

PART 1 — SCOPE AND APPLICATION**SECTION 101 GENERAL****101.1 Title.**

These regulations shall be known as the *Cranberry Township Property Maintenance Code*, hereinafter referred to as “this code.”

101.2 Scope.

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, ~~equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, 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.

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.

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 Maintenance.

~~Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired 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 or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.~~

102.3 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 Cranberry Township Zoning Ordinance.

102.4 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.

102.5 Workmanship.

~~Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.~~

102.6 Historic buildings.

~~The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.~~

102.7 Referenced codes and standards.

~~The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.~~

~~**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.~~

102.7.1 Conflicts.

~~Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.~~

102.7.2 Provisions in referenced codes and standards.

~~Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.~~

102.8 Requirements not covered by code.

~~Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.~~

102.9 Application of references.

~~References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.~~

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 INSPECTION

103.1 General.

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

103.2 Appointment.

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

~~**103.3 Deputies.**~~

~~In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.~~

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.

103.5 Fees.

The fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be as set forth in a fee schedule from time to time in effect as adopted, amended, supplemented and replaced by resolution of the Cranberry Township Board of Supervisors. All such fees shall be paid to the Township of Cranberry and deposited in the general fund for the Township, for the use of the Township.

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. ~~The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in 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 APPROVAL~~

~~105.1 Modifications.~~

~~Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code 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 department files.~~

~~105.2 Alternative materials, methods and equipment.~~

~~The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.~~

~~105.3 Required testing.~~

~~Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.~~

~~105.3.1 Test methods.~~

~~Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.~~

~~105.3.2 Test reports.~~

~~Reports of tests shall be retained by the code official for the period required for retention of public records.~~

~~105.4 Used material and equipment.~~

~~The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.~~

~~105.5 Approved materials and equipment.~~

~~Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.~~

~~**105.6 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.~~

SECTION 106 VIOLATIONS / AUTHORIZING PENALTIES FOR VIOLATIONS

106.1 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.

106.2 Notice of violation.

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

106.3 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.

106.4 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.

106.5 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.~~

SECTION 107 NOTICES AND ORDERS

107.1 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.

107.2 Form.

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

- Be in writing. Include a description of the real estate sufficient for identification.
- Include a statement of the violation or violations and why the notice is being issued.
- 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.
- Inform the property owner of the right to appeal.
- Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service.

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

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

107.4 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.~~

107.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 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 108 UNSAFE STRUCTURES AND EQUIPMENT~~

~~108.1 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.~~

~~108.1.1 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.~~

~~108.1.2 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.~~

~~108.1.3 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 insanitary, 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.~~

~~108.1.4 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.~~

~~108.1.5 Dangerous structure or premises.~~

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

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.~~

~~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.~~

~~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.~~

~~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, 4mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.~~

~~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.~~

108.2 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.~~

108.2.1 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 102.7 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.~~

108.3 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.~~

108.4 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.~~

108.4.1 Placard removal.

~~The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.~~

108.5 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 premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.~~

108.6 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.~~

108.7 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 109 EMERGENCY MEASURES

109.1 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.

109.2 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.

109.3 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.

109.4 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.

109.5 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.

109.6 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 110 DEMOLITION

110.1 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.

110.2 Notices and orders.

All notices and orders shall comply with Section 107.

110.3 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.

110.4 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 111 MEANS OF APPEAL

111.1 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 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.

111.2 Membership of board.

The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Township. All members of the board of appeals shall be appointed by resolution of the Township Board of Supervisors. The code official shall be an ex-officio member of the board but shall have no vote on any matter before the board. The board may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official. The copy of the decision mailed to the appellant shall state thereon, or on a statement attached thereto, the date of mailing. The code official shall take prompt action in accordance with the decision of the board.

111.2.3 Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.3 Notice of meeting.

The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of majority of the board then in office.

111.5 Postponed hearing.

When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board Decision.

The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration.

The code official shall take immediate action in accordance with the decision of the board.

111.7 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to file a further appeal to the Court of Common Pleas of Venango County, Pennsylvania, to correct errors of law made by the board of appeals in its decision. Such an appeal shall be filed within thirty (30) days after the date written notice of the decision of the board of appeals is mailed to the appellant.

111.8 Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) to the board of appeals or to the Court of Common Pleas of Venango County, Pennsylvania, shall stay the enforcement of the notice and order until the appeal is decided by the board of appeals or the Court, as the case may be.

~~SECTION 112 STOP WORK ORDER~~

~~112.1 Authority.~~

~~Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.~~

~~112.2 Issuance.~~

~~A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.~~

~~112.3 Emergencies.~~

~~Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.~~

~~112.4 Failure to comply.~~

~~Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for the penalties prescribed in Section 106.4.~~

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, International Zoning Code or NFPA 70, 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.

BASEMENT. That portion of a building which is partly or completely below grade.

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 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. 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, snuggers, 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.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

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.

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.

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.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

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.

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.

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

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. ~~Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.~~

301.3 Vacant structures and land.

~~All vacant structures and premises thereof or vacant land shall be maintained 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 or safety.~~

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 Grading and drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, with the exception of approved retention areas, **recreation/farm ponds**, and reservoirs. ~~All approved retention areas and reservoirs, including without limitation, wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and ponds of a similar nature shall be enclosed by a fence or other structure to prevent access there to by the public.~~

~~302.3 Sidewalks and driveways.~~

~~All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.~~

302.4 Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of **eight ten (10)** inches in height:

- (a) within the area of twenty-five (25) feet surrounding the exterior walls of each building on real estate located in any residential, commercial, mixed-use, or industrial zoning district;

- (b) within the area of twenty-five (25) feet surrounding the primary residence building on real estate located in any agricultural or conservation zoning district; and
- (c) ~~within the area located between the exterior wall of any building that is subject to Subsections (a) or (b) nearest to a public road and the cart way of that public road to a width equal to the width of such exterior wall. The areas referred to in Subsections (a) and (b) above shall be reduced to the extent that the area would include real estate in which the owner of the subject property has no ownership interest.~~ All noxious weeds shall be prohibited. All heavy growth of weeds that impairs the health or safety of persons or property is prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated, **crops**, flowers, and gardens. All trees and shrubs shall be trimmed as necessary to prevent safety hazard to pedestrians or vehicular traffic. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, the owner or agent shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the Township shall be authorized to enter upon the property that is in violation and cut and destroy the weeds growing thereon in the prescribed areas. The code official shall have the authority and discretion to retain services to enter up the property that is in violation and cut and destroy such weeds. All costs of such cutting and destruction shall be paid by the owner or agent responsible for the property.

302.5 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.

302.6 Exhaust vents.

~~Pipes, ducts, conductors, fans or blowers shall not 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.~~

302.7 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.

302.8 Motor vehicles.

Except as provided for in other regulations, no **more than two (2)** 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, 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 even when not visible from a public road or right-of-way.~~

302.8.1 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.**

Exception: 302.8.1 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.

302.9 Defacement of property.

~~No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.~~

302.10 FIRE HYDRANT OBSTRUCTION.

Unobstructed access for firefighting personnel to fire hydrants shall be maintained at all times, including, but not limited to, maintaining a three-foot open space around each fire hydrant.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools, spas and hot tubs, shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures.

~~Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) 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. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.~~

~~**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.~~

SECTION 304 EXTERIOR STRUCTURE

304.3 Premises identification.

All properties Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

SECTION 308 RUBBISH, GARBAGE, AND JUNK

308.1 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.~~

308.2 Disposal of rubbish.

~~Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner. by placing such rubbish in approved containers.~~

~~308.2.1 Rubbish storage facilities.~~

~~The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.~~

308.2.2 Refrigerators.

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

308.3 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.~~

~~308.3.1 Garbage facilities.~~

~~The owner of every dwelling shall supply one (1) approved leak proof, covered, outside garbage container.~~

~~308.3.2 Containers.~~

~~The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.~~

308.4 Accumulation of Junk.

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 of Cranberry 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:

308.4.1 ~~Junk, rubbish, clutter, litter, debris, implements or machinery or any component parts or accessories thereof.~~

308.4.2 ~~Lumber or other building materials or equipment, except for those materials or equipment related to projects for which a current valid building and/or zoning permit has been issued. Building materials shall include, but are not necessarily limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts, shingles, mortar, concrete or cement, nails, screws or any other materials or equipment generally used in construction.~~

308.4.3 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.

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

308.5.1 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. ~~but in no event upon the front porch of any house or other residential structure.~~

308.5.2 Lawn, yard, garden or playground tools, ornaments, equipment or implements.

308.5.3 Lawn or patio furniture.

308.5.4 Standing fences.

308.5.5 Hoses and sprinklers used for watering lawns or gardens.

308.5.6 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.

308.5.7 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.

SECTION 309 PEST ELIMINATION

309.1 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.

309.2 Owner.

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

309.3 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.~~

309.4 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.~~

~~**309.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.~~

~~Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.~~