

Chapter 132

PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Board of Supervisors of the Township of Cranberry 11-13-2008 by Ord. No. 231; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Dangerous buildings and structures - See Ch. 70.
Uniform construction codes - See Ch. 77.

Junkyards - See Ch. 105.
Zoning - See Ch. 195.

§ 132-1. Title.

This chapter shall be known as the "Cranberry Township Property Maintenance Standards Code."

§ 132-2. Statutory authority.

This chapter is enacted pursuant to, inter alia, the Second Class Township Code, including, but not being limited to, 53 P.S. §§ 66506 and 66527.

§ 132-3. Definitions.

The following words and phrases, when used in this chapter, will have, unless the context clearly indicates otherwise, the meanings given to them in this section.

ABANDONED OR JUNKED MOTOR VEHICLE - Any motor vehicle that:

- A. Is not in operable condition; and/or
- B. Does not have properly affixed thereto both a current Pennsylvania inspection sticker (if required in order to be legally operated on a public street or highway) and a current license plate.

BOARD OF SUPERVISORS - The Board of Supervisors of the Township.

GARBAGE - Includes waste resulting from the handling, preparation, cooking or consumption of food and waste from the handling, storage or sale of produce. It shall be unlawful to place or permit to remain anywhere in the Township outside of a fully enclosed

building any garbage, excepting in a tightly covered and animal-resistant container, and further excepting that a mulch or compost pile will be permitted so long as it is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities within 25 feet thereof.

JUNK MATERIAL - Includes any unused, unusable or abandoned machinery, equipment, appliance, device, mobile home, scrap metal, glass, industrial waste and materials and items similar to any of the foregoing and parts and components of any of the foregoing.

MOTOR VEHICLE - Any device or combination of devices used for, or capable of being used for, transporting persons or property that would be required to be licensed and/or registered by the Commonwealth of Pennsylvania in order to be legally operated on any public street or highway. Motor vehicles include, but are not limited to: automobiles, trucks, buses, motorcycles, motorized bicycles, scooters, trailers, semi-trailers and recreational vehicles.

OWNER - A person, alone or together with one or more other persons, owning, leasing as a tenant, occupying as a licensee or otherwise or having charge or control of, any premises located within the Township.

PERSON - Any natural person, firm, partnership, association, corporation, company, club, society or any other entity of any kind.

REFUSE or RUBBISH - Includes paper, plastics, cartons, boxes, barrels, wood (other than unprocessed, felled timber and stacked firewood), excelsior and other packing materials, furniture, bedding, metals, tin cans, clothing, pieces of concrete, glass, crockery and other mineral waste and materials and items similar to any of the foregoing, provided that refuse or rubbish does not include earth or cornstalks, stubble or other vegetable material generated in the course of planting, growing or harvesting agricultural crops.

VEGETATION - Any grass, weeds or vegetation whatsoever which is not customarily considered to be edible by humans or that is not planted for some customary ornamental purpose.

§ 132-4. Prohibited activities and conditions.

Each owner of any premises located in the Township shall maintain, or cause to be maintained, such premises in such manner and to the extent necessary to comply with the properly maintenance standards of this chapter, including, but not limited to, so that none of the following activities or conditions occur or exist in or on such premises:

- A. The storage or accumulation of garbage outside of a fully enclosed building (except as hereinafter provided).
- B. The storage or accumulation of refuse or rubbish outside of a fully enclosed building.
- C. The storage or accumulation of any junk material that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township or by the Commonwealth of Pennsylvania.

- D. The storage or accumulation of more than two abandoned or junked motor vehicle that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Township or by the Commonwealth of Pennsylvania.

Exception: This does not apply to a business enterprise that is regularly engaged in the repair of motor vehicles or the sale of motor vehicles and in compliance with all other applicable regulations, including without limitation, the Township's zoning code. In this case the business is allowed no more than 3 inoperable vehicles on its property and are screened and located no closer than 25 feet from property lines.

Exception: This does not apply to active farms, which is an area of land that is devoted primarily to agricultural processes with the primary objective of producing food and other crops.

- E. The burning of garbage, shingles, tires, tar or similar products.
- F. The maintenance or existence of any grass, weeds or similar vegetable material having a height in excess of 12 inches.

§ 132-5. Enforcement procedures.

- A. Whenever the Code Enforcement Officer of the Township becomes aware of an activity or condition that does or might violate any provision of this chapter, the Code Enforcement Officer will cause written notice thereof to be served upon one or more owners of the subject premises in at least one of the following manners:
- (1) By personal delivery of the notice to the person to be served.
 - (2) By handing a copy, of the notice at the residence of the person to be served to an adult member of the family with which such person resides, but if no adult member of the family is found, then to an adult person then in charge of such residence.
 - (3) By affixing a copy of the notice to the door at the entrance of the principal building on the subject premises.

- (4) By mailing a copy of the notice to the last known address of the person to be served by certified mail, return receipt requested.
 - (5) By publishing a copy of the notice in a newspaper of general circulation within Venango County, Pennsylvania, once a week for three successive weeks.
- B. Such notice will set forth in what respect such activity or condition constitutes a violation of this chapter, whether removal is necessary or required by the Township or whether the situation can be corrected by repairs, alterations or in some other specified way(s).
 - C. Except with respect to the provisions of § 132-4G of this chapter, such notice shall require the owner to commence action in accordance with the terms thereof within 20 days from the date of the notice and thereafter to comply fully with its terms (including, but not limited to, a date when full compliance must be attained) with reasonable dispatch, with all materials to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of § 132-4E or F of this chapter are violated, and if, in the opinion of the Code Enforcement Officer, the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.
 - D. With respect to the provisions of § 132-4G of this chapter, such notice shall require the owner to commence action in accordance with the terms thereof within 5 days from the date of the notice and thereafter to comply fully with its terms (including, but not limited to, the time within which full compliance must be attained) with reasonable dispatch, with all materials to be supplied and work to be done at the owner's expense.
 - E. If an owner fails to timely comply with such notice, such owner will be in violation of this chapter and will be subject to the penalties and enforcement provisions set forth in § 132-6 of this chapter.
 - F. Nothing in this chapter will be construed to impair any cause of action or legal or equitable remedy (including, but not limited to, for a private or public nuisance) of any person or the public for injury or damage arising from any activity or condition proscribed by this chapter.

§ 132-6. Enforcement; violations and penalties.

- A. This chapter is intended to and shall be enforced in accordance with the applicable provisions of 53 P.S. § 66601(c. 1) as same be from time to time amended, supplemented or replaced and in accordance with the following provisions of this chapter. The power to enforce this chapter, including, without limitation, the power to institute summary proceedings by citation, is hereby given or delegated by the Board of Supervisors to the Code Enforcement Officer.
- B. Any person who violates or permits a violation of this chapter shall, upon conviction thereof in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense punishable by a fine. Each day or portion thereof that such violation continues shall constitute a separate offense, and each section or other portion of this chapter that is violated shall also constitute a separate offense.

- Garbage, refuse or rubbish, junk material, abandoned vehicles (132-4 A. B. C. D.) a fine of not less than \$300 nor more than \$1,000 per violation.
- Burning of garbage, shingles, tires tar or similar products; the maintenance or existence of any grass, weeds, or similar vegetable material having a height in excess of 12 inches (132-4 E, F), a fine of not less than \$100 nor more than \$300 per violation.

C. This chapter may also be enforced through an action in equity brought in the Court of Common Pleas of Venango County, Pennsylvania, as an alternative to or in addition to any other enforcement action or proceeding. If a violation of this chapter also results in or constitutes the permitting, creation or existence of a public nuisance, such action in equity may be for, though not necessarily limited to, abatement and/or removal of such public nuisance. All costs and expenses incurred by the Township for abatement or removal of a public nuisance will be recoverable by the Township from the owner(s) of the subject property and will constitute a municipal lien in favor of the Township against the subject property pursuant to, inter alia, 53 P.S. § 7107 as from time to time amended, supplemented or replaced.

§ 132-7. Conflict with other provisions.

The provisions of this chapter are not intended to interfere with, abrogate, annul or otherwise affect any more stringent applicable rules, regulations or ordinances. If more stringent rules, regulations or ordinances are applicable to any activity or condition proscribed by this chapter, the more stringent provisions will apply.