

ORDINANCE NO. 206

ELLPORT BOROUGH, LAWRENCE COUNTY,
PENNSYLVANIA

An ordinance detailing property maintenance standards.

The Borough Council of Ellport, Lawrence County, Pennsylvania, hereby ordains:

Section 1. Short title. This ordinance shall be known and cited as the "Ellport Property Maintenance Ordinance."

Section 2. Preface. Recognizing the need within the Borough of Ellport 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 Borough Council considers to be fair and effective in meeting those minimum requirements.

Section 3. 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.

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

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, but not limited to, garbage, rubbish, ashes, dead animals and market, construction, business and/or industrial wastes.

UNOCCUPIED HAZARD - any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six

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(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 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 4. Application. The provisions of this ordinance shall supplement local laws, ordinances or regulations existing in the Borough of Ellport 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 5. 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/or 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/or 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 unoccupied hazards, and therefore constitute a health and/or safety hazard, shall, upon direction of the Borough Council, remove, or cause the removal of, the building and/or structure.

SECTION 6. Yards, Open lots, Parking areas. No person shall permit:

1. Fences and/or minor structures to be constructed and/or maintained so as to present a safety or health hazard to persons and/or property:

2. the development or accumulation of hazards, rodent harborage and/or infestation of yards, courts, lots;

3. objectionable materials to accumulate and to be blown about the surrounding neighborhood;

4. wells, cesspools, cisterns, sedimentation ponds, storm

water management ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public;

5. 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 7. Infestation, Prevention and Correction.

1. Grounds, buildings and structures shall be maintained free of insects, 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/or refuse.

3. Where there exists rodent and/or 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/or refuse control. Methods employed for extermination shall conform with generally accepted practices.

SECTION 8. 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 sewer system and/or 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 9. 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 occupies 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 10. 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 11. Notice of violation.

Upon failure to comply with any of the terms and conditions of this ordinance, the owner and/or occupant shall be notified by the Borough Council or its authorized representative as established by Council by Resolution, by certified mail (or by regular mail where the certified mail is not claimed), or through personal service, of said violation or violations.

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 period of thirty (30) days from the receipt of said notice and shall inform the owner and/or occupant of the fines and penalties which 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 thirty (30) day period for voluntary compliance, the Borough of Ellport 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.

In the event the owner and/or occupant cannot be determined or is unable 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 Borough of Ellport, advising of the existence of the violation or violations and requiring correction thereof; in accordance with the terms and conditions herein established; detailed notice thereof shall be posted on the subject premises and at the Council Chambers of the Borough of Ellport.

SECTION 12. Compliance.

The owner and/or occupant shall have thirty (30) days from the receipt of a notice of violation as evidenced by the certified mail return but receipt shall be presumed to be three (3) days after mailing by regular mail, or, alternatively, from the date of the

second appearance of the published notice of violation, to correct any and all noticed deficiencies.

Extensions to the thirty (30) day period in which deficiencies must be corrected may be granted by the Borough Council upon demonstration by the owner and/or occupant that such an extension thereto is warranted and justified. Failure to comply and correct each separate deficiency shall constitute a separate violation of this ordinance for each separate deficiency for each day that the deficiency continues beyond the period to correct. A conviction of an owner and/or operator shall not bar further prosecutions for noncompliance with this ordinance subsequent to such conviction.

SECTION 13. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than three hundred (\$300.00) dollars, together with costs of prosecution. Each day a violation of this ordinance exists beyond the thirty (30) day voluntary compliance period shall constitute a separate violation of this ordinance.

SECTION 14. 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 15. Inspection. The Borough Council may, or may cause, through an authorized enforcement officer of the Borough of Ellport - which is hereby declared to be each the Ellport Mayor, Borough Council President, Zoning Officers, police officers or any other officer designated by Resolution of Borough Council - enter onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough of Ellport for ascertaining the existence of violations. In those matters where the nature of the alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements may be made with the owner, or his agent, to secure access thereto.

SECTION 16. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, illegal or unconstitutional, such invalidity, illegality and/or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, parts or applications of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such invalid, illegal, unconstitutional provision not been included herein.

SECTION 17. Effective date. This ordinance shall become

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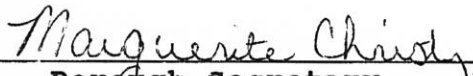
effective on ^{July}~~June~~ 1, 1992.

Ordained and Adopted this 15 day of ^{June}~~May~~, 1992, after proper advertisement, at a regularly scheduled meeting of the Borough Council with, at least, a quorum present and a majority of Council present voting for adoption.

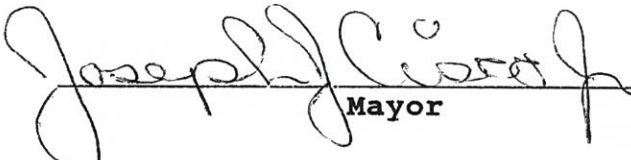
BOROUGH OF ELLPORT


Borough Council President

Attest:


Borough Secretary

AND NOW this 15th day of JUNE, 1992, reviewed and approved.


Mayor