ORDINANCE NO. 77

PROPERTY MAINTENANCE ORDINANCE

CHAPTER 1
ADMINISTRATION

SECTION 101
GENERAL

101.1 **Title**. These regulations shall be known as the Property Maintenance Code of Seven Fields Borough, hereinafter referred to as "this code".

101.2 **Scope**. The provisions of this code shall apply to all residential and nonresidential structures and properties and all premises and constitute minimum requirements and standards for premises, structures, life safety, and for safe and sanitary maintenance, the responsibility of owners, operators and occupants, the occupancy of existing of structures and premises, and for administration, enforcement and penalties.

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. 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. In enforcing the provisions of this ordinance the code official may take into consideration the nature of any premises as it relates to public ways and the topography of the Borough, taking into consideration the age and period of time over which the Borough has been developed, but there should be no waiver of any enforcement that affects matters of public health and safety. The absence of any enforcement action upon any structure or condition on a specific premises shall not be interpreted as Borough approval of the condition of any said premises or structure or of the actual condition thereof.

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, services, 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. 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 this code adopted by the Borough and other applicable Borough and State ordinances, rules and regulations.

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

102.5 **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
CODE OFFICIAL

103.1 **Appointment**. The code official shall be appointed by Borough Council. Deputy code officials may be appointed by Borough Council.

103.2 **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 Borough, 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.

103.3 **Fees**. The fees for activities and services performed by the code official in carrying out his responsibilities under this code shall be established in Ordinance No. 77.

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 **General**. The code official shall enforce the provisions of this code.

104.2 **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.

104.3 **Right of entry**. The code official is authorized to enter the structure or premises at reasonable times to inspect. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

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

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

104.6 **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 of the Borough 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, with council approval provided the code official shall first find the 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 or delay in enforcement 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 or other ordinances of the Borough, 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 **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 a 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 in equity to restrain, correct or abate such violation, or to 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 person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Any violation of any provision of this code shall be punishable by a fine of up to $300.00 per day for each violation. If the violation is not corrected within the time period provided by the notice and order the code official shall file a complaint with the district justice having jurisdiction over Seven Fields Borough, for the scheduling of a hearing. All proceedings at the district justice and the right to appeal therefrom shall be in accordance with the rules of Court of Butler County and the Commonwealth of Pennsylvania.

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 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, and a citation of the specific sections of the code that are being violated.
4. Include a correction order allowing 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. 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. A no lien letter will not be issued by the Borough until such time as the violation cited in the compliance order has been corrected. It shall be the continuing responsibility of any property owner, to correct the violations and bring the property into compliance, even if the compliance order was issued to a previous owner.

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 because such structure 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 **Structure unfit for human occupancy/dangerous building**. A structure is unfit for human occupancy or a dangerous building 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 rubbish and contamination, or lacks ventilation, electrical, 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. A dangerous building/structure unfit for human occupancy are all buildings or structures which have any or all of the following defects: those which have been damaged by fire, wind or other cause and have become dangerous to the life, safety, morals, or the general health and welfare of the residents of the Borough, those buildings which have become dilapidated, decayed, unsafe, and unsanitary and are likely to cause accidents, illness or disease, and be dangerous to the health, moral safety or general welfare of the residents of the Borough, buildings which have structural parts or personal property thereon that might fall on to members of the public or adjoining property because of their dilapidated, decayed or unsafe condition.

108.1.3 **Unlawful structure**. An unlawful structure is one found in whole or in part 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 such real estate and may be collected by any other legal resource.

108.3 **Notice**. Whenever the code official has condemned a structure under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also 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 and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

108.6 **Foreclosed properties**. Structures are often abandoned when they are involved in foreclosure proceedings. Such structures are often not secure and work as attractive nuisances. The code official shall be authorized to contact the record owner and any lien holders, and advise them of the requirement that the structure be secured to prevent entrance by unauthorized parties. If no response is received and the structure cannot be secured the code official shall work in coordination with the Borough police department or Public Works Department, to have the property secured. If the existing locks on the structure cannot be used, or any doors or windows cannot be secured, the code official is authorized, after giving the property owner and lien holders seven (7) days written notice by certified mail and proof of mailing, that the property will be secured and the Borough will take legal action to obtain a lien for the cost of securing the property.

108.7 **Fire damaged structures**. Any structure that is rendered uninhabitable due to fire or other casualty shall be kept secure so that unauthorized persons are not able to

enter the structure. If the structure is not secure the code official will follow the provisions as set forth under foreclosed properties to secure the property.

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 empower 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 request the Borough police to 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.

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, unsanitary 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.

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

ACTIVELY. The term actively, as used in this ordinance refers to retail, wholesale, commercial, and industrial activities being conducted in a regular and periodic manner occurring not less than once every month unless it is determined by judicial proceeding, that there is good and legal cause why said activity has not been regular and periodic.

APPROVED. Approved by the code official.

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

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. Vegetable waste and yard waste from plants, bushes and trees may be recycled in recycling bins that do not attract vermin and prevent the spilling of the composted materials outside of the container, and such vegetable and yard waste may be recycled as ground mulch in areas of landscape planting and in wooded areas of yards, but no un-composted vegetable and kitchen waste shall be kept outside of the house or secured containers so as to attract animals and vermin.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimize 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, un-inspected (not a current valid inspection) wrecked, abandoned, in a state of disrepair, partly dismantled or incapable of being moved under its own power.

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 a portion thereof is utilized or occupied.

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

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 rooms 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 but not be limited to paper, rags, cartons, boxes, wood, rubber, leather, ting cans, metals, mineral matter, glass, crockery, dust, batteries, unmaintained furniture, indoor upholstered furniture and mattresses, mechanical and automotive and electrical equipment and parts, tires, partially dismantled or derelict hot tubs, swimming pools, play sets and play houses, and similar materials. The definition of rubbish shall not include equipment or supplies used in areas zoned for commercial or industrial purposes, and which are used in the legal business conducted in said commercial areas, but said materials listed in this rubbish section shall be stored in commercial and industrial areas in a neat and orderly manner, and not have mixed amongst them rubbish or garbage not necessary to the thereupon conducted business. The definition of rubbish shall not include wood stored outside, to be used for fires permitted pursuant to Borough

ordinance, nor construction materials being used for an actively ongoing construction project.

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 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.

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 provision 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 free of rubbish and garbage 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 and yards 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. All real property, that is not covered by a structure, or a driveway or sidewalk area, or patio or porch, or similar structure or paved area, must be maintained as a lawn area, or plants or trees, so that no area is without vegetation coverage. A minimum requirement is that any such area be maintained as a lawn, and maintained pursuant to the Borough Tall Grass Ordinance as referred to in Section 302.4 of this Ordinance.

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. Sidewalks and driveways located in the public right of way of any Borough or State road must be maintained clear for public use. The materials out of which the driveways are constructed, including but not limited to gravel, asphalt, cement, shall not be allowed to be carried out on to the public way, and any such materials on the public way must be removed by the owner. Driveways must be maintained of gravel, asphalt, cement, brick, or a similar compacted material.

302.4 **Weeds**. Enforced pursuant to the Borough Tall Grass Ordinance.

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 **Accessory structures**. All accessory structures, including detached garages, fences, walls, sheds, permanent or temporary car ports, swimming pools, hot tubs, gazebos, detached covered decks and patios, and similar structures, shall be maintained structurally sound and in good repair. Swimming pools, hot tubs, ponds and similar structures or installations must be maintained in working order. Water contained in such installations must be maintained in a sanitary manner in the warm months of May through October, with the water treated with chlorine or other antibacterial agent, and all

necessary pumps and filters in good working condition and operating to prevent mosquito or other insect infestation, and for the water to be in condition fit for human use in the instance of swimming pools, hot tubs and similar facilities. Swimming pools or hot tubs that are not used during May through October must be maintained in good structural condition and covered in such a manner as to prevent standing water from accumulating therein or thereon. Swimming pools, hot tubs, ponds and other similar installations which are not maintained according to the terms of this ordinance must be dismantled and removed from the premises, or ponds or in ground pools drained and sealed in such a manner to prevent standing water from accumulating untreated, and allowing bacterial growth and/or insect infestation.

302.7 **Motor vehicles, boats, trailers, and similar equipment in residential zoning districts**. No inoperative or unlicensed motor vehicles shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly or disrepair or in the process of being stripped or dismantled, unless it is located in a garage or accessory structure and completely enclosed and not visible. All vehicles must be parked on a paved parking area (paving to consisting of gravel, asphalt, concrete or other solid paving surface) and with the exception of the driveway or immediate parking area in front of the residence, garage, or parking area, the paved surface for parking on any lot may not exceed five (5%) percent of the surface area of said lot. No motor vehicle may be parked or stored on an unpaved area of the yard. One boat and one trailer may be stored outside of the structures on any property, but said boat or trailer must be covered and standing water must be prevented from occurring in said boat or trailer.

302.7.1 **Motor vehicles, boats, trailers, and similar equipment in commercial and industrial districts**. No inoperative or unlicensed motor vehicles shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly or disrepair or in the process of being stripped or dismantled, unless it is located within a structure or accessory structure located upon property zoned for industrial or commercial purposes except such motor vehicles may be located outside of said structure if they are being used or actively repaired as part of the business conducted upon said property. Boats, trailers and similar equipment may be stored outside of the structures on any commercial or industrial zoned property but inoperable or unlicensed vehicles may not be located on the public right of ways or sidewalks, and boats and trailers must not be located on public right of ways or sidewalks, and standing water must be prevented from occurring in motor vehicles, boats and trailers. Vehicles for sale must be maintained in a neat and orderly condition, licensed and have current inspection certificate. All motor vehicles, boats and trailers which are stored on the exterior of property zoned for commercial or industrial purposes must be in active use (taking into consideration some vehicles or equipment are seasonal in use).

302.8 **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. The Borough police

department shall investigate all instances of violation of this Section 302.8, when reported by the property owner.

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

SECTION 303
EXTERIOR STRUCTURE

303.1 **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. The interior and exterior of windows in commercial zones shall be maintained in a clean condition.

303.2 **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, and all siding, whether aluminum, vinyl, or other materials shall be maintained and any pieces that become loose or detached from the structure shall be repaired or replaced.

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

303.4 **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.

303.5 **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.

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

303.7 **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.

303.8 **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.

SECTION 304
INTERIOR OF COMMERCIAL STRUCTURES

304.1 **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.

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

304.3 **Stairs and walking surfaces**. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

SECTION 305
RUBBISH AND GARBAGE

305.1 **Accumulation of rubbish or garbage**. All exterior property and premises, and the interior of every structure, shall be free from any rubbish or garbage. No items which may, under the terms of this ordinance, be stored on the exterior of a property in a residentially zoned area, may be stored in the front yard of the premises.

305.2 **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.

305.2.1 **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.

305.3 **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, approved garbage containers, or composting units.

305.3.1 **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. Garbage containers may be placed at curbside for garbage pickup no earlier than 6PM on the day before the scheduled pickup, and must be removed by 7PM of the evening the scheduled pickup is completed. Containers must be removed from curbside and placed adjacent to the residence or other structure located on each property.

SECTION 306
EXTERMINATION

306.1 **Infestation**. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

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

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

306.4 **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.

306.5 **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
INCONSISTENT ORDINANCES

SECTION 401

401.1 All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Ordained and Enacted at a meeting of Council of the Borough of Seven Fields, Butler County, Pennsylvania, this 14th day of December, 2009.

/s/ Jack Oakley
President of Council

/s/ Thomas B. Smith
Secretary

Approved by me this 14th day of December, 2009.

/s/ Edward W. Bayne III
Mayor