

CHAPTER 5

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CHAPTER 5

CODE ENFORCEMENT

Part 1

Construction Code

§101. Intention. White Deer Township, Union County, Pennsylvania (hereinafter Township) does hereby elect to administer and enforce within the Township the provisions of the Pennsylvania Construction Code Act (hereinafter the Act), Act 45 of 1999, (53 P.S. Section 72 10.101 et seq) and the regulations adopted by the Department of Labor and Industry pursuant to the said Act, as the same may be amended from time to time.

§102. Uniform Construction Code. The Uniform Construction Code (hereinafter the Code), set forth in 34 Pa. Code, Chapters 401 to 405, as amended from time to time, is hereby adopted as the Township Building Code.

§103. Administration and Enforcement. Administration and enforcement of the Code within the Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of the Township from time to time by resolution:

(1) By the designation of an employee of the Township to serve as the municipal code official to act on behalf of the Township.

(2) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.

(3) By agreement with one or more other municipalities for the joint administration and enforcement of the Act and Code through an intermunicipal agreement.

(4) By entering into a contract with another municipality for the administration and enforcement of the Act and Code on behalf of the Township.

(5) By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

§104. Board of Appeals. A Board of Appeals shall be established by resolution of the Board of Supervisors in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§105. Fees. Fees assessable by the Township for administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Board of Supervisors of the Township from time to time by resolution.

§106. Severability. If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or

decisions shall not affect the validity of the remaining portions of this Ordinance.

§107. Violations. Any person, firm, corporation, partnership, or entity who shall violate the provisions of this Part, the Act or the Code, shall, upon conviction thereof in an action brought before a District Judge in the same manner as provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure shall be sentenced to pay a fine not to exceed one thousand dollars (\$1,000.00) per violation and/or imprisonment to the extent allowed by law for the punishment of summary offences. Each day or portion thereof that a violation shall occur shall be a separate offense.

Notwithstanding anything herein to the contrary the provisions of this Part may be enforced through an action in equity brought before the Court of Common Pleas of Union County.

(Ordinance No. 2, adopted June 22, 2004)

CHAPTER 5

CODE ENFORCEMENT

Part 2

Property Maintenance Code

§201. Adoption. Chapters 1 through and including Chapters 7, Chapter 9 and Chapter 10 of the Central Keystone Council of Governments Maintenance Code (hereafter, "CKCOG Code") is hereby adopted as the Property Maintenance Code of White Deer Township, Union County, Pennsylvania, with the hereinafter changes, additions and deletions.

§202. Insertions and Revisions. The following sections of the CKCOG Code are revised as follows:

Section 104.3

DELETED

Section 202

WEEDS - Any vegetation not edible or planted for some useful ornamental purpose, including but not limited to, wild carrot, goldenrod, foxtail, Johnson grass and noxious plants as defined by the Pennsylvania Department of Environmental Protection or similar governmental agency.

RECYCLABLES - Material having an economic value in the secondary materials market.

TRANSPORTATION - The off-site removal of any municipal waste generated in or present in the Township at any time.

Section 302.4

302.4 Vegetation. No person, firm, entity or corporation owning or occupying real estate within White Deer Township, Union County, Pennsylvania shall:

A. Permit grass, weeds or vegetation, not edible or ornamental, to grow or remain upon the real estate to exceed 10 inches in height.

B. Permit grass, weeds, vegetation or trees that produced an unpleasant or noxious order or conceal any filthy deposits to grow or remain on the real estate.

C. Permit any uncontrolled noxious weed or vegetation as defined by PA Act 46 of 2017 to grow or remain on the real estate.

D. Permit any vegetation or trees that attract fowl, birds or animals that create a nuisance by, but not limited to, noise, defecation and destruction of property to grow or remain on the real estate.

302.4.1. Responsibility for Removing, Cutting or Trimming. The owner of any premises, as to vacant premises, multiple residential or multiple commercial premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut grass, weeds, vegetation or trees growing or remaining upon such premises in violation of the provisions of §201.

302.4.2. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount. The Board of Supervisors, or any officer or employee of White Deer Township or any person or entity designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds, trees, or other vegetation is growing or remaining in violation of the provisions of §201 of this Part, directing and requiring such owner or occupant to remove, trim, or cut such grass, weeds, trees, or vegetation so as to conform to the requirements of this Part, within five (5) days after issuance of such notice. Whenever, in the judgment of the Township authorities, it shall appear to be impractical to give notice as above provided, either because the owner or the occupant cannot be readily found or because a search for the owner or occupant would entail unreasonable delay, the Board of Supervisors or any officer or employee of the Township or any person or entity designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within five (5) days. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Township authorities may order the removal, trimming or cutting of such grass, weeds, trees or vegetation, and the cost thereof, together with a penalty of ten percent (10%) of the cost thereof shall be collected by the Township from

such person, firm or corporation, in the manner provided by law.

302.4.3. Provisions Inapplicable to Certain Land. Notwithstanding any of the other terms of this Part to the contrary, the provisions of this Part shall not be applicable to: Land which is in the following zoning districts: Woodland and Agricultural - noxious weeds not allowed to grow uncontrolled within one hundred (100) feet of property line.

Section 302.10

Exceptions:

3. One unlicensed motor vehicle, an uninspected motor vehicle or an inoperable motor vehicle may be parked or stored on the premises provided that the same is, at all times, covered with a nontransparent tarp that is properly anchored.

4. One unlicensed motor vehicle or uninspected motor vehicle may be parked or stored on the premises if the same is being actively offered for sale.

Section 308

308.4. All stored rubbish, garbage or junk shall be removed from its place of storage and properly disposed of with such frequency as is necessary to prevent a threat to the health and safety of persons and the environment, but in no event less frequently than every two (2) weeks.

308.5. Proper disposal of rubbish, garbage or junk shall consist of delivery to a licensed disposal site, removal by a person or company disposing of the same at a licensed disposal site, burning where permitted, recycling or delivery to a licensed scrap processor or dealer.

308.6. The transportation of rubbish, garbage or junk within the Township, regardless of where it originated, shall be in closed or covered containers or motor vehicles. Any spilling or littering occurring while said rubbish, garbage or junk is being transported shall be cleaned up immediately after such spillage or littering occurs.

308.7. Nothing herein shall prohibit any person actively engaged in the farming of land or raising of livestock within the Township from carrying out normal farming activities, including composting and spreading manure or other farm produced agricultural wastes, provided said activities are conducted in accordance with all applicable laws, Municipal Ordinances and regulations and not within 100 feet of a non-farm residence.

(Ordinance No. 84, adopted June 23, 2026).

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CODE ENFORCEMENT

Part 3

Penalties

§301. Penalties. Violations of this Chapter shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rules of Criminal Procedure No. 83(c). The fine for a violation of this Chapter shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ordinance No. 84, adopted June 23, 2026).