

Chapter 75

PROPERTY MAINTENANCE

ARTICLE I

Property Maintenance Code

- § 75.1. Adoption of standard.
- § 75.2. Amendments to standard.
- § 75.3. Provisions excluded from adoption.
- § 75.4. Effect of adoption.
- § 75.5. Copies on file.
- § 75.6. Firewood Regulations. [Added 11-05-99 by Ord. No. 905]
- § 75.7. Pest Control Regulations. [Amended 3-20-02 by Ord. No. 943]
- § 75.8. Recovery of Costs of Abatement. [Added 7-19-00 by Ord. No. 914; Amended 3-20-02 by Ord. No. 943]

ARTICLE II

Means of Appeal

- § 75.9. Appeal Process. [Amended 12-15-04 by Ord. No. 975]

[HISTORY: Adopted by the Borough Council of the Borough of Whitehall 8-20-69 as Ord. No. 465. Section 75.5 amended at time of adoption of CODE; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable. Amended 8-19-98 by Ord. No. 888.]

- § 75.1. Adoption of Standard.

The BOCA National Property Maintenance Code, Fifth Edition, 1996, as published by the Building Officials and Code Administrators International, Inc., shall be and it is hereby adopted as the Property Maintenance Code for the Borough of Whitehall for the control of buildings and structures as hereinafter provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted and made a part here of as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

- § 75.2. Amendments to standard.

The following sections of the BOCA National Property Maintenance Code, Fifth Edition, 1996, are hereby revised as follows:

75.2.1. Section PM-101.1 shall be revised by the insertion of the following "Borough of Whitehall."

75.2.2. Section PM-106.2 Penalties shall be revised by inserting the following: "shall be guilty of a summary offense punishable by a fine of not more than Three Hundred dollars (\$300.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment."

75.2.3. Section PM-304.15 shall be revised by inserting the dates "March 1 to November 1."

75.2.4. Section PM-602.2.1 shall be revised by inserting the dates "September 1 to May 31."

75.2.5. Section PM-602.3 shall be revised by inserting the dates "September 1 to May 31."

§ 75.3. Provisions excluded from adoption.

The following Articles and Sections of the BOCA National Property Maintenance Code, Fifth Edition, 1996 are specifically not adopted.

75.3.1. Section PM-111.1 through Section PM-111.6.2 which shall be replaced with Article II of this Chapter.

§ 75.4. Effect of adoption.

Nothing in this Chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any Court or any rights acquired or liability incurred or any cause or causes of action accrued or existing under any Act or Ordinance hereby repealed nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Chapter.

§ 75.5. Copies on file.

The Borough Secretary shall maintain a copy of the National Property Maintenance Code hereby adopted on file in the Borough office and the Borough Code Enforcement Officer shall maintain two copies of the Code herein adopted on file in the Code Enforcement Office of the Borough of Whitehall.

§ 75.6. Firewood Regulations. [Added 11-05-99 by Ord. No. 905]

In addition to the provisions of Section PM-303 of the BOCA National Property Maintenance code, the following regulations shall apply in exterior property areas:

FIREWOOD: Firewood, defined as wood prepared for use as a heating fuel or for the purpose of burning in an indoor fireplace or a wood-burning furnace, shall be stacked in an orderly fashion not to exceed a four foot (4') height and shall be

stored a minimum of four inches (4") off the ground and maintained so as not to harbor insect and/or rodent infestation. Firewood shall be stored in the rear yard a minimum of five feet (5') from the side and rear property lines, except that a day-rack limited to one-eighth cord (16 cubic feet) may be stored against a dwelling.

§ 75.7. Pest Control Regulations. [Amended 3-20-02 by Ord. No. 943]

In addition to the provisions of Sections PM 302, PM 303, PM 306 and PM 307 of the BOCA National Property Maintenance Code, the following regulations shall apply to all exterior property areas and premises:

"Public nuisance" as set out at PM 302 of said Property Maintenance Code shall also include: Any premises in a state of infestation or in a condition inviting infestation. Conditions known to be attractive to rats, rodents, raccoons, vermin, pigeons, nuisance insects or other such pests are prohibited, including but not limited to those created by the spreading of bird seed, animal food, food crumbs, or other food materials onto the ground, or the failure to prevent feed container materials from falling to the ground without immediate removal; the disposal of grass clippings, yard trimmings, leaves and branches upon exterior property areas; the improper storage of composting or fertilizer materials in direct contact with the ground surface; allowing pet feces and waste to remain upon exterior property areas without proper clean up and disposal on an immediate and regular daily basis; storage or accumulation of any substance or material upon exterior property areas in a manner likely to create a condition attractive to rats and their harbor.

75.7.1. The regulations set out in Section PM 307 (307.1 to 307.5) of the BOCA Property Maintenance Code shall be deleted from this article and shall be replaced with the following: PM 307 - Extermination; PM 307.1 - Infestation. Any premises on or in which rats or nuisance insects are found shall be promptly exterminated by approved processes. Extermination shall be the responsibility of the owner of the premises.

§ 75.8. Recovery of Costs of Abatement. [Added 7-19-00 by Ord. No. 914; Amended 3-20-02 by Ord. No. 943]

In case any owner or occupant shall fail to comply with any notice to correct or abate any condition which may adversely affect the health and welfare of the public pursuant to the provisions of this Chapter, the Borough Manager or Code Enforcement Officer may elect to enter the property and proceed to have the condition removed, corrected or abated and shall charge said owner or occupant the actual cost to the Borough for the labor involved, the material involved, and the use of equipment together with a penalty of ten percent (10%) of the actual cost. Any charges remaining unpaid after thirty (30) days written notice shall be turned over to the Borough Solicitor for collection in the manner provided by law for the collection of municipal claims or in an action in assumpsit.

ARTICLE II
Means of Appeal [Amended 12-15-04 by Ord. No. 975]

§ 75.9. Appeal Process.

Any person aggrieved shall have the right to appeal a decision under this Code pursuant to the following procedure:

75.9.1. Any person aggrieved by a decision under this Code may appeal to the Board of Appeals established by Council. Such appeal shall be filed within twenty (20) days after the date of the decision, notice or order was served. Such appeal shall be considered by the Board of Appeals pursuant to the Uniform Construction Code. The decision of the Board of Appeals shall be made within thirty (30) days after consideration, and the decision of the Board of Appeals shall be final.

75.9.2. In any case where the Board of Appeals determines the appeal is not well founded, any person aggrieved thereby may, within ten (10) days thereafter or such other time as may be set by Rules of Court, appeal therefrom by petition to the Court of Common Pleas of Allegheny County as provided by law.