

7501

Chapter 75**PROPERTY MAINTENANCE****ARTICLE I*****Property Maintenance Code***

- § 75.1. Adoption of standard.
- § 75.2. Amendments.
- § 75.3. Effect of adoption.
- § 75.4. Copies on file.
- § 75.5. Firewood Regulations. [Added 11-05-99 by Ord. No. 905]
- § 75.6. 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***

- § 75.10. 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. Deleted 11/21/18 by Ord. No. 1115]

- § 75.1. Adoption of Standard.

A certain document, three copies of which are on file in the office of the Borough Manager of the Borough of Whitehall, being marked and designated as the "International Property Maintenance Code, 2015 edition," as published by the International Code Council (and as it may thereafter be subsequently amended or revised from time to time and including later-issued editions thereof), be and is hereby adopted as the Property Maintenance Code of the Borough of Whitehall for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough Manager are hereby referred to, adopted and made a part hereof, as if fully set out in this Part.

7502

§ 75.2. Amendments.

The following sections of the Property Maintenance Code are hereby revised:

- A. Section 101.1. Insert: "Borough of Whitehall"
- B. Section 103.5. Insert: "See Borough of Whitehall Fee Schedule"
- C. Section 112.4. Insert: "\$600.00" and "\$1,000.00," respectively
- D. Section 302.4. Insert: "eight (8) inches"
- E. Section 309.1. Replace with the following language: "Structures shall be kept free from pest infestation. Structures in which pests such as insects, pigeons or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-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."

- F. Section 304.14. Insert: "May 1 to October 15"
- G. Section 507.1. Insert the following language after the first sentence: "The discharge of collected or concentrated surface water or storm water from any premises into, onto or along any other premises is prohibited. The existence of a discharge or water prior to the passage of this section shall not exempt such discharge from constituting a public nuisance under this section."
- H. Section 602.3. Insert: "September 1 to May 31"
- I. Section 602.4. Insert: September 1 to May 31"

§ 75.3. 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 ordinance hereby repealed.

7503

§ 75.4. Copies on file.

The Borough Secretary shall maintain a copy of the 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.

§ 75.5. Firewood Regulations. [Added 11-05-99 by Ord. No. 905, Amended 11-21-18 by Ord. No. 1115]

In addition to the provisions of Section 302 of the International 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.

§ 75.6. Recovery of Costs of Abatement. [Added 7-19-00 by Ord. No. 914; Amended 3-20-02 by Ord. No. 943; Renumbered 1-17-18 by Ord. No. 1102, Renumbered 11-21-18 by Ord. No. 1115]

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.