

ORDINANCE NO. 44

AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE, PENNSYLVANIA, DEFINING CERTAIN NUISANCES RELATED TO MAINTENANCE OF PREMISES, EXTERIOR SURFACES AND APPURTENANCES OF BUILDINGS AND ACCESSORY STRUCTURES AND PROVIDING FOR THEIR ABATEMENT.

The Council of the Borough of Indian Lake, Pennsylvania, ordains as follows:

SECTION 1. PUBLIC NUISANCES RESULTING FROM LACK OF MAINTENANCE.

It is hereby found and declared that premises exist within the Borough of Indian Lake which are blighted because there exist thereon, blighted buildings or structures either due to faulty design or construction, or to failure to maintain them in a proper state of repair or to improper management, or due to the accumulation thereon, of junk, wood, brick, cement block, or other unsightly debris, refrigerators, furnaces, appliances, machinery, or parts thereon, structurally unsound fences, and other such items which tend to depreciate property values and to jeopardize or be detrimental to the health, safety, morals or welfare of the people of the Borough.

It is hereby further found and declared that such blighted premises, buildings or structures, contribute to the development of, or increase in, disease, infant mortality, crime and juvenile delinquency; that conditions existing on such blighted premises are dangerous to the public health, safety, morals and general welfare of the people; that conditions existing on such blighted premises could necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection, and other public services; that the conditions existing on such blighted premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

It is hereby further found and declared that the elimination of blighted premises and the prevention of occurrence of blighted premises in the future is in the best interests of the citizens of this Borough and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Ordinance, is hereby declared to be essential to the public interest and it is intended that this ordinance be liberally construed to effectuate the purpose heretofore stated.

SECTION 2. DEFINITIONS:

The following definitions shall only apply in the interpretation and enforcement of this Ordinance.

A. Dwelling. Dwelling shall mean any building or structure, which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

B. Dwelling Unit. Dwelling unit shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

C. Extermination. Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or any other approved pest elimination methods.

D. Nuisance. For the purpose of this section "Nuisance" shall be defined as follows:

1. Any public nuisance known in common law or in equity jurisprudence.

2. Any attractive nuisance which may prove detrimental to children whether in a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements and excavations; or any abandoned refrigerators, furnaces, machinery or parts thereof, structurally unsound fences and structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

3. Whatever is dangerous to human life or is detrimental to health.

4. Dwelling or nondwelling structures which tend to depreciate property values and jeopardize or be detrimental to the health, safety, morals or welfare of the people of the city due to faulty design or construction, or to failure to maintain them in a proper state of repair or to improper management.

E. Occupant. Occupant shall mean any person living, sleeping, or eating, or having actual possession of a dwelling, dwelling unit or rooming unit.

F. Operator. Operator shall mean any person who has charge, care or control of a building or part thereof in which a dwelling or rooming units are let.

G. Owner. Owner shall mean any person who alone or jointly or severally with others shall be the legally recorded holder of the title with or without actual possession thereof, or who has charge, care or control of any dwelling or dwelling unit as agent or owner, or as executor, administrator, trustee or guardian, of the estate of the owner. The term "owner" under this ordinance shall also include the legally recorded holder of a land contract vendee interest.

H. Person. Person shall mean and include any individual, firm, corporation, partnership or association.

I. Premises. Premises shall mean any lot, plot or parcel of land either occupied or unoccupied by any dwelling or nondwelling structure.

SECTION 3. RESPONSIBILITY OF OCCUPANTS.

The responsibilities of occupants are as follows:

A. To keep the exterior of the dwelling and nondwelling structures and premises the controls and occupies in a clean sanitary condition.

B. To dispose of rubbish and garbage in a clean and sanitary manner.

C. To exterminate in the following cases:

1. The occupant of a single dwelling is responsible for extermination of any insects, rodents, or other pests therein or on the premises.

2. The occupant of a dwelling unit in a multiple unit structure is responsible for extermination of any insects, rodents, or other pests if his unit is the only unit infested.

Notwithstanding the foregoing provisions of this Ordinance; whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat-proof or reasonably insect-proof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein.

SECTION 4. RESPONSIBILITY OF OWNERS.

A. To exterminate in the following cases:

1. When infestation exists in two or more units of a multiple-unit structure.

2. When infestation exists in shared or public areas of a multiple-unit structure.

3. When infestation exists in a single-unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat-proof condition.

B. To perform the responsibilities of the occupant when premises are vacant.

C. In addition to the above, no owner shall permit any premises to exist or any dwelling or nondwelling structure or fence to exist on any premises which does not comply with the following requirements:

1. Maintenance of Structures. Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every dwelling or nondwelling structure shall be so maintained as to prevent the structure from becoming a harborage for rats and shall be kept in reasonably good state of maintenance and repair.

2. Protection of Exterior Wood Surfaces. All exterior wood surfaces of all dwelling or nondwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.

3. Maintenance of Fences. Every fence shall be kept in a reasonably good state of maintenance and repair or shall be removed.

4. Pest Control. Every premises shall be so maintained as to prevent the premises from becoming a harborage for rats

and insect pests. Whenever infestation with rodents or pests exists in any premises upon which no structure or nondwelling structures are located, extermination thereof shall be the responsibility of the owner.

D. General Cleanliness. The accumulation or storage of junk, wood, brick, cement block or other unsightly debris, old automobiles or parts thereof, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, such as may tend to depreciate property values in the area or create a nuisance or hazard shall not be allowed on any lot or parcel of land within the corporate limits of the Borough of Indian Lake, except as may be allowed by permit approved by the Borough Council, or except when such materials are properly housed and out of public view.

SECTION 5. ENFORCEMENT. Whenever the Building and Zoning Supervisor, Health Officer and/or Fire Inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions which affects the safety of any such occupants or the safety of the general public, he shall give notice of such alleged violation to the person or persons responsible therefore, and to any known agent of such person, as hereinafter provided, Such notice shall:

- A. Be put in writing.
- B. Include a statement of the reasons why it is being issued.
- C. Allow a reasonable time for the performance of any act it requires.

D. Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant,

if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if he is served with such notice by any other method authorized or required under the Laws of this Commonwealth.

E. Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provision of this Ordinance.

SECTION 6. This Ordinance shall be in full force and effect from and after the date of its passage and publication.

ORDAINED AND ENACTED this 14th day of June, 1980.

Attest:

INDIAN LAKE BOROUGH

Claudia R. Dawson
Secretary

By R. Varys
President of Council

APPROVED this 14th day of June, 1980.

E. P. Rogan II
Mayor

I hereby certify that the foregoing Ordinance is Ordinance No. 44 approved June 14, 1980, duly advertised and transcribed.

Claudia R. Dawson
Secretary, Borough of Indian Lake