

**LEBOEUF TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2 -2019

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF LEBOEUF TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, PROVIDING FOR THE ADOPTION OF GENERAL STANDARDS, PROVIDING FOR DEFINITIONS, ESTABLISHING THE POWERS AND DUTIES OF A PROPERTY MAINTENANCE CODE OFFICIAL, PROVIDING FOR VIOLATIONS AND PENALTIES, PROVIDING FOR THE NOTICES AND ORDERS REGARDING VIOLATIONS, ESTABLISHING RULES FOR UNSAFE STRUCTURES, PROVIDING FOR ESTABLISHMENTS REGARDING EMERGENCY MEASURES, PROVIDING THE METHOD AND PROCEDURE FOR APPEALS, ESTABLISHING REQUIREMENTS FOR THE MAINTENANCE OF EXTERIOR STRUCTURES AND PROPERTY, ESTABLISHING REQUIREMENTS FOR THE MAINTENANCE OF INTERIOR STRUCTURES, AND PROVIDING FOR SEVERABILITY, REPEAL, AND AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of LeBoeuf Township (the "Township"), Erie County Pennsylvania, desire to prohibit the unreasonable, unwarrantable, or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, the Second Class Township Code, at 53 P.S. §66704-A, authorizes the Board of Supervisors of the Township to adopt a property maintenance code, to provide for a code enforcement official, and to take legal action against those who violate the property maintenance code; and

WHEREAS, after careful consideration, the Board of Supervisors of the Township intend to enact an Ordinance that will govern the requirements for the care of property within Township boundaries and provide the Township's Code Official with the authority of inspection and enforcement of property maintenance requirements; and

WHEREAS, the Board of Supervisors of the Township determined that is in the best interest of the citizens of the Township to adopt a Property Maintenance Code to achieve the above-listed goals.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of LeBoeuf Township, Erie County, Pennsylvania, as follows:

SECTION 1. GENERAL REQUIREMENTS AND APPLICABILITY

- a) Short Title. This Ordinance shall be known as the "Property Maintenance Code" Ordinance of the Township.
- b) Scope. The provisions of this Ordinance shall apply to all existing residential and nonresidential structures, and all existing premises, and shall constitute the minimum requirements and standards for premises, structures, equipment, and facilities for ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards and for safe and sanitary maintenance, the responsibility of owners, operators, and occupants, the occupancy of existing structures and premises and for administration enforcement and penalties.
- c) Intent. This Ordinance shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. 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.
- d) General Applicability. The provisions of this Ordinance shall apply to all matters affecting or relating to structures or premises, as set forth in Section 1(a). Where, in a specific case, different section of this Ordinance specify different requirements, the most restrictive provision shall govern.
- e) Maintenance. Equipment, systems, devices, and safeguards required by this Ordinance or a previous Ordinance or regulation under which the structure of the premises was constructed, altered, or repaired shall be maintained in good working order, which is required under this section to be removed from, shut off from, or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems, and devices in existing structures. Except as otherwise specified herein, the owner or owner's designated agent shall be responsible for the maintenance of buildings, structures, and premises.
- f) Applicability of Other Codes. Repairs, additions, or alterations to a structure or changes of occupancy, shall be done in accordance with the provisions of the Pennsylvania Construction Code Act, at 35 P.S. §7210.101 *et seq.*, as amended from time-to-time, and its associated regulations. Nothing in this Ordinance shall be construed to cancel, modify or set aside any provisions of the LeBoeuf Township Zoning Ordinance.
- g) Existing Remedies. The provisions in this Ordinance shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers, or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and/or unsanitary.
- h) Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Ordinance shall be executed and installed in a workmanlike manner, and installed in accordance with the manufacturer's installation instructions.

i) Historic Buildings. The provisions of this Ordinance shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official.

j) State Laws and Regulations. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, or by regulations of the departments or agencies of this Commonwealth promulgated by authority of law, or by Ordinances of the Township, such laws or regulations, as the case may be, shall control where the requirements are in excess of the provisions of this Ordinances.

k) Non-Applicability. Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this Ordinance, or other applicable laws or regulations, shall be determined by the Code Official.

SECTION 2. DEFINITIONS

The terms below are defined herein as follows:

- a) "Approved"- Approved by the Code Official.
- b) "Basement"- That portion of a building which is partly or completely below grade.
- c) "Code Official"- The official who is charged with the administration and enforcement of this Ordinance, or any duly authorized representative or deputy of the Code Official. The Code Official may be an individual, corporation, firm, partnership, organization, limited liability company or other formal designation of organization.
- d) "Condemn"- To adjudge unfit for occupancy.
- e) "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.
- f) "Equipment"- Mechanical and electrical apparatus, whether owned, lease, or borrowed, by the occupant or owner of the subject premises.
- g) "Exterior Property"- The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- h) "Extermination"- The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing and making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.
- i) "Garbage"- All miscellaneous materials not otherwise described herein as "junk," including, but not limited to, animal or vegetable waste resulting from the handling, preparation,

cooking, and consumption of food and refuse of all kinds resulting from the ordinary conduct of business or general housekeeping.

- j) "Infestation." The presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.
- k) "Junk"- Tractors, tractor parts, trailers and trailer parts, machinery and machinery parts outside of a fully enclosed building, which cannot be restored in complete working order, industrial by-products, and waste of every kind and nature, discarded lumbering and building materials, scrap metals, glass, other timber debris,
- l) "Occupancy"- The purpose for which a building or portion thereof is utilized or occupied.
- m) "Occupant"- Any individual living, having possession of space within, or sleeping in a building.
- n) "Owner"- Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property. Such definition shall include the guardian of an estate or the executor or administrator of an estate if ordered to take possession of real property by a court.
- o) "Person"- An individual, corporation, partnership, or any other group acting as a unit.
- p) "Premises"- A lot, plot, or parcel of land, easement, or public way, including any structures erected thereon.
- q) "Public Nuisance"- Includes, but is not limited to, the following:
 - 1) The physical condition or use of any premises regarded as a public nuisance at common law.
 - 2) Any physical condition, use or occupancy of any premises or appurtenances considered an "attractive nuisance to children, including, but not limited to, abandoned or junked vehicles, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
 - 3) Any premises which has unsanitary sewage or plumbing facilities.
 - 4) Any premises designated as unsafe for human habitation or use.
 - 5) Any premises which is capable of being a fire hazard or is manifestly unsafe or unsecure as to endanger life, limb, or property.
 - 6) Any premises from which the plumbing, heating, and/or facilities required by this code or the Pennsylvania Construction Code Act, 35 P.S.

§7210.101 *et seq.*, as amended from time-to-time, and its regulations, have been removed of from which the same utilities have been disconnected, destroyed, rendered ineffective or the required precautions against trespassers have not been provided.

- 7) Any premises which is unsanitary or which is littered with garbage, rubbish, junk, or which has an uncontrolled growth of grass and/or weeds.
 - 8) Any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, damaged by fire to the extent to no longer provide shelter, in danger of collapse or failure, and dangerous to anyone on or near the premises.
 - 9) Any exterior premises that contains uncovered cisterns, wells, or other obvious fracture in the land surface.
- r) "Public way"- Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.
- s) "Rubbish"- Combustible and noncombustible waste materials, except garbage; the term shall include, but not be limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.
- t) "Structure"- That which is built or constructed or a portion thereof.
- u) "Tenant"- A person, corporation, partnership, or group, whether or not the legal owner of records, occupying a building or portion thereof as a unit.

SECTION 3. PROPERTY MAINTENANCE CODE OFFICIAL

- a) Code Official. The executive official in charge of inspecting properties for compliance with this Ordinance, and for the enforcement of its provisions, shall be known as the Code Official. The Code Official shall have discretion in the enforcement of the provisions of this Ordinance with the approval of the Board of Supervisors.
- b) Appointment. The Code Official shall be appointed by the LeBoeuf Township Board of Supervisors, by a majority vote.
- c) Deputies. The Code Official shall have the authority to appoint a deputy code official or officials, other related technical officers, inspectors, and other employees. Such appointment shall be approved by a majority vote of the LeBoeuf Township's Board of Supervisors.

d) Fees. The fee for activities and services performed by the Township in carrying out its responsibilities under this Ordinance shall be set by Resolution or Ordinance of the Township, from time-to-time.

e) Rule-Making Authority. The Code Official shall have the authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures, to interpret and implement the provisions of this Ordinance, to secure intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structure or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

f) Inspections. The Code Official shall make all of the requirement inspections, or shall accept reports inspection provided by approved agencies or individuals. All reports or such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. 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.

g) Right-of-Entry. The Code Official is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

h) Identification. The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Ordinance.

i) Notices and Orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Ordinance.

j) Department Records. The Code Official shall keep official records of all business and activities of the Township as specified in the provisions of this Ordinance. Such records shall be retained in the official records of the Township as long as the building, structure, or premises to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 4. VIOLATIONS

a) Unlawful Acts. It shall be unlawful for a person, firm, corporation, or any other entity or legal structure to be in conflict with or in violation of any of the provisions of this Ordinance.

b) Notice of Violation. The Code Official shall serve a notice of violation or order in accordance with Section 5.

c) Prosecution of Violation and Penalties for the Violations. Any person, firm, corporation, entity or legal structure who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a Magisterial District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal

Procedure shall be guilty of a strict liability offense and shall be sentenced to pay a fine of not more than \$300.00, plus costs of prosecution and attorney's fees. Each day that a violation of this Ordinance, or each section of this Ordinance which shall be found to have been violated, shall constitute a separate offense. Any action taken by the Township on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

d) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Township 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.

e) Formal Complaints. Formal complaints regarding violations of this Ordinance, by Township residents and/or Township properties, must be presented, orally or in writing, to the Board of Supervisors.

SECTION 5. NOTICES AND ORDERS

a) Notice to Person Responsible. Whenever the Code Official determines that there has been a violation of this Ordinance or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 5(b) and 5(c). Notices for condemnation procedures shall also comply with Section 6(c).

b) Form. Such notice prescribed in Section 5(a) shall be in accordance with all of the following:

- 1) Be in writing.
- 2) Include a description of the real estate sufficient for identification.
- 3) Include a statement of the violation or violations and why the notice is being issued.
- 4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Ordinance.
- 5) Inform the property owner of the right to appeal.
- 6) Include a statement of the right to file a lien in accordance with Section 4(c).

c) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

- 1) Delivered personally;
- 2) Sent by certified or first-class mail addressed to the last known address; or
- 3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

d) Penalties. Penalties for noncompliance with orders and notices as set forth in Section 3(c).

e) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the Code Official, and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 6. UNSAFE STRUCTURES AND EQUIPMENT

a) General. When a structure or equipment is found by the Code Official to unsafe, or when a structure is found unlawful or unfit for human occupancy, such structure shall be condemned pursuant to the provisions of this Ordinance.

1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure.

3) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat-infested, contains filth and contamination, or lacks adequate ventilation, illumination, or heating facilities or other essential equipment required by this Ordinance, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted, or was erected, altered, or occupied contrary to law.

b) Closing of Vacant Structures. If a structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises, and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons,

and the cost thereof shall be charged against the real estate upon which the structure is located and shall be lien upon such real estate and may be collected by any other legal resource.

c) Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this Section, notice shall be posted in a conspicuous place in or about the structure or equipment affected by such notice, and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 5(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 5(b).

d) Placarding. Upon failure to the owner or person responsible for the condemned property to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

1) Placard Removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Ordinance.

e) 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 or shall operate placarded equipment, and any owner or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Ordinance.

SECTION 7 EMERGENCY MEASURES

a) Imminent Danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowers to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

b) Temporary Safeguards. Notwithstanding other provisions of this Ordinance, 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

described herein has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

c) Closing Streets. When necessary for public safety, the Code Official shall temporarily close structures and work with the Pennsylvania Department of Transportation or other applicable agencies to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

d) Emergency Repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

e) Cost of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid to the Township. The Township Solicitor shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs, if necessary.

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

SECTION 8. APPEALS

a) Application for Appeal. Any person directly affected by a decision of the Code Official, or a notice or order issued under this Ordinance, shall have the right to appeal to the Township Board of Appeals, provided that a complete written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. A written application for appeal shall not be determined to be complete unless and until the fee for the appeal is paid in full. An application for appeal shall be based on a claim that the true intent of this Ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Ordinance do not fully apply, or the requirements of this Ordinance are adequately satisfied by other means.

b) Creation and Membership of the Board of Appeals. The Board of Appeals shall be formed pursuant to the Construction Code Act, at 35 P.S. §7210.501 and shall consist of a minimum of three (3) citizens of the Township. The membership of the Board of Appeals shall be appointed by the Board of Supervisors of the Township, by majority vote. The members of the Board of Appeals shall serve staggered and overlapping terms.

1) Alternate Members. The Board of Supervisors of the Township may appoint two (2) or more alternate members who shall be called by the Board of Appeals to hear appeals if an appointed member of the Board of Appeals is absent or disqualified. Alternate members shall be citizens of the Township.

2) Chairman. The Board of Appeals shall appoint one of its members to serve as Chairman.

- 3) Quorum. A quorum shall consist of a majority of the members of the Board of Appeals, to include alternates in the case of absence or disqualification.
- 4) Disqualification. A member of the Board of Appeals shall not hear an appeal in which that members has a conflict of interest, based upon an interest that is personal, professional, or financial in nature.
- 5) Secretary. The Secretary of the Board of Supervisors shall serve as the Secretary of the Board of Appeals. The secretary shall keep a detailed record of all proceedings before the Board of Appeals.
 - c) Notice of Hearing. The Board of Appeals shall hold a hearing within sixty (60) days after the date of an applicant's request and payment of required fees, unless the applicant has agreed in writing to an extension of time. The Board of Appeals shall notify the owner, the Code Official, and the Township's Zoning Officer of the date, time, and place of the hearing.
 - d) Open Hearing. All hearings before the Board of Appeal shall be properly advertised and open to the public. The applicant, the applicant's representative (if applicable), the Code Official, and any person whose interests are affected shall be given an opportunity to be heard.
 - e) Procedures. 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 by the Board of Appeals.
 - f) Decision. The Board of Appeals shall modify or reverse the decision of the Code Official, only by a concurring vote of a majority of its members. The decision shall be recorded and copies shall be furnished to the appellant and Code Official.
 - g) Enforcement. The Code of Official is authorized to take immediate action regarding the affected premises in accordance with the decision of the Board of Appeals.
 - h) Court Review. Any interested person shall have the right to appeal to the Court of Common Pleas for Erie County for a writ of certiorari to correct errors of law. An application for review by the Court of Common Pleas shall be made in the manner and time required by law, following the filing of the Board of Appeals Decision in the Township office.
 - i) Stay of Enforcement on Appeal. Appeals of Code Official decisions, notices, and Orders of the Board of Appeals shall stay the enforcement of the notice and order until the appeal is heard by either the Board of Appeals or the Court of Common Pleas.

SECTION 9. GENERAL EXTERIOR MAINTENANCE REQUIREMENTS

- a) Scope. The provisions of this Ordinance, and the Construction Code Act, at 35 P.S. §7210.101 *et seq.*, shall govern the minimum conditions and the responsibilities of persons for maintenance of the exterior of structures and exterior surrounding property.

- b) Responsibility. The owner of every premises shall maintain the structures and exterior property in compliance with this Ordinance, except as otherwise provided for in the Construction Code Act. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit or premises which they occupy and control.
- c) 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 health and safety of the public.
- d) Exterior Structure Maintenance. The exterior of a structure shall be maintained in good repair, shall remain structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare. All exterior surfaces, including, but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior woods surfaces shall be protected from the elements and decay. All metal surfaces subject to ruse or corrosion shall be coated to inhibit such rust and corrosion.
- e) Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.
- f) Foundation and Exterior Walls. All foundations wall and exterior walls shall be free from open cracks, break, and loose or rotting materials and maintained free from deterioration.
- g) Roofs and Drainage. The roof and flashing shall be sound, tight, and shall not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portions of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- h) Exterior Property Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition and in such a manner so as not to constitute a public nuisance. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary conditions.
- i) Erosion 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 on the premises. Approved retention basins and reservoirs are permitted upon premises upon approval of the Board of Supervisors.
- j) Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- k) Weeds and Overgrowth.

- 1) All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall include all grasses, annual plants and vegetation, other than trees or shrubs provided, however; this term shall not include cultivated flowers, gardens, cultivated grasslands, or agricultural crops.
- 2) Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of a violation by the Code Official, said owner or occupant shall be subject to prosecution as detailed in Section 4 of this Ordinance. Alternatively, upon failure to comply with the notice of violation, the Code Official and/or a duly authorized representative of the Township shall be authorized to enter upon the property in violation and cut and destroy the weeds growing there, and the costs of such removal shall be paid by the owner or agent responsible for the property.
 - l) Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
 - m) Accumulation of Junk, Rubbish, or Garbage. All exterior property and premise shall be free from any accumulation of junk, rubbish, or garbage. Every occupant of a structure shall dispose of all junk, rubbish, and garbage in a clean and sanitary manner. Maintenance of excessive junk, rubbish, or garbage on a premises shall constitute a public nuisance as defined herein. Individuals maintaining junk, rubbish, and/or garbage on their premises shall be subject to prosecution under Section 4 of this Ordinance. Alternatively, the Code Official and/or an employee of the Township shall enter the premises in violation and remove the junk, rubbish, and/or garbage, and bill the offending occupant of the property for the cost of effectuating such removal.
 - n) Accessory Structures. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally and in good repair.
 - o) Defacement of Property. No person shall intentionally damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereupon any marking, carving, or graffiti or by removing attached signage on the exterior of any premises. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
 - p) Swimming Pools. Swimming pools shall be maintained in a clean and sanitary conditions and in good repair.
 - q) American with Disabilities Act. All exterior structures and property shall be compliant with the American with Disabilities Act, 42 U.S.C. §12101 *et seq.*, when applicable.

SECTION 10 GENERAL INTERIOR MAINTENANCE REQUIREMENTS

- a) **Scope.** The provisions of this Ordinance, and the Construction Code Act, at 35 P.S. §7210.101 *et seq.*, shall govern the minimum conditions and the responsibilities of persons for maintenance of the interior of structure and premises.
- b) **Structural Members.** All structural members shall be maintained in structurally sound condition and be capable of supporting the imposed loads.
- c) **American with Disabilities Act.** All interior structures shall be compliant with the American with Disabilities Act, 42 U.S.C. §12101 *et seq.*, when applicable.
- d) **Stairs and Walking Surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- e) **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads.
- f) **Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

SECTION 11 MISCELLANEOUS

- a) **Repealer.** Any ordinances, rules, or resolutions, or parts of ordinances in conflict herewith shall be, and the same are hereby repealed.
- b) **Severability.** The provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.
- c) **Effective Date.** This Ordinance shall become effective on the fifth (5th) day after the date of enactment of this Ordinance.

ENACTED AND ORDAINED by the Board of Supervisors of LeBoeuf Township, Erie County, Pennsylvania, at a meeting duly assembled this 13th day of MARCH, 2019.

ATTEST:

Catherine Wise
Catherine Wise, Secretary

James H Glover
James Glover, Supervisor

Michael Porter
Michael Porter, Supervisor

Michael Whitman
Michael Whitman, Supervisor

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