

Chapter 108
HEALTH REGULATIONS

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[HISTORY: Adopted by the Council of the Borough of Berwick 1-12-1970 as Ch. 10 of the 1970 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Dogs and other animals -- See Ch. 82.
Drugs and drug paraphernalia -- See Ch. 85.

Food handling and food establishments -- See Ch. 103.

ARTICLE I
Board of Health

- § 108-1. Organization and meetings.
- A. The Board of Health, having been duly appointed by the Town Council, as provided for by Act of Assembly of May 11, 1893, shall organize on the first Tuesday in the month of

January in each and every year by the election of a President and Vice President. It shall also elect a Secretary and a Health Officer who shall not be members of the Board.

- B. The stated meeting of the Board shall take place at the office of the Secretary the last Monday evening in every month at 7:00 p.m. The Board may also hold special meetings when convened by order of the President or, in his absence, by the Vice President or at the call of any two of its members.
- C. The Health Office shall be at the place of business of the Secretary.

§ 108-2. President.

The President shall preside at the meetings of the Board, preserve order and decorum and appoint the members of committees unless otherwise directed by the Board.

§ 108-3. Secretary.

- A. The Secretary shall keep accurate minutes of the proceedings of the Board, conduct such correspondence as the Board may direct and approve, collect through the Health Officer all reports of vital statistics, submit the same at stated meetings and incorporate them into the minutes of the Board.
- B. He shall promptly notify the Health Officer of all cases of death from contagious diseases to enable him to prevent any public funeral.
- C. He shall promptly refer all reports of cases of contagious diseases received from the attending physician or otherwise to the Chairman of the Sanitary Committee and shall also notify the same of any cases of death occurring from contagious diseases.
- D. He shall have the charge of the Registers of Births, Marriages and Deaths and shall record the same therein promptly and carefully.
- E. He shall have charge of all other books, reports, papers and stationary belonging to the Health Office and shall see that they are kept in good order and condition and properly taken care of and issued as may be required.
- F. He shall furnish the Health Officer with a copy of all rules or resolutions passed by the Board and relating to his duties and shall place into his hands all orders and instructions to be carried out by him by direction of the Board.
- G. He shall keep an account of all money collected for licenses, fees, permits, etc., in a book provided for that purpose and enter into the same also all bills presented to the Board and approved by the Committee on Accounts. He shall every month present to the Borough Council a report of all money received as well as of all salaries, bills and expenses incurred by the Board, accompanied by the bills themselves (such report having first been approved by the Committee on Accounts of the Board), and shall pay over all moneys in his hands to the Borough Treasurer, whose receipt shall accompany the Secretary's report to the Borough Council.

- H. He shall receive and enter into a book kept for that purpose all complaints of nuisances existing and place the same into the hands of the Health Officer for examination.
- (1) He shall receive the Health Officer's report upon the same and submit it to the Board at the next meeting for approval or otherwise.
 - (2) He shall issue all notices for removing or abating nuisances and place them in the hands of the Health Officer to be served upon the offending parties.
- I. He shall make out all bills for cost of the removal of nuisances in accordance with the report of the Health Officer (see § 108-4C), in cases where the work has been done by the Board, and turn such bill over to the Health Officer for collection from the parties from whose premises the nuisance has been removed. In case of their refusal to pay such bill, he shall report the matter to the Board, who shall cause the necessary legal action to be taken through the Borough Solicitor to collect the debt in the usual way.
- J. He shall, in conjunction with the Chairman of the Sanitary Committee, make out in January of every year the annual reports of vital statistics and other information to be presented to the Borough Council and to the State Board of Health. The Secretary shall, on the first day of every month, collect from all physicians, magistrates, clergymen, etc., the monthly report of births and marriages and shall report to the Board all persons that may delay or refuse to furnish such reports.

§ 108-4. Health Officer.

- A. He shall investigate all complaints of nuisances referred to him by the Secretary and report to him upon the same as soon as possible.
- B. He shall carry out all orders received from the Board directly or through the Secretary relative to the removal of nuisances, serve the required notices for the removal of such nuisance upon the owners, agents or occupiers of the premises upon which they may exist and, in case of failure on their part to comply with such notice, report such failure to the Board.
- C. When ordered by the Board, either directly or through the Secretary, to proceed with the removal of a nuisance, he shall engage necessary assistance and labor for that purpose (provided that the cost does not exceed \$10), keep a strict account of all expenses incurred for labor, materials, etc., in the removal of such nuisance and report the same to the Secretary, who shall make out a bill for the same, which shall be presented by the Health Officer for payment to the parties on whose account the nuisance has been removed. In case of refusal on their part to pay the bill, he shall report the case to the Secretary.
- D. In case of any death from contagious disease, he shall, upon being notified thereof by the Secretary or otherwise, give notice to the head of the household where such death occurred and to the undertaker in charge of the funeral that no public funeral will be allowed and shall personally enforce that rule.
- E. He shall, during the month of May in every year and at such other times as the Board may direct, make a sanitary inspection of the houses, cellars, yards and back alleys throughout the town, order the same to be cleaned and disinfected whenever necessary within 10 days;

and reinspect such premises at the expiration of the time stated. In case of failure on the part of the occupier to comply with such notice, the Health Officer shall proceed to have the premises cleaned and disinfected and collect the cost of the work from the occupier, as provided in Subsection C.

- F. He shall note all cases where ashes, garbage or other waste material is thrown into the streets and notify the offending parties to remove such nuisance forthwith.
- G. He shall, whenever complaints are made of dead animals lying in the streets or on private property, see that they are promptly removed and buried.
- H. He shall carry out all other orders or instructions received from the Board either directly or through the Secretary. He shall see that the sanitary laws and regulations of the Board are generally observed throughout the Borough and shall promptly report to the Secretary any violation thereof that may come to his knowledge.

§ 108-5. Standing committees.

The following standing committees shall be appointed annually by the President at the first meeting following the organization of the Board:

- A. A Sanitary Committee, consisting of two members, with a practicing physician as Chairman.
- B. A Committee on Nuisances, consisting of two members.
- C. A Committee on Rules, Ordinances and Publications, consisting of one member.
- D. A Committee on Accounts, consisting of one member.

§ 108-6. Sanitary Committee.

- A. The Sanitary Committee shall be entrusted, subject to the general supervision, rules, bylaws and instructions of the Board, with the exercise and performance of those powers and duties vested by law in the Board of Health, so far as relates to the spread and prevention of communicable diseases, and likewise with the management of such hospitals for contagious diseases as the Board shall at any time order to be opened, provided that no important addition, alteration or improvement be undertaken in relation to the same without the sanction of the Board.
- B. The Chairman of the Sanitary Committee shall carefully consider all reports of contagious diseases referred to him by the Secretary of the Board and shall personally visit such cases as in his judgment may call for any inspection or investigation by the Board. In his absence, this duty shall devolve upon the member named next to him on the Committee, who may, however, assign the duty of inspection, to a physician designated for that purpose by the Chairman.
- C. Whenever the Board, upon representation from the Sanitary Committee or otherwise, shall determine it to be expedient to provide and hold in readiness one or more hospitals for contagious diseases, the Committee shall select the location of the same, secure the service

of a competent steward and a sufficient number of nurses and otherwise put these establishments in condition to be opened with the least possible delay for the reception of patients, while the Board shall appoint one or more physicians to attend the sick and shall determine the compensation to be paid to them as also to the nurses for their services.

- D. As soon as practicable after the Board has determined to provide such hospital, the Sanitary Committee shall arrange and submit to the Board for its approbation a plan of hospital operations so that everything may be conducted economically, expeditiously and efficiently from the day the hospital shall be opened.

§ 108-7. Committee on Nuisances.

It shall be the duty of the Committee on Nuisances to examine and report upon all cases of nuisances referred back to it by the Health Officer or Secretary or directly by the Board. The Committee may also examine and report upon any nuisance that may come to its knowledge directly if the case should seem grave enough to require its action without reference first to the Health Officer.

§ 108-8. Committee on Rules, Ordinances and Publications.

- A. It shall be the duty of the Committee on Rules, Ordinances and Publications to formulate all needful rules, regulations and ordinances for the preservation of the public health and for the prevention of the spread of communicable diseases and to report the same to the Board, who shall, upon the passage of the same, cause them to be submitted to the Borough Council for approval.
- B. It shall be the duty of the Committee to publish, in the same manner as ordinances are published, all rules and regulations for the Board after their approval by the Mayor and Borough Council and to publish all other circulars, addresses and proclamations of the Board.

§ 108-9. Committee on Accounts.

- A. All bills, being first certified as correct by the Chairman of the Committee by whose order the bills were incurred, shall be referred to the Committee on Accounts for examination and approval after which they shall be referred to the Borough Council at their next stated meeting through the Secretary of the Board.
- B. It shall be the duty of the Committee on Accounts to examine and, if found correct, approve the monthly statement of the Secretary covering all receipts and also expenditures of the Board, and it shall be the duty of the Secretary to submit to the Committee the receipt of the Borough Treasurer for all moneys paid over to him by the Secretary before forwarding said receipt to the Borough Council.

ARTICLE II
Health Rules

§ 108-10. Unwholesome substances.

Whatever is dangerous to human life or health, whatever renders the air or food or water or other drink unwholesome and whatever building, erection or part or cellar thereof is overcrowded or not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted are declared to be nuisances and to be illegal, and every person having aided in creating or contributing to the same or who may support, continue or retain any of them shall be deemed guilty of violation of this chapter and also be liable for the expense of the abatement and remedy thereof.

§ 108-11. Refuse and debris.

No house refuse, offal, garbage, dead animal, decaying vegetable matter or organic waste substance of any kind shall be thrown upon any street, road, ditch or gutter or public place within the limits of this borough, and no putrid or decaying animal or vegetable matter shall be kept in any house, cellar or adjoining outbuilding or grounds for more than 24 hours.

§ 108-12. Slaughtering animals.

No person or persons, without the consent of the Board of Health, shall build or use any slaughterhouse within the limits of this borough; and the keeping and slaughtering of all cattle, sheep and swine and the keeping and preparation of all meat, fish, birds or other animal food shall be in the manner best adopted to secure and continue their wholesomeness as food; and every butcher or other person owning, leasing or occupying any place, room or building wherein any cattle, sheep or swine having been or are killed or dressed and every person being the owner, lessee or occupant of any room or stable wherein any animals are kept or any market, public or private, shall cause such place, room or building, stable or market to be thoroughly cleaned and purified and all offal, blood, fat, garbage, refuse and unwholesome and offensive matter to be removed therefrom at least once in every 24 hours after the use thereof for any of the purposes herein referred to and shall also at all times keep all woodwork, save floor and counters in any building, place or premises aforesaid, thoroughly painted or whitewashed, and the floor of such building, place or premises shall be constructed so as to prevent blood or foul liquids or washings from settling in the earth beneath.

§ 108-13. Slaughterhouses.

No blood pit, dung pit, offal pit or privy well shall remain or be constructed within any slaughterhouse. Anyone offending against this rule shall be guilty of creating and maintaining a nuisance prejudicial to the public health and shall be required to remove the nuisance within 10 days from the time of notice.

§ 108-14. Disinfection.

The owners, agents or occupiers of all slaughterhouses are required, during the months of June, July, August and September, to distribute twice in each week not less than 25 pounds of chloride of lime about their premises and also to remove the contents of any manure pits or manure piles on the premises once in each week, and said premises and contents of manure pits are hereby declared to be nuisances prejudicial to public health unless subjected to frequent disinfection and cleaning as herein indicated. No pigs or hogs shall be kept in the same enclosure with a slaughterhouse nor shall they be fed there or elsewhere upon the offal of slaughtered animals.

§ 108-15. Livery stables.

The keeper or keepers of all livery and other stables within the limits of this borough are hereby enjoined and required to keep such stables and premises in a clean and wholesome condition, using disinfectants when necessary, and removing the accumulation of manure as often as the circumstances may require or the Board of Health recommend.

§ 108-16. Pigenens.

No pigen shall be built or maintained within the limits of this borough without a permit from the Board of Health or within 100 feet of any well or spring of water used for drinking purposes or within 30 feet of any street or any inhabited house or unless constructed in the following manner: so that the floor or floors of the same shall be not less than two feet from the ground, in order that the filth accumulating under the same may be easily removed, and such filth accumulating in, about and under the same shall be removed at least once a week and oftener if so ordered, and on the failure of any owner or occupier of such premises so to do, then the same shall be done by the Health Officer.

§ 108-17. Enumeration of communicable diseases.

The following named diseases are declared to be communicable and dangerous to the public health: smallpox, (variola, varioloid), cholera (Asiatic or epidemic), scarlet fever (scarletina, scarlet rash), measles, diphtheria (diphtheretic croup, diphtheretic sore throat), typhoid fever, typhus fever, yellow fever, spotted fever (cerebrospinal meningitis), relapsing fever, epidemic dysentery, hydrophobia (rabies), glanders (farcy) and leprosy, and shall be understood to be included in the following regulations unless certain of them only are specified.

§ 108-18. Report of communicable diseases.

Whenever any householder knows that any person within his family or household has a communicable disease, dangerous to the public health, he shall immediately report the same to the Board of Health, giving the street and number or location of the house.

§ 108-19. Duties of physicians.

Whenever any physician finds that any person whom he is called upon to visit has a communicable disease, dangerous to the public health, he or she shall immediately report the same to the Board of Health, giving the street and number or location of the house, on the receipt of which the Secretary shall immediately notify the teacher or principal of every school, academy, seminary or kindergarten in the borough, requesting said teacher or principal to dispense with the attendance of all pupils residing in the family in which such disease exists. No physician who may, in good faith, in obedience to this chapter, report a case as one of communicable disease which subsequently proved not to be such shall be liable for any suit for damages for such an error in reporting. It shall be the duty of such physician and all other attendants upon persons affected with such disease to avoid exposure to the public of any garments or clothing about their own person that may have been subjected to the exposure of infection.

§ 108-20. Restrictions on funerals.

There shall not be a public or church funeral of any person who has died of Asiatic cholera, smallpox, typhus fever, diphtheria, yellow fever, scarlet fever or measles, and the family of the deceased shall, in all such cases, limit the attendance to as few as possible and take all precautions possible to prevent the exposure of other persons to contagion and infection. The person authorizing the public notice of death of such person shall have the name of the disease which caused the death appear in such public notice.

§ 108-21. Exposed persons.

No person shall let or hire any house or room in a house in which a communicable disease, dangerous to the public health, has recently existed until the room or house and premises therewith connected have been disinfected to the satisfaction of the Board of Health. For the purposes of this section, the keeper of a hotel or inn or other house for the reception of lodgers shall be deemed to let or hire part of a house to any person admitted as a guest into such hotel, inn or house.

§ 108-22. Attending public places.

Members of any household in which smallpox, diphtheria, scarlet fever or measles exists shall abstain from attending places of public amusement, worship or education and, as far as possible, from visiting other private houses.

§ 108-23. Disinfection of laundry.

The clothing, bedclothing and bedding of persons who have been sick with any communicable disease, dangerous to the public health, and the rooms which they have occupied during such sickness, together with their furniture, shall be disinfected under the directions of the Board of Health.

§ 108-24. Diseased animals.

No animals affected with a communicable disease, dangerous to the public health, shall be brought or kept within the limits of this borough except by permission of the Board of Health. The bodies of animals dead of such disease or killed on account thereof shall not be buried within 500 feet of any residence nor disposed of otherwise than as said Board or its Health Officer shall direct.

§ 108-25. Adulterated milk.

No milk which has been watered, adulterated, reduced or changed in any respect from its natural condition by the addition of any foreign substance shall be brought into, held, kept or offered for sale at any place in this borough.

§ 108-26. Unwholesome meat.

No meat, fish, birds, fowls, fruits, milk, vegetables and nothing for human feed not being then healthful, fresh, sound, wholesome, fit and safe for such use nor any animal or fish that died by disease and no carcass of any calf, pig or lamb which at the time of its death was less than four weeks old and no meat thereof shall be brought within the limits of this borough or offered or held for sale as food anywhere in said borough.

§ 108-27. Spring cleanup.

It shall be the duty of the occupant of every house within the limits of this borough in the month of May in each and every year to cleanse the cellar thereof of all dirt, vegetable and other impure matter calculated to engender disease and cause it to be thoroughly whitewashed with fresh lime.

§ 108-28. Vaccinations.

It shall be the duty of every adult and parent, guardian or master of every minor residing within the limits of this borough who has not had smallpox or been vaccinated so as to have taken cowpox regularly to be if an adult vaccinated or, in the case of a minor, to cause such minor to be vaccinated within six months of the date of the passage of this chapter unless unable to do so by reason of poverty; and it shall be lawful for any regularly educated physician residing in this borough, on application of such resident adult or parent, master or guardian of such resident minor as is by reason of poverty unable to pay the vaccination fee, to vaccinate said adult or said minor and present his bill therefor, properly authenticated, for an amount not exceeding the fee usually charged for such services and to recover the same of and from the corporation.

§ 108-29. Attendance at public schools.

No pupil shall be allowed to attend the public schools in this borough who has not been vaccinated within seven years.

§ 108-30. Intermingling of exposed persons.

No parent, guardian or master in whose house or family there shall have been a communicable disease, dangerous to the public health, shall permit any child residing in said house or family to attend any public, private or Sunday school after the cessation of said disease within a period of 10 days after the house shall have been thoroughly disinfected and cleansed. It shall be the duty of the School Board to have this section printed on cards mentioning the names of diseases declared communicable and dangerous to the public health in this chapter and posted in every schoolroom in this borough, and it shall be the duty of each teacher to read the section to the school at least once a month and whenever any epidemic shall appear. It shall be the duty of the Board of Health to have this section printed on cards and furnished to every private school, academy, seminary, kindergarten and Sunday school in this borough and to request the person or persons in charge of such private institutions to post such cards in conspicuous places and read the section to the school at least once a month and whenever any epidemic shall prevail.

§ 108-31. Duties of burial personnel.

Every person who acts as a sexton or undertaker or cemetery keeper within the limits of this borough or has the charge or care of any tomb, vault or burying ground or other place for the reception of the dead or where the bodies of any human beings are deposited shall so conduct his business and so care for any such place above named as to avoid detriment or danger to public health, and every person undertaking preparations for the burial of a body dead from a communicable disease, as herein before enumerated, shall adopt such precaution as the Board of Health may prescribe to prevent the spread of such disease. No dead body shall be exhumed and removed between the months of May and October inclusive, and no body dead from smallpox shall ever be exhumed.

§ 108-32. Burial of nonresidents.

When it is desired to bury within the limits of this borough the body of a person who shall have died at a place outside of the jurisdiction of the local Board of Health, it shall be the duty of the Superintendent of the Berwick Cemetery Association or such person as shall be known as the cemetery keeper to procure from the Board of Health a certificate permitting such burial or interment, and, if it is known or suspected that the cause of death in such case has been from any of the diseases enumerated in § 108-17, it shall be the duty of said cemetery keeper to require that the body of the deceased person shall be delivered to him enclosed in a hermetically sealed coffin, which coffin shall not be opened after having entered within the limits of the borough, and in no case shall the general public be admitted within the limits of the cemetery.

§ 108-33. Violations and penalties.¹

Every person violating any provision of this chapter shall be liable for every such offense, upon conviction before any District Justice, to a fine not less than \$5 nor more than \$300, plus costs, and in default of payment of such fine and costs, to imprisonment for not more than 30 days.

§ 108-34. Reporting violations.

All police officers, constables or watchmen are enjoined and all citizens are respectively desired to give information to the Board of Health of any violation of this chapter so that the sanitary laws provided for the cleanliness and health of the borough may be fully executed and all offenders promptly punished.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

