

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF CONEWAGO, DAUPHIN COUNTY, PENNSYLVANIA, ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THE STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATIONAL USE; AND ALSO PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Conewago, Dauphin County, Pennsylvania, as follows:

SECTION 1. GENERAL

A. **Title.** These regulations shall be known as the *Property Maintenance Code* of Conewago Township, hereinafter referred to as “this Code”.

B. **Scope.** The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute requirements and standards for premises, structures, sanitation, protection from the elements, life safety, and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties.

C. **Intent.** This Code shall be construed to ensure public health, safety and welfare insofar as any are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

D. **Severability.** If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

SECTION 2. APPLICABILITY

A. **General.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 1. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. Also, if any

provisions conflict with the Uniform Construction Code (UCC), the UCC provisions shall govern.

B. Existing remedies. The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

C. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

D. Historic buildings. The provisions of this Code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Code Official to be safe and protect the public interest of health, safety and welfare.

E. Liability. The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this ordinance shall be defended by legal representatives for the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the Township, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

F. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be as indicated in the attached schedule, which may be amended from time to time by resolution adopted by Township:

SECTION 3. DUTIES AND POWERS OF THE Code Official

A. General. The Code Official and/or township Solicitor shall enforce the provisions of this Code.

B. Rule-making authority. The Township shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof.

C. **Inspections.** The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Board of Supervisors.

D. **Right of Entry.** The Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

E. **Identification.** The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

F. **Notices and orders.** The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

G. **Township records.** The Township shall keep official records of all business and activities of the township specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

H. **Coordination of inspections.** Whenever in the enforcement of this Code or another Code or ordinance, the responsibility of more than one Code Official of the jurisdiction is involved, it shall be the duty of the Code Officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever any agency or department observes an apparent or actual violation of some provision of some law, ordinance or Code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction.

SECTION 4. VIOLATIONS

A. **Unlawful Acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

B. **Notice of Violation.** The Code Official shall serve a Notice of Violation Order in accordance with Section 5.

C. **Prosecution of Violation.** If any person fails to comply with a Notice of Violation or Order served in accordance with Section 5, the Code Official and/or township Solicitor shall institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure and violations of the provisions of this Code or of the Order or direction made pursuant thereto. In addition, upon

conviction before a District Justice of any violation of this Code, said person shall be subject to a fine not exceeding One Thousand (\$1,000.00) Dollars; and, in default of payment of the fine and costs, shall be subject to imprisonment for a period not exceeding thirty (30) days.

SECTION 5. NOTICES AND ORDERS

A. Notice to Owner to Person or Persons Responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the manner described in Section 5.B. and 5.C.

B. Form of Notice. Such notice prescribed in Section 5 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations in which the notice is being issued.
4. Include a Compliance Order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner of the right of appeal.

C. Method of Service. Such notice shall be deemed a properly served if a copy thereof is:

1. Delivered personally.
2. Sent by certified mail addressed to the last known address of the owner or owners;
or
3. If the notice is returned showing that the letter was not delivered, a copy thereof should be posted in a conspicuous place in or about the structure affected by such notice.

D. Transfer of Ownership. It shall be unlawful for the owner of any dwelling or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall furnish to the Code Official a signed and notarized statement from the Grantee acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such a compliance order or notice of violation.

SECTION 6. UNSAFE STRUCTURES AND EQUIPMENT

A. General. When a structure is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

(i) **Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(ii) **Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

B. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

C. Notice. Whenever the Code Official has condemned a structure under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 5.C. The notice shall be in the form prescribed in Section 5.B.

D. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

E. Placard removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

F. Prohibited occupancy. Any person who shall occupy a placarded premises and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this Code.

SECTION 7. APPROVAL

A. **Modifications.** Whenever there are special difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the Township files.

B. **Alternative materials, methods and equipment.** The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code.

SECTION 8. EMERGENCY MEASURES

A. **Imminent danger.** When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

B. **Temporary safeguards.** Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted ; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

C. **Closing streets.** When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. **Emergency repairs.** For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. **Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

F. **Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Board of Supervisors, be afforded a hearing as described in this Code.

SECTION 9. DEMOLITION.

A. **General.** The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, to demolish and remove such structure.

B. **Notices and orders.** All notices and orders shall comply with Section 5, above.

C. **Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. **Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 10. MEANS OF APPEAL.

A. **Application for appeal.** Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Board of Supervisors provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause an undue hardship.

B. **Open hearing.** All hearings before the board shall be open to the public.

Board decision. The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of Board members.

(i) **Records and copies.** The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

(ii) **Administration.** The Code Official shall take immediate action in accordance with the decision of the board.

D. Court review. Any person, whether or not a previous party of the appeal, shall have the right to appeal to the appropriate court. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Board of Supervisors.

E. Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 11. GENERAL DEFINITIONS.

A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

C. Terms defined in other Codes. Where terms are not defined in this Code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those Codes.

D. Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

E. Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” or “story” are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof”.

F. Approved. Approved by the Code Official.

G. Code Official. The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

H. Condemn. To adjudge unfit for occupancy.

I. **Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

J. **Exterior Property.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

K. **Extermination.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

L. **Garbage.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

M. **Imminent Danger.** A condition which could cause serious or life-threatening injury or death at any time.

N. **Infestation.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

O. **Occupancy.** The purpose for which a building or portion thereof is utilized or occupied.

P. **Occupant.** Any individual living or sleeping in a building, or having possession of a space within a building.

Q. **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 state, county or municipality 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.

R. **Person.** An individual, corporation, partnership or any other group acting as a unit.

S. **Premises.** A lot, plot or parcel of land including any structures thereon.

T. **Rooming Unit.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

U. **Rubbish.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the 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.

V. **Strict Liability Offense.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant

either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

W. **Structure.** That which is built or constructed or a portion thereof.

X. **Tenant.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Y. **Workmanlike.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

SECTION 12. GENERAL REQUIREMENTS.

A. **Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

B. **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

C. **Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

D. Exterior Property Areas.

(i) **Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(ii) **Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(iii) **Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(iv) **Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(v.) **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(vi.) **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(vii.) **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(viii.) **Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(ix.) **Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

E. **Interior Structure.**

(i.) **General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(ii.) **Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

F. Rubbish and Garbage.

- (i.) **Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
- (ii.) **Disposal of garbage and refuse.** Every occupant of a structure shall dispose of garbage and refuse in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

G. Extermination.

- (i.) **Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (ii.) **Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

ORDAINED AND ENACTED this _____ day of _____, 2005, to become effective five (5) days after enactment.

BOARD OF SUPERVISORS
TOWNSHIP OF CONEWAGO
DAUPHIN COUNTY, PENNSYLVANIA

By: _____
Secretary Chairman

Conewago Disk#2/Conewago Property Maintenance Code Ordinance 6-6-05

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