

ORDINANCE NO. 01-2021

**MORGAN TOWNSHIP
GREENE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF MORGAN TOWNSHIP, GREENE COUNTY,
PENNSYLVANIA, AMENDING ORDINANCE NO. 98-02 CONCERNING
PROPERTY MAINTENANCE WITHIN MORGAN TOWNSHIP AND
PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

WHEREAS, the Morgan Township Board of Supervisors have received numerous complaints from its residents concerning property maintenance within the Township; and

WHEREAS, Morgan Township previously enacted Ordinance No. 98-02 on or about November 16, 1998 concerning property maintenance; and

WHEREAS, Morgan Township is amending Ordinance No. 98-02; and

WHEREAS, administrative procedure to impose civil penalties and citations are needed to address said public nuisance property problems; and

WHEREAS, public nuisance conditions include and incite activities or conduct that are detrimental to the protection, health, safety and general public welfare of the residents of the city; and

WHEREAS, it is now deemed necessary for the protection of the health, cleanliness, safety and welfare of the citizens of Morgan Township to enact this Ordinance regulating the use and maintenance of property; and

WHEREAS, the amendments as proposed herein shall establish broader for public nuisance actions and provide a more expeditious, streamlined administrative process for the

prosecution of public nuisance actions for abatement against property owners that maintain public nuisances on their properties within Township boundaries.

NOW THEREFORE, the Board of Supervisors of Morgan Township under and by virtue of, and pursuant to the authority granted by the Second-Class Township Code, as amended, does hereby **ENACT** and **ORDAIN** as follows:

SECTION 1. TITLE.

This Ordinance shall be known and cited as the “Morgan Township Property Maintenance Code Ordinance of 2021”.

SECTION 2. PURPOSE.

This Ordinance recognizes the need within Morgan Township to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy and this Ordinance hereby establishes standards which the Board of Supervisors considers to be fair and effective in meeting those minimum requirements.

SECTION 3. INTENT.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to a change of occupancy in existing buildings shall comply with the International Existing Building Code.

SECTION 4. DEFINITIONS.

Scope – Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the meanings shown in this Section.

Interchangeability – Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

Terms not defined – Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

Parts – Wherever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this Ordinance they shall be construed as though they were followed by the words “or any part thereof.”

BUILDING - a roofed structure, enclosed by one (1) or more walls, for the shelter, housing, storage or enclosure of persons, goods materials, equipment or animals.

COURT - an open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

GARBAGE - putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - the presence of insects, rodents, vermin and/or other pests.

LOT - plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER - any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements

thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE - all putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

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 opening 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.

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

SECTION 5. APPLICATION.

The provisions of this Ordinance shall supplement local laws, ordinances or regulations existing in the Township of Morgan or those of the Commonwealth of Pennsylvania. Where a provision of this Ordinance is found to be in conflict with any provision of a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which established the higher standard shall prevail.

SECTION 6. BUILDING AND STRUCTURES.

- A. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.

- B. No owner of any unoccupied building or structure shall fail to take such steps as may be required to ensure that the aforesaid are securely closed so as to prohibit and deter entry thereto and to ensure 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, shall, upon direction of the Board of Supervisors, remove, or cause the removal of, the building and/or structure.

SECTION 7. YARDS, OPEN LOTS, PARKING AREAS.

- A. Fences and/or minor structures are to be constructed and maintained so as not to present a safety or health hazard to persons and/or property.
- B. Owner(s) shall not allow the development and/or accumulation of hazards, rodent harborage and/or infestation upon yards, courts and lots.
- C. Owner(s) shall not allow objectionable materials to accumulate and to be blown the surrounding neighborhood.
- D. Owner(s) shall not allow wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.
- E. Owner(s) shall not allow 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 thereof, to grow on their property and which constitute a safety and/or health hazard to pedestrian and/or vehicular traffic.

SECTION 8. INFESTATION, PREVENTION AND CORRECTION.

- A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- C. Where there exist 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 with generally accepted practices.

SECTION 9. MISCELLANEOUS PROVISIONS.

No person shall permit:

- A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.
- B. Roof gutters, drains, or any other system designed and constructed to transport stormwater, to be discharged into an sanitary sewage system and/or any part thereof.

- C. Any refrigerator, freezer and/or other similar storage chest to be discarded, 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.

SECTION 10. RESPONSIBILITIES OF OCCUPANTS.

Any occupant of a premises shall be responsible for compliance with the provisions of this Ordinance with respect to the maintenance of that part of the premises which. he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof

SECTION 11. RESPONSIBILITIES OF OWNERS.

- A. Owners of premises shall comply with the provision of this Ordinance as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
- B. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one (1) or more violations of this Ordinance, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Ordinance .

SECTION 12. NOTICE OF VIOLATION.

Upon failure to comply with any terms or conditions of this Ordinance, the owner and/or occupant shall be notified by the Board of Supervisors or its authorized representative, by certified mail, or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or

violations; shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of thirty (30) day from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice shall also advise that, in lieu of or in addition to fines and penalties, and subsequent to the thirty (30) day period for voluntary compliance, the Township may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premise and/or recover the expenses so incurred in a manner as prescribed by law. In the event the owner and/or occupant cannot be ascertained or is not able to be located, a notice, containing the above required information in summary form, shall be published once in each of two (2) consecutive weeks in a newspaper of general circulation in the Township, advising of the existence of the violation and requiring correction thereof, in accordance with the terms and conditions herein established; detailed notice thereof shall be posted on the subject premises and at the Township Building.

SECTION 13. COMPLIANCE.

- A. The owner and/or occupant shall have thirty (30) days from the receipt of a notice of violation or, alternatively, from the date of the second appearance of the published notice of violation, to correct and any stipulated deficiencies. Extensions to the thirty (30) day period in which deficiencies must be corrected may be granted by the Township upon demonstration by the owner and/or occupant that such an extension thereto is warranted and justified. Failure to comply shall constitute a violation of this Ordinance. A conflict between an owner and/or occupant shall not ban further prosecutions for noncompliance with this Ordinance subsequent to conviction.

B. In certain extreme situations involving the health, safety and welfare of the Township residents and as determined to the reasonable satisfaction of the Township, the owner/occupant shall have only ten (10) calendar days to remove/remediate the problem as more fully set forth in the notice.

SECTION 14. OWNERS SEVERALLY RESPONSIBLE.

If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this Ordinance.

SECTION 15. INSPECTION.

The Board of Supervisors may, or through its authorized representative of the Township, enter onto a premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township for 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 necessary, prior arrangements may be made with the owner, or his agent, to secure access thereof. If the owner fails to provide access to the aforesaid then the Township shall pursue the necessary legal means to secure access thereof.

SECTION 16. AUTHORITY TO REMEDY NONCOMPLIANCE.

If the owner/occupant does not comply with the notice to abate the condition, within the time limit prescribed, Morgan Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten (10%) percent of all costs. Morgan Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

SECTION 18. PENALTIES.

Any person, firm, corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and 00/100 (\$100.00) Dollars and not exceeding One Thousand and 00/100 (\$1,000.00) Dollars, together with the cost of prosecution, and/or to imprisonment for a term not to exceed ninety (90) days. Each day a conviction is in violation of this Ordinance exists beyond the thirty (30) day voluntary compliance period shall constitute a separate violation of this Ordinance. The District Justice shall also order the occupant/owner to be responsible for any and all costs incurred by the Township including the fee for notices issued by the Township.

SECTION 19. SEVERABILITY.

In the event that any provision, section, sentence or portion of this Ordinance shall be held invalid, such invalidity shall not affect or impair any of the remaining provisions of this Ordinance, as the provision are severable and would have been enacted had not such invalid provisions been included herein. All ordinances or part of ordinances, which are inconsistent herewith, are hereby repealed.

SECTION 20. REPEALER.

All Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed.

SECTION 21. EFFECTIVE DATE.


This Ordinance shall take effect five (5) days after enactment.


ENACTED AND ORDAINED by the Board of Supervisors of the Morgan Township,
Greene County, Pennsylvania this 20th day of April, 2021.


ATTEST:

MORGAN TOWNSHIP


Relda K. Litten, Secretary/Treasurer

By: 
Shirl K. Barnhart, Chairman

By: 
Dominick J. Barbetta, Vice-Chairman

By: 
James E. Gayman, Sr.

ORDINANCE NO. 98- 02

TOWNSHIP OF MORGAN
GREENE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF MORGAN, GREENE COUNTY, PENNSYLVANIA, ENACTING AN ORDINANCE AS TO PROPERTY MAINTENANCE WITHIN THE TOWNSHIP OF MORGAN AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Morgan Township Board of Supervisors has received numerous complaints from its residents concerning property maintenance within the Township; and

WHEREAS, it is now deemed necessary for the protection of the health, cleanliness, safety and welfare of the citizens of the Township of Morgan to enact this Ordinance regulating the use and maintenance of property.

NOW THEREFORE, pursuant to the authority conferred upon it by the Pennsylvania Second Class Township Code, the Board of Supervisors of the Township of Morgan, Greene County, Pennsylvania, do hereby ENACT AND ORDAIN the following:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the Township of Morgan "PROPERTY MAINTENANCE ORDINANCE".

SECTION 2. PURPOSE

This Ordinance recognizes the need within the Township of Morgan to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy and this Ordinance hereby establishes standards which the Board of Supervisors considers to be fair and effective in meeting those minimum requirements.

SECTION 3. DEFINITIONS

BUILDING - a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT - an open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

GARBAGE - putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - the presence of insects, rodents, vermin and/or other pests.

LOT - plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER - any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or

inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE - all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

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.

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

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

SECTION 4. APPLICATION

The provisions of this Ordinance shall supplement local laws, ordinances or regulations existing in the Township of Morgan or those of the Commonwealth of Pennsylvania. Where a provision of this Ordinance is found to be in conflict with any provision of

a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establish the higher standard shall prevail.

SECTION 5. BUILDINGS AND STRUCTURES

A. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.

B. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that the aforesaid 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, shall, upon direction of the Board of Supervisors, remove, or cause the removal of, the building and/or structure.

SECTION 6. YARDS, OPEN LOTS, PARKING AREAS

A. Fences and/or minor structures are to be constructed and maintained so as not to present a safety or health hazard to persons and/or property.

B. Owner(s) shall not allow the development and/or accumulation of hazards, rodent harborage and/or infestation upon yards, courts and lots.

C. Owner(s) shall not allow objectionable materials to accumulate and to be blown about the surrounding neighborhood.

D. Owner(s) shall not allow wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.

E. Owner(s) shall not allow 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 thereof, to grow on their property and which constitute a safety and/or health hazard to pedestrian and/or vehicular traffic.

SECTION 7. INFESTATION, PREVENTION AND CORRECTION

A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.

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 with generally accepted practices.

SECTION 8. MISCELLANEOUS PROVISIONS

No person shall permit:

A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.

B. Roof gutters, drains, or any other system designed and constructed to transport stormwater, to be discharged into any sanitary sewage system and/or any part thereof.

C. Any refrigerator, freezer and/or other similar storage chest to be discarded, 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.

SECTION 9. RESPONSIBILITIES OF OCCUPANTS

Any occupant of a premises shall be responsible for compliance with the provisions of this Ordinance with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

SECTION 10. RESPONSIBILITIES OF OWNERS

A. Owners of premises shall comply with the provisions of this Ordinance as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

B. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one (1) or more violations of this Ordinance, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Ordinance.

SECTION 11. NOTICE OF VIOLATION

Upon failure to comply with any terms or conditions of this Ordinance, the owner and/or occupant shall be notified by the Board of Supervisors or its authorized representative, by certified mail, or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or violations; shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of thirty (30) days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice shall also advise that, in lieu of or in addition to fines and penalties, and subsequent to the thirty (30) day period for voluntary compliance, the Township may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law. In the event the owner and/or occupant cannot be ascertained or is not able to be located, a notice, containing the above required information in summary form, shall be published once in each of two (2) consecutive weeks in a newspaper of general circulation in the Township, advising of the existence of the violation and requiring correction thereof, in accordance with

the terms and conditions herein established; detailed notice thereof shall be posted on the subject premises and at the Township Building.

SECTION 12. COMPLIANCE

The owner and/or occupant shall have thirty (30) days from the receipt of a notice of violation or, alternatively, from the date of the second appearance of the published notice of violation, to correct any and all stipulated deficiencies. Extensions to the thirty (30) day period in which deficiencies must be corrected may be granted by the Township upon demonstration by the owner and/or occupant that such an extension thereto is warranted and justified. Failure to comply shall constitute a violation of this Ordinance. A conflict between an owner and/or occupant shall not ban further prosecutions for noncompliance with this Ordinance subsequent to such conviction.

SECTION 13. OWNERS SEVERALLY RESPONSIBLE

If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this Ordinance.

SECTION 14. INSPECTION

The Board of Supervisors may, or through its authorized representative of the Township, enter onto a premises for the purpose of inspection of any and all premises, properties,

buildings and/or structures located within the Township for 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 necessary, prior arrangements may be made with the owner, or his agent, to secure access thereof. If the owner fails to provide access to the aforesaid then the Township shall pursue the necessary legal means to secure access thereof.

SECTION 15. PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars, together with the costs of prosecution, and/or to imprisonment for a term not to exceed ninety (90) days. Each day a conviction in violation of this Ordinance exists beyond the thirty (30) day voluntary compliance period shall constitute a separate violation of this Ordinance.

SECTION 16. REPEALER

Any ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, that provision is also hereby repealed.

SECTION 17. SEVERABILITY

If any sentence, clause, section or part 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 hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION 18. EFFECTIVE DATE

This Ordinance shall become effective immediately upon final enactment.

ORDAINED AND ENACTED INTO LAW by the Board of
Supervisors of the Township of Morgan in lawful session assembled
this 10th day of NOVEMBER, 1998.

TOWNSHIP OF MORGAN

By: Shirl Barnhart
Shirl Barnhart, President
Board of Supervisors

By: George E. Handford
George E. Handford, Vice President

By: Gene A. Morris
Gene A. Morris, 3rd Member

ATTEST:

Relda K. Litten
Relda K. Litten, Secretary

(SEAL)

Prepared By:

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