

ORDINANCE NO. 5-04-3
VILLAGE PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF GREGG, CENTRE COUNTY, PENNSYLVANIA, WITH THE INTENT TO ESTABLISH WITHIN THE VILLAGE OF SPRING MILLS CERTAIN MINIMUM HEALTH AND SAFETY REQUIREMENTS FOR THOSE BUILDINGS, STRUCTURES OR PROPERTIES THAT ARE USED OR ASSOCIATED WITH HUMAN OCCUPANCY; DEFINE CERTAIN TERMS USED HEREIN; PROVIDE FOR REGULATIONS, EXCEPTIONS, ENFORCEMENT ORDERS, RESPONSIBILITY OF OWNERS AND OPERATORS, PENALTIES, UNLAWFUL CONDUCT, PUBLIC NUISANCES; AND REPEAL ANY PRIOR INCONSISTENT ORDINANCE.

SECTION 1. TITLE

This ordinance shall be known and may be cited as the Gregg Township, Village of Spring Mills Property Maintenance Ordinance.

SECTION 2. AUTHORITY

The Board of Supervisors of the Township of Gregg, under, and by virtue of and pursuant to the authority granted by the Second Class Township Code hereby enacts and ordains this ordinance.

SECTION 3. POLICY

The purpose of this ordinance is to prevent public and private nuisances caused by the storage and/or accumulation of refuse deliberately or carelessly maintained and to provide for safety of the citizens, buildings, yards and streets of the Village of Spring Mills.

SECTION 4. DEFINITIONS

- a.) Building – A roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.
- b.) Court – An open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

- c.) Infestation - The presence of insects, rodents, vermin, and/or other pests.
- d.) Lot – Plot, tract, premises or parcel of land with or without improvements thereto.
- e.) Owner – Any person or persons, jointly or severally, firm corporation, or other entity that, 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 or who retains the exclusive control of such a lot and/or improvements thereto or who retains the exclusive control of such lot and/or improvements in his capacity as a legal representative, such as an administrator, trustee, executor, etc.
- f.) Refuse – Any solid waste including but not limited to putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, non-putrescible wastes including rubbish, ashes, dead animals and any other solid waste that results from the normal occupancy of the structure.
- g.) Unoccupied hazard – Any building, or part thereof, or manmade structure that remains unoccupied for a period of more than one (1) year, 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.
- h.) Yard – Any open space on the same lot with a building and, for the most part, unobstructed from the ground up.
- i.) Enforcing Officer – The Penns Valley Code Enforcement Agency or any other duly authorized agent.
- j.) Riparian Buffer – Natural vegetation stretching along a stream, river or wetland that maintains the hydrologic, hydraulic, and ecological integrity of the stream channel, removes pollution and runoff, protects aquatic life and wildlife, and provides corridors for wildlife.
- k.) Junk Vehicle – Any vehicle in non-serviceable condition or without having a current inspection sticker or current registration plate.
- l.) Vermin – Any of various small animals or insects that are destructive, annoying, or injurious to health, such as cockroaches or rats.
- m.) Village of Spring Mills - That area and group of properties which adjoin or are accessed from Musser Alley, Railroad Street, Cooper Street, Maple Lane, Egg Hill Drive, Water Tower Lane, School Street, Water Street, Firehall Lane, Tool Shed Lane, Stomeyer Lane, Long Street and

Long Street Extension and which are not designated as agricultural on the May 2, 2001 Gregg Township Zoning Map produced by Geo-Decisions. In addition, the Village of Spring Mills shall include the baseball field adjacent to Sinking Creek Road and currently located on property owned by the Penns Valley Area School District.

SECTION 5. APPLICATION

The provisions of this Ordinance shall supplement local laws, ordinances, or regulations existing in the Township 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 or code or those of the Commonwealth of Pennsylvania, the provision that is more restrictive or that establishes the higher standard shall prevail.

SECTION 6. GRASS, WEEDS AND OTHER VEGETATION A NUISANCE UNDER CERTAIN CONDITIONS

No person, firm or corporation owning or occupying any property within the Village shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, including as a riparian buffer, to grow or remain upon such premises so as to exceed a height of ten inches (10”) or to throw any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds, or vegetation growing on any premises in the Village in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to health, safety, cleanliness, and comfort of the inhabitants of the Village.

SECTION 7. RESPONSIBILITY FOR REMOVING, TRIMMING, OR CUTTING GRASS, WEEDS, AND OTHER VEGETATION.

The owner of any premises when such premises are vacant or occupied by the owner and the occupant thereof when the premises are occupied by other than the owner shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance.

SECTION 8. NOTICE TO REMOVE, SPRAY, TRIM, OR CUT; AUTHORITY FOR THE VILLAGE TO DO WORK AND COLLECT COST AND PENALTY.

The Township Supervisors or any officer or employee of the Township designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner and/or occupant, as the case may be, of any premises whereon grass, weeds, or other vegetation is growing or remaining in violation of the provisions of Section 6 of this Ordinance directing and requiring such occupant to remove, spray, trim, or cut such grass, weeds, or vegetation, so as to conform to the requirements of this Ordinance within twelve (12) days after issuance of such notice. In case any person, firm, or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Township authorities may remove, spray, trim, or cut such grass, weeds, or vegetation, and the cost thereof, together with any additional penalty authorized by this Ordinance, may be collected by the Township from such person, firm, or corporation in the manner provided by law.

SECTION 9. 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 or due to neglect.
3. Owners of any and all unoccupied buildings and/or structures that, 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 Board of Supervisors, remove or cause the removal of the building and/or structure.

SECTION 10. ABANDONED BUILDINGS AND CONDITIONS OF DISREPAIR CONSTITUTING A NUISANCE.

No person, firm or corporation owning or occupying any property within the Village shall permit any abandoned building or other structure to become in such a state of disrepair as to be detrimental to the health, safety, and welfare of the residents of the Village or to allow any materials to accumulate on said property that might be unsafe to the residents of the Village. Any abandoned buildings or other

structures or materials accumulated on any premises in the Village in violation of the provisions of this section constituting an unsafe and unhealthy condition are declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Village. Any such nuisance so determined by the Township shall be abated as provided in Section 16 of this Ordinance and/or the owner or occupant be prosecuted under Section 17 of this Ordinance as hereinafter provided.

SECTION 11. UNLAWFUL TO ACCUMULATE REFUSE ON PRIVATE PROPERTY.

From after the effective date of this Ordinance, for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to be accumulated upon his private property in the Village of Spring Mills garbage, refuse, riffraff, junk vehicles, debris, and any other type of combustible or incombustible refuse or rubbish. Any accumulation of said garbage, refuse, riffraff, junk vehicles, debris, and any other type of combustible or incombustible refuse or rubbish on any premises in the Village of Spring Mills in violation of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the residents of the Village. Said nuisance shall be abated or removed as set forth in Section 16 of this Ordinance.

SECTION 12. 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, or lots;
3. objectionable materials to accumulate and to be blown about the surrounding neighborhood;
4. the accumulation of heavy undergrowth and/or vegetation that would impair the health and/or safety of the neighborhood;
5. any trees, plants or shrubbery, or any portion thereof, to grow on their property when it constitutes a safety hazard to pedestrian and/or vehicular traffic.

SECTION 13. 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 14. 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 that is accessible to the general public without first completely removing any and all locking devices and/or doors.

SECTION 15. RESPONSIBILITES 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 that 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 16. RESPONSIBILITIES OF OWNERS

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.

SECTION 17. NOTICE OF VIOLATION

Upon failure to comply with any terms or conditions of this Ordinance, the owner and/or occupant shall be notified by the Board of Supervisors or its authorized representative, by certified mail 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 specified period from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties that 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 time period for voluntary compliance, the Township 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 ascertained or is not able 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 Township, advising of the existence of the violation 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 Township office.

SECTION 18. OWNERS SEVERALLY RESPONSIBLE

If the premises are owned by more than one (1) owner, each owner shall jointly and severally be subject to prosecution for the violation of this Ordinance.

SECTION 19. INSPECTION

The Board of Supervisors or their authorized representative may enter onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township 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 must be made with the owner, or his agent, to secure access thereof.

SECTION 20. ENFORCEMENT

The Penns Valley Code Enforcement Agency or any other duly authorized agent shall have the power and duty to enforce the provisions of this ordinance

SECTION 21. PENALTIES

Should any person fail to alleviate any deficiency related to any provision of this ordinance or any order of Gregg Township issued pursuant to this ordinance, after notice is given as described in Section 17 of this Ordinance, a complaint may be filed with the District Justice’s Office for prosecution.

SECTION 22. REPEAL OF INCONSISTENT ORDINANCES

All Ordinances previously adopted by the Gregg Township Supervisors inconsistent with this Ordinance are hereby repealed.

This Ordinance shall be and become effective five (5) days after enactment.

ENACTED AND ORDAINED into an Ordinance of the Township of Gregg this 13th day of May, 2004.

GREGG TOWNSHIP BOARD OF SUPERVISORS

By: _____
Jay Sletson, Supervisor

By: _____
Douglas P. Bierly, Supervisor

Attest: _____
Secretary

By: _____
Walter Strouse, Supervisor