

## **Chapter 5**

### **Code Enforcement**

#### **Part 1**

#### **Property Maintenance**

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**Part 1****Property Maintenance****§5-101. Short Title.**

This Part shall be known and cited as the “Pillow Borough Property Maintenance Ordinance.”

(*Ord. 2010-01, 6/9/2010, §1*)

**§5-102. Preface.**

Recognizing the need within the Pillow Borough to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy, this Part hereby establishes standards which the Pillow Borough considers to be fair and essential in meeting those minimum requirements.

(*Ord. 2010-01, 6/8/2010, §2*)

**§5-103. Authority.**

This Part, and the objective leading to its enactment, are authorized by the Borough Code, 8 Pa.C.S.A. §101 *et seq.*

(*Ord. 2010-01, 6/8/2010, §3*)

**§5-104. Definitions.**

*Building*—a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

*Court*—an open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

*Garbage*—putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*Infestation*—the presence of insects, rodents, vermin and/or other pests.

*Lots*—plot, tracts, premises or parcel of land, with or without improvements thereto.

*Owner*—any person or person, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

*Refuse*—all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

*Unoccupied hazard*—any building, or part thereof, or man-made structure, which remains unoccupied for a period of more than 6 months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than 6 months.

*Yard*—any open space on the same lot with a building and, for the most part, unobstructed from the ground up.

(*Ord. 2010-01, 6/8/2010, §4*)

#### **§5-105. Application.**

The provisions of this Part shall supplement local laws, ordinances or regulations existing in the Pillow Borough or those of the Commonwealth of Pennsylvania. Where a provision of this Part is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which established the higher standard shall prevail.

(*Ord. 2010-01, 6/8/2010, §5*)

#### **§5-106. Buildings and Structures.**

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.

2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereof and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to lack of maintenance or due to neglect.

3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Pillow Borough, remove, or cause the removal of, the building and/or structure.

(*Ord. 2010-01, 6/8/2010, §6*)

#### **§5-107. Yards, Open Lots, Parking Areas.**

No person shall permit:

A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.

B. The development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots.

C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.

D. Wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.

E. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.

(*Ord. 2010-01, 6/8/2010, §7*)

**§5-108. Infestation, Prevention and Correction.**

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.

3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

*(Ord. 2010-01, 6/8/2010, §8)*

**§5-109. Miscellaneous Provisions.**

No person shall permit:

A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to person and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.

B. Roof gutters, drains, or any other system designed and constructed to transport stormwater, to be discharged into any sanitary sewage system and/or any part thereof.

C. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

*(Ord. 2010-01, 6/8/2010, §9)*

**§5-110. Responsibilities of Occupants.**

Any occupant of a premises shall be responsible for compliance with the provisions of this Part with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

*(Ord. 2010-01, 6/8/2010, §10)*

**§5-111. Responsibilities of Owners.**

1. Owner of premises shall comply with the provisions of this Part as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one or more violations of this Part, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part.

*(Ord. 2010-01, 6/8/2010, §11)*

**§5-112. Inspection.**

The Pillow Borough may, or may cause, through an authorized representative of the Pillow Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Pillow Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereto.

*(Ord. 2010-01, 6/8/2010, §12)*

#### **§5-113. Notice to Comply.**

1. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, the Pillow Borough Code Enforcement Officer or designated agent of the Borough shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvements as set forth thereon within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirement of the notice within a reasonable time.

*(Ord. 2010-01, 6/8/2010, §13)*

#### **§5-114. Authority to Remedy Noncompliance.**

If the owner does not comply with the notice to abate the conditions, within the time limit prescribed, the Pillow Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10 percent of all costs. The Pillow Borough in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

*(Ord. 2010-01, 6/8/2010, §14)*

#### **§5-115. Hearing.**

1. Any person aggrieved by the decision of the Code Enforcement Officer may request and shall then be granted a hearing before the Pillow Borough; provided, he files with the Pillow Borough within 10 days after notice of the Code Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Pillow Borough shall sustain, modify or overrule the action of the Code Enforcement Officer.

*(Ord. 2010-01, 6/8/2010, §15)*

#### **§5-116. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon

conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 2010-01, 6/8/2010, §16; as amended by A.O.)*

**§5-117. Owners Severally Responsible.**

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part.

*(Ord. 2010-01, 6/8/2010, §17)*

**§5-118. Remedies not Mutually Exclusive.**

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Pillow Borough.

*(Ord. 2010-01, 6/8/2010, §18)*

