

**CHAPTER 43 OF THE CODE OF UNITY TOWNSHIP
AS AMENDED AND RESTATED BY ORDINANCE _____
ON MARCH 9, 2017**

§43-1 Short Title, Definitions and Word Usage.

This Ordinance shall be known as the Unity Township "Nuisance Buildings and Properties Ordinance".

- A. Definitions.** As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUILDING – An independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

NUISANCE BUILDINGS AND PROPERTIES - All buildings or structures, together with the exterior land, property or premises surrounding same, which have any or all of the following conditions shall be deemed "nuisance buildings and/or properties" for purposes of this Ordinance:"

1. Those buildings or structures 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 buildings or structures 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 fifty percent (50%) of the non-supporting enclosing or outside walls or covering.
3. Those buildings or structures 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 buildings or structures 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 buildings or structures which are so damaged, dilapidated, decayed, unsafe or 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 buildings or structures which have parts thereof which are so attached that they may fall and injure property or members of the public.
7. Those buildings or structures 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 buildings, structures or properties which, because of their location, are unsanitary or otherwise dangerous to the health or safety of the occupants or the public.
9. Those buildings or structures existing in violation of any provision of the Building Code, Fire Prevention Code or other ordinances of the Township of Unity.
10. Those properties whose exteriors are not maintained in a clean, safe and sanitary condition.
11. Those properties upon which exists an untended or excessive accumulation of, rubbish, garbage, refuse or debris, including but not limited to household furnishings, be it uncovered or under open shelter.
12. Those properties upon which conditions exist to the extent that same becomes or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes or other insects, or threatens or endangers the public health, safety, or welfare, or may reasonably be anticipated to cause disease.
13. Those properties upon which conditions exist to the extent that same would adversely affect and/or impair the economic welfare of adjacent property,

14. Those properties which are not graded and/or maintained to prevent the erosion of soil and/or to prevent the accumulation of stagnant water thereon or within any structure located thereon.
15. Those properties upon which materials are placed in such a fashion so as to facilitate the growth of weeds or increase storm water runoff onto adjoining properties. Storm water detention areas and reservoirs approved by the Code Enforcement Officer may be exempt.
16. Those properties whose walkways, driveways, parking spaces and similar areas are (a) blocked from ingress and egress, (b) not kept in a proper state of repair and/or (c) not maintained free from hazardous conditions.
17. Those properties with decks, porches, stairs, balconies and any appurtenances attached thereto, which are not maintained in a structurally sound condition, in good repair and/or without proper anchorage and capable of supporting required loads.
18. Those properties which are not maintained free from high grass, weeds or other vegetation which is (a) overgrown / more than ten inches (10") in height; or (b) infested with, or increases the likelihood of infestation by, insects, mice, rats, raccoons, pests or other vermin; or (c) affects ingress, egress and regress to the property; or (d) of such a height to pose a threat to the public health, safety and well-being; and/or (e) any Weeds or Noxious Weeds as defined herein.
19. Those properties upon which any JUNKED VEHICLE as hereafter defined, or any inoperable or other motor vehicle is parked, kept or stored on the exterior of the premises, or on Township, State or County Roads, regardless of whether same is uncovered or covered by a tarpaulin, sheet or other similar covering; an "inoperable vehicle" for purposes of this section shall be deemed to include, but not be limited to, any vehicle in a state of disassembly, disrepair, stored up on jacks, or in the process of being stripped or dismantled; provided, however, that a vehicle undergoing routine maintenance, such as changing oil or brakes, shall not be considered an "inoperable vehicle" for purposes of this paragraph.

20. Those properties which contain an accumulation of Garbage, Rubbish or Municipal Waste as hereafter defined.

21. Those properties upon which dogs or other animals are kept, housed or maintained in violation of Chapter 40 of the Code of Unity Township relating to "Animals".

DWELLING – Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT – Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

EXTERMINATION – Control and elimination of insects, rodents, or other pests by eliminating their harborage places, removing or making inaccessible materials that may serve as their food, poisoning, spraying, fumigating, trapping or by any other recognized and legal pest-elimination methods.

GARBAGE – Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION – Presence, within or around a dwelling, of any insects, rodents or other pests.

JUNKED VEHICLE - Any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair, Conditions deemed to present a hazard or danger to the public, or which constitutes a public nuisance, shall include, but not be limited to, vehicles exhibiting any or all of the following conditions:

1. Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
2. One or more open tires or tubes which could permit animal harborage.
3. Any vehicle suspended by blocks, jacks, or other such materials in a location which may pose a danger to the public, property owners, visitors, or residents of the property on which said vehicle is found.
4. Having excessive fluids leaking from the vehicle which may be harmful to the public or the environment.
5. Having disassembled body or chassis parts stored in, on or about the vehicle.

6. Vehicles that do not display a current, valid license and registration, to the extent such are, by their condition, otherwise incapable of operation on the highways of the Commonwealth.
7. Motor vehicles parked, drifted, or otherwise located in a location which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts

MUNICIPAL 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.

NOXIOUS WEEDS - Poison ivy, poison oak, or any other vine, weed or plant causing a common risk of infection.

NUISANCE - Any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Township, or causes a blighting effect in Township neighborhoods. See also "Public Nuisance".

OWNER - A person who, alone or jointly or severally with others, shall have:

- (1) Some form of legal right, title or interest in any dwelling, dwelling unit or property with or without accompanying actual possession thereof; or
- (2) Charge, care or control of any dwelling, dwelling unit or property as owner or agent of the owner or as executor, executrix, administrator, administratrix or guardian of the estate of the owner, or as an occupant thereof. Any such person representing a record or title owner shall be bound to comply with the provisions of this ordinance and with rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

PERSON - Any individual, firm, corporation, association or partnership or other legal entity.

PRIVATE PROPERTY - Any land and the improvements thereon owned by any person, including any front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and/or parking areas, designed or used either wholly or in part for private residential, industrial, or commercial purposes, whether permanently inhabited, temporarily inhabited, continuously uninhabited, or vacant, including any yard, grounds, walk,

driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building, or other structure.

PROPERTY – A piece, parcel, lot or tract of land.

PUBLIC NUISANCE - Any conditions existing on a property which cause or result in unsafe, unsanitary or disruptive conditions, create a risk of harm to adjoining property or to the person or property of others or adversely affects the quiet use and enjoyment of adjoining property owners.

RUBBISH – Combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, tires, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

STRUCTURE – Anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

WEEDS - All grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

- B. Whenever the words “dwelling” - “dwelling unit” or “premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof”.
- C. Whenever the words “property” or “premises” are used in this chapter, such words shall be interchangeable and be construed to mean the entire exterior of the lot or parcel of ground upon which a violation of this Chapter exists or appears to exist.

§43-2 Declaration of public nuisance.

Any and/or all buildings, properties and/or structures, and any condition on the exterior of the property which have, contain or exhibit those conditions described as Nuisance Buildings or Properties under §43-1 of this Chapter, are hereby declared to be nuisances and/or public nuisances and shall be repaired, remedied, abated, vacated or demolished as herein provided.

§ 43-3 Standards for requiring repair, vacation or demolition of nuisance buildings or structures.

The following guidelines shall be generally applied by the Ordinance Enforcement Officer of Unity Township of the Township of Unit in determining whether to order the repair, vacation or demolition of a nuisance building or structure:

- A. If the nuisance building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered to be repaired;
- B. If the nuisance building or structure is in such condition as to make it dangerous to the health, safety or general welfare of its occupants or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, determined by the Ordinance Enforcement Officer as such officer may, in their sole discretion, deem reasonable.
- C. Any dwelling or dwelling unit, or any building or structure occupied or used by any person for any purpose, which has been placarded as unfit for human habitation or occupation shall not again be used for human habitation or occupancy until written approval is secured from, and such placard is removed, by the Ordinance Enforcement Officer of Unity Township. The Ordinance Enforcement Officer of Unity Township shall remove such placard whenever the defect or defects upon which placarding action were based have been eliminated. The removal of any placard posted by the Ordinance Enforcement Officer shall be a violation of this Ordinance and punishable consistent with its terms.
- D. If a nuisance building or structure is (1) fifty percent (50%) or more damaged or decayed or deteriorated from its original condition; (2) cannot be repaired so that it will no longer exist in violation of the terms of this chapter; or (3) is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the Township of Unity or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished if the cost of repairs to rectify or remove the conditions constituting the nuisance exceed fifty percent (50%) of the market value of the building at the time the repair is ordered.

§43-4 Powers and duties of Ordinance Enforcement Officer.

- A. The Ordinance Enforcement Officer of Unity Township shall be empowered and is hereby empowered to view and/or inspect dwellings, buildings, structures and/or properties on a regular basis to determine whether any conditions exist in violation of this Chapter.

- B. The Ordinance Enforcement Officer is authorized to enter any structure or premises at reasonable times to inspect any structure or premises subject to constitutional restrictions on unreasonable searches and seizures, for suspected violations of this Chapter. If entry is refused or not obtained, the Ordinance Enforcement Officer is authorized to pursue access to the premises or property through any means provided by law.
- C. Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of performing such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Code.
- D. The inspection of premises, the issuance of notices, orders and the enforcement thereof, shall be the responsibility of the Ordinance Enforcement Officer so charged by the Township. Whenever inspections are necessary by any other department, the Ordinance Enforcement Officer shall make reasonable effort to coordinate such inspections to minimize the number of visits by inspectors, and to confer with the other departments of the Township, including the Building Code Official or Building Code Inspectors for the purpose of eliminating conflicting orders before any are issued. The coordination of inspections between departments shall not, however, delay the issuance of any emergency orders.
- E. The Ordinance Enforcement Officer shall have power as necessary in the interest of public health, safety and general welfare, to adopt rules and/or interpret and implement the provisions of this Chapter to secure the intent thereof and to proscribe alternative remedial action to accommodate local climatic or other conditions. Such rules shall not be deemed to (1) waive structural or fire performance requirements specifically provided for in this Chapter or the Pennsylvania Uniform Construction Code or (2) violate accepted engineering practices involving public safety. In the event any condition on a property or within a dwelling or structure requires immediate action to abate a nuisance the Ordinance Enforcement Officer may direct the immediate remediation of such condition and issue a notice, effective immediately, to the owner or other person, corporation, entity or firm responsible for the property in the form prescribed in this Chapter. The costs of such emergency remediation shall be collected in the same manner as provided herein for other cases.
- F. The Ordinance Enforcement Officer may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Chapter and as authorized by the Township. The Ordinance Enforcement Officer is authorized to designate any employee as

deputy who shall exercise all the powers of the Ordinance Enforcement Officer during their temporary absence or disability of the Ordinance Enforcement Officer or at the Ordinance Enforcement Officer's direction.

- G. The Ordinance Enforcement Officer, official or any other employee charged with the enforcement of this Chapter, while acting for the Township, shall not thereby be rendered personally liable, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of their duties and under the provisions of this Chapter shall be defended by the legal representative of the Township until the final termination of the proceedings. The Ordinance Enforcement Officer or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of their official duties in connection therewith.

43.5 Violations and Enforcement.

- A. It shall be hereafter unlawful for any person, firm, corporation or any other entity to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another to occupy or permit another person to occupy any premises, property, or structure regulated by this Chapter, or cause same to be done, contrary to, in conflict with, or in violation of any of the provisions of this Chapter, or to fail to obey a lawful order of the Ordinance Enforcement Officer, or to remove or deface a placard or notice posted under the provisions of this Chapter.
- B. Any person, firm, corporation or other entity who violates any term or provision of this Chapter shall be guilty of a summary offense and, upon conviction thereof before a Court of competent jurisdiction, be subject to a fine of not less than \$500.00 nor more than \$1,000.00, plus all court costs and reasonable attorney's fees, and, upon default in the payment of same, be subject to the maximum period of incarceration permitted for summary offenses. Each day that a violation continues after a Notice of Violation has been served shall be deemed a separate offense without the necessity of the issuance of a subsequent Notice and shall subject the property owner to fines for each day a violation continues in effect. In the event a citation is issued hereunder, each day that a violation continues after such citation is filed shall be deemed a separate offense without the necessity of the issuance of subsequent citations and shall subject the property owner to fines for each day a violation continues in effect.

- C. In addition to the foregoing, the Ordinance Enforcement Officer shall have the power to institute an appropriate action or proceeding at law to exact the penalty provided in Section B above for any act, failure to act or action taken in violation of this Chapter. In addition, the Township may proceed with an action, at law or in equity, against the person responsible for the violation for the purpose of ordering or directing that person:
1. To restrain, correct or remove the violation or refrain from any further alteration or work;
 2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
 3. To require the removal of work in violation of this Ordinance; or
 4. To prevent the occupancy of any structure that is not in compliance with the provisions of this Ordinance; and
 5. To abate, repair or correct conditions on the property which constitute violations of this Chapter, and to raze and/or demolish any structure thereupon and restore the remaining property to a safe condition.
 6. To obtain an order directing the violator to deposit financial security with the Township in an amount estimated by the Township to abate, repair or correct conditions on the property which constitute violations of this Chapter, and/or to raze and/or demolish any structure thereupon and restore the remaining property to a safe condition in advance of the Township's performance of same.
- D. The remedies provided herein shall be cumulative. The pursuit of any one remedy shall not be deemed or construed to preclude the Township from pursuing any other.
- E. In the event any person, corporation, entity or firm directed by the Township fails to correct any violation of this Chapter within any time limitation imposed for same, then the Township may, at its discretion, enter onto such property to correct the violation. Such corrective action may include, but shall not be limited to, the cutting of grass, brush or overgrown weeds and the razing of any dilapidated structure on the premises.
- F. In the event the Township takes any action to correct, remove or abate any condition or violation of this Chapter, and incurs any cost or expense in doing so and/or utilizes Township resources in same, then the Township may, at its discretion, pursue any remedy available, at law or in equity, to recover such cost or expense

and/or the value of the Township resources utilized, together with reasonable attorney's fees, from the owner of the property, or any individual, firm, corporation or entity responsible for the condition of same, including, but not limited to, the filing of an action in assumpsit or a municipal claim against the property. Any judgment obtained or claim entered against the owner of the property, or any individual, firm, corporation or entity responsible for the condition of the property, shall bear interest at the maximum rates permitted by statute or rule of court applicable to same.

- G. It shall be unlawful for the owner of any property, premises, dwelling unit or structure who has received a notice, compliance order, or upon whom a notice of violation has been served, to sell, transfer, mortgage, lease or otherwise set off their responsibilities to another, until the provisions of the compliance order or notice of violation have been complied with; or (1) until such owner furnishes to the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code officer; and (2) the grantee, transferee, mortgagee or lessee, acknowledges the receipt of such compliance order or notice of violation, acknowledging that they accept responsibility, without condition, for making the corrections or repairs required by such compliance order or notice of violation; and (c) the Township enters an agreement with the grantee, transferee, mortgagee or lessee, to comply with the terms of such order or notice of violation, and to correct the conditions on the property, within the time frame established thereby.

43-6 Alternate Enforcement Procedures. Whenever an inspection discloses that a dwelling, building, or structure or property has become a nuisance and/or public nuisance, the Ordinance Enforcement Officer of Unity Township may, but is not required to, issue a written notice to the person or persons responsible therefore. If issued, the notice:

- A. Shall be in writing.
- B. Shall include a statement of the reasons it is being issued conditions on the property found to be in violation of this Chapter;
- C. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure.
- D. Shall be served upon the owner or his agent or the occupant by First Class U.S. Mail, postage prepaid, at either the property address or the address of the property owner as same appears in the records of the Unity Township Real Estate Tax Collector, or posted on the property in a conspicuous location.

E. Shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with the rules and regulations adopted pursuant thereto. Such notice may include the assessment, and require payment, of a fine or penalty directly to the Township, within a defined period of time, of not more than \$50.00 in addition to any other action required to be taken to abate the conditions on the property in violation of this Chapter.

43-7. Private rights to enforcement. The Township shall have sole and exclusive discretion to determine whether any condition on public or private property violates the terms of this Chapter, as well as the method, means and manner of enforcing the terms of same. Nothing in this Chapter, or in any action taken or not taken by the Township in the enforcement of this Chapter, shall be deemed or construed to affect the rights of any person, corporation, entity or firm to pursue any legal or equitable remedy available under the laws of the Commonwealth of Pennsylvania, including, but not limited to, those available to correct or abate private nuisances.

43-8 Administration of this Chapter. It is the duty of the Ordinance Enforcement Officer is to enforce this Chapter. Such Officer shall be the sole authority having jurisdiction for all matters relating to this Chapter and its enforcement. It is also the duty of the Ordinance Enforcement Officer to interpret and determine compliance with the terms of this Chapter based on their own investigations or upon receipt of information from others. The Ordinance Enforcement Officer shall interpret, administer and enforce the terms of this Chapter in a fair, impartial, uniform and practicable manner, without interference, influence, direction or demand from any other person, entity, corporation or firm, including, but not limited to Federal, State or Local Agencies and/or Officials. No Ordinance Enforcement Officer shall be subject to discharge or discipline arising from their interpretation, administration or enforcement of the terms of this Chapter unless it be for good cause shown.