

**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.

**§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>