

ORDINANCE NO. 98-2

AN ORDINANCE OF SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA DEFINING AND REGULATING PRIVATE PROPERTY MAINTENANCE; PROHIBITING CERTAIN ACTIVITIES INVOLVING BUILDINGS, STRUCTURES, YARDS, OPEN LOTS, AND PARKING AREAS; REQUIRING PREVENTION AND CORRECTION OF VERMIN INFESTATION; PROHIBITING PUBLIC NUISANCES; DETERMINING THE RESPONSIBILITIES OF OWNERS AND OCCUPANTS; AUTHORIZING INSPECTIONS, COMPLIANCE NOTICES AND APPEAL HEARINGS; AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION.

The Board of Supervisors of Somerset Township, Somerset County, Pennsylvania here ordains:

Section 1. Short Title. This ordinance shall be known and cited as the "Somerset Township Property Maintenance Ordinance."

Section 2. Preface. Recognizing the need within Somerset Township 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 Somerset Township 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, Sections 1527, 1529, 1533, and 1534 as amended, and all other applicable Sections of the Second Class Township Code, as amended.

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.

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

NUISANCE - any condition, structure, or improvement, which shall constitute a threat or potential threat to the health,

safety or welfare of the citizens of the Township of Somerset or as known in common law or in equity juris prudence.

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 improvement 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.

PERSON - a natural person, firm, partnership, association, corporation, or other legal entity.

REFUSE - all putrescible and nonputrescible 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 Township shall take no action regarding enforcement of the terms and provisions of this Ordinance unless the Supervisors, or their representatives, receive a **signed dated written complaint**, or in such circumstances where the over-riding economic, health and/or safety interests of the Township and its citizens would require the Township Supervisors to take at their sole discretion appropriate action on their own without such written complaint for the enforcement of the terms of this Ordinance. The Supervisors of Somerset Township shall have the right to review any submitted written complaints and absolute sole discretion to verify such information and as for the enforcement of the terms of this Ordinance based upon such complaints. The provisions of this Ordinance shall supplement local laws, ordinances or regulations existing in the Township of Somerset 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 established 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 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 of 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 Supervisors of Somerset Township 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 constructed and 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 upon yards, courts, lots;
3. objectionable materials to accumulate and to be blown about the surrounding neighborhood;
4. wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment 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;
6. the accumulation or storage of glass, metal parts, materials, junk, wood, brick, cement block or other unsightly debris, automobiles or parts thereof, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, such as may tend to depreciate property values in the area or create a nuisance or hazard, except when

such materials are property housed, and out of public view;

7. any other condition which shall threaten the health, safety or welfare of the citizens.

Section 8. Infestation, Prevention and Correction.

1. Grounds, buildings and structures 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 problem(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 stormwater, 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;

4. any building or structure, occupied or unoccupied, which is an attractive nuisance which may prove detrimental to children whether in a building or upon an unoccupied lot. This included, but not limited to, any trash, lumber, fences, abandoned wells, shafts, basements, excavations, vehicles, structurally unsound fence and structures, abandoned refrigerators, furnaces, vehicles, machinery or parts thereof, which may prove a hazard for inquisitive minors;

5. store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, automobiles, machinery or equipment, or construction materials in the open on private

property which shall constitute a nuisance and/or health hazard, including but not limited to, broken glass or metal parts with sharp or protruding edges, containers which are conducive to the harboring and growth of vermin or animals, storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt, or fall from its original storage position, containers containing any liquid or material of hazardous or potentially hazardous nature, including but not limited to, gasoline, oil, battery acid, refrigeration agents and poison.

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 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 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 Supervisors of Somerset Township may, or may cause, through an authorized representative(s) of the Supervisors of Somerset Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township of Somerset 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 to Comply.

1. If noncompliance with the provisions of this ordinance constitutes a nuisance, or if any conditions, structure, or improvement poses a threat to the health, safety, or welfare of the public, the Supervisors of Somerset Township, or their authorized representative, shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within **fifteen (15) days** of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

Section 14. Authority to Remedy Noncompliance. If the owner does not comply with the notice to abate the conditions, within the time limit prescribed, Somerset Township, the Board of Supervisors of Somerset Township and/or their authorized representative(s) 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 Board of Supervisors of Somerset Township, or their authorized representative(s), in such event and pursuant to their statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

Section 15. Hearing.

1. Any person aggrieved by the decision of the Supervisors of Somerset Township, or their authorized representative(s), 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 Supervisors' 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 of Somerset Township shall sustain, modify or overrule the action of the Supervisors or authorized representative.

Section 16. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 17. 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 18. 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 Township of Somerset and/or the Board of Supervisors of Somerset Township.

Section 19. 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 20. Repealer. All ordinances and resolution or parts of ordinances and resolutions which are inconsistent herewith are hereby repealed.

Section 21. Effective Date. This ordinance shall become effective on September 17, 1998.

ENACTED and ORDAINED this 10th day of September, 1998.

TOWNSHIP OF SOMERSET

BY *Dennis W. Holman*
Supervisor

BY *Robert A. Spuff*
Supervisor

BY _____
Supervisor

ATTEST:

Jackal Brimble
Secretary

(Seal)

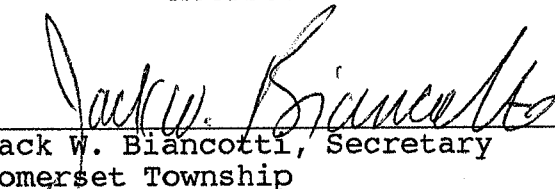
SECRETARY'S CERTIFICATE

I, Jack Biancotti, Secretary of the Township of Somerset, a municipal corporation, does hereby certify:

1. The undersigned is duly ~~elected~~ ^{APPOINTED} and qualified and acting Secretary of the Township of Somerset, and as such, the minute books, ordinances and resolutions and other books of said Township are in my possession and custody.

2. The foregoing Ordinance is a true and correct Ordinance of the Township of Somerset, duly and regularly adopted by the Board of Supervisors of Somerset Township, Somerset County, Pennsylvania, at its regular monthly meeting held on the 10th day of September, 1998, which said meeting was at all times open to the public, due notice of which was given as required by law, and at said meeting a quorum of the said Board of Supervisors of Somerset Township was present and participating and did vote in majority for adoption of the foregoing Resolution.

Attest:



Jack W. Biancotti, Secretary
Somerset Township

(SEAL)

Dated: September 10, 1998

COMPLAINT PURSUANT TO SOMERSET

TOWNSHIP PROPERTY MAINTENANCE ORDINANCE

TO: Board of Supervisors of Somerset Township

Complainant's Name: _____

Address: _____

Telephone Number: _____

Description of real estate (address and location):

Name(s) and Address of Owner(s): _____

Nature of Complaint In Detail: _____

Pursuant to the provisions of the "Somerset Township Property Maintenance Ordinance", the undersigned submits this Complaint in good faith and agrees to furnish any other necessary information as needed by the Township and to assist in the enforcement of the terms of the Ordinance, including testifying in Court if necessary, as to the nature of the complaint for enforcement by the Township.

Date: _____

signature

RECEIVED by Somerset Township on: _____