

Buffalo Township Property Maintenance Code

SECTION 101 GENERAL

101.1 Title and Authority.

These regulations shall be known as the Buffalo Township Property Maintenance Code, hereinafter referred to as "this code."

101.2 Scope.

Unless otherwise specified, the provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, sanitation, 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 administration, enforcement and penalties.

101.3 Intent and Authority.

This code 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. 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. The adoption of this code is specifically enabled by Section Article XVII-A subsection a of the Second-Class Township Code.

101.4 Severability.

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

SECTION 102 APPLICABILITY

102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all other applicable laws, ordinances, codes, rules and regulations, including, without limitation, the Pennsylvania Construction Code, the Uniform Construction Code adopted under Section 301 of the Pennsylvania Construction Code and the Buffalo Township Zoning Ordinance.

102.3 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTIONS

103.1 General.

The Department of Property Maintenance Inspection (the “Department”) is hereby created. The Zoning Officer of the Township or any other Township representative shall be in charge thereof and shall be known as “code officials.”

103.2 Appointment.

The code officials shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies

The Township may appoint deputy or assistance code official as necessary to carry out this code. Such deputies shall have full powers to enforce and administer this code.

103.4 Liability.

The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, 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 or by reason of an act or omission 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 the jurisdiction until the final 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 is hereby authorized and directed to enforce the provisions of this code.

104.2 Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals appointed by the Township Board of Supervisors. 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 appointing authority.

104.3 Right of entry.

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official or any agency or individual appointed under Section 104.2 shall have the right to enter upon and inspect any premises, subject to constitutional standards, at reasonable hours and in a reasonable manner for the administration and enforcement of this Code, as authorized by 53 P.S. §66704- A(b).

104.4 Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105 VIOLATIONS / AUTHORIZING PENALTIES FOR VIOLATIONS

105.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

105.2 Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 107.

105.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense. Such offense shall be a strict liability offense, and as specified in 18 Pa. C.S. § 305, no culpability requirements shall apply with respect to such offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises

shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

105.4 Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, and any person aiding, abetting or assisting in such violation, shall be guilty of a summary offense punishable by a fine not to exceed \$1,000.00 per violation or by imprisonment not exceeding thirty (30) days per violation, or both such fine and imprisonment, together with court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. Such offense shall be a strict liability offense and as specified in 18 Pa. C.S. § 305, no culpability requirements shall apply with respect to such offense. Each day that a violation continues after service of written notice of the violation, or after service of a summons, or after receipt of actual notice of violation otherwise provided, whichever first occurs, shall be deemed a separated violation, and violation of each applicable section of this code shall be deemed a separate violation. All fines and other sums under this Section shall be paid to the Township and deposited into the general fund for the Township for the use of the Township.

105.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to 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.

105.6 Injunctive Relief and Self-Help

No Penalty herein shall limit the ability of the Township to bring an action in equity seeking injunctive relief to compel the Owner, Occupant or Operator to abate any nuisance or violation and pay all costs associated therewith, including the court costs, or to undertake direct corrective action upon any property and abate any nuisance or violation of this code.

SECTION 106 NOTICES AND ORDERS

106.1 Notice to person responsible.

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 in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

106 7.2 Form.

Such notice prescribed in Section 106.1 shall be in accordance with all of the following:

- a. Be in writing.
- b. Include a description of the real estate sufficient for identification.
- c. Include a statement of the violation or violations and why the notice is being issued.

- d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- e. Inform the property owner of the right to appeal.
- f. Include a statement of the right to file a lien in accordance with this code.

106.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

- A. Delivered personally;
- B. Sent by certified or first-class mail addressed to the last known address; or
- C. 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.

106.4 Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

106.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 105.4.

106.6 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 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 107 UNSAFE STRUCTURES AND EQUIPMENT

107.1 General.

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

107.2 Unsafe structures.

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 of such faulty construction or unstable foundation, that partial or complete collapse is possible.

107.3 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

107.4 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is 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.

107.5 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.

107.6 Dangerous structure or premises.

For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

- A. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- B. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- C. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- D. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- E. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- F. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger,

becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

G. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

H. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

I. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

107.7 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 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.

107.8 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 107 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

107.9 Notice.

Whenever the code official has condemned a structure or equipment 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 or equipment in accordance with Section

107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

107.10 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

107.11 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 premise or any owner of any person responsible for the premises who shall let or allow anyone to occupy placarded premises shall be liable for the penalties provided by this code.

107.12 Abatement methods.

The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

107.13 Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 108 EMERGENCY MEASURES

108.1 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 a 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 because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, 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 of demolishing the same.

108.2 Temporary safeguards.

Notwithstanding other provisions of this 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 emergency.

108.3 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.

108.4 Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

108.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

108.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 109 DEMOLITION

109.1 General.

The code official shall order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary 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 board up and hold for future repair 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, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

109.2 Notices and orders.

All notices and orders shall comply with Section 107.

109.3 Failure to comply.

If the owner of a premises 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.

109.4 Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest 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.

SECTION 110 MEANS OF APPEAL

110.1 Application for appeal.

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 Uniform Construction Code Board of Appeals provided that a written application for appeal is filed within 20 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 this 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.

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 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, or the Buffalo Township Zoning Ordinance, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by 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

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To determine unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

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 the 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.

ENCLOSED PORCH, DECK, PATIO OR BALCONY. A platform located at and attached to or abutting against the entrance to a residential building, completely covered by a roof and enclosed by fully intact glass and/or fully intact screens. Screens are framed wire mesh or framed plastic mesh used to prevent intrusion by insects, but permitting air flow.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, sniggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

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

FRONT YARD. That part of the property whereby the front of the house or other residential building faces the public street and encompasses that open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and nearest point of the main residential building.

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, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

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

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

JUNK. Includes, but is not limited to, abandoned machinery, equipment or appliances, scrap metal, glass, plastic, and other salvageable material.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise 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.

LIVESTOCK. Any animal not customarily kept as an indoor pet, and regulated by the Pennsylvania Department of Agriculture

MANAGED NATURAL LANDSCAPE. Shall mean a planned, intentional, and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings.

NEGLECT. The lack of proper maintenance for a building or structure.

NON-CUSTOMARY OUTDOOR STORAGE: The accumulation of items in excess of what is reasonable and customarily necessary for the use of real property and which by its placement and/or condition has the potential to (1) cause, through visual blight or odor, impairment of the use or enjoyment of neighboring properties, (2) pose a risk to public health by creating conditions favorable for the harboring of vermin, (3) pose a risk of environmental contamination or (4) pose a risk to public health or safety, including any condition which substantially obstructs or impedes access to any occupied structure by police, fire or rescue personnel. Such material accumulation may include, but is not limited to, junk and debris; rubbish, garbage or refuse; vehicle parts; construction materials not incidental to an active permitted construction project on site; outdoor storage of yard maintenance equipment such as

lawn mowers, hedge clippers, tree trimmers; vehicle parts, recreational equipment or lawn furniture in number or variety beyond customarily necessary for the use of the property; any item in a visible state of deterioration as reasonably evidenced by rust or other deteriorated condition; abandoned, discarded, or unused objects or equipment, not customarily stored outside such as indoor furniture, stoves, refrigerators, freezers, washers/dryers or other appliances, electronic equipment, boxes and other containers; clothing; or any combination thereof

NUISANCE JUNK VEHICLE. An inoperable motor vehicle that has critical defects which render it an immediate threat to public health safety and welfare. Such critical defects include, storage in a manner which threatens falling, broken glass and/or sharp objects protruding, unrestrained leaking fuel or fluids, or unsecured openings.

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 door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPEN STORAGE. Such storage or accumulation that is visible from any public street, alley or sidewalk or from an adjacent property.

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, any other entity, any other group acting as a unit, an executor, administrator, trustee, receiver or other representative of fiduciary. Whenever the word 'person' is used in any portion of this code prescribing a penalty or fine, as to a partnership, limited liability company or any other group, the word shall include each of the partners or other members thereof, and as to a corporation or similar entity shall include the officers, agents, or members thereof who are responsible for any violation.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

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 to 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.

RUBBISH. Combustible and noncombustible 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.

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. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TURF-GRASS LAWN means a lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of no more than (8) inches.

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

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

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 the maintenance of structures, equipment and exterior of their property.

301.2 Responsibility.

The owner of the premises shall maintain the structures 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.

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 Weeds and Grass.

No growth of Turf Grass Lawns or weeds above the height of twelve (12) inches shall be permitted within residential and business sections of the Township Except that:

- A. Forage Grasses cultivated as part of an agricultural operation on as defined by the Pennsylvania Municipalities Planning Code, when conducted upon a lot of at least two (2) acres of cultivated area or within an agricultural a security area are exempt from this section;
- B. Areas designated on land development plans as no mow areas for encouraging ecological succession or rain gardens or other designated buffer and screening areas, provided that plant schemes adhere to the approved land development plan or approved modification thereof;
- C. Areas established as wild areas for native plants and grasses or attraction of wildlife.

However, no such area established under 302.2- B or 302.2 C shall permit plants listed on the Official USDA Commonwealth of Pennsylvania list of Noxious weeds or vegetation consisting of un-mowed common lawn species, including Rye Grass, Kentucky blue grass, fescue, or orchard grass.

In addition, all such areas permitted under 302.2 C shall be set back from a side or rear property line by at least three (3) feet when such property line contains a residential dwelling.

302.3 Manure and Animals

- A. Any person keeping livestock within the Township shall have a manure management plan consistent with Regulations of the Pa Department of Environmental Protection, and maintain all manure consistent with such a plan.
- B. The Township of Buffalo hereby declares that the maintenance of any animal in a manner which subjects others to offensive odors, or in a manner that harbors vermin, is and shall be considered a public nuisance, except that agricultural operations as defined by the Pennsylvania Municipalities Planning Code are exempt from this section in the conduct of normal farming practices.
- C. Care of Animal Waste: All buildings, yards and enclosures where animals are kept shall be free from accumulation of animal waste and shall be maintained in a sanitary condition. The maintenance of any animal in a manner which constitutes a public nuisance is hereby declared to be a summary offense and is punishable in accord with the provisions of this Ordinance except that agricultural operations as defined by the Pennsylvania Municipalities Planning Code are exempt from this section in the conduct of normal farming practices.
- D. Prevention of Estray: The keeper of every animal shall confine the same in a manner to sufficient to keep the animal on its own property. Any animal or animals which molests passersby or passing vehicles; attacks other animals; trespasses on public grounds; is repeatedly not under restraint or immediate control of the owner, or that damages private or public property is hereby considered a public nuisance.
- E. No person shall harbor any non-domestic animal upon a residential property. Non-domestic animals include but are not limited to all bears, coyotes, tigers, leopards, jaguars, cheetahs, cougars, wolves, nonhuman primates, or any crossbreed of these animals which has similar characteristics in appearance or features.

302.4 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 pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.5 Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair, and any accessory structure that presents a safety or health hazard to persons or property may be deemed a nuisance or violation of this code.

302.6 Outdoor Burning

A. It shall be unlawful for any person to ignite or feed any outdoor fire for the burning of any materials whatsoever, except for the burning of wood and wood products. However, nothing herein shall be construed to prevent fire-fighting training by Township-designated fire-fighting organizations. Fires set by property owners or farm tenants in conjunction with legitimate farming operations shall be exempt from the requirements of this chapter except as their burning activities relate to Subsections A(s) and B herein, and provided the fire does not include the burning of hazardous materials. Nothing herein shall be deemed to prohibit outdoor cooking fires, providing that reasonable safeguards are maintained.

B. No fire shall be permitted to burn that produces smoke or odor which:

(a) Interferes with travel on any public roadway.

(b) Creates a nuisance or hardship for other property owners or tenants in the vicinity of the offending fire.

C. Public roads and public properties. No person shall set, start, feed, permit to burn or maintain any fire upon any of the public streets, sidewalks, alleys or public grounds in Buffalo Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.

D. Safe distance. Non-contained fires shall be located at least 30 feet from any property line or public road line, and at least 40 feet from any neighboring house or building. Notwithstanding the above, no fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any building or property, except where such building or property is used by the Fire Department for training purposes.

E. Control of burning and unattended fires.

(1) No outdoor fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire-extinguishing apparatus/supplies.

(2) No outdoor fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other

competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

E. Extinguishing unsafe fires. It is a violation of this chapter for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire shall be extinguished by the property owner or tenant immediately upon request by an official of the Township or an official of the Township designated fire company. Said Township or fire company official may extinguish the unsafe fire in the absence of the property owner or tenant, or where the property owner or tenant refuses to comply with the request to extinguish the unsafe fire.

F. In the event any fire company is required to respond to a fire which violates the provisions of this chapter, a service fee may be levied by the responding fire company.

302.7 Motor vehicles.

Except as provided for in township zoning for a lawful use involving repair or storage of junk vehicles, no more than one (1) inoperative or unregistered motor vehicle shall be parked, kept or stored on any premises if visible from a public road or right-of-way and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled to constitute a Nuisance Junk Vehicle, unless it is inside a fully enclosed structure. No more than two (2) inoperative or unregistered motor vehicles shall be parked, kept or stored on any premises in a residential district even when not visible from a public road or right-of-way, unless they are either:

A. In a manner in which all material is at least two hundred (200) feet from any lot line, property line, or right of way, under the ownership of another individual, corporation or party and not visible from any property line.

B. In an enclosed structure or building.

C. Fully enclosed by an opaque fence at least six (6) feet in height.

D. Enclosed by a metal fence of at least eight (8) feet and buffered by a screening of evergreen plantings sufficient to fully and opaquely screen the fence from public view

302.8 USED VEHICLE PARTS AND TIRES. No used vehicle parts or tires shall be kept or stored on the exterior property within view of a public road. This section does not apply to a business enterprise that is regularly engaged in the repair of motor vehicles or the sale of used vehicle parts and in compliance with all other applicable regulations, including, without limitation, the Township's zoning code.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

Safety apparatus in pools shall be maintained per the uniform construction code. Swimming pools, spas and hot tubs, shall be maintained in a clean and sanitary condition, and in good repair with safety fencing and circulation or draining to prevent stagnant water.

SECTION 304 RUBBISH, GARBAGE, AND JUNK

304.1 Accumulation of rubbish or garbage.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

304.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

304.3 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 disposal facility or approved garbage containers.

304.5 Accumulation of material in Open Storage

No person within or upon any property designated for use as or used for residential or commercial purposes situated within the municipal limits of the Township shall store, collect, park, leave, deposit, maintain, reserve, put aside for future use, permit or allow to remain on any porch, balcony, roof, patio, yard or curtilage of any residential or commercial building or structure, other than in a completely enclosed building or structure, within view of the public roadway, any of the following:

- A. Junk, rubbish, clutter, litter, debris, implements or machinery or any component parts or accessories thereof.
- B. Non-Customary Outdoor Storage of material is prohibited, including: Upholstered furniture, mattresses, materials and other similar products or second-hand items or goods not normally intended, designed, built or manufactured for outdoor use unless such is located entirely within an enclosed porch, balcony, deck or patio attached to the primary residential building.

304.6 EXCEPTIONS. The provisions of this code shall not apply to the storage or placement upon any property of the following materials:

- A. Firewood intended for consumption in a wood burning stove, furnace, or indoor fireplace or outdoor patio fireplace located within or without a building located upon the subject premises, provided that all such firewood shall, at all times, be stacked and stored in an appropriate place;
- B. Lawn, yard, garden or playground tools, ornaments, equipment or implements of a quantity customary for maintenance of the premises where stored;
- C. Lawn or patio furniture;
- D. Standing fences;
- E. Hoses and sprinklers used for watering lawns or gardens;
- F. Materials used in connection with commercial activities conducted upon the premises where such storage, placement and accumulation of materials have been expressly authorized by the Township by a zoning certificate or acknowledgement of lawful nonconformity;
- G. Construction materials and equipment used for the construction, renovation or razing of a building located upon the premises for which a current building and/or zoning permit or razing permit has been issued;
- H. Equipment and material utilized in any agricultural operation;

I. Building materials of a condition suitable for construction which remains in a condition that meets the Uniform Construction Code.

SECTION 305 PEST ELIMINATION

305.1 Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

305.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

304.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

305.4 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 pest elimination 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 and owner shall be responsible for pest elimination.

304.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest - free condition of the structure except where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.