

**WORTH TOWNSHIP
BUTLER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2022-001

AN ORDINANCE OF WORTH TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, RELATING TO MAINTENANCE OF PROPERTIES WITHIN THE TOWNSHIP AND DECLARING CERTAIN CONDITIONS OF REAL AND PERSONAL PROPERTY TO BE NUISANCES; DECLARING NUISANCES TO BE ILLEGAL; REQUIRING THE ABATEMENT OF NUISANCES; ESTABLISHING ENFORCEMENT PROCEDURES AND ESTABLISHING VIOLATIONS AND PENALTIES.

BE IT IS ORDAINED AND ENACTED AS FOLLOWS: The Board of Supervisors of Worth Township, Butler County, Pennsylvania, find that removal of nuisances is in the interest of the citizens of the Township and that removal of nuisances on public and private property promotes the public health, safety and welfare of all residents of the Township.

THEREFORE, be it ordained and enacted by the Board of Supervisors, as follows:

SECTION I: Definitions

For the purposes of the chapter, the following terms, phrases and words and their derivatives shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number and the word "shall" is always mandatory and not merely directory.

ENCLOSED - Having a wall or walk, window or windows and a door used as access to the dwelling.

LAWN/YARD - Open space on same lot with a structure.

NUISANCE - Any condition or use of premises or of building exteriors which is detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

- A. Junk, trash or debris, excepting brush piles and compost piles;
- B. Maintaining or causing to be maintained, any dangerous structures, including, but not limited to, abandoned, occupied or unoccupied buildings or parts of buildings;
- C. The use of a porch roof or other second story or higher portion of a structure for a non-designed use, unless said porch roof or other portion of a structure is specifically designed for said use;
- D. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, glass, and cans or containers;
- E. Weeds, grass or other uncultured vegetation not edible or planted for some useful or ornamental purpose on lawns/yards, more than twelve (12") inches in height when measured from the surface of the ground, provided that weed growth on lawns/yards occurring between mowings shall not constitute a nuisance. Property used for agricultural purposes shall be exempt from this provision.
- F. Trees, shrubs, hedges or other vegetation overhanging sidewalks or other pedestrian walkways at a height less than eight (8') feet;
- G. Trees, shrubs or other vegetation overhanging a road right-of-way at a height of less than sixteen (16') feet, measured from the street surface at the curb;
- H. Such other condition or conditions that create a public health hazard to the inhabitants and visitors of the Municipality.

OWNER - A person giving, leasing, occupying or having charge of any premises within the Township.

PERSON - Any natural person, firm, partnership, association, corporation, company or organization of any kind.

PORCH or EXTERIOR ATTACHMENT - Any area attached to or appended to a building regularly used for dwelling.

PORCH ROOF - A roof at the second story or above on any building, which extends over an unenclosed area.

PUBLIC HEALTH HAZARD - This term may apply to a condition or use of premises and the structures located upon a premises. A structure shall constitute a public health hazard if it has been inspected and condemned by Township appointed officials including the Code Enforcement Officer and/or the Fire Marshal/Fire Chief. A structure shall be considered condemnable if any of the following violations exist: the structure is in distress, is unfit for human habitation, is unsafe, the structure continues to deteriorate, there is a complete disregard by the property owner(s) for any exterior landscape maintenance, the structure is unsafe and within the proximity to other structures and/or street(s)/road(s).

SECTION II: Illegality of Nuisances

Nuisances, as defined herein, are hereby declared to be illegal within Worth Township, Butler County, Pennsylvania.

SECTION III: Abatement

- A. Abatement of Nuisance by Owners. The owner, owners, tenants, lessees and/or occupants of any piece, parcel or tract of land within the Township upon which a nuisance is found to exist and also the owner, owners and/or lessees of any personal property involved in such storage (all of whom are hereafter referred to as "owners") shall jointly and severally abate said nuisance upon request of the Board of Supervisors by the prompt removal of said nuisance; and

- B. Abatement of Nuisance by the Township. Whenever said owner(s) shall fail to abate said nuisance, the Township may take such action as is necessary to abate said nuisance without liability for damage to the property. The actual costs of abating said nuisance, including actual labor charges, equipment rental charges, legal fees and costs, postage and twenty-five (25%) percent of the costs for administrative overhead, plus fifty (50%) percent of the total, shall be collected from the owner of the premises either by an action in assumption or by the filing of a municipal claim or lien against the real property. In addition to the above the Township may, by an action in equity, compel the owner to comply with this chapter or take such other relief as a court may order.

SECTION IV: Enforcement: Compliance

- A. Whenever a condition constituting a nuisance is permitted or maintained upon premises situate in the Township, the Township shall cause written notice to be served upon the owner in one (1) of the following ways:
- (1) By personal delivery of the notice to the owner, tenant or lessee of the premises;
 - (2) By leaving the notice with an adult upon the premises;
 - (3) By attaching a copy of the notice to the door at the entrance of the premises in violation; and
 - (4) By mailing, by certified mail, a notice to the last known address of owner.
- B. Any owner, interest holder, or local agent directly affected by a notice under this ordinance shall have the right to appeal such notice to the Board of Supervisors, provided that a written appeal is filed with the Township Secretary within thirty (30) days after the date of any such notice was served, or from the date of the next general Board of Supervisors meeting, whichever comes first;
- C. Any owner, interest holder, or local agent directly affected by a notice under this ordinance shall have the right to remedy such notice, provided that the remedy is approved by the Board of Supervisors and carried out within thirty (30) days after the Board of Supervisors approval;
- D. Such notice shall set forth in what respects such conditions constitute a nuisance and whether removal is necessary and required by the Township or whether the situation can be corrected by repairs, alterations or by boarding or fencing or in some other manner confining and limiting the nuisance;

- E. Such notice shall require the owner(s) to commence action, in accordance with the terms thereof, within fourteen (14) days of the date of the notice, and thereafter to complete the work necessary to comply fully with the terms of the notice as soon as is reasonable, but not later than ninety (90) days from the date of said notice, provided that the owner(s) has requested such an extension within the original term for compliance;
- F. The expense of said compliance shall be at the expense of the owner; provided, however, that if a violation requires immediate correction, such notice shall require the owner to immediately comply with the terms thereof;
- G. Notice required under §3A shall be given one (1) time during a calendar year; and
- H. Each day shall constitute a separate violation of this chapter.

SECTION V: Violation and Penalties

Any person violating any of the provisions of this chapter shall, upon conviction thereof, or by judgment of the Court of Common Pleas, be punishable by a daily fine set forth from time to time by Resolution of the Board of Supervisors, as well as attorney's fees and costs.

SECTION VI: Repealer

Any ordinance or portions of ordinances heretofore enacted by the Worth Township which may be in conflict with this ordinance or inconsistent with this ordinance is hereby repealed. If any provision of this ordinance is deemed unconstitutional, it is the intention of Worth Township that the remainder of said ordinance would have been adopted without the unconstitutional part thereof.

[SIGNATURE PAGE FOLLOWS]

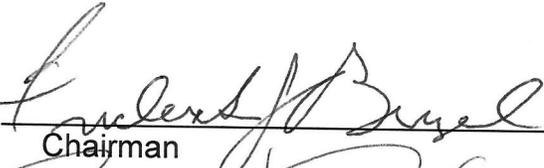
ORDAINED AND ENACTED this 5 day of July, 2022.

ATTEST:

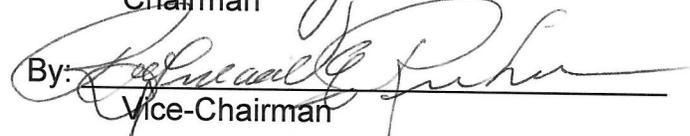
WORTH TOWNSHIP BOARD OF SUPERVISORS:



Township Secretary
(SEAL)

By: 

Chairman

By: 

Vice-Chairman

By: 

Supervisor

