

CHAPTER 102

PROPERTY MAINTENANCE

- | | |
|---|--|
| § 102-1. Title. | § 102-9. Miscellaneous provisions. |
| § 102-2. Purpose. | § 102-10. Responsibilities of occupants. |
| § 102-3. Authority. | § 102-11. Responsibilities of owners. |
| § 102-4. Definitions. | § 102-12. Notice of violation. |
| § 102-5. Application. | § 102-13. Compliance. |
| § 102-6. Buildings and structures. | § 102-14. Violations and penalties. |
| § 102-7. Yards; open lots; parking areas. | § 102-15. Owners severally responsible. |
| § 102-8. Infestation, prevention and
correction. | § 102-16. Inspection. |

HISTORY: Adopted by the Board of Supervisors of the Township of Paradise 2-3-1987 as Ch. 10, Part 2, of the 1987 Code. (Revised 02/18/03, Ordinance No. 141)

GENERAL REFERENCES

Dangerous buildings -- See Ch. 47.
Outdoor burning -- See Ch. 50.

Mobile homes -- See Ch. 80.

§ 102-1. Title.

This chapter shall be known and cited as the "Paradise Township Property Maintenance Ordinance."

§ 102-2. Purpose.

Recognizing the need within the township to establish certain minimum health and safety requirements for those buildings, structures or properties which are used or associated with human occupancy, this chapter hereby establishes standards which the Board of Supervisors considers to be fair and effective in meeting those minimum requirements.

§ 102-3. Authority.

This chapter and the objectives leading to its enactment are authorized by the following provisions of the Second Class Township Code: 53 P.S. § 66517.

§ 102-4. Definitions.¹

Except as defined in this Code (see Chapter 1, General Provisions, Article II, Definitions), all words shall carry the customary meaning.

102-7

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 102

PROPERTY MAINTENANCE

§ 102-5. Application.

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

§ 102-6. Buildings and structures.

- A. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.
- B. No owner of any unoccupied building or structure shall fail to take such steps as may be required to ensure that these are securely closed so as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard or threat thereof is precipitated due to a lack of maintenance or due to neglect.

§ 102-7. Yards; open lots; parking areas.

No person shall permit:

- A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.
- B. The development of accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots.
- C. Junk to accumulate.²
- D. Wells, cesspools, cisterns, sedimentation ponds, or stormwater management impoundment ponds to remain open so as to present a safety or health hazard to persons and/or property.
- E. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery or any portion thereof to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.

102-11

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 102

PROPERTY MAINTENANCE

§ 102-8. Infestation, prevention and correction.

- A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- 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.

§ 102-9. 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 stormwater to be discharged into any sanitary sewage system and/or any part thereof.
- C. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

§ 102-10. Responsibilities of occupants.

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

§102-11. Responsibilities of owners.

- A. Owner of premises shall comply with the provisions of this chapter as well as operators and occupants, regardless of any agreements between 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 or more violations of this chapter, said occupant shall be

CHAPTER 102

PROPERTY MAINTENANCE

deemed responsible and taken to be the owner within the true intent and meaning of this chapter.

§ 102-12. Notice of violation.

Upon failure to comply with any terms or conditions of this chapter, the owner and/or occupant shall be notified by the Board of Supervisors or the Zoning Officer, by certified mail or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or violations, shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of 30 days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice shall also advise that, in lieu of or in addition to fines and penalties and subsequent to the thirty-day period for voluntary compliance, the township may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law. In the event that the owner and/or occupant cannot be ascertained or is not able to be located, a notice, containing the above required information in summary form, shall be published once in each of two consecutive weeks in a newspaper of general circulation in the township, advising of the existence of the violation and requiring correction thereof, in accordance with the terms and conditions herein established; detailed notice thereof shall be posted on the subject premises and at the Township Building.

§ 102-13. Compliance.

The owner and/or occupant shall have 30 days from the receipt of a notice of violation or, alternatively, from the date of the second appearance of the published notice of violation to correct any and all stipulated deficiencies. Written extensions to the thirty-day period in which deficiencies must be corrected may be granted by the township upon demonstration by the owner and/or occupant that such an extension thereto is warranted and justified. Failure to comply shall constitute a violation of this chapter. A conviction of an owner and/or occupant shall not ban further prosecutions for noncompliance with this chapter subsequent to such conviction.

§ 102-14. Violations and penalties.³

This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate

102-16

³Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 102

PROPERTY MAINTENANCE

offense. Each section of this chapter that is violated shall also constitute a separate offense.

§102-15. Owners severally responsible.

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

§ 102-16. Inspection.

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