

**MILLERSBURG
BOROUGH
PROPERTY
MAINTENANCE
CODE**

ORDINANCE NO. 1-17

**AN ORDINANCE ESTABLISHING PROPERTY MAINTENANCE
REQUIREMENTS AND STANDARDS**

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Millersburg, Dauphin County, Pennsylvania, as follows:

Section 1. Purpose and Intent.

The purpose of this Ordinance is to establish standards for maintenance of real property in the Borough of Millersburg. The intent of this Ordinance is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

Section 2. Authority.

This Ordinance is enacted under the authority of the laws of the Commonwealth of Pennsylvania, including, but not limited to, the Borough Code.

Section 3. Short Title.

This Ordinance shall be known as the *Property Maintenance Code* of Millersburg Borough.

Section 4. Property Maintenance Code.

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CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1 — SCOPE AND APPLICATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of Millersburg Borough, hereinafter referred to as the “Code.”

101.2 Scope. The provisions of this Code shall apply to all residential and nonresidential structures and all premises. It shall constitute minimum requirements and standards for structures and premises and shall provide for administration, enforcement and penalties for violations of this Code including detached garages, barns and storage structures, fences and walls.

101.3 Intent. This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein while adhering to quality and professional workmanlike standards with an aesthetic appeal that maintains the character and quality of the neighborhood and community.

101.4 Owner. The owner of a structure or premises is responsible for compliance with the provisions of this Code. The owner’s responsibility continues even if the owner has an agent or the property is occupied by a person other than the owner.

SECTION 102
APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive requirement shall govern.

102.2 Maintenance. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of structures and premises.

102.3 Application of the Uniform Construction Code and other Ordinances. Repairs, additions or alterations to a structure, or premises or changes in the type of occupancy (e.g., conversion of a residential structure to commercial use or a single-family residential structure to transient occupancy), shall be performed in accordance with the procedures, methods and provisions of the Pennsylvania Uniform Construction Code.

Where there is a conflict between the Uniform Construction Code's and this Code's procedures, methods, and provisions for the repair, addition, or alteration to a structure, or change in occupancy, the most restrictive, comprehensive and visually appealing standard shall govern.

Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Millersburg Borough Zoning Ordinance (2-16), Stormwater Management Ordinance (4-14), Floodplain Management Ordinance (1-12) or any other applicable Borough ordinance. However, where the referenced ordinance includes subject matter that is within the scope of this Code, the most restrictive provisions shall govern.

102.4 Existing remedies. The provisions in this Code shall not be construed to abolish or impair existing remedies of the Borough or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike and visually pleasing manner and installed in accordance with the manufacturer's instructions.

102.6 Historic buildings. Except as provided in this Code, the provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings or buildings with historical value, whether designated by official designation or by consensus of the Board of Appeals, when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare, and alterations as applied by this Code may damage or destroy the historical significance or elements of historic value of the premises or structure .

This Code may however be imposed when deemed necessary to preserve the integrity of a structure with historical value or significance or where the structure has been determined to be unsafe or dangerous.

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

102.8 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code, as currently referenced.

102.9 Other laws. The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103

PROPERTY MAINTENANCE CODE OFFICIAL

103.1 General. The position of Property Maintenance Code Official is hereby created and shall hereafter be referred to as "Code Official."

103.2 Appointment. The Code Official shall be appointed by the Millersburg Borough Council.

The Code Official may be a paid or volunteer position and shall be administered by the Borough Council.

103.3 Deputies. In accordance with the prescribed procedures of the Borough, the Borough Council, or the Code Official and with the concurrence of the Borough Council, shall have the authority to appoint a deputy(s). Such appointees shall have powers as delegated by the Code Official with the concurrence of the Borough Council. Borough Council members and the Borough Manager are permitted to serve as deputies.

Reference in this Code to the Code Official shall include the deputy (to the extent of the deputy's delegated powers).

Deputies may be a paid or volunteer position and shall be administered by the Borough Council.

103.4 Liability. The Code Official or member of the Board of Appeals, while acting for the Borough, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, 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 or by reason of an act or omission in the discharge of official duties. Any suit instituted against the Code Official or member of the Board of Appeals because of an act performed by that person in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal counsel for the Borough until the final termination of the proceedings. The Code Official or member of the Board of Appeals shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

103.5 Fees. The fees for activities and services performed by the Code Official in carrying out his responsibilities under this Code shall be as set by Council in a schedule of fees adopted by resolution from time to time.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The Code Official is hereby authorized and directed to both enforce and to verify the adherence to the provisions of this Code. The Code Official shall have the authority to render interpretations of this Code and, with the concurrence of Borough Council, to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

104.2 Inspections. The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies, entities or individuals. All reports of such inspections shall be in writing. All reports of inspections by approved agencies or individuals shall be certified. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.3 Right of entry. Where it is necessary to make an inspection to enforce or verify the provisions of this Code, or whenever the Code Official has reasonable cause to

believe that there exists in a structure or upon a premises a condition in violation of this Code, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this Code, provided that if such structure or premises is occupied the Code Official shall present credentials to the occupant and request entry. Reasonable attempts shall be made to contact the owner of the structure or premises to obtain permission to enter prior to contact with the occupant. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused or permission to enter not otherwise obtained, the Code Official shall have recourse to the remedies provided by law to secure entry, including, specifically, obtaining an administrative search warrant.

Entry into a structure may be made by a deputy only while accompanied by the Code Official.

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 in the administration of this Code and otherwise expressly required by provisions of this Code. Such records shall be retained in the official records for the period required by state law for retention of public records.

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 upon application of the owner or owner's agent, provided the Code Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications, including the required findings, shall be made in writing and such record maintained. On or before the meeting scheduled following the grant of modification, the Code Official shall provide written notification to the Borough Council of the grant of modification.

105.2 Alternative materials, methods and equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code, including but not limited to quality, strength, effectiveness, fire resistance, durability and safety.

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

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

105.3.2 Test reports. Reports of tests shall be retained by the Code Official for the period required by state law for retention of public records.

105.4 Used material and equipment. The use of used materials which meet the requirements of this Code for new materials is permitted. 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 by the Code Official.

105.5 Approved materials and equipment. Materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or installations not specifically provided for in this Code, shall consist of valid research reports from approved sources.

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 of this Code.

106.3 Prosecution of violation. Any person who violates a provision of this Code, or fails to comply with a notice of violation or order served in accordance with Section 107 of this Code commits a summary offense 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 or use 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 Borough on such premises shall be charged against the real estate upon which the structure is located and the cost and expenses of the action shall be a lien upon the real estate.

106.4 Violation penalties. Any person who violates a provision of this Code, shall, following citation and upon conviction by a magisterial district judge, be sentenced to pay a fine of up to \$5,000.00 for each offense and the costs of enforcement and prosecution and in default of payment of such fine and the costs of enforcement and prosecution shall be imprisoned for not more than 24 hours for a first offense and not more than seven days for a subsequent offense. Each day that a violation continues after due notice of violation has been served may be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the Borough 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.

106.6 Borough Performance; Municipal Lien. Upon failure to comply with the notice of violation relating to weeds, rubbish, garbage, pest infestation or harborage, any duly authorized employee of the Borough or contractor hired by the Borough, in its sole discretion, shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, remove the garbage, and exterminate pests, and the costs of such

removal shall be paid by the owner or agent responsible for the property. In the event of a failure to make payment, the Borough may place a municipal lien on the property. The right of the Borough to perform the work and to place a municipal lien on the property is not an exclusive remedy for violations under this Code and proceeding with such actions lies within the sole discretion of the Borough Council.

**SECTION 107
STOP WORK ORDER**

107.1 Authority. Whenever the Code Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner or in a nonworkmanship like manner, the Code Official is authorized to issue a stop work order.

107.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property or to the owner's agent and to the person doing the work in person or by first class United States mail. The property that is the subject of the stop work order shall be posted with the order. The issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. The Code Official shall have the right to order work corrected which was performed prior to the stop work order.

107.3 Emergencies. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work.

107.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 or more than \$5,000.00 dollars.

**SECTION 108
VIOLATION NOTICES AND ORDERS**

108.1 Notice. Whenever the Code Official determines that there has been a violation of this Code, or has grounds to believe that a violation of this Code has occurred, notice shall be given to the person responsible (as is feasible) for the violation as specified in this Code and to the owner of the structure or premises. Notices for condemnation procedures shall also comply with Section 108.3 of this Code. Notices and orders may also at times comply with any other sections of this Code.

108.2 Form. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Describe the real estate sufficient for identification.
3. Describe the condition(s) of the structure or premises that is(are) the subject of the notice of violation.
4. Cite the provision(s) of the Code that is(are) the subject of the notice of violation.
5. State the violation or violations and why the notice is being issued.
6. Indicate the action(s) necessary to bring the structure or premises into compliance with the Code.
7. Provide a reasonable time to make the maintenance, repairs and improvements required to bring the premises or structure into compliance with the provisions of this Code.
8. Inform the person responsible for the violation and the owner of the structure or premises of the right to appeal and the time and manner of making such appeal.
9. Inform the person responsible for the violation and the owner of the structure or premises that failure to take action(s) necessary to bring the structure or premises into compliance with the Code will result in the filing of a summary offense citation and hearing before the Magisterial District Judge.
10. Include a statement of the Borough's right to file a lien in accordance with Section 106.3 of the Code.
11. Be signed by the Code Official.
12. Bear a date of issuance.

108.3 Method of service. Such notice of a violation shall be deemed to be properly served on the date indicated on the notice if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail deposited with the United States Postal Service addressed to the last known address of the person responsible for the violation and the owner of the structure or premises at the address maintained by the Dauphin County Office of Tax Assessment; or

3. If the mailed 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 or premises affected by such notice.

108.4 Unauthorized tampering. Notices, signs, tags or seals posted or affixed by the Code Official to the structure or premises shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official. Such unauthorized removal is a violation of this Code.

108.5 Penalties. Penalties shall be as set forth in Section 106.4 of this Code.

108.6 Transfer of ownership. It shall be unlawful for the owner of any structure or premises 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 the structure or premises, or portion thereof, to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner (i) 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 (ii) shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 109 MEANS OF APPEAL

109.1 Application for appeal. Any person directly affected by report or decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 30 days after the date of issuance appearing on the report, decision, notice or order. An application for appeal shall be based on a claim that the true intent of this Code has been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means. An application for appeal must include:

- a. A statement that the appeal is based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code have been satisfied or are adequately satisfied by other means;
- b. Set forth other information sufficient to explain the claim on appeal;

- c. State any request for relief;
- d. Include the following statement followed by signature of the person making the appeal:

I understand that false information provided on this application may result in a stop work order or revocation of the permit and that false statements herein made also are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

- e. Include an administrative fee, to be set by the Borough Council from time to time, which will be refunded in the event an order by the Code Official is overturned.

109.2 Hearing. Within 30 days of the receipt of the written application for appeal, the Board of Appeals shall hold a hearing on the appeal. The person filing the appeal shall be issued written notice of the time and place of the hearing. The notice shall be sent by first class mail deposited with the United States Postal Service.

109.3 Membership of Board of Appeals. The Board of Appeals shall consist of a minimum of three members who are qualified in the eyes of the Council to pass on matters pertaining to property maintenance and who are not employees of the Borough. The Code Official shall be an ex-officio member, but shall have no vote on any matter before the Board of Appeals. The Board of Appeals shall be appointed by the Borough Council.

109.3.1 Alternate members. The Borough Council may appoint a minimum of one alternate member who shall be called by the Chairman of the Board of Appeals to hear appeals during the absence or disqualification of a member and for the duration of the proceedings on the appeal through and including the making of the decision on the appeal. Alternate members shall possess the qualifications required for board membership.

109.3.2 Terms. Members shall serve staggered and overlapping terms. Except for the terms of the original appointed Board of Appeals necessary to establish staggered terms, a member shall serve a term of three years.

109.3.3 Quorum. A quorum shall consist of two members. The alternate member may be seated to establish a quorum.

109.3.4 Chairman. The Board of Appeals shall annually select one of its members to serve as its Chairman.

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

109.3.6 Secretary. The Chairman shall designate a qualified member to serve as Secretary for the Board of Appeals. The Secretary shall make and maintain a detailed record of all proceedings.

109.3.7 Compensation of members. Compensation of members shall be determined by Borough Council and set from time to time by resolution.

109.4 Open hearing. All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard.

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

109.5 Continued or postponed hearing. When a quorum of the Board of Appeals is not available to hear an appeal, the hearing shall be automatically continued to a future date; notice of the continued hearing date shall be issued in the manner provided in Section 108.2.

For good cause and in good faith, either the appellant or the appellant's legal representative shall have the right to request a postponement of the hearing.

109.6 Board of Appeals decision. The Board of Appeals shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the full Board of Appeals. The Board of Appeals shall have the authority to lengthen or postpone the time frame allowed for corrective action due to financial hardship on the part of the property owner or the person financially responsible for corrective action. Extensions or postponement shall not be issued in the case of immediate or imminent health and safety concerns to the public, property owner or occupant.

109.6.1 Records and copies. The decision of the Board of Appeals shall be in writing. Copies shall be furnished to the appellant in person or by first class United States mail and to the Code Official.

109.6.2 Administration. The Code Official shall take immediate action in accordance with the decision of the Board of Appeals.

109.7 Stays of enforcement. Appeals (other than appeals from imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Appeals.

109.8 Court review. An appeal from the decision of the Board of Appeals shall be made within 30 days of the date appearing on the face of the decision.

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; and 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 Pennsylvania Uniform Construction Code, Millersburg Borough Zoning Ordinance (2-16), Stormwater Management Ordinance (4-14), Floodplain Management Ordinance (1-12) or any other applicable Borough Ordinance such terms shall have the meanings ascribed to them as stated in those Codes.

201.4 Terms not defined. Where terms are not defined in this Chapter, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “structure” or “premises” 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

AGENT. One who agrees and is authorized to act on behalf of another, a principle, to legally bind in transactions with third parties.

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the Code Official.

BOARD OF APPEALS. The body to which an enforcement action based upon the interpretation of this Code is appealed.

CODE OFFICIAL. The official, appointed by Borough Council, who is charged with the administration and enforcement of this Code, including a deputy.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

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.

EXTERIOR PROPERTY. The open space on the premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food except as reasonable applied to composting by accepted standards.

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

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

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

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

MOTORIZED VEHICLES. Cars, trucks, RV's (mobile campers and motorized campers), jet skis, boats, motorcycles, ATV's and other similar conveyances.

NEGLECT. The lack of proper maintenance for a building or structure.

NOXIOUS PLANT. A noxious plant is any plant designated by the Federal, State or County government as injurious to public health, agriculture, recreation, wildlife or property.

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

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

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person having a legal or equitable interest in the property; or recorded in the official records of Dauphin County as holding legal title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor/executrix 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.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, including any structures thereon.

PROPERTY MAINTENANCE CODE OFFICIAL. See Code Official.

RUBBISH. The definition shall include but is not limited to: combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials; paper, newspapers of non-historical value, rags, cartons, boxes, packaging products and materials, plastics, wood, excelsior, rubber, tires, leather, carpet and flooring, mattresses and box springs; broken, unserviced or unserviceable toys, air conditioners, bicycles, grills, lawn mowers, pallets, electronics and electronic products, exercise equipment; tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, residue, residual, unused and leftover materials for construction processes and activities and other similar materials including windows and doors.

STRICT LIABILITY OFFENSE. An offense for which the Borough in a legal proceeding is not required to prove 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.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

WEEDS. All grasses, plants and vegetation, edible or ornamental, exceeding a height of six inches; however, this term shall not include cultivated trees, shrubs and flowers and gardens.

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

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

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures and premises.

301.2 Responsibility. The owner of the structure or premises shall maintain the structure and premises in compliance with these requirements, unless 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.

301.3 Structures, premises, and land. All structures, premises, and land whether occupied or vacant shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 UNSAFE STRUCTURES

302.1 General. When a structure is found by the Code Official to be unsafe or dangerous such structure shall be condemned pursuant to the provisions of this Code.

302.1.1 Unsafe structures. For purposes of this Code, 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, or 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.

302.1.2 Dangerous structure or premises. For the purpose of this Code, any structure that has or premises that have any or all of the conditions or defects described below shall be considered dangerous:

- a. Any portion of a structure, or appurtenance thereto, that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is

likely to partially or completely collapse, or to become detached or dislodged.

- b. Any part or portion of a structure that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- c. The structure or part of the structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- d. The structure or any portion thereof is clearly unsafe for its use and occupancy.
- e. The structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminal activity, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- f. Any structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire Code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- g. Any portion of a structure remaining on a site after the demolition or destruction of the structure or whenever any structure is abandoned so as to constitute such structure or portion thereof as an attractive nuisance or hazard to the public or has an unsightly appearance.

302.2 Closing of unsafe or dangerous structures. Upon a finding by the Code Official that a structure is unsafe or dangerous, but 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 or hazard to the public. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the

structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

If a structure is found to be in danger of collapse it may be ordered to be demolished. Such demolition shall follow Section 304.

302.2.1 Authority to disconnect service utilities. The Code Official shall have the authority to authorize disconnection of utility service to the structure or premises in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Code Official shall notify the serving utility and, whenever possible, the owner and any occupant of the structure of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the structure shall be notified in writing as soon as practical thereafter. Notice may be hand delivered, mailed, or made by posting.

302.3 Notice. Whenever the Code Official has condemned a structure under the provisions of this chapter, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or owner's agent in accordance with Section 107.3.

302.4 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 a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises or removing the placard.

302.4.1 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. Defacing or removal of a condemnation placard without the approval of the Code Official shall be a violation of this Code and subject to the penalties provided by this Code.

302.5 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 in violation of this Code and subject to the penalties provided by this Code.

302.6 Abatement methods. The owner, operator or occupant of a structure or premises deemed unsafe or dangerous by the Code Official shall abate or cause to be

abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. In the case of a building with historical significance or character, methods of abatement which preserve and protect that significance or character shall be encouraged and reasonably supported by the Code Official.

302.7 Record. The Code Official shall cause a written report to be made to the Borough Council and kept on an unsafe or dangerous condition. The report shall state the occupancy of the structure and the nature of the unsafe or dangerous condition.

SECTION 303 EMERGENCY MEASURES

303.1 Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a 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 occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice containing 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.

303.2 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.

303.3 Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and the Borough shall close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

303.4 Emergency repairs. For the purposes of this section, the Borough shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

303.5 Costs of emergency repairs. Costs incurred in the performance of emergency work by the Borough and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

303.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any person affected by the emergency measures shall thereafter, upon petition directed to the Board of Appeals, be afforded a hearing as described in this Code.

SECTION 304 DEMOLITION

304.1 General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous or unsafe, 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, or to board up and hold for future repair, or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner to demolish and remove such structure, or board up until future repair or completion. Boarding the building up for future repair or completion shall not extend beyond one year, unless approved by the Code Official.

Demolition shall consist of complete removal of all debris and structure including foundation and footings unless otherwise approved to remain by the Code Official. Foundation and footings are to be filled to grade with approved clean fill. All utilities are to be capped by approved methods.

304.2 Notices and orders. All notices and orders shall comply with Section 107 of this Code.

304.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

304.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 305 PREMISES

305.1 Premises identification. Premises improved with a habitable structure, regardless of occupancy shall have approved address numbers placed on the principal structure in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

305.2 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

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

305.4 Grass, weeds and vegetation. All premises shall be maintained free from weeds in excess of six inches. All noxious plants shall be prohibited. No growth shall be permitted to conceal any unlawful deposit.

Upon failure to remove, trim or cut grass, weeds or other vegetation after service of a notice of violation, the owner shall be subject to prosecution in accordance with Section 106.3 of this. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and remove, trim or cut grass, weeds or other vegetation thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. The cost thereof may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

305.5 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.

305.6 Furniture and appliances. Upholstered furniture, mattresses, cushions and appliances that are designed and manufactured for indoor use shall not be permitted in yards or on patios, porches, decks and similar improvements open to the elements in whole or in part. Vending machines shall not be permitted on porches, decks, patios or in yards.

305.7 Motorized vehicles. No motorized vehicle shall at any time be in a state of major disassembly or in the process of being stripped or dismantled or in the process of undergoing a major overhaul including bodywork except in a closed garage or similarly enclosed area designed or suitable for such purposes.

No inoperable motorized vehicle shall be on any property unless in a garage or under a properly maintained and fitted cover.

Painting of motorized vehicles is prohibited unless conducted inside an approved spray booth.

305.8 Off-street parking of motor vehicles. Off street parking shall be defined as carports or garages or properly graded and prepared areas designed for parking. Except for areas designed and approved for parking, parking shall not be permitted in front, rear or side yards or grass areas.

305.9 Motorcycles, ATV's and automobile parts. No motorcycles, ATV's, or similar or components thereof, or automobile parts shall be stored on front porches.

SECTION 306

SWIMMING POOLS, SPAS AND HOT TUBS

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

306.2 Enclosures. Private swimming pools, hot tubs and spas shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. The barrier or fence may encompass the general area or yard containing the swimming

pool, hot tub or spa. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

During off season times or extended periods of discontinuation of use, pools, hot tubs, and spas shall be covered with a proper and fitted cover and maintained free of water and debris.

306.3 Sensing alarms. Sensing alarms for the entry of unattended children into the water shall be installed and maintained on all pool types for which a device is available.

SECTION 307

STRUCTURE - EXTERIOR

307.1 General. 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.

307.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Pennsylvania Uniform Construction Code:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- c. Structures or components thereof that have reached their limit state;
- d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

- g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
- j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

307.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, storm doors and windows, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces

subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

307.4 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.

307.5 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.

307.6 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 obstructions. Roof water shall not be discharged in a manner that creates a public nuisance or be discharged onto or into another's property without consent of the owner.

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

307.8 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.

307.9 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.

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

307.11 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.

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

307.13 Vacant store fronts. Vacant store front and shop windows shall be maintained. Store fronts and shops without active businesses with consistent and regular hours of operation shall keep the windows obscured with brown construction type paper or curtains or blinds. Window treatments or coverings shall be fitted and free from soiling and be well maintained and present a good appearance.

307.14 Historical consideration. In the case of a structure with historical significance or character, methods of repair, renovation or abatement which preserve and protect that significance or character shall be encouraged and be supported in a reasonable manner by the Code Official.

307.15 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure by placing thereon any marking, carving or graffiti.

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

SECTION 308

STRUCTURE - INTERIOR

308.1 General. A structure shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to public health, safety, or welfare.

308.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Pennsylvania Uniform Construction Code:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- c. Structures or components thereof that have reached their limit state;
- d. Structural members are incapable of supporting nominal loads and load effects;
- e. Stairs, landings, balconies and all similar walking surfaces are not structurally sound; not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- f. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

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

308.3 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 309 STRUCTURE - COMPONENTS

309.1 General. The components of a structure shall be maintained in good repair and structurally sound.

309.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Pennsylvania Uniform Construction Code:

- a. Soils that have been subjected to any of the following conditions:
 1. Collapse of footing or foundation system;
 2. Damage to footing, foundation, concrete or other structural element due to soil expansion;

3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 4. Inadequate soil as determined by a geotechnical investigation;
 5. Where the allowable bearing capacity of the soil is in doubt; or
 6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
- b. Concrete that has been subjected to any of the following conditions:
1. Deterioration
 2. Ultimate deformation;
 3. Fractures;
 4. Fissures;
 5. Spalling;
 6. Exposed reinforcement; or
 7. Detached, dislodged or failing connections.
- c. Aluminum that has been subjected to any of the following conditions:
1. Deterioration;
 2. Corrosion;
 3. Elastic deformation;
 4. Ultimate deformation;
 5. Stress or strain cracks;
 6. Joint fatigue; or
 7. Detached, dislodged or failing connections.
- d. Masonry that has been subjected to any of the following conditions:
1. Deterioration;
 2. Ultimate deformation;
 3. Fractures in masonry or mortar joints;
 4. Fissures in masonry or mortar joints;
 5. Spalling;
 6. Exposed reinforcement; or
 7. Detached, dislodged or failing connections.
- e. Steel that has been subjected to any of the following conditions:
1. Deterioration;
 2. Elastic deformation;

3. Ultimate deformation;
 4. Metal fatigue; or
 5. Detached, dislodged or failing connections.
- f. Wood that has been subjected to any of the following conditions:
1. Ultimate deformation;
 2. Deterioration;
 3. Damage from insects, rodents and other vermin;
 4. Fire damage beyond charring;
 5. Significant splits and checks;
 6. Horizontal shear cracks;
 7. Vertical shear cracks;
 8. Inadequate support;
 9. Detached, dislodged or failing connections; or
 10. Excessive cutting and notching.

SECTION 310

HANDRAILS AND GUARDRAILS

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

SECTION 311

RUBBISH AND GARBAGE

311.1 Accumulation of rubbish or garbage. All structures, both interior and exterior, and premises shall be free from any accumulation of rubbish or garbage, except as provided in Section 311.2.

311.2. Rubbish and garbage disposal. All premises which generate rubbish or garbage shall have adequate covered facilities for rubbish and garbage disposal, acceptable trash cans with covers or dumpsters with covers and have arrangements for or access to regular waste disposal services. Cans and dumpsters shall not be filled

beyond the capacity which allows the lids to be properly closed and secured. No trash bag may be kept outside an enclosed structure, trash can with cover or dumpster with cover except at a place intended for scheduled pick-up by a sanitation vehicle and no earlier than 12 hours in advance of such scheduled pickup.

All rubbish and garbage disposal shall comply with all local, state, and federal laws.

SECTION 312 INSECT AND RODENT INFESTATION

312.1 Infestation. All structures and premises shall be kept free from insect and rodent infestation and harborage. In all structures in which insects or rodents are found, they shall be promptly exterminated by a certified exterminator and by approved processes which will not be injurious to human health. A submission of documentation from the certified exterminator shall be made to the Borough. After pest elimination, proper precautions shall be taken to prevent reinfestation.

312.2 Owner. The owner of any structure or premises shall be responsible for pest elimination.

SECTION 313 REFRIGERATORS AND ITEMS FREE FOR PICK UP

313.1 Refrigerators. Refrigerators and similar equipment not in operation shall not be stored on premises in view of the public even if covered. Doors shall be removed from refrigerators and freezers.

313.2 Items free for pick up. Items placed outside marked for free pick up shall not be left for more than 72 hours.

SECTION 314 FIRE HAZARDS

314.1 Fire Hazards. All structures and premises are to be kept free of unsafe accumulations of potentially fire causing or starting products and materials.

CHAPTER 4 SANITARY AND STORM DRAINAGE

SECTION 401 SANITARY DRAINAGE SYSTEM

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

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

SECTION 402 STORM DRAINAGE

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

No property shall be graded to discharge water onto another's property and no drainage or discharge of stormwater or rain spouting shall be permitted onto another's property without written consent of the owner of the receiving property. All said discharge must be routed to storm sewer or handled via alternate methods as may be approved by the Borough. Borough Stormwater Ordinance No. 4-14 shall additionally be adhered to.

402.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. **Exception:** Approved stormwater management detention and retention areas.

CHAPTER 5 WINDOWS AND DOORS BOARDING STANDARD

SECTION 501 GENERAL

501.1 General. All windows and doors which are inoperable, not intact or missing shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure. This section does not apply to a property undergoing construction, reconstruction or repair pursuant to a current building permit or a property damaged by flood or fire, but only for a period not to exceed 90 calendar days following such flood or fire event.

SECTION 502 MATERIALS

502.1 Boarding sheet material. Boarding sheet material shall be minimum 1/2-inch (12.7 mm) thick wood structural panels complying with the Pennsylvania Uniform Construction Code.

502.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the Pennsylvania Uniform Construction Code.

502.3 Boarding fasteners. Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the Pennsylvania Uniform Construction Code.

SECTION 503 INSTALLATION

503.1 Boarding installation. The boarding installation shall be in accordance with Figures 503.1(1) and 503.1(2) and Sections 503.2 through 503.5.

503.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

503.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

503.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

503.5 Doors. Doors shall be secured by the same method as for windows or door openings. One operable door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

FIGURE 503.1(1)
BOARDING OF DOOR OR WINDOW

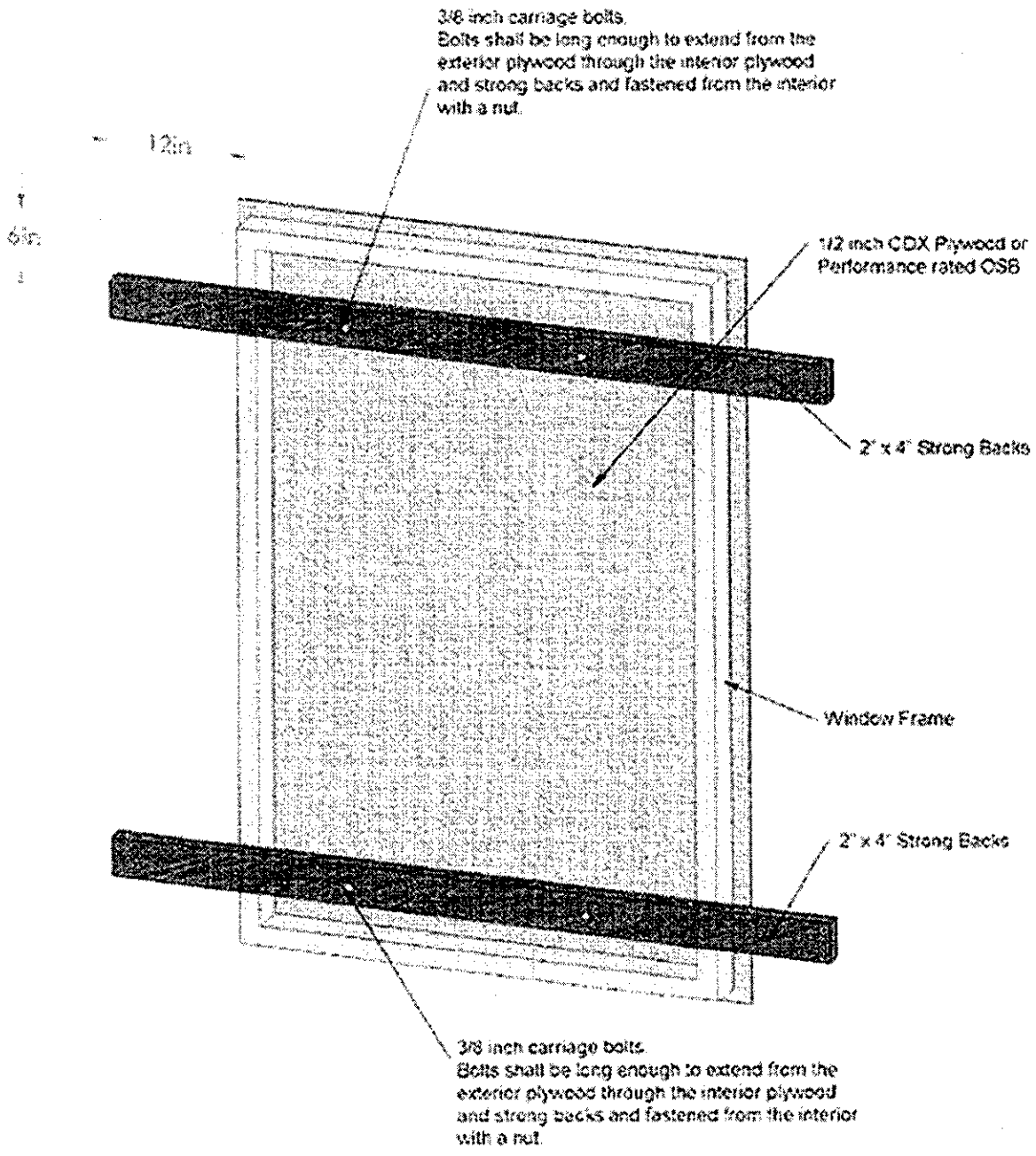
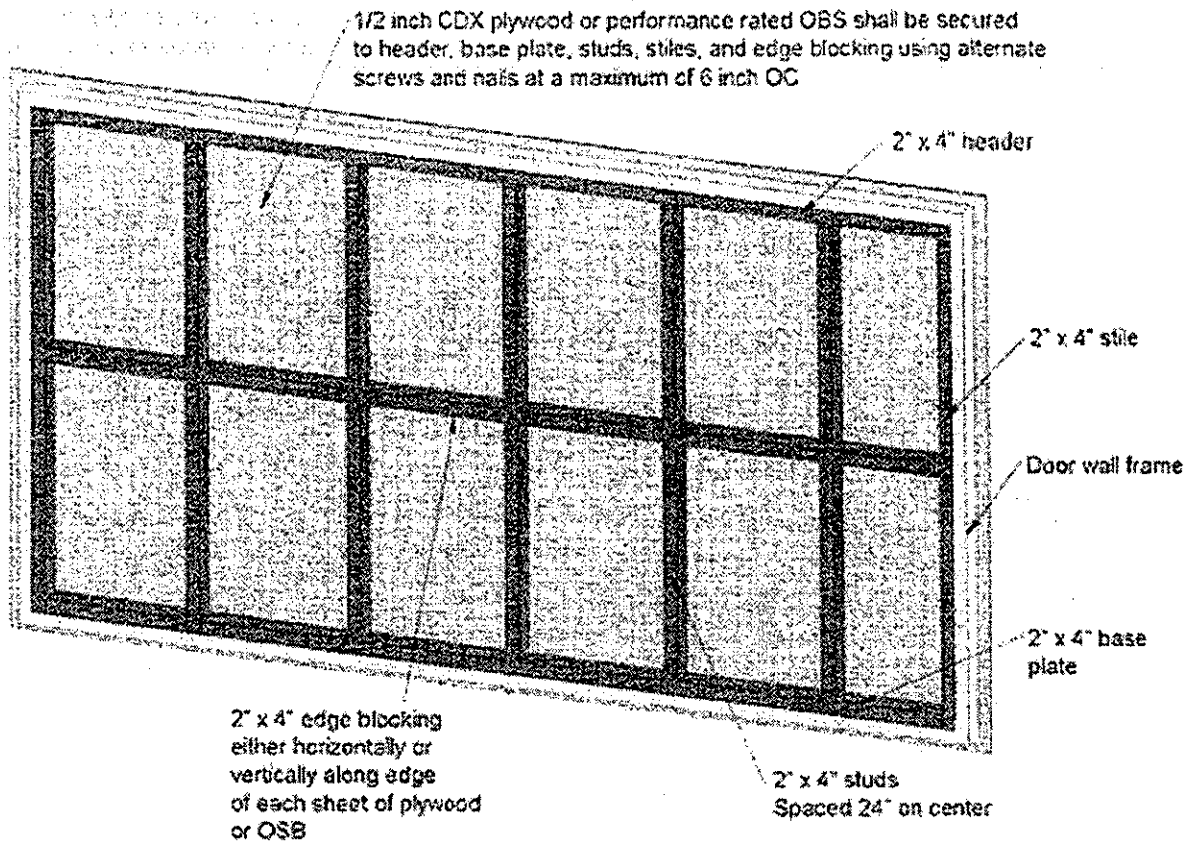


FIGURE 503.1(2)
BOARDING OF DOOR WALL



Section 5. Repealer.

Any ordinance of the Borough that conflicts with this Ordinance is hereby repealed.

Section 6. Severability.

The provisions of this Ordinance are severable. Should any portion of this Ordinance be declared by a final order of court invalid, the remaining provisions shall be unaffected by such declaration and shall remain in force and effect.

Section 7. Effective Date.

This Ordinance shall be in force and effective June 1, 2017.

ENACTED AND ORDAINED this 8th day of March, 2017.

MILLERSBURG BOROUGH
DAUPHIN COUNTY, PENNSYLVANIA

ATTEST:

Ann Bowman Jackson
Secretary

Christ C. Ditz
President

Richard D. Alherson
Mayor

SEAL