

**BUCKS COUNTY DEPARTMENT OF HEALTH  
RULES AND REGULATIONS  
RELATING TO PUBLIC HEALTH NUISANCES**



***EFFECTIVE DATE: February 21, 2006***

# BUCKS COUNTY DEPARTMENT OF HEALTH RULES AND REGULATIONS RELATING TO PUBLIC HEALTH NUISANCES

## SECTION ONE - GENERAL PROVISIONS

### **1.1 Legal Authority.**

Under the provisions of the "Local Health Administration Law", Act No. 315, approved August 24, 1951, P.L. 1304; Animal Exhibition Sanitation, 2002, December 9, P.L. 1650, No. 211 § 1; 3 Pa.C.S.A. §§ 2501-2503, the following Rules and Regulations are hereby adopted.

### **1.2 Provisions.**

The provisions of these Regulations shall apply to all municipalities in Bucks County within the jurisdiction of the Department and shall apply equally to all persons.

### **1.3 Rules and Regulations.**

These Rules and Regulations shall supersede the previously adopted Rules and Regulations effective April 1, 2001, entitled, "Rules and Regulations Relating to Public Health Nuisances".

## SECTION TWO - DEFINITIONS

### **2.1 List of Definitions.**

The following definitions shall apply in the interpretation of these Rules and Regulations.

- (a) **Adequate hand-cleansing facility** – A facility which has:
  - (1) Running water and soap or other hand-cleansing methods approved by the Department.
  - (2) Hand-drying equipment or disposable towels.
- (b) **Advertise** – To notify the general public of an event by:
  - (1) Publication in a newspaper, magazine or other publication of general circulation.
  - (2) Announcement on television or radio.
  - (3) Public mailing or distribution of written material.
  - (4) Posting of written material at a location other than the animal exhibition grounds.

- (c) **Agricultural fair** – An agricultural exhibition which is conducted in a manner to make it eligible for a grant under the Act of July 8, 1986 (P.L., 437, No. 92) known as the Pennsylvania Agricultural Fair Act.
- (d) **Animal** – A living nonhuman organism having sensation and the power of voluntary movement and requiring for its existence oxygen and organic food. The term does not include a fish or an aquatic animal.
- (e) **Animal exhibition** – as follows:
  - (1) The term shall include:
    - (A) An agricultural fair.
    - (B) A petting zoo.
    - (C) An event, where animals are displayed on animal exhibition grounds for view and physical contact with humans, if the operator advertises the event.
    - (D) An event where animals are displayed on animal exhibition grounds for view and physical contact with humans, if the operator charges an admission fee for access to the animals; or
    - (E) An event where animals are displayed on animal exhibition grounds for view and physical contact with humans, if there is a retail food establishment on the grounds.
  - (2) The term shall not include:
    - (A) An event, other than an agricultural fair, sponsored by an agricultural organization and held for not more than two days per year.
    - (B) An event authorized by a farmer to permit individuals to view or have contact with animals the farmer is raising or keeping in the course of “normal agricultural operation” as defined in the Act of June 10, 1982 (P.L. 454, No. 133) entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances,” which is not held on animal exhibition grounds where there is a retail food establishment.
    - (C) An event performed or authorized in the normal course of operation of an equine boarding, riding or training enterprise by the person that operates the enterprise.
    - (D) An event performed or authorized on the premises of a pet store by the person that operates the store.
    - (E) An event sponsored by or authorized by a recognized dog or cat breed association, dog or cat club or recognized kennel association.

- (F) An event performed or authorized by an animal rescue organization, a humane society or association for the prevention of cruelty to animals; or
  - (G) An event excluded by regulation of the Department.
- (f) **Animal exhibition grounds** – The premises on which an animal exhibition is conducted.
  - (g) **Department** - shall mean the Bucks County Department of Health.
  - (h) **Industrial waste** - A liquid, gaseous, radioactive, solid or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. The terms includes substances whether or not generally characterized as waste.
  - (i) **Municipality** - means a Township or Borough.
  - (j) **Operator** – A person that conducts an animal exhibition. The term includes a person that contracts with another to conduct an animal exhibition.
  - (k) **Person** - shall include any individual, landowner (which is defined as any person holding title to or having a proprietary or equitable interest in either surface or subsurface rights), landlord, lessor, land occupier (including but not limited to easement owner, tenant, lessee or occupant of a structure or land, whether the landowner or not), any corporation, including public or private corporation for profit or not for profit, association, partnership, firm, trust, trustee, estate, executor, executrix, administrator, administratrix or other fiduciaries, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties, and any agent for any individual or corporation or other legal entity set forth above. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment the term “Person” shall include all of the above set forth individuals and entities as well as members, officers, and/or employees of any corporation, an association, partnership or firm and the officers, directors of any local agency, municipality, municipal authority and/or political subdivision and the supervisors, councilmen, of any political subdivision public or private corporation for profit or not for profit.
  - (l) **Retaining Tank** - a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:
    - (1) **Chemical Toilet** - a permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
    - (2) **Holding Tank** - a tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
    - (3) **Privy** - a tank designed to receive sewage where water under pressure is not available.

- (4) **Incinerating Toilet** - a device capable of reducing waste material to ashes.
  - (5) **Composting Toilet** - a device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
  - (6) **Recycling Toilet** - a device in which the flushing medium is restored to a condition suitable for reuse in flushing.
- (m) **Sewage** - A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or the use of water for domestic water supply or for recreation, or which constitutes pollution under (35 P.S. §§691.5 and 691.405) known as the Clean Streams Law. The term shall include, but not limited to toilet, lavatory, kitchen or laundry waste water, liquid waste and seepage from floor drains, garbage cans, dumpsters or compactors and the cleaning waste from these garbage storage containers.
- (n) **Sewage facilities** - A method of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment of sewage or other waste.
- (1) **Individual sewage system** - A sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance or retaining tank wastes to another site for final disposal.
    - (A) **Individual on-lot sewage system** - An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank.
    - (B) **Individual sewerage system** - An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.
  - (2) **Community sewage system** - A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots or two or more equivalent dwelling units and the treatment or disposal, or both, of sewage on one or more of the lots or at another site.
    - (A) **Community on-lot sewage system** - A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface soil absorption area or retaining tank.
    - (B) **Community sewerage system** - A community sewage system which uses a method of sewage collection, conveyance,

treatment and disposal other than renovation in a subsurface absorption area or retention in a retaining tank.

- (o) **Sewage Hauler** - A person who is engaged in the business of pumping, transport and/or disposal of sewage waste materials containing sewage or sewage sludge within Bucks County. This includes any person who hauls sewage or sewage sludge into Bucks County and discharges into a municipal treatment plant or at an approved disposal site permitted by PA Department of Environmental Protection.
- (p) **Sewage Sludge** - The coarse screenings, grit and dewatered or air-dried sludges, septic and holding tank pumpings and other residues from municipal and residential sewage collection treatment systems.
- (q) **Veterinarian-client-patient relationship** – A relationship in which:
  - (1) The veterinarian has assumed the responsibility for making veterinary medical judgments regarding the health of the animal and the need for veterinary medical treatment.
  - (2) The owner or caretaker of the animal has agreed to follow the instructions of the veterinarian in relation to zoonotic diseases.
- (r) **Waters of this Commonwealth** - Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs, and all other bodies or channels of conveyance of surface and underground water or any of their parts - whether natural or artificial - within or on the boundaries of this Commonwealth.
- (s) **Zoonotic disease** – A disease which is transmissible from an animal to a human being.

### **SECTION THREE - GENERAL SEWAGE DISPOSAL PROVISIONS**

#### **3.1 Maintenance of Sewage Systems and Components.**

No person shall permit any retaining tank, individual sewage system, including individual on-lot sewage system or individual sewerage system, community sewage system, including on-lot community sewage system or community sewerage system, publicly or privately owned, or other receptacle for human excrement, but not limited to a sewer manhole, public or private sewer line, public or private pumping station, to be constructed, maintained, or used in any manner which directly or indirectly drains or discharges sewage, including kitchen and laundry waste water, over or upon the surface of the ground, or flows into any gutter, storm drain, street, roadway, swale, public or private place or into any Waters of the Commonwealth.

Maintenance of an individual sewage system and/or community on-lot sewage system and their components shall be the responsibility of the landowner(s) and/or the land occupier(s). However the ultimate legal responsibility to obtain a permit for a new installation and repairs of on-lot sewage disposal systems is on the landowner(s).

#### **3.2 Construction of On-lot Sewage System.**

No retaining tank, individual on-lot sewage system, community on-lot sewage system, or other receptacle for human excrement shall be constructed, maintained or used so that disease vectors (insects and rodents capable of carrying disease) may have access to the sewage contained therein.

### **3.3 Transportation of Sewage Wastes.**

The transportation of sewage, sewage sludge and wastes containing sewage must be in accordance with the provisions of the Bucks County Department of Health Rules and Regulations Governing Individual and Community On-lot Sewage Systems.

### **3.4 Placement or Discharge of Sewage.**

No sewage, human excrement or material containing human excrement shall be placed or discharged on the surface of the ground, buried or otherwise disposed of where it is likely to gain access to any waters of the Commonwealth, except as permitted by the Pennsylvania Department of Environmental Protection under the provisions of the Pennsylvania Solid Waste Management Act, Act 97 of 1980, as amended, and the Rules and Regulations adopted thereunder.

### **3.5 Use of Human Sewage as a Fertilizer.**

The contents of retaining tanks, individual or community on-lot sewage disposal systems or other receptacles for human excrement shall not be placed on any ground on which vegetables which are being grown for human consumption may be eaten raw.

### **3.6 Maintenance of Abandoned Sewage Systems.**

It shall be the responsibility of the landowner(s) and/or occupier(s) of any property (residential or commercial) to properly render safe and nuisance free any individual or community on-lot sewage system which has been taken out of service by replacement with another on-lot sewage system or retaining tank. Components such as treatment tanks, holding tanks, privies, pump chambers, seepage pits, cesspools, and dry wells must be pumped out by a licensed sewage hauler, collapsed and back filled with clean fill material.

## **SECTION FOUR - DECAYING MATTER**

### **4.1 Maintenance of Organic Matter.**

No person shall permit garbage, dead animals, decaying matter or organic waste substances of any kind to remain exposed on the surface of the ground or to be discharged or thrown into any Waters of the Commonwealth. Composting piles must be kept small and manageable in size to facilitate proper maintenance.

### **4.2 Transportation of Organic Matter.**

The transportation of garbage and organic wastes shall be effected in watertight vehicles or containers, properly covered to avoid spillage and shall be cleansed at sufficient intervals to prevent obnoxious odors and insect breeding.

### **4.3 Maintenance of Manure Accumulation.**

No person shall maintain or permit to be maintained an accumulation of manure in any place where it can contaminate any source of drinking water, become a source of insect or rodent vector breeding or become a menace to public health.

#### 4.4 Disposal of Animal Carcasses.

The carcass of any dead animal not killed for food shall be removed and disposed of by burial or incineration or transported to a rendering plant or other sanitary method within twenty four (24) hours after death. If the carcass is buried, it shall be thoroughly enveloped in lime and be placed so that every part shall be covered by at least two (2) feet of earth and at a location not less than 100 feet from any Waters of the Commonwealth and not subject to flooding by said waters.

#### 4.5 Maintenance of Piggeries.

No pigsty or piggery shall be built or maintained where it may prejudicially affect any water supply, Waters of the Commonwealth or where, as a source of vector breeding, it may become a menace to public health.

### SECTION FIVE - WATER SUPPLY

No person shall maintain any well, spring, cistern or other source of water supply used for drinking or household purposes to which the public has or may have access and which is polluted or which is so situated or constructed that it may become polluted in any manner that may render such water supply injurious to health.

### SECTION SIX - ANIMAL EXHIBITION SANITATION

#### 6.1 Sanitation Standards.

- (a) **Minimum Requirements** - The following sanitation standards are required to minimize the risk of contracting a *zoonotic* disease at an animal exhibition.
1. An operator shall promote public awareness of the risk of contracting a zoonotic disease at the animal exhibition and of the measures necessary to minimize the risk of contamination by posting appropriate notices at the animal exhibition.
  1. Adequate hand-washing facilities for adults and children shall be conveniently located on the animal exhibition grounds. The operator shall post appropriate notices which designate the location of the hand-washing facilities required by this paragraph and encourage the washing of hands after touching animals, using the restroom and before eating.
  1. A person may **not** bring an animal to an animal exhibition unless the person has an established veterinarian-client-patient relationship.
- (b) **Additional Requirements** - The Department may promulgate additional sanitation standards through regulations for animal exhibitions

#### 6.2 Administration.

The Department shall do all the following:

- (a) Access the PA Department of Health's aggregate data reports and other information relating to the occurrence of zoonotic diseases.
- (b) In consultation with the PA Department of Health, promote public education and physician awareness of the risk, and the sanitation standards necessary to

minimize the risk, of contracting a zoonotic disease. The primary emphasis of this Section shall be the need to properly wash hands after contact with animals to reduce the risk of contracting zoonotic diseases.

- (c) Implement and enforce this section pertaining to “Animal Exhibition Sanitation”.

## **SECTION SEVEN – PUBLIC TOILET FACILITIES**

Whenever public toilet facilities are provided at public buildings or public meeting places, such toilet facilities shall be kept clean and shall be maintained in a sanitary condition.

## **SECTION EIGHT - SEVERABILITY**

If any section, sub-section, paragraph, clause, or provision of these Rules and Regulations shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Rules and Regulations as a whole or any part thereof. It is hereby declared to be the intention of the Bucks County Department of Health, the Bucks County Board of Health, and the Bucks County Commissioners that the remainder of the Rules and Regulations would have been enacted if such invalid section had not been enacted and that it is their intent, intention and desire that the remaining portion of the Rules and Regulations remain in effect.

## **SECTION NINE - PENALTY PROVISION**

### **9.1 Summary Offenses.**

**SUMMARY OFFENSES** - In accordance with the provisions of Act No. 315, approved August 24, 1951, P.L. 1304, as amended, any person who violates any of the provisions of these Rules and Regulations or who interferes with the Health Director or any other agent of the Bucks County Department of Health in the discharge of their official duties, or who refuses to permit the Director of the Bucks County Department of Health or his authorized representatives to inspect any premises when such inspection is authorized by a properly issued search warrant, shall, for the first offense, upon conviction thereof in a summary proceeding before a District Justice of Bucks County, be sentenced to pay the costs of prosecution and a fine of not less than Thirty (\$30.00) Dollars nor more than Three Hundred (\$300.00) Dollars, and in a default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

### **9.2 Misdemeanors.**

**MISDEMEANORS** - Any person who violates any of the provisions of these Rules and Regulations, or who interferes with the Health Director or any other agent of the Bucks County Department of Health in the discharge of his/her official duties, or who refuses to permit the Director of the Bucks County Department of Health or his authorized representative to inspect any premises when such inspection is authorized by a properly issued search warrant, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or to undergo imprisonment not exceeding one (1) year, or both.

### **9.3 Separate Offenses.**

**SEPARATE OFFENSES** - For the purposes of this section, violations on separate days shall be considered separate offenses.

**Approved Bucks County Board of Health: March 4, 2004**

**Approved Bucks County Board of Commissioners: February 1, 2006**

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