**Chapter 125**

**PROPERTY MAINTENANCE**

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**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 11-14-1988 as Ord. No. 88-13. Section 125-14 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable. Amended Sections 125-1 through 125-25 on 3-15-2011 by Ord. No. 2011-05. Amended Section 125-5 , 125-10, 125-10.5.1 on 3-10-2014 by Ord. No. 2014-03.]**

**GENERAL REFERENCES**

**Brush, grass and weeds — See Ch. 57.**

**Building construction — See Ch. 61.**

**Garbage, rubbish and refuse — See Ch. 90.**

**Littering — See Ch. 108.**

**§ 125-1. Short title.**

This Chapter shall be known and cited as the "Borough of South Greensburg Property Maintenance Ordinance."

**§ 125-2. Findings and Declaration of Policy.**

It is hereby found and declared that there exist in the Borough of South Greensburg buildings and structures used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structure, equipment or maintenance, and further, that such conditions including, but not limited to, structural deterioration, inadequate maintenance, infestation, inadequate provisions for light and air, and unsanitary conditions, constitute a danger to the public health, safety and welfare. It further is found and declared that the existence of such conditions has the effect of creating blight and substandard neighborhoods, and that by the enactment of timely regulations and restrictions as herein contained, the development of blight may be prevented and neighborhood and property values maintained, and the public health, safety and welfare protected and fostered.

**§ 125-3. Purpose.**

The purpose of this Chapter is to protect the public health, safety and welfare and to ensure the maintenance of property values by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential buildings and structures; to establish minimum standards essential to make the buildings and structures, regardless of use, fit for human habitation and occupancy, and safe from fire; to supplement existing regulations; to provide for rehabilitation and reuse of existing structures and allowing differences between the application of requirements to new construction and the application of requirements to alterations and repairs; to fix the responsibilities of owners and occupants of all structures; and to provide for administration, enforcement and penalties. This ordinance is hereby declared to be remedial and essential for the public health, safety and welfare, and it is intended that these regulations be liberally construed to effectuate the purposes as stated herein. Recognizing the need within the Borough of South Greensburg to establish certain minimum health and safety requirements for those buildings, structures or properties which are used or associated with human occupancy, this Chapter hereby establishes standards which the Borough considers to be fair and effective in meeting those minimum requirements.

**§ 125-4. Authority.**

This Chapter and the objectives leading to its enactment are authorized by the provisions of the Borough Code of the Commonwealth of Pennsylvania, 53 P.S. § 45101, et seq.

**§ 125-5. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — A roofed structure enclosed by one (1) 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 — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION — The presence of insects, rodents, vermin and/or other pests.

LOT — Plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER — Any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who or which retains the exclusive control of such a lot and/or improvements thereto in the capacity as a legal representative, such as an administrator, trustee, executor, etc.

PROPERTY -- Any real property that is within the corporate limits of the Borough of South Greensburg and abutting sidewalks and curbing.

REFUSE — All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

SALE (SELL) OR TRANSFER -- To convey any interest in any Property except by lease, mortgage, gift, divorce, devise, bequest, establishment of a family trust, governmental conveyance or lien foreclosure. The sale or transfer shall be deemed to occur upon the transfer of title or the execution of a land contract, or other conveying instrument not specifically excluded herein.

UNOCCUPIED HAZARD — Any building or part thereof or manmade structure which remains unoccupied for a period of more than three (3) months, with either doors, windows or other openings broken, removed or 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 three (3) months. Extensions may be granted upon written request to Borough Council, subject to review and approval by Borough Council.

YARD — Any open space on the same lot with a building and for the most part unobstructed from the ground up.

**§ 125-6. Applicability.**

The provisions of this chapter shall supplement local laws, ordinances or regulations existing in the Borough of South Greensburg or those of the Commonwealth of Pennsylvania. Where a provision of this Chapter 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.

**§ 125-7. Effect on violations of prior provisions.**

This Chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

**§ 125-8. Powers and duties of Code Official.**

A. General. The Borough of South Greensburg shall name a Code Official. The Code Official or the offical's delegate or representative shall enforce the provisions of this Code.

B. Notices and Orders. The Code Official shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this Chapter's requirements for the safety, health and general welfare of the public.

C. Inspections. In order to safeguard the safety, health and welfare of the public, the Code Official is authorized to enter any structure or premises in the Borough of South Greensburg at any reasonable time for the purpose of making inspections or performing duties under this Chapter.

**§ 125-9. Maintenance of buildings and structures.**

A. No owner 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 that the property is safe, sound, sanitary and secure, and does not present a health and/or safety hazard to the occupants, surrounding properties and to the general populace.

B. No onwer of any unoccupied building or structure shall fail to take such steps as may be required to ensure that it is securely closed so as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard or threat thereof is precipitated due to a lack of maintenance or dure to neglect.

C. Any owner 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 of South Greensburg, remove or cause the removal of the building and/or structure.

D. Occupants shall keep that part of the structure in which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

E. All structural members of any buildings or structures shall be maintained structurally sound and be capable of supporting the imposed loads. Foundation walls, piers, retaining walls, columns or similar load-bearing components shall be kept structurally sound, plumb, free from defects and damage, and capable of bearing imposed load safely.

F. All interior surfaces, including windows, and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other similar defective conditions shall be corrected.

G. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

H. The exterior of all premises, buildings and all structures shall be kept free of any hazards to the safety of owners, occupants, invitees, visitors, pedestrians and other persons utilizing the premises, and any such hazards shall be promptly removed and abated. Such hazards and conditions include, but are not limited to, the following:

1. Debris, refuse, litter and junk;

2. Loose and overhanging objects including, without limitation, dead and dying trees and/or tree branches, accumulations of snow or ice, or other similar conditions which by reason of their location above ground level, constitute a hazard to persons in the vicinity thereof;

3. Ground surface hazards including, without limitation, holes, excavations, breaks, projections and obstructions which constitute a hazard to persons using the premises, except during active construction if cordoned off in a visually obvious manner, as permitted by the Borough of South Greensburg.

I. All buildings and structures shall be kept secure against unauthorized access.

J. The windows of non-residential buildings and structures in which a business is not presently being operated, shall be screened by drapes, blinds or other similar means so as to screen the interior from public view. All such screening materials shall be maintained in a clean and attractive manner and in a state of good repair.

K. Exterior facilities including, without limitation, exterior porches, landings, balconies, stairs and fire escapes, shall be kept structurally sound and in good repair and shall be provided with banisters or railings properly designed and maintained. Exterior walls, retaining walls, sidings and roofs shall be kept structurally sound, plumb, in good repair and free from defects. Chipped, decayed or broken sidings must be remediated.

L. All exposed surfaces susceptible to decay shall be kept, at all times, painted or otherwise provided with a protective coating sufficient to prevent deterioration which shall be unbroken and not cracked, chipped or peeling.

M. Every building and structure shall be maintained so as to ensure weather and water-tightness. Exterior walls, retaining walls, roofs, windows, window frames, doors, door frames, foundations and other portions of the structure shall be so maintained as to prevent water from entering the building and structure under normal conditions and to prevent excessive drafts. Damaged materials must be repaired or replaced promptly; places showing signes of cracking, chipping, peeling, rot, leakage, deterioration or corrosion are to be restored and protected against weathering.

N. Unless otherwise specified in any building or demolition application or permit, refuse or debris resulting from construction activities or the demolishing of a building, shall be removed within seven (7) days after the completion of the construction or demolition activities or demolition work, or seven (7) days after the permit for such activity or work has expired, been cancelled, revoked or suspended, whichever is soonest.

O. To help fulfill the purpose of this Chapter, and to facilitate enforcement, buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street, or road or alley fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals of alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7 mm). All address numbers shall be continuously maintained by the owner and/or occupant of the property to conform with the provisions of this Chapter. Address numbers shall not be permitted to be placed where they will be hidden at any time by any obstructions, including screen or storm doors, grass, shrubber and/or trees.

**§ 125-10. Maintenance of sidewalks.**

A. The owner or owners of any lot or lots in the Borough of South Greensburg with sidewalks in the public right of way shall maintain such sidewalks in a safe and passable condition, free of tripping hazards and obstructions, In winter months, snow and ice are to be removed from sidewalks. The said owner or owners shall repair any defects in such sidewalks and remove any obstructions, which make them unsafe or impassable to pedestrians.

B. The obligation of maintenance shall include but not be limited to:

1. Repair of holes, and repair of cracks having a width in excess of 1/2 inch at any one point along a length of one foot or greater.

2.To maintain a constant grade, repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than Y2 inch in depth.

3. Repair of any section of sidewalk that has spalling on twenty-five percent (25%) or more of its surface.

4. The removal of snow, ice, leaves, tree limbs, grass clippings, grass and weeds between cracks, debris, cinders, gravel, grits, or any other refuse on such sidewalk or projecting branches and other obstructions below six (6) feet above the sidewalk. The owner shall be responsible for the prompt removal of any such items whether or not such items were deposited by the owner, the owner's tenants, anyone acting under the owner's direction, control, license, or any third person. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits and other refuse shall be properly bagged and disposed of upon being removed from such sidewalk. The sweeping or other removal of such items onto Borough streets is prohibited.

5. The obligation to remove snow and ice shall be to do so within twenty-four (24) hours after each fall of snow or sleet, or within twenty-four (24) hours after ice has formed on any sidewalk. The sidewalk shall be cleared to the width of the sidewalk. All snow, ice and/or sleet removed shall not be deposited into the street.

6. Repair of any other obstruction or defect which may create a pedestrian safety hazard.

C. *Sidewalks necessary.* On any Property where concrete or other sidewalks exist, such sidewalks are a public necessity and shall not be removed without corresponding repair or replacement, to be completed within ten (10) days of removal or destruction and shall be accomplished in accordance with Chapter 144, Streets and Sidewalks.

D. *Aprons required.* Where a sidewalk has been removed, destroyed or never existed , and where motorized vehicles access Property from a public street through a Borough right-of-way for purposes of off-street parking, a concrete or otherwise durable apron capable of supporting automobiles and trucks shall be constructed at the sole expense of the Property owner.

**§ 125-10.5.1. Inspection of sidewalks for sale or transfer of property; Issuance of Compliance Certificate.**

A. *Sale or Transfer of Property - Compliance Certificate.* Before the sale of transfer of any Property, the Property owner must obtain a Compliance Certificate which certifies that any sidewalks and/or aprons on the Property for sale or transfer conform to the requirements set forth in this Ordinance, as applicable.

B. *Violation*. It shall be unlawful to sell or transfer Property unless a valid Compliance Certificate is tendered to the purchaser or transferee at the time of the sale or transfer, or if the proceeds of the sale are needed for repair of the sidewalk or apron, within seven (7) days after the finalization or closing of the sale as set forth in § 125-10.5(D)(6).

C. *Exemptions.*  The provisions of this section shall not apply to:

1. A sale or transfer which has occurred prior to the effective date of this section.

2. A sale or transfer where the seller or transferor and the purchaser or transferee have signed a purchase agreement prior to the effective date of this section.

3. Properties where no improvements, and therefore no sidewalks or aprons, are present.

D. *Issuance of Compliance Certificate and Inspection Fees*.

1. *Permit*. Property owner shall submit a Compliance Certificate Application to the Borough office within ninety (90) days prior to the sale or transfer of the Property. The Compliance Certificate Application may be submitted within ninety (90) days prior to the sale or transfer of the Property only to the extent that the underlying agreement to sale or transfer the property is not entered into prior to the ninety (90) day period, in which case said Application shall be submitted upon execution of the underlying agreement.

2. *Fees*. An inspection fee shall be charged for each Property inspection and said fee must accompany the application form when submitted in accordance with the Borough Fee Schedule.

3. *Inspection*. An inspection of the property by the Code Official or other designated Borough representative shall be conducted within ten (10) business days of the submission of the application for a Compliance Certificate.

4. *Issuance*. The Code Official or other designated Borough representative shall issue a Compliance Certificate if it is deemed that the sidewalk(s) and/or apron(s) is/are in compliance with § 125-10(b)(1-3) and Chapter 144 hereof. Otherwise, the Property owner will receive a *Notice to Repair*, giving the Property owner notice to repair the noted deficiency or deficiencies prior to the sale or conveyance.

5. *Re-inspection.* Upon correction of the violation, the applicant shall notify the Borough in writing for a follow-up inspection, which shall be conducted within ten (10) business days from notification. If, following the re-inspection, the sidewalk(s) and/or apron(s) is/are determined to be in compliance as set forth in § 125-10.5(C)(4), a Compliance Certificate shall be issued to the applicant.

6. *Escrowed Funds and Post-Closing Certificate.* If weather or other uncontrollable considerations prevent said repairs from being performed, a sum sufficient to pay for the needed repair as determined by the Code Official or other designated Borough representative shall be paid to the Borough office, along with all applicable fees, and a Compliance Certificate shall then be issued. If the proceeds of the sale are needed to make the required repair(s), a Compliance Certificate can be obtained within seven (7) days after the closing on the sale, provided the funds have been escrowed in favor of the Borough of South Greensburg. Escrowed funds shall be used by the Borough to make necessary repairs.

7. *Timing.* A Compliance Certificate may be issued: (1) immediately after inspection if no repairs are required; (2) when the required repairs have been made and all applicable fees paid; (3) upon payment to the Borough Office of an amount of money equal to the Code Official or other designated Borough representative's reasonable, good faith estimated cost of repair and inspection fees; or (4) if the proceeds of the sale or transfer are needed for the repair, within seven (7) days after finalization or closing of the sale, provided the required funds have been placed into escrow for purposes of sidewalk(s) and/or apron(s) repair.

8. *Restriction on Property Transfer.*  No Property shall be transferred without issuance of a Compliance Certificate.

E. *Validity of Compliance Certificate*. A Compliance Certificate shall be valid for one (1) year from the date of issuance and only until a sale or transfer is finalized for the Property. A new Compliance Certificate must be obtained for each subsequent sale or transfer of the Property.

F. *Inspection Guidelines.* The Code Official or other designated Borough representative shall follow the Borough's "Sidewalk Rules and Regulations," which shall set forth the standards by which the Code Official or other designated Borough representative will order the improvements to be repaired for the issuance of the Compliance Certificate as set forth on the Notice to Repair.

G. *Permit for Work.* All sidewalk and apron work (including patching) requires a permit as set forth in Chapter 144 hereof.

H. *Violations; Appeal; Penalties*. Upon failure to comply with any terms or conditions of this Chapter, the owner and/or occupant shall be notified by the Borough of South Greensburg or its authorized representative, by certified United States mail or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the Property and shall cite the specific violation or violations, shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of fifteen (15) days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice also shall advise that, in lieu of or in addition to fines and penalties and subsequent to the fifteen (15) day period for voluntary compliance, the Borough of South Greensburg may itself correct the deficiencies or contract for the correction thereof and assess the actual cost thereof as a municipal lien against the Property and/or recover the expenses so incurred, including attorneys' fees, in any manner prescribed by law, including, but not limited to, the filing of an action in assumpsit. Such municipal lien, when filed, shall be a valid lien on the Property. Any judgment obtained or claim entered against the owner of the Property, or any individual, firm, corporation or entity occupying or otherwise responsible for the condition of the Property, shall bear interest at the maximum rates permitted by statute or rule of Court applicable to same. In the event that the owner and/or occupant cannot be ascertained, is otherwise not able to be located, or fails to accept or retrieve the notice through certified United States mail, a notice containing the above required information in summary form shall be posted on the premises and the Borough of South Greensburg Municipal Building for the applicable fifteen (15) day period, advising of the existence of the violation and requiring correction thereof in accordance with the terms and conditions herein established.

Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine not less than $100.00 and not exceeding $1,000.00, together with costs (including publication costs), costs of prosecution, including attorneys' fees, or, upon default in payment of the fine and costs, imprisonment for a term not to exceed thirty (30) days. Each day a violation of this Chapter exists beyond the compliance period shall constitute a separate violation of this Chapter. A conviction shall not ban further prosecutions for noncompliance with this Chapter subsequent to such conviction.

**§ 125-11. Storage of Construction Materials.**

A. Construction materials (including, but not limited to, cement, masonry products, wood, pipe and siding) may be stored in a building or structure, lot, court, back yard or side yard only when it is for the use of a construction project with an unexpired building permit, and the materials must be used or removed within thirty (30) days after completion of the work or within thirty (30) days after the permit for such work has expired, been cancelled, revoked or suspended, whichever is soonest. A driveway may be used for storage only in the event that no side yard or back yard space is accessible or available, and provided that the materials are not stored in front of the house. No construction materials shail be permitted to be stored in the front yard for more than seven (7) consecutive days.

B. Stored materials shall be elevated off the ground and covered to prevent harboring and infestation of rodents or insects.

**§ 125-12. Yards; Open lots; Minor structures.**

No person shall permit:

A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.

B. The development of accumulation of hazards, rodent harborage and/or infestation upon or in yards, courts or lots.

C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.

D. Wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.

E. Accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall any trees, plants or shrubbery or any portion thereof to grow and which constitute a safety hazard to pedestrian and/or vehicular traffic be permitted.

F. The use of scrap rubber products in the construction and building of retaining walls or any other type of wall.

G. Stagnant water to accumulate in small ponds, stationary fountains or swimming pools longer than thirty (30) days without a pump.

H. Any structure or building (including fences) to be kept unpainted or untreated. All such structures and buildings (including fences) must be maintained as such for purposes of preservation and appearance, and free of broken boards or glass, loose shingles, cracked, loose or missing siding, crumbling stone or brick, or cracked, chipped or peeling paint.

I. Accumulation of debris, rubbish, garbage, junk or litter on any premises, vacant or improved.

J. The collection of standing water of any nature which constitutes a hazard or threat to the health, welfare and safety of the citizens of the Borough of South Greensburg.

**§ 125-13. Waterways.**

All waterways and drainage ditches shall be maintained in good condition, free from debris, plantings or other obstructions and with grass or other allowable cover that shall prevent and not be susceptible to erosion.

**§ 125-14. Refuse, debris, litter and rubbish.**

A. All refuse, debris, litter and rubbish shall be lawfully disposed of on a weekly basis, and, pending disposal, shall be kept in a closed litter receptacle. Debris, garbage, litter and rubbish shall not be swept, placed discharged or deposited in or on any sidewalk, gutter, street, alley, storm sewer or other public way. Owners and occupants also must abide by Chapter 90 Code regarding Garbage, Rubbish and Refuse.

B. Any person storing municipal waste for collection shall comply with the following storage standards:

1. All garbage must be in bags and placed in containers.

2. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.

3. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.

4. Containers shall be used and maintained so as to prevent public nuisances.

5. Containers which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner.

6. Containers shall be placed by the owner or customer at a collection point within five (5) feet of the road edge or curb line.

7. With the exception of pickup days, when the containers are set out for collection, the containers shall be promptly removed after collection and kept more than thirty (30) feet from the street property line of the owner or out of visible site, in the garage or on customer premises out of public view at all times.

8.Garbage cans maintained in the alley right-of-way are to be properly secured promptly after pick up. A secure area should be maintained for alley way garbage cans to prevent cans from blocking alley ways.

9. All refuse, debris, litter and rubbish must be placed in proper containers and must not be set out more than twenty-four (24) hours prior to the scheduled pickup.

10. Items containing Freon and/or other hazardous materials must have materials removed by a certified technician prior to collection.

**§ 125-15. Rodent infestation.**

A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.

C. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the 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 lawful and generally accepted practices.

**§ 125-16. Miscellaneous Provisions.**

No person shall permit:

A. Roof, surface and/or sanitary 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.

B. 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.

C. 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.

D. Broken glass or metal parts with sharp or protruding edges, used auto parts, rubber products, tires, batteries, oil, oil filters, any liquid of a hazardous or potential hazardous nature, including but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons, to be discarded, abandoned or stored on any property.

E. Upholstered furniture not manufactured for outdoor use (outdoor furniture shall be defined for purposes of this Chapter as a type of furniture specifically designed for outdoor use to be located in, belonging in, or suited to the open air, typically made of weather-resistant materials) where such furniture is visible to neighbors and passersby in the public right-of-way. Accordingly, upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered and/or overstuffed chairs, couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right-of-way or from the ground level of adjacent property shall be a violation of this Chapter. This provision shall not apply to such furniture that was placed in the location in question to allow it to be removed during a move of a resident or residents of the premises, has been removed as part of a trash or recycling program on a day scheduled for such moving or removal, or temporarily placed in the location so that it would be offered for sale at a yard or garage sale within twenty-four (24) hours of the beginning and ending time of the sale, and so long as a sign is placed on or near the furniture indicating that it is for sale.

F. Any other condition which shall in any matter threaten the health, safety or welfare of the citizens of the Borough of South Greensburg.

**§ 125-17. Responsibilities of owners and occupants.**

A. Any occupant of a premises shall be responsible for compliance with the provisions of this Chapter with respect to the maintenance of that part of the premises which he/she occupies and/or controls in a safe, sound and/or sanitary condition.

B. Owners and occupants of property shall be jointly and severally liable for compliance with the provisions of this Chapter, and no owners shall be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefore and in violation thereof, nor shall the occupant be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner is also responsible therefore and in violation thereof. The Borough of South Greensburg may, in its discretion, elect to prosecute either the owner, the occupant, or both.

C. The respective obligations and responsibilities of the owner and the occupant shall not be altered or affected by any agreement or contract by and between them.

**§ 125-18. 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 Chapter.

**§ 125-19. 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 to another person or entity until the provisions of the compliance order or notice of violation have been complied with, or until such owner shail 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.

**§ 125-20. Official action.**

A Code Official, officer or employee charged with the enforcement of the Code, while acting on behalf of the Borough of South Greensburg, 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 the Code shall be defended by the legal representative of the Borough of South Greensburg until final termination of the proceedings. A Code Official, officer or employee shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of the Code; and if the designated individual acts in good faith and without malice, the Code Official, officer or employee shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**§ 125-21. Right of entry.**

Whenever necessary to make an inspection or to enforce any of the provisions of this Code or whenever the Code Official (including any other designated official) has reasonable cause to believe that there exists in any building or structure any condition which makes such building or structure unsafe, the Code Official may enter the building or structure at any reasonable time to inspect the same or to perform any duty imposed upon the Code Official by this Code; provided, if such property be occupied, the Code Official shall first present proper credentials and request and obtain permission to enter before entering the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

Absent emergency circumstances, if no consent has been given to enter or inspect any building or structure, no entry or inspection shall be made without the procurement of an administrative search warrant. The Court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

1. Eyewitness account of violation.

2. Citizen complaint(s).

3. Tenant complaint(s).

4. Plain view violation(s).

5. Violation(s) apparent from Borough records.

6. Nature of alleged violation, the threat to life or safety, and imminent risk of significant property damage.

7. One or more previous unabated violations in the building or structure or on the premises.

Probable cause supporting issuance of a warrant shall be deemed to exist if there is bona fide reason to believe that a condition of non-conformity exists with respect to a building in violation of the provisions of this Chapter are satisfied.

The Code Official may enter the premises without consent or a search warrant to make an inspection or enforce any of the provisions of this Code only when an emergency exists as prescribed in § 125-22, or when the premises are abandoned.

**§ 125-22. Emergency measures.**

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.

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.

Closing Streets. When necessary for the public safety, the Code Official or other individual designated by the Borough of South Greensburg shall temporarily close structures and close, or request the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

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.

Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be advanced by the Borough of South Greensburg. The Borough shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs, including filing a lien against the premises and making all other efforts to recoup its costs permitted by law.

Compliance. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall comply with such order forthwith.

**§ 125-23. Notice of violation; Municipal correction.**

Upon failure to comply with any terms or conditions of this Chapter, the owner and/or occupant shall be notified by the Borough of South Greensburg or its authorized representative, by certified United States mail or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or violations, shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of fifteen (15) days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice also shall advise that, in lieu of or in addition to fines and penalties and subsequent to the fifteen (15) day period for voluntary compliance, the Borough of South Greensburg may itself correct the deficiencies or contract for the correction thereof and assess the actual cost thereof as a municipal lien against the premises and/or recover the expenses so incurred, including attorneys' fees, in any manner prescribed by law, including, but not limited to, the filing of an action in assumpsit. Such municipal lien, when filed, shall be a valid lien on the real estate. Any judgment obtained or claim entered against the owner of the property, or any individual, firm, corporation or entity occupying or otherwise responsible for the condition of the property, shall bear interest at the maximum rates permitted by statute or rule of Court applicable to same. In the event that the owner and/or occupant cannot be ascertained, is otherwise not able to be located, or fails to accept or retrieve the notice through certified United States mail, a notice containing the above required information in summary form shall be posted on the premises and the Borough of South Greensburg Municipal Building for the applicable fifteen (15) day period, advising of the existence of the violation and requiring correction thereof in accordance with the terms and conditions herein established.

**§ 125-24. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine not less than $25.00 and exceeding $1,000.00, together with costs (including publication costs), costs of prosecution, including attorneys' fees, or, upon default in payment of the fine and costs, imprisonment for a term not to exceed thirty (30) days. Each day a violation of this Chapter exists beyond the thirty-day voluntary compliance period shall constitute a separate violation of this Chapter. A conviction shall not ban further prosecutions for noncompliance with this Chapter subsequent to such conviction.

In addition to the foregoing, the Borough of South Greensburg shall have the power to institute an appropriate action or proceeding at law to exact the penalty provided in Section 125-23, above, for any act, failure to act, or action taken in violation of this Chapter. In addition, the Borough may proceed with an action, at law or in equity, against the person, firm, corporation or any other entity responsible for the violation for the purpose of ordering or directing that person:

A. To restrain, correct or remove the violation or refrain from any further alteration or work.

B. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure.

C. To prevent the occupancy of any structure that is not in compliance with the provision of this Chapter.

D. To abate, repair or correct conditions on the property which constitute violations of this Chapter, and to raze and/or demolish any structure thereupon and restore the remaining property to a safe condition.

The remedies provided herein shall be cumulative. The pursuit of any one remedy shall not be deemed or construed to preclude the Borough of South Greensburg from pursuing any other.

**§ 125-25. Severability.**

The provisions of this Chapter are severable. If any sentence, clause or section of this Chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Chapter. It is hereby declared to be the intent of the Borough of South Greensburg that this Chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.