

**TOWNSHIP OF SILVER SPRING  
Cumberland County, Pennsylvania**

**Ordinance No. 07 of 2019**

**AN ORDINANCE OF THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY,  
PENNSYLVANIA**

**Repealing Ordinance 11 of 2010**

**REGULATING PROPERTY MAINTENANCE WITHIN SILVER SPRING TOWNSHIP AND  
PRESCRIBING PENALTIES FOR VIOLATION THEREOF**

BE IT ORDAINED by the Board of Supervisors of the Township of Silver Spring, Cumberland County, Pennsylvania, as follows:

SECTION 1: TITLE - This ordinance shall be known as the Property Maintenance, Nuisance and Unsafe Structure ordinance.

**SECTION 2: DEFINITIONS**

ACCESSORY STRUCTURE – a detached structure that is not used for or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premise.

BREEDING AREA – any condition which provides the necessary environment for the birth or hatching of vectors.

BUILDING CODE OFFICIAL – the person designated by this Township to enforce the current adopted regulations of the Pennsylvania Uniform Construction Code.

CODE ENFORCEMENT OFFICER – The official who is charged with the administration and enforcement of this code, or any duly authorized representative. The Code Enforcement Officer, or any duly authorized representative, shall have all authority necessary to enforce provisions of this act, including instituting summary citation proceedings

COLLECTION OF WATER – contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind or containers or devices which may hold water.

DILAPIDATED – fallen into partial ruin or decay.

DISPOSAL – the storage, collection, disposal or handling of refuse.

EXTERIOR PROPERTY AREAS – 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 vectors by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or state authority having such administrative authority.

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

**HARBORAGE** – any place where vectors can live, nest or seek shelter.

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

**OCCUPANT** – any person living, sleeping, cooking or eating in, or actually having possession of, a dwelling unit or a rooming unit; except that in a dwelling unit a guest will not be considered an occupant.

**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 record of the county as holding title to the property; or otherwise having control of the property, including a 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 the court.

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

**PREMISES** – A lot, plot or parcel of land, including the buildings or structures thereon

**PUBLIC NUISANCE** – Includes the following

- a. The physical condition or use of any premises regarded as a public nuisance at common law
- b. Any physical condition, use of occupancy of any premises, 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 is manifestly 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 have been removed or from which utilities have been disconnected, destroyed, or rendered ineffective or from which utilities have been disconnected, destroyed or 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 the 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.

RUBBISH – Combustible and noncombustible waste materials except garbage, and the term shall include the residue from burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

STRUCTURE – That which is built or constructed, including without limitation because of enumeration , buildings for any use of occupancy or use whatsoever, fences, signs, billboards, fire escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents, or anything erected and framed of component parts which is fastened, anchored, or rests on a permanent foundation or on the ground.

VECTOR – a rodent, anthropoid, or insect capable of transmitting a disease or infection. Vectors shall include, but not be limited to rats, mosquitoes, cockroaches, flies and ticks.

VECTOR PROOFING – a form of construction to prevent the ingress or egress of vectors to or from a given space or building or gaining access to food, water or harborage. This term shall include, but not be limited to, rat proofing, fly proofing and mosquito proofing,

SECTION 3: AUTHORITY – This Ordinance is enacted pursuant to the Second Class Township Code.

SECTION 4: PURPOSE – The purpose of this Ordinance is to ensure that the public health, safety, welfare, and well-being shall not be abridged due to a structure, or surrounding premises on which it sits, being unsafe, unfit for human occupancy, unsanitary, neglected, vermin infested, abandoned, vacant, dilapidated, and/or a fire hazard.

SECTION 5: SCOPE – The provisions of this code shall apply to all existing residential and non-residential structures and all premises on which they occupy. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

- A. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the Building Code Official to be safe and in the public interest of health, safety and welfare.

SECTION 6: REGULATIONS AND MAINTENCANCE OF BUILDINGS AND STRUCTURES – It shall be declared unlawful by any person, firm, or corporation to violate any of the following provisions of this Ordinance.

- A. UNSAFE STRUCTURE – An unsafe structure is one that is found to be dangerous to life, health, property or safety of the public or the occupants of the structure because the structure is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.

- B. **STRUCTURE UNFIT FOR HUMAN OCCUPANCY** – A structure is unfit for human occupancy whenever the Code Enforcement Officer finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair, lacks maintenance, is unsanitary, vermin and/or rat infested, or contains filth and contamination which constitutes a hazard to the occupant or the public.
- C. **UNLAWFUL STRUCTURE** – An unlawful structure is one found in whole or in part to be erected, occupied, or altered contrary to the law.
- D. **DANGEROUS STRUCTURE OR PREMISES** – For the purpose of this code, any structure or premises that had any or all of the conditions or defects described below shall be considered dangerous:
1. Any door, passageway, exit or other means of egress that does not conform to the approved building or fire code or is so warped, worn, loose, or unsafe as to not provide safe and adequate means of egress.
  2. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse or to become detached or dislodged.
  3. The building or structure is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
  4. Any building or structure is abandoned, inadequately maintained, dilapidated, decayed, damaged, of faulty construction or otherwise so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public including properties with broken, boarded up, or missing window(s) and door(s), seriously damaged or missing siding, and/or damaged, tarped, or missing portions of roofing.
- E. **PUBLIC NUISANCE** – For the purpose of this ordinance it shall be unlawful for any person, owner, tenant, operator, or occupant to create, allow or permit a public nuisance to occur or exist. (see definition in Section 2)
- F. **HOARDING** – For the purpose of this ordinance, it is unlawful for an owner or occupant of a dwelling to store or otherwise to accumulate in the property or on the premises units, objects, or substances of a nature or in a quantity reasonably likely to create a hazard to the safety or health of an occupant, or an occupant of another dwelling, even if the objects or substances are not visible from a public place or a public right-of-way.
1. An enforcing official may consult with Cumberland County Mental Health Services when circumstances related to the enforcement reasonably indicate that an occupant of a property or dwelling may suffer from a mental illness, including but not limited to a hoarding disorder.

SECTION 7: MAINTENANCE OF EXTERIOR PROPERTY AREAS – It shall be declared unlawful by any person, firm, or corporation to violate any of the following provisions of this Ordinance.

A. EXTERIOR STORAGE OF GARBAGE, ASHES, REFUSE/RUBBISH, OR JUNK MATERIAL

1. Garbage: wastes from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the Township any garbage or other material subject to decay, except for leaf waste, grass clippings or mulch, which is properly maintained for gardening purposes. It shall be unlawful to store more than 15 days of garbage as defined in this Ordinance.
2. Refuse/Rubbish.: Combustible trash, including, but not limited to paper, cartons, boxes, demolition waste, furniture, bedding; noncombustible trash, including, but not limited to metals, metal cans, metal furniture, pieces of concrete, asphalt, glass, crockery and other mineral waste. Provided, refuse shall not include plant material generated in the course of harvesting agricultural crops.
3. Ashes: Residue from fire used for cooking, heating buildings and industrial processes.
4. Junk Material, including, but not limited to unused, abandoned, nonfunctional, non-serviceable or partially or totally disassembled structures, machinery, equipment, appliances, devices or objects, and all forms of waste and refuse of any types of materials, including, but not limited to scrap metal, glass, industrial waste and other salvageable materials. This subsection shall not apply to junkyards and waste handling facilities operating in accordance with the Township Zoning Ordinance.
5. Storing or accumulating abandoned or junked motor vehicles that are in a non-serviceable condition or do not have a current inspection sticker and current registration. This subsection shall not apply to junkyards operating in accordance with the Township Zoning Ordinance.
6. Composting is permitted and not considered a violation of this Ordinance, when it is in compliance with the requirements of Section 302.5 Domestic Composts, of the Zoning Ordinance.

B. MAINTENANCE OF STRUCTURES AND EXTERIOR PROPERTY AREAS

1. All exterior property areas and premises shall be maintained in a clean, safe, and sanitary condition, free from any accumulation of rubbish or garbage.
2. The operator of every establishment producing garbage, a vegetable waste, or other solid waste containing organic matter capable of attracting vectors shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for

disposal. Approved leak proof containers are required by the Pa. Department of Agriculture for food waste at all restaurants.

3. All premises shall be graded and maintained so as to prevent the stagnant water thereon, or with any structure located thereon. All premises and structures shall be required to be vector proofed when found to be providing harborage or breeding areas for rats, flies, mosquitoes, or any other vectors. Stagnant water shall be determined as any accumulation that has not disbursed within seven days of the last recorded local rainfall. Exception: Water retention areas and/or reservoirs approved by the Code Enforcement Officer.
4. An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner. A program planned and specifications for private vector control programs may be required to be submitted to this Township as deemed necessary by the Cumberland County Vector Control Officer. Said program plan shall be submitted by the owner or agent of the property on or in which said vector control program is or will be conducted. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program, and any and all work to be conducted in an effort to control said vectors. If, after review of the program plan by the Cumberland County Vector Control Officer, it is found to be inadequate or incomplete, additional information may be required as well as additional control methods.

C. INSPECTIONS : This township and/ or a representative of the Cumberland County vector control program is empowered to make inspections of the interior and exterior of all dwellings, buildings, structures and accessory structures, premises, collection of water, or any other places to determine full compliance with this Part and any regulations adopted here under, and to determine evidence of vector infestation and the need for vector proofing or additions or repairs to existing vector proofing.

1. Whenever it shall be determined that any dwelling, building, structure, accessory structure , premise, collection of water or any other place is in violation of this Part, a notice shall be issued setting forth the alleged violations and advising the owner, occupant, operator or agent that said violations must be corrected. The time of correction of said violations must be given as well as the necessary methods to be employed in the correction.
2. Whenever said violations shall fail to be corrected within the time set forth and an extension of time is not deemed to be necessary, this Township may proceed to abate the said violations in the manner provided by law.

**SECTION 8: CLOSING OF VACANT STRUCTURES, AND EMERGENCY MEASURES, –**  
When in the opinion of the Building Code Official that there is imminent danger of failure or collapse of a building or 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 the structure then the Building Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.

- A. Imminent Danger - The Building Code Official shall post each entrance to such structure a notice reading the following; "This Structure is Unsafe and it's Occupancy is prohibited by the Building Code Official and it is 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, whenever in the opinion of the Building Code Official there is imminent danger due to unsafe conditions the Building Code Official shall order the necessary work to be done, including the boarding up of openings, or clearing of debris which presents a danger to emergency responders.
- C. Authority to Disconnect Service Utilities – The Building Code Official shall have authority to authorize the disconnection of utility service to the building, structure or system regulated by this ordinance and standards set forth in Section 5. The Building Code Official shall notify the serving utility, and whenever possible, the owner or owner's authorized agent, and the occupant of the building structure the decision to disconnect prior to taking such action.
- D. Abatement Measures – The owner, owner's authorized agent, occupant or operator of a building, premises or equipment deemed unsafe shall abate or correct such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action

SECTION 9: VIOLATIONS AND PENALTIES – Any person or entity who shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not exceeding one thousand dollars (\$1,000.00), plus costs of prosecution, and in default of payment of such fine and costs, shall be imprisoned for not more than thirty (30) days in Cumberland County Prison

- A. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- B. In addition to the afore mentioned penalties, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief including injunction to enforce compliance herewith

SECTION 10: NOTICES AND ORDERS – Whenever the Code Enforcement Officer determines there has been a violation of the ordinance or has grounds to believe a violation has occurred notice will be given in the manner prescribed in this section. Notices for condemnation procedures shall also comply.

- A. Such notice prescribed in Section 6 shall be in accordance with all of the following.
  - 1. Shall be in writing
  - 2. Include a description of the real estate sufficient for identification

3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable amount of time to make the repairs, and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

A. Such notice shall be deemed to be properly served if the copy thereof is:

1. Delivered personally
2. Sent by certified or first-class mail addressed to the last known address
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.

SECTION 11: SEVERABILITY - The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Silver Spring Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

SECTION 12: REPEALS – Ordinance No. 11 of 2010 is hereby repealed. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith. This Ordinance does not repeal any provision of Silver Spring Township Code of Ordinances.

SECTION 13: NO EFFECT ON OTHER APPLICABLE LAWS – No provision of this Ordinance shall be construed as limiting the enforcement of any laws of the Township not repealed by this Ordinance, laws of the United States or laws of the Commonwealth of Pennsylvania.

SECTION 14: EFFECTIVE DATE – This ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED THIS \_\_\_\_ day of \_\_\_\_\_, 2019

ATTEST:

SILVER SPRING TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Theresa Eberly, Secretary

\_\_\_\_\_  
David R. Lenker, II, Chair