

NOTTINGHAM TOWNSHIP

Washington County, Pennsylvania

Ordinance No. 102

AN ORDINANCE OF THE TOWNSHIP OF NOTTINGHAM, WASHINGTON COUNTY, PENNSYLVANIA REQUIRING THE MAINTENANCE OF PROPERTY WITHIN THE TOWNSHIP, PROHIBITING VARIOUS NUISANCES AND REQUIRING THE REMOVAL THEREOF BY THE OWNER OR OCCUPANT OF THE PREMISES, OR BY THE TOWNSHIP AT THE EXPENSE OF SUCH OWNER OR OCCUPANT, WHEN THE NUISANCE IS IN VIOLATION OF THIS ORDINANCE

BE IT ENACTED AND ORDAINED by the Township of Nottingham, Board of Supervisors, Nottingham Township, Washington, Pennsylvania and it is hereby enacted and ordained by the authority of same as follows:

ARTICLE I. Purpose and Definitions

SECTION 1. Purpose

It is hereby declared that the purpose and intent of this Ordinance is to promote the general health, welfare and safety of residents and their property located in Nottingham Township, Washington County, Pennsylvania by requiring the maintenance of premises and property within the Township; by requiring the elimination of nuisances prohibited by this Ordinance by the owner or occupant of the premises and/or property, or by the Township, at the expense of such owner or occupant in violation of this Ordinance.

SECTION 2. Definitions

- A. "Abandoned Property" – property over which the owner has given up dominion and control with no intention of recovery of it for a period of thirty (30) days or more.
- B. "Township" shall mean the Township of Nottingham having its principal address at 909 Sugar Run Road, Washington County, Eighty Four, PA 15330;
- C. "Person" shall mean any natural person, corporation, partnership, sole proprietorship, business or any combination thereof;
- D. "Vegetation" shall be defined as all grasses, annual plants and vegetation other than trees or shrubs, provided, however, the terms shall not include cultivated flowers and gardens;
- E. "Exterior Property" The open space on the premises and on adjoining property under the control of owners or operators of such premises;
- F. "Extermination" The control and elimination of insects, rats or other pests by: eliminating their harborage places: by removing or making inaccessible materials that serve as their food; by poison, spraying, fumigating, trapping or by any approved pest elimination methods;

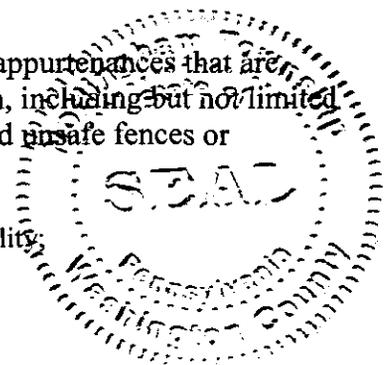


- G. "Garbage" Discarded building materials, junk, rubbish, and vegetable waste which results from the handling, preparation, cooking and consumption of food;
- H. "Infestation" The presence within or continuous to a structure or premises of insects, rats, vermin or other pests;
- I. "Occupant" Any person living or sleeping in the building or having possession of a space within a building;
- J. "Operator" Any person who has charge, care or control of a structure or premises which is let or offered for occupancy;
- K. "Owner" Any person, agent, operator, firm or corporation having a legal or equitable interest in the property or recorded in the Washington County Recorder of Deeds as holding title to the property or otherwise having control of the property, including the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court;
- L. "Premises" A lot, plot or parcel of land, including any structures thereon;
- M. "Tenant" A person, corporation, partnership or group whether or not the legal owner of record occupying a building or portion thereon as a unit;
- N. "Unoccupied Structure" any building or part thereof or man-made structure which remains unoccupied for a period of more than thirty (30) days, to include any building or part thereof with either doors, windows, or other openings broken, removed, 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 thirty (30) days, or a building recently constructed where an occupancy permit has been issued but remains unoccupied for a period of thirty (30) days;
- O. "Yard" An open space on same lot with the structure.

ARTICLE II. Declaration of Public Nuisances

The following are declared public nuisances by this Ordinance and are prohibited:

- A. The physical condition or occupancy of any premise regarded as a public nuisance at common law;
- B. Any physical condition or occupancy of any premise or its appurtenances that are considered an attractive hazardous nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- C. Any premises that is an unsanitary sewage or plumbing facility;

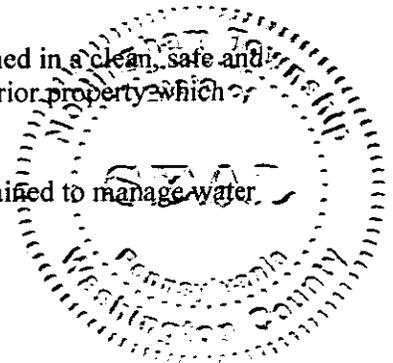


- D. Any premises designated by the Township Zoning Officer or competent authority as unsafe for human habitation;
- E. Any premises that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecure as to endanger life, limb or property;
- F. Any premises from which the plumbing, heating or facilities required by an Township Ordinances or building codes have been removed or from which utilities have been disconnected, destroyed, removed or rendered ineffective or the required precautions against trespassers have not been provided;
- G. Any premises that is unsanitary or that is littered with rubbish or garbage or that has an uncontrolled growth of grass and weeds;
- H. Any structure or property that is in an unsafe state of debilitation, deterioration or decay, of faulty construction, overcrowded, open, vacant or abandoned, unoccupied, damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure, and dangerous to anyone on or near the premises;
- I. Noise which is determined by the Zoning Officer to be objectionable because of the volume or frequency of the noise that occurs shall be muffled or otherwise controlled, except for fire sirens and related apparatus that is used solely for public safety purposes. Additionally, noise that occurs or is generated on a regular, frequent, and/or continual basis that is in excess of 80 dBa as measured on a decibel or sound level meter of standard quality and design operated on the A- weighing scale at any property line (and/or beyond any such property line, of the property on which the noise source is located) shall not be permitted;
- J. Willful drainage or removal of water or snow/ice-melt directly onto adjacent property or a public roadway;
- K. Accumulation of domestic animal waste to include feces;
- L. Willful concentration of snow or leaves for collection and removal on other than owner's property.

ARTICLE III. Maintenance of Exterior Property Areas

SECTION 1.

- A. Sanitation – All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which of occupant occupies or controls in a clean and sanitary condition.
- B. Grading and Drainage – All premises shall be graded and maintained to manage water and erosion in accordance with the Storm Water Ordinance.



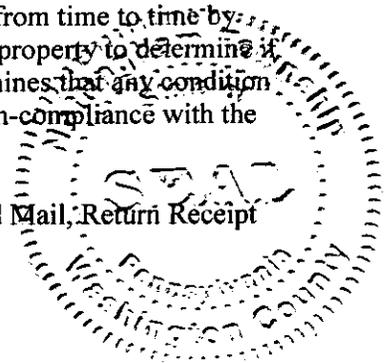
- C. Sidewalks and Driveways – All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe condition free from hazardous conditions.
- D. Vegetation – All premises and exterior property shall be maintained free from grass and weeds in excess of eight (8) inches in height. Excluded from application of this provision are wooded areas, open fields, farmland, gardens or utility easements.
- E. Rat Harborage – All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precaution shall be taken to prevent reinfestation.
- F. Exhaust Vents, Pipe, Ducts, Conductors, Fans or Blowers – Shall not discharge gases, steam, vapor, hot air, grease, smoke odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant. Discharge from such facilities that comply with setback requirements in the Township Zoning Ordinances shall not be prohibited by this Ordinance.
- G. Accessory Structures – All accessory structures including storage sheds, detached garages, fence and walls shall be maintained structurally sound and in good repair so as not to pose a health or safety hazard.
- H. Accumulation of Rubbish or Garbage Prohibited – All exterior property and premises of any structure shall be free from any accumulation of any rubbish or garbage.
- I. Rubbish Storage Facilities – The owner, tenant or occupant of every occupied premises shall use approved containers for rubbish and the owner of the premises shall be responsible for the removal of rubbish.
- J. Disposal of Garbage – Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or garbage containers acceptable for pick-up by an approved waste garbage collector.

ARTICLE IV. Inspection of Premises: Notice to Comply

SECTION 1. Inspection of premises by Zoning Officer

The Nottingham Township Zoning Officer, or other official designated from time to time by Resolution of the Board of Supervisors, is hereby empowered to inspect private property to determine if there is compliance with the provisions of this Ordinance. If said Officer determines that any condition constitutes a nuisance within the meaning of this Ordinance, and that there is non-compliance with the provisions of the Ordinance, he/she shall:

- A. Issue a written notice to the person, owner or lessee by Certified Mail, Return Receipt requested or by First Class Mail, Postage Prepaid, or



- B. If the person, owner or lessee's address, whereabouts and/or identity is unknown, written notice will be sent to the name and address as listed on the current Tax Assessment records, and, if written notice by mail is not successful, by posting the notice of non-compliance conspicuously upon the offending nuisance(s) or enclosure thereof, and
- C. Such notice of non-compliance shall specify the reasons for non-compliance, and shall require the person, owner or lessee to correct such condition forthwith or within fifteen (15) days of mailing or posting of said notice of non-compliance, and thereafter to fully comply with the provisions of this Ordinance.

SECTION 2. Authority to Remedy Non-Compliance.

If the person, owner or lessee of the premises on which the condition determined to be a nuisance is found to be in non-compliance with the provisions of this Ordinance, fails or refuses to comply with the provisions of this Ordinance within the time limit prescribed, upon approval of the Board of Supervisors, the Zoning Officer shall have the authority to take necessary measures to abate the condition constituting the nuisance by removal of such nuisance, to include entering on the grounds where the nuisance is located. The Board of Supervisors may assess any cost of correction of such nuisance, to include removal, on the offending person, owner or lessee. In addition, upon approval of the Board of Supervisors, the Zoning Officer is authorized to file a complaint to remedy the non-compliance with the district magistrate who has jurisdiction over such matters for violation(s) of this Ordinance.

SECTION 3. Penalties.

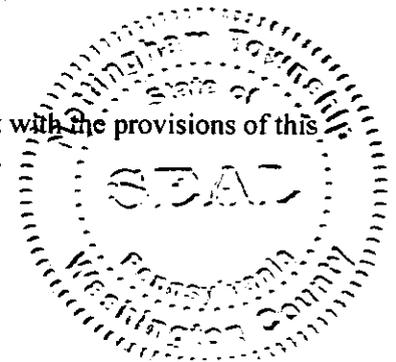
Any person who shall violate any provision of this Ordinance shall, upon being found guilty thereof, in a Court of competent jurisdiction, pay a fine of not less than \$50.00 and not more than \$500.00, plus all court costs, including reasonable attorneys fees incurred by the municipality and in default of the payment of such fine, costs and fees, be imprisoned for a term not to exceed thirty (30) days. Each day's violation shall be deemed a separate offense.

SECTION 4. Remedies not Exclusive.

The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Nottingham Township Board of Supervisors.

SECTION 5. Repealer.

All ordinances or parts of ordinances which are inconsistent or conflict with the provisions of this Ordinance are herewith repealed to the extent of such conflict or inconsistency.



SECTION 6. Severability.

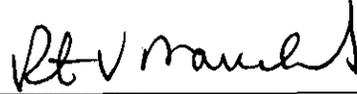
If any sentence(s), clause(s), section(s) or part(s) of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is declared the intent of the Nottingham Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses, sections or parts thereof not be included herein.

SECTION 7. Effective date of Ordinance

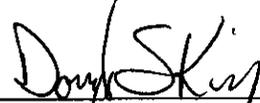
This Ordinance shall become effective on the date of adoption.

ORDAINED AND ENACTED THIS 5th DAY OF November, 2012.

Nottingham Township Board of Supervisors



Peter V. Marcoline, Chairman



Douglas S. King, Vice Chairman



Todd Flynn, Member

ATTEST:



Emilie J. Gadd, Township Secretary

