

## **Chapter 125**

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**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 11-14-1988 as Ord. No. 88-13. Section 125-14 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable. Amended Sections 125-1 through 125-25 on 3-15- 2011 by Ord. No. 2011-05. Amended Section 125-5, 125-10, 125-10.5.1 on 3-10-2014 by Ord. No. 2014-03.]**

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 57.  
Building construction — See Ch. 61.  
Garbage, rubbish and refuse — See Ch. 90.  
Littering — See Ch. 108.

### **§ 125-1. General Property Maintenance**

### **§ 125-2. Findings and Declaration of Policy.**

It is hereby found and declared that there exist in the Borough of South Greensburg buildings and structures used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structure, equipment or maintenance, and further, that such conditions including, but not limited to, structural deterioration, inadequate maintenance, infestation, inadequate provisions for light and air, and unsanitary conditions, constitute a danger to the public health, safety and welfare. It further is found and declared that the existence of such conditions has the effect of creating blight and substandard neighborhoods, and that by the enactment of timely regulations and restrictions as herein contained, the development of blight may be prevented and neighborhood and property values maintained, and the public health, safety and welfare protected and fostered.

### **§ 125-3. Purpose.**

The purpose of this Chapter is to protect the public health, safety and welfare and to ensure the maintenance of property values by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential buildings and structures; to establish minimum standards essential to make the buildings and structures, regardless of use, fit for human habitation and occupancy, and safe from fire; to supplement existing regulations; to provide for rehabilitation and reuse of existing structures and allowing differences between the application of requirements to new construction and the application of requirements to alterations and repairs; to fix the responsibilities of owners and occupants of all structures; and to provide for administration, enforcement and penalties. This ordinance is hereby declared to be remedial and essential for the public health, safety and welfare, and it is intended that these regulations be liberally construed to effectuate the purposes as stated herein. Recognizing the need within the Borough of South Greensburg to establish certain minimum health and safety requirements for those buildings, structures or properties which are used or associated with human occupancy, this Chapter hereby establishes standards which the Borough considers to be fair and effective in meeting those minimum requirements.

#### **§ 125-4. Authority.**

This Chapter and the objectives leading to its enactment are authorized by the provisions of the Borough Code of the Commonwealth of Pennsylvania, 53 P.S. § 45101, et seq.

#### **§ 125-5. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BUILDING** — A roofed structure enclosed by one (1) 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.

**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 or which retains the exclusive control of such a lot and/or improvements thereto in the capacity as a legal representative, such as an administrator, trustee, executor, etc.

**PROPERTY** -- Any real property that is within the corporate limits of the Borough of South Greensburg and abutting sidewalks and curbing.

**REFUSE** — All putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

**SALE (SELL) OR TRANSFER** -- To convey any interest in any Property except by lease, mortgage, gift, divorce, devise, bequest, establishment of a family trust, governmental conveyance or lien foreclosure. The sale or transfer shall be deemed to occur upon the transfer of title or the execution of a land contract, or other conveying instrument not specifically excluded herein.

**UNOCCUPIED HAZARD** — Any building or part thereof or manmade structure which remains unoccupied for a period of more than three (3) months, with either doors, windows or other openings broken, removed or 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 three (3) months. Extensions may be granted upon written request to Borough Council, subject to review and approval by Borough Council.

**YARD** — Any open space on the same lot with a building and for the most part unobstructed from the ground up.

**§ 125-6. Applicability.**

The provisions of this chapter shall supplement local laws, ordinances or regulations existing in the Borough of South Greensburg or those of the Commonwealth of Pennsylvania. Where a provision of this Chapter 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 provision which is more restrictive, or which establishes the higher standard shall prevail.

**§ 125-7. Effect on violations of prior provisions.**

This Chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

**§ 125-8. Powers and duties of Code Official.**

- A. The Borough of South Greensburg shall name a Code Official. The Code Official or the official's delegate or representative shall enforce the provisions of this Code.
- B. Notices and Orders. The Code Official shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this Chapter's requirements for the safety, health and general welfare of the public.
- C. Inspections. In order to safeguard the safety, health and welfare of the public, the Code Official is authorized to enter any structure or premises in the Borough of South Greensburg at any reasonable time for the purpose of making inspections or performing duties under this Chapter.

**§ 125-9. Maintenance of buildings and structures.**

- A. 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 that the property is safe, sound, sanitary and secure, and does not present a health and/or safety hazard to the occupants, surrounding properties and to the general populace.
- B. No owner of any unoccupied building or structure shall fail to take such steps as may be required to ensure that it is securely closed so as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard or threat thereof is precipitated due to a lack of maintenance or due to neglect.
- C. Any owner 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 Borough of South Greensburg, remove or cause the removal of the building and/or structure.
- D. Occupants shall keep that part of the structure in which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house,

housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

- E. All structural members of any buildings or structures shall be maintained structurally sound and be capable of supporting the imposed loads. Foundation walls, piers, retaining walls, columns or similar load-bearing components shall be kept structurally sound, plumb, free from defects and damage, and capable of bearing imposed load safely.
- F. All interior surfaces, including windows, and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other similar defective conditions shall be corrected.
- G. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- H. The exterior of all premises, buildings and all structures shall be kept free of any hazards to the safety of owners, occupants, invitees, visitors, pedestrians and other persons utilizing the premises, and any such hazards shall be promptly removed and abated. Such hazards and conditions include, but are not limited to, the following:
  - 1. Debris, refuse, litter and junk;
  - 2. Loose and overhanging objects including, without limitation, dead and dying trees and/or tree branches, accumulations of snow or ice, or other similar conditions which by reason of their location above ground level, constitute a hazard to persons in the vicinity thereof;
  - 3. Ground surface hazards including, without limitation, holes, excavations, breaks, projections and obstructions which constitute a hazard to persons using the premises, except during active construction if cordoned off in a visually obvious manner, as permitted by the Borough of South Greensburg.
- I. All buildings and structures shall be kept secure against unauthorized access.
- J. The windows of non-residential buildings and structures in which a business is not presently being operated, shall be screened by drapes, blinds or other similar means so as to screen the interior from public view. All such screening materials shall be maintained in a clean and attractive manner and in a state of good repair.
- K. Exterior facilities including, without limitation, exterior porches, landings, balconies, stairs and fire escapes, shall be kept structurally sound and in good repair and shall be provided with banisters or railings properly designed and maintained. Exterior walls, retaining walls, sidings and roofs shall be kept structurally sound, plumb, in good repair and free from defects. Chipped, decayed or broken sidings must be remediated.
- L. All exposed surfaces susceptible to decay shall be kept, at all times, painted or otherwise provided with a protective coating sufficient to prevent deterioration which shall be unbroken and not cracked, chipped or peeling.
- M. Every building and structure shall be maintained so as to ensure weather and water-tightness. Exterior walls, retaining walls, roofs, windows, window frames, doors, door frames, foundations and other portions of the structure shall be so maintained as to

prevent water from entering the building and structure under normal conditions and to prevent excessive drafts. Damaged materials must be repaired or replaced promptly; places showing signs of cracking, chipping, peeling, rot, leakage, deterioration or corrosion are to be restored and protected against weathering.

- N. Unless otherwise specified in any building or demolition application or permit, refuse or debris resulting from construction activities or the demolishing of a building, shall be removed within seven (7) days after the completion of the construction or demolition activities or demolition work, or seven (7) days after the permit for such activity or work has expired, been cancelled, revoked or suspended, whichever is soonest.
- O. To help fulfill the purpose of this Chapter, and to facilitate enforcement, buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street, or road or alley fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7 mm). All address numbers shall be continuously maintained by the owner and/or occupant of the property to conform with the provisions of this Chapter. Address numbers shall not be permitted to be placed where they will be hidden at any time by any obstructions, including screen or storm doors, grass, shrubs and/or trees.

#### **§ 125-10. Maintenance of sidewalks.**

- A. The owner or owners of any lot or lots in the Borough of South Greensburg with sidewalks in the public right of way shall maintain such sidewalks in a safe and passable condition, free of tripping hazards and obstructions, in winter months, snow and ice are to be removed from sidewalks. The said owner or owners shall repair any defects in such sidewalks and remove any obstructions, which make them unsafe or impassable to pedestrians.
- B. The obligation of maintenance shall include but not be limited to:
  - 1. Repair of holes, and repair of cracks having a width in excess of  $\frac{1}{2}$  inch at any one point along a length of one foot or greater.
  - 2. To maintain a constant grade, repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than  $\frac{1}{2}$  inch in depth.
  - 3. Repair of any section of sidewalk that has spalling on twenty-five percent (25%) or more of its surface.
  - 4. The removal of snow, ice, leaves, tree limbs, grass clippings, grass and weeds between cracks, debris, cinders, gravel, grits, or any other refuse on such sidewalk or projecting branches and other obstructions below six (6) feet above the sidewalk. The owner shall be responsible for the prompt removal of any such items whether or not such items were deposited by the owner, the owner's tenants, anyone acting under the owner's direction, control, license, or any third person. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits and other refuse shall be properly bagged and disposed of upon being removed from such sidewalk. The sweeping or other removal

of such items onto Borough streets is prohibited.

5. The obligation to remove snow and ice shall be to do so within twenty-four (24) hours after each fall of snow or sleet, or within twenty-four (24) hours after ice has formed on any sidewalk. The sidewalk shall be cleared to the width of the sidewalk. All snow, ice and/or sleet removed shall not be deposited into the street.
  6. Repair of any other obstruction or defect which may create a pedestrian safety hazard.
- C. *Sidewalks necessary.* On any Property where concrete or other sidewalks exist, such sidewalks are a public necessity and shall not be removed without corresponding repair or replacement, to be completed within ten (10) days of removal or destruction and shall be accomplished in accordance with Chapter 144, Streets and Sidewalks.

*Aprons required.* Where a sidewalk has been removed, destroyed or never existed, and where motorized vehicles access Property from a public street through a Borough right-of-way for purposes of off-street parking, a concrete or otherwise durable apron capable of supporting automobiles and trucks shall be constructed at the sole expense of the Property owner.

#### **§ 125-10.5.1. Inspection of sidewalks for sale or transfer of property; Issuance of Compliance Certificate.**

- A. *Sale or Transfer of Property - Compliance Certificate.* Before the sale or transfer of any Property, the Property owner must obtain a Compliance Certificate which certifies that any sidewalks and/or aprons on the Property for sale or transfer conform to the requirements set forth in this Ordinance, as applicable.
- B. *Violation.* It shall be unlawful to sell or transfer Property unless a valid Compliance Certificate is tendered to the purchaser or transferee at the time of the sale or transfer, or if the proceeds of the sale are needed for repair of the sidewalk or apron, within seven (7) days after the finalization or closing of the sale as set forth in § 125-10.5(D)(6).
- C. *Exemptions.* The provisions of this section shall not apply to:
1. A sale or transfer which has occurred prior to the effective date of this section.
  2. A sale or transfer where the seller or transferor and the purchaser or transferee have signed a purchase agreement prior to the effective date of this section.
  3. Properties where no improvements, and therefore no sidewalks or aprons, are present.
- D. *Issuance of Compliance Certificate and Inspection Fees.*
1. *Permit.* Property owner shall submit a Compliance Certificate Application to the Borough office within ninety (90) days prior to the sale or transfer of the Property. The Compliance Certificate Application may be submitted within ninety (90) days prior to the sale or transfer of the Property only to the extent that the underlying agreement to sale or transfer the property is not entered into prior to the ninety (90) day period, in which case said Application shall be submitted upon execution of the underlying agreement.
  2. *Fees.* An inspection fee shall be charged for each Property inspection and said fee must accompany the application form when submitted in accordance with the

### Borough Fee Schedule

3. *Inspection.* An inspection of the property by the Code Official or other designated Borough representative shall be conducted within ten (10) business days of the submission of the application for a Compliance Certificate.
  4. *Issuance.* Otherwise, the Property owner will receive a *Notice to Repair*, giving the Property owner notice to repair the noted deficiency or deficiencies prior to the sale or conveyance.
  5. *Re-inspection.* Upon correction of the violation, the applicant shall notify the Borough in writing for a follow-up inspection, which shall be conducted within ten (10) business days from notification. If, following the re-inspection, the sidewalk(s) and/or apron(s) is/are determined to be in compliance as set forth in § 125-10.5(C)(4), a Compliance Certificate shall be issued to the applicant.
- E. *Escrowed Funds and Post-Closing Certificate.* If weather or other uncontrollable considerations prevent said repairs from being performed, a sum sufficient to pay for the needed repair as determined by the Code Official or other designated Borough representative shall be paid to the Borough office, along with all applicable fees, and a Compliance Certificate shall then be issued. If the proceeds of the sale are needed to make the required repair(s), a Compliance Certificate can be obtained within seven (7) days after the closing on the sale, provided the funds have been escrowed in favor of the Borough of South Greensburg. Escrowed funds shall be used by the Borough to make necessary repairs.
6. *Timing.* A Compliance Certificate may be issued: (1) immediately after inspection if no repairs are required; (2) when the required repairs have been made and all applicable fees paid; (3) upon payment to the Borough Office of an amount of money equal to the Code Official or other designated Borough representative's reasonable, good faith estimated cost of repair and inspection fees; or (4) if the proceeds of the sale or transfer are needed for the repair, within seven (7) days after finalization or closing of the sale, provided the required funds have been placed into escrow for purposes of sidewalk(s) and/or apron(s) repair.
  7. *Restriction on Property Transfer.* No Property shall be transferred without issuance of a Compliance Certificate.
- F. *Validity of Compliance Certificate.* A Compliance Certificate shall be valid for one (1) year from the date of issuance and only until a sale or transfer is finalized for the Property. A new Compliance Certificate must be obtained for each subsequent sale or transfer of the Property.
- G. *Inspection Guidelines.* The Code Official or other designated Borough representative shall follow the Borough's "Sidewalk Rules and Regulations," which shall set forth the standards by which the Code Official or other designated Borough representative will order the improvements to be repaired for the issuance of the Compliance Certificate as set forth on the Notice to Repair.
- H. *Permit for Work.* All sidewalk and apron work (including patching) requires a permit as set forth in Chapter 144 hereof.
- I. *Violations; Appeal; Penalties.* Upon failure to comply with any terms or conditions of this



Chapter, the owner and/or occupant shall be notified by the Borough of South Greensburg or its authorized representative, by certified United States mail or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the Property and shall cite the specific violation or violations, shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of fifteen (15) days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice also shall advise that, in lieu of or in addition to fines and penalties and subsequent to the fifteen (15) day period for voluntary compliance, the Borough of South Greensburg may itself correct the deficiencies or contract for the correction thereof and assess the actual cost thereof as a municipal lien against the Property and/or recover the expenses so incurred, including attorneys' fees, in any manner prescribed by law, including, but not limited to, the filing of an action in assumpsit. Such municipal lien, when filed, shall be a valid lien on the Property. Any judgment obtained or claim entered against the owner of the Property, or any individual, firm, corporation or entity occupying or otherwise responsible for the condition of the Property, shall bear interest at the maximum rates permitted by statute or rule of Court applicable to same. In the event that the owner and/or occupant cannot be ascertained, is otherwise not able to be located, or fails to accept or retrieve the notice through certified United States mail, a notice containing the above required information in summary form shall be posted on the premises and the Borough of South Greensburg Municipal Building for the applicable fifteen (15) day period, advising of the existence of the violation and requiring correction thereof in accordance with the terms and conditions herein established.

- J. Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine not less than \$100.00 and not exceeding \$1,000.00, together with costs (including publication costs), costs of prosecution, including attorneys' fees, or, upon default in payment of the fine and costs, imprisonment for a term not to exceed thirty (30) days. Each day a violation of this Chapter exists beyond the compliance period shall constitute a separate violation of this Chapter. A conviction shall not bar further prosecutions for noncompliance with this Chapter subsequent to such conviction.

#### **§ 125-11. Storage of Construction Materials.**

- A. Construction materials (including, but not limited to, cement, masonry products, wood, pipe and siding) may be stored in a building or structure, lot, court, back yard or side yard only when it is for the use of a construction project with an unexpired building permit, and the materials must be used or removed within thirty (30) days after completion of the work or within thirty (30) days after the permit for such work has expired, been cancelled, revoked or suspended, whichever is soonest. A driveway may be used for storage only in the event that no side yard or back yard space is accessible or available, and provided that the materials are not stored in front of the house. No construction materials shall be permitted to be stored in the front yard for more than seven (7) consecutive days.
- B. Stored materials shall be elevated off the ground and covered to prevent harboring and infestation of rodents or insects.

**§ 125-12. Yards; Open lots; Minor structures.**

No person shall permit:

- A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.
- B. The development of accumulation of hazards, rodent harborage and/or infestation upon or in yards, courts or lots.
- C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.
- D. 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.
- E. Accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall any trees, plants or shrubbery or any portion thereof to grow and which constitute a safety hazard to pedestrian and/or vehicular traffic be permitted.
- F. The use of scrap rubber products in the construction and building of retaining walls or any other type of wall.
- G. Stagnant water to accumulate in small ponds, stationary fountains or swimming pools longer than thirty (30) days without a pump.
- H. Any structure or building (including fences) to be kept unpainted or untreated. All such structures and buildings (including fences) must be maintained as such for purposes of preservation and appearance, and free of broken boards or glass, loose shingles, cracked, lose or missing siding, crumbling stone or brick, or cracked, chipped or peeling paint.
- I. Accumulation of debris, rubbish, garbage, junk or litter on any premises, vacant or improved.
- J. The collection of standing water of any nature which constitutes a hazard or threat to the health, welfare and safety of the citizens of the Borough of South Greensburg.

**§ 125-13. Waterways.**

All waterways and drainage ditches shall be maintained in good condition, free from debris, plantings or other obstructions and with grass or other allowable cover that shall prevent and not be susceptible to erosion.

**§ 125-14. Refuse, debris, litter and rubbish.**

- A. All refuse, debris, litter and rubbish shall be lawfully disposed of on a weekly basis, and, pending disposal, shall be kept in a closed litter receptacle. Debris, garbage, litter and rubbish shall not be swept, placed discharged or deposited in or on any sidewalk, gutter, street, alley, storm sewer or other public way. Owners and occupants also must abide by Chapter 90 Code regarding Garbage, Rubbish and Refuse.
- B. Any person storing municipal waste for collection shall comply with the following storage standards:
  - 1. All garbage must be in bags and placed in containers.
  - 2. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
  - 3. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
  - 4. Containers shall be used and maintained so as to prevent public nuisances.
  - 5. Containers which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner.
  - 6. Containers shall be placed by the owner or customer at a collection point within five (5) feet of the road edge or curb line.
  - 7. With the exception of pickup days, when the containers are set out for collection, the containers shall be promptly removed after collection and kept more than thirty (30) feet from the street property line of the owner or out of visible site, in the garage or on customer premises out of public view at all times.
  - 8. Garbage cans maintained in the alley right-of-way are to be properly secured promptly after pick-up. A secure area should be maintained for alley way garbage cans to prevent cans from blocking alley ways.
  - 9. All refuse, debris, litter and rubbish must be placed in proper containers and must not be set out more than twenty-four (24) hours prior to the scheduled pickup.
  - 10. Items containing Freon and/or other hazardous materials must have materials removed by a certified technician prior to collection.

**§ 125-15. Rodent infestation.**

- A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.

- C. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the 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 lawful and generally accepted practices.

#### **§ 125-16. Miscellaneous Provisions.**

No person shall permit:

- A. 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.
- B. 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.
- C. 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.
- D. Broken glass or metal parts with sharp or protruding edges, used auto parts, rubber products, tires, batteries, oil, oil filters, any liquid of a hazardous or potentially hazardous nature, including but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons, to be discarded, abandoned or stored on any property.
- E. Upholstered furniture not manufactured for outdoor use (outdoor furniture shall be defined for purposes of this Chapter as a type of furniture specifically designed for outdoor use to be located in, belonging in, or suited to the open air, typically made of weather-resistant materials) where such furniture is visible to neighbors and passersby in the public right-of-way. Accordingly, upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered and/or overstuffed chairs, couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right-of-way or from the ground level of adjacent property shall be a violation of this Chapter. This provision shall not apply to such furniture that was placed in the location in question to allow it to be removed during a move of a resident or residents of the premises, has been removed as part of a trash or recycling program on a day scheduled for such moving or removal, or temporarily placed in the location so that it would be offered for sale at a yard or garage sale within twenty-four (24) hours of the beginning and ending time of the sale, and so long as a sign is placed on or near the furniture indicating that it is for sale.
- F. Any other condition which shall in any matter threaten the health, safety or welfare of the citizens of the Borough of South Greensburg.

#### **§ 125-17. Responsibilities of owners and occupants.**

- A. Any occupant of a premises shall be responsible for compliance with the provisions of this Chapter with respect to the maintenance of that part of the premises which he/she occupies and/or controls in a safe, sound and/or sanitary condition.

- B. Owners and occupants of property shall be jointly and severally liable for compliance with the provisions of this Chapter, and no owners shall be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefore and in violation thereof, nor shall the occupant be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner is also responsible therefore and in violation thereof.
- The Borough of South Greensburg may, in its discretion, elect to prosecute either the owner, the occupant, or both.
- C. The respective obligations and responsibilities of the owner and the occupant shall not be altered or affected by any agreement or contract by and between them.

**§ 125-18. 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 Chapter.

**§ 125-19. Transfer of ownership.**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another person or entity until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**§ 125-20. Official action.**

A Code Official, officer or employee charged with the enforcement of the Code, while acting on behalf of the Borough of South Greensburg, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the Code shall be defended by the legal representative of the Borough of South Greensburg until final termination of the proceedings. A Code Official, officer or employee shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of the Code; and if the designated individual acts in good faith and without malice, the Code Official, officer or employee shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

### **§ 125-21. Right of entry.**

Whenever necessary to make an inspection or to enforce any of the provisions of this Code or whenever the Code Official (including any other designated official) has reasonable cause to believe that there exists in any building or structure any condition which makes such building or structure unsafe, the Code Official may enter the building or structure at any reasonable time to inspect the same or to perform any duty imposed upon the Code Official by this Code; provided, if such property be occupied, the Code Official shall first present proper credentials and request and obtain permission to enter before entering the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

Absent emergency circumstances, if no consent has been given to enter or inspect any building or structure, no entry or inspection shall be made without the procurement of an administrative search warrant. The Court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

1. Eyewitness account of violation.
2. Citizen complaint(s).
3. Tenant complaint(s).
4. Plain view violation(s).
5. Violation(s) apparent from Borough records.
6. Nature of alleged violation, the threat to life or safety, and imminent risk of significant property damage.
7. One or more previous unabated violations in the building or structure or on the premises.

Probable cause supporting issuance of a warrant shall be deemed to exist if there is bona fide reason to believe that a condition of non-conformity exists with respect to a building in violation of the provisions of this Chapter are satisfied.

The Code Official may enter the premises without consent or a search warrant to make an inspection or enforce any of the provisions of this Code only when an emergency exists as prescribed in § 125-22, or when the premises are abandoned.

### **§ 125-22. Emergency measures.**

*Imminent Danger.* When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

*Temporary Safeguards.* Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

*Closing Streets.* When necessary for the public safety, the Code Official or other individual designated by the Borough of South Greensburg shall temporarily close structures and close, or request the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

*Emergency Repairs.* For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

*Costs of Emergency Repairs.* Costs incurred in the performance of emergency work shall be advanced by the Borough of South Greensburg. The Borough shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs, including filing a lien against the premises and making all other efforts to recoup its costs permitted by law.

*Compliance.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall comply with such order forthwith.

#### **§ 125-23. Notice of violation; Municipal correction.**

Upon failure to comply with any terms or conditions of this Chapter, the owner and/or occupant shall be notified by the Borough of South Greensburg or its authorized representative, by certified United States 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 period of fifteen (15) days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice also shall advise that, in lieu of or in addition to fines and penalties and subsequent to the fifteen (15) day period for voluntary compliance, the Borough of South Greensburg may itself correct the deficiencies or contract for the correction thereof and assess the actual cost thereof as a municipal lien against the premises and/or recover the expenses so incurred, including attorneys' fees, in any manner prescribed by law, including, but not limited to, the filing of an action in assumpsit. Such municipal lien, when filed, shall be a valid lien on the real estate. Any judgment obtained or claim entered against the owner of the property, or any individual, firm, corporation or entity occupying or otherwise responsible for the condition of the property, shall bear interest at the maximum rates permitted by statute or rule of Court applicable to same. In the event that the owner and/or occupant cannot be ascertained, is otherwise not able to be located, or fails to accept or retrieve the notice through certified United States mail, a notice containing the above required information in summary form shall be posted on the premises and the Borough of South Greensburg Municipal Building for the applicable fifteen (15) day period, advising of the existence of the violation and requiring correction thereof in accordance with the terms and conditions herein established.

#### **§ 125-24. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine not less than \$25.00 and exceeding

\$1,000.00, together with costs (including publication costs), costs of prosecution, including attorneys' fees, or, upon default in payment of the fine and costs, imprisonment for a term not to exceed thirty (30) days. Each day a violation of this Chapter exists beyond the thirty-day voluntary compliance period shall constitute a separate violation of this Chapter. A conviction shall not ban further prosecutions for noncompliance with this Chapter subsequent to such conviction.

In addition to the foregoing, the Borough of South Greensburg shall have the power to institute an appropriate action or proceeding at law to exact the penalty provided in Section 125- 23, above, for any act, failure to act, or action taken in violation of this Chapter. In addition, the Borough may proceed with an action, at law or in equity, against the person, firm, corporation or any other entity responsible for the violation for the purpose of ordering or directing that person:

- A. To restrain, correct or remove the violation or refrain from any further alteration or work.
- B. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure.
- C. To prevent the occupancy of any structure that is not in compliance with the provision of this Chapter.
- D. To abate, repair or correct conditions on the property which constitute violations of this Chapter, and to raze and/or demolish any structure thereupon and restore the remaining property to a safe condition.

The remedies provided herein shall be cumulative. The pursuit of any one remedy shall not be deemed or construed to preclude the Borough of South Greensburg from pursuing any other.

#### **§ 125-25. Severability.**

The provisions of this Chapter are severable. If any sentence, clause or section of this Chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Chapter. It is hereby declared to be the intent of the Borough of South Greensburg that this Chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.



## II

### Quality of Life Regulations

- § 125-26. Purpose
- § 125-27. Scope
- § 125-28. Definitions
- § 125-29. Quality of Life Violations
- § 125-30. Authority for Issuance of Violation
  - Tickets and citations
- § 125-31. Service
- § 125-32. Regulations
- § 125-33. Abatement of Violation
- § 125-34. Fines and Penalties
- § 125-35. Appeal
- § 125-36. Collections and Liens

#### **§125-26. Purpose**

The lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, vendor operations without permits and accumulation of snow and ice are costly problems that negatively impact the public health, safety, and general welfare of the Borough residents and their guests, and contribute to the deterioration of property values and general disorder in the Borough. These problems degrade the physical appearance of the Borough, which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of South Greensburg are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Article is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of South Greensburg.

#### **§ 125-27. Scope.**

The provisions of this Article shall apply to all existing and future properties and structures.

## **§ 125-28. Definitions.**

The following words, terms and phrases when used in this Article shall be defined as follows, unless context clearly indicates otherwise:

### **ADULT**

Any person 18 years of age or older.

### **DEBRIS**

Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

### **DUMPING**

Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized.

### **DWELLING UNIT**

One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy.

### **GARBAGE**

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

### **INDOOR FURNITURE**

Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

### **LANDLORD**

Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, monetary or otherwise.

### **LITTER**

Includes, but is not limited to, all waste material, garbage, trash, i.e., wastepaper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture appliances, or motor vehicle seats,

vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

### **MOTOR VEHICLE**

Includes any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

### **OCCUPANT**

Any person who lives in or has possession of or holds an occupancy interest in a dwelling unit; or any person residing in or frequenting the premises of the dwelling unit with the actual or implied permission of the owner or lessee.

### **PUBLIC NUISANCE**

Any condition or premises which is unsafe or unsanitary.

### **PUBLIC OFFICER**

Any police officer, authorized inspector, or public official designated by the Mayor and/or Borough Council to enforce the Borough ordinances.

### **RIGHT-OF-WAY**

The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

### **RECYCLABLE MATERIAL**

Includes material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, and paper.

### **TENANT**

That person (or persons) who has the use of real estate of a landlord and is responsible for the giving of any type of consideration therefore but excluding those who are tenants for a period of less than 30 days.

### **WASTE**

Any garbage, refuse, industrial, lunchroom or office waste, and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments or from community activities and

which is not classified as residual waste or hazardous waste as defined herein. The term does not include source-separated recyclable materials.

**§ 125-29. Quality of life violations.**

The following shall be considered quality of life violations:

**A. Accumulation of rubbish, garbage, junk or litter.**

1. All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of waste, trash, rubbish, debris or garbage.

2. It is prohibited to store or place any/all appliances or furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TVs, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purposes of keeping the item on the exterior of the property for a period of less than twenty-four (24) hours for the purpose of maintaining the item or removing the item from the real property.

(3) Refrigerators and similar equipment, including, but not limited to, washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.

**B. Storing of hazardous material.** It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including, but not limited to, paints, volatile oils and cleaning fluids or combustible rubbish, including, but not limited to, wastepaper, boxes or rags unless the storage of said materials is in compliance with the applicable fire and/or building codes, and at least 10 feet away from the public right-of-way.

**C. Storing of recyclables.** Storage of recyclables is only permitted in approved containers which must be kept clean and sanitary at all times.

**D. Storage containers for waste or trash.**

1. All containers that store waste or trash shall be in compliance with Borough of South Greensburg Code §90-10 and §90-11.

2. All containers must be stored so said containers are not visible from the public right-of-way.

3. Waste/trash containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled pickup day, and all containers must be returned to their storage area before daybreak on the day following pickup.

**E. Littering, scattering rubbish or dumping.**

1. No person shall throw, dump, place, sweep or dispose of any litter, waste, trash, garbage, tobacco product or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, right of way or on any public property.

2. The improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property is prohibited.

3. Any violation Borough of South Greensburg Code Chapter 108 shall be considered a violation of this part and may also be enforced and ticketed as such.

**F. Motor vehicles.**

1. It shall be prohibited to keep a nuisance vehicle as defined in Borough of South Greensburg Code §156-1.

2. It shall be prohibited to maintain a “motor vehicle nuisance” as defined in Borough of South Greensburg Code §156-7(B), which is not otherwise permitted under Code §156-8.

3. Any violation Borough of South Greensburg Code Chapter 156 shall be considered a violation of this part and may also be enforced and ticketed as such.

**G. Placement or littering by private advertising matter.**

1. No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area, right of way or any public property.
  2. No person, group, organization or entity will hang, place or advertise on any public property in any manner.
  3. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights to without written approval of said owner.
- H. Animal maintenance and waste/feces cleanup. Violations of Chapter 53 of the South Greensburg Code shall be considered a violation of this part and may also be enforced and ticketed as such.
- I. Insects or vermin. Infestation of insects or vermin shall not be allowed to continue, and the owner or occupant of any infested property shall report same to the Police
- J. Department of the Borough and take appropriate steps to abate said infestation without unnecessary delay. Failing to do so is a violation.
- K. High weeds, grass, plant growth or standing water. All premises and exterior property shall be maintained free from weeds, or plant growth in excess of six inches as defined herein, and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin. All such plant growth shall otherwise be in compliance with Borough of South Greensburg Code § 57-4 and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such.
- L. Snow and ice removal from sidewalks. Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough, is required to remove any snow or ice from their sidewalk pursuant to Borough of South Greensburg Code Chapter 141 and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such.

M. Swimming pools.

1. Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, sanitary, and covered when not in regular use.
2. All pools shall be in compliance with Borough of South Greensburg Code Chapter 163 Sections 30(G) & (H) and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such.

N. Registration of tenants. It shall be unlawful for a landlord to allow adult tenants or occupants to reside within the Borough of South Greensburg without registering them with the Borough Tax Collector, pursuant to §149-30.1. Any violation of §149-30.1 shall be considered a violation of this part and may also be enforced and ticketed as such.

O. Permits and approvals.

1. It shall be unlawful for an owner or contractor to perform work to a building or structure without a permit, where permits are required.
2. Illegal signs/billboards. No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the Borough of South Greensburg.

P. Property maintenance. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound, in good repair, and in compliance with the Borough's Property Maintenance Code. Any violation of the Borough's Property Maintenance Code, Article I of this Chapter, shall be considered a violation of this part and may also be enforced and ticketed as such.

Q. Water Diversion.

1. No person shall cause water collected in a gutter or gutter system to be deposited onto the public right of way.
2. No person shall cause a pump, whether a sump pump or otherwise, to deposit water onto the public rights of way.

3. No person shall cause for ground water, storm water, wastewater or any other source of water to be deposited onto the public rights of way.

R. Sidewalks.

All sidewalks shall be in good repair and free of defect and/or hazard, and otherwise shall be in compliance with Borough of South Greensburg Code §144-1.

**§ 125-30. Authority for issuance of violation tickets and citations.**

Upon finding a quality of life violation, any public officer of the Borough of South Greensburg, appointed by the Mayor and/or Borough Council of the Borough of South Greensburg, may issue quality of life violation tickets and/or citations to the owner and/or occupant of the property at issue or to the individual known to have violated this Article.

**§ 125-31. Service.**

A violation ticket may be served upon a violator by handing it to the violator or his/her agent, by handing it to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket conspicuously to the property where the violation exists, by handing it at any office or usual place of business of the violator, or to the person for the time being in charge thereof, or by mailing the violation ticket to the violator's address of record.

Separate Offense: Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate violation ticket may be issued and fine imposed.

**§ 125-32. Regulations.**

Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Article.

**§ 125-33. Abatement of violation.**

- A. Any person or business violating this Article is hereby directed to, upon issuance of a quality of life ticket, correct the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.
- B. The Borough of South Greensburg reserves the right to abate the violation in question at the expense of the owner if the violation is not abated by the property owner within five (5) business days. Should the violation at the discretion of the appropriate officer(s) present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of \$60 per hour, per man. The Borough reserves the right to charge an additional 20% on



all material purchases to cover all miscellaneous expenses such as wear and tear on equipment. If the Borough has abated the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket which will also be paid separately.

- C. Contractor cleanup.** The Borough reserves the right to direct a contractor to perform the abatement of the violation once five (5) business days pass from the date of issuance of the quality of life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for his work to the Borough of South Greensburg, and the Borough will forward these costs to the violator. The Borough reserves the right to add a processing fee of \$10.00 in addition to the cost of the contractor.

#### **§ 125-34. Fines and penalties.**

Any person who violates this Article shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation.

- A. Violation ticket fines:** For a violation of this Article, violation tickets shall be issued in the amount of \$25.
- B. Violation ticket penalties:** If the person in receipt of a violation ticket of \$25 does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a penalty of \$10.00.
- C. Failure to respond:** If a person fails to make payment or request a hearing within thirty (30) days of a violation ticket, they shall be subject to a citation for failure to pay.
- D. Repeated violations:** Upon issuance of four tickets for the same violation, right is reserved for a Public Officer to issue a citation for fifth and subsequent offenses.
- E. Citation fines:** Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than \$300, not more than \$1,000 on each offense or imprisoned no more than 90 days, or both.

### **§ 125-35. Appeal.**

- A.** A person in receipt of a violation ticket may appeal to the Borough Council by filing an appeal request in writing, on a form to be provided, within fifteen (15) calendar days of the date of the violation ticket, stating the reasons for appeal, and accompanied by the appropriate fine amount.
- B.** If abatement or other costs were associated with the violation, these will be posted, along with the appeal.
- C.** The appeal will be addressed by Borough Council at the next scheduled public meeting following the filing of the appeal. The violator may address the Borough Council at this public meeting prior to the Borough Council voting on the appeal. By majority vote of the Borough Council, the appeal may be upheld, denied, or the violation ticket and/or any associated costs, fines or penalty amounts modified. Borough Council will issue written notice of the decision, along with any refunds applicable.

### **§ 125-36. Collections and Liens.**

At the discretion of the Borough, all tickets and costs of abatement for which payment is not received within forty-five (45) days of issuance may be turned over by the Borough to a collection's agency for receipt. The Borough may place liens on properties wherein a nuisance was removed and abated, pursuant to 53 P.S. §7101, *et seq.*

### **Nonexclusive remedies.**

The penalty and collection provisions of this Article shall be independent, not mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Article. The remedies and procedures provided in this Article for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough of South Greensburg Code or ordinances, whether or not such other code or ordinance is referenced in this Article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Article.

### **Severability:**

Should any section or provision of this Article be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Article as a whole or any part thereof, other than the part so declared to be invalid.

**Article III**  
**Vacant and Abandoned Property**

- § 125-41. Purpose and Intent**
- § 125-42. Definitions**
- § 125-43. Applicability**
- § 125-44. Registration of Abandoned or Vacant Real Property**
- § 125-45. Maintenance Requirements**
- § 125-46. Security Requirements**
- § 125-47. Additional Security**
- § 125-48. Immunity**
- § 125-49. Notice of Violation**
- § 125-50. Penalties and Remedies**
- § 125-51. Appeals**
- § 125-52. Severability**

#### **§ 125-41. Purpose and Intent.**

A. It is the purpose and intent of the Borough of South Greensburg to establish a process to address the amount of deteriorating real property located within the Borough, which includes but is not limited to property, whether vacant or occupied, about which a public notice of default has been filed, is in foreclosure, or where ownership has been transferred to lender or mortgagee by any legal method.

B. It is the Borough's intent to specifically establish a vacant or abandoned residential property program as a mechanism to protect the Borough from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

C. For the protection and promotion of the public health, safety, and welfare of the citizens of the Borough of South Greensburg, the Borough Council hereby establishes the rights and obligations of owners, mortgagees and property management companies of vacant and abandoned properties within the Borough and encourages owners, mortgagees and property management companies to maintain and secure such property through registration and compliance with this Chapter.

#### **§ 125-42. Definitions.**

The following words, terms and phrases, when used in these sections of the Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abandoned real property** – Any property that is vacant or is subject to a mortgage under a current Notice of Default or Notice of Mortgagee's Sale, pending Tax Claim Sale or vacant properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

**Enforcement officer** – Any building official, zoning inspector, code enforcement officer, health officer, police officer, fire inspector or building inspector employed by the Borough.

**Evidence of vacancy** – Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown or dead vegetation, accumulation of abandoned personal property, extensive or pervasive damage of improvements to real property, broken or boarded up windows and/or doors, statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.

**Foreclosure** – The process by which a property, placed as security for a real estate loan, is sold at public sale to satisfy the debt if the borrower defaults.

**Mortgage** – A conveyance of title to property that is given as security for the payment of debt or the performance of a duty and that will become void upon payment or performance according

to the stipulated terms.

**Mortgagee** – One to who property is mortgaged or the mortgage creditor or lender.

**Mortgagee in possession** – A mortgagee who takes control of mortgaged land by agreement with the mortgagor, usually upon default of the loan secured by the mortgage.

**Owner** – Any person, agent, operator, firm or corporation having a legal or equitable interest in real property; or recorded in the official records of the Commonwealth, County or Borough 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 trustee, executor or administrator of the estate of such person if authorized by law to take possession of real property, or if ordered or authorized to take possession of real property by a court.

**Person** – An individual, sole proprietorship, business organization, corporation, partnership or any other group and/or entity acting as a unit.

**Property management company** – A property manager, property maintenance company or similar entity or individual responsible for the maintenance of abandoned real property.

**Vacant** – Any building/structure that is not legally occupied.

#### **§ 125-43. Applicability.**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same but shall rather be an additional remedy available to the Borough above and beyond any other state, county or local provisions for same.

#### **§ 125-44. Registration of Abandoned or Vacant Real Property.**

- A. Any mortgagee who holds a mortgage on real property located within the Borough shall, upon default by the mortgagor and prior to the issuance of a notice of default, perform an inspection of the property that is the security for the mortgage. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned real property and the mortgagee shall, within ten (10) days of the inspection, register the property with the Borough, or its designee, on forms provided by the Borough.
- B. If the property is occupied but the mortgage on the property remains in default, the property shall be inspected to determine vacancy or occupancy status by the mortgagee or his designee monthly until: (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a

vacancy status providing the date of last inspection on forms provided by the Borough.

- C. Registration pursuant to this section shall contain the name of the Owner and/or mortgagee, and such person's direct mailing address, a direct contact name and telephone number, facsimile number, and email address, the tax number and address of the vacant and/or abandoned property, and the name and twenty-four (24) hour contact phone number of the property management company responsible for the security and maintenance of the property, if one exists.
- D. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale, and the property remains vacant.
- E. A registration fee shall be required in the amount as designated by Council pursuant to §1-16 herein.
- F. Properties subject to this section shall remain under the registration requirement, security and maintenance standards of this section as long as they remain vacant.
- G. Any person or corporation that has registered a property under this section must report any change of information contained in the registration in writing within ten (10) days of the change to the Borough or its designee.

#### **§ 125-45. Maintenance Requirements.**

- A. Properties subject to this Article III shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circular, flyers, notices (except those required by federal, state, or local law), abandoned vehicles, portable storage devices, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- B. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- C. Front, side, and rear yards, including landscaping, shall be maintained in accordance with the Borough's Ordinances, including, by example and not limitation, the Borough's Property Maintenance Code.
- D. Yard maintenance shall include, but not be limited to grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscaping shall not include weeds, gravel, broken concrete, asphalt or similar material.
- E. Maintenance shall include, but not be limited to cutting, trimming, and mowing of required

ground cover or landscape and removal of all trimmings.

F. Pools and spas shall be maintained so that the water remains free and clear of pollutants and debris and does not cause a danger to the public health, safety, and welfare. Pools and spas shall comply with all requirements of the Borough's Ordinances, the Borough's Property Maintenance Code, and Pennsylvania Uniform Construction Code, as amended from time to time.

G. Failure of the owner or mortgagee to properly maintain the property may result in a violation of the Borough's Code and subject the owner or mortgagee to the enforcement provisions of this Article and the Borough Code.

#### **§ 125-46. Security Requirements.**

A. Properties subject to this Ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

B. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows shall be secured by re-glazing of the window.

C. If the owner and/or mortgagee is unable or unwilling to perform maintenance and inspections itself, the owner or mortgagee shall contract with a property management company who shall perform monthly inspections to verify compliance with the requirements of this section, and any other applicable laws. Upon the request of the Borough, the owner or mortgagee shall provide a copy of the inspection reports to the Borough or its designee.

E. Failure of the owner and/or mortgagee to properly maintain the property will result in a violation of this Article III and the Borough Code, which will result in the issuance of an appropriate citation.

#### **§ 125-47. Additional Security.**

The enforcement officer or its designee shall have authority to require the owner and/or mortgagee of any property affected by this Ordinance, to implement maintenance or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent a decline of the property. The enforcement officer or its designee shall exercise this authority through the issuance of a notice of violation, pursuant to §125-34, which outlines the appropriate corrective action. Further, in view of the last referenced authority, it is specifically declared that:

A. In the event that the owner and/or mortgagee fail to take appropriate action to secure the structure within ten (10) days of demand by the enforcement officer or designee as outlined above, and the enforcement officer determines that the unsecured structure presents a danger to the public health, safety, and welfare of the community, the Borough may secure the structure, and charge the owner and/or mortgagee for the actual costs of securing the structure, including the cost of using a Borough employee to secure the structure. If the condition of the real property creates an immediate danger to the public health, safety, and welfare of the community, the Borough is authorized to immediately secure the structure, issue the notice of violation, and charge the owner and/or mortgagee for the actual costs of securing the structure, including the cost of using a Borough employee to secure the structure.

B. Whenever a structure or equipment is determined by the enforcement officer or its designee to be unsafe, or when the enforcement officer or Borough determines that a structure is unfit for human occupancy or found to be unlawful such that said structure shall be subject to condemnation proceedings under the Property Maintenance Code as adopted by the Borough (with amendments thereto), then such structure may be condemned under the provisions of the Property Maintenance Code. If and when the Borough elects to condemn the property, all continuing and future action by the Borough shall be governed by the requirements of the Property Maintenance Code.

#### **§ 125-48. Immunity.**

Any Borough officer or employee or any person authorized by the Borough to take action pursuant to this Article III shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this Ordinance

#### **§ 125-49. Notice of Violation.**

Whenever real property or an owner and/or mortgagee is in violation of the provision(s) of this Article III, if the enforcement officer or its designee shall provide notice of such violation to the owner and/or mortgagee, detailing the violation and the appropriate corrective action. Notice shall be by way of certified, restricted delivery mail requiring the signature of the owner and/or mortgagee. If the same is returned as non-deliverable or not accepted by said owner and/or mortgagee, the notice of violation shall be mailed to the owner and/or mortgagee by way of regular first-class mail and the notice shall also be conspicuously posted on the real property for a period of fourteen (14) days. The posted notice shall be in a clear plastic sleeve



with the opening taped so as to lessen the effect of moisture on the notice. All notices of violation shall be accompanied by a copy of this Article III. The owner shall have ten (10) days to comply with the notice of violation. The ten-day period shall begin on the date that the owner and/or mortgagee accepted the certified, restricted delivery mail, or upon the completion of the fourteen day (14) posting requirement. Failure to comply with the notice may lead to enforcement of this Article III pursuant to §125-35.

#### **§ 125-50. Penalties and Remedies.**

A. It shall be a violation of this Article III to commit or permit any other person to commit any of the following acts:

1. To fail to perform any inspection or to register any property as required by the provisions of this Article III.
2. To fail to pay the registration fee as required by the provisions of this Article III.
3. To fail to maintain property as required by the provisions of this Article III.
4. To fail to perform the inspection and maintenance relating to properties so that they are maintained in a secure manner as required by the provisions of this Article III.
5. To refuse to permit inspections as required by the provisions of this Article III.
6. To place any false information on or to omit relevant information from an application for registration as required by the provisions of this Article III.
7. To fail or refuse to comply with any other provision of this Article III.

B. Penalties and Remedies.

1. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a summary offense and, upon conviction thereof before a Magisterial District Judge, shall be sentenced to pay a fine of \$1,000.00 and the cost of prosecution for each and every offense, and in default of payment thereof, shall be sentenced to imprisonment in Westmoreland County Prison for not more than thirty (30) days. Each violation and each day of violation shall constitute a separate offense. If an appeal is filed, pursuant to §125-35, the Borough
2. In addition to prosecution of the persons violating this Article III, the Borough may bring such civil or equitable actions, seeking civil or equitable remedies, in any appropriate Court of record of the Commonwealth of Pennsylvania, against any persons and/or property, real or personal, to enforce the provisions of this Ordinance. The remedies and procedures of this Ordinance are not intended to supplant or replace, to any degree, the remedies provided to the Borough in the Borough's Property Maintenance Code, Uniform

Construction Code, Zoning Ordinance, or any other Borough Code, or Ordinance.

**§ 125-51. Appeals.**

A. Any person aggrieved by the issuance of a notice of violation may file an appeal from that notice to the Borough Council within ten (10) days of the notice of the violation. The appeal shall set forth the factual and legal basis as to why the Borough's action against such real property, owner and/or mortgagee was unlawful. A public hearing shall be heard on the appeal within thirty days of the filing of the appeal, at which time the appellant shall present their appeal. The Borough employee, official, enforcement officer or designee responsible for the action giving rise to the appeal may make a presentation to the Borough Council. The Borough Council shall issue a decision on the appeal following the presentment of the appeal and prior to the close of the Public Hearing.

B. Any person aggrieved by any decision of the Borough Council relevant to the provisions of this Ordinance may appeal to the Westmoreland County Court of Common Pleas within thirty (30) days of the decision.

**§ 125-52. Severability.**

If any section, clause, sentence, or phrase of this Article III is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Article III.

