

ORDINANCE 345 of 2021

AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING PROPERTY MAINTENANCE STANDARDS

§ __.1 Short Title. This section shall be known and cited as the North Apollo Borough “Property Maintenance Standards.”

§ __. 2 Preface. Recognizing the need within the Borough to establish certain health and safety requirements for buildings, structures, yards, properties, and appurtenances to ensure that premises are safe, sanitary, and fit for occupation and use, this Ordinance hereby establishes standards and procedures which the Borough Council considers to be fair and effective in meeting those requirements.

§ __.3 Responsibility. The owner of any premises within the Borough shall maintain all structures, lots, and yards in compliance with these requirements, except as otherwise provided for in this section. A person shall not maintain or 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 section. Occupants of a building, dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the building, dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

§ __. 4 Definitions.

BUILDING – a roofed structure, enclosed by one (1) or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT – an open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

ENFORCEMENT OFFICER - The official(s) of any agency or agencies, or such person(s) as may be designated by the Borough Council, who conducts such investigations and inspections as are necessary to implement the provisions of this ordinance.

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

INFESTATION – the presence of insects, rodents, vermin and/or other pests.

LOT – plot, tract, premises or parcel of land, with or without improvements thereto.

OWNER – any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

PREMISES – Any parcel of land within the Borough, whether improved or unimproved, and any structures or portions of structures thereon, including each dwelling unit and each individual and separate place of business and/or occupancy located in one building or group of buildings commonly designated as shopping centers, supermarket areas, and by other similar terms.

REFUSE – all putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, dead animals, and commercial and industrial wastes.

RUBBISH - All discarded metal, plastic, glass, ceramic, and organic materials; pasteboard; rags; mattresses; discarded furniture or appliances; discarded clothes, shoes and boots; leather; carpets; broken glass; crockery; bottles; excelsior; floor sweepings; metal packing boxes and barrels and broken parts thereof; cans; tires; household refuse generally including garbage and refuse; non-salvageable demolished building materials; and any other material which by reason of its nature might give off toxic chemicals, obnoxious odors or dust or be unsightly or a fire hazard or harbor rats, vermin, insects, or termites to the detriment of the health, safety or general welfare of the residents of the Borough.

UNOCCUPIED HAZARD – any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than three (3) months, with either doors, windows or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than three (3) months.

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

§ __. 5 Application. The provisions of this section shall supplement local laws, ordinances, or regulations existing in the Borough or those of the Commonwealth of Pennsylvania. Where a provision of this Section is found to be in conflict with any provision of a local law, ordinance, code, or regulation, or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall prevail.

§ __.6 Buildings and Structures.

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

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

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

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

E. 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

F. 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.

G. 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.

H. 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.

I. 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 protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. 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.

K. 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.

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

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

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

O. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door.

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

§ ____. 7 Yards, Open Lots, Parking Areas.

A. Fences and/or minor structures shall not be constructed and maintained so as to present a safety or health hazard to persons and/or property and shall not obstruct visibility of vehicular traffic.

B. No person shall permit the development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots.

C. With the exception of approved storm water retention areas, all lots and yards 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.

D. No person shall permit the accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic or to emergency personnel in the discharge of their duties. Such undergrowth and/or vegetation shall be maintained in a manner such that it does not inhibit visibility of vehicular traffic.

E. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight 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.

§ ____. 8 Infestation, Prevention and Correction.

A. All structures, lots and yards shall be kept free from rodents and other wild and feral animal harborage and infestation. Where rodents or wild or feral animals are found, they shall be promptly exterminated or removed by processes which will not be injurious to human health. After extermination or removal, proper precautions shall be taken to eliminate such harborage and prevent re-infestation.

B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse in accordance with Borough ordinances and the laws and regulations of the Commonwealth.

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

§ ____. 9 Miscellaneous Provisions. No person shall permit:

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

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

C. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors; provided, that nothing herein shall be construed so as to permit any act or practice otherwise prohibited by Borough ordinances.

D. The maintenance or storage by an owner or lessee of a motor vehicle which is unable to move under its own power and which motor vehicle has rusted, broken or sharp edges; missing tires, or other components resulting in unsafe suspension of the motor vehicle; ripped upholstery or other conditions which could permit vermin harborage; has leaking or damaged oil pan, gas tank or other fluid container; or such other defects which the Enforcement Officer may upon investigation determine threaten the health, safety, and welfare of the citizens of the Borough.

§ ____.10 Responsibilities of Owners. Any occupant of any premises shall be responsible for compliance with the provisions of this Part with respect to the maintenance of that part of the premises which he occupies and/or controls.

A. Owner(s) of premises shall comply with the provisions of this Section, jointly and severally with operators and occupants, regardless of any agreements between or among owners and operators or occupants as to which party shall assume such responsibility.

B. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one (1) or more violations of this Section, said occupant shall be deemed jointly and severally responsible and treated as if an owner within the true intent and meaning of this Part.

§ ____. **11 Notice of Violation.** If in the opinion of the Enforcement Officer the owner and/or occupant is out of compliance with the standards in this section, the owner and/or occupant shall receive a warning letter from the Enforcement Officer, or other authorized representative describing the violation(s). If the owner and/or occupant does not resolve the problem to the satisfaction of the Enforcement Officer at this stage, the Enforcement Officer shall move ahead with the formal citation process. The owner and/or occupant shall be notified by certified mail or through personal service, of said violation or violations. The citation shall be in writing and shall identify the premises and shall cite the specific violation or violations. The notice shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a reasonable period of time as specified in the said notice, and shall inform the owner and/or occupant of the fines and penalties which may accrue upon the failure to comply. The notice shall also specify that, in lieu of or in addition to fines and penalties, and subsequent to the period of time specified in the said notice, the Borough may itself correct the deficiencies or contract for the correction thereof, including demolition and removal of structures where necessary to protect the health, safety, and welfare of the public, and assess the costs thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law. A copy of the said notice shall be posted in a conspicuous place on the subject premises and at the Borough building.

§ ____. **12 Compliance.** The owner and/or occupant shall correct any and all noted deficiencies within such period of time as may be specified in the notice. Extension of such specified period of time may be granted by the Borough in its sole discretion upon good cause shown. Failure to comply with any such notice within the time specified shall constitute a violation of this Section, with each separate day during which a violation continues to exist constituting a separate violation.

§ ____. **13 Penalties.** Any person, firm, or entity who shall violate any of the provisions of this section shall, upon conviction, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00), together with all costs of prosecution.

§ ____. **14 Owners Severally Responsible.** If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this section.

§ ____. **15 Inspection.** The Enforcement Officer may enter, or may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of

any and all premises, properties, buildings, and/or structures located within the Borough, upon reasonable (i.e., 24 hour) notice, for the purpose of ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements shall be made with the owner, or his agent, to secure access thereto. In the event such arrangements cannot be reached after reasonable, good faith effort, the Enforcement Officer may apply to any court having jurisdiction for a warrant to enter and perform the inspection.

ORDAINED AND ENACTED THIS ____ day of _____, 2021

THE BOROUGH OF NORTH APOLLO

By _____
President

ATTEST: (SEAL)

Mayor

CERTIFICATION

I, Tracy L. Miller, duly qualified Administrator of the Borough Council of the Borough of North Apollo, Armstrong County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 345 of 2021 is a true and correct copy of the original Ordinance No. 345 of 2021 duly passed and adopted by a majority vote of the Council of the Borough of North Apollo at a duly advertised and convened regular meeting held on the ____ day of _____, 2021, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Borough of North Apollo, this ____ day of _____, 2021.

Certified by:

Borough Administrator