

BOROUGH OF NEW CUMBERLAND
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 662

**AN ORDINANCE ESTABLISHING PROPERTY MAINTENANCE STANDARDS
AND PREMISES REQUIREMENTS IN THE BOROUGH OF NEW
CUMBERLAND.**

BE IT ENACTED AND ORDAINED by the Council of the Borough of New Cumberland, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of same:

ARTICLE 1: AUTHORITY. This Ordinance is enacted pursuant to 53 P.S. § 46202 (24) (Building, housing, property maintenance, plumbing and other regulations), 53 P.S. § 46202 (74) (General Powers) and 53 P.S. § 48301, et seq. (Enforcement of Ordinances), and 68 P.S. §1081, et. seq. (Municipal Code and Ordinance Compliance Act).

ARTICLE 2: STATEMENT OF PURPOSE. The Borough Council of the Borough of New Cumberland recognizes a need to establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and to maintain safety and sanitary conditions for the general welfare of the citizens of the Borough. This Ordinance shall be construed 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 this Ordinance shall be altered or repaired to provide a minimum level of health and safety as required herein.

ARTICLE 3: SCOPE OF ORDINANCE. This Ordinance shall apply to all commercial, office, industrial, multi-family, and single-family residential structures and premises and shall constitute the minimum requirements and standards for existing structures and premises, equipment, sanitation, protection from the elements, safety from hazards and for administration, enforcement and penalties associated with this Ordinance.

ARTICLE 4: DEFINITIONS.

ANCHORED. Secured in a manner that provides positive connection.

BASEMENT. That portion of a building which is partly or

completely below grade.

CONDEMN. To adjudge 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. One or more rooms used for living and sleeping by one family and having fixed kitchen facilities and sanitary facilities.

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 lot or lots.

ENFORCEMENT OFFICIAL. A person who is charged with the administration and enforcement of this Ordinance, or any duly authorized representative.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, 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.

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 minimize 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, vector, rodents 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.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling 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.

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

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 or dwelling unit.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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/administrator of a decedent's estate if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other legally recognized entity or group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, vermin, vector, 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 right-of-way, including any structures thereon.

STREET. Any street, road, alley or similar parcel of land essentially unobstructed and deeded, dedicated or otherwise permanently appropriated to the public for public use.

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, trash, debris, 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 prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. Any man-made object having an ascertainable stationary location on or in land or water, whether or not fixed to the land.

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

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

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

YARD. An open space on the same lot with a structure.

ARTICLE 5. ADMINISTRATION OF ORDINANCE.

SECTION 501. Appointment of Enforcement Official. The Borough Council of the Borough of New Cumberland shall appoint an Enforcement Official to administer and enforce the terms and requirements of this Ordinance. The Borough Council of the Borough of New Cumberland may appoint a deputy Enforcement Official who shall have the powers and authority of the Enforcement Official in the event of any temporary or permanent incapacity of the Enforcement Official.

SECTION 502. General Duties of Enforcement Official.

The Enforcement Official is hereby authorized to:

A. Make, conduct or initiate any and all required notice of violations, correspondence, inspections, review complaints, reports and other inquiries associated with interpretation, enforcement and administration of this Ordinance; and

B. Maintain, store and adequately record all documents, data, correspondence, official records, determinations, photographs and information associated with any inspection, complaint, notices, enforcement action or other duty associated with administration of this Ordinance; and

C. Enter upon a property, structure or premises, after sufficient notice and upon reasonable cause to believe that there exists a violation of this Ordinance upon any property, structure or premises in the Borough of New Cumberland, at reasonable times to inspect the condition of any property, structure or premises for the purpose of administering the purposes of this Ordinance; and

D. Conduct reasonable investigation and inquiries associated with determining the owner, occupant or administrator of any property, structure or premises located in the Borough of New Cumberland; and

E. Seek and obtain judicial or other approval to enter upon the property, premises of a structure to determine the veracity of any complaint, investigation or inquiry associated with interpretation and enforcement of this Ordinance in the Borough of New Cumberland; and

F. Pursue any civil, including equitable, or criminal action to enforce the terms of this Ordinance.

SECTION 503. LIABILITY. The Enforcement Official, while performing duties authorized by this Ordinance within the Borough of New Cumberland, in good faith and without malice in the discharge of the duties required by this Ordinance, shall not be held liable 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 performance of authorized duties. Any suit instituted against the Enforcement Official because of an act performed in the lawful discharge of duties and under the provisions of this Ordinance shall be defended by the legal representative of the Borough of New Cumberland until the final termination of the proceedings. The Enforcement Official or Deputy Enforcement Official, as the case may be, shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Ordinance.

SECTION 504. COSTS, FEES AND CHARGES. Any fee or costs charged and incurred by the Enforcement Official, the Deputy Enforcement Official or the Borough of New Cumberland for performing the inspections, enforcement actions, determinations, reproduction of records, photographs and other costs associated with performing the duties and responsibilities of this Ordinance shall be established and set by Resolution of the Borough Council of the Borough of New Cumberland as may be amended from time to time.

ARTICLE 6. RESPONSIBILITY TO MAINTAIN STRUCTURES, PROPERTY PREMISES, EQUIPMENT AND EXTERIOR OF PREMISES

SECTION 601. DUTIES AND RESPONSIBILITIES OF PROPERTY OWNER.

The owner of property and premises located in the Borough of New Cumberland shall maintain all structures, equipment and the exterior of property and premises in compliance with all provisions and requirements of this Ordinance. No person shall occupy as owner-occupant or permit another person to occupy property or premises not in a sanitary and safe condition and which do not comply with the terms, conditions and requirements of this Ordinance. Occupants of any dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

SECTION 602. DUTIES AND RESPONSIBILITIES OF OWNER OF VACANT LAND AND STRUCTURES.

The owner of vacant land, property, premises or structures shall maintain any vacant land, property, premises or structures in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare.

ARTICLE 7. EXTERIOR PROPERTY MAINTENANCE REQUIREMENTS

SECTION 701. GENERAL STRUCTURAL REQUIREMENTS

The exterior of any structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

SECTION 702. EXTERIOR SURFACES. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, skylights, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained to a weather resistant and water tight condition. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

SECTION 703. STRUCTURAL MEMBERS. All support and structural members, beams and posts shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

SECTION 704. EXTERIOR FOUNDATION AND WALLS. All exterior foundations and walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, vermin, vector, rodents or other pests. All exterior walls shall be free from holes, breaks, and loose or rotting materials. Exterior foundations and walls shall be maintained, weatherproofed and properly surface coated where required to prevent deterioration.

SECTION 705. ROOFS AND ROOF DRAINAGE. The roof and flashing on any building, structure or premises shall be sound, tight and

not have defects to permit the entry of snow, rain or other form of precipitation. Roof drains shall be adequate to prevent dampness or deterioration in the walls. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance and shall be maintained and discharged so as not enter upon adjacent property or premises.

SECTION 706. VICTORIAN AND DECORATIVE FEATURES. All turrets, trim, cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

SECTION 707. PORCHES, EXTENSIONS, AWNINGS, CANOPIES. All porches, overhang extensions including, but not limited to fabric or metal awnings, canopies, marquees, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a safe condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

SECTION 708. STAIRWAYS, DECKS, PORCHES AND BALCONIES. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

SECTION 709. CHIMNEYS AND TOWERS. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be anchored and maintained structurally safe and sound, and in good repair. All mortar joints shall be maintained, and loose mortar joints shall be repaired or re-pointed to a structurally safe condition. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

SECTION 710. HANDRAILS AND GUARDS. Every handrail and guard shall be firmly anchored, fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

SECTION 711. WINDOWS, SKYLIGHTS, DOORS AND DOOR FRAMES. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All exposed surfaces of metal or wood shall be protected from the elements and

against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

SECTION 712. SCREENING FOR COMMERCIAL EATING ESTABLISHMENTS.

Any commercial building, structure and premises used food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect, vermin, vector, rodent or other pest control shall have a self-closing device in good working conditions.

SECTION 713. EXTERIORS DOORS AND DOOR ASSEMBLIES. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

SECTION 714. BASEMENT DOORS AND ENTRANCEWAY. Basement doors and entranceways shall be maintained to prevent the entrance of insects, vermin, vector, rodents or other pests, as well as rain, snow and surface drainage water. All basement entranceways, including basement windows, shall be maintained with appropriate devices, screens, shields or similar approved protective device to protect against the entry of insects, vermin, vector, rodents or other pests.

SECTION 715. RUBBISH AND GARBAGE

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, and shall dispose of all rubbish in a clean and sanitary manner. Rubbish and garbage intended for regular garbage disposal or pick-up shall be maintained in approved garbage containers.

SECTION 716. GENERAL 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.

SECTION 717. INFESTATION OF INSECTS, VERMIN, VECTOR, RODENTS AND OTHER PESTS.

A. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which an infestation of insects, vermin, vector, rodents or other pests is found shall be promptly exterminated by approved process that will not be injurious to human health. After insect, vermin, vector, rodent or other pest elimination, proper precautions shall be taken to prevent re-infestation.

B. Responsibility of Owner. The owner of any structure shall be responsible for insect, vermin, vector, rodent or other pest infestation elimination within the structure prior to renting or leasing an unoccupied structure.

c. Responsibility of Occupant/Tenant/Owner. The occupant or tenant of any residential or non-residential structure, including any dwelling unit, shall be responsible for insect, vermin, vector, rodent or other pest elimination on the premises, provided that the owner of any structure shall be responsible for insect, vermin, vector, rodent or other pests elimination from the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent, treat and eliminate such infestation in the area occupied after sufficient notice, the occupant and owner shall be responsible for insects, vermin, vector, rodents or other pest elimination.

SECTION 718. STAGNANT WATERS. All premises shall be maintained, graded, kept free of rubbish to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

SECTION 719. OBSTRUCTIONS. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from obstructions creating hazardous conditions, rubbish or garbage.

SECTION 720. WEEDS AND NOXIOUS VEGETATION. All premises and exterior property shall be maintained free from weeds, grass or plant growth in excess of six inches, excluding trees, shrubs, cultivated flowers and gardens. All noxious weeds as defined by the Noxious Weed Control Law (3 P.S. Section 255.3(b)) shall be prohibited.

SECTION 721. DISCHARGE OF GASES, STEAM, SMOKE, VAPORS. No pipes, ducts, conductors, fans or blowers shall discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

SECTION 722. ACCESSORY STRUCTURES. All accessory structures, including but not limited to detached garages, sheds, pole buildings, privacy fences, landscaped areas, landscaped fences and landscape walls, shall be maintained structurally sound and in good repair. No person shall cause or permit the infestation of any insects, vermin, vector, rodents or other pests within any accessory structure.

SECTION 723. INOPERABLE, UNLICENSED AND UNINSPECTED MOTOR VEHICLES; USE OF VEHICLES FOR RESIDENCY PROHIBITED. No inoperative, unlicensed or uninspected motor vehicle shall be parked, kept or stored outside on any premises or property, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, excluding a vehicle of any type which undergoing repair, major overhaul or including body work inside a structure or similarly enclosed area designed, approved and insured for such purposes. No person shall live or reside in any inoperable, unlicensed motor vehicle, and no person shall live or reside in any camper, recreation vehicle or motor vehicle at any time.

SECTION 725. GRAFFITI, MUTILATION OR DEFACEMENT OF PROPERTY.

No person shall willfully or wantonly damage, mutilate or deface the exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. The Owner of any structure or building damaged mutilated or defaced by marking, carving or graffiti shall be responsible to restore the surface to an approved state of maintenance and repair.

SECTION 726. MAINTENANCE OF EQUIPMENT SERVICING STRUCTURES AND BUILDINGS.

Equipment, air conditioners, air conditioning systems, house fans, alarm systems and other devices and safeguards shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from, shut off from or discontinued from any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress.

SECTION 727. STORAGE OF APPLIANCES, FURNITURE AND HOUSEHOLD PROPERTY: EXCEPTIONS. Household furniture, household items and appliances, including but not limited to, sofas, stuffed chairs, tools, books, records, compact discs, electronic equipment,

mattresses, sinks, toilets, clothing dryers, ranges, microwave ovens, washing machines, and used or new construction materials which are not designed to withstand the elements and outdoor use, shall not be permitted to be placed, stored or maintained outside on any premises, open porches, accessory structures, patios, yards and landings on any premises for more than seventy-two (72) hours, excepting only outdoor storage authorized by the zoning ordinance or outdoor storage of cut firewood stacked in lengths not to exceed three (3) feet in length for the personal use of the owner or occupant.

SECTION 728. FIRES AND BURNED STRUCTURES. Whenever any building or structure is partially burned, the owner or person in control shall, within thirty (30) days after completion of the scene investigation by the Fire Department and/or insurer of the property, remove from the premises and property all refuse, debris, and all charred and partially burned lumber and material. If such building or structure shall be burned to such an extent that it is rendered incapable to being repaired, the owner or person in control shall, within sixty (60) days after completion of the scene investigation by the Fire Department and/or insurer of the property, remove from the premises and property all the remaining portion of the building or structure. If the building or structure is to be repaired, work shall begin within sixty (60) days and shall be completed within one hundred twenty days after completion of the scene investigation by the Fire Department and/or insurer of the property. The Enforcement Official may extend any time period set forth in this Section upon receipt of a written request by any interested party upon good cause shown.

SECTION 729. SWIMMING POOLS. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair, and shall be completely surrounded by a fence or barrier at least forty-eight (48) inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching and shall be maintained in good repair to insure a safety barrier around the swimming pool.

ARTICLE 8. EMERGENCY AND DANGEROUS CONDITIONS.

SECTION 801. AUTHORITY TO ISSUE IMMEDIATE VACATION NOTICE.

When, in the opinion of the Enforcement 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 Enforcement Official is hereby authorized and empowered to order and require the occupants to vacate the premises. The Enforcement 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 Enforcement 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.

SECTION 802. TEMPORARY EMERGENCY ACTIONS TO MINIMIZE DAMAGE TO PERSON AND PROPERTY. Notwithstanding other provisions of this Ordinance, whenever, in the opinion of the Enforcement Official an imminent danger exists due to an unsafe condition, the Enforcement Official shall direct the owner of the building, structure or premises to make any necessary repairs, additions, construction or 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, including any and all actions necessary to minimize the risk of additional or further damage to person and property as a result of the condition of the premises.

SECTION 803. STREET, ALLEY AND ROAD CLOSINGS. Upon consultation with and written Notice of Emergency Declaration by the Mayor of New Cumberland, the Enforcement Official may cause the marking and temporary closing of streets, alleys, roads and ways.

SECTION 804. EMERGENCY CONSTRUCTIONS AND REPAIRS. When necessary for the protection of the public health, safety and welfare, and to protect the public from violations of this Ordinance, the Enforcement Official may contact Borough Council which shall have the authority to conduct an emergency meeting for the authorization of funds and payment of materials and labor to repair a dangerous or emergency condition of a structure, building or accessory structure. Nothing herein shall prohibit the Borough of New Cumberland from pursuing an action at law to recover the costs associated with emergency construction and repairs from the owner of the premises where the emergency or unsafe structure was located.

SECTION 805. COSTS OF EMERGENCY REPAIRS. Costs incurred in the performance of emergency work shall be approved by Borough Council and paid for by the Borough of New Cumberland. The legal

counsel of 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.

SECTION 806. NOTICE AND HEARING IN EMERGENCY. The Enforcement Official shall attempt reasonable efforts to contact the owner of the premises where the unsafe or dangerous structure is located as the condition permits prior to the taking of emergency action to repair or eliminate the emergency situation, if possible. Any person directed to take emergency measures shall comply with such order. Any aggrieved person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this Ordinance.

ARTICLE 9. CONDEMNATION AND DEMOLITION OF UNSAFE STRUCTURES

SECTION 901. CONDEMNATION. When a structure is found by the Enforcement Official to be unsafe, or when a structure is found unfit for human occupancy, such structure shall be condemned pursuant to the provisions of this Ordinance.

SECTION 902. SECURING OF UNSAFE STRUCTURES. If any structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Enforcement 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 a period of ten (10) days or other time identified in the Notice of Condemnation, the Enforcement 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 as authorized by law.

SECTION 903. NOTICE OF CONDEMNATION. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Enforcement 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. Whenever the Enforcement 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 by posting notice thereon.

SECTION 904. OCCUPANCY PROHIBITED. Any occupied structure condemned and placarded by the Enforcement Official shall be vacated as ordered by the Enforcement Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this Ordinance.

SECTION 905. CORRECTIVE ACTIONS. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Enforcement Official shall correct or cause to be corrected or abated such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

SECTION 906. SECURING AND DEMOLITION OF UNSAFE STRUCTURES.

(A) The Enforcement Official shall order the owner of any premises upon which is located any structure, which in the Enforcement Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary 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 Enforcement 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 Enforcement Official.

(B) All notices and orders shall comply with Article 10.

(C) If the owner of a premises fails to comply with a demolition order within the time prescribed, the Enforcement Official shall notify Borough Council and may 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. Nothing herein shall prohibit the Borough of New Cumberland from obtaining a Court Order directing the demolition of a structure so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure.

(D) When any structure has been ordered demolished and removed, the Borough of New Cumberland 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.

(E) All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure. The boarding and fastening of any window, door and other openings shall be comply with any and all applicable building Ordinances enforced by the Borough of New Cumberland.

ARTICLE 10. NOTICE OF VIOLATIONS; SALE OF PREMISES.

SECTION 1001. WRITTEN NOTICE. Whenever the Enforcement Official determines that there has been a violation of this Ordinance or has grounds to believe that a violation has occurred, written notice shall be given in the manner set forth in Section 1002.

SECTION 1002. METHOD OF SERVING NOTICE VIOLATIONS. Written notice of any violation shall be deemed to be properly served if a copy thereof is:

1. Delivered personally to the owner or occupant; or
2. Sent by certified or restricted delivery addressed to the last known address of the owner or occupant; or
3. 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.

SECTION 1003. NOTICE TO GRANTEES, LESSEES, TRANSFEREES AND BUYERS OF REAL ESTATE AT SETTLEMENT OR TRANSFER.

The owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served shall not 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 Enforcement Official. Prior to any sale or transfer, sufficient written notice, letter or other form of acknowledgment shall be furnished to the Enforcement Official from the grantee, buyer, 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 notice of violation or other order.

ARTICLE 11. ORDINANCE VIOLATIONS.

SECTION 1101. CONFLICT AND VIOLATIONS.

No person, owner, occupant, firm or corporation shall maintain or control any property, premises or structure in conflict with or in violation of any of the provisions of this Ordinance.

SECTION 1102. SERVICE AND CONTENT OF NOTICE OF VIOLATION

The Enforcement Official shall serve a notice of violation in accordance with Section 1002. A notice of violation shall state at least the following:

- (a) The name of the owner, occupant and any other person against whom the municipality intends to take action.
- (b) The location of the property or premises in violation.
- (c) The specific violation with a description of the Ordinance provision which have not been met, citing in each instance the applicable Section of this Ordinance.
- (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

SECTION 1103. ENFORCEMENT OF VIOLATION. Any person, firm or corporation or occupant failing to comply with a notice of violation served in accordance with Article 10 shall be deemed guilty of a summary offense, misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Ordinance 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 Ordinance or of the order or direction made pursuant thereto.

SECTION 1104. PENALTIES. Any owner, person, firm or corporation or occupant who has received notice of a violation of this ordinance or of the existence of a nuisance and fails to rectify the conditions constituting the nuisance or to remove and demolish the offending dwelling, building or structure shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand (\$1,000.00), together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the Cumberland County Prison for a period of not more than thirty (30) days.

SECTION 1105: EQUITABLE ACTION AUTHORIZED. In addition to remedies at law, the Borough of New Cumberland may institute proceedings in equity to enforce continuing and repeating violation of this Ordinance.

SECTION 1106. CUMULATIVE NATURE OF PENALTIES. Any person who shall violate a provision of this Ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after Notice of Violation has been served shall be deemed a separate offense.

ARTICLE 12. EXEMPTIONS.

SECTION 1201. Historic buildings. The Enforcement Official may exempt historic buildings, structures and premises from the provisions of this Ordinance where they are designated as historic buildings by the Commonwealth of Pennsylvania and such buildings and structures designated as historic buildings when such buildings or structures are judged by the Enforcement Official to be safe and in the public interest of health, safety and welfare.

SECTION 1202. CRIMINAL OR CIVIL INVESTIGATIONS. Any period of time or other requirement for compliance with any provision of this Ordinance herein may be extended by the Enforcement Official during the course of any criminal or civil inquiries, including but not limited to arson or insurance investigations.

ARTICLE 13. INTERPRETATION STANDARDS.

SECTION 1301. CONFLICT WITH OTHER LAWS/SEVERABILITY. In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity

shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by the Ordinance, it being the intent of the Borough of New Cumberland that such remainder shall be and shall remain in full force and effect.

SECTION 1302: RELATIONSHIP TO OTHER ORDINANCES. Neither this Ordinance or parts thereof, or other Ordinances or parts of Ordinances or parts of Resolutions shall be read, construed or interpreted so as to interfere, repeal or modify the provisions of any other similar ordinance.

SECTION 1303. MODIFICATION OF ORDINANCE PROVISIONS. Whenever there are practical difficulties involved in carrying out the provisions of this Ordinance, the Enforcement Official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the Enforcement Official shall first find that special individual reason makes the strict letter of this Ordinance impractical and the modification is in compliance with the intent and purpose of this Ordinance and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the Enforcement Official's files.

SECTION 1304. 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.

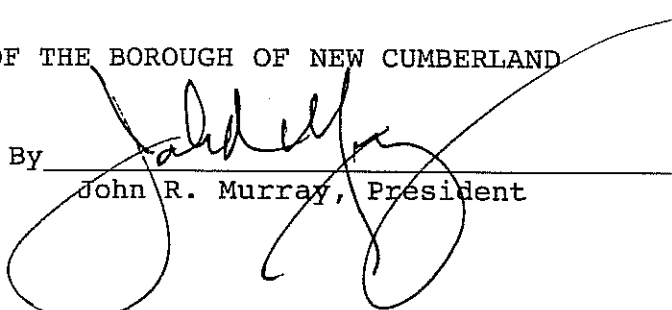
SECTION 1305. INTERPRETATION CONFLICTS. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this Ordinance and the referenced standards, the provisions of this Ordinance shall apply. Where, in a specific case, different sections of this Ordinance specify different requirements, the most restrictive shall govern.

SECTION 1306. UNDEFINED TERMS. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.


SECTION 1307: EFFECTIVE DATE. This Ordinance shall become effective in accordance with law.

ENACTED AND ORDAINED, this 7TH day of December, 2011.

COUNCIL OF THE BOROUGH OF NEW CUMBERLAND

By 
John R. Murray, President

ATTEST:


Stephen C. Sultzaberger, Secretary

APPROVED this 7TH day of December, 2011.

By 
D.J. Landis, Mayor

CERTIFICATE

I, Stephen C. Sultzaberger, Secretary of the Borough of New Cumberland, Cumberland County, Pennsylvania (the "Borough"), certify that: the foregoing is a true and correct copy of an Ordinance of the Council of the Borough of New Cumberland (the "Council"), which duly was enacted by affirmative vote of a majority of the members of the Council at a meeting held on December 7, 2011; being approved by the Mayor on December 7, 2011; said Ordinance duly has been recorded in the Ordinance Book of the Borough; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 7TH day of December, 2011.



Stephen C. Sultzaberger, Secretary