DAUGHERTY TOWNSHIP

PROPERTY MAINTENANCE ORDINANCE

ORDINANCE #88

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ORDINANCE #88

An Ordinance combining the texts, as revised, of the following ordinances previously adopted by the Daugherty Township Board of Supervisors:

Ordinance # 3	6-1-48	Accumulation of Waste or Rubbish
Ordinance #38	12-14-66	Anti-Littering
Ordinance #56	10-10-73	Dumping Ordinance
Ordinance #62	10-8-73	Nuisance Ordinance

These provisions as amended, in addition to provisions mandating minimum standards for property maintenance are hereby incorporated as Ordinance #88. Further, this Ordinance establishes procedures for notification of violations, remedies to abate identified nuisances and designates a person or persons responsible for enforcement of such regulations.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Daugherty Township, Beaver County, Pennsylvania that from and after the passage of this Ordinance, the regulations contained herein shall be in full force and effect and shall be held to be the minimum requirements for the protection of the health, safety and welfare of persons residing or working within the municipal boundaries of Daugherty Township.

1.0 ORDINANCES REPEALED:

The following ordinances are hereby repealed in their entirety and the following provisions substituted in their place:

Ordinance # 3	6-1-48	Accumulation of Waste or Rubbish
Ordinance #38	12-14-66	Anti-Littering
Ordinance #56	10-10-73	Dumping Ordinance
Ordinance #62	10-8-73	Nuisance Ordinance

2.0 TITLE:

This Ordinance shall be known as the Daugherty Township Property Maintenance Ordinance.

3.0 DEFINITIONS AND TERMS:

3.1 Condemn - To adjudge unfit for use or occupancy.

3.2 Exterior Property - The open space on the premises and on adjoining property under the control of owners or operators of such premises.

3.3 Extermination - The control and elimination of insects, rats or other pests by eliminating their harborage places: by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

3.4 Faulty Construction - The condition of a structure as a result of poor workmanship, use of unapproved building materials or inept design.

3.5 Garbage - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

3.6 Infestation - The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

3.7 Occupant - Any person living or sleeping in a building; or having possession of a space within a building.

3.8 Operator - Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

3.9 Owner - Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession or real property by a court.

3.10 Person - any natural person, association, partnership, firm or corporation.

3.11 Premises - A lot, plot or parcel of land including the buildings or structures thereon.

3.12 Public nuisance - Includes the following:

3.12.1 The physical condition, or use of any premises regarded as a public nuisance at common law; or

3.12.2 Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or

3.12.3 Any premises which has unsanitary sewerage or plumbing facilities, or

3.12.4 Any premises designated as unsafe for human habitation or use; or

3.12.5 Any premises which is manifestly capable to being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or

3.12.6 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, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or

3.12.7 Any premise which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, grass or vegetation in a residentially zoned district; or

3.12.8 Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

3.13 Refuse - All discarded articles or materials, including but not limited to ashes, rubbish and combustible and noncombustible waste.

3.14 Rubbish - Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, tires, batteries, 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.

3.15 Structure - That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute 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 the ground.

3.16 Yard - An open space on the same lot with a building.

3.17 Zoning and Codes Officer - The official who is charged with the administration and enforcement of this code, or any duly authorized representative of Daugherty Township.

4.0 ACCUMULATION UNLAWFUL:

It shall be unlawful for any person to accumulate or store or permit the accumulation or storage of rubbish, garbage, or waste of any kind whatsoever on private or public property in Daugherty Township, Beaver County, Pennsylvania.

4.1 Such accumulation is hereby declared to be a public nuisance and abatement of such shall be achieved as outlined herein.

4.2 The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to use premises which do not comply with the requirements of this section.

4.2.1 Sanitation: All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish, garbage or refuse.

4.2.2 Grading and drainage: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention areas and/or reservoirs approved by the Zoning And Codes Officer and Township Engineer.

4.2.3 Sidewalks and driveways: All sidewalks, walkways, driveways, parking spaces and similar areas within public rights-of-way shall be kept in a proper state of repair, and maintained free of hazardous conditions.

4.2.4 Accessory Structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

4.2.5 Motor Vehicles: Except as provided in other regulations, no currently unregistered and/or uninspected motor vehicles shall be parked or kept on any property and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed area designed and approved for such purposes by the person who owns the vehicle.

5.0 COMMERCIAL PERFORMANCE STANDARDS:

It is hereby provided that a manufacturer or business is offensive and is considered a public nuisance if the manner in which the business or manufacturing is so operated or conducted is determined to adversely affect the health, safety and welfare of citizens of Daugherty Township.

5.1 No waste product or byproduct resulting from a process application or activity on the premises of a commercial property shall be discharged into open streams or stormwater facilities unless such material is considered to be non-toxic and non-hazardous to health.

5.1.1 In the event such material being discharged cannot be identified, the Pennsylvania Department of environmental Resources shall be notified.

5.1.2 Upon identification of said material being discharged as toxic or hazardous, such discharge shall cease immediately upon certified notification from the Township to the owner of the premises.

5.1.3 Failure to stop such discharge upon notification to do so shall make the owner of the subject premises liable for all civil and criminal penalties assessed as outlined in these regulations.

5.2 No person, firm or corporation shall use or permit to be used any spot or place within the Township as a public or private dump for garbage, refuse or rubbish other

than a public or private area approved by the appropriate agency of the Commonwealth of Pennsylvania and Daugherty Township Board of Supervisors.

6.0 STRUCTURES AS PUBLIC NUISANCES:

It is hereby declared that a dangerous structure on either public or private ground is considered to be a public nuisance and is hereby prohibited. A dangerous structure shall be one that constitutes a danger to the public health because of its condition, as a result of a fire, natural calamity or as a result of negligence, or which may cause or aid in the spread of disease or injury to the occupants of it or neighboring structures, due to their proximity, or because its condition creates a new fire hazard or that its condition is liable to cause injury or damage by collapse.

6.1 Once a structure is determined to be dangerous, the Zoning And Codes Officer shall place a placard on or about the premises declaring the structure "Unsafe for Human Habitation."

6.2 Following such condemnation, the owner may apply for a demolition permit to remove the structure or a building permit to rehabilitate the structure.

6.3 The Zoning And Codes Officer shall notify the owner by certified mail that either demolition or rehabilitation shall take place within a reasonable period of time or legal proceedings to abate said public nuisance shall be initiated by the Township.

7.0 SEWAGE DISCHARGE UNLAWFUL:

It shall be unlawful to maintain an open cistern, or cesspool or to permit the discharge of raw or untreated sewage onto private or public grounds. An existing on-lot septic system which is malfunctioning shall be repaired within a reasonable period of time following receipt of notice to do so from the Township Sewage Enforcement Officer.

8.0 INFESTATION:

In the event that a structure or premises are observed to have been infested by rodents, insects, vermin, or other pests, the Department of Environmental Resources, Vector Control shall be notified by the Township Zoning And Codes Officer.

8.1 The owner of said property or premises shall be notified in writing of the determination of the Department of Environmental Resources findings by the Township Zoning And Codes Officer.

8.2 All state and local remedies shall be applicable in order to abate said nuisance including the filing of liens against the property for the cost of extermination borne by the Township.

9.0 SUPERVISORS HEARING:

The Board of Township Supervisors may hold a public hearing in order to determine the existence of a public nuisance within the terms and provisions of this ordinance.

9.1 Notice of said hearing shall be given by certified mail to the occupant, if applicable, to the operator or to the owner of the subject premises. Said notice shall be given at least ten (10) days prior to the hearing date.

9.2 Upon determination of the existence of a public nuisance under the terms and provisions of this Ordinance, the Township Secretary shall, by Certified Mail addressed to the last known address of the owner and occupier of such property, give notice requiring the abatement or removal of said nuisance within such period of time as is set forth in the Notice, but in no event shall said period be less than fifteen (15) days. If the property is not occupied and the whereabouts or identity of the owner is unknown then notice shall be given by posting said notice on the property. Upon failure of the owner or occupier to abate or remove the nuisance, the Township may cause the same to be done and shall be entitled to collect the cost of removal or abatement of such nuisance. Collection of said cost shall be accomplished by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim. In the exercise of the powers herein conferred, the Township may seek relief by bill in equity.

10.0 NOTICE TO ABATE NUISANCES:

As herein provided, all notices of time limits within which abatement of public nuisances shall occur, shall be sent certified to the last known address of the owner or person in control of the subject premises. The Township Zoning And Codes Officer shall prepare such notices on a form provided by the Township. Placards shall also be provided for posting by the Township.

11.0 FAILURE TO ABATE:

Failure by the owner or person in control of the property determined to be in violation of the provisions of this Ordinance, following receipt of proper notice, to abate those public nuisances identified shall be fined a minimum of one hundred dollars ($100.00) per day for each day that a violation continues.

11.1 If the owner or person in control of the premises refuses to sign for said certified mail or cannot be located, the posting of said violation notice on the premises shall constitute proper notice.

11.2 For the second offense of these provisions and for all subsequent offenses of the same provisions being violated, the fine shall be the maximum permitted or three hundred dollars ($300.00) per day, whichever is greater.

12.0 REPEALER:

Any ordinance or part of any ordinance as amended found to be in conflict with this Ordinance is hereby repealed and all other provisions are to remain in full force and effects.

13.0 ENACTMENT AND EFFECTIVE DATE:

This Ordinance shall become effective upon adoption by the Board of Supervisors of Daugherty Township at a regularly scheduled meeting.

ENACTED AND ORDAINED this 10 day of June, 19 92.

George J. Rosick
Supervisor

Thomas Albonese
Supervisor

Frank W Romanchak
Township Secretary

Frank W Romanchak
Supervisor