

CHAPTER 13

PROPERTY MAINTENANCE

ARTICLE I

PROPERTY MAINTENANCE

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 95-4-1, April 12, 1995, as amended by Ordinance No. 2004-12-11, December 8, 2004, Ordinance No. 2007-02-04, February 14, 2007 and Ordinance No. 2008-06-02, June 11, 2008.

§ 13-101. Title

This Article shall be known as the Center Township Property Maintenance Article.

§ 13-102. Definitions and Terms

- A. **Condemn:** To adjudge unfit for use or occupancy.
- B. **Exterior Property:** The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- C. **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.
- D. **Faulty Construction:** The condition of a structure as a result of poor workmanship, use of unapproved building materials or inept design.
- E. **Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- F. **Infestation:** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- G. **Occupant:** Any person living or sleeping in a building; or having possession of a space within a building.
- H. **Operator:** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- I. **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 of real property by a court.

- J. **Person:** Any natural person, association, partnership, firm or corporation.
- K. **Premises:** A lot, plot or parcel of land including the buildings or structures thereon.
- L. **Public Nuisance:** Includes the following:
 - 1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
 - 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. Any premises which has unsanitary sewerage or plumbing facilities, or
 - 4. Any premises designated as unsafe for human habitation or use; or
 - 5. Any premises which is manifestly capable to being a fire hazard, or is manifestly unsafe or unsecured as to endanger life, limb or property; or
 - 6. Any premises from which the plumbing, heating and/or facilities required by this Ordinance 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
 - 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
 - 8. Any structure completed or in the process of being completed, or any portion thereof, that is in a dangerous condition as determined by the Zoning Officer after examination, as specified in Section 13-105.

- M. **Refuse:** All discarded articles or materials, including but not limited to ashes, rubbish and combustible and noncombustible waste.
- N. **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.
- O. **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.
- P. **Yard:** An open space on the same lot with a building.
- Q. **Zoning Officer:** The official or any duly authorized representative of Center Township, who is charged with the administration and enforcement of this Ordinance.

§ 13-103. 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 Center Township, Butler County, Pennsylvania.

- A. Such accumulation is hereby declared to be a public nuisance and abatement of such accumulation shall be achieved as described herein.
- B. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as the owner, or permit another person to use the premises which do not comply with the requirements of this Section.
 - 1. **Sanitation:** All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish, garbage or refuse, or uncontrolled growth of grass, weeds or other vegetation. (*Ord 2007-02-04, 2/14/07, §10*)

Exception: Nothing contained herein, however, shall require the cutting of grass, weeds or other vegetation growing in areas which customarily and historically, have contained brush and dense foliage, or which remain undeveloped and are not proximate or contiguous to developed areas; nor shall any such grass, weeds or

other vegetation be required to be cut or maintained where such cutting or maintaining would impose a hardship on the property owner because of the presence of extreme slope grades, crevasses, or the existence of areas which are unable to be reasonably cleared. This exemption does not apply to man made water retention areas. (*Ord. No. 2007-02-04*)

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 Officer and the Township Engineer, and ALL identified wetland areas located on the premises.

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. Accessory Structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
5. Motor Vehicles: Regulations establishing guidelines for the storage or placement of unregistered and/or uninspected motor vehicles, for those in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, and for those undergoing major overhaul or body work can be found in Chapter 16, Article II. (*Ord No. 2008-06-02, 6/11/08, §3*)

§ 13-104. 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 Center Township.

- A. 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 nontoxic and nonhazardous to health, and as approved by the Pennsylvania Department of Environmental Protection.
 1. In the event such material being discharged cannot be identified, the Pennsylvania Department of Environmental Protection shall be notified.

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.
 3. Failure to cease 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.
- B. 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 regulated by Chapter 19, Article I.

§ 13-105. Public Nuisances

It is hereby declared that a dangerous structure and/or exterior property on either public or private ground is considered to be a public nuisance and is hereby prohibited. A dangerous structure and/or exterior property 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 premises, due to their proximity, or because its condition creates a new fire hazard or that its condition is liable to cause injury and/or damage. (*Ord 2008-06-02, 6/11/08, §4*)

- A. Once a structure and/or exterior property is determined to be dangerous, the Zoning Officer shall place a placard on or about the premises declaring the structure "Unsafe for Human Habitation." (*Ord 2008-06-02, 6/11/08, §4*)
- B. Following such condemnation, the owner may apply for a demolition permit to remove a dangerous structure or a building permit to rehabilitate the structure. (*Ord 2008-06-02, 6/11/08, §4*)
- C. The Zoning Officer shall attempt to notify the owner by certified mail that ordered correction measures shall take place within a reasonable period of time or legal proceedings to abate said public nuisance shall be initiated by the Township. (*Ord 2008-06-02, 6/11/08, §4*)

§ 13-106. 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.

§ 13-107. 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 Protection, Vector Control shall be notified by the Township Zoning Officer.

- A. The owner of said property or premises shall be notified in writing of the determination of the Department of Environmental Protection findings by the Township Zoning Officer.
- B. 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.

§ 13-108. Supervisors Hearing

The Board of Supervisors may hold a public hearing in order to determine the existence of a public nuisance within the terms and provisions of this Ordinance and where the extent and nature of the nuisance is not clearly defined.

- A. Any property owner filing a complaint as to alleged violations of this Ordinance shall submit the appropriate complaint form along with a fee of one hundred dollars (\$100.00) to the Township requesting a public hearing to determine the existence of a public nuisance.
- B. Notice of said hearing shall be given by certified mail to the occupant, and, 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.
- C. Upon determination of the existence of a public nuisance under the terms and provisions of this Ordinance, the Township 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.
 - 1. 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.
 - 2. 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.
 - 3. The application fee shall be returned to the complainant, and the owner or occupier shall be required to pay the costs of the public hearing.
- D. 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.

§ 13-109. Notice to Abate Nuisances

As herein provided, all notices of time limits within which abatement of public nuisances shall occur, shall be sent certified mail to the last known address of the owner or person in control of the subject premises. The Township Zoning Officer shall prepare such notices. The Township Zoning Officer shall also prepare placards for posting on the subject premises by the Township. (*Ord 2007-02-04, 2/14/07, §11*)

§ 13-110. 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.

- A. 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.
- B. 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.