

TOWNSHIP ORDINANCE NO. 2-2018

MONONGAHELA TOWNSHIP PROPERTY MAINTENANCE ORDINANCE

THIS ORDINANCE REPEALS AND REPLACES TOWNSHIP ODINANCE NO 1-2016, AND THIS ORDINANCE IS INTENDED TO DEFINE AND REGULATE PRIVATE PROPERTY MAINTENANCE; PROHIBIT CERTAIN ACTIVITIES INVOLVING BUILDINGS, STRUCTURES, YARDS, OPEN LOTS, AND PARKING AREAS; REQUIRING PREVENTION AND CORRECTION OF VERMIN INFESTATION; DETERMINING THE RESPONSIBILITIES OF OWNERS AND OCCUPANTS; AUTHORIING INSTPECTIONS, COMPLIANCE NOTICES AND APPEAL HEARINGS; AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION INCLUDING CONDEMNATION PROCEEDINGS.

The Board of Supervisors of Monongahela Township, Greene County, Pennsylvania,
Hereby ordains:

SECTION 1. Short Title. This ordinance shall be known and cited as the “Monongahela Township Property Maintenance Ordinance.”

SECTION 2. Preface. Recognizing the need within the Municipality to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy, this ordinance hereby establishes standards which the Board of Supervisors considers to be fair and essential in meeting those minimum requirements.

SECTION 3. Authority. This ordinance, and the objectives leading to its enactment, are authorized by the Second Class Township Code.

SECTION 4. Definitions.

AUTOMOBILES – All unlicensed motorized land vehicles including cars and SUVs in all forms, trucks, motorcycles and ATVs, but excluding farm and construction equipment.

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 (3) sides by the walls of a building.

GARBAGE – all waste including but not limited to putrescible waste and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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

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

MUNICIPALITY – Monongahela Township, Greene County, Pennsylvania.

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/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.

REFUSE – all putrescible and non-putrescible 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 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.

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

SECTION 5. Application. The provision of this ordinance shall supplement local laws, ordinances or regulations existing in the Municipality or those of the Commonwealth of Pennsylvania. Where a provision of this ordinance is found to be in conflict with any provision of

a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establishes the higher standard shall prevail.

SECTION 6. Buildings and Structures.

1. 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/or** does not present a health and/or safety hazard to surrounding properties and to the general populace.
2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that the subject building or structure is 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.
3. 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 health and/or safety hazard, shall, upon direction of the Board of supervisors, remove, or cause the removal of, the building and/or structure.

SECTION 7. Yards, Open Lots, Parking Areas. No person shall permit:

1. Fences and/or minor structures to be maintained so as to present a safety or health hazard to persons and/or property;
2. The development or accumulation of **garbage or refuse, automobiles**, hazards, rodent harborage and/or infestation upon yards, courts, lots;
3. Unsecured materials to accumulate and to be blown about the surrounding neighborhood;

4. 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 that constitute a safety hazard to pedestrian and/or vehicular traffic.

SECTION 8. Infestation, Prevention and Correction.

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

SECTION 9. Miscellaneous Provisions. No person shall permit:

1. 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:
2. Roof gutters, drains, or any other system designed and constructed to transport storm water, to be discharged into any sanitary sewage system and/or any part thereof; **or to be discharged in an unsafe or destructive manner to roads or other property owners;**
3. 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.

SECTION 10. Responsibilities of Occupants. Any occupant of a premises shall be responsible for compliance with the provisions of this ordinance with respect to the maintenance of that part of the premises which he occupied 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.

SECTION 11. Responsibilities of Owners.

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

SECTION 12. Inspection. The Board of Supervisors may, through an authorized representative of the Municipality, enter onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Municipality 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.

SECTION 13. Notice and Prosecution for Violations.

13.1 Notice to person responsible. Whenever the *enforcement officer or authorized representative* determines that there has been a violation of this ordinance, notice shall be given in the manner prescribed in Sections 13.2 and 13.3 to the person(s) responsible for the violation as specified in this ordinance.

13.2 Form. Such notice prescribed in Section 13.1 shall be in accordance with all of the following:

1. 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 time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provision of this ordinance.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 13.4.

13.3 Method of service. Such notice shall be deemed properly served if a copy thereof is:

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

13.4 Prosecution of violation. Any person failing to comply with a notice of Violation or order served in accordance with Section 13 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *enforcement officer or authorized representative* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this ordinance or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

SECTION 14. Dangerous and Unsafe Structures.

14.1 General. When a structure is found by the *enforcement officer or authorized representative* to be unsafe, or when a structure is found unfit for human occupancy, or

is found unlawful, such structure shall be condemned pursuant to the provisions of this ordinance.

14.2 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 is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

14.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the enforcement officer or authorized representative finds that such structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this ordinance, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

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

14.5 Dangerous structure or premises. For the purpose of this ordinance, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. 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.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. 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 person, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent s to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *enforcement officer or authorized representation* to be unsanitary, unfit for human habitation or in such a condition is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical systems, plumbing system or other cause, is determined by the *enforcement officer or authorized representative* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

14.6 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the *enforcement officer or authorized representative* 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 *enforcement officer or authorized representative* 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.

14.7 Authority to disconnect service utilities. The *enforcement officer or authorized representative* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the ordinance in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *enforcement officer or authorized representative* shall notify the serving utility and, whenever possible, the owner and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner or occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

14.8 Notice. Whenever the *enforcement officer or authorized representative* has condemned a structure under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for occupying the *premises* or removing the placard.

14.9 Placard removal. The *enforcement officer or authorized representative* 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 *enforcement officer or authorized representative* shall be subject to the penalties provided by the ordinance.

14.10 Prohibited occupancy. Any occupied structure *condemned* and placarded by the *enforcement officer or authorized representative* shall be vacated as ordered by the *enforcement officer or authorized representative*. Any person who shall occupy a placarded *premises* and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* shall be liable for the penalties provided by this ordinance.

14.11 Abatement methods. The *owner, operator or occupant* of a building or *premises* deemed unsafe by the *enforcement officer or authorized representative* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

14.12 Record. The *enforcement officer or authorized representative* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 15. Authority to Remedy Noncompliance. If the owner or otherwise responsible person does not comply with the notice to abate or **correct the condition**, within the time limit prescribed, the Township 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, 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.

SECTION 16. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided he files with the Board of Supervisors within ten (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.

2. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Enforcement Officer.

SECTION 17. Enforcement and Penalties.

1. Enforcement. Enforcement shall be by action brought before the District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of criminal procedure.
2. Summary offense. Any person, other than a municipal official exercising his official duties, who violates any provision of this ordinance, any regulation promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$100 and not more than \$1,000 and costs and, in default of the payment of such fine and costs, to undergo imprisonment for not more than 30 days.
3. Violations to be separate offense. Each violation for each separate day and each violation of any provision of this ordinance, any regulation promulgated hereunder shall constitute a separate offense under subsection (b).

SECTION 18. 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 ordinance.

SECTION 19. Remedies not Mutually Exclusive. The remedies provided herein for the enforcement of this ordinance, 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 Board of Supervisors. The Board of Supervisors may enforce this ordinance through an action in equity brought in the Court of Common Pleas of Greene County.

SECTION 20. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 21. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: **Ordinance No. 1-2016 covering Monongahela Township property Maintenance. This Ordinance is not intended to repeal or affect in any way the Municipal Waste Storage, Collection and Transportation Ordinance of Monongahela Township enacted and ordained as an Ordinance on the 16th day of March, 1992.**

SECTION 22. Effective Date. This ordinance shall become effective on adoption.

ORDAINED AND ENACTED into an Ordinance and passed by the Board of Supervisors of Monongahela Township, Greene County, Pennsylvania, on this 18th day of June, 2018.

MONONGAHELA TOWNSHIP

BOARD OF SUPERVISORS

William Monahan

Louis Kovach

Michael Rudolph

ATTEST:

Nancy McIntire, Secretary