

BOROUGH ORDINANCE NUMBER 091205-10

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

The Borough Council of Greensboro, Greene County, Pennsylvania hereby ordains:

SECTION 1. Short Title. This ordinance shall be known and cited as the "Greensboro Borough Property Maintenance Ordinance."

SECTION 2. Preface. Recognizing the need within the Borough 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 essential in meeting those minimum requirements.

SECTION 3. AUTHORITY. This ordinance, and the objectives leading to its enactment, are authorized by the Borough 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 wall of a building.

GARBAGE- putrescible animal and vegetable wastes resulting from handling, preparation 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.

MUNICIPALITY- Borough of Greensboro, 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.

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 provisions of this ordinance shall supplement local laws, ordinances or regulations existing in the Borough of Greensboro 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. 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 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 Greensboro Borough Council, 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 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; not 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 8. 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 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 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 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 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 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 Borough of Greensboro may, or may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection if any and all premises, properties, buildings and/or structures located within the Borough 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 condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, the Enforcement Officer 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 ten (10) 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, the Borough 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 Borough, 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.

SECTION 15. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall be granted a hearing before the Greensboro Borough Council; provided, he files with the Greensboro Borough Council within ten (10) days after notice of the Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. 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 Greensboro Borough Council shall sustain, modify or overrule the action of the Enforcement Officer.

SECTION 16. 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 provisions 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 any 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 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 no Mutually Exclusive. The remedies provided herein for enforcement of this ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously, at the option of the Borough Council. The Borough Council may enforce through an action in equity brought in the Court of Common Pleas of Greene County.

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 or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed.

SECTION 21. Effective Date: This ordinance shall become effective on adoption.

ORDAINED AND ENACTED into an Ordinance and passed by the Borough Council of Greensboro, Greene County, Pennsylvania, on this 12 day of September 2005.

Attest: Joyce A. Brew
Joyce A. Brew, Secretary/Treasurer

Greensboro Borough Council
Mary Shine
Mary Shine, President

Laurie L. Robinson
Council Member

Shawn McManis
Shawn McManis, Vice President

Council Member

Paul Burch
Council Member