

Property Maintenance

Definitions

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

BOROUGH – The Borough of _____

CODE OFFICIAL – The official who is charged with the administration and enforcement of this Code, or any duly authorized representative. The Code Official, or any duly authorized representative, shall have all authority necessary to enforce the provisions of this act, including instituting summary citation proceedings.

EXTERIOR PROPERTY AREAS – The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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

INFESTATION – The presence within or contiguous to a structure or premises of insects, rats, vermin or other pests.

MOTOR VEHICLE NUISANCE – A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hoods, trucks, or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken headlamps or tail lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frames suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunks.
- N. Open or damaged floor boards including trunk and fire wall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.

- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips, broken communications equipment and antenna.
- R. Suspended on unstable supports.
- S. Such other defects which could threaten the health, safety and welfare of the citizens of the borough.

OPERATOR – Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON – An individual corporation, partnership, or any other group acting as a unit.

PREMISES – A lot, plot or parcel of land, including the buildings or structures thereon.

PUBLIC NUISANCE – Includes the following:

- A. The physical condition or use of any premises regarded as a public nuisance at common law.
- B. Any physical condition, use or occupancy of any premises appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures.
- C. Any premises which has unsanitary sewage or plumbing facilities.
- D. Any premises designated as unsafe for human habitation or use.
- E. Any premises which is manifestly capable of being a fire hazard or are manifestly unsafe or unsecure as to endanger life, limb or property.
- F. Any premises from which the plumbing, heating and/or facilities required by this code have been removed or from which utilities have been disconnected, destroyed or rendered ineffective or from which utilities have been disconnected, destroyed or rendered ineffective or the required precautions against trespassers have not been provided.
- G. Any premises which is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds.
- H. Any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction overcrowded, open, vacant or abandoned, damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

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

STRUCTURE – That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open-grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Maintenance of exterior property areas:

- A. Sanitation. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.
- B. Containers. The operator of every establishment producing garbage, a vegetable waste or other putrescible material shall provide, and at all times cause to be used, leak proof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
- C. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or with any structure located thereon. Stagnant water shall be determined as any accumulation that has not disbursed within seven days of the last recorded local rainfall. Exception: Water retention areas and/or reservoirs approved by the Code Official.
- D. Insect and rat control. An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.
- E. Weeds. All lots shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens.

- F. Public nuisance. All exterior property areas and premises shall be maintained in such a manner so as not to constitute a public nuisance.
- G. Motor vehicles in residential areas. Not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and said vehicle shall not at any time be in a state of disassembly, disrepair, nor shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in a residential district unless said work is performed inside a structure or similarly enclosed area designed and approved for such purposes. In addition, not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district if such motor vehicle constitutes a motor vehicle nuisance.

Duties and powers of Code Official.

- A. General. The Code Official shall enforce all provisions of this chapter.
- B. Notices and orders. The Code Official shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this chapter's requirements for the safety, health and general welfare of the public.
- C. Inspections. In order to safeguard the safety, health and welfare of the public, the Code Official is authorized to enter any structure, premises or exterior property area at any reasonable time for the purpose of making inspections and performing duties under this chapter.
- D. Right of entry. If any owner, occupant or other person in charge of a structure, premises or exterior property area subject to the provision of this Code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where an inspection authorized by this chapter is sought, the administrative authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge shall cease and desist with such interference.
- E. Access by owner or operator. Every occupant of a structure, premises or exterior property area shall give the owner or operator thereof, or agent or employee, access to any part of such structure, premise or exterior property area, at reasonable times for the purpose of making such inspection maintenance, repairs or alterations as are necessary to comply with the provision of this chapter.

- F. Notice to owner or to person or persons responsible. Whenever the Code Official determines that there has been a violation of this chapter or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner described below.
- G. Manner of notice. The notice provided by the Code Official shall be in writing, include a description of the real estate sufficient for identification, include a statement of the reason or reasons why it is being issued, include a correction order allowing a reasonable time for the repairs and improvements required to bring the structure, premises or exterior property area into compliance with the provisions of this chapter.

Violations and penalties.

- A. Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure, premises or exterior property area, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions of this chapter.
- B. Penalty. Any person, firm or corporation who or which shall violate any provision of this chapter shall, upon conviction thereof, be subject to a fine of no more than \$1,000, plus costs, and in default of payment of said fine and costs to imprisonment for a term not to exceed 30 days. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.
- C. Borough permitted to perform work. If the tenant, occupant or owner of the exterior property area permits or causes said property to be maintained in violation of this chapter, the borough may, after providing said tenant, owner or occupant 20 days' prior written notice, correct the matter giving rise to the violation at borough expense and may thereafter collect all costs and expenses, plus 10% incurred in connection with correcting the violation by filing a municipal claim or by an action in assumpsit.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA**

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