

Harrison Township Code of Ordinances

Chapter 10: Health and Safety

Part 3: PROPERTY MAINTENANCE REGULATIONS

§ 301 Legislative Findings.

[Ord. 1839, 7/25/1994, § 1]

The Board finds that:

A. The Township of Harrison ("Township") recognizes the need to establish certain minimum health and safety requirements for buildings, structures or properties used or associated with human occupancy.

B. The lack of minimum standards relative to the foregoing creates potentially hazardous or dangerous conditions to the general public and interferes with normal use and enjoyment of public and private property in the Township.

C. The First Class Township Code has vested the Board with the power to regulate the foregoing pursuant to 53 P.S. § 56519.

§ 303 General Regulations.

[Ord. 1839, 7/25/1994, § 3; as amended by Ord. 1866, 2/24/1997, § 2]

No owner or occupant or operator of any premises shall permit thereon:

A. Fences or minor structures to be constructed and maintained so as to present a health or safety hazard to persons or property.

B. The development or accumulation of health or safety hazards, rodent harborage and/or infestation upon yards, courts, lots.

C. The storing of abandoned, junked or partially dismantled motor vehicles which pose a threat to the public health, safety and welfare due to conditions including, but not limited to, the following:

(1) Broken glass.

(2) Missing doors, windows or other vehicle parts which would permit vermin or animal harborage or entry of children.

(3) Body parts with sharp edges.

(4) Leaking gasoline, oil or other vehicle fluids.

(5) Upholstery which is torn or open or other conditions of the vehicle which could permit animal or vermin harborage.

(6) Exposed battery containing acid.

(7) Inoperable door or trunk locks.

(8) Partially or fully disassembled parts which are loose on or near the vehicle.

(9) Unstable suspension or support of the vehicle. Vehicles shall be deemed "abandoned" or "junked" under this Part if the vehicle meets any one of the following criteria.

(10) The vehicle is not operable and lacks a current inspection sticker.

(11) The vehicle is not operable and has not been operated for a period of two consecutive weeks or more.

(12) The vehicle lacks a current inspection sticker and has not been operated for a period of two consecutive weeks or more.

D. Refuse to accumulate and to be blown about their property or the surrounding neighborhood.

E. Wells, cesspools, cisterns, sedimentation ponds, stormwater management, impoundment ponds or ponds of similar nature or swimming pools to remain open without adequate fencing or barricades to prevent access thereto by the general public.

F. The accumulation of heavy undergrowth or vegetation which would impair the health or safety of the neighborhood, nor shall they permit any trees, plants or shrubbery or any portion thereof to grow on their property which impairs the ability of any person to clearly see oncoming pedestrian or vehicular traffic, so as to cause a traffic hazard.

§ 304 (Reserved) [1]

[1]

Editor's Note: Former § 304, Infestation Prevention and Correction, adopted 7/25/1994 as § 4 of Ord. 1839, was repealed 4/21/2004 by § 320.6 of Ord. 1906. See § 320 of this Chapter.

§ 305 Miscellaneous Provisions.

[Ord. 1839, 7/25/1994, § 5; as amended by Ord. 1866, 2/24/1997, § 3]

No owner or occupant or operator of any premises shall permit:

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

B. Any refrigerator, freezer 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.

C. Any refrigerator, freeze or other similar storage chest as identified in subsection (B) above, to remain on the premises of any owner, occupant, or operator for a period of more than five days from the time such item is placed on the premises, even if all locking devices and/or doors have been removed.

§ 306 Responsibility of Occupants and Operators.

[Ord. 1839, 7/25/1994, § 6]

Any occupant or operator 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 or controls in a safe, sound and sanitary condition pursuant to the terms of the contract under which he exercises occupancy or control thereof.

§ 307 Responsibility of Owners.

[Ord. 1839, 7/25/1994, § 7]

Owners, occupants and operators of any premises shall comply with the provisions of this Part regardless of any agreements between owners and operators and occupants as to which party shall assume such responsibility. In instances where the occupant or operator is responsible or shares responsibility with an owner for the existence of one or more violations of this Part, said occupant or operator shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part.

§ 308 Inspection.

[Ord. 1839, 7/25/1994, § 8]

The Township may have, or may cause through an authorized representative of the Township, with prior notice to the owner, operator or occupant of the premises, to have entry onto said premises for the purpose of inspection of any and all premises, located within the Township for ascertaining the existence of violations of this Part. 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, occupant or operator or representative thereof to secure access therein. In the absence of permission to inspect, a search warrant may be obtained.

§ 309 Enforcement Procedure.

[Ord. 1839, 7/25/1994, § 9]

If the Building Inspector or the Ordinance Enforcement Officer determines that the premises constitutes a health or safety hazard or is otherwise in violation of this Section so as to constitute a nuisance, he shall issue a dated, written notice requiring compliance within a specified deadline. The notice shall:

A. State the reasons why it is issued.

B. State the steps required to be taken to come into compliance.

C. Also contain the following:

[Amended by Ord. 1906, 4/21/2004]

"The Building Inspector/Ordinance Enforcement Officer of the Township of Harrison has determined the property described herein to be in violation of the property maintenance requirements of Chapter _____, Part _____, Section _____, of the Code of Ordinances and to constitute a nuisance and has required that the property be brought into compliance within 60 days of the date of this notice. Unless a hearing is requested as set forth below, this determination shall become final 30 days after the date of this notice.

The violation is: _____

Any party who may feel aggrieved by said determination may contest the determination by requesting a hearing before the Board of Appeals pursuant to the Local Agency Law.

All requests for hearings must be in writing and must be filed with the Township Secretary within 30 days of the date that this notice was posted or mailed to the owner. Failure to file a request for hearing as set forth above may result in the loss of any opportunity to contest the determination of the Building Inspector/Ordinance Enforcement Officer."

D. The notice may set forth a repair or removal deadline of less than 60 days and an appeal period of less than 30 days if the Building Inspector or the Ordinance Enforcement Officer finds that a shorter appeal period is necessary to protect the occupants or public from the nuisance posed by the property's noncompliance with property maintenance requirements.

E. The notice shall be given in writing by registered or certified mail, return receipt requested, to the last known address of the owner and occupants of said structure and shall also be posted upon the property determined to be in noncompliance. Notice shall be deemed to have been given on the date of mailing or, where no address is known or where such notice is not delivered or accepted, on the day when posted on the property. A copy of such notice shall likewise be given to any mortgagee, lessee or occupant of the property.

§ 310 Township's Right to Remedy Conditions.

[Ord. 1839, 7/25/1994, § 10]

If, after notice is given, and a hearing, if requested, is held, resulting in a determination that the premises are in violation of the property maintenance requirements and there is a nuisance, and if it is not remedied within the time limits prescribed by such notice, the proper Township officials are hereby authorized to obtain proposals and/or advertise for bids for correction of the violation in accordance with specifications as may be appropriate and reasonable according to the Building Inspector or the Ordinance Enforcement Officer to achieve correction of the condition in an effective and efficient manner, and to enter into a contract for such work, or if feasible, the work may be done in whole or in part by Township employees. The proper officials are also authorized to enter, inspect and photograph the premises prior to corrective action.

§ 311 Collection of Costs.

[Ord. 1839, 7/25/1994, § 11]

The proper officials and the Solicitor are hereby authorized and directed to file a municipal claim against the premises requiring corrective action hereunder by the Township of Harrison for the costs incurred in connection with correcting the violation, together with a penalty of 10% as provided by law, or the said costs and expenses may be collected by action in assumpsit against the owners of said premises.

§ 312 Penalties.

[Ord. 1839, 7/25/1994, § 12]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and in default of each payment undergo imprisonment for a term not to exceed five days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 313 Owners Severally Responsible.

[Ord. 1839, 7/25/1994, § 13]

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

§ 314 Remedies Not Mutually Exclusive.

[Ord. 1839, 7/25/1994, § 14]

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive, rather they may be employed simultaneously or consecutively at the option of the Township.

§ 315 Officials Authorized to Enforce.

[Ord. 1839, 7/25/1994, § 15]

Any other provision of this Part notwithstanding, the provisions of this Part may be enforced by and procedures herein undertaken by the Board of Commissioners, Ordinance Enforcement Officer, Building Inspector or authorized representative of the Board of Commissioners.

§ 316 Means of Appeal.

[Ord. 1906, 4/21/2004]

1. Application for Appeals. Any person directly affected by a decision of the Township's authorized representative shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed with the Township Secretary within 30 days after receipt of the decision appealed from and provided that the application states the reasons why the appellant claims that the requirements of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship, or would be unreasonable under the circumstances. In determining the existence of an undue hardship, it shall be proper to consider illness in the family of the property owner.

2. Reasonableness. Reasonableness shall be determined by reference to all relevant facts and circumstances, including, but not limited to the following:

A. Whether the property owner has complied with any contract entered into with the Township in regard to repair or maintenance of the property in question.

B. Whether the enforcement is arbitrary or discriminatory.

C. Whether the intent of this Part is clear in regard to the matter sought to be enforced.

D. Whether a property owner's privacy rights have been or are being violated by the proposed enforcement.

E. Whether the property owner has a history of investment and improvement in the property.

F. Whether the cost of the repair or correction sought is reasonable in light of the value of the property and in light of the danger the condition presents.

G. Whether the enforcement of this Part in any particular case would result in a taking without just compensation.

H. Length of time violations have existed.

I. Degree of mitigation attempted.

J. Aggregate number and severity of violations on the property.

K. Visibility of violations from street and neighboring properties.

L. Existence or lack thereof of similar conditions at neighboring properties, and the impact the violations have in terms of property values.

3. Appeal Fee. Township Commissioners may, by resolution, adopt a fee for filing an appeal.^[1] If adopted, such fee must accompany any appeal or the appeal will not be deemed filed.

[1] Editor's Note: The current fee resolution is on file in the office of the Township Secretary.

4. 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 Board shall be appointed by the Board of Commissioners and shall serve staggered and overlapping terms. The compensation of Board members may be set from time to time by the Board of Commissioners by resolution.

5. Notice of Meeting. The Board shall meet upon notice from the Chairperson, within 30 days of the filing of an appeal if possible, or at stated periodic meetings.

6. 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 any opportunity to be heard. A quorum shall consist of not less than 2/3 of the Board membership.

§ 317 Exterior Property Areas.

[Ord. 1906, 4/21/2004]

1. 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.

2. 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 free of rubbish and debris.

3. 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.

4. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be maintained free from hazardous conditions.

5. 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.

6. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound.

7. Gates. Gates which are required to be self-closing and self-latching in accordance with the International Building Code shall be maintained such that the gate will positively close and latch when released from a still position of six inches (152 mm) from the gatepost.

8. Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition.

9. Defacement of Property.

A. 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.

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

§ 318 Exterior Structure.

[Ord. 1906, 4/21/2004]

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.

2. Premises Identification. Address numbers shall comply with the requirements of Harrison Township Ordinance No. 839 (§ 201 of Chapter 4).

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.

4. 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.

5. Exterior Walls. All exterior walls and surfaces shall be free from holes, breaks, and loose or rotting materials and shall be maintained weatherproof and properly surface-coated where required to prevent deterioration.

6. 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

7. Overhang Extensions. All overhang extensions, including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts, shall be properly anchored so as to be kept in a sound condition.

8. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, with proper anchorage and capable of supporting the imposed loads.

9. Chimneys and Towers. All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound.

10. 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.

11. Doors and Windows. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door. All broken windows shall be replaced and will not be boarded for a period longer than is needed to effect a repair, which for simple windows will generally be no more than 14 days.

12. Basement Hatchways. Every basement hatchway or window shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

§ 320 Extermination.

[Ord. 1906, 4/21/2004]

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.

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

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.

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 on 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.

5. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.

6. This § 320 shall replace § 304, Infestation Prevention and Correction, which § 304 is hereby deleted in its entirety.

§ 321 Electrical Equipment.

[Ord. 1906, 4/21/2004]

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

2. Receptacles. Every habitable space in a dwelling 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 outlets shall have ground fault circuit interrupter protection.

3. Lighting Fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

§ 324 Means of Egress.

[Ord. 1906, 4/21/2004]

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.