

## **CHAPTER 10 HEALTH AND SAFETY**

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**Part 1**  
**Prohibiting Nuisances on**  
**Private or Public Property**

**§101. Definitions.**

For the purpose of the ordinance, the following words and phrases, together with their derivations, shall have the meaning ascribed to them in this section.

- A. "Abandoned Motor Vehicle" is a motor vehicle:
  - 1. That is left unattended on public property for more than 48 hours; or
  - 2. That is left unattended on or along a public highway without a valid registration plate or valid and current inspection; or
  - 3. That has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.
  
- B. "Board of Supervisors" is the Board of Supervisors of the Township of Sewickley, Westmoreland County, Pennsylvania.
  
- C. "Dangerous Building" shall apply to all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:
  - 1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
  - 2. Those which, exclusive of the foundation, show damage or deterioration to thirty-three percent (33%) of the supporting member or members, or damage or deterioration to outside walls or coverings;
  - 3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
  - 4. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public;
  - 5. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail, to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;
  - 6. Those which have parts thereof which are so attached that they may fall and injure property or members of the public;
  - 7. Those which lack illumination, ventilation or sanitation facilities or, because of another condition, are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public;
  - 8. Those which, because of their location, are unsanitary, or otherwise dangerous, to the health or safety of the occupants of the public;

9. Those existing in violation of any provision of any other ordinances of the Township.
- D. “Garbage” is any decomposing animal and vegetable waste, including but not limited to offal, pomace, dead animals and decaying organic matter, as well as the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- E. “Junk Motor Vehicle” is a motor vehicle:
  1. That is without a valid registration plate or valid and current inspection; and
  2. That is either:
    - i. unable to move under its own power; or
    - ii. has not been moved for a period of thirty (30) days.
- F. “Motor Vehicle” means any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.
- G. “Nuisance” is any activity, conduct, or condition which causes injury, damage, hurt, inconvenience, annoyance or discomfort to the public or such part of the public as necessarily comes in contact with such activity, conduct or condition, and which adversely affects the same’s safety, health, morals or general welfare, including aesthetics.
- H. “Owner” is a person owning, leasing, occupying or having charge of any premises within the Township.
- I. “Person” is any natural person, firm, partnership, association, corporation, company or organization of any kind.
- J. “Premises” means any real property, building or structure.
- K. “Rubbish” is any nonputrescible waste, either solid, liquid or a combination thereof, including but not limited to scrap wood, glass, metal, plastic, paper, stone, concrete or clay items.
- L. “Township” is the Township of Sewickley, Westmoreland County, Pennsylvania.

**§102. Nuisances Prohibited.**

It shall be unlawful for any person to create, maintain, or permit to exist, either directly or indirectly, a nuisance within the Township of Sewickley. Nuisances shall include, but are not limited to the following:

- A. The existence of abandoned motor vehicles;
- B. The presence, outside of a building or fully enclosed structure or outside of a lawfully licensed junk yard of one or more junk motor vehicles; except that, the owner of such premises or the owner, operator or custodian of such junk motor vehicle, who has the

same for the bona fide purpose of repair of such a motor vehicle, may store or park said vehicle, outside of a building or fully enclosed structure, for a period not in excess of thirty (30) days from the time said vehicle is first brought upon said property, provided a permit is first obtained from the Ordinance Officer of the Township; and further provided that such person may have not more than one permit for the repair of junk motor vehicles at any one time, nor can more than one permit be issued for a junk motor vehicle. The fee for such permit shall be set from time to time by Resolution of the Board of Supervisors.

- C. The presence of any garbage which shall or may afford food, harborage or breeding areas for vermin unless the same is kept in covered receptacles designated and manufactured for the storage of such items and further provided that the same shall remain on said premises for a period of no longer than ten (10) days.
- D. The presence of rubbish which, by its nature or due to its storage, may pose a present or potential hazard to any person;
- E. The storage or placement of equipment; rubbish, machinery, material, vehicles or any parts thereof in any manner which, by its nature or due to its storage, may pose a present or potential hazard to any person.
- F. The draining or allowing to drain, by natural or artificial means, any foul or offensive liquid of any kind, from any premises into, upon or along any other premises, public right of way or public lands, except where provision has been made for the lawful drainage of such liquid in such manner and at such place. The existence of such drainage prior to the passage of this ordinance shall not make such activity or condition lawful.
- G. Maintaining, causing to be maintained or permitting the existence of any dangerous building, dangerous structure, or dangerous physical condition on any premises.
- H. Pushing, shoveling or otherwise depositing snow, ice, mud, rocks, earth, manure, animal waste, cut vegetation or any combination thereof, upon the cartway or traveled portion of any highway, road, street or alley, maintained by the Township, County or Commonwealth.
- I. The storage or placement of a Portable Toilet outside for a time period of longer than one month, with the following exceptions:
  - 1. The property is under construction, does not have a proper working bathroom, and has all the proper building permits required by the Township.
  - 2. It is a government facility.
  - 3. The property parcel is entirely dedicated to "Parks and Recreation," as defined in the Township Zoning Ordinance, and is not within 1,000 feet of a public sewer line.
  - 4. The portable toilet is placed in an Industrial or Agriculture zoned district."PORTABLE TOILET" is a portable toilet intended to be used outside temporarily in the absence of permanent bathroom facilities. "Portable Toilet" includes, but is not

limited to, porta-john, port-a-potty, chemical toilet, honey bucket, honeypot, mobile toilet, camping toilet, temporary toilet.

**§103. Enforcement, Service of Notices and Hearings.**

- A. Whenever the Board of Supervisors determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, they shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:
1. Be put in writing;
  2. Include a statement of the reasons why it is being issued;
  3. Allow a reasonable time for the performance of any act it requires;
  4. Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this State.
  5. Such notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- B. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Ordinance, may request and shall be granted a hearing on the matter before the Board of Supervisors; provided that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Board of Supervisors shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than twenty (20) days after the day on which the petition was filed.
- C. After such hearing, the Board of Supervisors shall sustain, modify or withdraw the notice. If the Board of Supervisors sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Ordinance shall automatically become an order if a written petition for a hearing is not filed with the Secretary within ten (10) days after such notice is served.
- D. Whenever the Board of Supervisors finds that an emergency exists which requires immediate action to protect the public health, safety, morals or general welfare, they may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they deem necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Board of Supervisors, such person shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Ordinance have been complied with, the Board of

Supervisors shall continue such order in effect, or modify it, or revoke it.

**§104. Penalties.**

The Township of Sewickley may impose the following penalties:

- A. Any person who shall violate any provision of this Part 1 shall, upon being found liable in a civil proceeding, pay a fine of not more than \$600.00 for each violation, plus court costs and such other costs and expenses, including reasonable attorney fees, as permitted by law. Each day that a violation of this Part 1 continues shall constitute a separate offense.
- B. Any person who shall violate any provision of this Part 1 shall, upon being convicted in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses, including reasonable attorney fees, as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. Each day that a violation of this Part 1 continues shall constitute a separate offense.
- C. In addition to the other powers set forth herein for a violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses, including reasonable attorney fees, incurred in the enforcement process.

**§105. Conflict of Ordinances; Effect of Partial Validity.**

- A. In any case where a provision of this Ordinance is found to be in conflict with a provision of any ordinance existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health, safety, morals and general welfare of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health, safety, morals and general welfare of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.
- B. If any section, subsection, paragraph, sentence, clause or phrase of this Part 3 shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

**§106. Public Nuisance Abatement.**

In addition to the penalties set forth in this Part 1, any building or structure, constructed, created or maintained in violation of this Part 1 is hereby declared to be a public nuisance. The Township is authorized to require the removal of any such nuisance by the owner or occupier of the land upon which such nuisance exists. If the owner or occupier fails, neglects or refuses to remove any such nuisance after being ordered to do so by the Township, the Township may cause the same to be done, and collect the cost thereof, together with twenty (20%) percent of such cost in order to defray the Township's administrative costs, along with the costs and fees of enforcement and

reasonable attorney fees, in the manner provided by law for the collection of municipal claims, or by a civil action, or the Township may seek relief in equity.

## **Part 2**

### **Regulation of the Growth of Noxious Weeds and Vegetation**

#### **§201. High Grass and Weeds Prohibited.**

No person, firm or corporation owning or occupying any property within the Township of Sewickley, located in a “Residential-Medium Density” (R-1), a “Rural-Village-High Density” (V-1). Or “Mixed Use-High Density” (V-2) Zoning District shall permit any grass or weeds or any vegetation whatsoever, not edible or not planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of twelve (12) inches.

#### **§202. Noxious Plants Prohibited.**

No person, firm or corporation owning or occupying any property within the Township of Sewickley shall permit any noxious weeds, as herein defined and/or as defined or prohibited by the Noxious Weed Control Law or by regulations of the Department of Agriculture, to grow within the Township of Sewickley. Noxious weeds are defined as a plant that is determined to be injurious to public health, crops, livestock, agricultural land or other property. The following are considered noxious weeds:

- A. Cannabis sativa, commonly known as marijuana.
- B. The Lythrum salicaria Complex: Any nonnative Lythrum including Lythrum salicaria and Lythrum virgatum, their cultivars and any combination thereof.
- C. Cirsium arvense, commonly known as Canadian thistle.
- D. Rosa multiflora, commonly known as multiflora rose.
- E. Sorghum halepense, commonly known as Johnson grass.
- F. Carduus nutans, commonly known as musk thistle.
- G. Cirsium vulgare, commonly known as bull thistle.
- H. Datura stramonium, commonly known as jimson weed.
- I. Polygonum peifoliatum, commonly known as mile-a-minute.
- J. Puerria lobata, commonly known as kudzu vine.
- K. Sorghum bicolor cv. drummondii, commonly known as shattercane.
- L. Heracleum mantegazzianum, commonly known as Giant Hogweed.

M. Galega officinalis, commonly known as Goatsrue.

N. Cichorium intybus, commonly known as Chicory, succory or blue daisy,

**§203. Nuisances Prohibited.**

- A. Any grass, weeds or other vegetation growing upon any premises in the Township of Sewickley, with a “Residential-Medium Density” (R-1), a “Rural-Village-High Density” (V-1) or “Mixed Use-High Density” (V-2) Zoning District, in violation of any of the provisions hereof, is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township of Sewickley.
- B. Any noxious weeds, as defined herein, growing upon any premises in the Township of Sewickley, with a “Residential-Medium Density” (R-1), a “Rural-Village-High Density” (V-1) or “Mixed Use-High Density” (V-2) Zoning District, in violation of any of the provisions hereof, is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township of Sewickley

**§204. Owner/Occupant Responsibility.**

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

**§205. Enforcement.**

The Township of Sewickley, or any officer or employee of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds, noxious weeds or other vegetation is growing or remaining in violation of the provisions hereof, directing and requiring such occupant to remove, trim or cut such grass, weeds, noxious weeds or vegetation so as to conform to the requirements of this Ordinance within fourteen (14) days after issuance of such notice.

Whenever, in the judgment of the Ordinance Officer it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Board of Supervisors or any officer or employee of the Township designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within fourteen (14) days.

If any person issued a notice to conform to the requirements of this ordinance believes the notice is mistaken, such person shall notify the Ordinance Officer as soon as practicable, but no later than the date indicated within the notice for the nuisance to be abated.

In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Board of Supervisors may order the removal, trimming or cutting of such grass,

weeds, noxious weeds or vegetation, and the cost thereof, together with twenty (20%) percent of the cost in order to defray the Township's administrative costs, along with the costs and fees of enforcement and reasonable attorney fees, shall be collected by the Township from such person in the manner provided by law.

**§206. Penalty.**

Any person who violates any provision of this ordinance shall, upon being found liable in a civil proceeding, pay a fine of not more than \$600.00 for each violation. Each day that a violation of this ordinance continues shall constitute a separate offense.

**§207. Repealer.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**§208. Severability.**

If any sentence, clause, section, or part of this ordinance 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, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of Township of Sewickley that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Part 3**  
**Property Maintenance**

**§ 301. Adoption of International Property Maintenance Code**

A certain document, three (3) copies of which are on file in the office of the Secretary of the Township of Sewickley, being marked and designated as the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Sewickley, in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that the structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings a structures unfit for human occupancy and use, and the demolitions of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township of Sewickley here hereby referred to, adopted, and made a Part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**§ 302. Additions, Deletions and Changes to International Property Maintenance Code**

The following sections are hereby revised:

Section 101.1. Insert: Township of Sewickley

Section 103.5. Stricken and replaced as follows: The fees for the activities and services performed by the Township of Sewickley in carrying out its responsibilities under this Code shall be indicated in a resolution, as may be amended in whole or Part from time to time, adopted by the Township Board of Supervisors.

Section 106.3. Stricken and replaced as follows:

**Violations and penalties.** Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Code Office or any other authorized employee of the Township shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of Sewickley of not more than \$1,000, plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed 30 days. Each day during which any violation of this Part continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of or noncompliance with this Part shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time.

In the enforcement of this Part, the Code Official, at his sole discretion, may, prior to the institution of the aforesaid provisions for prosecution of violation, issue a nontraffic citation for violations of this article, which shall give notice to the person responsible for the violation the right to pay the Township of Sewickley in lieu of fines and costs the following, if the same is paid to the Township of Sewickley within five business days after the time of the issuance of the citation:

- (1) A fine of \$50 for the first violation of this Part;
- (2) A fine of \$150 for the second violation of this Part; and
- (3) A fine of \$500 for a third violation of this Part.

In the event the citation is not paid, then the Code Official or his designated representative shall proceed to bring an action at the Magisterial District Judge having jurisdiction within the Township of Sewickley.

Section 112.4. Insert: \$600 and \$1,000.

Section 302. 2. Stricken and replaced as follows:

All premises shall be graded and maintained in accordance with Chapters 22 and 23 of the Code of the Township of Sewickley. The provisions of Chapter 22 and 23 of the Code of the Township of Sewickley are hereby incorporated herein by reference.

Section 302.4. Stricken and replaced as follows:

Weeds and Noxious vegetation shall be subject to the provisions of Part 2 of Chapter 10 of the Township of Sewickley Code. The provisions of Part 2 of Chapter 10 of Code of the Township of Sewickley are hereby incorporated herein by reference.

Section 302.7. Stricken and replaced as follows:

All accessory buildings and structures, including without limitation, all detached garages, fences, sheds, pools, and walls, shall be maintained structurally sound and in good repair.

Section 302.8. Amended by adding the following text in line two immediately after the word “regulations,”: “including without limitation the Code of Sewickley Township Chapter 10 Part 1 and Chapter 13 Part 1,”.

Section 304.14. Insert: April and October

Section 602.3. Insert: September 1<sup>st</sup> and May 1<sup>st</sup>

Section 602.4. Insert: September 1<sup>st</sup> and May 1<sup>st</sup>

## **Part 4**

### **Quality of Community**

#### **§401. 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 cause blight and negatively impact the public health, safety, and general welfare of the Township residents and their guests and contribute to the deterioration of property values and general disorder in the Township. These problems degrade the physical appearance of the Township, which reduces business and tax revenue, inhibiting economic development. The quality of life, community, and pride of the citizens of Sewickley 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 Township by helping to create a clean environment for the citizens of Sewickley.

#### **§402. 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.

**BLIGHTED PREMISES or BLIGHTED PROPERTY(IES) or the condition of BLIGHT — Involving real property in the township of Sewickley shall mean any building, structure, parcel of land, or any part of a building or structure that is a separate unit, whether commercial or residential, whether occupied or unoccupied, in which at least one (1) of the following conditions exists:**

- 1. The property is not being adequately maintained and secured as documented by the enforcement officer based upon, without limitation, the following factors or similar factors: missing or boarded windows or doors; collapsing or missing walls, roofs or floors; siding that is seriously damaged or missing; fire damage; a foundation that is structurally faulty; other structural deficiencies that contribute to blight as determined by**

the enforcement officer or his/her agents; the accumulation outside of interior furniture, garbage, trash, and/or junk; and/or the existence of inoperable/neglected motor vehicles, boats, motorcycles or other inoperable machinery or other refuse (unless otherwise licensed to do so);

2. The property or its owner(s) has/have been cited for violations as documented by an enforcement officer or his/her designated agents, and said violations have not been corrected;
3. The property is a fire hazard as documented by the fire department;
4. Because of fire, wind or other natural disaster, or because of physical deterioration, the property is no longer habitable as a dwelling or useful for the purpose for which the completed structure was originally intended;
5. It is determined by an enforcement officer or his/her designated agents that the building, structure or parcel of land is in a condition which poses a serious nuisance or serious threat to safety, health, and/or wellbeing of the town of Southbridge.

#### 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., waste paper, 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.

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.

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.

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 therefor, 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 include animal waste, including without limitation all feces from domesticated animals, including dogs. The term does not include source-separated recyclable materials.

### **§403. Enforcement**

The following shall be considered quality of community violations. Any violation of any standard provided herein shall constitute a quality of community violation:

#### **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, litter, rubbish, debris or garbage.
2. It is prohibited to store or place any/all items designed for interior use, 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, interior tables, or any other items of indoor furniture 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 24 hours for the purpose of maintaining or repairing the item or removing the item from the real property, or for a yard, estate, garage, or similar temporary sale on residential property to sell residential items.
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. To the extent that the item is outdoors, it may not be outdoors for longer than 24 hours.
4. 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.
5. Littering, scattering rubbish or dumping. The improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property is prohibited.
6. 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 Code Enforcement Officer of Sewickley Township and take appropriate steps to abate said infestation without unnecessary delay. Failing to do so is a violation.
7. Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, and sanitary, and be covered when not in regular use.

#### **B. Property maintenance.**

1. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound, in good repair, and in compliance with the Townships Property Maintenance Code.
2. Trees. All hedges, vegetation, and trees growing upon or along any street, alley or sidewalk, or inside the property line of any lot fronting on any street or alley, shall not have any growth within 14 feet above any streets and alleys and eight feet above any sidewalks.

#### **§404. Violations and Penalties**

Upon finding a quality of community violation, the Code Enforcement Officer may issue a notice of quality of community violation. Said notice shall identify the property and/or violator (as appropriate), date of the violation, the nature of the violation, that the property owner has 48 hours to cure the violation, and the Code Official contact information. The notice 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 of violation conspicuously on 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 notice to the violator's address. If the violation has not been satisfied within 48 hours of the issuance of the notice to the satisfaction of the Code Official may issue a quality of community violation ticket(s) to the owner, tenant, landlord, and/or occupant of the property at issue or to the individual known to have violated this article. The Code Official may, at their discretion, following the issuance of a notice of violation, suspend the issuance of a violation ticket upon entering into a written corrective action plan with the violator for the timely cessation of the violation. If the violator does not perform as required under the corrective action plan, the Code Official may issue the violation ticket without further notice. Penalty for a violation of this part shall be \$100.00 for each offense, each day of violation shall constitute a separate offense.

### **Part 5**

#### **Landlord Tenant Registration and Inspections**

#### **§501. Registration**

A. Submission of names and addresses to Manager.

1. All owners/landlords, rental agents and real estate brokers, including but not limited to those involving single family/multi-family dwellings, apartments, office buildings, hotels, motels, merchandise marts and convention centers, collecting rentals and/or fees from tenants for all use, including temporary use, of commercial and/or residential space within the Municipality of Sewickley Township shall, notify the Municipal Manager of the Municipality of Sewickley Township by submitting the names and addresses of all tenants.

B. Information required on vacating and new tenants; time limit.

1. All owners/landlords, rental agents and real estate brokers, including but not limited to those involving single family/multi-family dwellings, apartments, office buildings, hotels, motels, merchandise marts and convention centers, collecting rentals and/or fees from tenants for all use, including temporary use, of commercial and/or residential space within the Municipality of Sewickley Township shall, notify the Municipal Manager of the Municipality of Sewickley Township by submitting the names and addresses of all tenants vacating the premises and also the new names and addresses of tenants moving into the premises within 30 days of either the vacating of the premises or the new rental of a premises.

### C. Notification of Transfer of Ownership.

Every person owning a rental property rooming house or other rental property shall give notice, in writing, to the Codes Enforcement Officer within 24 hours after having transferred or otherwise disposed of the legal control of any licensed rooming house or rental property. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such rooming house or rental property.

### **§502. Inspections**

The Code Enforcement Officer shall enter and inspect all structures for which an application for Landlord Tenant Registration has been made. The Code Enforcement Officer shall determine whether the property is in compliance with applicable municipal ordinances, including, the 2015 Property Maintenance Code Chapter 3 General Requirements, Chapter 5 Plumbing Facilities and Fixture Requirements, and Chapter 6 Mechanical and Electrical Requirements.

1. The Codes Enforcement Officer is hereby authorized and directed to inspect rental property rooming houses and all other rental properties subject to the provisions of this Part.
2. The Codes Enforcement Officer shall inspect each rental property in the Township to determine compliance with this Part once every 3 years pursuant to a reasonable schedule to be established by such officer, or in response to a complaint that an alleged violation of the provisions of this Part or of applicable rules or regulations pursuant thereto has been committed, or when the Codes Enforcement Officer has valid reason to believe that a violation of this Part or any rules and regulations pursuant thereto has been committed.
3. The Codes Enforcement Officer is authorized and directed to make inspections at any reasonable hour to determine compliance with this Part. For this purpose, the Codes Enforcement Officer is authorized to enter and examine any rental property or rooming house, yard or part, or either, and every owner, operator, occupant or agent shall give the Codes Enforcement Officer free access to it. Inspection may be postponed and/or rescheduled due to illness or other emergency or unforeseen circumstance.
4. The Codes Enforcement Officer is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units and dormitory rooms subject to this Part for the purpose of determining whether there is compliance with its provisions.
5. The Codes Enforcement Officer and the owner or occupant or other person in charge of a dwelling, dwelling unit, rooming house, rooming unit or dormitory subject to this Part may agree to an inspection by appointment at a time other than the hours provided by this Part. The owner, agent or person in charge must be present at all times during the inspection.
6. The owner or occupant or other person in charge of a rental property dwelling, dwelling unit, rooming house or dormitory room, upon presentation by the Codes Enforcement Officer of proper identification, shall give the Codes Enforcement Officer entry and free access to every part of the dwelling, dwelling unit, rooming house, dormitory room or to the premises surrounding any of these. Before making inspections within a contiguous area, the Codes Enforcement Officer shall first consult with organizations representative of property owners and other residents of such contiguous area, if any such organizations exist.

7. If any owner or occupant or other person in charge of a rental property dwelling, dwelling unit, rooming unit, dormitory room or a multiple dwelling or rooming house subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the Township may seek, in a court of competent jurisdiction, an order that such owner or occupant or other person in charge cease and desist with such interference. If any owner or occupant or other person in charge of a rental property subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the dwelling unit or premises where inspection is authorized by this Part is sought, the Codes Enforcement Officer and the Township are authorized to seek in a court of competent jurisdiction an order that such person in charge cease and desist with such interference. Such person may also be liable for such fines and criminal penalties as set forth in other Sections of this Part.

8. The Codes Enforcement Officer and the Township shall have the authority to institute any action permitted by law to enforce the provisions of this Part.

9. Any inspection scheduled pursuant to any provision of this Part may be canceled by contacting the Township Office during normal business hours at least 72 hours in advance of the scheduled inspection.

### **§503. Fees and Penalties**

A nonrefundable initial registration fee in the amount of \$50 per property shall accompany the filing of the initial registration form. Thereafter, the fee for annual renewal or change in tenant registration shall be \$25 per property. The Municipality may, at its option, modify the fee structure by annual resolution of the Municipal Council.

Any person, firm or entity who shall violate the provisions of this chapter shall be subject to a fine of up to \$1,000. Each day shall constitute a separate violation. Any owner/landlord, rental agent or real estate broker, including but not limited to those involving apartments, office buildings, hotels, motels, merchandise marts and convention centers, failing to comply with the requirements of this chapter shall, for such failure, be subject to a fine of \$300 for each name and address that he or she fails to file with the Municipal Manager of the Municipality of Sewickley Township. Each offense shall be considered a separate offense and shall be subject to a separate fine. Each separate offense shall be a continuous offense only for the month in which the landlord, rental agent or real estate broker fails to report the change in tenancy; however, an offense which continues for more than one month shall be considered a separate offense for each month that the landlord continues to fail to report the names and addresses as required herein to the Municipal Manager of Sewickley Township.

## **Part 6** **Vacant and Abandoned Property**

### **§601. Definitions**

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

### ABANDONED REAL PROPERTY

Any real property, including, but not limited to, vacant lots, buildings and structures located in the Municipality, that is subject to a mortgage and is either: in default of a mortgage for which a mortgagee has obtained a judgment in foreclosure; in default of a mortgage and subject to an application or proceeds for a tax deed or pending tax claim bureau or Tax Assessor sale for unpaid property taxes; in default of a mortgage and subject to an application or proceedings for a sheriff sale for unpaid claims, debts or obligations; or in default of a mortgage and has been transferred to a mortgagee by deed in lieu of foreclosure, or any similar document. The designation of real property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

### ACCESSIBLE PROPERTY/STRUCTURE

A property that is accessible through a compromised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to its interior by unauthorized persons.

### BLIGHTED PROPERTY

Property that has broken or severely damaged or deteriorated windows, doors, walls and/or roof, which create hazardous conditions and encourage trespassing by unauthorized individuals;

Property that is not being maintained in conformance with reasonable standards and is causing a decrease in value of neighboring properties;

Property cited for public nuisance pursuant to applicable codes;

Property that endangers the public health, safety and/or welfare due to being vacant and/or abandoned, and being dilapidated, deteriorated or violating minimum health and safety standards, or property that lacks maintenance as required by applicable codes.

### CODE ENFORCEMENT OFFICER

Any individual authorized by Sewickley Township to enforce the applicable codes.

### MUNICIPALITY

Sewickley Township

### OWNER

Any person, legal entity or other party having any ownership interest, whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance and/or operation of the property involved.

### PROPERTY MANAGEMENT COMPANY

A property manager, property maintenance company or similar entity or person responsible for the maintenance of abandoned property.

### VACANT PROPERTY

Any building or structure that is not legally occupied and is not currently being offered for sale, rent or lease, evidence by a sign posted on the property, and/or listed on an electronic database accessible by the Municipality. In lieu of a sign located on the property, a licensed realtor may

submit written confirmation that the subject property is listed for sale, rent or lease. This definition shall not apply to properties where owners or occupants are temporarily absent by reason of extended vacation, part-time seasonal residence, illness, or temporary employment for a period in excess of 90 days but intend to return to such property and have notified the Municipality of their intentions.

### **§602. Registration**

The Municipality or its designee shall establish a registration system for each abandoned real property and/or vacant property within the Municipality:

Upon default of a mortgage on a property located in the Municipality by the owner, the lender holding the mortgage on said property shall perform an inspection on such property to determine vacancy or abandonment of said property. If the lender finds the property to be vacant and/or abandoned, the lender shall register the property with the designated officer of the Municipality and pay the applicable required registration fee. A separate fee is required for each vacant and/or abandoned property.

If the property is in default but remains occupied, it shall be the responsibility of the lender to inspect the property on a monthly basis to determine a condition of vacancy or abandonment, and report such condition to the Municipality within 10 days of finding such property vacant and/or abandoned.

Registration pursuant to this section shall include the name of the lender and servicer; the direct mailing address of the lender and servicer; and the name, contact telephone number, and email address of the property management company or person responsible for the security and maintenance of the property.

All registration fees due pursuant to this chapter shall be paid directly from the lender, servicer, trustee or owner.

This section shall also apply to all properties that have been the subject of foreclosure where title was transferred to the beneficiary of the mortgage for said property, and any property transferred by deed in lieu of foreclosure.

Properties registered subject to this chapter shall remain under an annual registration requirement and the other provisions of this chapter for as long as they remain vacant and/or abandoned and in default.

Any person or entity which has registered a property pursuant to this chapter shall remain responsible to update the required contact information within 30 days of its receipt of such information. Failure of the responsible party to promptly update such information shall be a violation of this chapter.

The provisions of this section shall also apply to all owners, servicers, trustees, administrators, property managers and agents of all vacant property and abandoned real property. All properties must be registered immediately upon becoming vacant.

Pursuant to any administrative or judicial finding and determination that any property is in violation of this chapter, the Municipality may take the necessary action to ensure compliance with such finding or determination and may cause a lien to be placed upon the property pursuant to the Pennsylvania Municipal Claims and Tax Liens Act for the cost of bringing the property into compliance, including reasonable attorneys' fees.

#### **§603. Maintenance Requirements**

Properties subject to this chapter shall at all times comply with all applicable codes. Failure of the parties responsible for compliance with this chapter to maintain the applicable property in the manner required shall constitute a violation of this chapter and all other applicable codes.

#### **§604. Security Requirements**

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

For the purposes of this section, keeping properties in a "secure manner" shall include, but not by way of limitation, the closure and locking of windows, doors, gates, garage doors, and all other openings of any kind that would permit the unauthorized entry of small children into the interior of the property. Broken windows, regardless of what level of the structure, shall be repaired by reglazing and replacement of broken glass panes.

Failure of the responsible party to take the required action to secure the property in accordance with this section shall constitute a violation of this chapter.

#### **§605. Inspections**

An inspection must be completed by the Municipality within 30 days of initial registration, and annually thereafter within 60 days of the anniversary of the initial registration date, to determine if the registered property complies with the applicable codes and this chapter. The scheduling of such inspections shall be the sole responsibility of the owner or the owner's representative.

#### **§606. Additional Authority**

If the Municipality believes that the a property subject to this chapter poses a serious and imminent threat to the public health, safety and welfare, the Municipality shall be entitled to temporarily secure the property at the expense of owner and may subsequently cause a lien to be placed upon the property pursuant to the Pennsylvania Municipal Claims and Tax Liens Act for the cost of bringing the property into compliance, including reasonable attorneys' fees.

**§607. Fees and Penalties**

A nonrefundable initial registration fee in the amount of \$100 per property shall accompany the filing of the initial registration form. Thereafter, the fee for annual renewal of registration shall be \$50 per property. The Municipality may, at its option, modify the fee structure by annual resolution of the Municipal Council.

Any person, firm or entity who shall violate the provisions of this chapter shall be subject to a fine of up to \$1,000. Each day shall constitute a separate violation.

**§608. Severability**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason declared to be or held invalid or unconstitutional by any court of competent jurisdiction, such shall be determined to be a separate, distinct and independent provision, and such holding shall not affect the validity of any other portion of this chapter.