

Ordinance #

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422A

NOISANCE

Ordinance No. 422

AN ORDINANCE REGULATING PUBLIC NUISANCES RELATED TO MAINTENANCE OF BUILDINGS, EXTERIOR SURFACES OF BUILDINGS/STRUCTURES; GRASS, WEEDS AND OTHER VEGETATION; BULKY WASTE, RUBBISH; AND AUTOMOBILES/ VEHICLES/ EQUIPMENT.

WHEREAS, the Borough of Meyersdale enacted Ordinance #178 dated July 3, 1956 relating to grass, weeds and other vegetation; Ordinance #332 dated February 13, 1990 relating to public nuisances regarding buildings; and Ordinance #358 dated April 9, 1996 relating to automobiles and other vehicles. These Ordinances did not adequately deal with numerous problems which the Borough is experiencing related to these topics; and,

WHEREAS, the Council of the Borough of Meyersdale desires to amend Ordinance No. 178, No. 332, and No 358.

WHEREAS, the Council of the Borough of Meyersdale has resolved to repeal the prior ordinances and replace them with the Ordinance set forth below.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Meyersdale and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. Definitions

The following words and terms as used in this Ordinance shall have the meaning herein described thereto, unless the context clearly indicates a different meaning:

Automobile/Vehicle/Equipment Nuisance – any automobile/vehicle/equipment outside of a fully enclosed building not in full and complete working order, or without current registration plates and State inspection sticker, or stored for resale as junk metal or for the sale of individual auto parts.

Borough of Meyersdale - the Borough of Meyersdale, Somerset County, Pennsylvania

Code - any code or ordinance adopted, enacted and/or in effect in and for the Borough of Meyersdale concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by, this definition are the following : The Uniform Construction Code (hereinafter "UCC"), the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical

Code, Flood Plain Management Ordinance, the International Building Code and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

Code Enforcement Officer - the duly appointed Code Enforcement Officer having charge of the Code Enforcement within the Borough of Meyersdale and any assistants, agents and co-employees. The Bureau of Veritas is the current Code Enforcement Officer.

Dangerous Building/Structure – any building/structure which has any or all of the following defects:

- A. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
- B. The anchorage of the floor or roof to walls/columns, and of walls/columns to foundations is not capable of resisting all nominal loads or load effects.
- C. Structures/components that have reached their limit state.
- D. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
- E. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- F. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- G. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- H. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs or deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- I. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
- J. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that re anchored with connections not capable of supporting all nominal loads and resisting all load effects.

- K. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- L. Exterior stairs, decks, porches, balconies and all similar appurtenances attached, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting nominal loads and resisting all load effects.
- M. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- N. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the residents of Meyersdale Borough.
- O. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are likely to cause sickness or disease.
- P. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- Q. Those which are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the occupants or the residents of Meyersdale Borough.

Extermination - the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or any other approved pest elimination methods.

Infestation – the presence of insects, rodents, vermin and/or other pests.

Lot – a plot, tract, premises or parcel of land, with or without improvements thereto.

Nuisance - for the purpose of this ordinance, nuisance is defined as follows:

- A. Any public nuisance known in common law or equity jurisprudence.
- B. Any nuisance which may prove detrimental to children whether in a building or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements and excavations; or abandoned appliances, furnaces, vehicles, machinery or parts thereof, structurally unsound fences and structures; or any lumber, bricks, cement blocks, tires, trash, debris or vegetation which may prove a hazard.
- C. Whatever is dangerous to human life or is detrimental to health.

- D. Dwelling or non-dwelling structures which tend to depreciate property values and jeopardize or be detrimental to the health, safety, morals or welfare of the residents of the Borough due to faulty design or construction, or to failure to maintain them in a proper state of repair or to improper management.

Occupant - any person living, sleeping or eating, or having actual possession of a dwelling or structure.

Owner - an individual or entity in possession of title for residential rental unit, a building or land.

Person - a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

Police - the Police Department of the Borough of Meyersdale or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of Meyersdale.

Premises - any lot, plot or parcel of land either occupied or unoccupied by any dwelling or non-dwelling structure.

Unoccupied Hazard - any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six (6) months, 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 six (6) months.

Vegetation - any plant growth to include grass, shrubs, weeds, flowers.

Yard - any open space on the same lot with a building and, for the most part, unobstructed from the ground up.

Section 2. Responsibility

The owner of the premises shall maintain the structures, lot and yard in compliance with the requirements in this Ordinance. A person shall not occupy or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements in this Ordinance.

- A. The exterior of the dwelling/non-dwelling structures and premises shall be kept in a clean, sanitary and safe condition.
- B. Rubbish, garbage and other debris shall be disposed of in a clean, sanitary and safe manner in accord with the Ordinance No. 421.
- C. An infestation of insects, rodents, vermin and/or other pests in structures or on premises shall be exterminated immediately.

- D. Grass, weeds and vegetation shall be maintained at a height six (6) inches or less.
- E. Automobiles, vehicles and/or equipment shall be maintained in working order and inspected, if required by law.

Occupants of a dwelling or structure are responsible for keeping it in a clean, sanitary and safe condition that part of the dwelling or structure which they occupy and control.

Section 3. Buildings and Structures

- A. No owner of any building or structure shall fail to take such steps and perform such maintenance with respect thereto, as may be required from time to time, to ensure that the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties or to the general public.
- B. No owner of any unoccupied building or structure shall fail to take such steps as required to insure that the same are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.
- C. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, upon direction of the Police and/or Code Enforcement Officer shall remove or cause the removal of the building and/or structure.
- D. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- E. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- F. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- G. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Rood water shall not be discharged in a manner that creates a public nuisance.
- H. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- I. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the

elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

- J. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- K. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- L. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- M. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- N. All glazing material shall be maintained free from cracks and holes.
- O. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door.
- P. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Section 4. Yards, Open Lots, Parking Areas

- A. Fences and/or minor structures shall not be constructed and maintained so as to present a safety or health hazard to persons and/or property.
- B. No person shall permit the development or accumulation of hazards, rodent harborage and/or infestation upon yards, lots or parking areas.
- C. With the exception of approved storm water retention areas, all lots and yards shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- D. No person shall permit the accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.
- E. Grass, weeds and vegetation shall be maintained at a height of six (6) inches or less.
- F. No person shall accumulate or store junk, wood, brick, cement block or other debris. Nor shall they permit automobiles/vehicles/equipment, appliances, furnaces, machinery or other nuisances to be stored on their property and which constitutes a health and safety hazard.
- G. No person shall store any refrigerator, freezer and/or other similar storage chest to be discard, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or

doors; provided that nothing herein shall be construed so as to permit any act or practice otherwise prohibited by the Ordinance No. 421.

Section 5. Infestation, Prevention and Correction

- A. All structures, lots and yards shall be kept free from rodents and other wild and feral animal harborage and infestation. Where rodents or wild or feral animals are found, they shall be promptly exterminated or removed by processes which will not be injurious to human health. After extermination or removal, proper precautions shall be taken to eliminate such harborage and prevent re-infestation.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with the Ordinance No. 421.
- C. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem (s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform to approved and accepted practices.

Section 6. Automobiles, Vehicles and Equipment

- A. No person shall store on public or private property an automobile, vehicle or other equipment which is not in full or complete working order or is without current registration plates and state inspection sticker.
- B. No person shall store on public or private property an automobile, vehicle or other equipment to be used for resale as junk metal and/or parts.

Section 7. Repair, Vacation or Demolition

The following standards are set forth:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health or safety of its occupants, it shall be order to be vacated.
- C. In cases where a dangerous building is damaged fifty (50) percent or more from its value immediately prior to the loss, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be demolished. In cases where a dangerous building is a fire hazard existing or erected in violation of the terms of the Ordinance, it shall be demolished.

Section 8. Enforcement

- A. The purpose of this section is to provide a mechanism for the issuance of tickets rather than citations to residents who are in violation of the terms of this Ordinance

to pay a ticket fine rather than a citation which is costly and requires a legal hearing before a Judge and potential appeals. A resolution in this manner is beneficial from a two-fold aspect in that it permits the Borough to maintain and enforce its Ordinance and permits a resident so accused to resolve the dispute in a manner that does not unduly burden the resident by requiring the issuance of a citation and a court hearing. It does not deprive the resident the right to dispute the ticket and receive the full benefit of procedural and substantive due process of law.

- B. The provision of any Section of this Ordinance may be enforced by police officers, code enforcement officers or a public officer sworn to uphold and enforce the law of the Borough.
- C. The Borough Council may from time to time change, increase or decrease those sections to be covered under this enforcement by passing a resolution.
- D. Any violation of the provisions of this Ordinance may be cause for a notice of violation, violation ticket, or citation to be issued to the violator.

Section 9. Process for Issuing Violation Tickets

The following process shall be utilized:

- A. The Notice of Violation shall be in writing and shall identify the property address, include a clear and concise statement of the violation(s), specify the maximum time frame to take corrective action to bring the property into compliance with the Ordinance and/or Property Maintenance Code and detail the fine for non-payment of the ticket within the prescribed time frame.
- B. The Police and/or Code Enforcement Officer shall serve the Notice of Violation to the violator:
 - a. By handing the Notice of Violation to the violator
 - b. By handing the Notice of Violation to be served to an adult member of the household or other person in charge of the resident at the residence of the person to be served.
 - c. By leaving or affixing the Notice of Violation ticket to the property where the violation exists.
 - d. By handing the Notice of Violation to the violator's agent or to the person in charge thereof at any office of usual place of business of the violator.
 - e. By mailing the notice to the violator's address of record first class mail with a certificate of mailing.
- C. If the violation is not addressed to the satisfaction of the Police, Code Enforcement Officer and/or Borough Council within ten (10) days from the issuance of the Notice of Violation, the Police or Code Enforcement Officer shall issue a Violation Ticket to the violator consistent with the service of process described in Section 9 B above. The Violation Ticket shall be in writing and shall identify the property address, include a clear and concise statement of the violation(s), specify the maximum time

- frame to take corrective action to bring the property into compliance with this Ordinance and/or Property Maintenance Code and detail the fine for the ticket.
- D. Each day a violation continues or is permitted to continue after the allotted time frame constitutes a separate offense for which a separate fine may be imposed.
 - E. The Police and/or Code Enforcement Officer is authorized and empowered to correct or abate any violation which in the discretion of the officer such violation constitutes a clear and present danger to the health and safety of the community. In said circumstance, all steps shall be taken to correct or abate the violation within 24 hours as described in the Borough's Property Maintenance Code.
 - F. If the Borough has effected a correction of the violation, the cost thereof shall be charged to the owner of the property consistent with the provisions of the Borough's Property Maintenance Code.

Section 10. Violation Ticket Disposition

A person in receipt of a Violation Ticket shall have ten (10) days within which time to pay the amount stated on the ticket. In the event the ticket is not paid within ten (10) days such failure to pay shall result in the issuance of a citation for the offense with the local District Justice.

*All amendments
Ord # 422A
Book 15 PG. 26*

Section 11. Fines and Penalties

- A. For the first offense of the violation of this ordinance within a 12 month period, the ticket shall be issued in the amount of \$50.
- B. For the second offense of the violation of this ordinance within a 12 month period, the ticket shall be issued in the amount of \$100.
- C. For the third offense of the violation of this ordinance within a 12 month period, the ticket shall be issued in the amount of \$200.
- D. For the fourth offense of the violation of this ordinance within a 12 month period, the ticket shall be issued in the amount of \$300.

Section 12. Restitution

In addition to imposing fines and penalties as listed in Section 11, the magisterial district court judge may order the violator upon conviction to make restitution to any aggrieved person.

Section 13. Inspection

The Borough Council may enter or may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within Meyersdale Borough, upon reasonable (ie 24 hour) advance notice, for the purpose of ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an

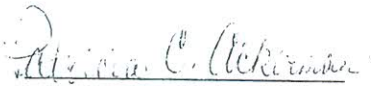
inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or agent, to secure access thereto.

Effective Date: This Ordinance shall take effect immediately upon passage.

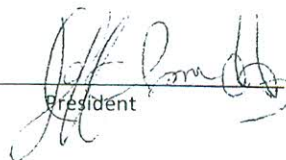
ENACTED AND ORDAINED into law by the Borough of Meyersdale, Somerset County, Pennsylvania, this 14th day of April 2015.

ATTEST:

BOROUGH OF MEYERSDALE



Secretary

BY:


President

(SEAL)

EXAMINED AND APPROVED by me this 14th day of April, 2015.


Mayor

I hereby certify that the foregoing Ordinance was advertised in the Daily American, April 2, 2015, a newspaper of general circulation in the Municipality and was duly ENACTED AND APPROVED as set forth at a Regular Meeting of the Borough of Meyersdale held April 14, 2015.


Patricia C. Ackerman
Borough Secretary

BOROUGH OF MEYERSDALE
ORDINANCE NO. 422A
Somerset County, Pennsylvania
AMENDED PUBLIC NUISANCE ORDINANCE

WHEREAS, the BOROUGH OF MEYERSDALE enacted the Public Nuisance Ordinance, Ordinance No. 422 to address issues within the Borough; and,

WHEREAS, the BOROUGH OF MEYERSDALE desires to Amend Ordinance No. 422 Sections 9, 10 and 11 to effectuate compliance with the Ordinance, all other sections of Ordinance No. 422 remaining in full force and effect and to promote the health, safety and welfare of the Brough and,

WHEREAS, the BOROUGH OF MEYERSDALE has resolved to enact Ordinance No. 422A to Amend Ordinance No. 422 as set forth below; and,

Section 9: Process for Issuing Tickets

G. After 30 days of noncompliance, beginning on date of the service of the violation upon the violator, on the 31st day and every subsequent day thereafter the violator may be issued a ticket for each day as an ongoing and continuing violation.

Section 10: Violation Ticket Disposition

A person in receipt of a violation shall have 10 days to pay the amount stated on the ticket and alleviate the violation. In the event the ticket is not paid and the violation is not alleviated within 10 days, such failure to pay and alleviate the violation shall result in the issuance of a citation for the offense with the local district magistrate.

Section 11. Fines and penalties

- A. The first offense of the violation of this ordinance within a six-month period, the ticket shall be issued in the amount of \$100.00;
- B. The second offense of violation of this ordinance within a six month period, the ticket shall be issued in the amount of \$250.00;
- C. The third offense of violation of the ordinance within a six-month period, the ticket shall be issued in the amount of \$500.00;
- D. The fourth offense of the violation of this ordinance within a six-month period, the ticket shall be issued in the amount of \$1,000.00.

This Amendment is effective upon enactment.

ENACTED AND ORDAINED into an Ordinance this 10th day of
JANUARY, 2023

ATTEST:

Patricia C. Norman
Borough Secretary

B. L. - 20
President of Council

APPROVED, this 10th day of JANUARY, 2023.

M. P. D. Mayor

I hereby certify that the foregoing Ordinance was advertised in the Daily American, December 22, 2023, a newspaper of general circulation in the Municipality and was duly ENACTED AND APPROVED as set forth at a Regular Meeting of the Borough of Meyersdale held January 10, 2023.

Patricia C. Ackerman

Patricia C. Ackerman
Borough Secretary