

ORDINANCE NO. HR-359

Tredyffrin Township
Chester County, Pennsylvania

AN ORDINANCE AMENDING CHAPTER 149, PROPERTY MAINTENANCE, OF THE GENERAL LAWS OF TREDYFFRIN TOWNSHIP TO:

- **EXPAND APPLICATION OF THE CHAPTER FROM NONRESIDENTIAL PROPERTIES ONLY TO ALL PROPERTIES;**
- **TO ADD REGULATIONS PERTAINING TO MAINTENANCE OF OUTSIDE PREMISES, SPECIFICALLY SIDEWALKS AND UNINSPECTED OR UNREGISTERED VEHICLES, AND TO BUILDING EXTERIORS, SPECIFICALLY ROOFS, SWIMMING POOLS AND WALLS MARKED BY GRAFFITI;**
- **TO ADD REGULATIONS PERTAINING TO THE MAINTENANCE OF COMMERCIAL BUILDINGS, INCLUDING PROVISIONS FOR MINIMUM NUMBER OF BATHROOMS, REQUIRED HEAT, REQUIRED MEANS OF EGRESS AND USE OF HANDRAILS, AND STANDARDS FOR ELECTRICITY AND PLUMBING;**
- **TO ADD REQUIREMENTS FOR CLOSING OF VACANT STRUCTURES OR DEMOLITION OF UNSAFE STRUCTURES;**
- **TO CLARIFY PROCEDURES FOR NOTICE OF VIOLATIONS**
- **TO ADD A MEANS FOR APPEAL; AND**
- **TO ADD SECTIONS PERTAINING TO SEVERABILITY AND LIABILITY.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tredyffrin Township as follows:

SECTION I: Chapter 149, Property Maintenance, is deleted and replaced with the following:

§ 149-1. Title.

This article shall be known as the "Tredyffrin Township Property Maintenance Code" and may be referred to herein as "this code."

§ 149-2. Purposes.

The purposes of this code are to establish minimum standards of property maintenance to: (1) protect, preserve and promote the safety, physical and mental health and social well-being of the citizens of Tredyffrin Township and the general public; and (2) to reduce environmental hazards to health. Further purposes of this code are to establish the responsibilities of owners and occupants for compliance with the standards included herein, to make provision for administration and enforcement and to fix penalties for violations thereof.

§ 149-3. Scope.

The provisions of this code shall apply uniformly to the maintenance and use of all buildings, structures and premises, including individual residential, commercial, industrial and institutional

uses and uses included in shopping centers and industrial parks. The provisions shall apply uniformly to existing premises, buildings and structures, irrespective of when or under what codes said buildings were originally constructed, altered or repaired, and to all buildings and structures hereafter constructed.

§ 149-4. Definitions; word usage.

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this article. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular. Where terms are not defined in this article but are defined in the Township Building Code, they shall have the meanings ascribed to them as in the Building Code. Where terms are not defined under the provisions of this code or under the provisions of the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

COMPOST – Relatively stable decomposed or decomposing organic matter.

DETERIORATION — The exterior condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, resulting from neglect, inadequate maintenance or excessive use.

EXPOSED TO PUBLIC VIEW — Any premises, or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public, from a public street, sidewalk or right-of-way.

EXTERMINATION — The control and elimination of insects, rodents, vermin and other pests.

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or other organic materials.

INFESTATION — The presence of insects, rodents, vermin or other pests on the premises which constitutes a health hazard.

NUISANCE

- A. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes or regulations of the Commonwealth of Pennsylvania or the ordinances or regulations of Chester County or of Tredyffrin Township.
- B. Any attractive nuisance which may prove detrimental to the health or safety of persons whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, excavations, abandoned refrigerators, motor vehicles, or other equipment, trash or debris, which may prove hazardous to inquisitive persons.
- C. Unsanitary conditions or anything dangerous to health, in violation of this code.

OPERATOR — Any person who has charge, care or control of a building premises or a part thereof, whether with or without the knowledge and/or consent of the owner.

OUTSIDE PREMISES — Open space on the premises outside of any building thereon.

OWNER — Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control of any premises as owner or agent of the owner or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any premises shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PREMISES — A lot, plot or parcel of land, including the buildings or structures thereon, which is subject to the provisions of this code.

PUTRESCIBLE — Liable to undergo putrefaction; becoming rotten and foul-smelling.

REFUSE — All putrescible and nonputrescible solid waste (except body wastes), including but not limited to glass, garbage, rubbish, ashes, street cleanings, dead animals, uninspected or unregistered vehicles and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

WEATHERING — Deterioration, decay, rotting or damage caused by exposure to the elements.

WEED – Any rank vegetative growth including, but not limited to, poison ivy, jimsonweed, burdock, ragweed, thistle, nettle, sumac, goldenrod, tall grasses in excess of twelve (12) inches in height, cocklebur, plants of obnoxious odors or any other plant or vegetation whatsoever not edible or planted for ornamental or agricultural purposes. Weeds shall not include trees, shrubs, crops, cultivated flowers or gardens.

§ 149-5. Minimum requirements for building exterior and outside premises.

A. Outside premises. All outside premises, whether occupied or vacant, shall be kept free of unsanitary conditions and of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing or exposed to the premises. Unsanitary conditions, nuisances and hazards include, but are not limited to, the following for any outside premises:

- (1) Vegetation, defined as:
 - (a) Excessive weeds.

- (b) Hedges, trees, shrubs or other vegetation that obstruct the approach sight distance of any highway, street, driveway, traffic signal, traffic signal sign or crosswalk.
 - (c) Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
- (2) Loose and overhanging objects and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on and causing injury or damage to persons or property in the vicinity thereof.
- (3) Ground surface hazards or unsanitary conditions, including holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow and excretion of animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises.
- (4) Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
- (5) Sources of infestation. All structures and outside premises shall be kept free from insect infestation and rodent harborage.
- (6) All sidewalks, walkways, public driveways, parking spaces and similar areas on or abutting the property shall be maintained free from conditions that are hazardous to pedestrians, including but not limited to permanent or semi-permanent obstructions. Branches or limbs that overhang such walkways shall be no less than seven (7) feet above the walkway below.
- (7) No uninspected or unregistered motor vehicle shall be stored on an outside premises at any time in a state of major disassembly, disrepair, or in the process of being stripped or dismantled for longer than thirty (30) days. Inoperable vehicles may not be stored on an outside premises for longer than thirty (30) days.
- (8) All premises shall be kept free from an accumulation of rubbish and refuse. The owner of every occupied premises shall supply leak proof containers with tight-fitting covers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Every occupant of a structure shall dispose of all rubbish and garbage in a sanitary manner by placing such rubbish in containers. Composting material placed in piles, ventilated bins or pits shall not be considered garbage, rubbish or refuse provided the material is periodically turned or mixed. Refrigerators and similar equipment not in

operation shall not be discarded, abandoned or stored on an outside premises without first removing the doors.

- B. Landscaping. Premises with landscaping and lawns, hedges and bushes shall be kept from becoming overgrown and unsightly where exposed to public view, so that they do not constitute a blighting factor to adjoining property.
- C. Exterior of buildings and structures. The following maintenance requirements shall apply to the exterior of all buildings and structures, including accessory buildings and structures:
- (1) The exterior of every structure or accessory structure (including fences) shall be maintained in a condition or state of repair which is free of broken or missing glass, loose shingles, crumbling stone or brick, excessive peeling paints, rotted wood or other condition indicative of deterioration or inadequate maintenance to the end that the property itself may be preserved in good condition, safety and fire hazards eliminated and so rain, rodents, insects, vermin or other pests or animals likely to cause deterioration shall be prevented from entering.
 - (2) Exterior porches, landings, balconies, stairs, fire escapes, banisters, railings and decorative features such as cornices, belt courses, corbels, terra cotta trim and wall facings shall be kept structurally sound and properly maintained.
 - (3) Foundation walls, columns, posts, piers, chimneys, handrails, guards and other structural members shall be kept structurally sound and free from defects and damage.
 - (4) Windows, exterior doors and basement hatchways shall be substantially tight, within frames when closed, and kept in sound condition and repair, without open cracks or holes.
 - (5) Roofs and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration. 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.
 - (6) Swimming pools shall be maintained in good repair and in a sanitary condition. Private swimming pools, hot tubs and spas containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches 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 in an open position of 6 inches from the gatepost.

No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Spas or hot tubs with a safety cover that complies with ASTM F1346 or subsequent amendment shall be exempt from the provisions of this amendment.

- (7) In the event that the exterior surface of any structure or building on any public or private property has been defaced or damaged by a marking, carving or graffiti, it shall be the responsibility of the property owner to remove or repair any such marking, carving or graffiti within ten (10) business days.

D. Maintenance of commercial, industrial and institutional uses. In addition to the maintenance requirements for outside premises and exterior structures of Subsections A through C above, the owner and/or the lessees, assignee or entity responsible by contract for maintenance of any shopping center, industrial park or other commercial, industrial or institutional use shall be responsible for:

- (1) Full maintenance, repair and cleanliness of all roadways, parking areas, lawns, landscaped areas and buffer strips and other outside premises, including the regular removal of litter and refuse and mowing of lawn areas.
- (2) Repainting or remarking of traffic lines and lanes indicating parking spaces, traffic flow, fire lanes, pedestrian walkways and other traffic control designations, so as to be clear and conspicuous at all times.
- (3) The maintenance and replacement or repair of paving, bumper blocks, guide rails and lighting installations in parking areas and entrances thereto.
- (4) The maintenance of any fences in good repair along the perimeter of the premises.
- (5) The prompt removal or abatement of any nuisance and any hazard to the health and safety of occupants, pedestrians, motorists and other persons utilizing or exposed to the premises.
- (6) The removal and replacement of plantings or other landscaping features which were required as a condition of site plan or other approval, but which did not survive.
- (7) The maintenance of all signs in good repair. Any sign which has weathered excessively or faded or the paint on which has excessively peeled or cracked, such that the sign no longer serves its intended purpose shall, with its supporting members, be removed or put into a state of good repair. All nonoperative electrical signs shall be repaired or shall, with their supporting members, be removed. All signs shall comply with Zoning Ordinance requirements.

- (8) The maintenance of any awning or marquee in good repair. Such awning or marquee shall not show evidence of excessive weathering, discoloration, ripping, tearing or other deterioration and shall not constitute a nuisance or safety hazard.
- (9) Providing a minimum of one working bathroom and one drinking facility for employees that are accessible from within the employees' working area. The floor of every bathroom shall be maintained with a hard, smooth and nonabsorbent surface to permit such floor to be kept in a sanitary condition. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in bathrooms.
- (10) Supplying indoor occupiable work spaces with heat during the period from October 15 to April 15 to maintain a temperature of not less than 65 degrees Fahrenheit during the period the spaces are occupied. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.
- (11) The maintenance of the electrical system free from hazards. Any defects relating to inadequate service, improper fusing, improper wiring or installation, deterioration or damage shall be corrected to eliminate the hazard.
- (12) Providing a safe, continuous and unobstructed path of travel from any point in a building or structure to a public way. All means of egress doors and emergency openings shall not be blocked or obstructed or otherwise made inoperable. All means of egress doors and emergency openings shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. Bars, grilles, gates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Building Code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
- (13) Providing adequate handrails and guards. Every 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, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Except where exempt by the building code, guards shall not be less than 30 inches high above the first floor of the landing, balcony, ramp or other walking surface.
- (14) The maintenance of plumbing systems. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and

defects. Where it is found that a plumbing system constitutes a hazard by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

§ 149-6. Vacant or unsafe structures.

- A. Closing of vacant structures. All vacant structures and premises thereof or vacant land shall be maintained in a safe, secure and sanitary condition so as not to adversely affect public health or safety. 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 order the structure closed up so as not to be a nuisance. Upon failure of the owner to close up a vacant 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.

- B. Emergency measures. When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of any 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, 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 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. The Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency. The Township may institute appropriate action against the owner of the premises where the unsafe structure is or was for the recovery of any costs incurred by the Township in the performance of emergency work.

- C. Demolition. The Code Official shall order the owner of any structure which is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or when there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. If the owner of a structure 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.

§ 149-7. Enforcement.

The Director of the Department of Building and Zoning is hereby designated to enforce the provisions of this code. The Director of Building and Zoning shall be appointed by the Township Manager and shall be certified by the Commonwealth of Pennsylvania to serve as the Township's Building Code Official. The Director may designate building inspectors in the Department to make inspections and perform such other duties as may be necessary to the enforcement of this code, who shall also be certified by the Commonwealth of Pennsylvania under the Uniform Construction Code Act. The Director of Building and Zoning and building inspectors shall be referred to in this code as "Code Official." Code Officials shall have the right to issue necessary notices of violations and orders to abate illegal or unsafe conditions and, in the event of noncompliance, to institute appropriate actions at law or in equity. Code Officials shall have the right to enter any property or structure: (1) pursuant to an administrative warrant; (2) that is abandoned; (3) with the consent of the owner or occupant; or (4) in the case of exigent circumstances, including imminent danger of injury to any person or serious damage to property. An administrative warrant shall be issued by a magisterial district justice or other court of competent jurisdiction upon a showing of: (1) specific evidence of an existing statutory or regulatory violation; or (2) a reasonable plan supported by a valid and neutral public interest.

§ 149-8. Responsibilities of owners and occupants.

- A. In the absence of specific contractual agreements between owners and occupants with respect to responsibilities for compliance with the requirements of this code, the following shall apply:
 - (1) Responsibility for maintaining premises in a clean and sanitary condition:
 - (a) Single unit: owner and/or occupant, at the Township's discretion.
 - (b) Building containing two or more units: owner for shared or public areas of the premises; owner and/or occupant, at the Township's discretion, for all other areas.
 - (2) Responsibility for structural repairs, maintenance and painting of the exterior of the building, parking lot, sidewalk and curb repairs, common lawn and landscaped areas maintenance and other requirements, other than those provided for in Subsection A(1)(a) above: owner.
- B. No owner shall be relieved of responsibility for compliance nor be entitled to defend against any change or violation thereof by reason of the fact that he has contracted with an agent to be responsible therefore or by reason of the fact that the owner's agent or the occupant is also jointly responsible therefor and in violation thereof.

§ 149-9. Notices.

- A. The Code Official shall issue all necessary notices or orders to ensure compliance with this code. Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner of the property, the lessee of the property, and/or the person responsible for the violation as specified in this code.
- B. The form of such notice shall be in accordance with all of the following:
- (1) Be in writing.
 - (2) Include the Chester County tax parcel identification number and address for the real estate.
 - (3) Include a statement of the violation or violations and why the notice is being issued.
 - (4) Include a correction order allowing a minimum of ten (10) days to make the repairs and improvements required to bring the premises into compliance with the provisions of this code. The number of days granted for compliance shall be computed by excluding the date of receipt and counting the last day, regardless of whether the same falls on a weekend or holiday.
 - (5) Inform the property owner, lessee and/or the person responsible for the violation of the right to appeal.
 - (6) Include a statement of the right to file a lien in accordance with the provisions of this code.
- C. 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 to the owner of record as indicated by the Chester County Tax Department and/or the occupant; 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 premises affected by such notice.
- D. Said notice requirement to invoke the penalty provisions of this code shall not be required, however, in the event of an emergency situation where there is imminent danger of substantial harm to property or threat to human life. In such a situation, personal notice to the owner or occupant of the property shall constitute the necessary notice required to invoke the penalty provisions of this code.

§ 149-10. Violations and penalties.

Any person, firm, corporation, partnership or other entity who or which violates or permits a violation of this article, after notice as set forth in Section §149-9 above, upon being found liable in a civil enforcement proceeding, shall pay a fine of not more than \$1,000, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this code. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court of Common Pleas of Chester County. If the defendant neither pays nor timely appeals the judgment, the Township may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of unlawful occupancy of the premises in violation of the provisions of this code. Each day a violation continues after due notice has been served shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 149-11. Means of appeal.

The Township has formed an ICC Board of Appeals (Board), which Board shall hear and decide appeals, orders, decisions or determinations made by the Code Official relative to the application and interpretation of all building and property maintenance codes, including this code. Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board, provided that a written request for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The members of the Board shall be appointed by the Board of Supervisors and shall be governed by the rules and regulations adopted by the Township. Appeals of notices and orders, other than notices regarding imminent dangers, shall stay the enforcement of the notice and order until the appeal is heard by the Board.

§ 149-12. Conflict of ordinances.

In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of Tredyffrin Township, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

§ 149-13. Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this code.

§ 149-14. Liability.

The Code Official or any subordinate charged with enforcement of this code, while acting for Tredyffrin Township, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties, with the exception of conduct that is intentional, willful, outrageous or malicious.

Any suit initiated against any Code Official in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of Tredyffrin Township until the final determination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any employee of the Department of Building and Zoning, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION II: This Ordinance shall become effective thirty-one (31) days from enactment.

ENACTED and **ORDAINED** this 20th day of August, 2007, by the Board of Supervisors of Tredyffrin Township.

BOARD OF SUPERVISORS
TREDYFFRIN TOWNSHIP

ATTEST:

By: _____
Chairman

Manager