

CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS

PART SEVEN - GENERAL OFFENSES CODE

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ARTICLE 701

Animals

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CROSS REFERENCES

Animals running at large - see 3 P.S. §581 et seq.  
Power to regulate - see First Class Twp. Code §1502  
(53 P.S. §56530)

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701.01 DEFINITIONS.

Definitions of some of the terms used in this article are as follows:

- (a) "Owner": means any person, group of persons, firm or corporation owning, keeping or harboring a dog or dogs, or other animals.
- (b) "Exposed to rabies" means any dog or other animal whether licensed or vaccinated for rabies protection or not, which has been bitten, been fighting with, or has consorted with an animal known or suspected to have rabies.
- (c) "Approved vaccine". Chick embryo or phenolized tissue rabies vaccine is to be know as "approved" if its manufacture and efficiency is approved by the United States Department of Agriculture or the United States Department of Health, Education and Welfare. "Approved vaccine" also means any other rabies vaccine approved by those agencies.  
(Ord. 637 §1. Passed 11-26-73.)

701.02 REPORTING ANIMAL BITES.

- (a) Anyone who treats a person who has received a bite or laceration caused by an animal shall immediately report such injury to the Police Department. The report should give the name, age, sex and address of the patient, date of occurrence, name and address of the animal's owner, if known, along with a description of the animal as to breed, sex, age, color and history of vaccination.

(b) The Police Department or Town authorities shall investigate the biting incident and notify the animal owner, using the quarantine notice provided by the Allegheny County Health Department, that the animal must be quarantined for not less than ten days following the evening of the day of the bite.

(c) Following the investigation of each biting incident, the Police Department or other Town authorities shall send a report to the Allegheny County Health Department of the incident. (Ord. 637 §2. Passed 11-26-73.)

#### 701.03 QUARANTINE OF BITING ANIMAL.

(a) The owner of any dog, cat or other animal which bites any person, regardless of the circumstances or whether the animal is vaccinated for rabies protection or not, shall report the incident to the Police Department and shall confine the animal, either within an enclosure at home, a veterinary hospital or by restraining by a leash composed of a chain or other indestructible material, for a period of not less than ten days following the evening of the day of the bite.

(b) Any such animal which should die during the ten day quarantine period shall not be destroyed. Instead, the head shall be removed and submitted within twelve hours following the animal's death to a qualified official laboratory for examination. A full description of the animal's breed, sex, age, vaccination, if any, owner's name, address and telephone number, and the name, address and telephone number of the person or persons bitten shall be submitted to the laboratory.

(Ord. 637 §3. Passed 11-26-73.)

#### 701.04 DOG VACCINATION.

(a) Dogs to be Vaccinated.

(1) It shall be unlawful for any person to keep, harbor or own any dog over six months of age within the legal confines of the Town of McCandless unless such dog has been vaccinated against rabies with an approved vaccine, by a veterinarian licensed to practice veterinary medicine.

(2) Every person keeping, harboring or having any dog over six months of age in the Town shall cause such dog to be vaccinated with approved rabies vaccine by a licensed veterinarian as aforesaid on or before the latest of the following dates:

- A. One year after vaccination with tissue phenolized vaccine.
- B. Three years after vaccination with chick embryo vaccine.
- C. Thirty days after first acquiring such a dog or thirty days after the dog reaches six months of age.
- D. Thirty days after the effective date of this ordinance.
- E. Thirty days after bringing such dog into the legal boundaries of McCandless Township.

(b) Re-Vaccination of Dogs.

(1) Every person keeping, harboring or having a dog within the limits of the Town, which has been vaccinated with an approved chick embryo vaccine, shall cause such dog to be re-vaccinated within a period of not more than thirty-six months after such prior vaccination.

- (2) Every person keeping, harboring or having a dog within the Town, which has been vaccinated with tissue phenolized vaccine, shall cause such dog to be re-vaccinated within a period of not more than twelve months after such prior vaccination.
- (c) Certificate of vaccination. Any veterinarian who vaccinates a dog with approved rabies vaccine shall issue to the owner of such dog a vaccination tag to be worn by such dog at all times and a certificate stating the name and address of the owner, the kind of vaccine used and the name of the manufacturer and manufacturer's serial, or lot number of the vaccine, the date of vaccination, the breed, age, color and sex of the vaccinated dog, and the year and serial number of the vaccination tag. A carbon copy of the certificate shall be kept on file by Town authorities.  
(Ord. 637 Sec. 4. Passed 11-26-73; Ord. 820 Sec. 4. Passed 6-22-81.)

#### 701.05 IMPOUNDING.

- (a) Any dog, cat or other pet animal which exhibits clinical symptoms suggestive of rabies shall, after written certification by Town authorities, be impounded for ten days at impounding facilities approved by the Town, at the owner's expense, for clinical observation.
- (b) All veterinarians in the Town shall report at once all suspected cases of rabies to the Town authorities. (Ord. 637 §5. Passed 11-26-73.)

#### 701.06 ANIMALS EXPOSED TO RABIES.

Any dog, cat or other pet animal which has been exposed to rabies shall either:

- (a) Be immediately killed in some humane manner; or
- (b) Be put in strict isolation in a kennel or animal hospital for a period of six months; or
- (c) If no previous vaccination has been given within a period of three years with chick embryo vaccine, or within one year with tissue phenolized vaccine, post exposure treatment shall be administered and the animal shall be confined in a kennel for three months. Post exposure treatment shall consist of the administration of anti-rabies serum followed by one to three doses of chick embryo vaccine within seven days, or fourteen injections of tissue phenolized vaccine; or
- (d) If the animal has been vaccinated previously within one year with tissue phenolized vaccine, or within three years with chick embryo vaccine, the animal shall be re-vaccinated and restrained by a leash or confined at home for a period of thirty days. (Ord. 637 §6. Passed 11-26-73.)

#### 701.07 HUNTING.

- (a) On and after the effective date of this section (Ordinance 315, passed May 22, 1961) no person shall hunt wild birds or wild animals, by any method, within the limits of the Town, except that nothing in this clause shall be construed to prevent any person from trapping animals in such manner as may be permitted by the Game Laws of the Commonwealth of Pennsylvania.

(b) Hunting, for the purposes of this section, is the conduct or activity of any person, which, under the Game Laws of the Commonwealth of Pennsylvania, requires the open display of a hunting license.  
(Ord. 315 §1, 2. Passed 5-22-61.)

701.08 DOGS, CATS AND OTHER ANIMALS, REGULATIONS AND PROHIBITIONS.

- (a) Any dog, cat or other animal which:
- (1) Is kept in a manner so as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public; or
  - (2) Habitually barks, howls, screeches, yelps or bays thereby disturbing the quiet of any person or the community; or
  - (3) Scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property other than the property of the owner or person in charge or control of such animal is hereby declared to be a nuisance.

(b) No person shall keep or harbor a dog, cat or other animal in a manner which constitutes a nuisance. No person shall permit a dog, cat or other animal to commit a nuisance upon any school grounds or other public property or upon any private property other than that of the owner or person in charge of such animal; provided, however, if the owner or person in charge of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such type of nuisance shall be considered abated.

(c) Any person with defective eyesight or hearing who relies upon a dog specifically trained for such purposes shall be exempt from compliance with this section.  
(Ord. 1029 §1. Passed 2-26-90.)

701.99 PENALTY.

(a) Any person violating any provision of Sections 701.01 through 701.06 shall be fined not more than three hundred dollars (\$300.00).  
(Ord. 637 §7. Passed 11-26-73.)

(b) Any person violating any provision of Section 701.07 shall be fined not more than one hundred dollars (\$100.00) and, in default of payment, shall be imprisoned for not more than thirty days. All fines collected upon conviction or upon forfeiture of bail shall be paid to the Town Treasurer.  
(Ord. 315 §3. Passed 5-22-61.)

(c) Any person violating any provision of Section 701.08 shall for each and every violation, upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00). (Ord. 1029 §2. Passed 2-26-90.)

ARTICLE 702  
Wild or Dangerous Animals

702.01 Purpose.

702.99 Penalty.

702.02 Wild or dangerous animals.

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702.01 PURPOSE.

The Town Council of the Town of McCandless finds that the harboring of wild or dangerous animals within the Town may be offensive to other residents of the Town so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants. No wild or dangerous animal shall be kept within the Town except as permitted by this article.  
(Ord. 1262. Passed 1-28-02.)

702.02 WILD OR DANGEROUS ANIMALS.

(a) Definitions.

- (1) "Animal" means all non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.
- (2) "Town official or agent" means person, persons or entity, designated by the Town Manager to enforce the provisions of this article.
- (3) "Owner" means and includes every person, firm or corporation having a right of property in any animal which is kept harbored, or cared for within the Town of McCandless for a period of seven or more days as well as every person, firm or corporation occupying any premises within the Town which permits any animal to remain on or about its premises for a period of seven or more days.
- (4) "Wild or dangerous animal" shall mean any animal which is wild, fierce, dangerous, noxious, venomous or naturally inclined to do harm. Wild animals, however domesticated, shall also include but not be limited to:

Amphibians: All venomous amphibians.

Bear (Ursidae): All bear, including grizzly bears, brown bears, black bears, etc.;

Cat Family (Felidae): All except commonly accepted domestic cats-including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.;

Crocodylians: All alligators, caimans, crocodiles, gavials, etc.;

Dog Family (Canidae): All except domesticated dogs-including wolf, fox, coyote, dingo or domesticated dogs bred with a wolf, fox, coyote, dingo, etc.;

Porcupine (Erethizontidae): All porcupines, etc.;

Primates (Hominidae): All sub-human primates, etc.;

Raccoons (Procyonidae): All raccoons, civets, opossums, armadillos, etc.;

Reptiles: All venomous and constricting snakes, venomous lizards, and all other venomous reptiles, etc.;

Spiders: All venomous spiders;

Weasels (Mustelidae): All including weasels, skunks, mink, wolverine, badgers, otters, ermine, mongoose, etc.

- (5) "Harbor" means to keep or contain upon private property or to permit another to keep or contain upon private property.

(b) Keeping of Wild or Dangerous Animals Prohibited.

- (1) No person shall keep or harbor a wild or dangerous animal in any place other than a zoological park, veterinary hospital or clinic, humane society, or circus, sideshow, amusement show or facility used for educational or scientific purposes, which provides cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public, or causing a health hazard due to fecal matter, or otherwise.
- (2) Any person keeping or harboring a wild or dangerous animal as registered herein shall conspicuously display a warning sign that there is a wild or dangerous animal on the premises.

(c) Disposition and Impoundment. Any person who keeps a wild or dangerous animal in contravention of this section must dispose of the animal by removal of the animal from the Town or turning it over to the Town as directed by the Town Official or agent. The Town Official or agent is authorized to release the animal to a zoological park, or to dispose of the animal in some humane manner. The cost of removal and/or placement at a park or other facility is to be borne by the owner.

(d) Wild or Dangerous Animals Owned at the Time of the Effective Date of this Article. Any owner of a wild or dangerous animal shall at the time of enactment of this section register said wild or dangerous animal with the Town and shall provide:

- (1) An annual fee of twenty dollars (\$20.00) per wild or dangerous animal, which shall be paid by the owner or possessor of such animal to register it with the Town. A copy of this registration is to be filed with the Police Department.
- (2) Upon the death, sale, adoption, exchange, transfer or disposal of said wild or dangerous animal, the animal shall not be replaced.

(e) Any owner of a wild or dangerous animal registered under this section shall maintain insurance coverage that provides general liability insurance issued by an insurer authorized to do business in this Commonwealth insuring the owner for any personal injury caused by the wild or dangerous animal.

(f) Sworn law enforcement officers are empowered to enforce provisions of this article. (Ord. 1262. Passed 1-28-02.)

**702.99 PENALTY.**

Any person violating any provision of Sections 702.01 through 702.03 shall be fined not more than five hundred dollars (\$500.00), or be imprisoned ninety days or both. Each day's violation shall constitute a separate offense. (Ord. 1262. Passed 1-28-02.)



ARTICLE 705  
Health, Safety and Sanitation

|        |                                      |        |   |
|--------|--------------------------------------|--------|---|
| 705.01 | Definitions.                         | 705.07 | Garbage and rubbish.                                |
| 705.02 | Litter on occupied private property. | 705.08 | Objectionable establishments and industrial wastes. |
| 705.03 | Owner to maintain premises.          | 705.09 | Water supply.                                       |
| 705.04 | Litter on vacant lots.               | 705.10 | Enforcement; nuisance abatement.                    |
| 705.05 | Privies, septic tanks, etc.          | 705.99 | Penalty.  |
| 705.06 | Kitchen and laundry drainage.        |        |   |

CROSS REFERENCES

Power to prohibit nuisances - see First Class Twp. Code §1502  
(53 P.S. §56526)

Handbilling on residential property - see B.R. & T. Art. 301

705.01 DEFINITIONS.

(a) "Litter" means "garbage," "refuse" and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(b) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(c) "Refuse" means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(d) "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials.  
(Ord. 553 §1. Passed 4-27-70.)

(e) "Public or common nuisance" means that which is set up, maintained or continued so as to be injurious to health or an obstruction to the use of property by interfering with the repose, health, safety or life of any considerable number of persons.

(f) "Waters of the State" includes all streams and springs and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the Town.  
(Ord. 3 §1. Passed 11-1-46.)

**705.02 LITTER ON OCCUPIED PRIVATE PROPERTY.**

No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.  
(Ord. 553 §2. Passed 4-27-70.)

**705.03 OWNER TO MAINTAIN PREMISES.**

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter. However, this section shall not prohibit the storage of litter in private receptacles for collection.

Whenever "litter", meaning garbage, refuse and rubbish, and all other waste material, is deposited at the curb or on the side of the road for pick-up by the authorized garbage, refuse and rubbish collector, it shall not be placed at the curb or side of the road before 7:00 p.m. on the day prior to the pick-up. Any metal or plastic garbage cans which are to be dumped by the collector and left at the curb or side of the road for re-use by the owner shall be taken back from the curb or edge of the road by the owner no later than 7:30 p.m. on the day of the pick-up. The purpose of these regulations is to encourage residents of the Town to maintain their property in such a manner that the Town will be both healthful and attractive. If litter is allowed to accumulate on private property for a period of longer than fourteen (14) days and upon written notice by the Town, the Town may pickup the litter and invoice the owner of the property for the costs of same.

(b) All lawn areas shall be maintained free from plant growth in excess of ten (10) inches, excluding cultivated: trees, shrubs, flowers, ornamental grasses and gardens.

Failure to comply with this section shall constitute a violation of this ordinance.

The owner or person having charge of the property shall be served with a Notice of Violation. Such notice shall consist of a letter describing the violation and be mailed by certified mail or be served in person. In the event the owner or agent having charge of the property cannot be located or refuses the service of the Notice of Violation, the property shall be posted with the Notice of Violation for a period of seven (7) days. After notice is served in accordance with the above and upon failure to comply with the Notice of Violation, any duly authorized employee of the Town of McCandless or contractor hired by the Town of McCandless shall be authorized to enter upon the property to cut, destroy and remove the plant growth in violation thereof. The cost of the cutting, destroying and removal of such plant growth shall be paid by the owner or agent responsible for the property.

The owner or agent will be invoiced for the costs of such cutting, destroying and removal of the weeds. In the event the owner or agent cannot be located or refuses service of the invoice, the property shall be posted with the invoice for a period of 14 (fourteen) days.

(c) Failure to pay the invoice as described in (a) or (b) above within 30 (thirty) days of notice or posting shall result in a citation being filed. Upon receipt of a judgment in favor of the Town, the Town may proceed with the filing of a lien in the amount of the judgment.  
(Ord. 1310. Passed 10-25-04.)

(d) Except as provided for elsewhere in the Code, the parking or storage of junked vehicles on residential property is prohibited. In particular, the Town finds that the following conditions, each such condition deeming a vehicle "junked" for purposes of this section, pose a threat to the public health, safety and welfare:

- (1) Broken windshields, mirrors or other glass with sharp edges;

- (2) One or more flat or open tires or tubes which could permit vermin harborage.
- (3) Missing doors, windows, hood, trunk, or other body parts which could permit animal harborage or entry of children.
- (4) Any body parts with sharp edges including holes resulting from rust.
- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open that could permit animal and/or vermin harborage.
- (7) Sharp objects protruding from the chassis.
- (8) Broken headlamps, tail lamps, side lamps or other vehicle body parts with sharp edges which are inherently dangerous and could permit the harborage of vermin.
- (9) Broken vehicle frame suspended from the ground in an unstable manner.
- (10) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- (11) Leaking battery.
- (12) Any condition enabling entrapment within the vehicle including but not limited to open trunks.
- (13) Damaged floor boards, trunk, trunk floor, fire wall or truck bed with holes or sharp edges.
- (14) Damaged bumpers pulled away from the perimeter of the vehicle.
- (15) Broken grill with protruding edges.
- (16) Vehicle suspended on unstable supports.  
(Ord. 1401. Passed 10-24-11.)

#### 705.04 LITTER ON VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the Town whether owned by such person or not.  
(Ord. 553 §4. Passed 4-27-70.)

#### 705.05 PRIVIES, SEPTIC TANKS, ETC.

(a) No privy, urinal, cesspool, septic tank or other receptacle for human excrement shall be constructed, maintained or used which directly or indirectly drains or discharges over, upon or across the surface of the ground, into any gutter, street, road, highway, alley or lane, or into any waters of the State.

(b) All privies, urinals, cesspools, septic tanks or other receptacles for human excrement shall be cleaned at sufficiently frequent intervals to prevent the contents from overflowing.

(c) The transportation of human excrement shall be effected in water-tight containers with tight fitting covers. Containers shall be thoroughly cleaned after each use.

(d) No human excrement removed from privies, urinals, cesspools, septic tanks or other receptacles shall be dumped, spread or deposited upon any lands within the limits of the Town; except that human excrement may, with the owner's permission, be dumped, spread, or deposited upon tillable lands used exclusively for farming and providing such lands are not planted for a period of two years thereafter, to crops consumed directly by human consumption.

(e) No privy, cesspool, septic tank or other receptacle for the human excrement shall be constructed, maintained or used upon premises which has access to a public sewer or which is accessible to a sewer system from which sewage is lawfully discharged into the waters of the State.

(f) No privy, urinal, toilet or other receptacle of human excrement shall be constructed, maintained or used in any room, or have direct connection with any room wherein any kind of exposed foods or foodstuffs are prepared, stored or handled.  
(Ord. 3 §1. Passed 11-1-46.)

#### 705.06 KITCHEN AND LAUNDRY DRAINAGE.

No kitchen or laundry water shall be discharged or be permitted to discharge or flow into any gutter, street, road, highway, alley, lane or public place.  
(Ord. 3 §1. Passed 11-1-46.)

#### 705.07 GARBAGE AND RUBBISH.

(a) No owner, lessee, tenant, agent or occupier of any land within the limits of the Town shall use or permit his, her or their lands to be used for the dumping, accumulating or disposal of any garbage, rubbish, inflammable or other waste materials of any kind, nor shall any building or buildings be erected or machinery installed upon such land for the disposal of such garbage, rubbish, inflammable materials or other waste materials.

(b) No garbage, offal, dead animals, decaying matter, waste material or other waste substance of any kind shall be thrown or deposited in any ravine, ditch or gutter; on any street, road, highway, lane or alley, into any waters of the State, or be permitted to remain exposed upon the surface of the ground.

(c) In built-up sections of the Town manure shall not be allowed to accumulate in or near stables, piggeries or roosts for a period of more than three days unless it is adequately protected against the breeding of flies.

(d) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

(e) The carcass of any dead animal shall be removed and disposed of by burial, incineration or other proper method within twenty-four hours after death. If the carcass is buried, it shall be placed so that every part shall be covered by at least two feet of earth and at a location not less than 100 feet from any well, spring, stream or other surface waters, and in a place not subject to overflow.

In all cases of death from communicable disease, the carcass if disposed of by burial, shall first be thoroughly enveloped in unslaked lime.

Proper disposal shall be made by the owner of the animal or by the owner of the property on which the dead animal is found. Where the owner of the animal is unknown and the carcass is found upon any street, road, highway, lane, alley or other public place, it shall be removed and disposed of by direction of Council at Town expense.  
(Ord. 3 §1. Passed 11-1-46.)

#### 705.08 OBJECTIONABLE ESTABLISHMENTS AND INDUSTRIAL WASTES.

(a) No person, partnership, firm or corporation maintaining a slaughter house, rendering works, depository of dead animals, glue works, tannery, wool-washing establishment, paper mill, by-product coke oven, dye works, oil refinery, dairy, creamery, cheese factory, milk station or similar establishment, or engaged in the manufacture of gas, chemicals, explosives, fertilizers or similar products; or in the business of soap making, fish oil extraction, bone boiling or similar occupation shall allow any noxious exhalation, odors or gases that are deleterious or detrimental to public health to escape into the air, or any substance that is deleterious or detrimental to public health to accumulate upon the premises or be thrown or allowed to be discharged into any street, roadway or public place; or be thrown or allowed to be discharged into any stream or other waters of the State.

(b) All slaughter houses, rendering works, bone boiling establishments, depositories for dead animals, disposal works, piggeries and similar establishments handling organic matter shall have an adequate water supply for the purpose of keeping the place clean and sanitary. All floors shall be constructed of concrete or other impervious material and shall have adequate provision for drainage to a cesspool or to a sewer or treatment works approved by the State Department of Health.  
(Ord. 3 §1. Passed 11-1-46.)

#### 705.09 WATER SUPPLY.

No owner or occupant of any premises shall maintain any well, spring, cistern or other source of water used for drinking or household purposes and to which the public has or may have access and which is polluted or which is so situated or constructed that it may become polluted in any manner that may render such water supply injurious to health.  
(Ord. 3 §1. Passed 11-1-46.)

#### 705.10 ENFORCEMENT; NUISANCE ABATEMENT.

(a) It shall be the duty of the Town Manager to enforce the provisions of Sections 705.05 through 705.08 in the name of the Town and secure compliance with the requirements thereof. (Ord. 3 §1. Passed 11-1-46.)

(b) In addition to any penalty, a violation of any provision of Sections 705.05 through 705.08 shall be deemed to be a nuisance, and such nuisance may be abated in the manner now provided by law.  
(Ord. 3 §2. Passed 11-1-46.)

#### 705.99 PENALTY.

(a) Any person, firm or corporation violating any provisions of Section 705.02 through 705.04 shall be deemed guilty of a summary offense and shall be fined not more than three hundred dollars (\$300.00). Each day a violation is committed or is permitted to continue shall constitute a separate offense.  
(Ord. 553 §5. Passed 4-27-70.)

(b) Any person, firm, partnership or corporation violating any provision of Sections 705.05 through 705.09 shall be deemed guilty of a summary offense and, shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day that any person, firm, partnership or corporation continues to violate or fails to comply with any requirement of such sections shall be considered a separate offense.

(c) Any person, firm, partnership or corporation violating any provision of Section 705.091 shall be deemed guilty of a summary offense and shall be fined an amount not to exceed five hundred dollars (\$500.00) for each offense, plus any costs incurred by the Town for cleanup and remediation of the violation. Each day that any person, firm, partnership or corporation continues to violate or fails to comply with any requirement of Section 705.091 shall be considered a separate offense.  
(Ord. 1273. Passed 7-15-02.)



ARTICLE 709  
Weapons

|        |                                  |        |                               |
|--------|----------------------------------|--------|-------------------------------|
| 709.01 | Discharging firearms prohibited. | 709.03 | Shooting ranges; permit; fee. |
| 709.02 | Exceptions.                      | 709.99 | Penalty.                      |

CROSS REFERENCES

Firearm defined- see 18 C.P.S.A. Sec. 6102

Carrying firearms without a license- see 18 C.P.S.A. Sec. 6106

**709.01 DISCHARGING FIREARMS PROHIBITED.**

On and after the effective date of this section (Ordinance 316, passed May 22, 1961), no person shall discharge or shoot any firearm, air gun, spring gun or other implement which impels with force a pellet or projectile of any kind, or discharge or shoot an arrow, within the limits of the Town, except as provided in Section 709.02.  
(Ord. 316 Sec. 1. Passed 5-22-61.)

**709.02 EXCEPTIONS.**

The prohibition contained in Section 709.01 shall not apply to the following:

- (a) Any person who discharges or shoots a firearm or other dangerous weapon in defense of his property or person or in defense of the person of another.
- (b) Any person who discharges or shoots a firearm or other dangerous weapon in the performance of his official duty as a police officer or other properly authorized and empowered representative or employee of a municipality or governmental agency.
- (c) Any person who discharges or shoots a firearm as a member of a club or other group when firing upon a supervised range.
- (d) Any person who discharges or shoots an arrow on the range or ranges provided by Allegheny County authorities in North Park or on a privately owned and supervised range. (Ord. 316 Sec. 2. Passed 5-22-61.)
- (e) Any person who discharges or shoots an arrow when hunting deer in North Park whenever such hunting has been approved by the Board of Commissioners of Allegheny County and subject to all of the conditions and restrictions imposed upon that hunting by the Commissioners of Allegheny County, and provided further that those conditions and restrictions are approved by the Town Council of the Town of McCandless. (Ord. 1188. Passed 8-25-97.)

**709.03 SHOOTING RANGES; PERMIT; FEE.**

Any club or other group hereafter desiring to operate a range for the discharge of firearms, and any individual, corporation or other legal entity desiring to operate a private or commercial range for bow and arrow shooting shall be required to first obtain a permit from the Chief of Police.

The applicant shall submit such information as may be requested by the Chief and shall establish to the satisfaction of the Chief that adequate adult supervision of the range will be maintained at all times it is in use. Annual permits shall be issued at a charge of five dollars (\$5.00) and temporary permits, valid for a period of ten days only, shall be issued at a charge of one dollar (\$1.00)

(Ord. 316 §3. Passed 5-22-61.)

**709.99 PENALTY.**

Whoever violates any provision of this article shall be fined not more than one-hundred dollars (\$100.00), and in default of payment shall be imprisoned not more than thirty days. All fines collected upon conviction or upon forfeiture of bail shall be paid to the Town Treasurer. (Ord. 316 §4. Passed 5-22-61.)

ARTICLE 713  
Public Nuisance Activities

- |   |   |
|---|---|
| 713.01 Purpose, policy and authority.   | 713.06 Knowledge of nuisance presumed from notice of abatement order; responsibility of parties; abatement of such nuisances. |
| 713.02 Definitions.   | 713.07 Action to be taken by Council.   |
| 713.03 Lewd films and theaters declared a public nuisance; abatement.   | 713.08 Forfeiture to the General Fund; cost of abatement and manner of collection.  |
| 713.04 Business places where lewd publications traded or possessed declared a public nuisance; abatement.                     | 713.09 Action to be taken by Town Attorney.   |
| 713.05 Massage parlors or model studios used for lewdness, assignation or prostitution declared a public nuisance; abatement. | 713.10 Severability.  |

CROSS REFERENCE

Power to prohibit nuisances - see First Class Twp. Code §1502 (53 P. S. §56526)

**713.01 PURPOSE, POLICY AND AUTHORITY.**

Council finds that the crass commercial exploitation of explicit sexual conduct through the public exhibition of lewd films, the display and/or sale of lewd publications, and the use of so-called massage parlors and model studios for purposes of lewdness, assignation or prostitution, constitutes a debasement and distortion of a sensitive key relationship of human existence, central to family life, community welfare and the development of human personality; is indecent and offensive to the senses and to public morals and interferes with the comfortable enjoyment of life and property, in that such interferes with the interest of the public in the quality of life and total community environment, the tone of commerce in the Town, property values and the public safety; and that the continued operation of such activities is detrimental to the best health, safety, convenience, good morals and general welfare of the Town and of the residents, citizens, inhabitants and businesses thereof. Council hereby declares such activities to be a public nuisance, and herein establishes procedures for the abatement thereof. This article shall apply to all existing establishments which are presently engaged in the type of activity herein declared to be a public nuisance and all of those commenced hereafter.

(Ord. 724 §1. Passed 7-25-77.)

## 713.02 DEFINITIONS.

(a) "Knowledge" or "knowledge of such nuisance" means having actual or constructive knowledge of the contents and character of the patently offensive sexual conduct or demonstration which appears in the film, publication or actual or constructive knowledge of the acts of lewdness, assignation or prostitution which occur on the premises. A person shall be deemed to have constructive knowledge of the character of the subject matter or live conduct if he has knowledge of facts which would put a reasonable and prudent man on notice as to the suspect nature of the matter.

(b) "Lewd matter" means any matter which taken as a whole appeals to the prurient interest in sex, which portrays sexual conduct in a patently offensive way, and which, taken as a whole, does not have serious value. In determining whether or not a matter is lewd the trier of the fact must find:

- (1) That the average person, applying contemporary community standards would find that the matter, taken as a whole appeals to the prurient interest; and
- (2) That the matter depicts or describes, in a patently offensive way, sexual conduct specifically defined by this article or authoritatively construed by the courts of this Commonwealth as being a portrayal of patently offensive sexual conduct as that phrase is used in the definition of lewd matter; and
- (3) That the matter, taken as a whole, lacks serious value.

(c) "Massage" means any method of treating the superficial soft parts of the human body, for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading, or any similar treatment, accomplished by hand or by the use of any instrument.

(d) "Massage parlor" means any building or structure or portion thereof, located within the Town, which is open to members of the general public, with or without the payment of a fee, at which massage services are offered.

(e) "Matter" means a motion picture film or a publication, or both.

(f) "Model studio" means:

- (1) Any premises on which there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the premises; or
- (2) Any premises where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

- (3) Exception. The words "model studio" do not include:
- A. Any studio which is operated by any state college or junior college, public school, or any governmental agency wherein the person, firm, association, partnership or corporation operating it has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma; or
  - B. Any premises where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subsection (3)A. hereof.
  - C. Any studio operated by a tax exempt, non-profit corporation devoted to the development of art and its appreciation.
- (g) "Motion picture film" includes any:
- (1) Film or plate negative;
  - (2) Film or plate positive;
  - (3) Film designed to be projected on a screen for exhibition;
  - (4) Films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;
  - (5) Video tape or any other medium used to electronically reproduce images on a screen.
- (h) "Serious value" means serious literary or artistic or political or scientific value.
- (i) "Community standards" means the standards of the community from which the jury is drawn or would be drawn if it were the trier of the fact.
- (j) "Patently offensive" means so offensive on its face as to affront current standards of decency.
- (k) "Standards of decency" means community standards of decency.
- (l) "Patently offensive sexual conduct" includes any of the following described sexual conduct if depicted or described in a patently offensive way:
- (1) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
  - (2) Sado-masochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in under garments or in a revealing costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
  - (3) Masturbation, excretory functions and lewd exhibition of the genitals including any explicit, close-up representation of a human genital organ or spread-eagle exposure of female genital organs.

- (4) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification
- (5) A device designed and marketed as useful primarily for stimulation of the human genital organs.
- (6) Male or female genitals in a state of sexual stimulation or arousal.
- (7) Covered male genitals in a discernibly turgid state.

(m) "Prurient interest" means a shameful or morbid interest in nudity, sex or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for an especially susceptible audience or clearly defined deviant sexual group, the appeal of the subject matter shall be judged with reference to such audience or group.

(n) "Publication" includes any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording or a motion picture film which is displayed in an area open to the public offered for sale or exhibited in a coin-operated machine.

(o) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, lewd matter.  
(Ord. 724 §2. Passed 7-25-77.)

#### 713.03 LEWD FILMS AND THEATERS DECLARED A PUBLIC NUISANCE; ABATEMENT.

(a) Any and every place in the Town where lewd films are publicly exhibited or possessed for the purpose of such exhibition; and any and every place in the Town where a lewd film is publicly or repeatedly exhibited, or possessed for the purpose of such exhibitions, is a public nuisance.

(b) Any and every lewd film which is publicly exhibited or possessed for such purpose at a place which is a public nuisance under subsection (a) hereof is a public nuisance per se.

(c) From and after service on the theater, or its manager, or acting manager or person then in charge of such place, of a true and correct copy of this article and a true and correct copy of the resolution and order of summary abatement provided for in Section 713.07 hereof, all moneys paid thereafter as admission price to such exhibitions are also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance. (Ord. 724 §3. Passed 7-25-77.)

713.04 BUSINESS PLACES WHERE LEWD PUBLICATIONS TRADED OR POSSESSED DECLARED A PUBLIC NUISANCE; ABATEMENT.

(a) Any and every place in the Town in which lewd publications constitute a part of the stock in trade is a public nuisance.

(b) Any and every lewd publication possessed at a place which is a public nuisance under subsection (a) hereof is a public nuisance per se.

(c) From and after service on the place, or its manager, or acting manager or person then in charge of such place, of a true and correct copy of this article and a true and correct copy of the resolution and order of summary abatement provided for in Section 713.07, all valuable consideration received for the sale of such lewd publications is also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance.

(Ord. 724 §4. Passed 7-25-77.)

713.05 MASSAGE PARLORS OR MODEL STUDIOS USED FOR LEWDNESS, ASSIGNATION OR PROSTITUTION, DECLARED A PUBLIC NUISANCE; ABATEMENT.

(a) Every massage parlor or model studio, which, as a regular course of business, is used for the purposes of lewdness, assignation or prostitution, and every such massage parlor or model studio in or upon which acts of lewdness, assignations or prostitution, are held or occur, is a public nuisance which shall be enjoined, abated and prevented.

(b) From and after service on the place, or its manager, or acting manager or person then in charge of such place, of a true and correct copy of this article and a true and correct copy of the resolution and order of summary abatement provided for in Section 713.07 hereof, all moneys or other valuable consideration paid for services rendered to customers are also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance.

(Ord. 724 §5. Passed 7-25-77.)

713.06 KNOWLEDGE OF NUISANCE PRESUMED FROM NOTICE OF ABATEMENT ORDER; RESPONSIBILITY OF PARTIES; ABATEMENT OF SUCH NUISANCES.

(a) Upon and after receiving notice through service of a true and correct copy of this article and of a true and correct copy of the resolution and order of summary abatement provided for in Section 713.07, any and every person who owns, legally or equitably, leases, maintains, manages, conducts or operates a place in the Town which is declared to be a public nuisance as set forth and stated in any provision of Sections 713.03 to 713.05, is deemed to be a person who has knowledge of such nuisance for the purpose of this article, and is, thereafter, responsible for its maintenance, and shall be liable therefor.

(b) The places and subject matter declared to be public nuisances under any provision of Sections 713.03 to 713.05 shall be abated as provided for herein.

(Ord. 724 §6. Passed 7-25-77.)

**713.07 ACTION TO BE TAKEN BY COUNCIL.**

Upon a specific finding that a public nuisance, as defined in any provision of Sections 713.03 to 713.05 exists in the Town, Council, in applying the provisions of this article to such nuisance, shall provide for the following by resolution:

- (a) Declare the fact that such nuisance exists.
- (b) Set forth the description or legal description and street address of the place which constitutes the nuisance.
- (c) Set forth the evidentiary facts considered by Council in arriving at its factual determination.
  - (1) In the case of a motion picture film or films, such shall include a recitation of the particular sexual conduct and acts which Council finds are lewd, and the basis for the finding by Council that:
    - A. Such film is publicly or repeatedly exhibited in the course of business; or
    - B. Such film is publicly or repeatedly exhibited, or held for such exhibition at the place declared to be a nuisance.
  - (2) In the case of a publication or publications, such shall include a recitation of:
    - A. The particular publications or types of publications considered by Council, and those which Council finds to be lewd;
    - B. The basis for the finding by Council that such publications are displayed, sold or held for sale at any place found by Council to be a public nuisance; and
    - C. The basis of the finding by Council that such publications constitute a part of the stock in trade of such place of business or other place.
  - (3) In the case of a massage parlor or model studio, such shall include a recitation of:
    - A. The particular acts of lewdness, assignation or prostitution which have occurred; and
    - B. The basis for the finding by Council that such acts occur in the course of business.
- (d) Order all persons described in Section 713.06(a) hereof to summarily abate such public nuisance within twenty-four hours of service of an order on any such persons, by terminating the exhibition, sale or possession for sale of such lewd subject matter or by ceasing to use the place where the nuisance is declared to exist or by terminating the use of such premises for the purposes of lewdness, assignation or prostitution, or causing the same to be terminated, and notifying the Manager and Council of compliance therewith by sworn affidavit as ordered by the action of Council in such resolution.
- (e) Order the Town Attorney to proceed as directed in Section 713.09 hereof and do all things necessary to abate such public nuisance through judicial proceedings and to conclude such proceedings as expeditiously as is permissible under the law, including requesting the Court to advance such proceedings on the calendar of the Court.

- (f) Inform and give notice to persons designated in Section 713.06(a) hereof that:
- (1) Council has determined that a public nuisance presently exists at such place and address, and that, under Section 713.06(a) hereof they are deemed to have knowledge thereof and are responsible therefor;
  - (2) In the event the order of the Town is not complied with within twenty-four hours, Council shall order the Town Attorney, as provided for in Section 713.09 hereof, to commence necessary legal proceedings naming such persons as defendants in a civil action to abate the same judicially under Section 713.07 hereof, and that under Sections 713.08(a) and (b) hereof, the costs of abatement of such civil abatement action filed including investigative costs, court costs, attorney's fees and other expenses, are made a special assessment against the parcel of land upon which such nuisance is being maintained and, upon their determination in such court action, will, by separate legal procedure, be made a lien against such property and a personal obligation against any person, persons, firm, association, partnership, corporation or other entity deemed to be in violation of this article;
  - (3) All lewd motion picture films or lewd publications being used in conducting and maintaining such public nuisance are contraband and the subject of forfeiture; and
  - (4) From and after service on the place, or its manager, or acting manager or person then in charge of such place, of a true and correct copy of this article and a true and correct copy of such resolution, any and all moneys paid as admission price to or for the exhibition or exhibitions of such lewd motion picture films and valuable consideration received for the sale of such lewd publications, and all moneys or other valuable consideration received for services rendered in such massage parlors or model studios are a public nuisance, as personal property used in conducting and maintaining such nuisance and, as such, are the subject of forfeiture.
- (g) Order that a true and correct copy of such resolution and a true and correct copy of this article be delivered forthwith in any manner normally used to effectuate personal service of process to all persons of record having any legal or equitable interest in the real property, and to the regular or acting manager or persons in charge of the place therein declared a public nuisance.  
(Ord. 724 §7. Passed 7-25-77.)

**713.08 FORFEITURE TO THE GENERAL FUND; COST OF ABATEMENT AND MANNER OF COLLECTION.**

- (a) Upon judgment for the Town in legal proceedings brought pursuant to this article, an accounting shall be made by such defendant or defendants of all moneys or valuable consideration received by them from activities which have been declared to be a public nuisance under Sections 713.03(c), 713.04(c) or 713.05(b) hereof. Such moneys or their equivalent and any valuable consideration received shall be forfeited to the General Fund of the Town or to the Town as property of the Town if any valuable consideration received is not money.

- (b) The cost of abatement shall include the following:
- (1) Investigative costs;
  - (2) Court costs;
  - (3) Reasonable attorney's fees arising out of the preparation for, and trial of the cause and appeals therefrom and other costs allowed on appeal; and
  - (4) Printing costs of trial and appellate briefs and all other papers filed in such proceeding.

(c) Such cost of abatement is hereby made a special assessment against the parcel of land upon which such nuisance is maintained. Upon its determination in a civil action, such shall, by separate legal proceeding, be made a lien against such property and a personal obligation against any person, persons, firm, association, partnership, corporation or other entity and shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment. (Ord. 724 §8. Passed 7-25-77.)

#### 713.09 ACTION TO BE TAKEN BY TOWN ATTORNEY.

Upon a specific finding by resolution of Council of the fact that a public nuisance exists at a particular location, the Town Attorney shall not later than three days after passage of such resolution, commence legal proceedings by the filing of a civil action seeking the following relief:

- (a) A declaratory judgment that the matter named by Council is lewd, as defined herein.
- (b) A declaratory judgment that the matter found to be lewd is or are public nuisances per se under this article and such resolution.
- (c) A declaratory judgment that each place named by Council is a public nuisance under this article and such resolution.
- (d) An accounting of all moneys paid as admission price to or for the exhibition or exhibitions of such lewd motion picture films, and valuable consideration received for the sale of such lewd publications, and all moneys or other valuable consideration received for services rendered in such massage parlors or model studios from and after the time the persons maintaining such nuisance receive notice of the finding by Council by resolution that the public nuisance exists, and a judgment that such moneys or valuable consideration are a public nuisance under this article.
- (e) An order that all admission price moneys or valuable consideration received and enumerated in the court-ordered accounting be forfeited as contraband to the General Fund of the Town or as property belonging to the Town.
- (f) An injunction enjoining and restraining all persons responsible for maintaining such nuisance from possessing or publicly exhibiting such lewd motion picture films, or from selling or possessing for sale such lewd publications, or from committing acts of lewdness, assignation or prostitution, at any time in the future in the Town and such other injunctive relief as the court may order.
- (g) An order that the named lewd film and all lewd publications or copies or reproductions thereof be forfeited as contraband under this article.

- (h) Judgment for the Town for all costs therein expended, including investigative costs, court costs, reasonable attorney's fees, and such other expenses as are provided for herein.
- (i) All other relief as the court may deem proper.  
(Ord. 724 §9. Passed 7-25-77.)

#### 713.10 SEVERABILITY.

If any court shall determine that any word, clause, phrase, sentence, paragraph or subsection of this article is unconstitutional as worded, the court shall first attempt to construe or interpret such unconstitutional provision narrowly so as to enable the same to be constitutional. If the court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a clause, phrase, word or other portion hereof render any other word, clause, phrase, sentence, paragraph or section unconstitutional, but instead shall be severed therefrom entirely, with the balance of this article in its entirety remaining in full force and effect.

(Ord. 724 §10. Passed 7-25-77.)



ARTICLE 715  
Property Maintenance Code

|        |  |        |                                       |
|--------|--|--------|---------------------------------------|
| 715.01 | Title; scope; intent.                      | 715.21 | Scope and interpretation.             |
| 715.02 | Applicability.                             | 715.22 | General definitions.                  |
| 715.03 | Property maintenance inspection.           | 715.30 | General requirements.                 |
| 715.04 | Duties and powers of the<br>Code Official. | 715.31 | Exterior property areas.              |
| 715.05 | Approval.                                  | 715.32 | Swimming pools, spas and<br>hot tubs. |
| 715.06 | Violations.                                | 715.33 | Exterior structure.                   |
| 715.07 | Notices and orders.                        | 715.34 | Rubbish and garbage.                  |
| 715.08 | Unsafe structures and equipment.           | 715.41 | Fire resistance ratings.              |
| 715.09 | Emergency measures.                        | 715.42 | Fire protection systems.              |
| 715.10 | Demolition.                                |        |                                       |
| 715.11 | Means of appeal.                           |        |                                       |

CROSS REFERENCES

Health, safety and sanitation - see GEN. OFF. Art. 705

715.01 GENERAL.

(a) Title. These regulations shall be known as the Property Maintenance Code of The Town of McCandless, hereinafter referred to as "this code."

(b) 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.

(c) 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. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Pennsylvania Uniform Construction Code.

(d) 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.  
(Ord. 1418. Passed 7-23-12.)

**715.02 APPLICABILITY.**

(a) General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 715.01. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

(b) 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.

(c) 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 the Pennsylvania Uniform Construction Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Town of McCandless Planning and Zoning Code or Building Code.

(d) Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the Town or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

(e) 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 installation instructions.

(f) Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.  
(Ord. 1418. Passed 7-23-12.)

**715.03 PROPERTY MAINTENANCE INSPECTION.**

(a) General. The Town shall designate a code official to carry out the provisions of this article. (Ord. 1418. Passed 7-23-12.)

**715.04 DUTIES AND POWERS OF THE CODE OFFICIAL**

(a) General. The code official shall enforce the provisions of this code.

(b) Inspections. 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.

(c) Right of Entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

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

(e) Notices and Orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

(f) Department Records. The code official shall keep official records of all business and activities specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.  
(Ord. 1418. Passed 7-23-12.)

#### 715.05 APPROVAL.

(a) 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.

(b) 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 Town.

(c) 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.

(d) Test Reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

(e) Material and Equipment Reuse. 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.  
(Ord. 1418. Passed 7-23-12.)

#### 715.06 VIOLATIONS.

(a) 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.

(b) Notice of Violation. The code official shall serve a notice of violation or order in accordance with Section 715.07.

(c) Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 715.07 shall be deemed guilty of a summary offense, and the violation shall be deemed a strict liability 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.

(d) Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be sentenced to pay a fine of not more than \$1,000 and costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The fine shall be forwarded to the Town of McCandless.

(e) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the Town 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. (Ord. 1418. Passed 7-23-12.)

#### 715.07 NOTICES AND ORDERS.

(a) 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 715.07 (b) and (c) to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 715.08 (g).

(b) Form. Such notice prescribed in Section 715.07 (a) shall be in accordance with all of the following:

- (1) Be in writing.
- (2) Include the address or lot and block of the property.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) 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.
- (5) Inform the property owner of the right to appeal.
- (6) Include a statement of the right to file a lien in accordance with Section 715.06 (c).

(c) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
  - (2) Sent by certified or first-class mail addressed to the last known address;
- 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 affected by such notice.
- (4) Whenever the code official has condemned a structure or equipment under the provisions of Section 715.08, service shall be made by publication of a copy of the notice one time in one newspaper of general circulation published in the county.

(d) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 715.06 (d).

(e) 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.  
(Ord. 1418. Passed 7-23-12.)

#### 715.08 UNSAFE STRUCTURES AND EQUIPMENT.

(a) 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.

(b) 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.

(c) 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.

(d) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, Vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(e) Unlawful Structure. An unlawful structure is one which was erected, altered or occupied contrary to law.

(f) 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.

(g) Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be in accordance with Section 715.07 (c). 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 715.07 (b).

(h) 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.

(i) 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.

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

(k) Abandoned and Blighted Property Conservatorship Act. Where, in connection with any of the sections within this Property Maintenance Code, an abandoned or blighted structure meets all of the conditions set forth in the Abandoned and Blighted Property Conservatorship Act, the Town may proceed with a petition for Conservatorship. (Ord. 1418. Passed 7-23-12.)

#### 715.09 EMERGENCY MEASURES.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid by the Town. The Town Attorney of the Town shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(f) 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.  
(Ord. 1418. Passed 7-23-12.)

#### 715.10 DEMOLITION.

(a) General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, 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 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, to demolish and remove such structure.

(b) Notices and Orders. All notices and orders shall comply with Section 715.07.

(c) 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.

(d) 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. (Ord. 1418. Passed 7-23-12.)

## 715.11 MEANS OF APPEAL.

(a) 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 UCC 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. (Ord. 1418. Passed 7-23-12.)

## 715.21 SCOPE AND INTERPRETATION.

(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

(b) 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.

(c) Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the Uniform Construction Code, the International Fire Code, the Town of McCandless Zoning Code, the Allegheny County Department of Health Article 15, the International Mechanical Code, the International Existing Building Code or the ICC Electrical Code, as amended, such terms shall have the meanings ascribed to them as in those codes.

(d) 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. (Ord. 1418. Passed 7-23-12.)

## 715.22 GENERAL DEFINITIONS.

- (a) **APPROVED.** Approved by the code official.
- (b) **BASEMENT.** That portion of a building which is partly or completely below grade.
- (c) **BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.
- (d) **BEDROOM.** Any room or space used or intended to be used for sleeping purposes.
- (e) **CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.
- (f) **CONDEMN.** To adjudge unfit for occupancy.
- (g) **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.

(h) **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.

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

(j) **EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

(k) **GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(l) **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.

(m) **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.

(n) **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.

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

(p) **INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, Vermin or other pests.

(q) **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.

(r) **LABELED.** Devices, equipment, appliances, or materials to which has 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 by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

(s) **LAWN.** A stretch of open grass covered land, especially one that is mowed and contains a structure.

(t) **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.

(u) **NOXIOUS WEEDS.** Those weeds and plants included under the noxious weed control list of the Noxious Weed Control Law of Pennsylvania.

(v) **OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

(w) **OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

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

(y) **OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

(z) **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.

(aa) **PERSON.** An individual, corporation, partnership or any other group acting as a unit.

(bb) **PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

(cc) **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.

(dd) **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.

(ee) **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.

(ff) **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, lawn trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(gg) **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.

(hh) **STRUCTURE.** That which is built or constructed or a portion thereof.

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

(jj) **TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

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

(ll) **VERMIN.** Animals or insects regarded as pests or nuisances, including but not limited to those associated with the carrying of disease.

(mm) **WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.  
(Ord. 1418. Passed 7-23-12.)

#### 715.30 GENERAL REQUIREMENTS.

(a) **Scope.** The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(b) **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 sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(c) **Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a safe, secure and sanitary condition as provided herein so as not to adversely affect the public health or safety.  
(Ord. 1418. Passed 7-23-12.)

#### 715.31 EXTERIOR PROPERTY AREAS.

(a) **Sanitation.** All exterior property and premises shall be maintained in a 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.

(b) **Plant Growth and Weeds.**

(1) All lawn areas shall be maintained free from plant growth in excess of ten (10) inches excluding: cultivated trees, shrubs, flowers, ornamental grasses and gardens. All Noxious Weeds shall be prohibited. Upon failure to comply with this section, an owner or person having charge of the property shall be served with a Notice of Violation. Such notice shall consist of a letter describing the violation and be mailed by certified mail or be served in person. In the event the owner or agent having charge of the property cannot be located or refuses the service of the Notice of Violation, the property shall be posted with the Notice of Violation of seven (7) days. Thereafter, any duly authorized employee or the Town of McCandless or contractor hired by the Town of McCandless shall be

authorized to enter upon the property to cut, destroy and remove the plant growth in violation thereof. The cost shall be paid by the owner or agent responsible for the property. The Owner or agent shall be invoiced for the costs of such cutting, destroying and removal of the weeds.

- (2) Failure to pay the invoice as within thirty (30) days of notice or posting shall result in a citation being filed. Upon receipt of a judgment in favor of the Town, the Town may proceed with the filing of a lien in the amount of the judgment, plus costs and attorneys' fees as permitted by law.

(c) Vermin Harborage. All structures and exterior property shall be kept free from Vermin harborage and infestation. Where Vermin are found, they shall be promptly removed or exterminated by approved processes which will not be injurious to human health. After removal or extermination, proper precautions shall be taken to eliminate Vermin harborage and prevent reinfestation.

(d) Motor Vehicles. Except as provided for in other sections of the Town of McCandless Code, no vehicle shall be parked or stored on any lawn, landscaped or buffer areas.

(e) 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. (Ord. 1418. Passed 7-23-12.)

#### 715.32 SWIMMING POOLS, SPAS AND HOT TUBS.

(a) Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(b) Enclosures. Private swimming pools, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 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. Where the self-latching device is less than 54 inches 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 from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. (Ord. 1418. Passed 7-23-12.)

#### 715.33 EXTERIOR STRUCTURE.

(a) Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(b) Foundation Walls. All foundation 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 Vermin and other pests.

(c) Exterior Walls. All exterior walls including building surfaces and siding shall be free from holes, breaks, and loose or rotting materials; and maintained in a weatherproof condition.

(d) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

(e) Decorative Features. All 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.

(f) Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound 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.

(g) 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.

(h) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.

(i) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(j) Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(k) Glazing. All glazing materials shall be maintained free from cracks and holes. (Ord. 1418. Passed 7-23-12.)

#### 715.34 RUBBISH AND GARBAGE.

(a) Accumulation of Rubbish or Garbage. All exterior property and premises shall be free from any accumulation of rubbish or garbage. (Ord. 1418. Passed 7-23-12.)

#### 715.41 FIRE RESISTANCE RATINGS.

(a) Fire Resistance Rated Assemblies. The required fire resistance rating of fire resistance rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(b) Opening Protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. (Ord. 1418. Passed 7-23-12.)

715.42 FIRE PROTECTION SYSTEMS.

(a) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code. (Ord. 1418. Passed 7-23-12.)

ARTICLE 717  
Potter Park

|                      |                        |
|----------------------|------------------------|
| 717.01 Naming.       | 717.04 Posting notice. |
| 717.02 Prohibitions. | 717.99 Penalty.        |
| 717.03 Hours.        |                        |

CROSS REFERENCES

Park and recreational facilities - see First Class Twp. §3001 et seq.  
(53 P. S. § 58001 et seq. )  
Neighborhood park or playground - see P. & Z. 1341.06

717.01 NAMING.

The tract of ground donated to the Town of McCandless by Dr. Robert H. Potter and Janet M. Potter, his wife, for a public park is hereby named and designated as "Potter Park". (Ord. 740 §1. Passed 6-26-78.)

717.02 PROHIBITIONS.

The following are hereby prohibited within the confines of Potter Park:

- (a) Alcoholic beverages.
  - (b) Swimming.
  - (c) Littering.
  - (d) Fires of any sort.
  - (e) Motor vehicles of any kind.
- (Ord. 740 §2. Passed 6-26-78.)

717.03 HOURS.

Potter Park shall be open and shall be used only during the hours from dawn to dusk. (Ord. 740 §3. Passed 6-26-78.)

717.04 POSTING NOTICE.

Notice of the above prohibitions shall be prominently posted at the entrance of Potter Park. (Ord. 740 §4. Passed 6-26-78.)

717.99 PENALTY.

Failure to comply with any provision of this article shall constitute a summary offense and shall be punishable by a fine of not more than three hundred dollars (\$300.00). (Ord. 740 §5. Passed 6-26-78.)



ARTICLE 721  
Loitering

- |  |                 |
|--|-----------------|
| 721.01 Obstructing free access prohibited. | 721.99 Penalty. |
| 721.02 Order to desist; violation.         |                 |

CROSS REFERENCES

Power to prohibit - see First Class Twp. §1502 (53 P. S. §56509)  
Disorderly conduct- see 18 C.P.S.A. §5503

**721.01 OBSTRUCTING FREE ACCESS PROHIBITED.**

No person or group of persons shall loiter by standing, sitting or lying on any public street or sidewalk or at the entrance to or exit from any private residence, any place of business, or any public park in such a manner as to obstruct the free access by the Town residents and visitors to and from the public streets, sidewalks, private residences, place of business and public parks within the Town of McCandless.  
(Ord. 773 §1. Passed 7-23-79.)

**721.02 ORDER TO DESIST; VIOLATION.**

When any person causes or commits any of the conditions enumerated in Section 721.01, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this article.  
(Ord. 773 §2. Passed 7-23-79.)

**721.99 PENALTY.**

Any person violating any provision of this article shall, upon conviction thereof before a Justice of the Peace, be fined not more than three hundred dollars (\$300.00), plus costs of prosecution. (Ord. 773 §3. Passed 7-23-79.)



ARTICLE 725  
Noise

- |  |                 |
|--|-----------------|
| 725.01 Motor vehicle or all purpose vehicle noise. | 725.99 Penalty. |
| 725.02 Prohibited noise; exceptions.               |                 |

CROSS REFERENCES

- Power to prohibit disorderly practices- see First Class Twp. Code Sec. 1502(9) (53 P.S. Sec. 56509)
- Motor vehicle noise control - see 75 Pa. C.S.A. Sec. 4523
- Snowmobile noise control - see 75 Pa. C.S.A. Sec. 7743

**725.01 MOTOR VEHICLE OR ALL PURPOSE VEHICLE NOISE.**

No person shall operate any motor vehicle, motorcycle, motorbike, snowmobile, trail bike or any other type of four or two wheel motor vehicle, either on public highways or on private property which are not adequately or properly equipped with mufflers in operating condition or which emit loud, unusual or unnecessary noise so as to cause discomfort and inconvenience to nearby residents of the Town and/or to visitors to the Town. (Ord. 833 Sec. 1. Passed 1-25-82.)

**725.02 PROHIBITED NOISE; EXCEPTIONS.**

No person or his/her agent, servant, employee, customer or invitee shall cause to be made or continue any loud, unusual or unnecessary noise, whether the same be by horns, bells, voice, hammering, grinding, singing, music, radio, television, loud speaker, dance or any form or manner of noise or sound whatsoever which either annoys, injures or endangers the comfort, repose, health or general welfare of nearby residents and/or visitors. The provisions of this section shall not apply to any mechanical device, apparatus or equipment used or connected with emergency public work and shall also not apply to the use of lawnmowers, chainsaws and other mechanical or motorized tools commonly used on residential property, provided the same shall only be used during daylight hours, but not before 8:00 a.m., prevailing time, and shall not be used in the operation of any business on the property. The provisions of this section shall also not apply to noise created by (1) normal land development and construction activities carried on during the hours of 6:00a.m. to 10:00 p.m., and (2) snow removal equipment. (Ord. 1298. Passed 3-22-04.)

**725.99 PENALTY.**

Whoever violates this article shall, upon conviction thereof before a District Magistrate, be fined not more than three hundred dollars (\$300.00) for each violation and each day such violation continues may be considered a separate offense. (Ord. 833. Sec. 3. Passed 1-25-82.)



ARTICLE 729  
Aircraft

729.01 Prohibited landings and  
take offs.  
729.02 Exceptions.

729.99 Penalty.

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**729.01 PROHIBITED LANDINGS AND TAKE OFFS.**

No person, firm or corporation shall land any aircraft or take off any aircraft, including helicopters, from any landing field located within 150 yards of any occupied dwelling house or residence within the Town.

(Ord. 984 §1. Passed 4-25-88.)

**729.02 EXCEPTIONS.**

The restriction on the landing or taking off of aircraft contained in this article shall not apply to emergency medical service aircraft, military aircraft or public safety aircraft whenever flight by such aircraft is necessary for emergency purposes.

(Ord. 984 §2. Passed 4-25-88.)

**729.99 PENALTY.**

Any violation of the provisions of this article shall be considered a summary offense and the violator shall be fined not more than three hundred dollars (\$300.00) for each offense, plus costs of prosecution. Each day that any person continues to violate this article shall be considered a separate offense.

(Ord. 984 §3. Passed 4-25-88.)



ARTICLE 730  
Fugitive Emissions

|        |                            |        |                     |
|--------|----------------------------|--------|---------------------|
| 730.01 | Source premises.           | 730.06 | Demolition.         |
| 730.02 | Parking lots and roadways. | 730.07 | Fugitive emissions. |
| 730.03 | Transport.                 | 730.99 | Penalty.            |
| 730.04 | Construction.              |        |                     |
| 730.05 | Mining.                    |        |                     |

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730.01 SOURCE PREMISES.

(a) General. No person shall operate, or allow to be operated, any source in such a manner that emissions from any roadway, haul road, yard or other premises located upon the source or from any material being transported within such source or from any source-owned access road, haul road, or parking lot over five parking spaces:

- (1) Are visible at or beyond the property line;
- (2) Equal or exceed No. 1 on the Ringelmann Scale or an equivalent opacity for a period or periods aggregating more than three minutes in any sixty minute period; or
- (3) Equal or exceed No. 3 on the Ringelmann Scale or an equivalent opacity at any time.

(b) Deposition on Other Premises. Visible emissions from any solid or liquid material which has been deposited by any means from a source onto any other premises shall be considered emissions from such source within the meaning of subsection (a) hereof. (Ord. 1033. Passed 5-29-90.)

730.02 PARKING LOTS AND ROADWAYS.

(a) General. No person shall maintain for use, or allow to be used, any parking lot over fifty parking spaces or used by more than fifty vehicles in any day or any roadway carrying more than 100 vehicles in any day or fifteen vehicles in any hour in such manner that emissions from such parking lot or roadway:

- (1) Are visible at or beyond the property line;
- (2) Equal or exceed No. 1 on the Ringelmann Scale or an equivalent opacity for a period or periods aggregating more than three minutes in any sixty minute period; or
- (3) Equal or exceed No. 3 on the Ringelmann Scale or an equivalent opacity at any time.

(b) Deposition on Other Premises. Visible emissions from any solid or liquid material which has been deposited by any means from a parking lot or roadway onto any other premises shall be considered emissions from such parking lot or roadway.

(c) Repairs. Subsection (a) hereof shall not apply during any repairs or maintenance done to such parking lot or roadway.  
(Ord. 1033. Passed 5-29-90.)

#### 730.03 TRANSPORT.

No person shall transport, or allow to be transported, any solid or liquid material outside the boundary line of any source in such manner that there is any visible emission, leak, spill or other escape of such material during transport.  
(Ord. 1033. Passed 5-29-90.)

#### 730.04 CONSTRUCTION.

No person shall conduct, or allow to be conducted, any construction activities in such manner that emissions from such activities:

- (a) Equal or exceed No. 1 on the Ringelmann Scale or an equivalent opacity for a period or periods aggregating more than three minutes in any sixty minute period; or
- (b) Equal or exceed No. 3 on the Ringelmann Scale or an equivalent opacity at any time.

(Ord. 1033. Passed 5-29-90.)

#### 730.05 MINING.

No person shall conduct, or allow to be conducted, any mining activities in such manner that emissions from such activities:

- (a) Are visible at or beyond the property line;
- (b) Equal or exceed No. 1 on the Ringelmann Scale or an equivalent opacity for a period or periods aggregating more than three minutes in any sixty minute period; or
- (c) Equal or exceed No. 3 on the Ringelmann Scale or an equivalent opacity at any time.

(Ord. 1033. Passed 5-29-90.)

#### 730.06 DEMOLITION.

No person shall conduct, or allow to be conducted, any demolition activities in such manner that emissions from such activities equal or exceed No. 1 on the Ringelmann Scale or an equivalent opacity for a period or periods aggregating more than three minutes in any sixty minute period.

(Ord. 1033. Passed 5-29-90.)

**730.07 FUGITIVE EMISSIONS.**

(a) With respect to any source of fugitive air contaminants identified in Sections 730.01 through 730.06, inclusive, the Town Manager may by order require the person responsible for such source to take all reasonable actions to prevent fugitive air contaminants from becoming air-borne, including, but not limited to, those actions listed in subsection (c) hereof.

(b) The person responsible for a source of fugitive emissions shall take all reasonable actions to prevent fugitive air contaminants from becoming air-borne, including, but not limited to, those actions listed in subsection (c) hereof. The person responsible includes the operator actually causing the emissions, the owner of the equipment being used, and the owner of the road or premises from which the emission comes.

(c) The Town Manager may issue an order to any person subject to subsections (a) or (b) hereof, which order may require, but is not limited to, such actions as:

- (1) The use of asphalt, oil, water or suitable chemicals for dust control;
- (2) The paving and maintenance of roadways, parking lots and the like;
- (3) The prompt removal of earth or other material which has been deposited by leaks from transport, erosion or other means;
- (4) The adoption of work or other practices to minimize emissions;
- (5) Enclosure of the source; and
- (6) The proper hooding, venting and collection of fugitive emissions,

(d) It shall be a violation of this article giving rise to the remedies set forth in Section 730.08 for any person to fail to comply with an order issued pursuant to this section. (Ord. 1033. Passed 5-29-90.)

**730.99 PENALTY.**

Whoever violates this article, shall upon conviction thereof before a District Magistrate, be fined not more than three hundred dollars (\$300.00) for each violation and each day such violation continues may be considered a separate offense. (Ord. 1033. Passed 5-29-90.)

