

ORDINANCE NO. 314

AN ORDINANCE OF THE BOROUGH OF CLYMER, COUNTY OF INDIANA, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR PROCEDURES TO DISCOURAGE REPEAT VIOLATIONS OF THE CLYMER BOROUGH PROPERTY MAINTENANCE CODE.

WHEREAS, certain private properties within the Borough of Clymer, Indiana County, Pennsylvania, are not kept in good repair; and,

WHEREAS, it is desirable to ensure that these properties are safe and sanitary.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Clymer, Indiana County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1. Purpose and Intent. The purpose of this ordinance is to make certain that private properties are properly cared for in order to protect the Borough citizens' health, safety, sanitation, and general welfare.

SECTION 2. Obligations of Property Owners. All persons, firms, corporations, or similar entities, shall have the responsibility for complying with the following standards:

1. Sanitation

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

2. Sidewalks and Driveways

All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

3. Weeds

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches (152.4mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

4. 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.

5. Exterior of Structure

The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare.

6. General

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound, and in sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

7. Accumulation of Rubbish and Garbage

The exterior of all property and premises as well as the interior of every structure shall be free from any accumulation of rubbish or garbage. All rubbish and garbage within the interior of any structure shall be in leak-proof containers. All rubbish and garbage stored on the exterior of any structure shall be in approved storage containers.

The owner of every property producing rubbish or garbage shall, at all times, cause to be utilized approved storage containers that shall be adequate for the rubbish and garbage emanating from the owner's structure. Storage containers on the exterior of any structure shall be leak-proof, weather-tight, and rigid and shall be made of steel or plastic having a close-fitting lid or cover for the storage of such rubbish and garbage until disposal at the appropriate time.

8. Disposal of Rubbish and Garbage

Each occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in an approved disposal container. The approved disposal container shall be a designated bag if a bag system is used or a can or dumpster if the bag system is not being used. In the case of a bag system, the disposal container shall not be placed at curbside not more than twenty-four (24) hours prior to pickup.

9. Accumulation of Rubbish or Garbage

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

10. Disposal of Rubbish

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

11. Rubbish Storage Facilities

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

12. Disposal of Garbage

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

SECTION 3. Penalty. Any person, firm, corporation, or similar entity who shall violate any of the provisions of this ordinance shall be subject to a penalty in accordance with the following provisions. In order to enforce the penalty provisions provided pursuant to this ordinance, the owner or occupant must first be provided with a written notice of the violation and the time in which the violation must be cured. If the violation is cured within the applicable time period, then there shall be no penalty for the first violation. Any subsequent violation within a 365-day period shall result in a fine. Failure to comply with the requirements of the written notice in a timely manner or any subsequent violations within the 365-day period shall result in a fine.

A violation of the ordinance shall be subject to a fine of no less than Twenty-Five Dollars (\$25.00) or more than Three Hundred Dollars (\$300.00) together with costs upon conviction before the District Justice.

SECTION 4. This ordinance shall take effect immediately.


ORDAINED AND ENACTED this 14th day of October, 2005.

Attest:

BOROUGH OF CLYMER



Secretary

By 

President of Council

APPROVED this 14 day of October, 2005.



Mayor