical means. The walls and ceilings shall be of a smooth, washable surface and shall be finished in a light color.
 - (5) Hand-washing facilities with automatic running hot and cold water, sanitary towels and soap shall be in or adjacent to the toilet room. The use of the common towel is prohibited. Hand-washing signs shall be posted in each toilet room used by food handlers. No food handler shall return to work after using the toilet without first washing hands.
 - (6) In all new establishments or establishments where alterations are made, the floors of the toilet rooms shall be of a material and joints impervious to water and shall be provided with a sanitary base. The plumbing fixtures shall be of the wall-hung type and to facilitate cleaning.
- H. Separate hand-washing facilities required. In any food establishment where frequent hand-washing is necessary to prevent contamination of food during processing, manufacture or preparation, separate hand-washing facilities, including an adequate supply of powdered or liquid soap and sanitary towels, shall be provided in the workroom and conveniently near each such process workspace.

- I. Common drinking cup prohibited. Drinking cups for common use shall not be permitted in any food establishment.

§ 12-25. Personnel.

- A. Personal cleanliness. Every food handler shall wear clean outer garments, shall maintain personal cleanliness and shall keep hands and fingernails clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall wear hair nets or caps while engaged in the preparation of food. All food handlers who in any manner come in contact with or handle food shall, before beginning work, thoroughly wash their hands with soap and water. No employee shall use tobacco in any form while engaged in the preparation or handling of food and drink.
- B. Disease control. No person suffering from a communicable disease transmissible through food or drink, or who is known to be a carrier of the organisms causing such disease, and no person suffering from a local infection transmissible through food, shall be actively employed in any food establishment at which food or drink is prepared or dispensed. The provisions of Article I, § 12-3A, B, C, D and E, of these rules and regulations shall apply to all persons employed in food establishments.
- C. Locker spaces. Soiled linens, aprons and other articles used in the preparation, storage or handling of food or drink shall be kept in vermin-proof containers provided for this purpose. Clothing shall not be hung or placed in proximity to exposed food or drink. When required by the Health Officer, suitable and adequate rooms for changing clothes and locker space shall be provided.

§ 12-26. Protection of food.

- A. General.
- (1) No food or drink shall be kept, sold, offered for sale, manufactured, cooked, processed, prepared, displayed, dispensed or transported unless it shall be protected at all times from dust, dirt, flies, vermin, handling, droplet infection, overhead leakage or other contamination. Such food or drink shall be subjected to or maintained at such temperatures while being kept, displayed, transported or offered for sale as shall prevent undue or abnormal deterioration, decomposition or spoilage. Food displayed or exposed for retail sale shall be at least 24 inches above the floor unless it is completely enclosed by coverings or containers. The general storage of food, raw materials and reserve stock shall be above the floor (six inches or more) on clean racks, pallets, dollies or other clean surfaces in such a manner as to be protected from contamination and to facilitate easy and thorough cleaning.
 - (2) Where unwrapped food is displayed in all types of food service operations, including smorgasbords, buffets and cafeterias, it shall be protected against contamination from customer and other sources by easily cleaned counter- protector devices, cabinets, display cases, containers or other similar types of protective equipment. Self-service openings in counter guards shall be so designed and arranged as to protect food from manual contact by customers.
 - (3) All deliveries of perishable foods to food establishments shall be made inside the store unless food is stored in containers approved by the Health Officer.

- B. Animals prohibited. No live animal or fowl shall be permitted or kept in any rooms where food or drink is stored, prepared, handled or served.

§ 12-27. Utensils and equipment.

- A. In all new establishments or in establishments where alterations are made, where multiuse utensils are used, no less than a three-compartment sink shall be provided and equipped with running hot and cold water. Each compartment of the sink shall be a size of not less than 16 inches square by 14 inches deep. All sinks shall be equivalent to or in excess of the specifications in the National Sanitation Foundation standards. All eating and cooking utensils and all showcases and display cases or windows, counters, shelves, tables, booths and refrigerating and other equipment shall be of a sanitary design and construction and so located as to be easily cleaned and shall be kept clean and in a sanitary condition. In new establishments or in establishments where new installations of equipment are made, all equipment used for the preparation, storing, handling or serving of food or drink shall be equivalent to or in excess of that specified in the National Sanitation Foundation standards. Such equipment shall be spaced away from walls and corners so as to permit access for cleaning. Thirty inches of working space shall be required between all units of new equipment unless such equipment is movable. Where equipment with closed bottoms without air spaces is set on a masonry base, the top of the base shall be waterproofed with mastic.
- B. Accepted method of dishwashing.
- (1) Three-compartment sink.
- (a) Procedure.
- [1] Wash (water 110° to 130° F.).
- [2] Rinse (warm water).
- [3] Sanitize (water 180° F. for two minutes).
- (b) Alternative.
- [1] Wash (water 110° to 130° F.).
- [2] Rinse (warm water).
- [3] Sanitize with a chemical such as hypochlorite compounds or chlorine-containing compounds of equal efficiency at a minimum concentration of 100 parts per million for at least 30 seconds; Quaternary ammonium compounds at a minimum concentration of 200 parts per million for at least 30 seconds; or iodoforn compounds at a minimum concentration of 12.5 parts per million for at least 30 seconds.
- (1) Mechanical dishwashing. The mechanical dishwashing installation shall be approved. Heating facilities and thermostatic controls to provide hot water at 180° F. minimum temperature for the final rinse cycle shall be provided on mechanical dishwashing equipment. Each mechanical dishwashing machine shall be equipped with accurate thermometers.
- (2) The licensee of the eating and drinking establishment shall have available upon the premises of the eating and drinking establishment the original container in which the chemical sanitizer currently employed was received from the distributor.

C. Cleaning process.

- (1) In all food establishments, adequate cleaning of utensils is required, and an adequate supply of automatic running hot and cold water under pressure of not less than 15 pounds per square inch, an adequate supply of suitable cleanser and suitable and adequate facilities for the cleansing, disinfecting and storage of utensils shall be provided.
- (2) In all new establishments or in establishments where any alterations are made, a service sink of a size not less than 20 inches wide, 21 inches long and 12 1/2 inches deep shall be provided for the cleaning of janitor's supplies.

D. Storage and handling of utensils and equipment. After cleansing and sterilizing, all utensils and equipment must be stored above the level of the floor in a clean, dry place, protected from flies, dust or other contamination, and no utensils shall be handled or stored except in such a manner as to prevent contamination.

E. Water supply. Automatic running hot and cold water under pressure of not less than 15 pounds per square inch shall be easily accessible to all rooms in which food is prepared or utensils washed and shall be adequate and of a safe, sanitary quality, as provided in §12-47A of this Chapter.

F. Waste containers. In every food establishment, adequate and suitable metal containers with tight-fitting lids shall be provided and used to receive waste and refuse. Such containers shall be kept in a sanitary condition with tightfitting lids. All refuse shall be removed from the premises at frequent intervals so as not to create a nuisance.

G. Refrigeration.

- (1) Adequate refrigeration shall be provided at all times for all perishable food or drink. Refrigerators shall be maintained in good repair and in a clean and sanitary condition.
- (2) The following temperatures shall be maintained at all times:

| Foods | Temperatures |
|---|---------------------|
| Frozen Foods | 0° F, or below |
| Meat and meat products, cooked food of animal origin, milk and milk products and other perishable foods | 40° F, or below |
| Seafood and fresh poultry | 32° F, or below |

- (3) Indicating thermometers shall be provided in all refrigerators and refrigerated cases accurate to plus and minus 2° F, located in the warmest part of the facility in which food is stored and of such type and so situated that the thermometer can be easily and readily observed for reading.

§ 12-28. Sale of impure food prohibited.

No food or drink which is impure, decomposed, contaminated or dangerous to the public health or which has been so treated as to conceal inferiority or which in its manufacture, cooking, processing, preparation,

handling or storage does not conform to the requirements of these rules and regulations shall be kept, sold or offered for sale for human consumption.

§ 12-29. Poisonous substances.

- A. No substance containing cyanide, fluoride, lindane or other poison shall be kept or used as an insecticide or exterminator in any place where food or drink is exposed during sale, preparation, holding or handling or in such manner as to contaminate such food or drink.
- B. No polish, article or substance containing cyanide or other poison shall be used for the cleansing or disinfecting of any utensils or containers used in preparing or handling any food or drink.

§ 12-30. Meat and meat products.

- A. No meat or meat products shall be offered for sale, displayed, sold or kept in any food establishment unless such products shall have first been inspected and approved by either an authorized agent of the Bureau of Animal Industry, United States Department of Agriculture, or of the Bureau of Animal Industry, Pennsylvania Department of Agriculture. The Board of Health may, in its discretion, permit the sale of meat or meat products which have been inspected and approved by a duly authorized agent who is a qualified and licensed veterinarian appointed under an ordinance of a municipality of this commonwealth, provided that the procedure followed in conducting inspection, including the facilities for making the same, the requirements with respect to the sanitation of the establishment and the marking, branding or identifying of meat or meat products shall conform to the regulations of the United States Department of Agriculture or the Pennsylvania Department of Agriculture.
- B. All meat or meat products offered for sale, displayed, sold or stored in any food establishment shall be marked in a clear and legible manner with the official meat inspection legend, as provided in the foregoing subsection A, above.
- C. Any slaughtering, meat canning, curing, smoking, salting, packing, rendering or other similar establishment where meat or meat products are prepared for sale in the Township shall be subject to inspection by the Health Officer.

§ 12-31. Shellfish.

- A. No oysters, clams or other shellfish shall be sold or offered for sale in the Township unless such shellfish shall have been produced and shipped in conformity with the regulations of the state in which they were grown or packed, and unless the shipment shall have been accompanied by tag, label or other mark approved by the Pennsylvania Department of Health showing that the shipper has been duly certified by the state in which this plant is operated, such certification having been approved by the United States Public Health Service for shipments in interstate commerce.
- B. All shellfish shippers, re-shippers, packers and wholesalers shall for 60 days keep accurate records of the source, date and quantity of all lots of shellfish received and the name and address of the consignee to whom each lot or part thereof is consigned, with the date and quantity, in order that lots of shellfish dispensed may be identified with corresponding lots of shellfish received. When an original shipment of shellfish is broken down into smaller lots, each lot shall have attached thereto a split-lot tag of the type approved by the Pennsylvania Department of Health. The said records shall be subject to inspection by the Health Officer. All retailers shall

keep an accurate record, subject to such inspection of the source, date and quantity, of all lots of shellfish received.

- C. Shellfish shall be so handled and stored as to maintain them in a clean, wholesome condition.
- D. Shell stock (shellfish not removed from the shell) shall be shipped in clean containers, each container having an approved tag attached thereto as provided in subsection B, above. Bulk shipment by truck or car is prohibited.
- E. All establishments in which shellfish are shucked, washed, packed, replaced, stored or otherwise handled shall conform to all the provisions of Article II of this Chapter.
- F. All rooms in which shucked oysters are washed, packed, repacked, stored or otherwise handled shall be separate and apart from the rooms in which oysters are shucked.
- G. Such establishments shall be provided with an ample and convenient supply of pure, cold water for washing the shucked stock and flushing purposes and hot water for cleansing receptacles and utensils.
- H. All receptacles in which shucked stock is placed and other utensils which come into contact with the shucked stock shall be of noncorroding material, with smooth surfaces and of such shape as will facilitate thorough cleansing. They shall be cleansed before use.
- I. Shucked stock shall be thoroughly washed in pure, cold water and, subsequent to such washing, shall not be handled except with clean utensils.
- J. Shucked stock shall be packed in clean containers, sealed in such a manner that any tampering will be easily discernible and marked with the name, address and identification mark of the packing establishment, together with the quantity of shellfish contained therein.
- K. Proper refrigeration shall be provided in all places where shucked stock is kept and during shipment. The cooling of shellfish to a temperature of 40° F or less shall be affected within two hours after the shellfish is shucked. No ice or other foreign substance shall be allowed in contact with the shucked stock.

§ 12-32. Custard-filled and whipped cream pastry; perishable foods.

- A. Restriction of sale. No custard-filled and whipped cream pastry shall be kept, offered for sale or sold except on the day of manufacture thereof. The day of manufacture shall be the day on which manufacture is completed but may include not more than two hours preceding midnight of the previous day.
- B. Manufacture. The entire custard mix to be used in the manufacture of custard-filled pastry shall be brought to and held at a temperature of not less than 200° F. continuously for not less than 10 minutes and, within one hour thereafter, placed in a refrigerating temperature of not over 40° F. and kept at or below such temperatures until applied to the pastry.
- C. Holding temperatures. No custard-filled or whipped cream pastry shall be kept, displayed, offered for sale or transported unless, immediately after manufacture, it shall have been cooled to and maintained at all times at a temperature of 40° F. or lower, in clean containers filled to a depth of not more than three inches. Other perishable food shall be held either at a temperature of 40° F. or lower or at a temperature of 150° F. or higher.

- D. Packaging and labeling. No custard-filled pastry shall be sold either wholesale or retail or transported for retail delivery unless it shall be wrapped or packaged so as to protect the contents from contamination. Such wrapper or package shall bear prominently on the outside thereof, in legible letters, the name of the manufacturing baker, the day of manufacture and the following statement "Refrigerate and Consume Today."
- E. Condemnation. Custard-filled or whipped cream pastry or perishable food manufactured, kept, displayed or served in violation of the provisions of § 12-22 of this Chapter is hereby declared to be dangerous to the public health and, as such, subject to condemnation by the Health Officer.
- F. Transportation of bakery products. No person shall transport or deliver bakery products unless such products are fully enclosed in a clean and sanitary container. Multiple-use containers shall be of such design and construction as to facilitate cleaning and shall be kept clean and sanitary. The reuse of cardboard or paper containers or liners is prohibited.

§ 12-33. Storage of cleaning supplies.

- A. No article, polish or other substance containing any cyanide preparation or other poisonous materials shall be used for the cleaning, disinfecting or polishing of utensils or containers used in the preparing or handling of any food or drink.
- B. No substance containing cyanide, fluoride, lindane or other poison shall be stored as an insecticide or exterminator in any place where food or drink is exposed during sale, preparation, holding or handling or in such manner as to contaminate such food or drink.

§ 12-34. Condemnation and embargo.

Such samples of food, drink, ingredients, containers or any substance used in connection with the preparation of food or drink may be taken by the Health Officer for examination as often as may be deemed necessary for the detection of an impure or unsanitary condition. Any food, drink or any substance used in connection with the preparation of food or drink sold, offered for sale or kept may be condemned, removed or destroyed by or under the direction of the Health Officer if, in the judgment of such representative, such food, drink or substance is decomposed, contaminated, impure, unfit for human consumption or dangerous to the public health. Any such food, drink or other substance may be stopped from sale or use and placed under an embargo by the Health Officer for such reasonable period of time as may be required to make investigations or examination, if such may be necessary to determine that such food, drink or other substance is decomposed, impure, unfit for human consumption or dangerous to the public health. No such food, drink or other substance shall be used, removed, destroyed or otherwise disposed of while under such embargo except by or under the direction of the Health Officer.

§ 12-35. Closing of premises.

- A. Whenever the licensee of a food establishment shall fail to keep his food establishment in a sanitary condition, or whenever food or drink or the sale of the same is likely to cause or transmit disease, the Board of Health, upon proper notification, shall order such food establishment closed until it shall have been put in a sanitary condition or until the food or drink or the sale of the same shall be no longer likely to cause any illness or transmit disease. The licensee of the food establishment, when so ordered, shall immediately comply with and obey such order and shall not conduct further operations until permission has been granted by the Board of Health.

- B. Failure of the licensee to comply with the order of the Board of Health shall result in the Board of Health ordering the Health Officer to take necessary steps to close and padlock said premises until it shall have complied with the order of the Board of Health.

Section 4. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article III, Food Vendors, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE III Food Vendors

§ 12-36. Definitions.

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

FOOD VENDOR — Any person who transports, distributes or sells to the public prepared foods or perishable food, of a kind deemed by the Health Officer to be capable of causing human foodborne illness, from any truck, trailer, cart, bicycle or other vehicle or from any vending machine, container or other type of equipment.

PERISHABLE FOOD — Any food or beverage or ingredients, exclusive of milk and milk products, capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products that are processed are excluded from the terms of this definition.

VENDING EQUIPMENT — Any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation.

§ 12-37. Application for license.

- A. Applications for licenses shall be on forms provided by the Board of Health, which applications shall set forth the name, residence and business address of the applicant and the names of the persons operating the establishment or establishments from which the prepared or perishable food will be obtained.
- B. Every food vendor shall, upon demand, furnish to the Health Officer such additional information as the Health Officer may require to enable it to determine whether the provisions of these rules and regulations are being complied with. Failure to furnish such information promptly or failure to secure written permission to inspect or reinspect sources of food supplied shall result in the refusal to issue or the revocation of the food vendor's license.

§ 12-38. License required; inspections.

- A. It shall be unlawful for any person to sell or distribute to the public prepared or perishable food from any food vending vehicle or from any vending equipment without obtaining a license from the Board of Health. The fee for such a license shall be as set from time to time by resolution of the Board of Supervisors. Licenses shall be granted for a period of one year or portion thereof, said year shall commence when the license is issued and shall be valid until the last day of the month issued one year later. Such license shall be conspicuously displayed at all times in the place thereby licensed and shall not be transferable. Application for renewal of a license shall be made at least 30 days before the expiration date of the existing license. A late fee computed at

10% of the license fee shall be assessed for each month or part thereof, that the license fee is paid more than 30 days after the due date.

- B. A license will not be issued to any person until the Health Officer or any of the proper authorities has inspected and approved the establishment and equipment from which the food is to be obtained, and such licensee, manufacturer or producer shall pay a fee for such inspection in the amounts as set from time to time by resolution of the Board of Supervisors for the first vehicle and for each additional vehicle. In the case of food and beverage vending machines, the annual inspection fees shall be as set from time to time by resolution of the Board of Supervisors per location for the first two machines and for each additional machine. A sticker shall be affixed to the apparatus indicating that it has been licensed for the current year.
- C. Any such establishment shall be equipped and operated in compliance with the provisions of Article I of this Chapter rules and regulations or requirements of the Board of Health now in effect or hereafter adopted. The license shall at all times be kept posted prominently in the food vending vehicle or on the equipment.

§ 12-39. Suspension or revocation of licenses.

Licenses may be suspended or revoked for violation by the holder thereof of these rules and regulations. No license shall be suspended or revoked without a licensee being given a hearing before the Board of Health.

§ 12-40. Exemptions.

This Article shall not apply to:

- A. The transportation and wholesale delivery of food or produce to retail food stores for the purpose of resale.
- B. The transportation and delivery of food to public eating and drinking places duly licensed under Article I of this Chapter.
- C. Any manufacturer or producer in the sale of meat and meat products and milk and milk products. Nothing contained in this Article shall, however, relieve any person engaged in the manufacture, distribution and sale of milk and milk products from complying with 7 Pa.Code 59a. Milk Sanitation, as amended.

§ 12-41. Inspection of vending equipment.

The Health Officer shall be permitted to enter upon any private or public property in this Township where vending equipment is operating to inspect the servicing, maintenance and operation of such equipment for the purpose of determining compliance with the provisions of these rules and regulations. The operators of vending machines shall make provisions for the Health Officer to have access to the interior of all vending machines operated by such operators.

§ 12-42. Disease control.

- A. No person who is affected with any disease in a communicable form or a carrier of such disease shall work as a food vendor, and no food vendor shall employ any such person or persons suspected of being affected with any disease in a communicable form or of being a carrier of such

disease. If the licensee suspects that any employee has contracted any such disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately.

- B. Procedure where infection is suspected. Where there is reasonable ground for the Health Officer to suspect that there is transmission of an infectious disease from any employee to the public, the Health Officer is authorized to require the licensee to forthwith carry out any of the following measures:

- (1) The immediate exclusion of the employee from their place of employment.
- (2) The immediate cessation of use and removal of the vending equipment until the danger of disease outbreak ceases to exist.
- (3) Adequate medical examination of the employee and of his associates, including appropriate laboratory examinations.
- (4) Any other action allowed or required by law.

§ 12-43. Construction and lighting equipment.

- A. The floors, walls, ceiling, shelves, compartments and container holders in food vending machines shall be of such construction as to be readily cleaned and shall be kept clean and in good repair. Food vending vehicles shall be equipped to provide light of not less than 10 footcandles at the face of the shelf, display or storage space at such time as food shall be dispensed therefrom.
- B. In establishments where new installation of vending equipment is made, such equipment shall be equivalent to or in excess of that specified by the National Sanitation Foundation standards.
- C. Syphon breakers shall be installed on all water-supplied-vending equipment.
- D. Refrigerating equipment of approved design shall be provided on any food vending vehicle or equipment from which perishable foods are dispensed.
- E. Cold beverages, sandwiches and other perishable foods shall be kept under dry refrigeration at a temperature of 40° F or lower.

§ 12-44. Preparation and handling of food.

- A. There shall be no preparation of food on the vending vehicle. All food shall be prepared and wrapped in a licensed establishment complying with all of the provisions of Article I of this Chapter.
- B. Food to be distributed by any food vendor shall be protected from insects and the elements. All food in the possession of a food vendor shall be packaged or wrapped and sealed in unbroken, individual containers and remain therein until received by the customer. Beverages shall be distributed in the original container or from an automatic vending machine of approved type designed to dispense the beverage in a single-service container from bulk. Water carried in food vending vehicles shall be clean and cold and shall conform to the provisions of Article IV of this Chapter.

§ 12-45. Garbage, trash and plumbing.

- A. Garbage and trash shall at all times be kept in metal containers with tight-fitting lids and disposed of at frequent intervals so as not to create a nuisance.
- B. All plumbing connected with food vending equipment shall be installed in accordance with the plumbing requirements of Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended).

Section 5. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article IV, Water Supplies, to Chapter 12, Health Code, to read in its entirety as follows:

**ARTICLE IV
Water Supplies**

§ 12-46. Definitions.

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

BOTTLED WATER — Includes any artificial or natural mineral, spring- or other water bottled for drinking purposes.

PRIVATE WATER SUPPLY — Any water system not classified as public, intended primarily for the use of the occupants of the premises. The system shall include all of the sources, treatment works and distribution piping by which water is furnished to water taps or outlets of the system.

PUBLIC WATER SUPPLY — Any water system serving or intended to serve water for human consumption for domestic uses or purposes to more than one service connection, irrespective of payments to be made for water service. The system shall include all of the sources, treatment works and distribution lines to the point of service connection at the meter, property line or any similar premises connection point which are under one ownership, management and operation.

§ 12-47. Quality of water.

- A. No person shall provide or make accessible a public water supply or bottled water for human consumption or domestic use unless the source, treatment and distribution of such water shall be so protected from pollution and so maintained as to deliver a water of safe, sanitary quality. Such delivered water shall not contain bacterial, chemical or other contamination in such quantity as may be injurious to health or as may indicate such water to be unsatisfactory for human consumption as determined by test in a laboratory approved for this purpose by the Board of Health. Public water supplies shall conform to the United States Public Health Service drinking water standards now in effect or hereafter adopted.
- B. Springs and wells. No spring or well classified as a public water supply shall be used as a source of domestic water supply which does not conform to the requirements and standards set forth in this section.
- C. Private water supplies. No person shall provide or maintain a private water supply to be used for drinking or other domestic purposes by any person, other than the owner thereof, unless such water supply shall be potable, protected against pollution and free from bacterial contamination in

accordance with the prevailing bacterial standards of water quality, as defined in subsection A, above.

- D. Disinfection. No new or repaired water supply system or any structure which may have become contaminated accidentally or otherwise shall be placed in use before such system or structure has been effectively cleaned and disinfected in accordance with accepted practices and standards of the American Water Works Association now in effect or hereafter adopted.
- E. Treatment. Whenever the Board of Health shall determine that the water delivered to consumers for drinking or other domestic use does not meet the requirements of these rules and regulations, it shall so notify the person in responsible charge of such water supply and may order the treatment, abandonment, sealing or posting of that portion of the distribution system or connections within the Township which does not meet the requirements of these rules and regulations.
- F. Cross-connections and interconnections. No person shall permit any connection between a potable water supply and an unapproved auxiliary water supply or any structure containing sewage, non-potable water or other substance injurious to health.
- G. Discontinuance of use of well or spring. Whenever, upon examination, it shall appear that the water from a well or spring or other source classified as a public water supply is not suitable for human consumption, the use of such water shall be discontinued, and the well or spring shall be abandoned.
- H. Abandoned wells. No well shall be used for any purpose than as a source of water. Abandoned wells shall be filled with clean earth or capped with substantial watertight slabs so as to prevent the contamination of the underground water supply.
- I. Water samples.
 - (1) Samples of water from any water supply classified as a public water supply may be taken for examination by the Health Officer as often as he or she deems necessary for the detection of pollution or unwholesomeness. The Health Officer shall condemn any water supply classified as a public water supply which it examines and finds to be polluted to the extent that it is a present or potential danger to the public health.
 - (2) The Health Officer may at his discretion refuse to take for examination samples of water from any private water supply which is not adequately protected from surface contamination.

Section 6. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article V, Hazardous Substances, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE V
Hazardous Substances

§ 12-48. Manufacture and use.

A. Use and storage.

- (1) Any substance classified or defined as a hazardous substance by the Board of Health or within the definitions listed in Public Law 86-613, titled "Federal Hazardous Substance Labeling Act," or any other substance or mixture of substances Which the Secretary of the Department of Health, Education and Welfare designates as a hazardous substance shall be subject to the regulations regarding the preparation, storage, distribution and labeling procedures pursuant to the Federal Hazardous Substance Labeling Act, as may be amended.
- (2) All hazardous substances shall be used and stored in such a manner so that there is no possibility of contamination of any food product, food ingredients or kitchen utensils and equipment.
- (3) The Health Officer, in the performance of any duty imposed by this Chapter, shall have full access to any place, container, conveyance and records used in the production, preparation, manufacture, packing, storage, transportation, handling, distribution or sale of any hazardous substance. The Health Officer shall be entitled to make an examination and open any package or container and take therefrom a sample for analysis of any hazardous substance manufactured, sold, exposed for sale or found to be in possession of the licensee in violation of any provisions of these rules and regulations.

B. Toxic vapors or fumes.

- (1) No person shall breathe, inhale or drink any compound, liquid or chemical containing toluol, hexane, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellulose acetate, cyclohexanone, trichloroethylene, acetone, ethyl acetate, methyl ethyl ketone, ethylene dichloride, methyl alcohol, butyl alcohol, benzene, pentachlorophenol, petroleum ether or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior or in any manner changing, distorting or disturbing the auditory, visual or mental processes. For the purpose of this Article, any such condition shall be deemed to be an intoxication condition. Nothing in this Article shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes.
- (2) No person, for the purpose of violating subsection B(1), above, shall use or possess for the purpose of so using any compound, liquid, chemical or any other substance containing a solvent having the property of releasing toxic vapors or fumes.
- (3) No person shall sell or offer to sell to any other person any tube or other container of a compound, liquid, chemical or any other substance containing a solvent having the property of releasing toxic vapors or fumes, if he has reasonable cause to suspect that the

product sold or offered for sale will be used for the purpose set forth in subsection B(1), above.

Section 7. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article VI, Public Bathing Places, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE VI Public Bathing Places

§ 12-49. Definitions.

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

CLEAN WATER — New, clean water used to refill the pool, new, clean water used to replace loss by splashing or during cleaning of the pool or water taken from the pool and returned after filtration or any combination of such waters.

NATURAL BATHING PLACE — Any natural pond, river or lake without bathing place improvements and any lake or body of water created by excavation or impoundment which is without bathing place improvements, and which has not been created or altered from the natural state for the purpose of providing a public bathing place.

OPERATOR — The person responsible for the operation of a public bathing place.

PUBLIC BATHING PLACE — Any body of water used collectively by numbers of persons, other than the family and guests of the operator, for swimming and recreational bathing, together with the shores, buildings, equipment and appurtenances pertaining to such “public bathing place.” This term does not include baths where the main object is the cleansing of the body or the practice of healing under medical supervision, unless such baths contain pools or tanks used collectively by a number of individuals.

STANDARD METHODS OF WATER ANALYSIS — All applicable procedures and methods recorded in the latest issue of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association and the American Water Works Association.

§ 12-50. Approval of plans.

- A. Every person who constructs or installs or intends to construct or install or who desires to extend, alter or modify a public bathing place shall have plans and specifications for such construction, installation, alteration, extension or modification approved in writing by the Pennsylvania Department of Health and the Health Officer before beginning the work or before permitting the work to be started by a contractor or any employee. The requirements of this subsection shall be in addition to and not in lieu of any other applicable Township codes, rules and regulations requiring the submission of applications and plans and obtaining approvals and permits for the work contemplated.
- B. The application for approval of plans required by the Health Officer shall contain complete plans and specifications fully describing the public bathing place or extension, alteration or change contemplated in the application and shall be made on forms provided by the Health Officer.

- C. The approval issued in response to the application shall contain such terms and conditions as may be required by the Health Officer to ensure compliance with the provisions of this Chapter.

§ 12-51. Applications, permit and inspections.

- A. Every person owning, managing or maintaining a public bathing place shall obtain a permit from the Board of Health. Applications for permits to operate a public bathing place shall be on forms provided by the Board of Health, which application shall set forth the name, residence, business address and telephone number of the applicant, the location of the public bathing place, the name and address of the operator of the public bathing place and any additional information which the Health Officer may require to enable it to determine whether the provisions of this Chapter are being complied with. The application is also to be accompanied by plans showing details of the pool and facilities.
- B. Each applicant at the time of applying for a permit to operate a public bathing place shall pay an annual inspection fee as set from time to time by resolution of the Board of Supervisors.
- C. Such person shall post the permit in a place accessible to patrons in the principal office of the public bathing place or in the entryway or in any other conspicuous place approved by the Health Officer.
- D. The holder of a permit to operate a public bathing place shall be held responsible for compliance with all the provisions of this Chapter on and within the premises operated under such a permit.
- E. If it is found that the provisions of this Chapter are not being complied with or that any condition exists which in the opinion of the Health Officer endangers the life, safety or health of the users of any public bathing place, the Health Officer may revoke the operator's permit.

§ 12-52. Protection, supervision and maintenance.

- A. All public bathing places shall be in the charge of a capable manager or caretaker who shall be responsible for the proper maintenance and use of the public bathing place as provided in this Chapter. He shall be responsible for maintaining the public bathing place continually in a clean, sanitary and healthful manner so that it will not constitute or be a menace to public health, promote immorality or be a public nuisance. A copy of the rules and regulations of the Pennsylvania Department of Health as well as the certificate of public bathing place issued by the Pennsylvania Department of Health shall be posted conspicuously at the public bathing place for the information of the public.
- B. Competent lifeguards in adequate number shall be on duty at the waterside at all times during which the public bathing place is open to use by bathers and shall not be assigned other tasks that will divert their attention from the safety of the bathers. These lifeguards shall be capable swimmers, skilled in lifesaving methods and in methods of artificial resuscitation, as evidenced by their possession of a currently valid certificate or other proof of proficiency from a recognized agency offering instructions in these fields.
- C. Every public bathing place shall be provided with buoys, poles, flutterboards or other lifesaving equipment which shall be kept in good repair and readily accessible.

§ 12-53. Investigation and inspection.

- A. The Health Officer shall collect or cause to be collected and shall analyze or have analyzed, in an approved laboratory, such samples of water, pool water or any other material or substance found on the public bathing place premises as may be necessary to determine compliance with the standards and requirements of this Chapter.
- B. Public bathing places shall be open at all reasonable times to inspection by the Health Officer.

§ 12-54. Reports.

- A. It shall be the duty of every permit holder and of every employee of a person holding a permit to operate a public bathing place to furnish such records and information as are required by the Health Officer for ascertaining compliance with the provisions of this Chapter.
- B. Such records shall include but are not limited to periodic reports and records of the operation, including records of chemicals added, filter operation, cleaning, bathing load, equipment, operation, free chlorine residual and attendance.

§ 12-55. Standards.

- A. Water. Water supply shall be furnished from a public water system and shall comply with the provisions established under Article IV of this Chapter.
- B. Plumbing. Plumbing systems, both house and pool, shall conform to the standards established under the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended).
- C. Waste. All sewage and liquid waste, including pools wastewater, shall be discharged into a sanitary sewer of the Township. Permission for discharge of the pool wastewater must be obtained from the Township prior to its discharge. If a sanitary sewer is not available, all sewage must be discharged in accordance with applicable law. All pool wastewater may be discharged to a natural drainage course or storm drain if the wastes are afforded quiescent settling for at least one hour.
- D. Location. No public bathing place shall be so located as to be within prejudicial influence of the discharge of sewage or of injurious or objectionable industrial wastes. The location shall be such that by its use it will not prejudicially affect a public water supply.
- E. Public bathing places shall have dressing rooms as required by applicable law for checking clothes and other property which are adequate for the maximum number of persons who can be accommodated at any one time.

§ 12-56. Toilets.

- A. Adequate toilet facilities shall be provided at all bathhouses, as required by applicable law. Flush toilets and urinals shall be provided and shall be properly maintained. The toilets shall be located between the dressing rooms and showers.
- B. Toilets and urinals shall be kept clean, in good repair, well-lighted and properly ventilated by exterior windows or other mechanical means. The floors shall be constructed of material

impervious to water and shall be provided with a sanitary base and with adequate and sufficient drains to permit cleaning. The use of linoleum or similar floor coverings is prohibited. The walls and ceilings shall be of a smooth, washable surface and shall be finished in a light color. Doors to entrances of toilet rooms shall be self-closing. All openings to the outside shall be effectively screened or otherwise protected during periods when flies are prevalent.

§ 12-57. Lavatories.

Lavatories shall be located adjacent to the toilet facilities and shall be provided in the number of one lavatory to each 60 persons using the pool at the time of maximum load.

- A. The common use of drinking cups, towels, hairbrushes or other toilet articles is prohibited.
- B. Towels, bathing suits, combs, brushes and all other such articles furnished by the management shall be clean at the time of issue to a patron and shall have been cleansed and sterilized in a manner acceptable to the Health Officer prior to such issuance.
- C. All parts of the premises shall be adequately clean, safe and maintained in a sanitary manner at all times of use and while the public bathing place is open for use.
- D. Persons known to be typhoid fever carriers or known to be or suspected of being afflicted with communicable diseases or eye, ear, nose or throat infections or skin diseases shall be excluded from public bathing places.

§ 12-58. Lighting.

- A. A complete system of artificial lighting shall be provided for all pools, bathing beaches, bathhouses and dressing rooms that are to be used at night. Lighting fixtures shall be of such number and design as to light all parts of the swimming pool and the water therein.
- B. The electrical installations at all public bathing places and any future additions or modifications to such installations, prior to being placed in service and every five years thereafter, shall be inspected and approved by a reputable electrical inspection agency and evidence, in duplicate, of such approval by this agency forwarded to the Health Officer.

§ 12-59. Quality of pool water.

The chemical and physical quality of the water shall be as prescribed in the recommendations of the American Public Health Association's current edition of Recommended Practice for Design, Equipment and Operation of Swimming Pools and Other Bathing Places. Permits shall be suspended automatically if the following minimum requirements are not complied with:

- A. The water used at all public bathing places, including natural public bathing places, shall at all times have a chemical content and quality acceptable to the Health Officer. The Health Officer will determine what purification processes, if any, are needed to accomplish this end. When filtration equipment is provided or required, such equipment shall operate at a rate of filtration not to exceed three gallons per square foot per minute with an eight-hour turnover and a wash rate of 12 to 15 gallons per square foot per minute provided.
- B. Approved and effective disinfection is required of the water in all public bathing places. Whenever liquid chlorine, sodium or calcium hypochlorite or other approved chlorine compounds

are used for swimming pool disinfection, the amount of available free chlorine residual in the water at all times when the pool is in use shall not be less than 0.4 part per million.

- C. Where gas chlorination equipment is installed at either outdoor or indoor pools, such equipment shall be housed in a separate room equipped with an exhaust fan to reduce to a practical minimum the opportunity of gas leakage into other rooms or areas where persons gather.
- D. The water at all times when the pool is in use shall show an alkaline reaction that has a pH value of 7.0 or more.
- E. At all times when the pool is in use, the water shall be sufficiently clear to permit a black disc six inches in diameter in a white field, when placed on the bottom of the pool at the deepest point, to be clearly visible from the sidewalk of the pool at all distances up to 10 yards measured from a line drawn across the pool through said disc.
- F. The water in any indoor pool shall be heated to a temperature of 68° to 72° F. The temperature of the air surrounding an artificially heated swimming pool shall not be permitted to become more than 8° F warmer nor more than 2° F cooler than the water in the pool at any time when the pool is in use.
- G. Not more than 10% of consecutive representative samples taken on different days over a period of time shall contain more than 100 bacteria per cubic centimeter of water according to a bacteria count on standard nutrient agar made after 24 hours' incubation at 98.6° F. No single sample shall contain more than 200 bacteria per cubic centimeter of water.
- H. No more than two out of five samples collected on the same day nor more than three out of 10 consecutive samples collected on different days shall show a positive presumptive test for E. coli ten-cubic-centimeter portions.
- I. Samples collected from public bathing places shall be examined in accordance with the latest edition of Standard Methods of Water Analysis of the American Public Health Association by a laboratory, approved by the Board of Health, equipped for carrying out the techniques specified.
- J. The management of any public bathing place shall make or cause to be made such physical, chemical and bacteriological examinations of the water at no less than weekly intervals as may be prescribed by the Board of Health and shall keep records of the operation and use thereof on forms satisfactory to the Board of Health. Copies of such records shall be filed in the office of the Board of Health in accordance with the conditions of the permit.

§ 12-60. Construction and equipment.

The construction and equipment of the pool shall meet the standards set forth by the Pennsylvania Department of Health and the operation and maintenance at all public bathing places and shall be such as to reduce to a practical minimum the danger or injury to persons from drowning, falls, collisions, fires, nuisances or a hazard of any kind.

§ 12-61. Wading pools.

Wading pools shall be operated as a public bathing place and shall be subject to all of the standards and requirements for public bathing places as public bathing places in Article VI of this Chapter.

§ 12-62. Food service.

Where food is prepared, stored or served at any public bathing place, the provisions of Article I of this Chapter will apply.

Section 8. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article VII, Housing, to Chapter 12, Health Code, to read in its entirety as follows:

**ARTICLE VII
Housing**

§ 12-63. Definitions.

A. As used in this Article, the following terms shall have the meanings indicated:

DWELLING — Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT — Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM — A room occupied by one or more persons for living, eating or sleeping; includes kitchens serving multiple or individual dwellings, but does not include serving and storage pantries, corridors, cellars and spaces that are not used frequently or during extended periods.

HOTEL — A dwelling, not a single-family or a two-family dwelling, providing lodging with or without meals and having lodging accommodations for more than 10 guests.

MULTIPLE DWELLING — Any dwelling containing more than two dwelling units.

OCCUPANT — Any person over one year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

OPERATOR — Any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

ROOMING HOUSE — A dwelling, not a single-family or a two-family dwelling, providing lodging with or without meals and having lodging accommodations for less than 10 guests.

ROOMING UNIT — Any room or group or rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

RUBBISH — Combustible and noncombustible waste materials, except garbage, and shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin, cans, metals, mineral matter, glass, crockery and dust.

- B. Meaning of certain words. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit” or “premises” are used in this Article, they shall be construed as though they were followed by the words “or part thereof.”

§ 12-64. Inspection of dwellings, dwelling units, rooming units and premises.

The Health Officer is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Township in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Health Officer is hereby authorized to enter, examine and survey, at all reasonable times, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit or person in charge thereof shall give the Health Officer free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times, for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access to any part of such dwelling or dwelling unit or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter.

§ 12-65. Minimum standards for basic equipment and facilities.

- A. All dwellings and dwelling units located on or adjacent to a street in which a public water main is laid shall use a public water supply which meets the requirements of Article IV of this Chapter, and water shall be distributed through the building as to furnish adequate quantities of wholesome water, with reasonable facilities for drinking and washing purposes, for the occupants thereof.
- B. All dwellings and dwelling units so located that a public water supply is not accessible shall be furnished with a water supply which shall meet the requirements of Article IV of this Chapter. Such water supply shall also be so distributed through the building as to furnish adequate quantity of wholesome water, with reasonable facilities for drinking and washing purposes, for the occupants thereof.
- C. A dwelling so located as to be accessible to a Township sanitary sewer shall have the drainage system of the building connected thereto. A dwelling so located as to be inaccessible to a Township sanitary sewer shall have the drainage system of the building connected to a private sewage system which meets the requirements of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended).
- D. Every dwelling unit shall contain a kitchen sink, a water closet, a hand lavatory and a bathtub or shower, all of which shall be in good repair and working condition. Every kitchen sink, hand lavatory and bathtub or shower shall be properly connected and supplied with both hot and cold running water. All plumbing pipes and fixtures shall be installed and maintained in accordance with the provisions of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended). In all dwellings and dwelling units, the bathroom or water closet compartment floor surface shall be constructed of a material impervious to water and shall be kept in a clean and sanitary condition. A finished wood floor is not acceptable.
- E. All garbage and rubbish must be kept in a clean and sanitary manner and stored in approved watertight containers with tight-fitting lids of not more than 30 gallons' capacity. The operator of

a multiple dwelling shall provide proper containers and shall provide for the removal of garbage and rubbish from the premises so as to maintain satisfactory sanitary conditions.

- F. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended) and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F. Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended), are not in operation.
- G. Every dwelling unit shall have two safe, unobstructed means of egress leading to safe and open space at ground level.

§ 12-66. Minimum standards for light, ventilation and heating.

- A. Every habitable room shall have one or more windows opening directly on a street or on a court or yard or shall be provided with an approved means of mechanical ventilation as prescribed in this Article.
- B. Windows shall have an area between stop beads of not less than 10% of the floor area of the room served by them and, in addition, shall not be less than 12 square feet in area for habitable rooms and public halls and eight square feet for bathrooms and similar rooms, provided that where a water closet occupies a separate compartment 40 square feet or less in area, the minimum requirement shall be four square feet. At least 50% of the required window area shall be arranged to open for ventilation. Where 100% of the window area is arranged to open for ventilation, the window area required for separate water closet compartments 40 square feet or less in area may be reduced to not less than three square feet. In lieu of windows in habitable rooms, the glass areas in exterior doors may be accepted for 100% of the light requirements but not more than 50% of the ventilation requirements.
- C. The area of skylights permitted by this Article shall be not less than required for windows which they replace. At least 50% of the required area shall be made available as clear ventilating area by means of movable sash, louvers or similar devices.
- D. When mechanical ventilation is required, or is permitted as an alternative, the system shall be designed and constructed in accordance with generally accepted good practice to provide the necessary changes in air, but not less than one cubic foot of air per minute shall be provided for each square foot of floor area in any case. Such system shall be kept in continuous operation at all times during the normal occupancy of the building.
- E. All dwellings and dwelling units shall be supplied with electric service of at least two separate and remote floor or wall-type electrical convenience outlets in every habitable room. Every public hall, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric light fixture. The electric service in all multiple dwellings must be installed with the approval of underwriters insuring properties in the Township. When artificial lighting is required, all habitable rooms shall have sufficient light to produce an intensity of not less than 15 footcandles at 30 inches from the floor.

- F. All dwellings and dwelling units shall have heating facilities which shall be properly installed, safely maintained and in good working condition. All habitable rooms, bathrooms and toilet rooms shall be heated to a temperature of at least 68° F. at a distance four feet above the floor level and not closer than three feet to an outside wall, window or door at all times. Portable heating equipment employing a flame and using gasoline or kerosene does not meet the standards of this Chapter and is prohibited.
- G. Every public hall and public stairway in a multiple dwelling shall be lighted by means of electrically lighted fixtures. Such lighting fixtures shall provide two footcandles of light in every part of the public hall and public stairway at all times; provided, however, that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area provides two footcandles of natural light to all parts of each such public hall or stairway.
- H. All dwellings and dwelling units shall be furnished with screens for every door and window opening directly to outdoor space. In multiple dwellings it shall be the responsibility of the operator to furnish and hang the screens. Screens shall have a mesh of not less than No. 14 and shall be hung not later than June 1 and not removed before November 1 of each year. Screens shall not be required during such period in rooms deemed by the Health Officer to be located high enough in the upper stories of buildings as to be free from insects and in rooms located in areas which are deemed by the Health Officer to have so few insects as to render screens unnecessary.

§ 12-67. General requirements.

- A. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.
- B. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof and shall be kept in sound working condition and good repair.
- C. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- D. Every supplied facility, piece of equipment or utility which is required under this Chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition. All dwellings and dwelling units shall be supplied with cooking equipment which meet the following minimum standards:
 - (1) Every piece of cooking equipment shall be constructed and installed so that it will function safely and effectively and shall be maintained in sound working order.
 - (2) Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited.
- E. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the Health Officer.

§ 12-68. Minimum space, use and location requirements.

- A. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant. Such rooms shall have a minimum width of six feet in any part and a minimum clear ceiling height of seven feet six inches for the minimum area.
- C. Emergency shelters, if erected, shall conform to all federal and state regulations heretofore or hereafter enacted.
- D. No space below ground shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - (2) The total window area in each room is equal to at least the minimum window area sizes as required in § 12-66 B of this Chapter.
 - (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area.
 - (4) The total openable window area in each room is equal to at least the minimum as required under § 12-66 B of this Chapter.
 - (5) The mechanical ventilation and the artificial lighting meet the minimum standards required under § 12-66 D and G of this Chapter.

§ 12-69. Responsibilities of owners and occupants.

- A. Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the halls, stairs and public area of the building and premises thereof.
- B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- C. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
- D. The owner of any multiple dwelling shall, whenever the same becomes vacant, remove therefrom all papers or other combustible waste materials accumulated therein or upon any part of the premises. All doors, windows or other openings into such building shall be kept closed while the same remains unoccupied.
- E. The owner of a multiple dwelling, and the occupant of a dwelling or dwelling unit, shall be responsible for the extermination of insects, rodents, vermin or other pests therein or on the premises.

§ 12-70. Unit dwellings; legal procedure of condemnation.

- A. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer:
- (1) One which is so damaged, decayed, dilapidated, insanitary, unsafe or vermin-infested, or has been abandoned, that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (3) One which, because of its general condition or location, is insanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- B. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer shall be vacated within a reasonable time as ordered by the Health Officer.
- C. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the Health Officer and Building Code Official and such placard is removed by the Health Officer.
- D. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection C, above.
- E. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall, upon written request, be granted a hearing on the matter before the Board of Health, under the procedure set forth in subsection C, above.

Section 9. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article VIII, Rodent and Insect Control, to Chapter 12, Health Code, to read in its entirety as follows:

**ARTICLE VIII
Rodent and Insect Control**

§ 12-71. Definitions.

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

ERADICATION — The elimination of rodents or insects and other pest life from any building, lot or premises through the use of traps, baiting, fumigation or any other method of extermination approved by the Board of Health and subject to applicable laws relating to poisonous substances and fumigants.

HARBORAGE — Any condition which provides shelter or protection for rodents, insects or other pest life.

PERSON IN CONTROL — The owner or part owner of a building, lot or premises, whether an individual, partnership or corporation, the agent or occupant of a building, lot or premises or any other

person who has the use or custody of the same or any part thereof whether an individual, partnership or corporation.

RODENT-PROOFING — The treatment or shielding, with material impervious to rodent-gnawing, of all actual or potential openings in the exterior and interior walls, ground or first floors, roofs, foundations, basements, sidewalk gratings and other places that may be reached by rodents from the ground or by climbing or burrowing.

§ 12-72. Elimination of harborages.

All buildings, lots or premises in the Township shall be kept free from any condition conducive to rodents, insects and other pest life. The person in control shall not allow the accumulation of water, garbage, building material, brush, woodpiles or any other material which may afford harborage or provide food for rodents, insects or other pest life.

§ 12-73. Prohibitions of conditions conducive to pests.

- A. No person in control shall feed wild birds other than in suitable properly shielded containers for the food, installed in such a manner as to be inaccessible to rodents and to prevent the scattering of the food upon the ground.
- B. No person shall place food in the open for the feeding of any domesticated fowl or animal except in a container which will prevent the scattering of the food upon the ground. Unconsumed food shall not be allowed to remain where it is accessible to rodents, insects or other pest life.
- C. All garbage shall be wrapped. Garbage and water material shall be placed in approved watertight containers with tight-fitting lids and stored in such a manner as not to create an attraction or harborage for rodents, insects or other pest life.

§ 12-74. Eradication measures.

- A. When any building, lot or premises is subject to infestation by rodents, insects or other pest life, the person in control shall apply continuous or repeated eradication measures as required by the Health Officer until there is no evidence of an infestation remaining.
- B. No building shall be demolished until the Health Officer certifies to the Building Code Department of the Township that the building and premises are free from the infestation of rodents, insects or other pest life.
- C. The Board of Health may in its discretion order the person in control of any inland swamp, pond, creek, lake, pool, sunken lot, quarry, abandoned excavation or any other place where stagnant water may collect to fill in or drain the same or to employ other methods to prevent the breeding of insects and other pest life.

§ 12-75. Rodent-proofing.

- A. Whenever conditions inside, outside or under any building or buildings or on any lot or premises provide harborage for rats, the Health Officer may require all buildings or premises to be rodent-proofed and harborages removed.

- B. The person in control of a building or premises required to be rodent-proofed shall maintain the rodent-proofing in good repair. No person shall injure the rodent-proofing. When the rodent-proofing is injured in the course of making alterations, installations, additions or repairs to the building, the person in control shall restore the rodent-proofing to a good condition.
- C. No person shall undertake to remodel or alter any existing building or portion thereof for the purpose of rodent-proofing without first submitting plans for approval to the Health Officer and Building Code Official.

Section 10. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article IX, Rabies Control, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE IX Rabies Control

§ 12-76. Definitions.

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

ANIMAL — Applies to dogs and other mammals susceptible to rabies.

OWNER — Includes any person having a right of property in any animal and any person who keeps or harbors an animal or has it in his care or allows it to remain on or about any premises occupied by him.

VETERINARIAN — A graduate of a recognized school of veterinary medicine licensed to practice in the State of Pennsylvania.

§ 12-77. Dogs running at large.

It shall be unlawful for the owner of any dog to allow such dog to run at large upon the public streets of this municipality or upon the property of others unless accompanied by the owner.

§ 12-78. Reports of animal bites.

- A. Persons bitten by animals. It shall be the duty of any person who has knowledge that an animal has bitten or injured any person in this municipality to immediately report the facts and the whereabouts of such animal to the Health Officer, and it shall be the duty of the owner of every such animal to immediately confine it in such manner as will prevent it from escaping or running at large. Upon receipt of such report, the Health Officer shall advise the owner as to the procedure to be followed with respect to the further confinement and examination of the animal.
- B. Animal bitten by an animal suspected of rabies. It shall be the duty of any person who has knowledge that an animal in this municipality has been bitten or otherwise injured by or been exposed to or been in contact with an animal infected with or suspected of being infected with rabies to immediately report the facts and the whereabouts of such animal to the Health Officer.
- C. Animals infected with rabies. It shall be the duty of any person who has knowledge that an animal in this municipality is infected with or suspected of being infected with rabies to immediately report the facts and the whereabouts of such animal to the Health Officer. Any animal suspected of being infected with rabies shall immediately be removed to and confined in a veterinary hospital acceptable to the Health Officer, and such animal shall not be released therefrom without

permission of the Health Officer. Any animal infected with rabies shall be disposed of in such manner as the Health Officer may direct.

§ 12-79. Confinement and examination of animal.

- A. If the records of the Health Officer do not disclose any occurrence of rabies in this municipality within a period of 100 days prior to the receipt of such report, it shall be the duty of the owner of any animal which has bitten or injured any person in this municipality to follow the procedure set forth below.
- (1) The animal shall be confined by the owner for an observation period of 10 days from the date the bite occurred, at the home of the owner or at some other location selected by him, under the supervision of a veterinarian, in such manner as will prevent it from escaping or running at large.
 - (2) Immediately upon being placed in confinement, the animal shall be examined by a veterinarian employed by the owner. A written report of the results of such examination shall be submitted to the Health Officer by the owner or the veterinarian within 24 hours.
 - (3) If at any time during the said ten-day observation period the animal develops symptoms indicative of rabies, such fact shall be communicated at once to the Health Officer, and the animal shall immediately be removed to a veterinary hospital acceptable to the Township.
 - (4) If at any time during the said ten-day observation period the animal should die, the owner shall immediately submit to the Health Officer the head of the animal for examination.
 - (5) At the end of the said ten-day observation period, the animal shall again be examined by a veterinarian employed by the owner, and a written report of the results of such examination shall be submitted to the Health Officer by the owner or the veterinarian within 24 hours. If the second report reveals no symptoms indicative of rabies, the animal may then be released from confinement.
 - (6) If at any time after the animal is placed in confinement it develops rabies, it shall be disposed of in such manner as the Health Officer shall direct.
- B. If the records of the Board of Health disclose any occurrence of rabies in this municipality within 100 days prior to the receipt of the report above referred to, it shall be the duty of the owner of the animal which has bitten or injured any person in this municipality to follow the procedure set forth below.
- (1) The animal shall be removed to and confined by the owner in a veterinary hospital acceptable to the Township for an observation period of 10 days from the date the bite occurred. The owner or the hospital shall submit the receipt for the animal to the Township upon the same day that it is placed in the hospital.
 - (2) Immediately upon being placed in the hospital, the animal shall be examined by a veterinarian employed by the owner. A written report of the results of such examination shall be submitted to the Health Officer by the owner or the veterinarian within 24 hours.

- (3) If at any time during the said ten-day observation period the animal develops symptoms indicative of rabies, such fact shall be communicated at once to the Health Officer.
- (4) If any time during the said ten-day observation period the animal should die, the veterinarian shall immediately submit to the Health Officer the head of the animal for examination.
- (5) At the end of the said ten-day observation period, the animal shall again be examined by a veterinarian employed by the owner, and a written report of the results of such examination shall be submitted to the Health Officer by the owner or the veterinarian within 24 hours. If the second report reveals no symptoms indicative of rabies, the owner may obtain from the Health Officer the hospital receipt for the animal, and it may then be released from confinement.
- (6) If at any time after the animal is placed in the hospital it develops rabies, it shall be disposed of in such manner as the Health Officer shall direct.

Section 11. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article X, Applicability of Other Codes and Enforcement, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE X Applicability of Other Codes and Enforcement

§12-80. Applicability of Other Codes and Regulations.

The provisions of this Chapter are in addition to and not in lieu of the requirements of other Township codes, regulations and rules. Compliance with the provisions of this Chapter shall not supersede, abrogate or waive any requirement of any other code, regulation or rule of the Township, which otherwise requires compliance.

§ 12-81. License Revocation Enforcement; service of notices and orders; hearings.

- A. Whenever the Health Officer determines that there are reasonable grounds to revoke a license issued pursuant to this Chapter, including but not limited to repeated violations under § 12-83 of this Article or failure to correct cited violations, the Health Officer shall give notice of such intended revocation to the licensee, as hereinafter provided.

- (1) Such notice shall:
 - (a) Be in writing.
 - (b) Include a statement of the reasons why it is being issued with citation to the applicable provisions of this Chapter.
 - (c) Allow a reasonable time for the performance of any act it requires for compliance.
 - (d) Be served upon the licensee and the occupant the licensed premises, provided that such notice shall be deemed to be properly served upon such licensee or upon such occupant if a copy thereof is served upon personally or if a copy thereof is sent by registered mail to the last known address or if a copy thereof is posted in a conspicuous place in or about the licensed premises by the notice or if

notice is served with such notice by any other method authorized or required under the provisions of this Chapter.

- (2) Such notice may contain any outline of remedial action which, if taken, will affect compliance with the provisions of this Health Code and with rules and regulations adopted pursuant thereto.
- B. Any person affected by any notice which has been issued in connection with this Section, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Health, provided that such person shall file in the office of the Health Officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the Board of Health shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed, provided that, upon application of the petitioner, the Health Officer may postpone the date of the hearing for a reasonable time beyond the ten-day period if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.
- C. After such hearing the Board of Health shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Chapter sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Section shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within 10 days after such notice is served.
- D. The proceedings at such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Health Officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board of Health may seek appropriate relief therefrom in any court of competent jurisdiction.

§ 12-82. Emergency.

Notwithstanding anything in this Section or Chapter Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue a temporary order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. The duration of such action shall be spelled out in the temporary or.

§ 12-83. Violation and Penalties.

For all other violations of this Chapter, any person, firm, or corporation who shall violate the provisions of this Article, shall, upon being found liable therefore in a summary enforcement proceeding commenced by the Township before the magisterial district justice, pay a fine of up to One Thousand Dollars (\$1,000.00) for each violation. A separate offense shall arise for each day or portion thereof in which the violation of this Ordinance is found to exist and for each section of the Ordinance which is found to be violated. Violators shall also be found responsible for court costs and reasonable attorney's fees of the Township, as permitted by law.

Section 12. Code Update. The Township Manager is hereby authorized and directed to cause the Code of Ordinances of the Township to be updated to reflect and include the terms of this Ordinance.

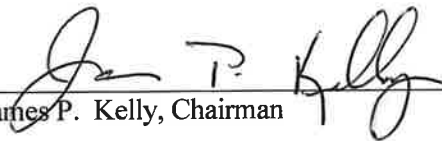
Section 13. Severability. If any section, subsection, sentence, clause, phrase or word of this Article is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Article invalid.

Section 14. Effective Date.

This Ordinance shall take effect and be in force five (5) days after enactment.

ENACTED AND ORDAINED this 28th day of March, A.D., 2022


**BOARD OF SUPERVISORS OF
THORNBURY TOWNSHIP**


James P. Kelly, Chairman

Sheri L. Perkins, Vice-Chairman


Michael Mattson, Supervisor

Attest:



Geoffrey Carbutt, Township Secretary

(Township Seal)



PHILADELPHIA GROUP

AFFIDAVIT OF PUBLICATION
390 Eagleview Boulevard • Exton, PA 19341

THORNBURY TWP/DELAWARE COUNTY
6 TOWNSHIP DRIVE
CHEYNEY, PA 19319
Attention:

STATE OF PENNSYLVANIA,

The undersigned Shelley J. Memon, being duly sworn the he/she is the principal clerk of Delaware County Daily Times, Daily & Sunday Times Digital, published in Delaware County for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

THORNBURY TWP/DELAWARE COUNTY

Published in the following edition(s):

Delaware County Daily Times, Daily & Sunday Times Digital
03/18/22

LEGAL NOTICE

Notice is hereby given that a public hearing will be held by the Thornbury Township Board of Supervisors at the Township Municipal Office, 6 Township Drive, Cheyney, PA 19319 on March 18th, 2022, beginning on at 4:00pm, on the proposed Ordinance, to wit:

AN ORDINANCE OF THORNBURY TOWNSHIP, DELAWARE COUNTY, AMENDING THE THORNBURY TOWNSHIP CODE OF ORDINANCES, AS AMENDED, TO ADD A NEW CHAPTER 12, ENTITLED HEALTH CODE AND ESTABLISHING ADDITIONAL HEALTH REGULATIONS BY ADDING ARTICLE I, PUBLIC EATING AND DRINKING PLACES; ARTICLE II, FOOD ESTABLISHMENTS; ARTICLE III, FOOD VENDORS; ARTICLE IV, WATER SUPPLIES; ARTICLE V, HAZARDOUS SUBSTANCES; ARTICLE VI, PUBLIC BATHING PLACES; ARTICLE VII, HOUSING; ARTICLE VIII, POOLRY AND INSECT CONTROL; AND ARTICLE IX, BARRIERS CONTROL; BY ADDING ARTICLE X, AFFIDAVIT OF OTHER CODES AND ENFORCEMENT.

ORDINANCE SUMMARY: The proposed Ordinance creates specific health related provisions under the auspices of the Township Health Department and Township Health Officer, to be added as a new Chapter 12 to the Township Code. These regulations are to add certain provisions to the Township Code, to wit: Article I, Public Eating and Drinking Places; Article II, Food Establishments; Article III, Food Vendors; Article IV, Water Supplies; Article V, Hazardous Substances; Article VI, Public Bathing Places; Article VII, Housing; Article VIII, Poolry and Insect Control; and Article IX, Barriers Control. The new regulations govern public eating and drinking places through the requirement of licenses to operate, proper food handling, and cleanliness of employees while applying both commercial and public eating places are also regulated as are water disposal, refrigeration and storage of food and drink. Article II, Food Establishments, Food Establishments, including restaurants and food service establishments, are also regulated as are water disposal, refrigeration and storage of food and drink. Article III, Food Vendors, standards for food vendors are added to require permits, inspection of premises, food handling, proper food handling, and cleanliness of employees while applying both commercial and public eating places are also regulated as are water disposal, refrigeration and storage of food and drink. Article IV, Water Supplies, standards for water supplies are added to require permits, inspection of premises, food handling, proper food handling, and cleanliness of employees while applying both commercial and public eating places are also regulated as are water disposal, refrigeration and storage of food and drink. Article V, Hazardous Substances, standards for hazardous substances are added to require permits, inspection of premises, food handling, proper food handling, and cleanliness of employees while applying both commercial and public eating places are also regulated as are water disposal, refrigeration and storage of food and drink. Article VI, Public Bathing Places, standards for public bathing places are added to require permits, inspection of premises, food handling, proper food handling, and cleanliness of employees while applying both commercial and public eating places are also regulated as are water disposal, refrigeration and storage of food and drink. Article VII, Housing, standards for housing are added to require permits, inspection of premises, food handling, proper food handling, and cleanliness of employees while applying both commercial and public eating places are also regulated as are water disposal, refrigeration and storage of food and drink. Article VIII, Poolry and Insect Control, standards for poolry and insect control are added to require permits, inspection of premises, food handling, proper food handling, and cleanliness of employees while applying both commercial and public eating places are also regulated as are water disposal, refrigeration and storage of food and drink. Article IX, Barriers Control, standards for barriers control are added to require permits, inspection of premises, food handling, proper food handling, and cleanliness of employees while applying both commercial and public eating places are also regulated as are water disposal, refrigeration and storage of food and drink.

The Thornbury Township, Delaware County, Board of Supervisors may also consider the proposed Ordinance for enactment and may want the Ordinance during its special meeting following the public hearing.

A copy of the proposed Ordinance may be examined with or without charge or obtained for a charge of \$10.00 at the Township Municipal Office, 6 Township Drive, Cheyney, PA 19319, or by mail for \$10.00 plus shipping and handling charges. The Ordinance is to be published in the Delaware County Daily Times, Daily & Sunday Times Digital, on March 18th, 2022.

Any person wishing to attend the public hearing should contact the Township Manager, or the Township Board of Supervisors, at the Township Municipal Office, 6 Township Drive, Cheyney, PA 19319, or by mail for \$10.00 plus shipping and handling charges. The Ordinance is to be published in the Delaware County Daily Times, Daily & Sunday Times Digital, on March 18th, 2022.

Shelley J. Memon, Township Manager
March 18, 2022

Sworn to the subscribed before me this 3/18/22.

Maureen Schmidt
Notary Public, State of Pennsylvania
Acting In County of Montgomery

Commonwealth of Pennsylvania - Notary Seal
MAUREEN SCHMIDT, Notary Public
Montgomery County
My Commission Expires March 31, 2025
Commission Number 1248132

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LEGAL NOTICE

Notice is hereby given that a public hearing will be held by the Thornbury Township Board of Supervisors at the Township Municipal Building, 6 Township Drive, Cheyney, PA 19319 on March 28th, 2022, beginning on or after 6:00 p.m., on a proposed Ordinance, entitled:

AN ORDINANCE OF THORNBURY TOWNSHIP, DELAWARE COUNTY, AMENDING THE THORNBURY TOWNSHIP CODE OF ORDINANCES, AS AMENDED, TO ADD A NEW CHAPTER 12, ENTITLED HEALTH CODE AND ESTABLISHING ADDITIONAL HEALTH REGULATIONS BY ADDING ARTICLE I, PUBLIC EATING AND DRINKING PLACES; ARTICLE II, FOOD ESTABLISHMENTS; ARTICLE III, FOOD VENDORS; ARTICLE IV, WATER SUPPLIES; ARTICLE V, HAZARDOUS SUBSTANCES; ARTICLE VI, PUBLIC BATHING PLACES; ARTICLE VII, HOUSING; ARTICLE VIII, RODENT AND INSECT CONTROL; AND ARTICLE IX, RABIES CONTROL; BY ADDING ARTICLE X, APPLICABILITY OF OTHER CODES AND ENFORCEMENT.

ORDINANCE SUMMARY: The proposed Ordinance creates specific health related regulations under the auspices of the Township Health Department and Township Health Officer, to be added as a new Chapter 12 to the Township Code. These regulations are in addition to those created by Ordinance No. 1 of 2021, and are summarized as follows: Article I, Public Eating And Drinking Places. The new regulations govern public eating and drinking places through the requirement of licenses to operate, proper food handling, and cleanliness of employees. Water supply, bathroom facilities and dish washing facilities are also regulated as are waste disposal, refrigeration and storage of food and drink. Article II, Food Establishments. Food Establishments likewise require a license and are regulated as to access, lighting, ventilation, disease control and food protection standards, as well as prohibitions on the sale of contaminated food. Regulations are also included for meat and shellfish sales and storage. Article II, Food Vendors. Standards for food vendors are added to require licenses, inspection of premises, including vending machines, preparation and handling of food, together with regulations for the proper handling of garbage and trash. Article IV, Water Supplies. Water supply standards and regulations are added to ensure the proper supply of public potable water as well as to prevent contamination of water sources from operations. There are prohibitions against using private sources of water, treatment and disinfection requirements as well as private well abandonment regulations. Water sampling requirements have also been included. Article V, Hazardous Substances. Hazardous substances are regulated to ensure proper manufacture, use and storage. Prohibitions against emission of toxic vapors or fumes are included. Article VI, Public Bathing Places. Standards for public bathing places (swimming pools) are added to require permits and inspections and to ensure proper maintenance and supervision and water quality. Additional standards have been added address the requirements for bathrooms (including sinks and toilet facilities) facility lighting, construction standards, testing and reporting requirements and food service. Article VII, Housing. Standards are provided for dwelling inspections, minimum standards for basic equipment and facilities, including use of public water and sanitary sewers, interior facilities such as sinks, bathrooms, showers and tubs, and compliance with Township plumbing requirements. Standards for trash storage and removal, heat, lighting and ventilation, as well as dwelling egress and minimum dwelling space requirements are also provided; as are general dwelling construction standards. General responsibilities of owners and occupants are included as are provisions for condemnation of a dwelling based on dwelling conditions. Article VIII, Rodent and Insect Control. Prohibitions against certain conduct which is conducive to pests are included as are provisions for rodent-proofing and rodent eradication. Article IX, Rabies Control. Regulations prohibiting dogs from running at large are included, as are reporting requirements for animal bites and regulations for rabid dog confinement, examination and destruction. Article X, Applicability of Other Codes and Enforcement. This Article makes clear that the provisions of Chapter 12 are in addition to and not in lieu of compliance with any other code, regulation or rule. It provides for a notice and cure period prior to revocation of a license, and thereafter for a public hearing/appeal process in the event of a license revocation by the Health Officer, except in the event of an emergency. It also provides for violations to be enforced by means of a non-traffic summary citation before a Magisterial District Justice, with possible penalties of up to \$1,000 for uncorrected violations (with each day to be considered a separate violation) as well as fees and costs as allowed by law.

The Thornbury Township, Delaware County, Board of Supervisors may also consider the proposed Ordinance for enactment and may enact the Ordinance during its special meeting following the public hearing.

A copy of the proposed Ordinance may be examined without charge or obtained for a charge not greater than the cost of copying same in the Township Building during regular business hours, at the address indicated above. The Ordinance is also posted and available for inspection on the Township website at <https://www.thornbury.org/>.

Any persons needing assistance to attend and/or participate in the hearing, should contact the Township Office at 610-399-8383 x107 or via email at geoff@thornbury.org.

Jeffery T. Seagraves, Township Manager
DCT-Mar 18-1a

**TOWNSHIP OF THORNBURY
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 OF 2022

AN ORDINANCE OF THORNBURY TOWNSHIP, DELAWARE COUNTY, AMENDING THE THORNBURY TOWNSHIP CODE OF ORDINANCES, AS AMENDED, TO ADD A NEW CHAPTER 12, ENTITLED HEALTH CODE AND ESTABLISHING ADDITIONAL HEALTH REGULATIONS BY ADDING ARTICLE I, PUBLIC EATING AND DRINKING PLACES; ARTICLE II, FOOD ESTABLISHMENTS; ARTICLE III, FOOD VENDORS; ARTICLE IV, WATER SUPPLIES; ARTICLE V, HAZARDOUS SUBSTANCES; ARTICLE VI, PUBLIC BATHING PLACES; ARTICLE VII, HOUSING; ARTICLE VIII, RODENT AND INSECT CONTROL; AND ARTICLE IX, RABIES CONTROL; AND BY ADDING ARTICLE X, APPLICABILITY OF OTHER CODES AND ENFORCEMENT.

WHEREAS, the Board of Supervisors ("Board of Supervisors") of Thornbury Township, Delaware County ("Township"), in accordance with the authority granted under Article XXX, Section 3001 of the Pennsylvania Second Class Township Code [53 P.S. § 68001] ("Second Class Township Code"), adopted Resolution No. 11 of 2021, which among other things, established a Thornbury Township Board of Health ("Board of Health"), appointed the initial members of said Board of Health and appointed a Health Officer; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 1 of 2021, which among other things, enacted health and sanitation regulations in accordance with the Second Class Township Code and the laws of the Commonwealth of Pennsylvania ("Commonwealth") for implementation and enforcement by the Board of Health, Health Officers and any appointed Health Inspectors, to protect the overall health and safety of the Township and its residents.

WHEREAS, the Board of Supervisors desires to enact additional regulations for implementation and enforcement by the Board of Health, Health Officers and any appointed Health Inspectors, regulating areas of public concern, such as public eating and drinking places, food establishments, food vendors, water supplies, hazardous substances, public swimming pools, housing, rodent and insect control, and rabies control, in order to better protect the overall health and safety of the Township and its residents.

NOW THEREFORE IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Thornbury, Delaware County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Chapter 12, entitled, Health Code.

Section 2. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article I, Public Eating and Drinking Places, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE I
Public Eating and Drinking Places

§ 12-1. Definitions.

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

BOARD OF HEALTH – The Board of Health of Thornbury Township, Delaware County, Pennsylvania.

EMPLOYEE – Any person employed by or receiving compensation in exchange for services provided to a licensee, including without limitation, any person who handles food or drink during its preparation or serving or comes in contact with any eating or cooking utensils or provides services in a room in which food or drink is prepared or served. This shall include the licensee or any member of the licensee's family.

ITINERANT PUBLIC EATING AND DRINKING PLACE — One operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

LICENSE — The permission granted, by the Health Officer, to a licensee to conduct a public eating and drinking place.

LICENSEE — Any person, partnership, association, corporation or other entity who is the holder of a license for the purpose of conducting or operating within the limits of the Township a public eating or drinking place.

NEW ESTABLISHMENT — Any place which has been newly constructed and/or in which a change of ownership has taken place.

PUBLIC EATING AND DRINKING PLACE — Restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, private club, hospital kitchen, dining room or snack bar, industrial kitchen, dining room, cafeteria or snack bar, school lunchroom or cafeteria or any other place where food, drinks or refreshments are served, sold or prepared and sold or given away, to be consumed on the premises; provided, however, that this definition shall not be interpreted to include boardinghouses or private homes.

§ 12-2. Licenses and inspections.

- A. It shall be unlawful for any person to operate a public eating and drinking place in the Township who does not possess a license from the Board of Health. Licenses shall be granted for a period of one year or portion thereof. Said year shall commence when the license is issued and shall be valid until the last day of the month issued one year later. Such license shall be conspicuously displayed at all times in the place thereby licensed and shall not be transferable. Application for renewal of a license shall be made at least 30 days before the expiration of the existing license. Licenses may be suspended or revoked for violations by the licensee of these rules and regulations. No license shall be suspended or revoked without the licensee being given a hearing before the Board of Health. A late fee computed at 10% of the license fee shall be assessed for each month, or part thereof, that the license fee is paid more than 30 days after the due date.

B. Computation of license fee.

- (1) The Health Officer or any proper authorities of the Board of Health shall make periodic inspections of any premises licensed for public eating and drinking places within the Township. The licensee shall be required to pay a fee for such license as set from time to time by resolution of the Board of Supervisors, based upon the square footage of the establishment as follows:

Floor area (square feet)

Under 1,000

1,001 to 1,500

1,501 to 2,500

2,501 to 5,000

5,001 to 7,500

7,501 to 10,000

10,001 to 15,000

15,001 and over

- (2) A “snack bar,” which is a counter area in an enclosed facility where food, drinks and/or refreshments are served or sold and to be consumed on the premises, which are primarily intended for recreational or entertainment purposes, other than a public eating or drinking place, shall have its square footage of floor area computed based upon the snack bar service area and restroom facilities only.
- (3) The licensee for itinerant public eating and drinking place shall be considered to be the entity hosting the event and shall pay a fee for the license valid for one year from the issue date, as set forth from time to time by resolution of the Board of Supervisors, based upon the number of food vendors operating at an event, with one fee for the first vendor and another fee for each additional vendor.

§ 12-3. Employees; contagious diseases.

- A. No licensee shall hereafter keep in active food handling or other public service any employee known to be afflicted with a disease in a communicable form. No licensee or manager of any establishment covered in this Chapter shall permit such employee to actively continue in such capacity if such licensee or manager has valid reason to suspect that such person is afflicted with a disease in a communicable form which may endanger the public.
- B. The Health Officer shall have full power and authority at any time to require examinations and tests as may be necessary to determine whether any employee of a licensee has a disease in a communicable form or is a carrier of a communicable disease. It shall be the duty of all employees to submit to such examinations at the request of the Health Officer, and any employee who shall refuse to submit to such examination shall not be continue as employee in any public eating and drinking place in the Township, until such employee can demonstrate to the satisfaction of the Health Officer that there is no danger to the public from continued employment or service.
- C. Disease control. No person who is infected with any disease in a communicable form or is a carrier of such disease shall work in a public eating or drinking place, and the licensee of

each place shall not employ any such person or persons suspected of being infected with any disease in a communicable form or being a carrier of such disease. If the licensee suspects that any employee has contracted any such disease in a communicable form or has become a carrier of such disease, he shall notify, in writing, the Health Officer immediately.'

- D. Procedure when infection is suspected. Where there is reasonable ground for the Health Officer to suspect that there is transmission of an infectious disease from any of a public eating or drinking place to the public, the Health Officer is authorized to require the licensee of the said eating and drinking place to forthwith carry out any or all of the following measures:
- (1) The immediate exclusion of the employee from the said public eating and drinking place.
 - (2) The immediate closing of the public eating or drinking place until the danger of disease outbreak ceases to exist.
 - (3) Adequate medical examinations of the employee and of his associates, including appropriate laboratory examination.
 - (4) Any other measures required by Federal or State law.
- E. Food handlers. All employees handling food are required to obtain a food handler's certificate from the Health Officer within five days of employment. All employees who work five days in any one calendar month shall have a certificate.

§ 12-4. Approval of Plans.

- A. Unless otherwise specifically exempt from the requirements of this section, no person shall undertake to remodel or alter any existing building or portion thereof which is being used or is proposed for use as a public eating and drinking place, or shall undertake to construct a new building which is to be used in whole or in part as a public eating and drinking place, without first having submitted plans thereof in duplicate to the Health Officer for approval. The requirements of this subsection shall be in addition to and not in lieu of any other applicable Township codes, rules and regulations requiring the submission of applications and plans and obtaining approvals and permits for the work contemplated.
- B. Such plans shall be accompanied by data completely describing the public eating and drinking place or the addition or alteration proposed. If approved, one set of plans bearing such approval in writing shall be returned to the applicant. If not approved, the manner in which such plans do not meet the requirements of these rules and regulations shall be marked on both sets of plans, and one set of plans will be returned to the applicant.
- C. The Health Officer shall be guided by the provisions of these rules and regulations affecting such construction, the proposed methods of receiving and distributing perishable food or drink and any applicable laws relating to the handling or processing of food or drink.

§ 12-5. Construction and cleanliness.

- A. Floors. The floors of all rooms in which food or drink is prepared or stored or in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair. In the case of all new establishments, the floors of all

rooms in which food or drink is prepared or stored or in which utensils are washed shall be constructed of material impervious to water and shall be provided with a sanitary base and with adequate and sufficient drains to permit cleaning.

- B. Walls and ceilings. Walls and ceilings of all rooms in which food or drink is prepared, served or stored or utensils are washed or stored shall be kept clean and in a sanitary condition. The walls of all such rooms shall have a smooth washable surface up to the level exposed to soiling by splash or spray and shall be finished in a light color. No paper or oilcloth coverings are permitted on walls of kitchens and food preparation rooms. In the case of all new establishments, all rooms in which food or drink is prepared or served or in which utensils are washed shall have a clear ceiling height of not less than seven feet.
- C. Construction of kitchens. The rooms in which food is prepared shall be of adequate size and construction to permit easy cleansing and the unhampered performance of all kitchen operations.
- D. Construction and location of utensils and equipment.
 - (1) All eating and cooking utensils and all showcases and display cases or windows, counters, shelves, tables, booths and refrigerating and other equipment shall be of a sanitary design and construction and so located as to be easily cleaned and shall be kept clean and in a sanitary condition. In new establishments or in establishments where new installations of equipment are made, all equipment used for the preparation, storing, handling or serving of food or drink shall be equivalent to or in excess of that specified in the National Sanitation Foundation standards. Such equipment shall be spaced away from walls and corners so as to permit access for cleaning. Thirty inches of working space shall be required between all units of new equipment unless such equipment is movable. A minimum of 30 inches of working space shall be provided between counters, back bars and worktables wherever located.
 - (2) No cooking unit of any kind shall be permitted to be placed or located in any bay window. All new installations of equipment shall be elevated at least six inches from the floor on pear-shaped legs or sealed tight to the floor with a three-inch cove base or stainless steel removable kickplates. Where equipment with closed bottoms without air spaces is set on a masonry base, the top of the base shall be waterproofed with mastic.
 - (3) Plates, cups, saucers, dishes, crockery or chinaware which are cracked, chipped or broken shall not be used to contain food or drink. All such cracked, chipped and broken plates, cups, saucers, dishes, crockery or chinaware will be destroyed and discarded at the time of inspection. Food-contact surfaces of equipment and utensils shall be smooth; shall be free of breaks, open seams, cracks, chips, pits and similar imperfections; shall be in good repair; and shall be easily cleaned.
 - (4) In cases of all new construction, shelves shall be constructed at least two inches from the wall unless tightly stripped to eliminate cracks.

- E. Doors and windows. When flies are prevalent, all openings into the outer air shall be effectively screened (April 1 to December 1) with not less than sixteen-mesh wire. Doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies. All screen doors shall open outward. Doors and windows shall be kept clean, inside and out. The presence of flies or flying insects shall be presumptive evidence of failure to comply with this section.
- F. Lighting. All rooms in which food or drink is prepared or in which utensils are washed shall be well-lighted, with adequate natural or artificial lighting sufficient to produce an intensity of not less than 15 footcandles at 30 inches from the floor. In rooms where food is stored, lighting shall be provided sufficient to produce an intensity of not less than five footcandles at 30 inches from the floor.
- G. Ventilation. All rooms in which food or drink is prepared or served or in which utensils are washed shall be well-ventilated. There shall be openings to the outer air at least equal to 5% of the floor area. In the case of artificial ventilation where food is prepared, facilities must be provided for at least eight air changes per hour. In no case shall recirculation of air be permitted. All rooms in which food or drink is served shall be provided with at least five air changes per hour, and not more than 50% recirculation shall be permitted. All cooking units shall be hooded and vented to the outside air by forced draft; provided, however, that the latter requirement shall not apply to a simple bread toaster and to a coffee urn. When cooking units are vented to the outside air, the vents shall be carried above the highest window of this or adjacent buildings. All ventilation systems shall be maintained in a clean and sanitary condition.

§ 12-6. Toilet facilities.

- A. In all new establishments or establishments where alterations are made, toilet facilities as required by the Thornbury Township Building Code shall be provided.
- B. Toilet rooms shall not open directly into any room in which food or drink is prepared or handled. No entrance to a toilet room shall lead through living quarters or through an area where food or drink is stored, prepared or handled. An intervening vestibule of at least three by three feet shall be provided. The doors of all toilet rooms and vestibules shall be self-closing.
- C. Toilet rooms shall be kept clean, in good repair, well-lighted and properly ventilated by exterior windows or mechanical means. The walls and ceilings shall be of a smooth washable surface and shall be finished in a light color.
- D. Hand-washing facilities with automatic running hot and cold water, sanitary towels and soap shall be in or adjacent to the toilet room. The use of the common towel is prohibited. Hand-washing signs shall be posted in each toilet room used by food handlers. No employee shall return to work after using the toilet without first washing hands.
- E. In all new establishments or establishments where alterations are made, the floors of the toilet rooms shall be constructed of a material and joints impervious to water and shall be provided with a sanitary base.

§ 12-7. Lavatory facilities.

All kitchen, stands and counters where food is prepared shall be equipped with or have adjacent thereto separate hand-washing facilities for the washing and cleansing of the hands, equipped with automatic running hot and cold water, soap and sanitary towels.

§ 12-8. Water supply.

Automatic running hot and cold water under pressure of not less than 15 pounds per square inch shall be easily accessible to all rooms in which food is prepared or utensils are washed and shall be adequate and of a safe, sanitary quality.

§ 12-9. Washing facilities.

A. In all public eating and drinking places where dish or utensil washing is done by other than mechanical means, no less than three compartment sinks shall be provided and equipped with running hot and cold water.

(1) Procedure.

- (a) Wash (water 110° to 130° F.).
- (b) Rinse (warm water).
- (c) Sanitize (water 180° F. for two minutes).

(2) Alternative.

- (a) Wash (water 110° to 130° F.).
- (b) Rinse (warm water).
- (c) Sanitize with a chemical such as hypochlorite compounds or chlorine-containing compounds of equal efficiency at a minimum concentration of 100 parts per million for at least 30 seconds; Quaternary ammonium compounds at a minimum concentration of 200 parts per million for at least 30 seconds; or iodoform compounds at a minimum concentration of 12.5 parts per million for at least 30 seconds.

B. There shall be a drainboard of a material impervious to moisture affixed to each end of the unit. In new establishments or establishments where alterations are made, each compartment of the sink shall be of a size not less than 16 inches square by 14 inches deep. Each compartment for sinks in soda fountains and bars shall be no less than 12 inches square by 10 inches deep. Mechanical dishwashing machines shall be equipped to provide a minimum water temperature in the machine of at least 180° F. Mechanical dishwashers shall be equipped with two thermometers for indicating the wash and sterilizing temperatures. Prerinse or presoak facilities shall be provided for either mechanical or manual dishwashing.

C. Cleaning and bactericidal treatment of utensils and equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods or sinks, shall be kept clean and free from dust, dirt, insects and other sources of contamination. All clothes used by waiters, chefs and other employees shall be kept clean. All eating and drinking utensils shall be thoroughly cleaned and subjected to an approved bactericidal process after

each use and at the time of service to the public be thoroughly clean and sterilized. All multiuse containers and utensils used in the preparation, cooking and serving of food and drink shall be thoroughly cleansed and subject to an approved bactericidal process immediately following the day's operation. Towel drying is not permitted.

- D. Storage and handling of utensils and equipment. After cleansing and sterilizing, all utensils and equipment must be stored above the level of the floor in a clean, dry place, protected from flies, dust or other contamination, and no utensils shall be handled except in such manner as to prevent contamination. Single-service utensils shall be purchased only in sanitary containers and shall be stored therein in a clean, dry place until used and shall be handled in a sanitary manner. Kitchens shall be used only for cooking and the storage of food products and kitchen, cooking or eating utensils and equipment in use.

§ 12-10. Disposal of waste.

All liquid waste resulting from the cleansing and rinsing of utensils and floors and from flush toilets and lavatories must be disposed of in a public sewer or, in the absence of a public sewer, by methods approved by provisions of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended). All garbage must be stored in nonleaking metal containers with tight-fitting lids or in an approved garbage storage room, and all waste material must be kept free of garbage and stored in nonleaking metal containers with tight-fitting lids or in an approved waste material storage room and be covered at all times. Garbage and other waste materials must be removed from the premises as often as necessary to prevent a nuisance and shall be disposed of in a manner to be approved by the Health Officer. All garbage and waste receptacles must be washed when emptied and treated with a disinfectant if necessary to prevent a nuisance. Adequate can washing facilities shall be provided.

§ 12-11. Refrigeration.

All readily perishable food or drink shall be kept at temperatures lower than 40° F., except when being prepared or served. All refrigerators must be equipped with an indicating thermometer accurate to plus and minus 2° F., located in the warmest part of the facility in which food is stored and of such type and so situated that the thermometer can easily and readily be observed for reading and maintained in a clean and sanitary condition. Wastewater from refrigeration equipment shall be disposed of in accordance with the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended).

§ 12-12. Wholesomeness of food and drink.

- A. All food and drink shall be wholesome and free from spoilage and contamination. All milk, ice cream and other frozen dairy products shall be from sources approved by the Board of Health. Milk must be served in or from the half-pint container in which it was received from the distributor or by other methods approved by the Board of Health. This requirement shall not apply to cream which may be served from the original bottle or from a dispenser approved by the Board of Health.
- B. In the case of milk drinks, the milk used shall include the entire contents of the original container. No part or parts of any food previously served to the customer can again be served in any form to other customers. This requirement includes the remaining portions of crackers,

cream, bread, slaw, unused salads, butter, jellies and all other foods which are not served in tightly covered dispensers or any parts of other foods that have been served as a part of a meal and with which there has been possible human contact.

- C. No cream puffs, eclairs, napoleons, cream pies, cream-filled layer cakes and similar products containing custard or whipped cream shall be sold or stored unless kept in a storage compartment the maximum temperature of which is not greater than 40° F.
- D. All oysters, clams and mussels shall be from approved sources. The shells of shellfish used for service cannot be reused.
- E. All ice shall be from an approved source and must meet the standards as set forth in Article V of these rules and regulations.

§ 12-13. Storage and display of food and drink.

All food and drink shall be stored, handled, cooked, processed, prepared, displayed or dispensed as provided under Article II, § 12-26, hereof. Sugar served in all public eating and drinking places shall be dispensed from containers which provide protection against dirt, dust, other contamination and human handling at all times, except in the case of lump or packaged sugar which is individually wrapped. Unwrapped or otherwise unprotected displayed food which is subject to contamination through public handling, coughing or sneezing shall be protected by means of glass or similar partitions or through other approved means.

§ 12-14. Cleanliness of food handlers.

All food handlers shall wear clean garments and shall keep their hands and fingernails clean at all times when engaged in the handling of food, drink, utensils or equipment. Employees shall wear hair nets or caps while engaged in the preparation of food. All food handlers who in any manner come in contact with or handle food shall, before beginning work, thoroughly wash their hands with soap and water. No employee shall use tobacco in any form while engaged in the preparation or handling of food and drink.

§ 12-15. Insect and rodent control.

All persons engaged in the operation of any public eating and drinking place shall be required to take all necessary precautions to keep the premises free of rats and vermin. In the case of rat or vermin infestation, operators shall report such infestation to the Board of Health for the purpose of procuring proper advice and instructions in order to eliminate the nuisance. In the case of all new establishments, all rooms in which food or drink is prepared, stored or served shall be of a ratproof construction.

§ 12-16. General operation.

- A. The premises of all public eating and drinking places shall be kept clean and free of litter or rubbish.

- B. No sleeping facilities or domestic activities shall be permitted in any room which is part of, or which opens into any room where food is prepared, stored or served or in which utensils are washed or stored.
- C. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean.
- D. Soiled linens, coats and aprons shall be kept in vermin-proof containers provided for this purpose.
- E. No public eating and drinking places shall be located in any cellar, basement or other place below the natural surface of the ground except with the written permission of the Board of Health.
- F. Bulk ice cream cannot be dispensed unless running water is provided next to the cabinet containing the ice cream. The utensils used in dispensing bulk ice cream must be sterilized frequently, washed by running water after each usage, and kept dry when not in use.
- G. No article, polish or other substance containing any cyanic preparation or other poisonous materials shall be used for the cleaning, disinfecting or polish of utensils or containers used in preparing or handling any food or drink.
- H. No substance containing any cyanide, fluoride, lindane or other poison shall be kept or used as an insecticide or exterminator in any place where food or drink is exposed during sale, preparation, holding or handling or in such manner as to contaminate such food or drink.
- I. Service dogs are permitted where a disability is obvious. Where a disability is not obvious, service dogs shall be limited to those which are required because of a disability and are trained to perform a task(s) that are directly related to the owner's disability. In the case of the latter, employees shall inquire (1) is the dog a service animal required because of a disability; and (2) what work or task has the dog been trained to perform, before allowing a service dog into the dining room, kitchen or storeroom of any public eating or drinking place.
- J. Before a new establishment can begin operation, the proprietor shall contact the Health Officer and request an interview with the Health Officer to review the specifics of the proposed operation and its compliance with this Article.

§ 12-17. Right of Entry for inspections.

The Health Officer in the performance of any duty imposed by this Chapter shall have full access to any place, container, conveyance or records used in the production, preparation, manufacture, packing, storage, transportation, handling, distribution or sale of any food. Without any prior notice, he shall be entitled to make an examination, open any package or container, examine records and take therefrom a sample for analysis of any food manufactured, sold, exposed for sale or found to be in possession of the licensee in violation of any provisions of these rules and regulations.

§ 12-18. Samples of food for examination.

- A. Every person who shall distribute or sell or offer for distribution or sale or have in his possession any food shall, on request and tender of the value by the Health Officer, deliver as much thereof to such representative as may be requested as a sample.
- B. If such request is not immediately complied with, the Health Officer may demand and take as much of the food as it may think necessary, tendering to the person in charge what it deems to be its reasonable value.
- C. At no time shall a licensee have in his possession, either for sale or not for sale, food or drink which is unfit and is likely to cause illness or transmit disease. When, in the opinion of the Health Officer, such food or drink exists it shall be ordered denatured, removed and disposed of.
- D. It shall be the duty of the licensee or person in charge of such substance to immediately remove and dispose of it at his own expense according to the direction of the Health Officer. In case the licensee or person in charge shall fail to immediately remove and dispose of such substance, as ordered, the same shall be caused to be denatured, removed and disposed of by the Health Officer at the expense of the licensee or person in charge.

§ 12-19. Condemnation and embargo.

Such samples of food, drink, ingredients, containers or any substance used in connection with the preparation of food or drink may be taken by the Health Officer for examination as often as may be deemed necessary for the detection of any impure or unsanitary condition. Any food, drink or any substance used in connection with the preparation of food or drink sold, offered for sale or kept may be condemned, removed or destroyed by or under the direction of the Health Officer if, in the judgment of such representative, such food, drink or substance is decomposed, contaminated, impure, unfit for human consumption or dangerous to the public health. Any such food, drink or other substance may be stopped from sale or use and placed under an embargo by the Health Officer for such reasonable period of time as may be required to make investigation or examination, if such may be necessary to determine that such food, drink or other substance is decomposed, impure, unfit for human consumption or dangerous to the public health. No such food, drink or other substance shall be used, removed, destroyed or otherwise disposed of while under such embargo except by or under the direction the Health Officer.

§ 12-20. Closing of premises.

- A. Whenever the licensee of a public eating and drinking place shall fail to keep his public eating and drinking place in a sanitary condition, or whenever food or drink or the sale of the same is likely to cause or transmit disease, the Board of Health, upon proper notification, shall order such public eating and drinking place closed until it shall have been put in a sanitary condition or until the food or drink or the sale of the same shall be no longer likely to cause any illness or transmit disease. The licensee of the public eating and place, when so ordered, shall immediately comply with and obey such order and shall not conduct further operations until permission has been granted by the Board of Health.

- B. Failure of the licensee to comply with the order of the Board of Health shall result in the Board of Health ordering the Health Officer to take necessary steps to close and padlock said premises until it shall have complied with the order of the Board of Health.

Section 3. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article II, Food Establishments, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE II Food Establishments

§ 12-21. Definitions.

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

BOARD — The Board of Health of Thornbury Township, Delaware County, Pennsylvania.

CUSTARD MIX and CUSTARD-FILLED — Refer to any product, consisting principally of flour, sugar, eggs and milk, with or without cornstarch, heated, cooled and applied to pastry without subsequent heating and to filled pastry, such as cream puffs or eclairs, which may be heated subsequent to filling.

FOOD ESTABLISHMENT — Any place where food or beverage intended for human consumption is kept, stored, manufactured, prepared, dressed, handled, sold or offered for sale, with or without charge, either at wholesale or retail, and not consumed on the premises; provided, however, that the term “food establishment” shall not include a public eating and drinking place, and the term “food,” as used in this Chapter, shall include not only every article used for food by man but also every article used for or entering into the composition of or handled for use as an ingredient in the food.

LICENSE — The permission granted to a licensee to conduct a food establishment.

LICENSEE — Any person, partnership, association, corporation or other entity who is the holder of a license for the purpose of conducting or operating within the limits of the Township a public eating or drinking place.

NEW ESTABLISHMENT — Any place that has been newly constructed or in which a change of ownership has taken place.

OFFERED FOR SALE — Applies to any food or drink kept or displayed in any store, place, dispenser or vehicle in the manner in which food or drink is ordinarily kept or displayed.

PERISHABLE FOODS — Any food or beverage or ingredients, exclusive of milk and milk products, capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products that are processed are excluded from the terms of this definition.

SHELLFISH — Oysters, clams, scallops or mussels, fresh or frozen; any shrimp, crab or lobster, fresh, frozen or cooked but not placed in a sealed container; and any other mollusks, fresh or frozen, intended for human consumption.

§ 12-22. Licenses.

- A. It shall be unlawful for any person to operate a food establishment in the Township who does not possess a license from the Board of Health. Licenses shall be granted for a period of one year or portion thereof. Said year shall commence when the license is issued and shall be valid until the last day of the month issued one year later. Such license shall be conspicuously displayed at all times in the place thereby licensed and shall not be transferable. Application for renewal of a license shall be made at least 30 days before the expiration of the existing license. A late fee computed at 10% of the license fee shall be assessed for each month or part thereof, that the license fee is paid more than 30 days after the due date.
- B. Licenses may be suspended or revoked for violation by the holder thereof of these rules and regulations. No license shall be suspended or revoked without a licensee being given a hearing before the Board of Health.
- C. The Health Officer shall make annual inspections of any licensee within the Township and an inspection of any retail food establishment. Such licensee shall pay a fee for the license as set from time to time by resolution of the Board of Supervisors, based on the square footage of the establishment as follows:

Floor area (square feet)

Under 1,000
1,001 to 1,500
1,501 to 2,500
2,501 to 5,000
5,001 to 7,500
7,501 to 10,000
10,001 to 15,000
15,001 and over

§ 12-23. Approval of plans.

No person shall undertake to construct a new building or remodel or alter an existing building or portion thereof for, or install equipment which is being used or is proposed for use in, a food establishment without first submitting plans for approval thereof as provided under Article I, § 12-4, of this Chapter.

§ 12-24. Structures.

- A. Enclosures. Every such food establishment shall be so constructed and maintained as to provide adequate enclosure and protection of the food or drink and the food- or drink-handling operations contained therein.
- B. Floors. The floor of any room or place where food or drink is stored, prepared or served or in which utensils are cleansed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair.
- C. Walls and ceiling. The walls and ceiling of any room or place where food or drink is stored, prepared or handled shall be clean and in good repair. Such walls and ceiling shall be painted or

finished in light color and refinished as often as necessary. Walls in food preparation areas shall have a smooth, washable surface up to the level exposed to soiling by splash or spray.

- D. Doors and windows. All openings to the outside shall be effectively screened or otherwise protected during the period when flies are prevalent (April 1 to December 1). Doors shall open outward and be self-closing or otherwise effectively closed. All effective means shall be provided to prevent the entrance of flies and other insects through such openings. Doors and windows shall be kept clean inside and outside. The presence of flies or flying insects within the structure shall be presumptive evidence of failure to comply with this section.
- E. Lighting. Lighting in any room or place in which food or drink is stored, prepared or handled or in which utensils are washed shall be adequate for all working purposes and to facilitate effective and thorough cleaning.
- F. Ventilation. Adequate ventilation shall be provided in any room where food or drink is stored, prepared or handled or in which utensils are washed so that such rooms are reasonably free of disagreeable odors and condensation, undue heat or cold, toxic substances, smoke, vapor, dust or other substance affecting or likely to affect the food or drink or causing or likely to cause an atmospheric condition dangerous to the health of employees or contributing to an insanitary practice or condition. All ventilation systems shall be maintained in a clean, sanitary manner.
- G. Toilets and lavatory facilities.
 - (1) Adequate lavatory facilities, including toilets, hand-washing facilities, automatic running hot and cold water, powdered or liquid soap in appropriate dispensers, sanitary towels and toilet paper, shall be provided for use at all times when such food establishment is in operation.
 - (2) Adequate and separate toilets shall be provided for and be readily accessible to persons employed as food handlers or otherwise and shall be located on premises.
 - (3) Toilet rooms shall not open directly into any room in which food or drink is prepared or handled. An intervening vestibule of at least three feet square must be provided. The doors of all toilet rooms shall be self-closing.
 - (4) The toilet shall be kept clean, in good repair, well-lighted and properly ventilated by exterior windows or other mechanical means. The walls and ceilings shall be of a smooth, washable surface and shall be finished in a light color.
 - (5) Hand-washing facilities with automatic running hot and cold water, sanitary towels and soap shall be in or adjacent to the toilet room. The use of the common towel is prohibited. Hand-washing signs shall be posted in each toilet room used by food handlers. No food handler shall return to work after using the toilet without first washing hands.
 - (6) In all new establishments or establishments where alterations are made, the floors of the toilet rooms shall be of a material and joints impervious to water and shall be provided with a sanitary base. The plumbing fixtures shall be of the wall-hung type and to facilitate cleaning.
- H. Separate hand-washing facilities required. In any food establishment where frequent hand-washing is necessary to prevent contamination of food during processing, manufacture or preparation, separate hand-washing facilities, including an adequate supply of powdered or liquid soap and sanitary towels, shall be provided in the workroom and conveniently near each such process workspace.

- I. Common drinking cup prohibited. Drinking cups for common use shall not be permitted in any food establishment.

§ 12-25. Personnel.

- A. Personal cleanliness. Every food handler shall wear clean outer garments, shall maintain personal cleanliness and shall keep hands and fingernails clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall wear hair nets or caps while engaged in the preparation of food. All food handlers who in any manner come in contact with or handle food shall, before beginning work, thoroughly wash their hands with soap and water. No employee shall use tobacco in any form while engaged in the preparation or handling of food and drink.
- B. Disease control. No person suffering from a communicable disease transmissible through food or drink, or who is known to be a carrier of the organisms causing such disease, and no person suffering from a local infection transmissible through food, shall be actively employed in any food establishment at which food or drink is prepared or dispensed. The provisions of Article I, § 12-3A, B, C, D and E, of these rules and regulations shall apply to all persons employed in food establishments.
- C. Locker spaces. Soiled linens, aprons and other articles used in the preparation, storage or handling of food or drink shall be kept in vermin-proof containers provided for this purpose. Clothing shall not be hung or placed in proximity to exposed food or drink. When required by the Health Officer, suitable and adequate rooms for changing clothes and locker space shall be provided.

§ 12-26. Protection of food.

- A. General.
- (1) No food or drink shall be kept, sold, offered for sale, manufactured, cooked, processed, prepared, displayed, dispensed or transported unless it shall be protected at all times from dust, dirt, flies, vermin, handling, droplet infection, overhead leakage or other contamination. Such food or drink shall be subjected to or maintained at such temperatures while being kept, displayed, transported or offered for sale as shall prevent undue or abnormal deterioration, decomposition or spoilage. Food displayed or exposed for retail sale shall be at least 24 inches above the floor unless it is completely enclosed by coverings or containers. The general storage of food, raw materials and reserve stock shall be above the floor (six inches or more) on clean racks, pallets, dollies or other clean surfaces in such a manner as to be protected from contamination and to facilitate easy and thorough cleaning.
- (2) Where unwrapped food is displayed in all types of food service operations, including smorgasbords, buffets and cafeterias, it shall be protected against contamination from customer and other sources by easily cleaned counter- protector devices, cabinets, display cases, containers or other similar types of protective equipment. Self-service openings in counter guards shall be so designed and arranged as to protect food from manual contact by customers.
- (3) All deliveries of perishable foods to food establishments shall be made inside the store unless food is stored in containers approved by the Health Officer.

- B. Animals prohibited. No live animal or fowl shall be permitted or kept in any rooms where food or drink is stored, prepared, handled or served.

§ 12-27. Utensils and equipment.

- A. In all new establishments or in establishments where alterations are made, where multiuse utensils are used, no less than a three-compartment sink shall be provided and equipped with running hot and cold water. Each compartment of the sink shall be a size of not less than 16 inches square by 14 inches deep. All sinks shall be equivalent to or in excess of the specifications in the National Sanitation Foundation standards. All eating and cooking utensils and all showcases and display cases or windows, counters, shelves, tables, booths and refrigerating and other equipment shall be of a sanitary design and construction and so located as to be easily cleaned and shall be kept clean and in a sanitary condition. In new establishments or in establishments where new installations of equipment are made, all equipment used for the preparation, storing, handling or serving of food or drink shall be equivalent to or in excess of that specified in the National Sanitation Foundation standards. Such equipment shall be spaced away from walls and corners so as to permit access for cleaning. Thirty inches of working space shall be required between all units of new equipment unless such equipment is movable. Where equipment with closed bottoms without air spaces is set on a masonry base, the top of the base shall be waterproofed with mastic.

- B. Accepted method of dishwashing.

- (1) Three-compartment sink.

- (a) Procedure.

- [1] Wash (water 110° to 130° F.).
- [2] Rinse (warm water).
- [3] Sanitize (water 180° F. for two minutes).

- (b) Alternative.

- [1] Wash (water 110° to 130° F.).
- [2] Rinse (warm water).
- [3] Sanitize with a chemical such as hypochlorite compounds or chlorine-containing compounds of equal efficiency at a minimum concentration of 100 parts per million for at least 30 seconds; Quaternary ammonium compounds at a minimum concentration of 200 parts per million for at least 30 seconds; or iodoform compounds at a minimum concentration of 12.5 parts per million for at least 30 seconds.

- (1) Mechanical dishwashing. The mechanical dishwashing installation shall be approved. Heating facilities and thermostatic controls to provide hot water at 180° F. minimum temperature for the final rinse cycle shall be provided on mechanical dishwashing equipment. Each mechanical dishwashing machine shall be equipped with accurate thermometers.
- (2) The licensee of the eating and drinking establishment shall have available upon the premises of the eating and drinking establishment the original container in which the chemical sanitizer currently employed was received from the distributor.

C. Cleaning process.

- (1) In all food establishments, adequate cleaning of utensils is required, and an adequate supply of automatic running hot and cold water under pressure of not less than 15 pounds per square inch, an adequate supply of suitable cleanser and suitable and adequate facilities for the cleansing, disinfecting and storage of utensils shall be provided.
- (2) In all new establishments or in establishments where any alterations are made, a service sink of a size not less than 20 inches wide, 21 inches long and 12 1/2 inches deep shall be provided for the cleaning of janitor's supplies.

D. Storage and handling of utensils and equipment. After cleansing and sterilizing, all utensils and equipment must be stored above the level of the floor in a clean, dry place, protected from flies, dust or other contamination, and no utensils shall be handled or stored except in such a manner as to prevent contamination.

E. Water supply. Automatic running hot and cold water under pressure of not less than 15 pounds per square inch shall be easily accessible to all rooms in which food is prepared or utensils washed and shall be adequate and of a safe, sanitary quality, as provided in §12-47A of this Chapter.

F. Waste containers. In every food establishment, adequate and suitable metal containers with tight-fitting lids shall be provided and used to receive waste and refuse. Such containers shall be kept in a sanitary condition with tightfitting lids. All refuse shall be removed from the premises at frequent intervals so as not to create a nuisance.

G. Refrigeration.

- (1) Adequate refrigeration shall be provided at all times for all perishable food or drink. Refrigerators shall be maintained in good repair and in a clean and sanitary condition.
- (2) The following temperatures shall be maintained at all times:

| Foods | Temperatures |
|---|---------------------|
| Frozen Foods | 0° F, or below |
| Meat and meat products, cooked food of animal origin, milk and milk products and other perishable foods | 40° F, or below |
| Seafood and fresh poultry | 32° F, or below |

- (3) Indicating thermometers shall be provided in all refrigerators and refrigerated cases accurate to plus and minus 2° F, located in the warmest part of the facility in which food is stored and of such type and so situated that the thermometer can be easily and readily observed for reading.

§ 12-28. Sale of impure food prohibited.

No food or drink which is impure, decomposed, contaminated or dangerous to the public health or which has been so treated as to conceal inferiority or which in its manufacture, cooking, processing, preparation,

handling or storage does not conform to the requirements of these rules and regulations shall be kept, sold or offered for sale for human consumption.

§ 12-29. Poisonous substances.

- A. No substance containing cyanide, fluoride, lindane or other poison shall be kept or used as an insecticide or exterminator in any place where food or drink is exposed during sale, preparation, holding or handling or in such manner as to contaminate such food or drink.
- B. No polish, article or substance containing cyanide or other poison shall be used for the cleansing or disinfecting of any utensils or containers used in preparing or handling any food or drink.

§ 12-30. Meat and meat products.

- A. No meat or meat products shall be offered for sale, displayed, sold or kept in any food establishment unless such products shall have first been inspected and approved by either an authorized agent of the Bureau of Animal Industry, United States Department of Agriculture, or of the Bureau of Animal Industry, Pennsylvania Department of Agriculture. The Board of Health may, in its discretion, permit the sale of meat or meat products which have been inspected and approved by a duly authorized agent who is a qualified and licensed veterinarian appointed under an ordinance of a municipality of this commonwealth, provided that the procedure followed in conducting inspection, including the facilities for making the same, the requirements with respect to the sanitation of the establishment and the marking, branding or identifying of meat or meat products shall conform to the regulations of the United States Department of Agriculture or the Pennsylvania Department of Agriculture.
- B. All meat or meat products offered for sale, displayed, sold or stored in any food establishment shall be marked in a clear and legible manner with the official meat inspection legend, as provided in the foregoing subsection A, above.
- C. Any slaughtering, meat canning, curing, smoking, salting, packing, rendering or other similar establishment where meat or meat products are prepared for sale in the Township shall be subject to inspection by the Health Officer.

§ 12-31. Shellfish.

- A. No oysters, clams or other shellfish shall be sold or offered for sale in the Township unless such shellfish shall have been produced and shipped in conformity with the regulations of the state in which they were grown or packed, and unless the shipment shall have been accompanied by tag, label or other mark approved by the Pennsylvania Department of Health showing that the shipper has been duly certified by the state in which this plant is operated, such certification having been approved by the United States Public Health Service for shipments in interstate commerce.
- B. All shellfish shippers, re-shippers, packers and wholesalers shall for 60 days keep accurate records of the source, date and quantity of all lots of shellfish received and the name and address of the consignee to whom each lot or part thereof is consigned, with the date and quantity, in order that lots of shellfish dispensed may be identified with corresponding lots of shellfish received. When an original shipment of shellfish is broken down into smaller lots, each lot shall have attached thereto a split-lot tag of the type approved by the Pennsylvania Department of Health. The said records shall be subject to inspection by the Health Officer. All retailers shall

keep an accurate record, subject to such inspection of the source, date and quantity, of all lots of shellfish received.

- C. Shellfish shall be so handled and stored as to maintain them in a clean, wholesome condition.
- D. Shell stock (shellfish not removed from the shell) shall be shipped in clean containers, each container having an approved tag attached thereto as provided in subsection B, above. Bulk shipment by truck or car is prohibited.
- E. All establishments in which shellfish are shucked, washed, packed, replaced, stored or otherwise handled shall conform to all the provisions of Article II of this Chapter.
- F. All rooms in which shucked oysters are washed, packed, repacked, stored or otherwise handled shall be separate and apart from the rooms in which oysters are shucked.
- G. Such establishments shall be provided with an ample and convenient supply of pure, cold water for washing the shucked stock and flushing purposes and hot water for cleansing receptacles and utensils.
- H. All receptacles in which shucked stock is placed and other utensils which come into contact with the shucked stock shall be of noncorroding material, with smooth surfaces and of such shape as will facilitate thorough cleansing. They shall be cleansed before use.
- I. Shucked stock shall be thoroughly washed in pure, cold water and, subsequent to such washing, shall not be handled except with clean utensils.
- J. Shucked stock shall be packed in clean containers, sealed in such a manner that any tampering will be easily discernible and marked with the name, address and identification mark of the packing establishment, together with the quantity of shellfish contained therein.
- K. Proper refrigeration shall be provided in all places where shucked stock is kept and during shipment. The cooling of shellfish to a temperature of 40° F or less shall be effected within two hours after the shellfish is shucked. No ice or other foreign substance shall be allowed in contact with the shucked stock.

§ 12-32. Custard-filled and whipped cream pastry; perishable foods.

- A. Restriction of sale. No custard-filled and whipped cream pastry shall be kept, offered for sale or sold except on the day of manufacture thereof. The day of manufacture shall be the day on which manufacture is completed but may include not more than two hours preceding midnight of the previous day.
- B. Manufacture. The entire custard mix to be used in the manufacture of custard-filled pastry shall be brought to and held at a temperature of not less than 200° F. continuously for not less than 10 minutes and, within one hour thereafter, placed in a refrigerating temperature of not over 40° F. and kept at or below such temperatures until applied to the pastry.
- C. Holding temperatures. No custard-filled or whipped cream pastry shall be kept, displayed, offered for sale or transported unless, immediately after manufacture, it shall have been cooled to and maintained at all times at a temperature of 40° F. or lower, in clean containers filled to a depth of not more than three inches. Other perishable food shall be held either at a temperature of 40° F. or lower or at a temperature of 150° F. or higher.

- D. Packaging and labeling. No custard-filled pastry shall be sold either wholesale or retail or transported for retail delivery unless it shall be wrapped or packaged so as to protect the contents from contamination. Such wrapper or package shall bear prominently on the outside thereof, in legible letters, the name of the manufacturing baker, the day of manufacture and the following statement "Refrigerate and Consume Today."
- E. Condemnation. Custard-filled or whipped cream pastry or perishable food manufactured, kept, displayed or served in violation of the provisions of § 12-22 of this Chapter is hereby declared to be dangerous to the public health and, as such, subject to condemnation by the Health Officer.
- F. Transportation of bakery products. No person shall transport or deliver bakery products unless such products are fully enclosed in a clean and sanitary container. Multiple-use containers shall be of such design and construction as to facilitate cleaning and shall be kept clean and sanitary. The reuse of cardboard or paper containers or liners is prohibited.

§ 12-33. Storage of cleaning supplies.

- A. No article, polish or other substance containing any cyanide preparation or other poisonous materials shall be used for the cleaning, disinfecting or polishing of utensils or containers used in the preparing or handling of any food or drink.
- B. No substance containing cyanide, fluoride, lindane or other poison shall be stored as an insecticide or exterminator in any place where food or drink is exposed during sale, preparation, holding or handling or in such manner as to contaminate such food or drink.

§ 12-34. Condemnation and embargo.

Such samples of food, drink, ingredients, containers or any substance used in connection with the preparation of food or drink may be taken by the Health Officer for examination as often as may be deemed necessary for the detection of an impure or unsanitary condition. Any food, drink or any substance used in connection with the preparation of food or drink sold, offered for sale or kept may be condemned, removed or destroyed by or under the direction of the Health Officer if, in the judgment of such representative, such food, drink or substance is decomposed, contaminated, impure, unfit for human consumption or dangerous to the public health. Any such food, drink or other substance may be stopped from sale or use and placed under an embargo by the Health Officer for such reasonable period of time as may be required to make investigations or examination, if such may be necessary to determine that such food, drink or other substance is decomposed, impure, unfit for human consumption or dangerous to the public health. No such food, drink or other substance shall be used, removed, destroyed or otherwise disposed of while under such embargo except by or under the direction of the Health Officer.

§ 12-35. Closing of premises.

- A. Whenever the licensee of a food establishment shall fail to keep his food establishment in a sanitary condition, or whenever food or drink or the sale of the same is likely to cause or transmit disease, the Board of Health, upon proper notification, shall order such food establishment closed until it shall have been put in a sanitary condition or until the food or drink or the sale of the same shall be no longer likely to cause any illness or transmit disease. The licensee of the food establishment, when so ordered, shall immediately comply with and obey such order and shall not conduct further operations until permission has been granted by the Board of Health.

- B. Failure of the licensee to comply with the order of the Board of Health shall result in the Board of Health ordering the Health Officer to take necessary steps to close and padlock said premises until it shall have complied with the order of the Board of Health.

Section 4. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article III, Food Vendors, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE III Food Vendors

§ 12-36. Definitions.

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

FOOD VENDOR — Any person who transports, distributes or sells to the public prepared foods or perishable food, of a kind deemed by the Health Officer to be capable of causing human foodborne illness, from any truck, trailer, cart, bicycle or other vehicle or from any vending machine, container or other type of equipment.

PERISHABLE FOOD — Any food or beverage or ingredients, exclusive of milk and milk products, capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products that are processed are excluded from the terms of this definition.

VENDING EQUIPMENT — Any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation.

§ 12-37. Application for license.

- A. Applications for licenses shall be on forms provided by the Board of Health, which applications shall set forth the name, residence and business address of the applicant and the names of the persons operating the establishment or establishments from which the prepared or perishable food will be obtained.
- B. Every food vendor shall, upon demand, furnish to the Health Officer such additional information as the Health Officer may require to enable it to determine whether the provisions of these rules and regulations are being complied with. Failure to furnish such information promptly or failure to secure written permission to inspect or reinspect sources of food supplied shall result in the refusal to issue or the revocation of the food vendor's license.

§ 12-38. License required; inspections.

- A. It shall be unlawful for any person to sell or distribute to the public prepared or perishable food from any food vending vehicle or from any vending equipment without obtaining a license from the Board of Health. The fee for such a license shall be as set from time to time by resolution of the Board of Supervisors. Licenses shall be granted for a period of one year or portion thereof, said year shall commence when the license is issued and shall be valid until the last day of the month issued one year later. Such license shall be conspicuously displayed at all times in the place thereby licensed and shall not be transferable. Application for renewal of a license shall be made at least 30 days before the expiration date of the existing license. A late fee computed at

10% of the license fee shall be assessed for each month or part thereof, that the license fee is paid more than 30 days after the due date.

- B. A license will not be issued to any person until the Health Officer or any of the proper authorities has inspected and approved the establishment and equipment from which the food is to be obtained, and such licensee, manufacturer or producer shall pay a fee for such inspection in the amounts as set from time to time by resolution of the Board of Supervisors for the first vehicle and for each additional vehicle. In the case of food and beverage vending machines, the annual inspection fees shall be as set from time to time by resolution of the Board of Supervisors per location for the first two machines and for each additional machine. A sticker shall be affixed to the apparatus indicating that it has been licensed for the current year.
- C. Any such establishment shall be equipped and operated in compliance with the provisions of Article I of this Chapter rules and regulations or requirements of the Board of Health now in effect or hereafter adopted. The license shall at all times be kept posted prominently in the food vending vehicle or on the equipment.

§ 12-39. Suspension or revocation of licenses.

Licenses may be suspended or revoked for violation by the holder thereof of these rules and regulations. No license shall be suspended or revoked without a licensee being given a hearing before the Board of Health.

§ 12-40. Exemptions.

This Article shall not apply to:

- A. The transportation and wholesale delivery of food or produce to retail food stores for the purpose of resale.
- B. The transportation and delivery of food to public eating and drinking places duly licensed under Article I of this Chapter.
- C. Any manufacturer or producer in the sale of meat and meat products and milk and milk products. Nothing contained in this Article shall, however, relieve any person engaged in the manufacture, distribution and sale of milk and milk products from complying with 7 Pa.Code 59a. Milk Sanitation, as amended.

§ 12-41. Inspection of vending equipment.

The Health Officer shall be permitted to enter upon any private or public property in this Township where vending equipment is operating to inspect the servicing, maintenance and operation of such equipment for the purpose of determining compliance with the provisions of these rules and regulations. The operators of vending machines shall make provisions for the Health Officer to have access to the interior of all vending machines operated by such operators.

§ 12-42. Disease control.

- A. No person who is affected with any disease in a communicable form or a carrier of such disease shall work as a food vendor, and no food vendor shall employ any such person or persons suspected of being affected with any disease in a communicable form or of being a carrier of such

disease. If the licensee suspects that any employee has contracted any such disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately.

- B. Procedure where infection is suspected. Where there is reasonable ground for the Health Officer to suspect that there is transmission of an infectious disease from any employee to the public, the Health Officer is authorized to require the licensee to forthwith carry out any of the following measures:

- (1) The immediate exclusion of the employee from their place of employment.
- (2) The immediate cessation of use and removal of the vending equipment until the danger of disease outbreak ceases to exist.
- (3) Adequate medical examination of the employee and of his associates, including appropriate laboratory examinations.
- (4) Any other action allowed or required by law.

§ 12-43. Construction and lighting equipment.

- A. The floors, walls, ceiling, shelves, compartments and container holders in food vending machines shall be of such construction as to be readily cleaned and shall be kept clean and in good repair. Food vending vehicles shall be equipped to provide light of not less than 10 footcandles at the face of the shelf, display or storage space at such time as food shall be dispensed therefrom.
- B. In establishments where new installation of vending equipment is made, such equipment shall be equivalent to or in excess of that specified by the National Sanitation Foundation standards.
- C. Syphon breakers shall be installed on all water-supplied-vending equipment.
- D. Refrigerating equipment of approved design shall be provided on any food vending vehicle or equipment from which perishable foods are dispensed.
- E. Cold beverages, sandwiches and other perishable foods shall be kept under dry refrigeration at a temperature of 40° F or lower.

§ 12-44. Preparation and handling of food.

- A. There shall be no preparation of food on the vending vehicle. All food shall be prepared and wrapped in a licensed establishment complying with all of the provisions of Article I of this Chapter.
- B. Food to be distributed by any food vendor shall be protected from insects and the elements. All food in the possession of a food vendor shall be packaged or wrapped and sealed in unbroken, individual containers and remain therein until received by the customer. Beverages shall be distributed in the original container or from an automatic vending machine of approved type designed to dispense the beverage in a single-service container from bulk. Water carried in food vending vehicles shall be clean and cold and shall conform to the provisions of Article IV of this Chapter.

§ 12-45. Garbage, trash and plumbing.

- A. Garbage and trash shall at all times be kept in metal containers with tight-fitting lids and disposed of at frequent intervals so as not to create a nuisance.
- B. All plumbing connected with food vending equipment shall be installed in accordance with the plumbing requirements of Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended).

Section 5. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article IV, Water Supplies, to Chapter 12, Health Code, to read in its entirety as follows:

**ARTICLE IV
Water Supplies**

§ 12-46. Definitions.

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

BOTTLED WATER — Includes any artificial or natural mineral, spring- or other water bottled for drinking purposes.

PRIVATE WATER SUPPLY — Any water system not classified as public, intended primarily for the use of the occupants of the premises. The system shall include all of the sources, treatment works and distribution piping by which water is furnished to water taps or outlets of the system.

PUBLIC WATER SUPPLY — Any water system serving or intended to serve water for human consumption for domestic uses or purposes to more than one service connection, irrespective of payments to be made for water service. The system shall include all of the sources, treatment works and distribution lines to the point of service connection at the meter, property line or any similar premises connection point which are under one ownership, management and operation.

§ 12-47. Quality of water.

- A. No person shall provide or make accessible a public water supply or bottled water for human consumption or domestic use unless the source, treatment and distribution of such water shall be so protected from pollution and so maintained as to deliver a water of safe, sanitary quality. Such delivered water shall not contain bacterial, chemical or other contamination in such quantity as may be injurious to health or as may indicate such water to be unsatisfactory for human consumption as determined by test in a laboratory approved for this purpose by the Board of Health. Public water supplies shall conform to the United States Public Health Service drinking water standards now in effect or hereafter adopted.
- B. Springs and wells. No spring or well classified as a public water supply shall be used as a source of domestic water supply which does not conform to the requirements and standards set forth in this section.
- C. Private water supplies. No person shall provide or maintain a private water supply to be used for drinking or other domestic purposes by any person, other than the owner thereof, unless such water supply shall be potable, protected against pollution and free from bacterial contamination in

accordance with the prevailing bacterial standards of water quality, as defined in subsection A, above.

- D. Disinfection. No new or repaired water supply system or any structure which may have become contaminated accidentally or otherwise shall be placed in use before such system or structure has been effectively cleaned and disinfected in accordance with accepted practices and standards of the American Water Works Association now in effect or hereafter adopted.
- E. Treatment. Whenever the Board of Health shall determine that the water delivered to consumers for drinking or other domestic use does not meet the requirements of these rules and regulations, it shall so notify the person in responsible charge of such water supply and may order the treatment, abandonment, sealing or posting of that portion of the distribution system or connections within the Township which does not meet the requirements of these rules and regulations.
- F. Cross-connections and interconnections. No person shall permit any connection between a potable water supply and an unapproved auxiliary water supply or any structure containing sewage, non-potable water or other substance injurious to health.
- G. Discontinuance of use of well or spring. Whenever, upon examination, it shall appear that the water from a well or spring or other source classified as a public water supply is not suitable for human consumption, the use of such water shall be discontinued, and the well or spring shall be abandoned.
- H. Abandoned wells. No well shall be used for any purpose than as a source of water. Abandoned wells shall be filled with clean earth or capped with substantial watertight slabs so as to prevent the contamination of the underground water supply.
- I. Water samples.
 - (1) Samples of water from any water supply classified as a public water supply may be taken for examination by the Health Officer as often as he or she deems necessary for the detection of pollution or unwholesomeness. The Health Officer shall condemn any water supply classified as a public water supply which it examines and finds to be polluted to the extent that it is a present or potential danger to the public health.
 - (2) The Health Officer may at his discretion refuse to take for examination samples of water from any private water supply which is not adequately protected from surface contamination.

Section 6. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article V, Hazardous Substances, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE V
Hazardous Substances

§ 12-48. Manufacture and use.

A. Use and storage.

- (1) Any substance classified or defined as a hazardous substance by the Board of Health or within the definitions listed in Public Law 86-613, titled "Federal Hazardous Substance Labeling Act," or any other substance or mixture of substances Which the Secretary of the Department of Health, Education and Welfare designates as a hazardous substance shall be subject to the regulations regarding the preparation, storage, distribution and labeling procedures pursuant to the Federal Hazardous Substance Labeling Act, as may be amended.
- (2) All hazardous substances shall be used and stored in such a manner so that there is no possibility of contamination of any food product, food ingredients or kitchen utensils and equipment.
- (3) The Health Officer, in the performance of any duty imposed by this Chapter, shall have full access to any place, container, conveyance and records used in the production, preparation, manufacture, packing, storage, transportation, handling, distribution or sale of any hazardous substance. The Health Officer shall be entitled to make an examination and open any package or container and take therefrom a sample for analysis of any hazardous substance manufactured, sold, exposed for sale or found to be in possession of the licensee in violation of any provisions of these rules and regulations.

B. Toxic vapors or fumes.

- (1) No person shall breathe, inhale or drink any compound, liquid or chemical containing toluol, hexane, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellulose acetate, cyclohexanone, trichloroethylene, acetone, ethyl acetate, methyl ethyl ketone, ethylene dichloride, methyl alcohol, butyl alcohol, benzene, pentachlorophenol, petroleum ether or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior or in any manner changing, distorting or disturbing the auditory, visual or mental processes. For the purpose of this Article, any such condition shall be deemed to be an intoxication condition. Nothing in this Article shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes.
- (2) No person, for the purpose of violating subsection B(1), above, shall use or possess for the purpose of so using any compound, liquid, chemical or any other substance containing a solvent having the property of releasing toxic vapors or fumes.
- (3) No person shall sell or offer to sell to any other person any tube or other container of a compound, liquid, chemical or any other substance containing a solvent having the property of releasing toxic vapors or fumes, if he has reasonable cause to suspect that the

product sold or offered for sale will be used for the purpose set forth in subsection B(1), above.

Section 7. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article VI, Public Bathing Places, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE VI Public Bathing Places

§ 12-49. Definitions.

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

CLEAN WATER — New, clean water used to refill the pool, new, clean water used to replace loss by splashing or during cleaning of the pool or water taken from the pool and returned after filtration or any combination of such waters.

NATURAL BATHING PLACE — Any natural pond, river or lake without bathing place improvements and any lake or body of water created by excavation or impoundment which is without bathing place improvements, and which has not been created or altered from the natural state for the purpose of providing a public bathing place.

OPERATOR — The person responsible for the operation of a public bathing place.

PUBLIC BATHING PLACE — Any body of water used collectively by numbers of persons, other than the family and guests of the operator, for swimming and recreational bathing, together with the shores, buildings, equipment and appurtenances pertaining to such “public bathing place.” This term does not include baths where the main object is the cleansing of the body or the practice of healing under medical supervision, unless such baths contain pools or tanks used collectively by a number of individuals.

STANDARD METHODS OF WATER ANALYSIS — All applicable procedures and methods recorded in the latest issue of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association and the American Water Works Association.

§ 12-50. Approval of plans.

- A. Every person who constructs or installs or intends to construct or install or who desires to extend, alter or modify a public bathing place shall have plans and specifications for such construction, installation, alteration, extension or modification approved in writing by the Pennsylvania Department of Health and the Health Officer before beginning the work or before permitting the work to be started by a contractor or any employee. The requirements of this subsection shall be in addition to and not in lieu of any other applicable Township codes, rules and regulations requiring the submission of applications and plans and obtaining approvals and permits for the work contemplated.
- B. The application for approval of plans required by the Health Officer shall contain complete plans and specifications fully describing the public bathing place or extension, alteration or change contemplated in the application and shall be made on forms provided by the Health Officer.

- C. The approval issued in response to the application shall contain such terms and conditions as may be required by the Health Officer to ensure compliance with the provisions of this Chapter.

§ 12-51. Applications, permit and inspections.

- A. Every person owning, managing or maintaining a public bathing place shall obtain a permit from the Board of Health. Applications for permits to operate a public bathing place shall be on forms provided by the Board of Health, which application shall set forth the name, residence, business address and telephone number of the applicant, the location of the public bathing place, the name and address of the operator of the public bathing place and any additional information which the Health Officer may require to enable it to determine whether the provisions of this Chapter are being complied with. The application is also to be accompanied by plans showing details of the pool and facilities.
- B. Each applicant at the time of applying for a permit to operate a public bathing place shall pay an annual inspection fee as set from time to time by resolution of the Board of Supervisors.
- C. Such person shall post the permit in a place accessible to patrons in the principal office of the public bathing place or in the entryway or in any other conspicuous place approved by the Health Officer.
- D. The holder of a permit to operate a public bathing place shall be held responsible for compliance with all the provisions of this Chapter on and within the premises operated under such a permit.
- E. If it is found that the provisions of this Chapter are not being complied with or that any condition exists which in the opinion of the Health Officer endangers the life, safety or health of the users of any public bathing place, the Health Officer may revoke the operator's permit.

§ 12-52. Protection, supervision and maintenance.

- A. All public bathing places shall be in the charge of a capable manager or caretaker who shall be responsible for the proper maintenance and use of the public bathing place as provided in this Chapter. He shall be responsible for maintaining the public bathing place continually in a clean, sanitary and healthful manner so that it will not constitute or be a menace to public health, promote immorality or be a public nuisance. A copy of the rules and regulations of the Pennsylvania Department of Health as well as the certificate of public bathing place issued by the Pennsylvania Department of Health shall be posted conspicuously at the public bathing place for the information of the public.
- B. Competent lifeguards in adequate number shall be on duty at the waterside at all times during which the public bathing place is open to use by bathers and shall not be assigned other tasks that will divert their attention from the safety of the bathers. These lifeguards shall be capable swimmers, skilled in lifesaving methods and in methods of artificial resuscitation, as evidenced by their possession of a currently valid certificate or other proof of proficiency from a recognized agency offering instructions in these fields.
- C. Every public bathing place shall be provided with buoys, poles, flutterboards or other lifesaving equipment which shall be kept in good repair and readily accessible.

§ 12-53. Investigation and inspection.

- A. The Health Officer shall collect or cause to be collected and shall analyze or have analyzed, in an approved laboratory, such samples of water, pool water or any other material or substance found on the public bathing place premises as may be necessary to determine compliance with the standards and requirements of this Chapter.
- B. Public bathing places shall be open at all reasonable times to inspection by the Health Officer.

§ 12-54. Reports.

- A. It shall be the duty of every permit holder and of every employee of a person holding a permit to operate a public bathing place to furnish such records and information as are required by the Health Officer for ascertaining compliance with the provisions of this Chapter.
- B. Such records shall include but are not limited to periodic reports and records of the operation, including records of chemicals added, filter operation, cleaning, bathing load, equipment, operation, free chlorine residual and attendance.

§ 12-55. Standards.

- A. Water. Water supply shall be furnished from a public water system and shall comply with the provisions established under Article IV of this Chapter.
- B. Plumbing. Plumbing systems, both house and pool, shall conform to the standards established under the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended).
- C. Waste. All sewage and liquid waste, including pools wastewater, shall be discharged into a sanitary sewer of the Township. Permission for discharge of the pool wastewater must be obtained from the Township prior to its discharge. If a sanitary sewer is not available, all sewage must be discharged in accordance with applicable law. All pool wastewater may be discharged to a natural drainage course or storm drain if the wastes are afforded quiescent settling for at least one hour.
- D. Location. No public bathing place shall be so located as to be within prejudicial influence of the discharge of sewage or of injurious or objectionable industrial wastes. The location shall be such that by its use it will not prejudicially affect a public water supply.
- E. Public bathing places shall have dressing rooms as required by applicable law for checking clothes and other property which are adequate for the maximum number of persons who can be accommodated at any one time.

§ 12-56. Toilets.

- A. Adequate toilet facilities shall be provided at all bathhouses, as required by applicable law. Flush toilets and urinals shall be provided and shall be properly maintained. The toilets shall be located between the dressing rooms and showers.
- B. Toilets and urinals shall be kept clean, in good repair, well-lighted and properly ventilated by exterior windows or other mechanical means. The floors shall be constructed of material

impervious to water and shall be provided with a sanitary base and with adequate and sufficient drains to permit cleaning. The use of linoleum or similar floor coverings is prohibited. The walls and ceilings shall be of a smooth, washable surface and shall be finished in a light color. Doors to entrances of toilet rooms shall be self-closing. All openings to the outside shall be effectively screened or otherwise protected during periods when flies are prevalent.

§ 12-57. Lavatories.

Lavatories shall be located adjacent to the toilet facilities and shall be provided in the number of one lavatory to each 60 persons using the pool at the time of maximum load.

- A. The common use of drinking cups, towels, hairbrushes or other toilet articles is prohibited.
- B. Towels, bathing suits, combs, brushes and all other such articles furnished by the management shall be clean at the time of issue to a patron and shall have been cleansed and sterilized in a manner acceptable to the Health Officer prior to such issuance.
- C. All parts of the premises shall be adequately clean, safe and maintained in a sanitary manner at all times of use and while the public bathing place is open for use.
- D. Persons known to be typhoid fever carriers or known to be or suspected of being afflicted with communicable diseases or eye, ear, nose or throat infections or skin diseases shall be excluded from public bathing places.

§ 12-58. Lighting.

- A. A complete system of artificial lighting shall be provided for all pools, bathing beaches, bathhouses and dressing rooms that are to be used at night. Lighting fixtures shall be of such number and design as to light all parts of the swimming pool and the water therein.
- B. The electrical installations at all public bathing places and any future additions or modifications to such installations, prior to being placed in service and every five years thereafter, shall be inspected and approved by a reputable electrical inspection agency and evidence, in duplicate, of such approval by this agency forwarded to the Health Officer.

§ 12-59. Quality of pool water.

The chemical and physical quality of the water shall be as prescribed in the recommendations of the American Public Health Association's current edition of Recommended Practice for Design, Equipment and Operation of Swimming Pools and Other Bathing Places. Permits shall be suspended automatically if the following minimum requirements are not complied with:

- A. The water used at all public bathing places, including natural public bathing places, shall at all times have a chemical content and quality acceptable to the Health Officer. The Health Officer will determine what purification processes, if any, are needed to accomplish this end. When filtration equipment is provided or required, such equipment shall operate at a rate of filtration not to exceed three gallons per square foot per minute with an eight-hour turnover and a wash rate of 12 to 15 gallons per square foot per minute provided.
- B. Approved and effective disinfection is required of the water in all public bathing places. Whenever liquid chlorine, sodium or calcium hypochlorite or other approved chlorine compounds

are used for swimming pool disinfection, the amount of available free chlorine residual in the water at all times when the pool is in use shall not be less than 0.4 part per million.

- C. Where gas chlorination equipment is installed at either outdoor or indoor pools, such equipment shall be housed in a separate room equipped with an exhaust fan to reduce to a practical minimum the opportunity of gas leakage into other rooms or areas where persons gather.
- D. The water at all times when the pool is in use shall show an alkaline reaction that has a pH value of 7.0 or more.
- E. At all times when the pool is in use, the water shall be sufficiently clear to permit a black disc six inches in diameter in a white field, when placed on the bottom of the pool at the deepest point, to be clearly visible from the sidewalk of the pool at all distances up to 10 yards measured from a line drawn across the pool through said disc.
- F. The water in any indoor pool shall be heated to a temperature of 68° to 72° F. The temperature of the air surrounding an artificially heated swimming pool shall not be permitted to become more than 8° F warmer nor more than 2° F cooler than the water in the pool at any time when the pool is in use.
- G. Not more than 10% of consecutive representative samples taken on different days over a period of time shall contain more than 100 bacteria per cubic centimeter of water according to a bacteria count on standard nutrient agar made after 24 hours' incubation at 98.6° F. No single sample shall contain more than 200 bacteria per cubic centimeter of water.
- H. No more than two out of five samples collected on the same day nor more than three out of 10 consecutive samples collected on different days shall show a positive presumptive test for E. coli ten-cubic-centimeter portions.
- I. Samples collected from public bathing places shall be examined in accordance with the latest edition of Standard Methods of Water Analysis of the American Public Health Association by a laboratory, approved by the Board of Health, equipped for carrying out the techniques specified.
- J. The management of any public bathing place shall make or cause to be made such physical, chemical and bacteriological examinations of the water at no less than weekly intervals as may be prescribed by the Board of Health and shall keep records of the operation and use thereof on forms satisfactory to the Board of Health. Copies of such records shall be filed in the office of the Board of Health in accordance with the conditions of the permit.

§ 12-60. Construction and equipment.

The construction and equipment of the pool shall meet the standards set forth by the Pennsylvania Department of Health and the operation and maintenance at all public bathing places and shall be such as to reduce to a practical minimum the danger or injury to persons from drowning, falls, collisions, fires, nuisances or a hazard of any kind.

§ 12-61. Wading pools.

Wading pools shall be operated as a public bathing place and shall be subject to all of the standards and requirements for public bathing places as public bathing places in Article VI of this Chapter.

§ 12-62. Food service.

Where food is prepared, stored or served at any public bathing place, the provisions of Article I of this Chapter will apply.

Section 8. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article VII, Housing, to Chapter 12, Health Code, to read in its entirety as follows:

**ARTICLE VII
Housing**

§ 12-63. Definitions.

A. As used in this Article, the following terms shall have the meanings indicated:

DWELLING — Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT — Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM — A room occupied by one or more persons for living, eating or sleeping; includes kitchens serving multiple or individual dwellings, but does not include serving and storage pantries, corridors, cellars and spaces that are not used frequently or during extended periods.

HOTEL — A dwelling, not a single-family or a two-family dwelling, providing lodging with or without meals and having lodging accommodations for more than 10 guests.

MULTIPLE DWELLING — Any dwelling containing more than two dwelling units.

OCCUPANT — Any person over one year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

OPERATOR — Any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

ROOMING HOUSE — A dwelling, not a single-family or a two-family dwelling, providing lodging with or without meals and having lodging accommodations for less than 10 guests.

ROOMING UNIT — Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

RUBBISH — Combustible and noncombustible waste materials, except garbage, and shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin, cans, metals, mineral matter, glass, crockery and dust.

- B. Meaning of certain words. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit” or “premises” are used in this Article, they shall be construed as though they were followed by the words “or part thereof.”

§ 12-64. Inspection of dwellings, dwelling units, rooming units and premises.

The Health Officer is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Township in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Health Officer is hereby authorized to enter, examine and survey, at all reasonable times, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit or person in charge thereof shall give the Health Officer free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times, for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access to any part of such dwelling or dwelling unit or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter.

§ 12-65. Minimum standards for basic equipment and facilities.

- A. All dwellings and dwelling units located on or adjacent to a street in which a public water main is laid shall use a public water supply which meets the requirements of Article IV of this Chapter, and water shall be distributed through the building as to furnish adequate quantities of wholesome water, with reasonable facilities for drinking and washing purposes, for the occupants thereof.
- B. All dwellings and dwelling units so located that a public water supply is not accessible shall be furnished with a water supply which shall meet the requirements of Article IV of this Chapter. Such water supply shall also be so distributed through the building as to furnish adequate quantity of wholesome water, with reasonable facilities for drinking and washing purposes, for the occupants thereof.
- C. A dwelling so located as to be accessible to a Township sanitary sewer shall have the drainage system of the building connected thereto. A dwelling so located as to be inaccessible to a Township sanitary sewer shall have the drainage system of the building connected to a private sewage system which meets the requirements of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended).
- D. Every dwelling unit shall contain a kitchen sink, a water closet, a hand lavatory and a bathtub or shower, all of which shall be in good repair and working condition. Every kitchen sink, hand lavatory and bathtub or shower shall be properly connected and supplied with both hot and cold running water. All plumbing pipes and fixtures shall be installed and maintained in accordance with the provisions of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended). In all dwellings and dwelling units, the bathroom or water closet compartment floor surface shall be constructed of a material impervious to water and shall be kept in a clean and sanitary condition. A finished wood floor is not acceptable.
- E. All garbage and rubbish must be kept in a clean and sanitary manner and stored in approved watertight containers with tight-fitting lids of not more than 30 gallons' capacity. The operator of

a multiple dwelling shall provide proper containers and shall provide for the removal of garbage and rubbish from the premises so as to maintain satisfactory sanitary conditions.

- F. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended) and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F. Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of the Thornbury Township Construction Code (*see*, Chapter 5, Article 2, of the Code of the Township of Thornbury, as amended), are not in operation.
- G. Every dwelling unit shall have two safe, unobstructed means of egress leading to safe and open space at ground level.

§ 12-66. Minimum standards for light, ventilation and heating.

- A. Every habitable room shall have one or more windows opening directly on a street or on a court or yard or shall be provided with an approved means of mechanical ventilation as prescribed in this Article.
- B. Windows shall have an area between stop beads of not less than 10% of the floor area of the room served by them and, in addition, shall not be less than 12 square feet in area for habitable rooms and public halls and eight square feet for bathrooms and similar rooms, provided that where a water closet occupies a separate compartment 40 square feet or less in area, the minimum requirement shall be four square feet. At least 50% of the required window area shall be arranged to open for ventilation. Where 100% of the window area is arranged to open for ventilation, the window area required for separate water closet compartments 40 square feet or less in area may be reduced to not less than three square feet. In lieu of windows in habitable rooms, the glass areas in exterior doors may be accepted for 100% of the light requirements but not more than 50% of the ventilation requirements.
- C. The area of skylights permitted by this Article shall be not less than required for windows which they replace. At least 50% of the required area shall be made available as clear ventilating area by means of movable sash, louvers or similar devices.
- D. When mechanical ventilation is required, or is permitted as an alternative, the system shall be designed and constructed in accordance with generally accepted good practice to provide the necessary changes in air, but not less than one cubic foot of air per minute shall be provided for each square foot of floor area in any case. Such system shall be kept in continuous operation at all times during the normal occupancy of the building.
- E. All dwellings and dwelling units shall be supplied with electric service of at least two separate and remote floor or wall-type electrical convenience outlets in every habitable room. Every public hall, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric light fixture. The electric service in all multiple dwellings must be installed with the approval of underwriters insuring properties in the Township. When artificial lighting is required, all habitable rooms shall have sufficient light to produce an intensity of not less than 15 footcandles at 30 inches from the floor.

- F. All dwellings and dwelling units shall have heating facilities which shall be properly installed, safely maintained and in good working condition. All habitable rooms, bathrooms and toilet rooms shall be heated to a temperature of at least 68° F. at a distance four feet above the floor level and not closer than three feet to an outside wall, window or door at all times. Portable heating equipment employing a flame and using gasoline or kerosene does not meet the standards of this Chapter and is prohibited.
- G. Every public hall and public stairway in a multiple dwelling shall be lighted by means of electrically lighted fixtures. Such lighting fixtures shall provide two footcandles of light in every part of the public hall and public stairway at all times; provided, however, that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area provides two footcandles of natural light to all parts of each such public hall or stairway.
- H. All dwellings and dwelling units shall be furnished with screens for every door and window opening directly to outdoor space. In multiple dwellings it shall be the responsibility of the operator to furnish and hang the screens. Screens shall have a mesh of not less than No. 14 and shall be hung not later than June 1 and not removed before November 1 of each year. Screens shall not be required during such period in rooms deemed by the Health Officer to be located high enough in the upper stories of buildings as to be free from insects and in rooms located in areas which are deemed by the Health Officer to have so few insects as to render screens unnecessary.

§ 12-67. General requirements.

- A. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.
- B. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof and shall be kept in sound working condition and good repair.
- C. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- D. Every supplied facility, piece of equipment or utility which is required under this Chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition. All dwellings and dwelling units shall be supplied with cooking equipment which meet the following minimum standards:
 - (1) Every piece of cooking equipment shall be constructed and installed so that it will function safely and effectively and shall be maintained in sound working order.
 - (2) Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited.
- E. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the Health Officer.

§ 12-68. Minimum space, use and location requirements.

- A. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant. Such rooms shall have a minimum width of six feet in any part and a minimum clear ceiling height of seven feet six inches for the minimum area.
- C. Emergency shelters, if erected, shall conform to all federal and state regulations heretofore or hereafter enacted.
- D. No space below ground shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - (2) The total window area in each room is equal to at least the minimum window area sizes as required in § 12-66 B of this Chapter.
 - (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area.
 - (4) The total openable window area in each room is equal to at least the minimum as required under § 12-66 B of this Chapter.
 - (5) The mechanical ventilation and the artificial lighting meet the minimum standards required under § 12-66 D and G of this Chapter.

§ 12-69. Responsibilities of owners and occupants.

- A. Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the halls, stairs and public area of the building and premises thereof.
- B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- C. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
- D. The owner of any multiple dwelling shall, whenever the same becomes vacant, remove therefrom all papers or other combustible waste materials accumulated therein or upon any part of the premises. All doors, windows or other openings into such building shall be kept closed while the same remains unoccupied.
- E. The owner of a multiple dwelling, and the occupant of a dwelling or dwelling unit, shall be responsible for the extermination of insects, rodents, vermin or other pests therein or on the premises.

§ 12-70. Unit dwellings; legal procedure of condemnation.

- A. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer:
- (1) One which is so damaged, decayed, dilapidated, insanitary, unsafe or vermin-infested, or has been abandoned, that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (3) One which, because of its general condition or location, is insanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- B. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer shall be vacated within a reasonable time as ordered by the Health Officer.
- C. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the Health Officer and Building Code Official and such placard is removed by the Health Officer.
- D. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and, placarded as such, except as provided in subsection C, above.
- E. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall, upon written request, be granted a hearing on the matter before the Board of Health, under the procedure set forth in subsection C, above.

Section 9. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article VIII, Rodent and Insect Control, to Chapter 12, Health Code, to read in its entirety as follows:

**ARTICLE VIII
Rodent and Insect Control**

§ 12-71. Definitions.

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

ERADICATION — The elimination of rodents or insects and other pest life from any building, lot or premises through the use of traps, baiting, fumigation or any other method of extermination approved by the Board of Health and subject to applicable laws relating to poisonous substances and fumigants.

HARBORAGE — Any condition which provides shelter or protection for rodents, insects or other pest life.

PERSON IN CONTROL — The owner or part owner of a building, lot or premises, whether an individual, partnership or corporation, the agent or occupant of a building, lot or premises or any other

person who has the use or custody of the same or any part thereof whether an individual, partnership or corporation.

RODENT-PROOFING — The treatment or shielding, with material impervious to rodent-gnawing, of all actual or potential openings in the exterior and interior walls, ground or first floors, roofs, foundations, basements, sidewalk gratings and other places that may be reached by rodents from the ground or by climbing or burrowing.

§ 12-72. Elimination of harborages.

All buildings, lots or premises in the Township shall be kept free from any condition conducive to rodents, insects and other pest life. The person in control shall not allow the accumulation of water, garbage, building material, brush, woodpiles or any other material which may afford harborage or provide food for rodents, insects or other pest life.

§ 12-73. Prohibitions of conditions conducive to pests.

- A. No person in control shall feed wild birds other than in suitable properly shielded containers for the food, installed in such a manner as to be inaccessible to rodents and to prevent the scattering of the food upon the ground.
- B. No person shall place food in the open for the feeding of any domesticated fowl or animal except in a container which will prevent the scattering of the food upon the ground. Unconsumed food shall not be allowed to remain where it is accessible to rodents, insects or other pest life.
- C. All garbage shall be wrapped. Garbage and water material shall be placed in approved watertight containers with tight-fitting lids and stored in such a manner as not to create an attraction or harborage for rodents, insects or other pest life.

§ 12-74. Eradication measures.

- A. When any building, lot or premises is subject to infestation by rodents, insects or other pest life, the person in control shall apply continuous or repeated eradication measures as required by the Health Officer until there is no evidence of an infestation remaining.
- B. No building shall be demolished until the Health Officer certifies to the Building Code Department of the Township that the building and premises are free from the infestation of rodents, insects or other pest life.
- C. The Board of Health may in its discretion order the person in control of any inland swamp, pond, creek, lake, pool, sunken lot, quarry, abandoned excavation or any other place where stagnant water may collect to fill in or drain the same or to employ other methods to prevent the breeding of insects and other pest life.

§ 12-75. Rodent-proofing.

- A. Whenever conditions inside, outside or under any building or buildings or on any lot or premises provide harborage for rats, the Health Officer may require all buildings or premises to be rodent-proofed and harborages removed.

- B. The person in control of a building or premises required to be rodent-proofed shall maintain the rodent-proofing in good repair. No person shall injure the rodent-proofing. When the rodent-proofing is injured in the course of making alterations, installations, additions or repairs to the building, the person in control shall restore the rodent-proofing to a good condition.
- C. No person shall undertake to remodel or alter any existing building or portion thereof for the purpose of rodent-proofing without first submitting plans for approval to the Health Officer and Building Code Official.

Section 10. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article IX, Rabies Control, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE IX Rabies Control

§ 12-76. Definitions.

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

ANIMAL — Applies to dogs and other mammals susceptible to rabies.

OWNER — Includes any person having a right of property in any animal and any person who keeps or harbors an animal or has it in his care or allows it to remain on or about any premises occupied by him.

VETERINARIAN — A graduate of a recognized school of veterinary medicine licensed to practice in the State of Pennsylvania.

§ 12-77. Dogs running at large.

It shall be unlawful for the owner of any dog to allow such dog to run at large upon the public streets of this municipality or upon the property of others unless accompanied by the owner.

§ 12-78. Reports of animal bites.

- A. Persons bitten by animals. It shall be the duty of any person who has knowledge that an animal has bitten or injured any person in this municipality to immediately report the facts and the whereabouts of such animal to the Health Officer, and it shall be the duty of the owner of every such animal to immediately confine it in such manner as will prevent it from escaping or running at large. Upon receipt of such report, the Health Officer shall advise the owner as to the procedure to be followed with respect to the further confinement and examination of the animal.
- B. Animal bitten by an animal suspected of rabies. It shall be the duty of any person who has knowledge that an animal in this municipality has been bitten or otherwise injured by or been exposed to or been in contact with an animal infected with or suspected of being infected with rabies to immediately report the facts and the whereabouts of such animal to the Health Officer.
- C. Animals infected with rabies. It shall be the duty of any person who has knowledge that an animal in this municipality is infected with or suspected of being infected with rabies to immediately report the facts and the whereabouts of such animal to the Health Officer. Any animal suspected of being infected with rabies shall immediately be removed to and confined in a veterinary hospital acceptable to the Health Officer, and such animal shall not be released therefrom without

permission of the Health Officer. Any animal infected with rabies shall be disposed of in such manner as the Health Officer may direct.

§ 12-79. Confinement and examination of animal.

- A. If the records of the Health Officer do not disclose any occurrence of rabies in this municipality within a period of 100 days prior to the receipt of such report, it shall be the duty of the owner of any animal which has bitten or injured any person in this municipality to follow the procedure set forth below.
- (1) The animal shall be confined by the owner for an observation period of 10 days from the date the bite occurred, at the home of the owner or at some other location selected by him, under the supervision of a veterinarian, in such manner as will prevent it from escaping or running at large.
 - (2) Immediately upon being placed in confinement, the animal shall be examined by a veterinarian employed by the owner. A written report of the results of such examination shall be submitted to the Health Officer by the owner or the veterinarian within 24 hours.
 - (3) If at any time during the said ten-day observation period the animal develops symptoms indicative of rabies, such fact shall be communicated at once to the Health Officer, and the animal shall immediately be removed to a veterinary hospital acceptable to the Township.
 - (4) If at any time during the said ten-day observation period the animal should die, the owner shall immediately submit to the Health Officer the head of the animal for examination.
 - (5) At the end of the said ten-day observation period, the animal shall again be examined by a veterinarian employed by the owner, and a written report of the results of such examination shall be submitted to the Health Officer by the owner or the veterinarian within 24 hours. If the second report reveals no symptoms indicative of rabies, the animal may then be released from confinement.
 - (6) If at any time after the animal is placed in confinement it develops rabies, it shall be disposed of in such manner as the Health Officer shall direct.
- B. If the records of the Board of Health disclose any occurrence of rabies in this municipality within 100 days prior to the receipt of the report above referred to, it shall be the duty of the owner of the animal which has bitten or injured any person in this municipality to follow the procedure set forth below.
- (1) The animal shall be removed to and confined by the owner in a veterinary hospital acceptable to the Township for an observation period of 10 days from the date the bite occurred. The owner or the hospital shall submit the receipt for the animal to the Township upon the same day that it is placed in the hospital.
 - (2) Immediately upon being placed in the hospital, the animal shall be examined by a veterinarian employed by the owner. A written report of the results of such examination shall be submitted to the Health Officer by the owner or the veterinarian within 24 hours.

- (3) If at any time during the said ten-day observation period the animal develops symptoms indicative of rabies, such fact shall be communicated at once to the Health Officer.
- (4) If any time during the said ten-day observation period the animal should die, the veterinarian shall immediately submit to the Health Officer the head of the animal for examination.
- (5) At the end of the said ten-day observation period, the animal shall again be examined by a veterinarian employed by the owner, and a written report of the results of such examination shall be submitted to the Health Officer by the owner or the veterinarian within 24 hours. If the second report reveals no symptoms indicative of rabies, the owner may obtain from the Health Officer the hospital receipt for the animal, and it may then be released from confinement.
- (6) If at any time after the animal is placed in the hospital it develops rabies, it shall be disposed of in such manner as the Health Officer shall direct.

Section 11. The Code of Ordinances of Thornbury Township, as amended, is hereby further amended to add a new Article X, Applicability of Other Codes and Enforcement, to Chapter 12, Health Code, to read in its entirety as follows:

ARTICLE X Applicability of Other Codes and Enforcement

§12-80. Applicability of Other Codes and Regulations.

The provisions of this Chapter are in addition to and not in lieu of the requirements of other Township codes, regulations and rules. Compliance with the provisions of this Chapter shall not supersede, abrogate or waive any requirement of any other code, regulation or rule of the Township, which otherwise requires compliance.

§ 12-81. License Revocation Enforcement; service of notices and orders; hearings.

A. Whenever the Health Officer determines that there are reasonable grounds to revoke a license issued pursuant to this Chapter, including but not limited to repeated violations under § 12-83 of this Article or failure to correct cited violations, the Health Officer shall give notice of such intended revocation to the licensee, as hereinafter provided.

- (1) Such notice shall:
 - (a) Be in writing.
 - (b) Include a statement of the reasons why it is being issued with citation to the applicable provisions of this Chapter.
 - (c) Allow a reasonable time for the performance of any act it requires for compliance.
 - (d) Be served upon the licensee and the occupant the licensed premises, provided that such notice shall be deemed to be properly served upon such licensee or upon such occupant if a copy thereof is served upon personally or if a copy thereof is sent by registered mail to the last known address or if a copy thereof is posted in a conspicuous place in or about the licensed premises by the notice or if

notice is served with such notice by any other method authorized or required under the provisions of this Chapter.

- (2) Such notice may contain any outline of remedial action which, if taken, will affect compliance with the provisions of this Health Code and with rules and regulations adopted pursuant thereto.
- B. Any person affected by any notice which has been issued in connection with this Section, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Health, provided that such person shall file in the office of the Health Officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the Board of Health shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed, provided that, upon application of the petitioner, the Health Officer may postpone the date of the hearing for a reasonable time beyond the ten-day period if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.
- C. After such hearing the Board of Health shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Chapter sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Section shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within 10 days after such notice is served.
- D. The proceedings at such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Health Officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board of Health may seek appropriate relief therefrom in any court of competent jurisdiction.

§ 12-82. Emergency.

Notwithstanding anything in this Section or Chapter Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue a temporary order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. The duration of such action shall be spelled out in the temporary or.

§ 12-83. Violation and Penalties.

For all other violations of this Chapter, any person, firm, or corporation who shall violate the provisions of this Article, shall, upon being found liable therefore in a summary enforcement proceeding commenced by the Township before the magisterial district justice, pay a fine of up to One Thousand Dollars (\$1,000.00) for each violation. A separate offense shall arise for each day or portion thereof in which the violation of this Ordinance is found to exist and for each section of the Ordinance which is found to be violated. Violators shall also be found responsible for court costs and reasonable attorney's fees of the Township, as permitted by law.

Section 12. Code Update. The Township Manager is hereby authorized and directed to cause the Code of Ordinances of the Township to be updated to reflect and include the terms of this Ordinance.

Section 13. Severability. If any section, subsection, sentence, clause, phrase or word of this Article is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Article invalid.

Section 14. Effective Date.

This Ordinance shall take effect and be in force five (5) days after enactment.

ENACTED AND ORDAINED this ____ day of _____, A.D., 2022

**BOARD OF SUPERVISORS OF
THORNBURY TOWNSHIP**

James P. Kelly, Chairman

Sheri L. Perkins, Vice-Chairman

Michael Mattson, Supervisor

Attest:

Geoffrey Carbutt, Township Secretary

(Township Seal)



**THORNBURY TOWNSHIP
BOARD OF SUPERVISORS MEETING
MONDAY, MARCH 28, 2022
*Special Meeting***

Board of Supervisors:
James P. Kelly, Chairman
Sheri L. Perkins, Vice Chair
Michael J. Mattson, Esq. Supervisor

AGENDA

- A. **Call to Order- Salute to Flag**
- B. **Public Comment**
- C. **Agenda Items**
 - (1) Thornbury Township Board of Health Code
- D. **Non-Agenda Action Items**
- E. **Adjournment**



**THORNBURY TOWNSHIP
BOARD OF SUPERVISORS HEARING
MONDAY, MARCH 28, 2022**

Hearing

Board of Supervisors:
James P. Kelly, Chairman
Sheri L. Perkins, Vice Chair
Michael J. Mattson, Esq., Supervisor

HEARING AGENDA

- A. **Call to Order- Salute to Flag**
- B. **Public Comment**
- C. **Agenda Items**
 - (1) Thornbury Township Board of Health Code
- D. **Adjournment**