

OFFICIAL  
TOWN OF McCANDLESS  
ORDINANCE NO. 1418

AN ORDINANCE AMENDING PART SEVEN, THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS, BY ADDING SECTION 715 TO ESTABLISH A PROPERTY MAINTENANCE CODE

WHEREFORE, the Town of McCandless has adopted a General Offense Ordinance to encourage and promote the safety, health, convenience and general welfare of the residents of the Town; and

WHEREAS, after a review of the current conditions of the Town, the Town of McCandless has decided to amend the General Offenses Code by adding certain provisions to the Code pertaining to the maintenance of property in the Town; and

WHEREAS, the Town of McCandless has found that properties should be maintained in such a way so as not to be dangerous, unsafe or a blight on the surrounding community.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of McCandless, Allegheny County, Pennsylvania, that:

**Section 1.**

A new section, Section 715, entitled "Property Maintenance Code", shall be added to Article 7 and shall read as follows:

**"SECTION 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.

**SECTION 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.

**SECTION 715.03**

**PROPERTY MAINTENANCE INSPECTION**

**A. General.**

The Town shall designate a code official to carry out the provisions of this ordinance.

**SECTION 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.

**SECTION 715.06  
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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 715.21  
GENERAL**

**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.

**SECTION 715.22**

**GENERAL DEFINITIONS**

**APPROVED.** Approved by the code official.

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

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for occupancy.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

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

**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.

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

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

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

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

**INOPERABLE MOTOR VEHICLE.**

A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**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.

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

**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.

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

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

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

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

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

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

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

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

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

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

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible

materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, lawn trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

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

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

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

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

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

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

## **SECTION 715.30**

### **GENERAL REQUIREMENTS**

#### **A. Scope.**

The provisions of this chapter 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.

**SECTION 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.**

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.

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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

Section 2. Severability.

If any of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

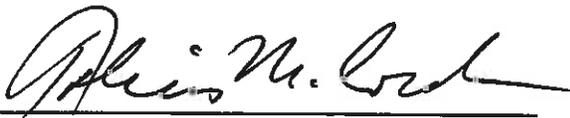
Section 3. Repealer.

All prior Ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

ORDAINED AND ENACTED into law this 23rd day of July 2012 to become effective ten (10) days after proper advertisement hereof.

ATTEST:

TOWN COUNCIL  
TOWN OF McCANDLESS



Secretary



President