

**CHAPTER 9**  
**HEALTH**  
**ARTICLE 1**  
**PROPERTY MAINTENANCE STANDARDS**

**§9-101. Purpose**

The purpose of this Article is to establish certain minimum health and safety requirements for those buildings, structures or properties which are used or associated with human occupancy; this Article hereby establishes standards which the Township of Oakland considers to be fair and effective in meeting those minimum requirements.

*Ord. No. 93-4, 3/1/93*

**§9-102. Definitions**

- A. **Building:** A roofed structure, enclosed by one (1) or more walls for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.
- B. **Court:** An open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.
- C. **Garbage:** Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- D. **Infestation:** The presence of insects, rodents, vermin and/or other pests.
- E. **Lot:** Plot, tracts, premises or parcels of land with or without improvements thereto.
- F. **Owner:** Any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance of inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.
- G. **Refuse:** All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.
- H. **Unoccupied Hazard:** Any building or part thereof or manmade structures which remains unoccupied for a period of more than six (6) months with either doors, windows or other openings broken, removed, boarded or sealed up or any building under construction upon which little or no

construction work has been performed for a period of more than six (6) months.

- I. **Yard:** Any open space on the same lot with a building and, for the most part unobstructed from the ground up.

*Ord. No. 93-4, 3/1/93*

### **§9-103. Application**

The provisions of this Article shall supplement local laws, ordinances or regulations existing in the Township of Oakland or those of the Commonwealth of Pennsylvania. Where a provision of this Article is found to be in conflict with any provision of a local law, ordinance, code or regulation of those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall prevail.

*Ord. No. 93-4, 3/1/93*

### **§9-104. Buildings and Structures**

- A. No owner of any building or structure shall fail to take steps and perform such maintenance thereto as may be required from time to time to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.
- B. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard or threat thereof is precipitated due to a lack of maintenance or due to neglect.
- C. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards and, therefore, constitute a severe health and/or safety hazard, shall, upon direction of the Oakland Township Supervisors, remove or cause the removal of the building and/or structure.

*Ord. No. 93-4, 3/1/93*

### **§9-105. Yards, Open Lots, Parking Areas**

No **owner** shall permit:

- A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property;
- B. The development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots;

- C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood;
- D. Wells, cesspools, pits, open mines, cisterns and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public;
- E. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery or any portion thereof to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.

*Ord. No. 93-4, 3/1/93*

#### **§9-106. Infestation, Prevention and Correction**

- A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- C. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall comply with generally accepted practices.

*Ord. No. 93-4, 3/1/93*

#### **§9-107. Miscellaneous Provisions**

No owner shall permit:

- A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction or maintenance or manner of discharge;
- B. Roof gutters, drains or any other system designed and constructed to transport stormwater to be discharged into any sanitary sewage system and/or any part thereof;
- C. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

*Ord. No. 93-4, 3/1/93*

### **§9-108. Responsibilities of Occupants**

An occupant of any premises shall be responsible for compliance with the provisions of this Article with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

*Ord. No. 93-4, 3/1/93*

### **§9-109. Responsibilities of Owners**

- A. Owner of premises shall comply with the provisions of this Article as well as operators and occupants, regardless of any agreement between owners and operators as to which party shall assume such responsibility.
- B. In instances where an occupant is responsible or shares responsibility with an owner, for the existence of one (1) or more violations of this Article, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Article.

*Ord. No. 93-4, 3/1/93*

### **§9-110. Inspection**

The Township of Oakland may or may not cause, through an authorized representative of the Township of Oakland, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township of Oakland for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or his agent, to secure access thereof.

*Ord. No. 93-4, 3/1/93*

### **§9-111. Notice to Comply**

- A. If noncompliance with the provisions of this Article constitutes a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, the Township of Oakland shall issue a written notice to be served by registered or certified mail upon the owner of said premises or if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

*Ord. No. 93-4, 3/1/93*

### **§9-112. Authority to Remedy Noncompliance**

If the owner does not comply with the notice to abate the condition within the time limit prescribed, the Township of Oakland shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Township of Oakland in such event and pursuant to its statutory or otherwise authorized police powers shall have the right and power to enter upon the offending premises to accomplish the foregoing.

*Ord. No. 93-4, 3/1/93*

### **§9-113. Hearing**

- A. Any person aggrieved by the decision of the Township of Oakland may request and shall then be granted a hearing before the Township of Oakland; provided, he files with the Township of Oakland within ten (10) days after notice of the Township of Oakland's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.
- B. After such hearing, the Township of Oakland shall sustain, modify or overrule the action of the Township of Oakland Inspector.

*Ord. No. 93-4, 3/1/93*

### **§9-114. Violations and Penalties**

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00) and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Article continues shall constitute a separate offense.

*Ord. No. 93-4, 3/1/93*

### **§9-115. Owners Severally Responsible**

If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this Article.

*Ord. No. 93-4, 3/1/93*

### **§9-116. Remedies Not Mutually Exclusive**

The remedies provided herein for the enforcement of this Article or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively at the option of the Township of Oakland.

*Ord. No. 93-4, 3/1/93*