

**BOROUGH OF CARROLL VALLEY  
PLANNING COMMISSION MEETING**

**Monday, May 2, 2022 – 7:00 P.M.  
Borough Office**

**A G E N D A**

- A. Approval of Meeting Minutes**
  - A. Minutes of the April 4, 2022 meeting
- B. Open to the Public**
- C. New Business**
  - A. Property Maintenance
- D. Old Business**
- E. Adjournment**

# 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**

**STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.

**AN ORDINANCE OF THE BOROUGH RELATING TO MAINTENANCE OF PROPERTIES WITHIN THE BOROUGH IN REGARD TO CUTTING OF GRASS, WEEDS OR OTHER VEGETATION; THE REMOVAL OF SNOW FROM SIDEWALK AREAS; PROHIBITING THE STORAGE OF JUNK; PROVIDING FOR REMEDIAL ACTION BY THE BOROUGH IN SPECIFIED SITUATIONS; AND PRESCRIBING PENALTIES FOR VIOLATION OF THE REGULATIONS.**

**BE IT ENACTED AND ORDAINED** by the Borough and hereby enacted and ordained as follows:

**Section 1.**

- A. Any person firm or corporation, owning any property within the Borough, shall as provided in this Ordinance, trim or cut all grass or weeds or other vegetation whatsoever, no planted or used for some agricultural or ornamental purpose. So such person, firm, or corporation shall permit to grow upon property owned by it any grass, weeds, or other vegetation which does emit any unpleasant or noxious odor or which does conceal any filthy deposit. Any grass, weeds or other vegetation growing upon any premises in the Borough on violation of any of the provisions of this Section, is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.
- B. The owner of a property shall remove, trim or cut to height of 4 inches or less, all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance in accordance with the following minimum schedule: at least one time prior to May 31<sup>st</sup> of each year; at least one time between July 16<sup>th</sup> and August 31<sup>st</sup> of each year; and at least one time between September 1<sup>st</sup> and the end of the growing season. **Provided, However,** that no owner shall at any time permit any grass, weeds, or other vegetation to grow on his property to a height in excess of 8 inches.
- C. The Borough Council shall give notice by publication in a local newspaper, at least one time during the months of April or May of each year, of the dates established for cuttings. The Borough Council or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service, by United States Mail or by posting the property, to the owner of any premises whereon grass, weeds, or other vegetation or growing or remaining in violation of the provisions of this Ordinance, directing and requiring such owner to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Ordinance, within five (5) days after the issuance of such notice. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice, within the period of time stated



therein, the Borough authorities may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by the Law, may be collected by the Borough from such person, firm or corporation, in the manner provided by Law.

## **Section 2.**

Any person, firm, or corporation owning any property within the Borough shall remove all accumulation of snow or ice from the sidewalk within 24 hours after the ceasing of the snowfall or ice storm, or the formation of ice. No person, firm, or corporation, shall deposit or cause to be deposited any snow, ice, hail, or sleet upon any plowed portion of a Borough street or road. The Borough Council or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service, by United States Mail or by posting the property, to the owner of any premises informing the owner that he is in violation of the provisions of this Section 2, and ordering said owner to immediately comply with such notice, the Borough authorities may clear the premises of all snow or ice, and the cost thereof, together with any additional penalty authorized by the Law, may be collected by the Borough from such person, firm or corporation, in the manner provided by Law.

## **Section 3.**

- A. No person, firm, or corporation owning property within the Borough shall permit the accumulation or storage of any junk on said property. For the purpose of this Ordinance, the term “junk” shall include any discarded material or article including, but not limited to, scrap metal, scrapped, abandoned or junked machinery; and paper or glass waste. Junk shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.
- B. No person, firm, or corporation owning property within the Borough shall permit the outside storage or deposit of any motor vehicle, recreational vehicle, or parts thereof, not displaying a valid current registration issued by the Commonwealth of Pennsylvania Bureau of Motor Vehicles, Department of Transportation. The definition of “motor vehicle” set forth in the Pennsylvania Motor Vehicle (75 Pa.C.S.101 et seq.) is incorporated by reference herein and made a part hereof. **Provided, However,** that this Section 3 shall not apply to the storage of motor vehicles, recreational vehicles, or parts thereof by licensed auto dealers nor the storage of motor vehicles, recreational vehicles, or parts thereof within a fully enclosed garage or other building.

#### **Section 4.**

Any person, firm or corporation or which shall violate or fail, neglect or refuse to comply with any of the provisions of this Ordinance, shall, upon conviction of a summary offense by a District Justice be fined not less than \$25.00 nor more than \$300.00 for each offense, shall be ordered to pay the Borough any costs incurred by the Borough as provided in Section 1 and 2 above, together with the costs of this action, and in default of payment thereof, be committed to the County Prison for a period not exceeding thirty (30) days.

#### **Section 5.**

Should any section or provision of this Ordinance be declared to be invalid by the courts, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provisions of the Ordinance than the one so declared.

#### **Section 6.**

All other ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

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 STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.

**International Property Maintenance Code**

**Adopted by  
Spring Grove Borough  
December 1, 2008  
By Ordinance 2-2008**



## Table of Contents

<p><b>Chapter 1 Administration</b></p> <p><u>Section</u></p> <p>101 General 3</p> <p>102 Applicability 3</p> <p>103 Department of Property Maintenance Inspection 4</p> <p>104 Duties and Powers of the Code Official 5</p> <p>105 Approval 6</p> <p>106 Violations 7</p> <p>107 Notices and Orders 8</p> <p>108 Unsafe Structures and Equipment 9</p> <p>109 Emergency Measures 11</p> <p>110 Demolition 12</p> <p>111 Means of Appeal 13</p> <p><b>Chapter 2 Definitions</b></p> <p><u>Section</u></p> <p>201 General 15</p> <p>202 General Definitions 15</p> <p><b>Chapter 3 General Requirements</b></p> <p><u>Section</u></p> <p>301 General 19</p> <p>302 Exterior Property Areas 19</p> <p>303 Swimming Pools, Spas, Hot Tubs 20</p> <p>304 Exterior Structure 21</p> <p>305 Interior Structure 24</p> <p>306 Handrails and Guardrails 25</p> <p>307 Rubbish and Garbage 25</p> <p>308 Extermination 26</p> <p><b>Chapter 4 Light, Ventilation, Occupancy Limitations</b></p> <p><u>Section</u></p> <p>401 General 27</p> <p>402 Light 27</p> <p>403 Ventilation 28</p> <p>404 Occupancy Limitations 28</p>	<p><b>Chapter 5 Plumbing Facilities Fixture Requirements</b></p> <p><u>Section</u></p> <p>501 General 31</p> <p>502 Required Facilities 31</p> <p>503 Toilet Rooms 31</p> <p>504 Plumbing Systems 32</p> <p>505 Water System 32</p> <p>506 Sanitary Drainage System 33</p> <p>507 Storm Drainage 33</p> <p><b>Chapter 6 Mechanical &amp; Electrical Requirements</b></p> <p><u>Section</u></p> <p>601 General 34</p> <p>602 Heating Facilities 34</p> <p>603 Mechanical Equipment 35</p> <p>604 Electrical Facilities 35</p> <p>605 Electrical Equipment 36</p> <p>606 Elevators, Escalators, Dumbwaiters 36</p> <p><b>Chapter 7 Fire Safety Requirements</b></p> <p><u>Section</u></p> <p>701 General 38</p> <p>702 Means of Egress 38</p> <p>703 Fire Resistance Ratings 38</p> <p>704 Fire Protection Systems 39</p>
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# **CHAPTER 1 – ADMINISTRATION**

## **SECTION 101 GENERAL**

### **101.1 Title**

These regulations shall be known as the Property Maintenance Code of the Borough of Spring Grove, hereinafter referred to as "this code."

### **101.2 Scope**

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the responsibility of owners.

### **101.3 Intent**

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they 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.

### **101.4 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 102 – APPLICABILITY**

### **102.1 General**

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

### **102.2 Maintenance**

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

**102.3 Application of other codes**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Fuel Gas Code, International Mechanical Code and the ICC Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

**102.4 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 unsanitary.

**102.5 Workmanship**

Repairs, maintenance work, alterations and premises, and for administration, enforcement and penalty 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.

**102.6 Historic buildings**

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards**

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**102.8 Requirements not covered by code**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare not specifically covered by this code, shall be determined by the code official.

**SECTION 103 - DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

**103.1 General**

The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

**103.2 Appointment**

The code official shall be appointed by the chief appointing authority of the jurisdiction and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

### **103.3 Deputies**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

### **103.4 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 code shall be defended by the legal representative of 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 department of maintenance inspection 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.

### **103.5 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 following schedule.

*Set from time to time by resolution adopted by the Borough Council*

## **SECTION 104 - DUTIES AND POWERS OF THE CODE OFFICIAL**

### **104.1 General**

The code official shall enforce the provisions of this code.

### **104.2 Rule-making authority**

The code official 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, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

### **104.3 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 appointing authority.

#### **104.4 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.

#### **104.5 Identification**

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

#### **104.6 Notices and orders.**

The code official shall issue all necessary notices or orders to ensure compliance with this code.

#### **104.7 Department records**

The code official shall keep official records of all business and activities of the department 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.

### **SECTION 105 - APPROVAL**

#### **105.1 Modifications**

Whenever there are practical 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 department files.

#### **105.2 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, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

#### **105.3 Required testing**

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.



**105.3.1 Test methods**

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

**105.3.2 Test reports**

Reports of tests shall be retained by the code official for the period required for retention of public records.

**105.4 Material and equipment reuse**

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

**SECTION 106 - VIOLATIONS**

**106.1 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.

**106.2 Notice of violation**

The code official shall serve notice of violation or order in accordance with Section 107.

**106.3 Prosecution of violation**

Any person failing to comply with a notice of violation or order served in accordance with section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or inequity to restrain, correct or abate such violation, or require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**106.4 Violation penalties**

Any owner or occupant who has received notice of a violation of this ordinance or of the existence of a nuisance and fails to rectify the conditions constituting the nuisance or to remove and demolish the offending dwelling, building or structure shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00 together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days. Each day of continued violation shall constitute a separate offense.

### **106.5 Abatement of violation**

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

## **SECTION 107 - NOTICES AND ORDERS**

### **107.1 Notice to person 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 in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

### **107.2 Form**

Such notice prescribed in Section 107.1 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 and why the notice is being issued.
4. Include a correction 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 to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

### **107.3 Method of service**

Such notice shall be deemed to be properly served if a copy thereof is:

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

### **107.4 Penalties**

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

### **107.5 Transfer of ownership**

It shall be unlawful for the owner of any dwelling unit 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 first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, 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 compliance order or notice of violation.

## **SECTION 108 - UNSAFE STRUCTURES AND EQUIPMENT**

### **108.1 General**

When a structure or equipment 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.

#### **108.1.1 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.

#### **108.1.2 Unsafe equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

#### **108.1.3 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 unsanitary, 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.

#### **108.1.4 Unlawful structure**

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

### **108.2 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.

### **108.3 Notice**

Whenever the code official has condemned a structure or equipment 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 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

### **108.4 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.

#### **108.4.1 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.

### **108.5 Prohibited occupancy**

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

## **SECTION 109 – EMERGENCY MEASURES**

### **109.1 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, or when there is actual or potential danger to the building occupants or those in the proximity of any 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 is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. 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.

### **109.2 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.

### **109.3 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.

### **109.4 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.

### **109.5 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.

### **109.6 Hearing**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

### **109.7 Abatement by the Borough**

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Codes Enforcement Officer or the Borough Manager within the time specified in the notice issued by such person and no petition for a hearing is filed within twenty (20) days thereafter, or following a hearing by the Borough of Spring Grove, the order is sustained thereby, the Codes Enforcement Officer or the Borough Manager shall cause such building or structure to be repaired, vacated or demolished as determined by the Borough of Spring Grove in accordance with the standards hereinbefore provided. The Borough of Spring Grove may collect the cost of such repair, vacation or demolition together with a penalty of ten (10%) percent of such cost plus attorney fees incurred by the Borough regarding the same, in the manner provided by law, or the Borough of Spring Grove may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

## **SECTION 110 - DEMOLITION**

### **110.1 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 two years to demolish and remove such structure.

### **110.2 Notices and orders**

All notices and orders shall comply with Section 107.

### **110.3 Failure to comply**

If the owner of a premises fails to comply with a demolition order within the time prescribed, 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.

### **110.4 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.

### **110.5 Excavation to be refilled**

After removal of said building or structure, any excavation there under shall be refilled with earth or other suitable material to match the existing ground level.

## **SECTION 111 - MEANS OF APPEAL**

### **111.1 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 appeals, 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.

### **111.2 Membership of board**

The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

#### **111.2.1 Alternate members**

The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

#### **111.2.2 Chairman**

The board shall annually select one of its members to serve as chairman.

#### **111.2.3 Disqualification of member**

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

#### **111.2.4 Secretary**

The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

#### **111.2.5 Compensation of members**

Compensation of members shall be determined by law.

### **111.3 Notice of meeting**

The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

### **111.4 Open hearing**

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

**111.4.1 Procedure**

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.4.2 Duties of Code Enforcement Officer**

The Codes Enforcement Officer shall appear at all hearings conducted by the Building Appeals Board or District Justice, and testify to the condition of properties found to be in violation or found to be a nuisance.

**111.5 Postponed hearing**

When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**111.6 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 appointed board members.

**111.6.1 Records and copies**

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

**111.6.2 Administration**

The code official shall take immediate action in accordance with the decision of the board.

**111.7 Court review**

Any person whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. 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 chief administrative officer.

**111.8 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.



## **CHAPTER 2 - DEFINITIONS**

### **SECTION 201 - GENERAL**

#### **201.1 Scope**

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

#### **201.2 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.

#### **201.3 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 stated in those codes.

#### **201.4 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.

#### **201.5 Parts**

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

### **SECTION 202 - GENERAL DEFINITIONS**

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

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.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

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

**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.

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

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

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

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license. or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

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

**OCCUPANT.** Any individual living or sleeping in a building or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**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 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.

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

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of room's forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**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.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**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.

**STRUCTURE.** That which is built or constructed or a portion thereof.

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

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

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

**YARD.** An open space on the same lot with a structure.

## **CHAPTER 3 - GENERAL REQUIREMENTS**

### **SECTION 301 - GENERAL**

#### **301.1 Scope**

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

#### **301.2 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, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

#### **301.3 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.

### **SECTION 302 – EXTERIOR PROPERTY AREAS**

#### **302.1 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.

#### **302.2 Grading and drainage**

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

#### **302.3 Sidewalks and driveways**

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

### **302.4 Weeds**

All premises and exterior property shall be maintained free from weeds or plant growth in excess of five (5) 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 this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

### **302.5 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.

### **302.6 Exhaust vents**

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

### **302.7 Accessory structures**

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

### **302.8 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.

### **302.9 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.

## **SECTION 303 - SWIMMING POOLS, SPAS AND HOT TUBS**

### **303.1 Swimming pools**

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

### **303.2 Enclosures**

Private swimming pools, hot tubs and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

## **SECTION 304 - EXTERIOR STRUCTURE**

### **304.1 General**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

### **304.2 Protective treatment**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

### **304.3 Premises identification**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

**304.3.1 Rear premises identification**

All properties located within Spring Grove Borough, and such property that has access to the rear by an alley or street shall display a house number. Address numbers shall comply with the above Section 304.3. Numbers shall be located on the subject garage or other such building within thirty (30) feet of the rear property.

**304.4 Structural members**

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

**304.5 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

**304.6 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.

**304.7 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 downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features**

All cornices, belt courses, corbels terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions**

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies**

Every exterior stairway, deck, porch and balcony and all appurtenances attached thereto shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.



**304.11 Chimneys and towers**

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing**

All glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens**

During the period from May 1<sup>st</sup> to October 1<sup>st</sup>, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**304.15 Doors**

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**304.16 Basement hatchways**

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**304.17 Guards for basement windows**

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

**304.18 Building security**

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

### **304.18.1 Doors**

Doors providing access to a dwelling unit rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such dead bolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

### **304.18.2 Windows**

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device

### **304.18.3 Basement hatchways**

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

## **SECTION 305 - INTERIOR STRUCTURE**

### **305.1 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, housekeeping units, 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.

### **305.2 Structural members**

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

### **305.3 Interior surfaces**

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking & abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

### **305.4 Stairs and walking surfaces**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained

### **305.5 Handrails and guards**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

### **305.6 Interior doors**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **SECTION 306 - HANDRAILS AND GUARDRAILS**

### **306.1 General**

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

## **SECTION 307 - RUBBISH AND GARBAGE**

### **307.1 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.

### **307.2 Disposal of rubbish**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

#### **307.2.1 Rubbish storage facilities**

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

#### **307.2.2 Refrigerators**

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

### **307.3 Disposal of garbage**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

#### **307.3.1 Garbage facilities**

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

### **307.3.2 Containers**

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## **SECTION 308 - EXTERMINATION**

### **308.1 Infestation**

All structures shall be kept free from insect and rodent reinfestation. 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.

### **308.2 Owner**

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

### **308.3 Single occupant**

The occupant of a one-family dwelling or of a single tenant nonresidential structure shall be responsible for extermination on the premises.

### **308.4 Multiple occupancy**

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

### **308.5 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.

## **CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

### **SECTION 401 - GENERAL**

#### **401.1 Scope**

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and standards for light ventilation and space for occupying a structure.

#### **401.2 Responsibility**

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

#### **401.3 Alternative devices**

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

### **SECTION 402 - LIGHT**

#### **402.1 Habitable spaces**

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

#### **402.2 Common halls and stairways**

Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

### **402.3 Other spaces**

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## **SECTION 403 - VENTILATION**

### **403.1 Habitable spaces**

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

### **403.2 Bathrooms and toilet rooms**

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

### **403.3 Cooking facilities**

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

### **403.4 Process ventilation**

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

### **403.5 Clothes dryer exhaust**

Clothes dryer exhaust systems shall be independent of all others systems and shall be exhausted in accordance with the manufacturer's instructions.

## **SECTION 404 - OCCUPANCY LIMITATIONS**

### **404.1 Privacy**

Dwelling units, hotel units, house keeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

#### **404.2 Minimum room widths**

A habitable room other than a kitchen shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

#### **404.3 Minimum ceiling heights**

Habitable spaces, hallways corridors, laundry areas bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one and two family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

#### **404.4 Bedroom and living room requirements**

Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

##### **404.4.1 Room area**

Every living room shall contain at least 120square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).

##### **404.4.2 Access from bedrooms**

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

##### **404.4.3 Water closet accessibility**

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

##### **404.4.4 Prohibited occupancy**

Kitchens and non habitable spaces shall not be used for sleeping purposes.

#### **404.4.5 Other requirements**

Bedrooms shall comply with the applicable provisions of this code including but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter: the plumbing facilities and water-heating facilities requirements of Chapter 5, the heating facilities and electrical receptacle requirements of Chapter 6, and the smoke detector and emergency escape requirements of Chapter 7.

#### **404.5 Overcrowding**

The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

#### **404.6 Efficiency unit**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

#### **404.7 Food preparation**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.



## **CHAPTER 5 - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **SECTION 501 - GENERAL**

#### **501.1 Scope**

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

#### **501.2 Responsibility**

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

### **SECTION 502 - REQUIRED FACILITIES**

#### **502.1 Dwelling units**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

#### **502.2 Rooming houses**

At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

#### **502.3 Hotels**

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

#### **502.4 Employees' facilities**

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

##### **502.4.1 Drinking facilities**

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

### **SECTION 503 - TOILET ROOMS**

#### **503.1 Privacy**

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

### **503.2 Location**

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

### **503.3 Location of employee toilet facilities**

Toilet facilities shall have access from within the employees working area. The required toilet facilities shall be located not more than one story above or below the employees working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees regular working area to the facilities.

### **503.4 Floor surface**

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## **SECTION 504 - PLUMBING SYSTEMS AND FIXTURES**

### **504.1 General**

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

### **504.2 Fixture clearances**

Plumbing fixtures shall have adequate clearances for usage and cleaning.

### **504.3 Plumbing system hazards**

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **SECTION 505 - WATER SYSTEM**

### **505.1 General**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

**505.2 Contamination**

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**SECTION 506 - SANITARY DRAINAGE SYSTEM****506.1 General**

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**506.2 Maintenance**

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**SECTION 507 - STORM DRAINAGE****507.1 General**

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## **CHAPTER 6 - MECHANICAL AND ELECTRICAL REQUIREMENTS**

### **SECTION 601 - GENERAL**

#### **601.1 Scope**

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

#### **601.2 Responsibility**

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

### **SECTION 602 - HEATING FACILITIES**

#### **602.1 Facilities required**

Heating facilities shall be provided in structures as required by this section.

#### **602.2 Residential occupancies**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

#### **602.3 Heat supply**

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied to furnish heat to the occupants thereof shall supply heat during the period from October 1<sup>st</sup> to April 30<sup>th</sup> to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

#### **602.4 Occupiable work spaces**

Indoor occupiable work spaces shall be supplied with heat during the period from October 1<sup>st</sup> to April 30<sup>th</sup> to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

#### **602.5 Room temperature measurement**

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

### **SECTION 603 - MECHANICAL EQUIPMENT**

#### **603.1 Mechanical appliances**

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

#### **603.2 Removal of combustion products**

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

#### **603.3 Clearances**

All required clearances to combustible materials shall be maintained.

#### **603.4 Safety controls**

All safety controls for fuel-burning equipment shall be maintained in effective operation.

#### **603.5 Combustion air**

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

#### **603.6 Energy conservation devices**

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance purpose and the installation is specifically approved.

### **SECTION 604 - ELECTRICAL FACILITIES**

#### **604.1 Facilities required**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

### **604.2 Service**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electric Code. Dwelling units shall be served by a three-wire, 120/240 volt single-phase electrical service having a rating of not less than 60 amperes.

### **604.3 Electrical system hazards**

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons the code official shall require the defects to be corrected to eliminate the hazard.

## **SECTION 605 - ELECTRICAL EQUIPMENT**

### **605.1 Installation**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

### **605.2 Receptacles**

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

### **605.3 Luminaires**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

## **SECTION 606 - ELEVATORS, ESCALATORS AND DUMBWAITERS**

### **606.1 General**

Elevators, dumbwaiters and escalators shall be maintained in accordance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1. Appendix N, except where otherwise specified by the authority having jurisdiction.

### **606.2 Elevators**

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## **SECTION 607 - DUCT SYSTEMS**

### **607.1 General**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

## **CHAPTER 7 - FIRE SAFETY REQUIREMENTS**

### **SECTION 701 - GENERAL**

#### **701.1 Scope**

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

#### **701.2 Responsibility**

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

### **SECTION 702 - MEANS OF EGRESS**

#### **702.1 General**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

#### **702.2 Aisles**

The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

#### **702.3 Locked doors**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge and effort, except where the door hardware conforms to that permitted by the *International Building Code*.

#### **702.4 Emergency escape openings**

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of key, tool, or force greater than that which is required for normal operations of the escape and rescue opening.

### **SECTION 703 - FIRE-RESISTANCE RATINGS**

#### **703.1 Fire-resistance-rated assemblies**

The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.



### **703.2 Opening protectives**

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## **SECTION 704 - FIRE PROTECTION SYSTEMS**

### **704.1 General**

All system, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

### **704.2 Smoke alarms**

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

### **704.3 Power source**

In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

### **704.4 Interconnection**

Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

**Part 3**  
**FIRE INSURANCE PROCEEDS REQUIREMENTS**

**§ 301. Enforcement Responsibilities. [Ord. 8-7-97A]**

The Township of Logan Manager or such official's designee is hereby appointed as the designated officer authorized to carry out all responsibilities and duties set forth herein.

**§ 302. Issuance of Certificate. [Ord. 8-7-97A]**

No insurance company, association or exchange (hereinafter the "Insuring Agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township of Logan (hereinafter the "Municipality") where the amount recoverable for a fire loss to the structure under all policies exceeds \$7,500, unless the named insured or Insuring Agent is furnished by the municipal treasurer with a municipal certificate pursuant to Section 508(b) of Act 98 of 1992 as it may be amended from time to time and unless there is compliance with Section 508(c) and (d) of Act 98 of 1992 as it may be amended from time to time and the provisions of this Part.

**§ 303. Payment of Insurance Proceeds. [Ord. 8-7-97A]**

Where, pursuant to Section 508(B)(1)(i) of Act 98 of 1992 as amended, the municipal treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the Insuring Agent shall pay the claim of the named insured, provided however, that if the loss agreed upon by the named insured and the Insuring Agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the following procedures must be followed:

1. The Insuring Agent shall transfer from the insurance proceeds to the designated officer of the Municipality in the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is \$15,000 or less, the amount transferred to the Municipality shall be \$2,000; or
2. If at the time of a proof of loss agreed to between the named insured and the Insuring Agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the Insuring Agent shall transfer to the Municipality from the insurance proceeds the amount specified in the estimate.
3. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.
4. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Municipality in excess of the estimate to the named insured, if the Municipality has not commenced to remove, repair and secure the building or other structure.
5. Upon receipt of proceeds under this section, the Municipality shall do the

following:

- (a) The designated officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the Municipality. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Municipality in connection with such removal, repair or securing of the building or any proceedings related thereto; and
  - (b) It is the obligation of the Insuring Agent when transferring the proceeds to provide the Municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Municipality and notify the named insured that the procedures under this subsection shall be followed; and
  - (c) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Municipality and the required proof of such completion received by the designated officer, and if the Municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Municipality shall transfer the remaining funds to the named insured; and
  - (d) To the extent that interest is earned on proceeds held by the Municipality pursuant to this section, and not returned to the named insured, such interest shall belong to the Municipality. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
6. Nothing in this section shall be construed to limit the ability of the Municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

**§ 304. Fees. [Ord. 8-7-97A]**

The Board of Supervisors may by resolution adopt procedures and regulations to implement Act 98 of 1992 and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 and this part, including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

**§ 305. Penalty. [Ord. 8-7-97A]**

Any owner of property, any named insured or any Insuring Agency who violates this

Part shall, upon conviction thereof, be subject to a penalty of not less than \$500 and not more than \$1,000 per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Part 1**  
**VACANT, BLIGHTED AND DANGEROUS BUILDINGS**

**§ 101. Title. [Ord. 2-22-79]**

This Part 1 shall be known as the "Logan Township Red-Tag Ordinance."

**§ 102. Definitions. [Ord. 2-22-79; as amended by Ord. 08-23-07A]**

For the purpose of interpreting the provisions of this chapter, the following words shall have the meaning or meanings ascribed:

**BLIGHTED STRUCTURE** — All buildings or structures which have been determined by the Code Enforcement Officer to have any or all of the following defects:

1. Is in physical deterioration, may or may not be habitable as a dwelling or useful for the purpose for which it was originally intended;
2. Is partially completed and is not presently being constructed under an existing valid building permit;
3. May or may not be structurally sound, weather-tight, waterproof or verminproof;
4. Is in the process of demolition or partial demolition and is not carried out within 60 days.
5. Is a Vacant Structure possessing one or more of the above listed defects.

A blighted structure is a danger to the occupant of the structure and/or the general public.

**DANGEROUS OR RED-TAGGED PROPERTY** — All buildings or structures which have been determined by the Board of Supervisors in accordance with the provisions of this chapter to have any or all of the following defects:

1. Those buildings or structures which have been damaged by fire, wind, or other causes so as to have become dangerous to the life, safety, morals or the general health and welfare of the occupants or the people of the Township of Logan;
2. Those buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary, vermin-infested, rat-infested, a fire hazard, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause accidents, sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein as well as other citizens of the Township of Logan;
3. Those buildings or structures which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property;
4. Those buildings or structures which, because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Township of Logan.

**FIRE HAZARD** — A structure that has defects such that said structure and/or the defects existing on and/or therein which may be likely to cause the structure and/or any nearby



structures to catch fire as determined by the local Fire Chief.

**PERSON** — Any natural person or persons, corporation, partnership, association or any lawful entity. The use of the singular include the plural, and the use of any gender shall include all genders.

**VACANT STRUCTURE** — Any structure or building that is unoccupied, not legally in use, or occupied by unauthorized persons, and is unsecured and/or boarded.

**§ 103. Public Nuisances. [Ord. 2-22-79, as amended by Ord. 08-23-07A]**

All "dangerous or red-tagged buildings or structures" and all Blighted Structures within the terms of § 102 of this Part 1 are hereby declared to be public nuisances and shall be vacated, removed, repaired or demolished as hereinbefore and herein after provided.

**§ 104. Investigation Procedures. [Ord. 2-22-79, as amended by Ord. 08-23-07A]**

1. Whenever it shall be reported or come to the attention of any Township Official or police officer that any building or structure, completed or in the process of construction, or any portion thereof, is in a dangerous or red-tagged condition, and/or would be considered a blighted structure, such person having knowledge thereof shall report same to the Township Manager, and the Township Manager shall immediately cause an investigation and examination to be made of such building or structure. Such investigation and examination shall be made by the Township Manager, or his/her designated representative, the Township Code Enforcement Officer, and/or the Chief of the Police, or his or her designated representative. If said investigation and examination indicates that the said building or structure is dangerous and/or is a blighted structure in accordance with the provisions of this Part 1, a written report of such investigation and examination shall be submitted to the Board of Supervisors, specifying the condition of such building or structure, and setting forth whether or in what respect the building or structure is dangerous and/or a blighted structure and whether it is capable of being repaired or whether it should be demolished.
2. It shall be unlawful for any person to refuse entrance to or to impede any Township official or any other authorized individual in the investigation of any such building or structure under this Part 1. The owner, occupant or operator of every building or structure within the Township, or the person in charge thereof, shall give such official or authorized individual free access thereto and to all parts thereof, and to the premises on which it is located, at all reasonable times for the purpose of such investigation upon display by such individual of proper identification.

**§ 105. Hearing Procedures. [Ord. 2-22-79; as amended by Ord. 08-23-07A]**

Upon receipt of a report in accordance with § 104 of this Part 1, the Board of Supervisors of Logan Township shall:

1. Give written notice to the owner of said building or structure, and to all other persons having an interest in said building or structure as shown by the land records

of the Recorder of Deeds of Blair County, to appear before the Board of Supervisors on the date specified in the Notice to show cause why the building or structure reported to be a dangerous or red-tagged building and/or blighted structure should not be repaired, vacated, removed or demolished in accordance with the enforcement provisions set forth in this Part 1;

2. Hold a hearing and hear such testimony as the owner, or any other person having an interest in said building or structure, shall offer relative to the condition of said building or structure;
3. Make written findings of fact from the testimony presented at said hearing as to whether the building in question is a dangerous or red-tagged building and/or blighted structure within the terms of § 102 of this Part 1;
4. Issue an order based upon said findings of fact demanding that the owner or other persons having an interest in said building repair, vacate, remove or demolish said building in accordance with the provisions of this Part 1.

**§ 106. Standards for Repair, Vacation or Demolition. [Ord. 2-22-79; as amended by Ord. 08-23-07A]**

The following standards shall be the basic guidelines to be followed by the Board of Supervisors in ordering the repair, vacation or demolition of any building or structure pursuant to the provisions of this Part 1:

1. If the dangerous or red-tagged building or structure and/or blighted structure can be reasonably repaired so that it will no longer be in violation of the provisions of -this Part 1, the Board of Supervisors shall order that said building or structure be repaired.
2. If the dangerous or red-tagged building or structure and/or blighted structure cannot be reasonably repaired so that it will no longer be in violation of the provisions of this Part 1, the Board of Supervisors shall order that said building or structure be demolished.
3. If the dangerous or red-tagged building or structure and/or blighted structure is in such condition so as to make it dangerous to the health, morals, safety or general welfare of its occupants the Board of Supervisors shall have the authority to order said building or structure to be vacated.

**§ 107. Enforcement Procedures. [Ord. 2-22-79; as amended by Ord. 10-27-88; and by Ord. 08-23-07A]**

If any building or structure is deemed to be a dangerous or redtagged building and/or blighted structure pursuant to the provisions of this Part 1, the Board of Supervisors of Logan Township shall immediately cause written notice to be served upon the owner, occupants and all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of the County of Blair.

1. The Notice required by this § 107 shall be served upon the owner, occupants and

all other persons interested in said building or structure by sending said Notice by certified or registered mail to such individual at his last known address.

2. The Notice shall identify the building or structure deemed to be dangerous or red-tagged and/or a blighted structure, and contain a statement of the particulars which made this building or structure dangerous, and shall contain an order from the Board of Supervisors requiring said building or structure to be repaired and/or vacated and/or demolished; provided that in any case where the Notice includes an order to repair said building or structure, the owner thereof shall have the option to remove or demolish such building or structure in lieu of making the repairs thereto.
3. Said Notice shall require any person notified and ordered to repair, vacate or demolish any such building or structure to commence the work or act required by the Notice within 10 days of receipt of such Notice and to complete the required work or act within 60 days thereof. The Board of Supervisors may, at their discretion, and upon presentation to said Board of evidence of good cause, grant extensions of time for the commencement and completion of such work or act required by the Notice.
4. In addition to the written Notice to be served as aforesaid, the Board of Supervisors shall cause a Notice to be placed upon any building or structure determined to be in a dangerous red-tagged condition, and/or determined to be a blighted structure which Notice shall read substantially as follows:

"This building has been found to be a dangerous or red-tagged building and/or blighted structure by the Board of Supervisors of the Township of Logan. This Notice is to remain on this building until it is repaired, vacated or demolished in accordance with the Notice which has been given to the owner and other persons interested in this building. It is unlawful to remove this Notice until compliance is made under the provisions contained in the Notice given to the above-named party. This Notice is posted upon this building in accordance with the Logan Township Blighted, Vacant and Red-Tag Ordinance."

5. Any person who has been notified pursuant to the terms of this Part 1 to repair or demolish any building or structure which has been determined to be in a dangerous or red-tagged condition and/or which is determined to be a blighted structure, shall immediately apply for and obtain from the Township of Logan the necessary permit to repair or demolish said building or structure. A fee as established from time to time by the Board of Supervisors shall be charged by the Township of Logan for such permit.

**§ 108. Enforcement and Penalty. [Ord. 2-22-79; as amended by Ord. 10-27-88; by Ord. 9-19-96; by Ord. 2-13-97; and by Ord. 08-23-07A]**

1. Enforcement. The Township Manager, Code Enforcement Officer, Chief of Police, any police officer and/or other person authorized by the Board of Supervisors may enforce the violation of this Part.
2. Penalties.

- A. Any person who shall fail to comply with any Notice or order to repair, vacate or demolish any dangerous or red-tagged building and/or blighted structure issued pursuant to the provisions of this Part 1, or any regulation or order issued thereunder, shall upon conviction thereof, be subject to a fine of not less than \$300 and not more than \$1,000 and costs, and/or be sentenced to imprisonment in the Blair County Jail for a period not exceeding 90 days, and each day's continuance of a violation shall constitute a separate offense. Penalties contained in this Part are in addition to any other remedies provided by this Part.
- B. Any person removing the Notice provided for in § 107, Subsection 4 hereof, shall upon conviction thereof, be subject to a fine of not less than \$300 and not more than \$1,000 and costs for each offense, and/or to imprisonment in the Blair County Jail for a period not exceeding 90 days.
- C. If the owner, occupant or any other person having an interest in any dangerous or redtagged building or structure and/or blighted structure, as shown by the land records of the Recorder of Deeds of the County of Blair, fails to comply with any Notice or order to repair, vacate or demolish any such building or structure within 30 days, from the date of said Notice or order, the Township is empowered to cause such building or structure to be repaired, vacated, or demolished by the Township and to cause the costs of such repair, vacation or demolition, together with a penalty of 10% to be charged against the land on which the building existed as a municipal lien, or to recover such costs in a suit at law against the owner or such other person having an interest in the building, and, the recovery of such cost and expense, together with the aforesaid penalty, may be in addition to the penalty imposed in Paragraphs a and b of this § 108.

**§ 109. Emergency Cases. [Ord. 2-22-79; as amended by Ord. 08-23-07A]**

In cases wherein it reasonably appears that there exists an immediate danger in the life or safety of any person caused or created by a dangerous or red-tagged building as defined herein, the Board, Township Manager, or his/her designated representative, the Township Code Enforcement Officer, and/or the Chief of Police may cause the immediate repair, vacation or demolition of such dangerous building and/or blighted structure. The costs of such emergency repair, vacation or demolition of such dangerous or red-tagged building and/or blighted structure shall be collected in the same manner as provided for in § 108, Subsection 3.

**§ 110. Liability. [Ord. 2-22-79; as amended by Ord. 08-23-07A]**

In the event that the owner of a building or structure, which has been determined to be a dangerous or red-tagged building and/or blighted structure within the provisions of this Part 1, conveys said building or structure in any manner or method whether by sale, lease or otherwise, said owner shall still be responsible for compliance with the provisions of this Part 1; and it is the intent of this Part 1 that the person acquiring said building or structure, shall be jointly and severally liable with the owner for compliance with this

Part 1.



**Part 2**  
**REQUIREMENTS AND ISSUANCE OF BUILDING PERMITS**

**§ 201. Title. [Ord. 11-14D-85]**

This Part 2 shall be known and may be cited as "The Logan Township Building Permit Ordinance".

**§ 202. Permit Required. [Ord. 11-14D-85; as amended by Ord. 9-3-92; and by Ord. 10-23-08]**

Prior to the commencement of any work thereon, no building or structure, or any part thereof, shall be erected, enlarged, converted, repaired or altered, razed and/or demolished until a building permit shall have been procured by the owner or owner's agent from the Building Permit Clerk. A building permit, once issued, shall be valid for a period of one year from the date of issuance. If necessary, due to work contemplated by the permit being not completed, said building permit may be renewed on a yearly basis (upon payment of the appropriate reissuance fee for the same) for a total period of three consecutive one-year periods only, which total period shall include the year of first issuance.

**§ 203. Application and Proof of Waste Disposal. [Ord. 11-14D-85; as amended by Ord. 9-3-92; and by Ord. 09-25-08]**

1. Application for said permit shall be made in writing in a form prescribed by the Township by the owner or owner's agent and shall contain the names and addresses of the owners; a description sufficient to identify the property for which the permit is sought; the nature of the construction, improvement, razing and/or demolition (whether pursuant to Chapter 4, Part 1 or for any other reason), in detail; the amount of estimated cost thereof, and, in the case of construction and improvement, shall be accompanied by one set of dimensioned plans showing all habitable floors, basement or cellar and foundation and with said plans being prepared, signed and approved by all County and Commonwealth authorities where required by law. Provided, however, that the Building Permit Clerk may waive the requirement for filing plans where the work involved is of a minor nature and the building operation is adequately described in the application.
2. Any person who obtains a building permit pursuant to this Part 2, shall, subject to § 203(3), certify to the Township that any construction waste of any nature caused by or due to the construction, improvement, razing and/or demolition of any building and/or structure will be properly disposed of in a landfill approved by the Pennsylvania Department of Environmental Resources for the disposal of such construction waste. In furtherance of this subsection, any person issued a building permit pursuant to this Part 2 shall, within one year of the date of the issuance of said building permit, file with the Building Permit Clerk the original of all disposal payment slips or records clearly indicating the type and amount of said construction waste and cost of disposal thereof and that said waste was disposed of in a landfill approved by the Pennsylvania Department of Environmental Resources for disposal of such construction waste. Said disposal payment slips may be signed by the appropriate landfill official or a solid waste hauler duly licensed by the Township.



3. Any person who obtains a building permit pursuant to this Part 2 for the purpose of constructing a building and/or structure, and not for razing and/or demolition purposes, shall be exempt from certifying that the construction waste caused by said construction (except any roofing material) has been disposed of in an approved landfill if said permit was issued for a building project the cost of construction of which is less than \$1,000 and if said person states in writing the method employed by such person to dispose of the construction waste associated with the issuance of said building permit.
4. Any person desiring to construct any structure designed primarily for human habitation including, but not limited, to single family and two family dwellings and townhouses shall be required to connect to a public water system if such public water system is within 150 feet of the structure to be constructed and said public water system has adequate pressure and supply.

**§ 204. Building Permit Clerk. [Ord. 11-14D-85; as amended by Ord. 10-27-88]**

The Building Permit Clerk is vested the powers, duties and obligations herein set forth or required by law.

**§ 205. Fees. [Ord. 11-14D-85; as amended by Ord. 10-27-88]**

There shall be paid by the applicant to the Building Permit Clerk for the issuance of said Building Permit, fees as established from time to time by the Board of Supervisors, to which there shall be added the charge, now or hereafter provided by law for the certification of the issuance of said permit to any lawful authority requiring the same. All fees, so collected by the Building Permit Clerk, shall be accounted for and paid over by him to the Treasurer of the Township of Logan, daily.

**§ 206. Enforcement and Penalty. [Ord. 11-14D-85; as amended by Ord. 10-27-88 by Ord. 9-19-96; and by Ord. 2-13-97]**

1. Enforcement. Any police officer, the Building Permit Clerk and/or any person authorized by the Board of Supervisors may enforce the violation of this Part.
2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300 and not more than \$1,000 plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

**§ 207. Definitions. [Ord. 11-14D-85; as added by Ord. 9-3-92]**

1. For the purpose of interpreting this Part, the following words shall have the meaning or meanings ascribed:

**CONSTRUCTION WASTE** — Any refuse or other material including, but not limited to, liquid, semisolid or contained gaseous material, resulting from the

construction, razing and/or demolition of a building or structure. The term does not include recyclables as defined under Chapter 20, Part 1, of the Township of Logan Code of Ordinances known as "Solid Waste and Recyclables Storage, Collection, Disposal and Processing Ordinance."

PERSON — Every natural person, association, firm or corporation.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

2. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.
3. Other words not defined herein shall have the meaning set forth in said Chapter 20, Part 1, and Chapter 27 (Zoning) of the Township of Logan Code of Ordinances. If not otherwise defined, said words shall have the meaning ordinarily ascribed to them in everyday usage.

**Part 3**  
**POLICE AND FIRE SAFETY KEY BOX**

**§ 301. Key Box. [Ord. 3-14-96]**

When a structure of any type within the Township is protected by an automatic burglar and/or fire alarm system and/or a fire sprinkler system, a Key Box of a UL type approved by the Township Fire Chief shall be installed on the property in a location approved by the Township Fire Chief. Residential structures shall be exempt from this requirement. Such Key Boxes shall contain the following:

1. Keys to locked points of egress whether on the interior or exterior of such structures.
2. The keys to locked mechanical equipment rooms.
3. The keys to locked electrical rooms.
4. Keys to elevator controls.
5. Keys to other areas as directed by the Township's Fire Chief.
6. A tamper alarm which shall be connected to a Township approved monitoring system.

**§ 302. Penalties. [Ord. 3-14-96]**

Any person who shall violate any provision of this Part and/or who shall attempt to tamper with any Key Box located on any structure subject to this Part, shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$600 or imprisonment for a term not to exceed 30 days or both, at the discretion of the court. Each day that a violation continues shall be deemed a separate offense.

**Part 4**  
**PROPERTY MAINTENANCE**

**§ 401. Title. [Ord. 7-15-99B]**

These regulations shall be known as the Property Maintenance Regulations of Logan Township.

**§ 402. Intent. [Ord. 7-15-99B]**

These regulations are enacted to protect the public health, safety and welfare of the residents of the Township of Logan. Therefore, these regulations shall be construed to secure its express intent, which is to ensure public health, safety and welfare insofar as they are affected by the matters covered by these regulations.

**§ 403. Definitions. [Ord. 7-15-99B]**

The following words and phrases shall have the meaning set forth:

CODE OFFICIAL — The official who is charged with the administration and enforcement of these regulations including but not limited to the Code Enforcement Officer and any duly appointed police officer.

HABITABLE STRUCTURE — Any building, dwelling or other space in which any person may reside or which is intended for human occupancy.

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 premises or, if applicable, any personal property; or recorded in the official records of Blair County, Pennsylvania, as holding title to the premises; or otherwise having control of the premises, including the guardian of the estate of such person, and the executor or administrator of the estate of such person.

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

PREMISES — A lot(s), plot(s) or parcel(s) of land including any habitable structure(s) located thereon.

**§ 404. Weed and Plant Height. [Ord. 7-15-99B]**

An owner of any premises shall ensure that said premises shall be maintained free from all weeds or plant growth in excess of 12 inches within 100 feet of any habitable structure regardless of whether said habitable structure is owned by said owner.

1. Exceptions. 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, gardens and/or cultivated crops. This regulation shall not apply to any premises owned, operated or controlled by a governmental unit used for a public purpose.

**§ 405. Motor Vehicles. [Ord. 7-15-99B]**

Not more than two currently unregistered or uninspected motor vehicles shall be parked,

kept or stored on any premises, and no motor vehicle shall, at any time, be in the process of being stripped or dismantled. Any and all such unregistered or uninspected motor vehicle(s) shall be kept or stored only on owner's premises on which owner resides.

1. Permit Required. An owner having or permitting unregistered or uninspected motor vehicles on the owner's premises shall obtain, on an annual basis, a permit (the cost of which shall be established by the Board of Supervisors from time to time) from the Township indicating whether said motor vehicle is being restored or is a vehicle intended only for use off of public streets. In all events, said motor vehicle must be intact.
2. A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed and the motor vehicle is kept at all times inside a structure or similarly enclosed area designated and approved for such purposes.
3. This § 405 shall not apply:
  - A. To any motor vehicle being stored as a wrecked and/or damaged motor vehicle in a properly zoned area in connection with a lawful automobile repair business, where such wrecked and/or damaged motor vehicle is stored merely to await repair thereof in the immediate future; or
  - B. To any motor vehicle being kept in an enclosed building; or
  - C. To any motor vehicle on the premises of a business operated in a properly zoned area and lawful manner when necessary in the operation of such business; or
  - D. To any motor vehicle kept in a storage area and/or depository owned by a governmental entity; or
  - E. To any motor vehicle which is not required by any governmental entity to obtain a registration or inspection in order to be used on a public roadway.

**§ 406. Notices and Orders. [Ord. 7-15-99B]**

1. Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this Part or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the following described manner:
  - A. Be in writing;
  - B. Include a description of the real estate sufficient for identification;
  - C. Include a statement of the reason or reasons why the notice is being issued; and
  - D. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the

provisions of this code.

2. Method of service. Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the premises affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the premises shall constitute service of notice upon the owner.
3. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit 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 to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the prospective grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the said prospective grantee, transferee, mortgagee or lessee, 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 compliance order or notice of violation.

**§ 407. Penalties. [Ord. 7-15-99B]**

1. Unlawful acts. It shall be unlawful for any person to maintain, fail to maintain, provide, fail to provide or let to another or occupy or permit another person to occupy any premises, property, structure or motor vehicle regulated by this Part, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this Part, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this Part.
2. Penalty. Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision herein to the contrary and in addition to any penalty imposed herein, in the event any person shall fail or refuse to comply with such notice within the period of time stated therein, the Township may remove any and/or correct said violation including but not limited to cutting weeds and/or plant growth.