

TOWNSHIP ORDINANCE NO. / - 2009

AN ORDINANCE OF DUNKARD TOWNSHIP, GREENE COUNTY, PENNSYLVANIA, WITH THE INTENT TO ESTABLISH CERTAIN MINIMUM HEALTH AND SAFETY REQUIREMENTS FOR THOSE BUILDINGS, STRUCTURES OR PROPERTIES THAT ARE USED OR ASSOCIATED WITH HUMAN OCCUPANCY; DEFINE CERTAIN TERMS USED HEREIN; PROVIDE FOR REGULATIONS, EXCEPTIONS, ENFORCEMENT ORDERS, RESPONSIBILITY OF OWNERS AND OPERATORS, PENALTIES, UNLAWFUL CONDUCT, PUBLIC NUISANCES; AND REPEAL ANY PRIOR INCONSISTENT ORDINANCE.

The Board of Supervisors of Dunkard Township, Greene County, Pennsylvania, hereby ordains:

**SECTION 1. Short Title.** This ordinance shall be known and cited as the "Dunkard 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.**

**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** - putrescible 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.

**JUNK VEHICLE** - Any vehicle in non-serviceable condition or without having a current inspection sticker or current registration plate.

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

**MUNICIPALITY** - Dunkard 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 nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

**RIPARIAN BUFFER** - Natural vegetation stretching along a stream, river or wetland that maintains the hydrologic, hydraulic, and ecological integrity of the stream channel, removes pollution and runoff, protects aquatic life and wildlife, and provides corridors for wildlife.

**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.

**VERMIN** - Any of various small animals or insects that are destructive, annoying, or injurious to health, such as cockroaches or rats.

**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 provisions 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. Grass, Weeds and Other Vegetation a Nuisance Under Certain Conditions.** No person, firm or corporation owning or occupying any property shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, including as a riparian buffer, to grow or remain upon such premises so as to exceed a height of ten inches (10") or to throw any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds, or vegetation growing on any premises in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to health,

safety, cleanliness, and comfort of the inhabitants of the Municipality.

**SECTION 7. Responsibility for Removing, Trimming, or Cutting Grass, Weeds, and Other Vegetation.** The owner of any premises when such premises are vacant or occupied by the owner and the occupant thereof when the premises are occupied by other than the owner shall remove, trim or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance.

**SECTION 8. Notice to Remove, Spray, Trim, or Cut; Authority for the Municipality to do Work and Collect Cost and Penalty.** The Township Supervisors or any officer or employee of the Township designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner and/or occupant, as the case may be, of any premises whereon grass, weeds, or other vegetation is growing or remaining in violation of the provisions of Section 6 of this Ordinance directing and requiring such occupant to remove, spray, trim, or cut such grass, weeds, or vegetation, so as to conform to the requirements of this Ordinance within twelve (12) days after issuance of such notice. 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 remove, spray, trim, or cut such grass, weeds, or vegetation, and the cost thereof, together with any additional penalty authorized by this Ordinance, may be collected by the Township from such person, firm, or corporation in the manner provided by law.

**SECTION 9. 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 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 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.

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 severe 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 10. Abandoned Buildings and Conditions of Disrepair Constituting a Nuisance.** No person, firm or corporation owning or occupying any property within the Municipality shall permit any abandoned building or other structure to become in such a state of disrepair as to be detrimental to the health, safety, and welfare of the residents of the Municipality or to allow any materials to accumulate on said property that might be unsafe to the residents of the Municipality. Any abandoned buildings or other structures or materials accumulated on any premises in the Municipality in violation of the provisions of this section constituting an unsafe and unhealthy condition are declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Municipality. Any such nuisance so determined by the Municipality shall be abated as provided in this Ordinance and/or the owner or occupant be prosecuted under

this Ordinance as hereinafter provided.

**SECTION 11. Unlawful to Accumulate Refuse on Private Property.** From after the effective date of this Ordinance, for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to be accumulated upon his private property in the Municipality garbage, refuse, ruffraff, junk vehicles, debris, and any other type of combustible or incombustible refuse or rubbish. Any accumulation of said garbage, refuse, ruffraff, junk vehicles, debris, and any other type of combustible or incombustible refuse or rubbish on any premises in the Municipality in violation of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the residents of the Municipality. Said nuisance shall be abated or removed as set forth in this Ordinance.

**SECTION 12. 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 hazards, rodents

harborage and/or infestation upon yards, courts, lots;

3. objectionable 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 and which constitute a safety hazard to pedestrian and/or vehicular traffic.

**SECTION 13. Infestation, Prevention and Correction.**

1. Grounds, buildings and structure shall be maintained free of insect, vermin and rodents 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 problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally

accepted practices.

**SECTION 14. 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;

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 15. 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 16. Responsibilities of Owners.** 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.

**SECTION 17. Owners Severally Responsible.** If the premises are owned by more than one (1) owner, each owner shall jointly and severally be subject to prosecution for the violation of this Ordinance.

**SECTION 18. Inspection.** The Board of Supervisors may, or may cause, through an authorized representative of the Municipality, entry 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 19. Notice of Violation.**

1. Upon failure to comply with any terms or conditions

of this Ordinance, the owner and/or occupant shall be notified by the Board of Supervisors or its authorized representative, by certified mail or through personal service of said violation or violations.

2. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or violations; shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a specified period from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties that would accrue for the failure to comply. The notice shall also advise that, in lieu of or in addition to fines and penalties, and subsequent to the time period for voluntary compliance, the Municipality may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law.

3. In the event the owner and/or occupant cannot be ascertained or is not able to be located, a notice containing the above required information in summary form shall be published once in each of two (2) consecutive weeks in a newspaper of

general circulation in the Municipality, advising of the existence of the violation and requiring correction thereof in accordance with the terms and conditions herein established; detailed notices thereof shall be posted on the subject premises and at the Municipal office.

**SECTION 20. Authority to Remedy Noncompliance.** If the owner does not comply with the notice to abate the conditions, within the time limit prescribed, the Municipality 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 Municipality, 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. Further, the Municipality shall have the right and power to cause the costs of correction plus ten percent (10%) of all costs and attorney fees to be charged against the real estate as a municipal lien or to recover the same in a suit at law against the owner and any other person having an interest in said real estate.

**SECTION 21. Hearing.**

1. Any person aggrieved by the decision of the Board

of Supervisors or its authorized representative 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 Board of Supervisor's or its authorized Representative's Notice of Violation, 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 Board of Supervisor or its authorized Representative.

**SECTION 22. 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 23. 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 24. Severability.** If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not effect 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 25. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

**SECTION 26. Effective Date.** This ordinance shall become effective on adoption.

ORDAINED AND ENACTED into an Ordinance and passed by the Board of Supervisors of Dunkard Township, Greene County, Pennsylvania, on this 11th day of June, 2009.

DUNKARD TOWNSHIP  
BOARD OF SUPERVISORS

BY: Terry W. Barzanti  
Terry W. Barzanti

Robert G. Huggins  
Robert G. Huggins

ATTEST:

Linda L. Huggins  
Linda L. Huggins, Secretary

Marvin L. Moody  
Marvin L. Moody