

The Borough of Union City Property Maintenance Code

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CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.01 Title. These regulations shall be known as the Property Maintenance Code of the Borough of Union City, hereinafter referred to as “this code.”

101.02 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures, and all existing premises, and constitute minimum requirements and standards for premises, structures, equipment and facilities for ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.03 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.04 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.01 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.02 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, shut off from, or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems, and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.03 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 Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance of the Borough of Union City.

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

102.05 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.

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

102.07 State Law and Regulations. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, or by regulations of the departments or agencies of the Commonwealth promulgated by authority of law, or by ordinances of the Borough of Union City, such laws or regulations, as the case may be, shall control where the requirements are in excess of the provisions of this code.

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

SECTION 103 PROPERTY MAINTENANCE INSPECTION

103.01 General. The executive official in charge of inspecting properties for compliance with this code, and for the enforcement of this code, shall be known as the code official.

103.02 Appointment. The code official or officials shall be appointed by the Union City Borough Council.

103.03 Deputies. The code official shall have the authority to appoint a deputy code official or officials, other related technical officers, inspectors and other employees. Such appointments are subject to approval by majority vote of Union City Borough Council.

103.04 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by resolution or ordinance of the Borough of Union City from time to time.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.01 General. The Borough Code Enforcement Officer, also known as the Code Official, shall enforce this Code. The Code Enforcement Officer shall provide for enforcement of this Code pursuant to Borough Ordinance No. 1111, adopted on or about August 22, 201, as amended, known as the Quality of Life Ticketing Ordinance. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

104.02 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.03 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.04 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.

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

104.06 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.07 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 105 APPROVAL

105.01 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.02 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 by the code official. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

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

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

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

105.04 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 106 VIOLATIONS

106.01 Unlawful acts. It shall be unlawful for a person, firm, corporation or any other entity or legal structure to be in conflict with or in violation of any of the provisions of this code.

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

106.03 Prosecution of violation and penalties for the violation thereof. The Borough Code Enforcement Officer shall engage in the disposition of violation tickets issued pursuant to Ordinance No. 1111, as amended, through bringing summary proceedings against the occupant, owner and/or tenant before the Magisterial District Judge. Any occupant, owner or tenant who shall violate any of the provisions of this Ordinance upon conviction thereof before a Magisterial District Judge shall be sentenced to pay fines as expressed in Ordinance No. 1111, as amended, in addition to the costs of prosecution. Failure to pay such fine and cost may lead to a sentence of imprisonment in the Erie County Prison for a period not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person(s) allowing or permitting this continuation or violation may be prosecuted as provided above for each separate offense. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

106.04 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the Borough of Union City from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct business, or utilization of the building, structure or premises.

SECTION 107 NOTICES AND ORDERS

107.01 Notice to occupant, owner and/or tenant. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.02 and 107.03 to the occupant, owner and/or tenant of the premises for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.1.03. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

107.02 Form. Such notice prescribed in Section 107.01 shall be in accordance with the obligations and requirements of Ordinance No. 1111, as amended. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

107.03 Method of service. Such notice shall be deemed to be properly served if a copy thereof delivered pursuant to the obligations and requirements of Ordinance No. 1111, as amended. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

107.04 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.3.

107.05 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the

grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official, and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.01 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unlawful or unfit for human occupancy, such structure shall be condemned pursuant to the provisions of this code.

108.01.01 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.01.02 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.01.03 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 adequate ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.01.04 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted, or was erected, altered or occupied contrary to law.

108.01.05. Occupant Load. The maximum number of occupants in a structure shall be computed at the rate of one occupant per unit of area as prescribed in Table 108.01.05. For areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the occupant per unit of area factor assigned to the occupancy as set forth in Table 108.01.05. When an intended use is not listed in Table 108.01.05, the building official shall establish a use based on a listed use that most nearly resembles the intended use.

Exception: Where approved by the building official, the actual

number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design occupant load.

TABLE 108.01.05

MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

FUNCTION OF SPACE	FLOOR AREA IN SQ. FT. PER OCCUPANT
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal Baggage claim Baggage handling Concourse Waiting areas	20 gross 300 gross 100 gross 15 gross
Assembly Gaming floors (keno, slots, etc.)	11 gross
Assembly with fixed seats	See Section 1004.7
Assembly without fixed seats Concentrated (chairs only – not fixed) Standing space Unconcentrated (tables and chairs)	7 net 5 net 15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms – other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational Classroom area Shops and other vocational room areas	20 net 50 net
Exercise rooms	50 gross
H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas Inpatient treatment areas Outpatient areas Sleeping areas	240 gross 100 gross 120 gross
Kitchens, commercial	200 gross
Library Reading rooms Stack area	50 net 100 gross
Locker rooms	50 gross
Mercantile Areas on other floors Basement and grade floor areas Storage, stock, shipping areas	60 gross 30 gross 300 gross
Parking garages	200 gross
Skating rinks, swimming pools Rink and pool Decks	50 gross 15 gross
Stages and platforms	15 net
Accessory storage areas, mechanical equipment room	300 gross
Warehouses	500 gross

108.02 Closing of vacant structures. If a structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises, and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.03 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure or equipment affected by such notice, and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.02.

108.04 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

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

108.05 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.01 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official

shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.02 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.03 Closing streets. When necessary for public safety, the code official shall temporarily close structures and work with the Borough of Union City Police Department or other applicable agencies or departments to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.04 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.05 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the Borough of Union City. The Borough Solicitor shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.06 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.01 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.

110.02 Notices and orders. All notices and orders shall comply with Section 107.

110.03 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.04 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

111.01 Application for appeal. Any person directly affected by a decision of the code official, a notice or order issued under this code, shall have the right to appeal to the board of appeals, provided that a complete written application for appeal is filed within 20 days after the day the decision, notice or order was served. A written application for appeal shall not be determined to be complete unless and until the fee for appeal is paid in full. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.02 Membership of board. The board of appeals shall consist of a minimum of three Borough Council Members as appointed by the Borough Council President. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the Borough of Union City Borough Council President, and shall serve staggered and overlapping terms.

111.02.01 Alternate members. The Borough of Union City Borough Council President shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members need not be members of Borough Council.

111.02.02 Chairman. The Borough Council President shall annually select one of the Appeals Board members to serve as chairman.

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

111.02.04 Secretary. The chairman shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Borough of Union City Borough Manager.

111.02.05 Compensation of members. Members of the Borough of Union City Property Maintenance Appeals Board shall receive no compensation.

111.03 Notice of meeting. The board shall meet upon notice from the chairman, within 30 days of the filing of an appeal, or at stated periodic meetings.

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

111.04.01 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

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

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

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

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

111.07 Court review. Any interested person shall have the right to apply to the Erie County Court of Common Pleas for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of Borough Manager of the Borough of Union City.

111.08 Stays of enforcement. Appeals of notices and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

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

201.02 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.03 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.04 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

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

CODE OFFICIAL. The official or officials who is/are charged with the administration and enforcement of this code, or any duly authorized representative. The code official may be an individual, corporation, firm, partnership, organization, limited liability company or other formal designation of organization.

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, including maintaining access to potable water. **(Amended by Ordinance No. 1136, adopted June 8, 2021)**

EQUIPMENT. Mechanical and electrical apparatus, whether owned, leased or borrowed by the occupant or owner of the subject premises.

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. All household waste from the preparation, cooking and use of food intended for human consumption; all fish, fowl, fruit, vegetables, animal or other matter which was intended to be used for human consumption including condemned food. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

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.

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

OCCUPANT. Any individual living, sleeping or having possession of a space within a property, or otherwise having control of the premises. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

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 premises; recorded in the official records of the state, county or municipality as holding title to the premises; having control of the premises as 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 the premises by a court of competent jurisdiction; or otherwise having control of the premises. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

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 NUISANCE – Includes, but is not limited to, the following:

- A. The physical condition or use of any premises regarded as a public nuisance at common law.
- B. Any physical condition, use or occupancy of any premises or appurtenances considered an "attractive nuisance" to children, including

but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.

- C. Any premises which has unsanitary sewage or plumbing facilities.
- D. Any premises designated as unsafe for human habitation or use.
- E. Any premises which are capable of being a fire hazard or are manifestly unsafe or unsecure as to endanger life, limb or property.
- F. Any premises from which the plumbing, heating, and/or facilities required by this code or the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations, have been removed or from which utilities have been disconnected, destroyed, rendered ineffective or the required precautions against trespassers have not been provided.
- G. Any premises which is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds.
- H. Any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, damaged by fire to the extent as not to provide shelter, in danger of collapse or failure, and dangerous to anyone on or near the premises.

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, cartons, boxes, wood, excelsior, rubber, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. All household goods and refuse from normal household activities, including but not limited to rages, wood not over thirty-six (36) inches in length, barrels, packing materials, carpeting, leather, straw, metal cooking utensils, toys, porcelain, shoes, clothing, furniture, springs, mattresses, stoves, furnace, pipes, dishwashers, washers, dryers, hot water tanks, refrigerators, freezers and vehicle tires. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

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

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

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a premises, portion thereof or otherwise having control of the premises. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

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

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

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

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.01 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.02 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition, and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.03 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.01 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition and in such a manner so as not to constitute a public nuisance. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.02 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

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

302.04 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3. Upon failure to comply with the notice of violation, any duly authorized employee of the Borough of Union City or contractor hired by the Borough of Union City shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.05 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.06 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.07 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.08 Defacement of property. No person shall intentionally 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 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.01 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.02 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall comply with Section 515 of the Union City Borough Zoning Ordinance, its amendments and successor provisions pertaining to water recreation or storage areas.

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

SECTION 304 EXTERIOR STRUCTURE

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

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

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

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

304.05 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks. A foundation wall shall be determined to be free from open cracks and breaks when such open cracks and breaks do not present structural deficiencies and when such open cracks and breaks are attended to in a manner so as to prevent the entry of rodents and other pests.

304.06 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.07 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.08 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.

304.09 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.

304.10 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.

304.11 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.

304.12 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.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.01 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.02 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware or by other appropriate means.

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.01 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.01 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.02 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.03 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.04 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.05 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.

305.06 Required facilities. Every owner of a structure, containing one or more dwelling units, shall maintain at least one bathtub or shower, lavatory, water close, and kitchen sink that shall be maintained in a sanitary, safe working condition. **(Amended by Ordinance No. 1136, adopted June 8, 2021)**

305.07 Water system. Every sink, lavatory, bathtub or shower, drinking fountain, water close or other plumbing fixture within a structure, containing one or more dwelling units, shall be properly connected to either a public water system or a private water system. Maintaining a flow of potable water to each structure is mandatory in order to maintain the required facilities in a “sanitary, safe working condition” under Section 305.07. **(Amended by Ordinance No. 1136, adopted June 8, 2021)**

SECTION 306 RUBBISH AND GARBAGE

306.01 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

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

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

306.02.02 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. Under no circumstances should these refrigerators or similar items be discarded, abandoned or stored outside of any building or in the open space of any premises. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

306.02.03 Vehicle tires. Unused tires from automobiles, trucks, tractors, motorcycles, bicycles, lawn mowers or other modes of transportation shall not

be discarded, abandoned or stored outside of any building or in the open space of any premises. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

306.03 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

306.04 Compost. An owner, occupant or tenant may use organic materials from the organic materials from the premises which a person owns, occupies or leases as compost, mulch, or other agricultural, horticultural, silvicultural, gardening and/or landscape purposes. If so doing, the compost shall be in a container manufactured for such purpose or a fenced compost pile not to exceed 3' X 3' X 3'. Placement of either the container or the fenced area must be in the backyard of the premises. **(Amended by Ordinance No. 1158, adopted June 27, 2023)**

SECTION 307 EXTERMINATION

307.01 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

307.02 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

307.03 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

307.04 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

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

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

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