

**CHESTER COUNTY HEALTH DEPARTMENT
RULES AND REGULATIONS**

Pursuant to the "Local Health Administration Law," Act 315 approved August 24, 1951, P.L.1304, as amended, as found in 16 P.L. §12001 et seq., the Chester County Health Department promulgates the following Rules and Regulations:

100. GENERAL PROVISIONS.

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100.1. DECLARATION OF POLICY. The purpose of these Rules and Regulations is to provide for the protection and promotion of the health of the people of Chester County, and to this end, these Rules and Regulations are intended to embrace all matters to which the regulatory or police powers and duties of the Chester County Health Department extend.

100.2. GENERAL DEFINITIONS. For the purpose of these Rules and Regulations, the following definitions shall apply:

100.2.1. "Approved": Any construction or procedure of operation which is in accordance with the standards of the Chester County Health Department.

100.2.2. "Board": The Chester County Board of Health.

100.2.3. "County": Chester County.

100.2.4. "Department": The Chester County Health Department, or its authorized representative.

100.2.5. "Director": The Chester County Health Director or his/her authorized representative.

100.2.6. "Emergency Occurrence": An occurrence such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent food borne illness outbreak, gross unsanitary occurrence or condition or other circumstance that may endanger public health.

100.2.7. "Municipality": Any city, town, borough, township, county, or other public body created by or pursuant to State Law, or any combination thereof acting cooperatively or jointly.

100.2.8. "Person": Any individual, partnership, corporation, company, firm, institution, trustee, association, or any other public or private entity.

100.2.9. "Public Facility": The definition includes, but is not limited to any facility, group, organization and/or other entity that admits individuals with little or no restriction(s). Individuals may be solicited by marketing and/or advertisement and may be subject to membership fees.

100.2.10. "Regulated Establishment": Any public facility, whether commercial or institutional, which requires License(s) and/or Certificate(s) to operate issued by the Chester County Health Department, or any facility that requires inspection by the Chester County Health Department.

100.2.11. "Secretary": The secretary of the Chester County Board of Health.

100.3. LOCAL REGULATION.

No city, township, borough, or other municipality located within Chester County, except those municipalities which are exempt from the jurisdiction of the Department by Section 14 of the "Local Health Administration Law" (16 P.S. §12014), shall adopt any rule, regulation, standard, or procedure not in conformity with the Rules and Regulations of the Chester County Health Department, and any such rule, regulation, standard, or procedure presently in existence shall be superseded to the extent that it is inconsistent with the Rules and Regulations adopted by the Department.

100.4. ENTRY AND INSPECTION OF PROPERTY, RECORDS, AND EQUIPMENT.

100.4.1. Under the authority of Section 12 (c) of the "Local Health Administration Law" (16 P.S. §12012 (c)), and subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania, the Director, upon showing proper identification of office, may enter and inspect any property, records, and equipment, at all reasonable times and in an emergency at any time.

100.4.2. The owner, operator, employee, or any other person having custody or control of such property, records, or equipment shall give the Director free access for the purpose of such inspection.

100.5. ALLEGED VIOLATIONS.

100.5.1. NOTICE. Whenever the Director determines that there has been a violation of any provision of these Rules and Regulations so as to cause a nuisance detrimental to the public health, he/she shall give notice of the alleged violation, in the manner provided herein, to the person responsible for compliance under these Rules and Regulations.

The notice shall:

100.5.1.1. Be in writing;

100.5.1.2. Specify the violation which exists, with reference to the applicable provision of these Rules and Regulations, together with a brief statement of the remedial action required; and

100.5.1.3. Provide a reasonable time for the correction of any violation alleged.

100.5.2. SERVICE. A notice of violation shall be served upon the owner, operator, occupant, or any other party in interest, as the case may require. Service of the notice of violation shall be made in the following manner:

100.5.2.1. By handing the notice to the person to be served; or

100.5.2.2. By handing the notice to the persons designated in Rule 1009 (b) (2) of the Rules of Civil Procedure promulgated by the Supreme Court of Pennsylvania; or

100.5.2.3. By mailing the notice to the last known address of the person to be served, by registered mail, postage prepaid, accompanied with a request for a return receipt; or, if service cannot be accomplished in this manner,

100.5.2.4. By posting the notice of violation in a conspicuous place on the property.

100.5.3. REPEATED VIOLATIONS. The notice requirements of this section pertain only to first violations of any specified section. Upon a second and each successive violation, no notice to the alleged violator is required under this section. Where repeated violations occur at a regulated establishment, as defined in Chapter 600 of these Rules and Regulations, the License(s) and/or Certificate(s) to operate such a facility may be suspended and/or revoked in accordance with Chapter 600, §605.3.7.1.

100.6. EMERGENCY ORDERS.

100.6.1. Under the authority of Section 12 (d) of the "Local Health Administration Law" (16 P.S. §12012 (d)), the Director, whenever he/she determines that an emergency exists which necessitates immediate action to protect the public health, shall, without prior notice, issue a written order reciting the existence of the emergency and requiring corrective action necessary to meet the emergency.

100.6.2. Notwithstanding the provisions of Sections 100.4 and 100.5, above, this order shall be effective upon posting the notice of violation in a conspicuous place on the property and shall be complied with immediately.

100.7. NON-COMPLIANCE WITH EMERGENCY ORDERS.

100.7.1. In the event of the failure to comply with an order issued pursuant to any provision of these Rules and Regulations, the Director may take any action which is authorized by Section 12 (d), of the "Local Health Administration Law" (16 P.S. §12012 (d)), including, but not limited to, abatement of the nuisance, the cost of said abatement being recoverable from the owner of the premises where the nuisance or the cause of the nuisance was located, or from any other person who may have caused the nuisance, in the same manner as debts of like character are now collected by law, or in the manner provided by law for the collection of municipal claims.

100.7.2. In accordance with §100.7.1, immediately above, the Director may institute appropriate actions or proceedings at law or in equity to restrain, correct, or abate the violation of the order, or he/she may cause the order to be carried out at the expense of the County.

100.7.3. Any legal action necessary to recover the expenses described in §100.7.2., immediately above, may be instituted by the Chester County Board of Commissioners.

100.7.4. In lieu of, or in addition to the above procedures, the Chester County Board of Commissioners may, upon the advice of the Director seek relief from a nuisance or threatened nuisance detrimental to the public health by instituting proceedings in a court of equity, in accordance with Section 12 (d) of the "Local Health Administration Law" (16 P.S. §12012 (d)).

100.8 HEARINGS.

100.8.1. Any person aggrieved by the actions, determinations, or other holdings of the Department shall have the right to a hearing held before the Director. The aggrieved party must make written application for said hearing within thirty (30) days of the action, determination, or holding of the Department, said application to be made to the Department by certified mail, return receipt requested. The Director shall establish a hearing date, which is to be held not less than five (5) working days nor more than fifteen (15) working days from the receipt of said application.

100.8.2. Notice of the hearing shall be given to the applicant by sending said notice to the applicant by certified mail, return receipt requested, at **the applicant's** last known address, or by notifying, by similar means, applicant's attorney of record, if the applicant is so represented.

100.8.3. If the applicant desires a continuance, he/she must make written application for a transfer,

received by the Director no less than twenty-four (24) hours in advance of the scheduled hearing.

100.9. SEVERABILITY. If any provision of these Rules and Regulations, or the application of any provision to particular circumstances is held invalid, the remainder of these Rules and Regulations, or the application of such provision to other circumstances, shall not be affected.

100.10. PENALTIES. Any person who violates any of the provisions of these Rules and Regulations, or who interferes with a Health Officer or any other agent of the Department in the discharge of the applicant's official duties, shall be subject to the penalty provisions of the enabling legislation for these Rules and Regulations, namely, Section 27 of the "Local Health Administration Law", Act 315, approved August 24, 1951, as amended as found in 16 P.S. §12027.

100.11. REPEAL OF PRIOR REGULATIONS. The Rules and Regulations of the Chester County Health Department which were previously adopted and approved by the Chester County Board of Commissioners, as amended, are hereby expressly repealed as of the effective date of the present Rules and Regulations.

CERTIFICATION

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER ss

I, Jeanne E. Casner, MPH, PMP, Secretary of the Chester County Board of Health, hereby do certify the within to be a true and correct copy. In witness whereof I have hereunto set my hand this twenty-fourth day of September, 2014.

Jeanne E. Casner, MPH, PMP

SEAL

Effective Close of Business: Wednesday, November 12, 2014