

*West Mayfield Borough
Beaver County, Pennsylvania*

ORDINANCE NO. 081408

AN ORDINANCE PROVIDING FOR MINIMUM STANDARDS FOR PROPERTY MAINTENANCE INCLUDING PROCEDURES FOR NOTIFICATION OF VIOLATIONS, REMEDIES TO ABATE IDENTIFIED NUISANCES, DESIGNATING A PERSON OR PERSONS RESPONSIBLE FOR ENFORCEMENT OF SUCH REGULATIONS, AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED by the Council of West Mayfield Borough, Beaver County, Pennsylvania that from and after the passage of this Ordinance, the regulations contained herein shall be in full force and effect and shall be held to be the minimum requirements for property maintenance.

1.0 **TITLE:**

This Ordinance shall be known as the West Mayfield Borough Property Maintenance Ordinance.

2.0 **DEFINITION AND TERMS:**

2.1 Enforcement Officer – The official(s) who is charged with the administration and enforcement of this code, or any duly authorized representative of West Mayfield Borough, including the Borough Manager, Zoning Officer, Chief of Police and any other Code Enforcement Officer of the Borough duly appointed by the Council.

2.2 Garbage – The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

2.3 Infested – The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests in such quantities as to constitute a health hazard to the property owner and/or general public.

2.4 Occupant – Any person living or sleeping in a building; or having possession of a space within a building.

- 2.5 Operator – Any person who has charge, care or control of a structure or premises which is rented or offered for occupancy.
- 2.6 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.
- 2.7 Person – Any natural person, association, partnership, firm or corporation.
- 2.8 Premises – A lot, plot or parcel of land including the buildings or structures thereon.
- 2.9 Public nuisance – Includes the following:
- 2.9.1 The physical condition or use of any premises regarded as a public nuisance at common law; or
 - 2.9.2 Any physical condition, use or occupancy of any premises or its appurtenances considered unsafe and an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
 - 2.9.3 Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property; or
 - 2.9.4 Any premises which are littered with rubbish or garbage; or
 - 2.9.5 Any premises so infested with potentially disease bearing pests as to constitute a health or safety hazard; or
 - 2.9.6 Any yard which has growth of weeds, grass and/or other vegetation in excess of ten (10) inches in height; or
 - 2.9.7 Any structure which is in a state of dilapidation, deterioration, decay or is faultily constructed; is overcrowded; is open, vacant or abandoned; is damaged by fire to the extent so as not to provide shelter; is in danger of collapse or failure causing it to be dangerous to anyone near the premises; contains explosive or flammable substance constituting a fire menace or hazard; may cause or aid in the spread of disease or injury to the occupants of

it or neighboring structures; or otherwise endangers property or constitutes a public danger; or

- 2.9.8 Any currently unregistered and/or uninspected motor vehicles parked or kept on any premises, and any vehicle in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, with the following exception: a vehicle of any type is permitted to undergo major overhaul, including body work, provided such work is performed inside an enclosed structure.
- 2.10 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, ashes, yard trimmings, tin cans, metals, mineral matter, glass, crockery, all other types of discarded personal property and other similar materials. The composting of yard trimmings in accordance with PA Department of Environmental Resource guidelines shall not constitute rubbish as defined within this ordinance.
- 2.11 Structure – That which is built or constructed, including, but not limited to, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, garages, sheds, driveways, swimming pools, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or the ground.
- 2.12 Weeds – All grasses, annual plants and vegetation, including noxious weeds specified by the Pennsylvania Noxious Weed Control Committee, other than trees or shrubs; however, this term shall not include cultivated flowers and gardens.
- 2.13 Yard – An open space maintained for use by the occupants on the same lot, or portion thereof, with a structure for occupancy or any use whatsoever. A yard shall not include wooded areas, farm fields or pastures or vacant lots or parcels.

3.0 ***PROHIBITION OF PUBLIC NUISANCES***

All public nuisances are detrimental to the health and safety of the public and are specifically prohibited.

4.0 ***NOTICE OF VIOLATION:***

- 4.1 Upon determination by the Enforcement Officer of the existence of a public nuisance under the terms and provisions of this Ordinance, the Enforcement Officer shall, by certified mail addressed to the

last known address of the owner and the occupant, give Notice requiring the abatement, removal, demolition or rehabilitation of the public 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 from the date of notice. If the property is not occupied and the whereabouts or identity of the owner is unknown, notice shall be given by posting the notice on the property and sending notice to the owners at their last known address.

- 4.2 The Notice shall inform the owner and the occupant that within five (5) days of the receipt of the Notice he may appeal the Notice to the Council which shall, within thirty (30) days of receipt of the appeal, hear the appeal, review the order, and, within five (5) days of the hearing, file its decision thereon. Unless the Notice is revoked or modified by the Council, it shall remain in full force and be obeyed by the owner and the occupant.
- 4.3 If the owner or the occupant refuses to sign for the certified mail or cannot be located, the posting of the violation notice on the premises shall constitute proper notice.
- 4.4 Upon failure of the owner or occupant to abate, remove, demolish or rehabilitate the nuisance, the Borough may cause the same to be done and shall be entitled to collect the cost of removal or abatement of such nuisance. Collection of the cost shall be accomplished by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit. In the exercise of the powers herein conferred, the Borough may seek relief by bill in equity.
- 4.5 If the owner or occupant fails to abate the identified public nuisances within 15 days from the date of notice, he shall be fined a minimum of One Hundred (\$100.00) Dollars per day for each day that a violation continues, beginning on the 16th day after notice.
- 4.6 For the second offense of these provisions and for all subsequent offenses, the fine shall be a minimum of Three Hundred (\$300.00) Dollars and a maximum of One Thousand (\$1,000.00) Dollars per day for each day the violation continues.

5.0 **REPEALER:**

Ordinances Nos. _____ are hereby repealed. Any ordinance, or any part thereof, found to be in conflict with this Ordinance is hereby repealed. All other provisions are to remain in full force and effect.

6.0 **ENACTMENT AND EFFECTIVE DATE:**

This Ordinance shall become effective upon adoption by the Council of West Mayfield Borough at a regularly scheduled meeting.

ENACTED AND ORDAINED in public meeting this _____ day of _____, 2008.

Council President

Mayor

ATTEST:

Secretary