

## CHAPTER 10

### HEALTH AND SAFETY

#### Part 1

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Part 1  
Property Maintenance

§101. Short Title. This Part 1 shall be known and cited as the "Borough of Strasburg Property Maintenance Ordinance." (Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§102. Preface. This part 1 shall be construed to secure its expressed intent which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises, including vacant structures and land. 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. This Part 1 hereby establishes standards which the Borough Council considers to be fair and effective in meeting those minimum requirements (Ord. of 10/10/1962, as revised by Ord. 2013-1, 2/12/2013)

§103. Authority. This Part 1, and the objectives leading to its enactment, are authorized by the provisions of The Borough Code, as reenacted and amended, 53 P.S. §45101 et seq. (Ord. of 10/10/1962, as revised by Ord. 2013-1, 2/12/2013)

§104. Definitions.

**BUILDING** – a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

**COURT** – an open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

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

**INFESTATION** – the presence, within or contiguous to, a structure or premises, of insects, rodents, vermin and/or other pests.

**INOPERABLE MOTOR VEHICLE** – a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power; or a vehicle that does not have a valid current registration plate; or a vehicle that has an inspection certification which is more than sixty (60) days beyond the expiration date.

**LOT** – plot, tracts, premises or parcel of land, with or without improvements thereto.

**OCCUPANT** – any individual living or sleeping in a building, or having possession of a space within a building.

**OWNER** – the legal or beneficial owner or owners of land, including the holder of an option or a contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land or the improvements thereon.

**PERSON** – an individual, corporation, partnership or any other group acting as a unit.

PROPERTY MAINTENANCE INSPECTOR – the person or persons appointed by Borough Council to administer and enforce this Part 1.

RUBBISH – combustible and non-combustible waste materials, except garbage. The term shall include 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 and dust, and other similar materials.

UNOCCUPIED HAZARD – any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six (6) months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months.

YARD – any open space on the same lot with a building and, for the most part unobstructed from the ground up.

(Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§105. Application. The provisions of this Part 1 shall supplement local laws, ordinances or regulations existing in the Borough of Strasburg or those of the Commonwealth of Pennsylvania. Where a provision of this Part 1 is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall prevail. (Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§106. Buildings and Structures.

1. No owner or occupant of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.
2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard; or threat thereof, is precipitated due to a lack of maintenance or due to neglect.
3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Borough Council, remove, or cause the removal of, the building and/or structure.

(Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§107. Yards, Open Lots, and Parking Areas. No person shall permit in any yards, open lots or parking areas:

1. The storage, accumulation or depositing of any inoperable motor vehicle or parts thereof.
2. The storage, accumulation or depositing of any abandoned or used building materials of any kind.

3. The storage, accumulation or depositing of garbage, ashes, rubbish or other refuse matters.
4. The storage, accumulation or depositing of any upholstered furniture manufactured primarily for indoor use, including mattresses, outside of a fully enclosed building. This shall include the storage, accumulation or depositing of any upholstered furniture manufactured primarily for indoor use, including mattresses, on an unenclosed porch.
5. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall any person or persons permit any trees, plants or shrubbery, or any portion thereof, to grow on their property which constitute a safety hazard to pedestrian and/or vehicular traffic. (Ord. 1988-2, 6/14/1988, as revised by Ord. 2013-1, 2/12/2013)

§108. Infestation, Prevention and Correction.

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.  
(Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§109. Miscellaneous Provisions. No person shall permit:

1. Roof, surface and/or drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge;
2. Roof gutters, drains, or any other system designed and constructed to transport stormwater, to be discharged into any sanitary sewage system and/or any part thereof;
3. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.  
(Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§110. Responsibilities of Occupants. Any occupant of a premises shall be responsible for compliance with the provisions of this Part 1 with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.  
(Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§111. Responsibilities of Owners.

1. Owner of a lot or other premises shall comply with the provisions of this Part 1 as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume responsibility.
2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one (1) or more violations of this Part 1, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part 1.

(Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§112. Inspection. Where it is necessary to make an inspection to enforce the provisions of this Part 1, or whenever the property maintenance inspector has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Part 1, or whenever it is determined that the condition of a property, building or structure may be detrimental to the health, safety or welfare of said property, surrounding properties or to the general public, the property maintenance inspector is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this Part 1, provided that if such structure or premises is occupied, the property maintenance inspector shall present credential to the occupant and request entry. If such structure or premises is unoccupied, the property maintenance inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the property maintenance inspector shall have recourse to the remedies provided by law to secure entry. This right of inspection is not intended to alter or limit and shall supplement the right of entry for in Section 3107 of The Borough Code. Borough Council delegates the initial determination of a violation of this Part 1 and the service of notice of violations to the property maintenance inspector. (Ord. 1988-2, 6/14/1988, as revised by Ord. 2013-1, 2/12/2013)

§112.1 Emergency Measures.

1. Imminent danger. When, in the opinion of the property maintenance inspector, 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 occupancy 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 or by infestation as defined herein, the property maintenance inspector is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The property maintenance inspector 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 Property Maintenance Inspector." It shall be unlawful for any person to enter such structure except for the purposed of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.
2. Temporary safeguards. Notwithstanding other provisions of the Part , whenever , in the opinion of the property maintenance inspector, there is imminent danger due to an unsafe condition, the property maintenance inspector 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 property maintenance inspector deems necessary to meet such emergency.

3. Closing streets. When necessary for public safety, the property maintenance inspector 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.
4. Labor and materials. For the purpose of this section, the property maintenance inspector shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
5. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the Borough. The legal counsel of the Borough, if directed to do so by the Borough Manager or the President of Borough Council, shall institute appropriate action against the owner of the premises where the unsafe or infested structure is or was located for the recovery of such costs.
6. Hearing. Any person who ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter be entitled to a hearing pursuant to Section 115 of this Part 1. (Ord. 1988-2, 6/14/1988, as revised by Ord. 2013-1, 2/12/2013)

#### §113. Notice to Comply.

1. If noncompliance with the provisions of this Part 1 constitutes a nuisance, or if any condition, lot or structure, or improvement poses a threat to the health, safety, or welfare of the public, the property maintenance inspector shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.
3. If Borough Council, the property maintenance inspector or any officer or employee of the Borough has given notice under this Part 1 in the same calendar year and the owner did not comply with the notice within the required ten (10) business days, the Borough shall not be required to give additional notice to the owner before the Borough takes action to enforce this Part 1.
4. The failure to maintain a lot or the interior of a building free from the accumulation of rubbish and garbage and/or the failure of any person to comply with the requirements of this Part 1 relating to the disposal of rubbish and garbage is a violation of the provisions of this Part 1, whether or not Borough Council, the property maintenance inspector, or any other official or employee of the Borough provides the notice to comply as set forth herein.

(Ord. 1988-2, 6/14/1988, as revised by Ord. 2013-1, 2/12/2013)

§114. Authority to Remedy Noncompliance. If the owner does not comply with the notice to abate the conditions, within the time limit prescribed, or if no notice is required by this Part 1, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing. (Ord. 1988-2, 6/14/1988, as revised by Ord. 2013-1, 2/12/2013)

§114.1 Interference with Compliance. No person shall take or cause any person to take any action which creates a condition which results in a premises violating any requirement of this Part 1, including but not limited to the tampering with water service or sewer service or facilities, depositing of rubbish or garbage or any other discarded materials on a premises, removal of fire extinguishers, and blocking exist. Notwithstanding the foregoing, it shall be a violation of this Part 1 for the supplier of public water service to cease services for non-payment of water or sewer rates or charges in accordance with applicable laws and procedures.

§115. Hearing.

1. Any person aggrieved by the decision of the property maintenance inspector may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within ten (10) days after notice of the property maintenance inspector's decision, a written petition or appeal requesting such hearing and setting forth a brief statement of the grounds therefore. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing, the Borough Council shall sustain, modify or overrule the action of the property maintenance inspector. (Ord. 1988-2, 6/14/1988, as revised by Ord. 2013-1, 2/12/2013)

§116. Penalties. Any person who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine not to exceed one thousand dollars (\$1,000.00) per violation and/or to undergo imprisonment for a term not to exceed ninety (90) days. A separate offense shall arise for each day or portion of a day in which a violation of this Part 1 is found to exist or for each section of this Part 1 which is found to have been violated. Any person found guilty of violating this Part 1 may be assessed court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings. (Ord. 1988-2, 6/14/1988, as revised by Ord. 2013-1, 2/12/2013)

§117. Owners Severally Responsible. If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this Part 1. (Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)

§118. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of Part 1, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough Council. (Ord. of 10/10/1962, as revised by Ord. 1988-2, 6/14/1988)