

Section 14. Penalties.—Any person who violates any provision of this act, shall upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and costs. For the purpose of this section, each day that an offense continues shall be construed to constitute a separate offense.

Section 15. Civil Relief.—The Secretary of Health may maintain an action in the name of the Commonwealth for an injunction or other process against any person to restrain or prevent such person from violating the provisions of this act or any order, rules or regulation of the board issued pursuant to the provisions of this act.

Section 16. Effective Date.—This act shall take effect January 1, 1969.

APPROVED—The 18th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 323

AN ACT

SB 1076

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto" authorizing boards of health in counties of the third class, prescribing their powers and duties, providing for employes, imposing duties on boards of county commissioners and the Secretary of Health and prescribing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Article XXI, act of August 9, 1955 (P. L. 323), known as "The County Code," is amended by adding at the end thereof, a new subdivision to read:

ARTICLE XXI
PUBLIC HEALTH

* * *

(g) Boards of Health in Counties of the Third Class

(1) Board of Health

Section 2185. Board of Health Jurisdiction Incompatibility.—
Each county of the third class may, by ordinance, create a board of
health as herein provided. The jurisdiction of every such board of
health shall extend to all parts of the county in which created:

Provided, That whenever there is a board of health in any city, borough or township of the county, the rules and regulations of any such board of health shall supersede any rules and regulations of the county board in any particular matter where such rules and regulations are more stringent. The board of health shall have five members appointed by the board of county commissioners, who shall serve without compensation. Except as otherwise herein provided, membership on the board of health shall be incompatible with every other county office.

Section 2186. Qualifications; Term; Removal.—The members of the board of health shall be residents of the county, except in the case of physicians who shall have their main office in the county. At least two members shall be reputable physicians of not less than two years experience in the practice of their profession. Upon the creation of the board, the board of county commissioners shall designate for one appointee a term of one year, for another a term of two years, and so on up to five; thereafter, one member of the board shall be appointed annually to serve for a term of five years from the first Monday of April succeeding his appointment. The board of county commissioners, after due notice and hearing, may remove members of the board for official misconduct or neglect of duty. All vacancies shall be filled for the unexpired term.

Section 2187. Oath of Office; Organization; Secretary.—Each member of the board of health shall take the oath of office prescribed in section 403 of this act. The board shall organize annually at its regular meeting date in January. The board shall elect a president annually from among the members and shall appoint a secretary who is not a board member. The secretary shall take the aforesaid oath and shall give a fidelity bond with corporate surety to the county in such amount as the board of county commissioners requires. The secretary shall receive such salary as the board of county commissioners shall approve.

Section 2188. Duties of Secretary.—The secretary of the board shall perform such duties as shall be assigned to him by the board of health or the health officer.

Section 2189. Health Officer; Qualifications; Oath and Bond.—The board shall appoint as a health officer a person with experience and training in public health work in accordance with rules and regulations of the Advisory Health Board of the State Department of Health, and who shall not enter upon his duties until he has been certified for the office of health officer by the State Department of Health. The health officer shall take the oath required of members of the board, and shall give bond with corporate surety approved by the board of county commissioners to the county for the faithful performance of his duties. The amount of the bond shall be fixed by the board of county commissioners. The health officer shall be the agent of the board of health.

Section 2190. Duties of Health Officer.—It shall be the duty of the health officer to attend all stated and special meetings of the board of health and to be available for the prompt performance of his official duties at all times. He shall quarantine places of communicable diseases in accordance with law and with the rules and regulations of the State Department of Health or of the board of health. He shall execute all laws and rules or regulations for the disinfection of quarantined places. He shall serve written notice on teachers and persons in charge of public, parochial, Sunday and other schools, requiring the exclusion from school of children who are suffering from, or who reside with persons who are suffering from, communicable diseases, and shall make sanitary inspections, and shall execute the orders of the board of health and all other laws, rules and regulations and orders pertaining to his office. He shall, in the performance of his duties, have the power and authority of a peace officer.

Section 2191. Duties of Board of Health.—The board of health shall enforce the health laws of the Commonwealth and the rules and regulations of the State Department of Health pertaining thereto. The board shall enforce those orders of the State Department of Health for which the State Department of Health reimburses the county for its costs pertaining thereto. The board shall undertake to prevent or diminish the introduction or further spread of infectious or contagious diseases, and otherwise to protect and increase the public health by regulating communication with places of infection or contagion, by isolating carriers of infection or contagion or persons who have been exposed to any infectious or contagious disease, by abating or removing all nuisances which the board shall deem prejudicial to the public health, and by enforcing the vaccination laws; and the boards shall make all such rules and regulations as to it appear proper for the preservation or improvement of the public health, consistent with this article and the laws of the Commonwealth. The board shall transmit to the State Department of Health all of its reports and publications and such other information regarding public health in the county as may be requested by the department.

Section 2192. Powers of Board of Health.—The board of health shall have authority:

(1) To employ agents and employes at such rates or salaries as the salary board shall approve.

(2) To establish and staff emergency hospitals, with the consent of the board of county commissioners, in case of the prevalence or threat of any contagious or infectious disease or other serious peril to public health, and to provide for and regulate the management of such hospitals.

(3) To enter upon any premises whatsoever within county as a body or by committee or by its agents or employes, which premises

are suspected of infectious or contagious disease or of any other nuisance prejudicial to the public health, or of the danger of them, for the purpose of examining the premises or of preventing, confining or abating public nuisances.

(4) To conduct investigations and to hold public hearings in the performance of its duties and powers, wherein the president and secretary of the board shall have full power to administer oaths and affirmations but shall receive no fee therefor. For such purposes, the board of health may require the attendance of witnesses and their books and papers.

(5) To establish a force of sanitarians for the enforcement of its rules and regulations, wherever in the opinion of the board the public health of the county requires. To fix the number of such police and the duration of their service and to have the exclusive control and direction of them.

(6) To publish and enforce its rules and regulations.

(7) To provide for or cooperate in providing for general and gratuitous vaccination, disinfection and other public health control programs, and likewise to make available medical relief in such ways as in its opinion will benefit the public health.

(8) To certify to the board of county commissioners expenditures in excess of the board of county commissioner's appropriations therefor, necessarily incurred by the board by reason of an epidemic, or upon approval of the board of county commissioners for any other immediate and serious peril to public health. The board of county commissioners shall thereupon appropriate sufficient money to meet such additional expenditures.

(9) To prevent, abate or remove conditions found by it to be detrimental to the public health as public nuisances, or to declare and certify to the board of county commissioners such conditions and the premises or ways or places harboring them to be public nuisances.

(10) To prescribe regulations for the erection or operation of bone boiling establishments or of repositories of dead animals in the county, and in accordance therewith, to permit or refuse to permit such erections or operations within the county. Any person who shall erect or operate any such establishment or repository in the county without the permission of the board of health, or in violation of its regulations pertaining thereto, shall forfeit and pay to the county the sum of three hundred dollars (\$300) for every such offense, and the like amount for each month's continuance thereof, to be collected by an action before any alderman or justice of the peace, and shall also be subject to indictment for the common law offense of creating and maintaining a nuisance. Nothing herein shall limit the remedies of injunction or abatement as to any such establishment.

(11) To determine whether or not the keeping or slaughtering of stock animals or fowls in or about any dwelling or part thereof, or in the yard, lot or adjoining property of any such building within the county or parts thereof, is or may become detrimental to the public health. The board of county commissioners may prohibit any such keeping or slaughtering which the board certifies to it as detrimental, or the board may issue permits in accordance with regulations adopted by it for the keeping of such animals or fowls within the county or parts thereof. No such permit shall extend beyond the calendar year within which it was issued, and the fee for each permit shall be fixed by the board of health upon approval of the county commissioners.

(12) To make provisions for the compilation of vital statistics, maternal and child care, health education, control of chronic diseases, or needed laboratory services.

Section 2193. Effect of Rules and Regulations.—The rules and regulations of the board of health shall be subject to prior approval of the board of county commissioners and when printed and ad-

vertised by the board of county commissioners as required by this act in section 110, shall have the force of ordinances of the county, and all penalties, fines or imprisonment prescribed therein for violations thereof, together with the expenses necessarily incurred in carrying the rules and regulations into effect and the costs of proceedings incident thereto, shall be recoverable for the use of the county.

Section 2193.1. Prohibition of Political Activity.—No person appointed to any position or employed by a county board of health shall be a member of or delegate or alternate to any political convention, nor shall he participate at any such convention, except in the performance of his official duty or as a visitor, nor shall he serve as a member of any committee of any political party, or take an active part in political management or in political campaigns, or use his office or position to influence political movements or to influence the political action of any officer or employe in the classified service, nor shall he circulate or seek signatures to any nominations or other petition required by any primary or election law, nor shall he seek or accept election, nomination or appointment as an officer of a political club or organization, or serve as a member of a committee of any such club or organization, nor shall he in any manner participate in or interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the votes or returning the election material to the place provided by law for that purpose, save only for the purpose of making and depositing his own ballot as speedily as it reasonably can be done, nor shall he be within the polling place or within fifty feet thereof, except for the purpose of carrying out official duties and of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers

shall have finished counting the votes and have left the polling place for the purpose of depositing the election material in the place provided by law for that purpose, excepting only police officers, who may temporarily approach or enter the polling place in order to make any arrest permitted by law or for the purpose of preserving order and in each case remain only long enough to accomplish the duties aforesaid after which the said officers shall at once withdraw: Provided, however, That the rights of any individual as a citizen are not impaired hereby, and the prerogative to attend meetings, to hear or see any candidate or nominee, nor to express one's individual opinion privately, shall remain inviolate.

Section 2193.2. Prohibition of Assessments.—No person shall orally or by written or printed communication, directly or indirectly, demand, solicit, collect or receive or be in any manner concerned in demanding, soliciting, collecting or receiving any money or valuable thing or any assessment, subscription or contribution, whether voluntary or involuntary, from any officer or employe of a county board of health for any political purpose whatever. No officer or employe of a county board of health shall orally or by written or printed communication, directly or indirectly, demand, solicit, collect or receive or be in any manner concerned in demanding, soliciting, collecting or receiving any money or valuable thing for any political purpose whatever. No person in the service of the county shall remove, suspend, furlough, demote or promote or in any manner change the official status or compensation of any officer or employe of a county board of health or promise or threaten to do so for withholding or neglecting to make any contribution of money or service or other valuable thing for any political purpose. No person shall take part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any officer or employe of a county board of health, and no person

shall knowingly send or present, directly or indirectly, in person or by letter, any political assessment, subscription or contribution to, or request its payment by, any officer or employe of a county board of health.

Section 2194. Fees and Penalties.—All fees and penalties collected or received by the board or any officer thereof in his official capacity shall be paid monthly to the county treasurer for the use of the county.

Section 2195. Proceedings of Board to be Public.—The proceedings of the board shall be public and its journal of proceedings shall be opened to the inspection of any taxpayer.

Section 2195.1. Employes of Boards of Health.—The recruiting, selection, tenure, removal and working conditions of all personnel employed by any board of health shall conform to standards of personnel administration formulated by the board of health and reviewed and approved first by the county commissioners and finally by the State Department of Health, except that the State Department of Health shall exercise no authority with respect to the selection, compensation and removal of any individual employed in accordance with such standards, other than the approval of the qualifications of the county health director by the State Secretary of Health.

Section 2195.2. Program Controls.—Should the State Secretary of Health find any of the activities of the board of health to be incompatible with the rules, regulations, or programs of the State Department of Health, he shall so advise the county commissioners and the board of health which shall take steps to remove such incompatibility. Should conditions exist which constitute a menace to the health of the people of the county, the State Secretary of Health may, after giving notice which is reasonable under the particular circumstances, take charge of the county board of health during the existence of such menace of which remedial action has not been taken by the board of health.

(2) Abatement of Public Nuisances

Section 2196. Definition.—Any condition or usage whatsoever in or about the buildings, structures or land, or the streets or private ways and places, or elsewhere within the county of the third class, whether public or private, which the board of health shall find to be detrimental to the public health is hereby declared to be a public nuisance. Whenever in this subdivision the words “public nuisance” or “nuisance” are used they shall be deemed to mean a nuisance detrimental to the public health, unless a different meaning is specified. The powers of investigation and entering upon premises vested in the board of health and its agents and employes pursuant to its orders shall be available for the determination of public nuisances.

Section 2197. Procedure for the Abatement of Public Nuisances.—Whenever the board of health shall determine, after such examination, investigation or hearing as shall suffice to inform its judgment, that a public nuisance exists or is about to exist, it may order the nuisance to be removed, abated, suspended, altered, or otherwise prevented or avoided. Notice of such order, bearing the official title of the board and the number of days for compliance therewith and the alternative remedy of the board in case of non-compliance, shall be served upon the person, if any, whom the board deems responsible therefor or concerned therein, and upon the owner or abutting owner of the land, premises or other places whereon such nuisance is or is about to be, if any. In case no such party or parties can be discovered by the board, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least ten days.

Section 2198. Contents of Notice.—The notice of the board’s order shall clearly specify:

(1) The place and manner of the nuisance or anticipated nuisance as determined by the board;

(2) The nature or condition thereof;

(3) The board's order with respect to the nuisance or anticipated nuisance;

(4) The names of the persons found by the board to be responsible therefor or concerned therewith and the name of the owner, if any, of the land or premises involved;

(5) The date of the board's order and the number of days therefrom allowed for compliance with it;

(6) The alternative remedy of the board in case of non-compliance;

(7) Notice that the persons affected thereby may apply, within the time set for compliance with the order, to the board for a hearing, and may request such stay of execution or modification or rescission of the said order as they shall believe just and proper;

(8) The signature of the president of the board, attested by the secretary.

Section 2199. Hearing; Disposition.—If any person affected thereby shall apply for a hearing within the time provided, the board shall promptly notify all interested parties of the time and place of the hearing. The board shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing and thereafter may rescind, modify or reaffirm its order and require execution of the original or of a new or modified order, as it shall determine and direct. The persons affected shall be notified of the board's final order, and within ten days from the mailing of such notice may appeal therefrom to the court of quarter sessions, which appeal may operate as a supersedeas if the court, upon proper cause shown, so orders, and provided the appellants post bond, approved by the court, for the use of the county, with sufficient surety to cover all the expense and cost of executing the board's order.

Section 2199.1. Abatement of Public Nuisances by Board of Health or County.—In any case where the persons ordered by the board of health to abate or prevent a public nuisance or anticipated

public nuisance refuse or neglect to do so within the time specified in the original or any subsequent order of the board, then, unless the said order shall have been suspended by appeal to the court and proper bond posted, the board may direct its health officer and employes to execute the said order; or if the execution of the said order requires the grading, paving or repaving of private alleys or any similar work upon any property whatsoever within the county or any other work or service that may best be performed or contracted for by the agencies and employes of the county itself, then the board shall certify its order to the board of county commissioners and the board of county commissioners shall thereupon proceed to cause the execution of the order. In any case where the board of health or the board of county commissioners thus abates or prevents or causes the abatement or prevention of a public nuisance, the cost and expense of such work, services and materials shall be charged to the persons affected in their proper proportions; and upon non-payment of such charges, the county may file a lien therefor upon the affected premises in the name of and for the use of the county, as provided by law for municipal claims, in addition to the other remedies available for the collection of debts due the county. The lien shall attach as of the time the work was commenced, which shall be fixed by the certificate of the health officer or of the county engineer filed with the chief clerk of the county commissioners.

(3) Penalties

Section 2199.2. Penalties.—Any person violating any provision of this subdivision or any order of the board of health made under the authority of this subdivision, or of any law or ordinance therein referred to or authorized, or who shall obstruct or interfere with any person in the execution of any order of said board, or wilfully and illegally omit to obey any such order, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding

one hundred dollars (\$100) or undergo imprisonment not exceeding ninety days, or both.

APPROVED—The 18th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 324

AN ACT

HB 681

Defining the powers and immunities of police and firemen transferred for duty from his city, borough, town or township to another in response to a call for assistance and the responsibilities of the requesting city, borough, town or township.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Whenever in response to a call for assistance from any active duty officer or fireman of any municipality to any other on-duty officer or fireman of another municipality, a policeman or fireman is transferred from his own municipality for duty in the municipality requesting assistance, he shall have the same powers and immunities as regular police officers or firemen of the municipality to which he is¹ transferred. The municipality which requested the assistance shall assume responsibility for any disabilities or liabilities incurred as a result of such duty.

As used in this act, "municipality" means city, borough, town or township.

APPROVED—The 19th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 325

AN ACT

HB 2350

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Finan-

¹ "transfererd" in original.