

Ordinance # 1040

To be known as the "Property Maintenance Ordinance of 2022."

Article I. Property Maintenance Code.

Section 1. Adoption of Property Maintenance Code.

A certain document, one or more copies of which are on file in the office of the Township Secretary of the Township of Stowe, Allegheny County, Pennsylvania being marked and designated as 2021 International Property Maintenance Code, as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Township of Stowe, Allegheny County, Pennsylvania; each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the corresponding additions, insertions, deletions and changes, if any, prescribed in Section 2. of this article.

Section 2. Additions, deletions, insertions and changes.

That the 2021 International Property Maintenance Code is amended and revised in the following respects:

A. Section PM-101.1; Insert: Township of Stowe, Allegheny County, Pennsylvania.

B. Section PM-103.1; Insert: Ordinance Enforcement Department.

Addition: The Ordinance Officer shall serve as the code official.

C. Section PM-104.1; Change: Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be indicated by resolution in the schedule adopted by Township of Stowe Board of Commissioners.

D. Section PM-104.2; Delete in its entirety.

E. Section PM-107.1; Change: General. In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Stowe Township Board of Commissioners shall serve as that board of appeals. The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with duplicate copy to the *code official*.

F. Section PM-107.3; Delete in its entirety.

G. Section PM-[A] 108.1; Change: The Stowe Township Board of Commissioners shall make up the membership of the board of appeals.

H. Section PM-109.4; Change: Any person, firm or corporation, who shall violate provision of this code shall, upon conviction thereof, be subject to a fine of up to \$1,000, plus costs of the prosecution, or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

I. Section PM-302.4; Insert: six inches.

J. Section PM-602.3; Insert: October 1st and April 1st, respectively.

K. Section PM-602.4; Insert: October 1st and April 1st, respectively.

Section 3. Repealer.

Ordinance No. 936 of the Township of Stowe is hereby repealed.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article.

Section 5. Construal of provisions.

Nothing in this article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing under any act or ordinance hereby repealed as cited in Section 3. of this article, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

Article II. Property Maintenance Enforcement Ticket Addendum.

Section 1. Purpose.

Lack of maintenance of properties is a costly problem that contributes to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Township, which inhibits its general welfare and economic development. Recognizing that these problems may at times require immediate correction, the purpose of this article is establishing a system of ticketing to correct negligent behavior.

Section 2. Definitions.

The following words, terms, and phrases, when used in this article, shall be defined as follows, unless context clearly indicates otherwise:

DANGEROUS TREE; A dead tree or tree that is dangerous or unsafe to the public due to overgrowth, instability, infestation or harmful insects.

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 by law.

GARBAGE; The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HAZARDOUS WASTE; Any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that, because of its quantity, concentration, physical, chemical, or infectious characteristics, may:

A. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating illness.

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

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 or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

MANAGER; Any person residing or working within 15 miles of the Township of Stowedesignated to accept service on behalf of a legal owner or operator of a regulated rental unit.

MOTOR VEHICLE; 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.

MOTOR VEHICLE NUISANCE; A motor vehicle with one or more of the following defects:

A. Any condition or defect which would fall under the classification of "junk vehicle."

B. Vehicles that do not display a current, valid license and registration.

C. Such other defects which the Fire Department determines to be a danger to the general public or property.

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, and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source-separated recyclable materials or organic waste.

NOTICE OF VIOLATION; A written document issued to a person in violation of a Township ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action in compliance with the Property Maintenance Code of Stowe Township Section 111.4.

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.

NUISANCE MOTOR VEHICLE; Includes one or several of the following:

A. Any vehicle which presents a hazard or danger to the public or is a nuisance by virtue of its state or condition of disrepair.

B. The following conditions, if present, are examples of a state or condition of disrepair:

(1) Rusted or jagged metal on or protruding from the body of the vehicle.

(2) Broken glass or windows on or in the vehicle.

(3) Leaking of any fluids from the vehicle or deflated or flat tire(s).

(4) Unsecured or unlocked doors, hood, or trunk.

(5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks, or other similar apparatus.

(6) Harboring of rodents, insects, or other pests.

C. The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair.

PERSON; Every natural person, firm, corporation, partnership, association, or institution.

PUBLIC OFFICER; Any police officer or public official designated by the Township of Stowe to enforce Township ordinances.

PUBLIC 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.

RESIDUAL WASTE; Any discarded material or other waste, including solid, semisolid, or contained gaseous materials, resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

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

SHADE TREE; Unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

SIDEWALK AREA; The public right-of-way between the property line and the curblin e or the established edge of the roadway.

SOLID WASTE; Any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

TREE WELL; The nonconcrete area surrounding a shade tree planted in a sidewalk area.

VEGETATION; Any planting that is cultivated and managed for edible or ornamental purposes, such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

VIOLATION TICKET; A form issued by a public officer to a person who violates a provision of this article. The violation ticket is an offer by the Township of Stowe extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

WEEDS; All grasses, annual plants, and vegetation, which meet any of the following criteria:

(1) Exceed six inches in height.

(2) Exhale unpleasant noxious odors or pollen, such as ragweed, dandelion, and miscellaneous other vegetation commonly referred to as "weeds" or "brush."

(3) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.

(4) Encroach onto neighboring properties by way of leaders or roots without the property owners' consent.

(5) May cause a nuisance.

i. Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes, such as vegetable gardens, trees, shrubs, flowers, etc.

YARD; An open space on the same lot with a structure.

Section 3. Property nuisance violations.

Property nuisance violations are as follows:

(1) Any violation of the Township of Stowe Property Maintenance Code.

(2) Animal maintenance and waste/feces cleanup; People owning, harboring, or keeping an animal within Stowe Township shall not permit any waste matter/feces from the animal to collect and remain on their property so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition. All waste from animals must be cleaned up after on a daily basis.

(3) Disposal of rubbish or garbage/dumping. Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property.

(4) Littering or scattering rubbish. No person shall throw, dump, place, sweep, or dispose of any waste, trash, garbage, or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or on any public property.

(5) Motor vehicles. It shall be unlawful to store, park, or place any nuisance motor vehicle on any premises; this shall include storage on both public and private property. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

(6) Outside placement of indoor appliances/furniture. It is prohibited to store or place any appliances or indoor furniture, including, but not limited to ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property. If maintenance is being performed, or if the items are actively being sold in a yard sale, the items shall not be left unattended.

(7) Snow and ice removal from sidewalks. Every owner, tenant, occupant, lessee, manager, or any other person who is responsible for any property within the Township of Stowe, is required to remove any snow or ice from their sidewalk within 24 hours of the cessation of said snow and ice falling.

Furthermore, they must create a path, free from any snow or ice, of three feet on said sidewalk. Should any property be a place of business within the Township of Stowe, all snow and ice must be removed within four hours of the cessation of said snow and ice falling. Any property that is deemed a business must have the entire sidewalk free from any snow and ice. If or when the snow or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak.

(8) Bushes and shrubs on all premises and exterior property shall be maintained and kept in good order so as not to obstruct public right-of-ways.

(9) Dangerous trees shall be removed or treated to abate the dangerous condition.

(10) Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Section 3. Authority for issuance of property nuisance violation ticket(s.)

Upon finding a property nuisance violation, a public officer may issue a property nuisance violation ticket to the owner or occupant of the property at issue or to the individuals known to have violated this article. Any violation of the provisions of this article may be cause for a citation, a violation ticket, or a notice of violation to be issued to the violator.

1. Service of violation ticket.

A. A violation ticket shall be served upon a violator by:

- (i) Handing it to the violator;
- (ii) Handing it to an adult member of the household or other person in charge of the residence at the residence of the person to be served;
- (iii) Leaving or affixing the notice or violation ticket to the property where the violation exists;
- (iv) Handing it at any office or usual place of business of the violator to his/her agent or to the person for the time being in charge thereof; or
- (v) Mailing the notice to the violator's address of record.

B. Separate offense.

Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

C. Abatement of violation.

- (i) Any person or business violating this article is hereby ordered, upon issuance of a property nuisance ticket, to correct the violation in question.
- (ii) Stowe Township reserves the right to abate the violation in question at the expense of the owner if said owner fails to make corrections. If the Township has, on the advisement of a public officer, affected the abatement of the violation, the total cost thereof, to include hourly wages and all items and materials used, may be charged to the owner of the property, tenant, or offending party. A bill/invoice will be generated to the violator for payment separate from the property nuisance ticket, which will also be paid separately. If the public officer determines that condition present an imminent risk of danger to the public, the Township reserves the right to perform the abatement immediately.

2. Fines and penalties.

A. Property nuisance violation tickets shall, upon the first offense, be \$25. Each subsequent offense shall be no less than \$50 but no more than \$100.

B. Failure of the person to make payment within 10 days of the date of a violation ticket shall result in the filing of a citation [for failure to pay] with the Magisterial District Judge. The fine for said citation shall be in accordance with Stowe Township Property Maintenance Code Section 109.4.

3. Severability

A. If any section, clause, provision or portion of this article shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this article so long as it remains legally enforceable minus the invalid portion.

ORDAINED AND ENACTED into law this 9 day of November, 2022

ATTEST



Township Secretary

TOWNSHIP OF STOWE



Stowe Township Commissioners