

**CODE OF WAYMART BOROUGH
PROPERTY MAINTENANCE – CHAPTER 60**

**CHAPTER 60
Property Maintenance**

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[HISTORY: This Chapter enacted by the Waymart Borough Borough Council as the "Waymart Borough Council Property Maintenance Ordinance" on October 12, 1966 and revised on June 2, 1998.]

§ 60-01. Purpose.

This Chapter addresses the need within the Borough to establish certain minimum health and safety requirements for those buildings, structures or properties which are used or associated with human occupancy and this Chapter hereby establishes standards which the Borough Council considers to be fair and essential in meeting those minimum requirements.

§ 60-02. Authority.

This Chapter is adopted under the authority provided Waymart Borough by the Pennsylvania Borough Code and Title 11, Chapter 141A (Section 141A04) of the Consolidated Statutes of the Commonwealth of Pennsylvania, as amended.

§ 60-03. Definitions.

The following definitions shall apply for the specific purposes of this Chapter:

BUILDING - a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT - an open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

GARBAGE - putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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INFESTATION - the presence of insects, rodents, vermin and/or other pests.

LOT - plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER - any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and 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.

REFUSE - all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

UNOCCUPIED HAZARD - any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than 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 6 months.

YARD - any open space on the same lot with a building and, for the most part unobstructed from the ground up.

§ 60-04. Application.

The provisions of this Chapter shall supplement local laws, ordinances or regulations existing in the Borough or those of the Commonwealth of Pennsylvania. Where a provision of this Chapter is found to be in conflict with any provision of a local ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions that are more restrictive or that establish the higher standard shall prevail.

§ 60-05. 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 Borough Council, remove, or cause the removal of, the building and/or structure.

§ 60-06. Yards, Open Lots and Parking Areas.

No person shall permit:

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- 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, cisterns, sedimentation ponds, stormwater management impoundment ponds 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 of more than twelve (12) inches in height that 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 that constitute a safety hazard to pedestrian and/or vehicular traffic.

§ 60-07. 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 conform with generally accepted practices.

§ 60-08. Miscellaneous Provisions.

No person 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.

§ 60-09. Enforcement.

Borough Council may appoint, at any time, for whatever period of time deemed appropriate,

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a Borough Enforcement Officer/Inspector in order to perform the functions and duties as called for by this Chapter. The Borough Police Department shall also be authorized to enforce the provisions of this Chapter.

§ 60-10. Responsibilities of Occupants.

Any occupant of a premises shall be responsible for compliance with the provisions of this Chapter 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.

§ 60-11. Responsibilities of Owners.

- A. Owner of premises shall comply with the provisions of this Chapter as well as operators and occupants, regardless of any agreements between owners and operators or occupants 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 or more violations of this Part, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Chapter.

§ 60-12. Noncompliance.

- A. The Borough Council may, or may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough 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.
- B. If noncompliance with the provisions of this Chapter constitutes a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, the enforcement officer 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.
- C. 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 14 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

§ 60-13. Violations and Penalties.

- A. Any person who shall fail to remedy noncompliance with this Chapter or otherwise violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine not more than \$1,000. Each day that a violation of this Chapter continues shall constitute a separate offense.

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- B. If the premises are owned by more than one owner, each owner shall severally be responsible to remedy any violation of this Chapter.
- C. If an owner does not comply with a notice to abate the conditions, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10%) of all costs. The Borough, 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.
- D. The remedies provided herein for the enforcement of this Chapter, 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 Borough Council.
- E. Any person aggrieved by the decision of the enforcement officer may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within 10 days after notice of the enforcement officer'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. After such hearing, the Borough Council shall sustain, modify or overrule the action of the enforcement officer.

§ 60-14. Separability.

If any part of these regulations is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance or the application thereof.

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PUBLIC WATER SUPPLY CONSERVATION – CHAPTER 65

CHAPTER 65.
Public Water Supply Conservation

- § 65-01. General Policy.
- § 65-02. Performance Standards.
- § 65-03. Special Provisions.
- § 65-04. Review and Modification.
- § 65-05. Violations and Penalties.

[HISTORY: An Ordinance of Waymart Borough adopted on October 22, 2002 as Ordinance No. 2002-2 to preserve the waters of the Delaware River Basin and ensure a public water supply.]

§ 65-01. General Policy.

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental or public building or structure of any kind that is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of § 65-02 of this Chapter. The provisions of this Chapter shall apply to any such building or structure constructed on or after November 1, 2002.

§ 65-02. Performance Standards.

- A. **Water Closets and Associated Flushing Mechanisms.** The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M or ANSI A112.19.6M.
- B. **Urinals and Associated Flushing Mechanisms.** Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.
- C. **Showerheads.** Showerhead discharge rates shall not exceed 3.0 gallons per minute over a range of test pressures from 20 to 80 psi. The fixture shall conform in accordance with the test requirements of ANSI A112.18.1M.
- D. **Faucets.** Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.

§ 65-03. Special Provisions.

- A. **Applicability.** The performance standards of § 65-02 shall apply to new construction and in existing structures undergoing renovations.

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- B. **Special Purpose Equipment.** The performance standards of § 65-02 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.
- C. **Certification of Fixtures and Exemptions.** All fixtures and fittings shall be certified by the manufacturer as meeting the standards of this Chapter. Labeling of fixtures and fittings shall be in accordance with ANSI A112 .18.1M and ANSI A112.19.2M.
- D. **Exemptions.** Any person(s) may apply to the Borough for an exemption to the terms of this Chapter, which may be granted by the Borough Council, upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

§ 65-04. Review and Modification.

The Borough Council may, from time to time, modify, add to or remove from the standards and restrictions herein.

§ 65-05. Violations and Penalties.

Any person violating any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of \$100 for the first offense; \$300 for the second offense and \$600 and costs of prosecution for each offense thereafter.