

ORDINANCE NO. 232 – PROPERTY MAINTENANCE AND NUISANCE ABATEMENT
ORDINANCE

AN ORDINANCE OF THE BOROUGH OF VALENCIA, BUTLER COUNTY, PENNSYLVANIA, RELATING TO MAINTENANCE OF PROPERTIES WITHIN THE BOROUGH AND DECLARING CERTAIN CONDITIONS OF REAL AND PERSONAL PROPERTY TO BE NUISANCES; DECLARING NUISANCES TO BE ILLEGAL; REQUIRING THE ABATEMENT OF NUISANCES; ESTABLISH ENFORCEMENT PROCEDURES AND ESTABLISHING VIOLATIONS AND PENALTIES.

BE IT IS ORDAINED AND ENACTED AS FOLLOWS: The Council of the Borough of Valencia, Butler County, Pennsylvania, finds that removal of nuisances is in the interest of the citizens of the Borough and that removal of nuisances on public and private property promotes the public health, safety and welfare of all residents of the Borough.

SECTION I: Definitions

For the purposes of the chapter, the following terms, phrases and words and their derivatives shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number and the word "shall" is always mandatory and not merely directory.

ABANDONED MOTOR VEHICLE - Any motorized vehicle which is without a currently valid inspection sticker, license plate or plates, and/or is in a wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition.

ENCLOSED - Having a wall or walk, window or windows and a door used as access to the

dwelling.

LAWN/YARD - Open space on same lot with a structure.

NUISANCE - Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

- A. Junk, trash or debris;
- B. Maintaining or causing to be maintained, any dangerous structures, including, but not limited to, abandoned, occupied or unoccupied buildings or parts of buildings.
- C. The use of a porch roof or other second story or higher portion of a structure for a non-designed use, unless said porch roof or other portion of a structure is specifically designed for said use.
- D. Abandoned, discarded or unused objects or equipment such as motor vehicles, furniture, stoves, refrigerators, freezers, can or containers, except for unregistered or uninspected motor vehicles kept by properly licensed new or used car dealers;
- E. Weeds, grass or other uncultured vegetation not edible or planted for some useful or ornamental purpose on lawns/yards, more than ten (12") inches in height when measured from the surface of the ground, provided that weed growth on lawns/yards occurring between mowings shall not constitute a nuisance.
- F. Trees, shrubs, hedges or other vegetation overhanging sidewalks or other pedestrian walkways at a height less than eight (8') feet.
- G. Trees, shrubs or other vegetation overhanging a road right-of-way at a height of less than sixteen (16') feet, measured from the street surface at the curb.
- H. Such other condition or conditions that create a public health hazard to the inhabitants and

visitors of the Municipality.

OWNER - A person giving, leasing, occupying or having charge of any premises within the Borough.

PERSON - Any natural person, firm, partnership, association, corporation, company or organization of any kind.

PORCH or EXTERIOR ATTACHMENT - Any area attached to or appended to a building regularly used for dwelling.

PORCH ROOF - A roof at the second story or above on any building, which extends over an unenclosed area.

PUBLIC HEALTH HAZARD - This term may apply to a condition or use of premises and the structures located upon a premises. A structure shall constitute a public health hazard if it has been inspected and condemned by Borough appointed officials including the Code Management Officer, Code Enforcement Officer and/or the Fire Marshal/Fire Chief. A structure shall be considered condemnable if any of the following violations exist: the structure is in distress, is unfit for human habitation, is unsafe, the structure continues to deteriorate, there is a complete disregard by the property owner(s) for any exterior landscape maintenance, the structure is unsafe and within the proximity to other structures and/or street(s)/road(s).

REGULARLY TRAVELED STREET - Any street, alley or thoroughfare on which one (1) or more motor vehicles travel during any twenty-four hour period.

SECTION II: Illegality of Nuisances

Nuisances, as defined herein, are hereby declared to be illegal within the Borough of Valencia, Butler County, Pennsylvania.

SECTION III: Abatement

A. Abatement of Nuisance by Owners. The owner, owners, tenants, lessees and/or

occupants of any lot within the Borough upon which a nuisance is found to exist and also the owner, owners and/or lessees of any personal property involved in such storage (all of whom are hereafter referred to as "owners") shall jointly and severally abate said nuisance by the prompt removal of said nuisance.

B. Abatement of Nuisance by the Borough. Whenever said owner(s) shall fail to abate said nuisance, the Borough may take such action as is necessary to abate said nuisance without liability for damage to the property. The actual costs of abating said nuisance, including actual labor charges, equipment rental charges, postage and twenty-five (25%) percent of the costs for administrative overhead, plus fifty (50%) percent of the total, shall be collected from the owner of the premises either by an action in assumption or by the filing of a municipal claim or lien against the real property. In addition to the above the Borough may, by an action in equity, compel the owner to comply with this chapter or take such other relief as a court may order.

SECTION IV: Enforcement: Compliance

A. Whenever a condition constituting a nuisance is permitted or maintained upon premises situate in the Borough, the Borough shall cause written notice to be served upon the owner in one (1) of the following ways:

- (1) By personal delivery of the notice to the owner, tenant or lessee of the premises;
- (2) By leaving the notice with an adult upon the premises;
- (3) By attaching a copy of the notice to the door at the entrance of the premises in violation;
- (4) By mailing, by certified mail, a notice to the last known address of owner.

B. Any owner, interest holder, or local agent directly affected by a notice under this ordinance shall

have the right to appeal such notice to Borough Council, provided that a written appeal is filed with the Borough Secretary within thirty (30) days after the date of any such notice was served, or from the date of the next general council meeting, whichever comes first.

- C. Any owner, interest holder, or local agent directly affected by a notice under this ordinance shall have the right to remedy such notice, provided that the remedy is approved by the council and carried out within thirty (30) days after council's approval.
- D. Such notice shall set forth in what respects such conditions constitute a nuisance and whether removal is necessary and required by the Borough or whether the situation can be corrected by repairs, alterations or by boarding or fencing or in some other manner confining and limiting the nuisance.
- E. Such notice shall require the owner(s) to commence action, in accordance with the terms thereof, within fourteen (14) days of the date of the notice, and thereafter to complete the work necessary to comply fully with the terms of the notice as soon as is reasonable, but not later than ninety (90) days from the date of said notice, provided that the owner(s) has requested such an extension within the original term for compliance.
- F. The expense of said compliance shall be at the expense of the owner; provided, however, that if a violation requires immediate correction, such notice shall require the owner to immediately comply with the terms thereof.
- G. Notice required under §3A shall be given one (1) time during a calendar year.
- H. Each day shall constitute a separate violation of this chapter.

SECTION V: Violation and Penalties

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable by a daily fine set forth from time to time by Resolution of Borough Council.

SECTION VI: Any ordinance or portions of ordinances heretofore enacted by the Borough

of Valencia which may be in conflict with this ordinance or inconsistent with this ordinance is hereby repealed. If any provision of this ordinance is deemed unconstitutional, it is the intention of the Borough of Valencia that the remainder of said ordinance would have been adopted without the unconstitutional part thereof.

ORDAINED AND ENACTED this _____ day of _____, _____.

President of Council

Secretary

Approved this _____ day of _____, _____.

Mayor