

# ***London Britain Township***

## **Property Maintenance Code**

ADOPTED

August 14, 2017

## **CHAPTER 1**

### **ADMINISTRATION**

#### **SECTION 101**

##### **GENERAL**

- 101.1 Title. These regulations shall be known as the Property Maintenance Code of London Britain Township, hereinafter referred to as "this code".
- 101.2 Scope. The provisions of this code shall apply to all residential and nonresidential structures and premises in London Britain Township and constitute minimum requirements and standards for premises and structures for sanitation and 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 the administration, enforcement and penalties.
- 101.3 Intent. This code shall be construed to implement 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 that do not meet the requirements of this code. 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.
- 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional or invalid by a court with jurisdiction, such decision shall not affect the validity of the remaining portions of this code.

#### **SECTION 102**

##### **APPLICABILITY**

- 102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- 102.2 Maintenance. Equipment, systems, devices, and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this section to be removed or 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 the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

- 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes or changes of occupancy, shall be done in accordance with the provisions of the London Britain Township Building Code and the London Britain Township Zoning Ordinance as applicable.
- 102.4 Existing remedies. The provisions of this code shall not be construed to abolish or impair existing remedies of London Britain Township or its officials or agencies relating to the removal or demolition or 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 manner and in accordance with the manufacturer's specifications.
- 102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe.
- 102.7 Reserved.
- 102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

### **SECTION 103**

#### **CODE OFFICIAL**

- 103.1 General. The London Britain Township Zoning Officer and the London Britain Township Building Inspector shall be responsible for the enforcement and application of this code and each shall be known as the code official.
- 103.2 Appointment. The code official shall be appointed by the London Britain Township Board of Supervisors who shall serve at the Board's pleasure.
- 103.3 Deputies. With the concurrence of the London Britain Township Board of Supervisors, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.
- 103.4 Liability. The code official, officer or employee charged with the enforcement of this code, while acting within his/her official capacity in good faith and without malice for London Britain 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.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of London Britain Township until the termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

## **SECTION 104**

### **DUTIES AND POWERS OF THE CODE OFFICIAL**

- 104.1 General. The code official shall enforce the provisions of this code
- 104.2 Rule-making authority. The code official shall have the authority, with the advice and consent of the London Britain Township Board of Supervisors, as necessary in the interest of the public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of the code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.
- 104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. 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 London Britain Township Board of Supervisors.
- 104.4 Right-of-entry. The code official is authorized to enter a 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.
- 104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- 104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.
- 104.7 Department records. The code official shall keep official records of all business and activities of administration of this code. Such records shall be retained in the official records in such manner and for so long as is required by the London Britain Township retention policy.

## SECTION 105

### APPROVAL

- 105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code for individual cases, the code official shall have the authority to grant modifications for individual cases upon application of the owner, 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 code requirements. The details of action granting modifications shall be recorded and entered in the Township files.
- 105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed in 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 in 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 tests to be made as evidence of compliance at no expense to London Britain Township.
- 105.3.1 Tests 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 performed by an approved agency.
- 105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.
- 105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

## **SECTION 106**

### **VIOLATIONS**

- 106.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in violation of any of the provisions of this code.
- 106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.
- 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be subject to prosecution by an action brought before a district justice in the same manner provided for enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The violation shall be deemed a strict liability offense.
- 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to a criminal fine no less than \$500 and no more than \$1000 per offense, plus the costs of prosecutions and reasonable attorney's fees. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- 106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the London Britain Township Board of Supervisors through its legal counsel from instituting appropriate action to restrain, correct or abate a violation, or 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; or to enforce an order or direction issued pursuant to this code.
- 106.6 Any costs, expenses and professional and legal fees incurred by the Township in enforcing the provisions of this code and/or remedying a violation of this code shall constitute a municipal claim under Pennsylvania law and may be filed as a lien against the subject property and collected in accordance with law.

## **SECTION 107**

### **NOTICES AND ORDERS**

- 107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe a violation has occurred, notice shall be given in the manner prescribed in Section 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices of condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 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 or premises into compliance with the provisions of the code.
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 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

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

107.4 Reserved.

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such a 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 108**

### **UNSAFE STRUCTURES**

108.1 General. When a structure is found by the code official to be unsafe, or when a structure is found to be unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

- 108.1.1 Unsafe structure. 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 is exhibiting faulty construction or unstable foundation, that partial or complete collapse is possible.
- 108.1.2 Reserved.
- 108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds such a structure 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 ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- 108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
- 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or agreement 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 remedy .
- 108.3 Notice. Whenever the code official has condemned a structure under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure in accordance with Section 107.3. The notice shall be in the form prescribed in Section 107.2
- 108.4 Placarding. Upon failure of the owner or persons 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.
- 108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a

condemnation placard without approval of the code official shall be subject to the penalties provided by this code.

- 108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

## SECTION 109

### EMERGENCY MEASURES

- 109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of 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 proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, 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 a structure except for the purpose of securing the structure, making the required repairs, removing the hazardous conditions or demolishing the same.
- 109.2 Temporary safeguards. Notwithstanding other provisions of the 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 an emergency.
- 109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- 109.4 Emergency repairs. For the purposes of this of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- 109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work under this Section 109 shall be paid by the Township. The legal counsel for London Britain Township shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. The costs shall be a municipal claim and be filed as a lien against the property.

## SECTION 110

### DEMOLITION

- 110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
- 110.2 Notices. All notices shall comply with Section 107.
- 110.3 Failure to comply. If the owner of a premise fails to comply with a demolition order within the time prescribed, the code official may 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 as a municipal claim and lien against the real estate and/or collected by any available legal remedy. .
- 110.4 Salvage materials. When any structure has been ordered demolished and removed, the London Britain Township Board of Supervisors or other designated officer under said contract or arrangement aforesaid in Section 110.3 shall have the right to sell the salvage and valuable materials at the 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 , for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## CHAPTER 2

### DEFINITIONS

#### SECTION 201

##### GENERAL

- 201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- 201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- 201.3 Reserved.
- 201.4 Terms not defined. Where terms are not defined through the methods authorized in this section, such terms shall have ordinarily accepted meanings such as the context implies.
- 201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit", or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

#### SECTION 202

##### GENERAL DEFINITIONS

**ACCESSORY STRUCTURE.** A permanent structure subordinate to the main building and on the same lot, whether adjoining or detached from the main building, and used for purposes customarily incidental to those of the main building.

**APPROVED.** Approved by the code official.

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

**CODE OFFICIAL.** The official in charge of the administration and enforcement of this code, or any duly authorized representative.

**COMPOST.** The biologically active material that results from decomposition of organic matter under controlled circumstances and generally used as a soil amendment prior to planting.

**CONDEMN.** To adjudge unfit for occupancy.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EXTERIOR PROPERTY.** The open space on premises and adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**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.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, halls, storage or utility space and similar areas are not considered habitable spaces.

**HISTORIC BUILDING.** Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

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

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

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

**LET FOR OCCUPANCY OF LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, building, premises or structure by a person who is or is not the legal owner of record

thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**MULCH.** Any material, organic or inorganic, that is spread of garden soil to cover it in order to conserve moisture, reduce weed growth, reduce erosion, or enhance the visual appearance of an area.

**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.

**OPENABLE AREA.** That part of a window, skylight or which is available for unobstructed ventilation and which opens directly to the outdoors.

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

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership, limited liability company, or any group or entity acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated by the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials except garbage; the term shall include the residue from burning of wood, coal, coke and other combustible materials, tires, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. The term shall also include inoperable and broken appliances, lawn equipment, electronic and household equipment.

**SANITARY CONDITION.** Of or relating to the conditions that affect hygiene and health, especially the supply of sewage facilities and clean drinking water. A condition of being hygienic and clean.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** Anything constructed or erected that requires location on the ground, or attachment to something having location on the ground.

**TENANT.** A person, corporation, partnership, limited liability company, entity or group: whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**VENTILATION.** The natural or mechanical process of plying conditioned or unconditioned air to, or removing air from, any space.

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

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

## CHAPTER 3

### GENERAL REQUIREMENTS

#### SECTION 301

##### GENERAL

- 301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of residential and commercial structures, equipment and exterior property.
- 301.2 Responsibility. The owner of the premises shall maintain the structure(s) and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the premises which they occupy and control.
- 301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety, or welfare.

#### SECTION 302

##### EXTERIOR PROPERTY AREAS

- 302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- 302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- Exception: Approved retention areas and reservoirs.
- 302.3 Walkways open to public access. All walkways, stairs and similar areas, open to public access shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- 302.3.1 Any of the following conditions, if not corrected, may be designated as a defective or hazardous sidewalk:
1. Missing sections of sidewalk;

2. Non-conformity to grade defined as a difference in elevation between adjoining sections of sidewalk or opposing edges of any fissures (cracks) on the sidewalk surface of three-fourths (3/4) of an inch or more;
3. Unstable walking surface due to defects on the surface such as fissures that have created a gap of three-fourths (3/4) of an inch or more, spalled finish conditions that create an unstable walking surface, or incomplete sections due to missing corners or pieces of the sidewalk section;
4. Non-conformity with applicable sections of the London Britain Township Zoning Ordinance.
5. Any debris or impediment to travel that is not removed within a 48 hour period including winter precipitation (ice and snow).

302.4 Weeds. All premises and exterior property located within 50 feet of an occupied structure shall be maintained free from weeds or plant growth in excess of 10 inches in height. All noxious weeds as described in Title 7 PA Code, Chapter 110, § 110.1 "Noxious weed control list" shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include agricultural plants, cultivated flowers and gardens. Plantings installed and maintained as part of a Township approved Landscape Plan shall be exempt from this Section.

302.4.1 The Township or any designated officer or employee of the Township shall give notice in accordance with Section 107.3, to the owner or occupant of said property, as the case may be, of any violation of this section, requiring compliance with the terms of this section within 10 days of the receipt of said notice.

302.4.2 Upon failure of the owner, occupant or agent having charge of a property to cut and destroy weeds after service of a notice of violation in accordance with Section 302.4.1, the served person shall be subject to prosecution in accordance with Section 106. In addition to the above, upon failure to comply with the notice of violation, any duly authorized employee of the Township or contractor hired by the Township shall be authorized to enter upon the property in violation and remove and destroy the weeds growing thereon, and the cost of such removal and destruction shall be paid by the owner, occupant or agent responsible for the property. The amount due and owing, including costs and expenses, shall be a municipal claim against the property and may be collected by the Township by either the filing of a municipal lien or the filing of a civil action for the collection of the amounts due and owing to the Township in order to reimburse the Township for its costs and expenses.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated

by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

- 302.6 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

### SECTION 303

#### SWIMMING POOLS, SPAS AND HOT TUBS

- 303.1 Swimming Pools. Swimming pools shall be maintained in a clean, sanitary condition, and in good repair.
- 303.2 Enclosures. All swimming pools shall be enclosed in compliance with the International Code Council Swimming Pool and Spa Code.

### SECTION 304

#### EXTERIOR STRUCTURE

- 304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- 304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:
1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
  2. 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;
  3. Structures or components thereof that have reached their limit state;
  4. 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;
  5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;

6. 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;
7. 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;
8. 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;
9. Exterior 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;
10. 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;
11. 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;
12. 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
13. 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.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

- 304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in a safe condition.
- 304.3 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. These numbers shall contrast with their background. The numbers shall be Arabic numerals not less than 4 inches in height with a minimum stroke width of 0.5 inch.
- 304.4 Overhang extensions. All overhung 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 safe condition.

### **SECTION 305**

#### **INTERIOR STRUCTURE**

Reserved

### **SECTION 306**

#### **HANDRAILS AND GUARDRAILS**

Reserved

### **SECTION 307**

#### **RUBBISH AND GARBAGE**

- 307.1 Accumulation of rubbish or garbage. All exterior property and premises shall be free from any accumulation of rubbish or garbage. The storage of building materials, appliances, and other household items shall be in an enclosed building or shall be totally screened from adjoining properties. In no case shall such items be stored in the front yard or any yard abutting a right-of-way unless it is set back a minimum of 75 feet from said right-of-way.
- 307.2 Disposal of rubbish. Every occupant of a structure shall dispose of rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- 307.2.1 Rubbish storage facilities. The owner of every occupied premise shall supply approved containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- 307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
- 307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage containers.

- 307.3.1 Garbage facilities. The owner of every dwelling unit shall supply one of the following: an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, covered, outside garbage container.
- 307.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
- 307.3.3 Disposal. The operator of every establishment producing garbage shall provide or cause to be provided the regular and timely manner for the disposal from the property.
- 307.4 Compost and mulch storage. The storage of mulch and compost shall be exempt from this section provided the following conditions are met.
- 307.4.1 Compost and mulch deliveries. Commercial compost and mulch delivered to a site shall be used immediately on the site and in no case shall it be dumped within a public right-of-way or drainage easement.
- 307.4.2 Compost and mulch creation and storage. The creation and storage of compost and mulch on a property shall be solely from materials generated by the property. The storage shall be limited to 300 cubic feet per acre of land. All storage shall be a minimum of 10 feet from any property line and building and a minimum of 40 feet from any neighboring dwellings.

## **SECTION 308**

### **EXTERMINATION**

- 308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly treated by approved processes that will not be injurious to human health. After treatment, proper precautions shall be taken to prevent re-infestation.
- 308.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- 308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- 308.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If

infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

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

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## **SECTION 309**

### **SIGNAGE**

- 309.1 Prohibited and Obsolete Signs. All signs which are not in compliance with the London Britain Township Zoning Ordinance and signs with expired zoning permits shall be removed or replaced to comply with the Zoning Ordinance and this code. .
- 309.2 Sign Maintenance. All signage shall be maintained in good condition and shall not show evidence of deterioration.
- 309.3 Visibility Triangles. All signage shall be located outside of all visibility (sight) triangles at intersections and ingress/egress points, and shall not be located in such a manner as to constitute a traffic or safety hazard.