

Chapter 409

PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Borough Council of the Borough of South Waverly as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Brush, Grass and Weeds

[Adopted 8-17-1987 by Ord. No. 8-17-87A (Ch. 42 of the 1992 Code)]

§ 409-1. Definitions and word usage.

A. As used in this article, the following terms shall have the meanings indicated:

PERSON — Any natural person, partnership, association, firm or corporation.

B. Word usage. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

§ 409-2. Cutting and removal of noxious vegetation required.

It shall be unlawful for any person owning or occupying any property within the Borough of South Waverly to permit any grass or weeds or any vegetation whatsoever not edible or planted for some useful or ornamental purpose to grow or remain upon such premises so as to exceed a height of 12 inches, to throw off any unpleasant or noxious odor, to conceal any filthy deposit or to create or produce pollen. The cutting of such grass, weeds or other vegetation twice a month in the months of May, June, July, August and September and the removal of the grass, weeds or other vegetation so cut shall be deemed evidence that no violation of this section shall have been created.

§ 409-3. Duty of owner or occupant.

The owner of any vacant premises or premises occupied by the owner, and the occupant thereof in the case of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of any of the provisions of § 409-2 of this article.

§ 409-4. Notice of violation; noncompliance.

The Borough Council or any officer of the Borough designated thereby for the purpose is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of any of the provisions of § 409-2 of this article, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or other vegetation so as to conform to the requirements of this article within 15 days after issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or other vegetation, and the cost thereof, with an additional charge of 10%, shall be collected by the Borough from such person in default, in the manner provided by law.

§ 409-5. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates or permits a violation of this article shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Bradford County.

ARTICLE II**Storage of Junk**

[Adopted 7-5-1995 by Ord. No. 7-5-95-5 (Ch. 75, Art. II, of the 1992 Code)]

§ 409-6. Definitions.

As used in this article, the following words or phrases shall have the meanings ascribed to them in this section:

ABANDONED — Any vehicle resting for 96 hours or more and which is inoperable, without current registration plates, certificate or inspection.

APPLIANCE — A stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, household articles used to perform any of the necessary work in a household and articles used in business to increase production or to speed, ease or eliminate work.

BOAT — Any vessel capable of transporting a person on any river, stream, creek, lake or ocean.

DISCARDED — Any item resting for 96 hours or more with no known or apparent owner.

HOUSEHOLD FURNISHINGS — All items normally found and used in a home.

JUNKED — Vehicles sold or to be sold for scrap; being stripped or being used or sold for parts.

MOTOR VEHICLE REPAIR SHOP — A facility for automobile repair or automobile body repair, an automobile gas station for motor vehicle repair or a truck repair shop whose primary purpose is the repair of motor vehicles.

PERSON — A natural person, the members of an unincorporated association, all of the partners of a partnership and the officers and board of directors of a corporation.

TRAILER — A wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, object or boat.

VEHICLE — An automobile, motorcycle, minibike, bicycle, go-cart, truck or other wheeled means of conveyance, motorized or self-propelled.

§ 409-7. Storage prohibited; exemptions.

- A. It shall be unlawful for any person to accumulate or store any junked, abandoned or discarded vehicle, mobile homes, trailer, boat, appliance or household furnishing outside on private or public property within the Borough of South Waverly, Bradford County, Pennsylvania.
- B. It shall be considered a public nuisance as being hazardous to the health, safety and welfare of the residents if said object is leaking fluids; has broken glass; has jagged metal, plastic or wooden material protruding from the object; is the place for the breeding of rodents, diseased animals, snakes, rats, groundhogs, mosquitoes and foul odors; is an attractive nuisance for children to be injured on; contains the storage of combustible fuels; contains the storage of poisonous liquids; and/or is improperly supported so that if the support collapses it could result in harm or injury; and if the location of the object will impede emergency and/or fire and rescue efforts to a property because of the inability to move the object in the case of an emergency or fire.
- C. Exemption. A property owner shall be allowed to store one operable motor vehicle on his property that is unlicensed, meaning without current registration, plates, certificate and inspection, as long as said property owner shall comply with all of the applicable motor vehicle laws of the Commonwealth of Pennsylvania that pertain to the possession, operation and use of said vehicles.
- D. Exemption. A junk motor vehicle will be allowed to be parked on the exterior premises of a motor vehicle repair shop until repairs are effected, but in no case for more than a period of 60 days unless one or more of the following conditions exist: a pending civil lawsuit, a pending criminal lawsuit, an insurance investigation or the vehicle is inoperable because of lack of the availability of replacement parts. All motor vehicle repair shop owners wishing to apply for the exemption status as provided for in this

article shall register their motor vehicle repair shop with the Borough Council and provide to the Borough Council, upon request, evidence indicating that each junk motor vehicle on their premises qualifies for the exemptions allowed in this article.

- E. Exemption. The property owner applying for said exemption shall give the Council or its agent permission to view and inspect the vehicle at the property owner's premises to determine if it is in compliance with the intent of this article.

§ 409-8. Enforcement. [Added 6-2-2010 by Ord. No. 06-02-10-02¹]

The contracting police agency is authorized to assist the Code Officer to enforce the provisions of this article.

§ 409-9. Violations and penalties.

- A. Any person who violates or permits a violation of this article shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Bradford County. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]
- B. All prosecutions of this article shall be brought in the name of the Borough of South Waverly before any Magisterial District Judge and shall be commenced by information and warrant, citation or complaint and summons and shall be directed to and be served by a constable or other proper person. Warrants shall be returnable forthwith, and, upon such return, like proceedings shall be had as in case of summary convictions.

ARTICLE III

Property Maintenance Code

[Adopted 10-14-1996 by Ord. No. 10-14-1996; amended in its entirety 5-7-2018 by Ord. No. 5-7-18]

§ 409-10. Adoption of standards.

A certain document, three copies of which are on file in the office of the Borough Manager, or his/her designee, of the Borough of South Waverly, being marked and designated as the "International Property Maintenance Code 2018," as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of South Waverly, in the Commonwealth of Pennsylvania, for regulating and governing the

1. Editor's Note: This ordinance also provided for an effective time and date of 12:00 midnight on 6-30-2010, further providing that the South Waverly Borough Police Department be disbanded at that time contemporaneously with the commencement of police services in South Waverly Borough by Sayre Borough Police Department pursuant to an agreement of 3-1-2010.

conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of South Waverly Borough are hereby referred to, adopted and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 409-13 of this article.

§ 409-11. Purpose.

- A. Lack of maintenance of properties, littering, improper storage of trash and rubbish, high grass and weeds, and storage of inoperable/nonregistered vehicles are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Borough, which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of South Waverly are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this article is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of South Waverly.
- B. This article is adopted to provide a fast track ticket system to ensure compliance.

§ 409-12. Definitions.

(This section is an amendment to Section 202 of the International Property Maintenance Code.) The following words, terms, and phrases, when used in this article, shall be defined as follows, unless context clearly indicates otherwise:

AUTHORIZED LITTER RECEPTACLE — A litter collection receptacle which is placed on the public right-of-way or on public property by the Borough for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste.

DEBRIS — Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked, or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

DUMPING — Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products, and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by law.

LITTER — Includes, but is not limited to, all waste material, garbage, trash, i.e., wastepaper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material,

and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

LOCAL RESPONSIBLE AGENT — Any person residing or working within the County of Bradford designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

MOTOR VEHICLE NUISANCE — A motor vehicle with one or more of the following defects:

- A. Broken windshields, mirrors, or other glass, with sharp edges.
- B. Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
- C. Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
- D. Protruding sharp objects from the chassis.
- E. Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
- F. One or more open tires or tubes which could permit animal harborage.
- G. Any vehicle suspended by blocks, jacks, or other such materials in a location which may pose a danger to the public, property owners, visitors, or residents of the property on which said vehicle is found.
- H. Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- I. Disassembled body or chassis parts stored in on or about the vehicle.
- J. Vehicles that do not display a current valid driver's license and registration.
- K. Such other defects which the Fire Department determines to be a danger to the general public or property.
- L. Motor vehicles parked, drifted, or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts, including fire and rescue.

MUNICIPAL WASTE — Any garbage, refuse, industrial, lunchroom, or office waste, and other material, including solid, liquid, semisolid, or contained gaseous material, resulting from operation of residential, municipal, commercial, or institutional establishments or from community activities, and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source-separated recyclable materials or organic waste.

NOTICE OF VIOLATION — A written document issued to a person in violation of a Borough ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

NUISANCE — Any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough or causes a blighting effect in Borough neighborhoods. See also "public nuisance."

PRIVATE PROPERTY — Any land and the improvements thereon owned by any person, and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial, or commercial purposes, whether inhabited, temporary, continuously uninhabited, or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building, or other structure.

PUBLIC NUISANCE — Any conditions or premises which are unsafe, unsanitary or disruptive.

PUBLIC OFFICER/CODE ENFORCEMENT OFFICER or POLICE — Any Code Enforcement Officer or public official designated by the Borough to enforce the Borough ordinances.

RECYCLABLE MATERIAL — Material which would otherwise become municipal waste, which can be collected, separated, or processed, and returned to the economic mainstream in the form of raw materials or products. These materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires, and large auto parts.

SOLID WASTE — Any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

STORAGE — The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of three months constitutes disposal.

VEGETATION — Any planting that is cultivated and managed for edible or ornamental purposes, such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

VIOLATION TICKET — A form issued by a police officer or Code Enforcement Officer to a person who violates a provision of this article. The violation ticket is an offer by the Borough of South Waverly extended to a person to settle a violation by paying the fine in lieu of a nonmoving violation being issued against the violator.

WEEDS —

- A. All grasses, annual plants, and vegetation, which meet any of the following criteria:
- (1) Exceed 12 inches in height. Exception: This shall not apply to the Agricultural District or the street right-of-way area.
 - (2) Exhale unpleasant noxious odors or pollen, and miscellaneous other vegetation commonly referred to as "weeds" or "brush."
 - (3) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.
 - (4) Encroach onto neighboring properties by way of leaders or roots without the property owner's consent.
 - (5) May cause a public nuisance.

- B. Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes, such as vegetable gardens, trees, shrubs, flowers, etc.

§ 409-13. Modification of standards.

The following sections are hereby revised:

- A. Section 101.1 Insert: "Borough of South Waverly."
- B. Section 103.5 Insert: "The fees shall be adopted by the Borough Council by resolution."
- C. Section 106.3 Insert: "Prosecution of Violation.
- (1) Prosecution of ordinance violators; disposition of fines, penalties and costs. Any violation or failure to comply with any provision of any Borough ordinance shall constitute a violation.
 - (2) Collection of penalties. No fine or penalty shall exceed \$1,000 for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air and noise pollution violations, and shall not exceed \$600 for a violation of any other Borough ordinance for each separate day of the offense.
 - (3) Any person who shall violate any provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$1,000, plus costs of such proceedings. The continuation of such violation for each successive day shall constitute a separate offense, and the persons or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense."
- D. Section 302.4 Insert: "12 inches height of weeds or plant growth."
- E. Section 304.14 Insert: "April 1 to October 31."
- F. Section 602.3 Insert: "October 1 to April 1."
- G. Section 602.4 Insert: "October 1 to April 1."
- H. Fees. The fees for activities and services performed by the Borough in carrying out its responsibilities under this code shall be as indicated in the following schedule: A fee based on the fee schedule adopted by Borough resolution shall be assessed on a case-by-case basis based upon the severity and circumstances of the violation as determined by the Borough Manager or Borough Code Enforcement Officer.
- I. Prohibited occupancy. Any occupied structure condemned and placarded by the Code Enforcement Officer shall be vacated as ordered by the Borough Code Enforcement Officer or third-party inspector. Any person who shall occupy a placarded premises or operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, before the release of condemnation by the Borough Code Enforcement Officer or the third-party code inspector shall be liable to a fine of up to a \$600. Each day the violation continues will be considered a separate offense.

- J. Failure to comply. Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of up to \$600.
- K. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. 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. Exception: This shall not apply to the Agricultural District and the street right-of-way.
- L. Shrubs and bushes. Bushes and shrubs on all premises and exterior property shall be maintained and kept in good order that will not create a safety hazard for the visibility for pedestrian and/or vehicular traffic.
- M. Dangerous trees. Any tree(s) that is (are) considered dangerous by the Borough Code Enforcement Officer, due to overgrowth, instability, infestation or harmful insects or a dead tree, shall be ordered removed or made safe by the property owner. If the property owner refuses or is unable to remove the unsafe condition, then the Borough has the authority to take appropriate action to make safe the dangerous condition and lien all costs involved to the property owner. All notices and orders shall comply with Section 107 of the IPMC relating to notices and orders. Any person in violation of this order shall be liable to a fine of not more than \$600. Each day the violation continues is considered a separate offense.
- N. Additional violations. Additional violations under this article shall be for the offenses set forth in this subsection which will supersede the language in the International Property Maintenance Code:
- (1) Borough permits to be displayed and followed. All Borough permits shall be displayed in a fashion that makes them visible from the roadway. In cases of demolition, the permit shall be displayed in the back window of a construction vehicle parked on site and visible from the roadway. Should a permittee be unable to comply with this requirement, they shall have to notify the office of the Borough Code Enforcement Officer, or designee, or third-party code inspector, and seek immediate authorization/approval. Once the Borough provides notice to a property owner that a permit is necessary, any additional work to the property shall allow the Borough to fine the property owner and/or the person(s) performing the work for violation of this subsection.
 - (2) Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of waste, trash, rubbish, or garbage.
 - (3) Animal maintenance and waste/feces cleanup. People owning, harboring, or keeping an animal within the Borough of South Waverly shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, malodorous odor, or a dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.

- (4) Disposal of rubbish or garbage/dumping. Improper disposal of rubbish or garbage, or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property.
- (5) High weeds, grass or plant growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Exception: This shall not apply to the Agricultural District and the street right-of-way. All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants, and vegetation. Cultivated flowers, gardens, trees, and shrubs shall not be included as a violation of this article.
- (6) Littering or scattering rubbish. No person shall throw, dump, place, sweep, or dispose of any waste, trash, garbage, or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or on any public property.
- (7) Ownership presumption of waste, trash, and/or recyclables for illegal dumping and illegal hauling. It shall be the responsibility of every owner and/or occupant to dispose of his or her waste, trash, or recyclables in a proper manner. Any business or person who is unable to show proof that he, she or it has legally disposed of any waste, trash, or recyclables will be in violation of this article. Should any person or business use an unlicensed hauler to dispose of his, her or its waste, trash, or recyclables, said person or business shall be in violation of this article. Upon request of the public officer, any owner or occupant must show proof of his or her appropriate trash and/or recyclable hauler. If any parts are found within a municipal waste container, recycling container, garbage bag, or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership, or entity to remove or haul waste, trash, or recyclables without the proper approval or license. Any waste, trash, or recyclables found not to be disposed of in accordance with this article will be a violation of this article.
- (8) Storage containers for waste or trash. The owner of every premises shall supply approved containers for waste/trash, as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, watertight, and made of metal or plastic. Containers must have tight-fitting covers and must be kept clean and odor-free at all times. All containers must be stored in the rear or side yard of every property. Waste/trash containers may only be placed in front of any property the night before the day of the scheduled waste/trash pickup day. Once the licensed hauler removes the waste/trash from any property, all containers must be returned to the rear or side yard of any property before daybreak on the day following pickup.
- (9) Storing of recyclables. It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection, and disposal of all recyclables from his, her or its property in such a manner as not to create a public nuisance. Storage of recyclables is only allowed in approved containers, which must be kept clean and sanitary at all times.

- (10) Shrubs and bushes. Bushes and shrubs on all premises and exterior property shall be maintained and kept in good order that will not create a safety hazard for the visibility for pedestrian and/or vehicular traffic.
- (11) Dangerous trees: any tree that is considered dangerous and unsafe to the public by the Borough Code Enforcement Officer due to overgrowth, instability, infestation, harmful insects or a dead tree.
- (12) 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. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair within 30 days of the receipt of the notice of violation.
- (13) Improper disposal of grass and leaves. Any person or persons shall not take any cut grass trimmings, any leaves, or any other branches removed from a Borough property and dump, pile, blow, or dispose on to any public street or alley.
- (14) Inoperable motor vehicle. Any property owner storing an inoperable motor vehicle on their property described herein with defects under the definition of "motor vehicle nuisance" shall be in violation of this article.
- (15) Improper disposal of animal and vegetative debris. It shall be unlawful for any person, firm or corporation, or any agents thereof, to do, authorize, aid or abet any of the following described actions or matters, such regulations or restrictions being intended to promote the general health, safety and welfare of the Borough: **[Added 1-7-2019 by Ord. No. 1-7-2019]**
 - (a) Animal debris, vegetative debris and snow.
 - [1] Any person, as defined herein, shall not from their property place or cause to be placed, thrown or maintained in or immediately adjacent to any of the roadways of the Borough any liquid or solid vegetable or animal matter that will decay or become offensive, or which will cause an obstruction to any of the drains, streams or sewers within the Borough.
 - [2] Any person, as defined herein, shall not from their property place or cause to be placed, thrown or maintained in the roadways of the Borough any grass clippings, leaves or branches which will decay and which will impede water flowing into or cause an obstruction to the drains, streams, or storm sewer systems within the Borough.
 - [3] Any person, as defined herein, shall not from their property place or cause to be placed, thrown or maintained in or immediately adjacent to the roadways of the Borough any leaves and branches in the street during the annual fall leaf pickup. Said leaves and vegetative debris shall be placed on the area between the sidewalk and the curb to be picked up by the Borough Department of Public Works. In the event there is no area between the sidewalk and the curb, then the leaves may be placed at the curblineline. However, the leaves may not be placed in the roadway.

- [4] Any person, as defined herein, shall not from their property place or cause to be placed or throw any snow in or immediately adjacent to the roadway after a winter snowstorm that will cause a nuisance, block traffic or create a dangerous condition or water damage.
- O. Enforcement and violations and penalties for additional violations. For violations of the offenses set forth in § 409-13N, the following will supersede the language in the International Property Code set forth under Section 106.1.:
- (1) Issuance of violation ticket. Upon finding any violation under Chapter 409, Article I, Brush, Grass and Weeds, and this article, regarding high weeds in excess of 12 inches, under this article regarding solid waste, or under Chapter 199, Buildings and Trees, Unsafe, any public official, as previously defined herein, may issue violation tickets to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this article.
 - (2) Enforcement.
 - (a) The provisions of this article shall be enforced by the Code Enforcement Officer or police officer, as previously defined herein.
 - (b) Any violation of the provisions of this article may be cause for a nonmoving violation, a violation ticket, and/or a notice of violation to be issued to the violator.
 - (3) Service of violation tickets. A violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator to his/her local responsible agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record. As follows:
 - (a) Written name of the property owner and/or violator shall receive notice of the violation by a door knocker attached to the front door of the dwelling or of the building and/or by posting a letter to the property owner or the violator or the agent for the property owner. Said notice shall be only given once to the property owner or the violator or the agent for the property owner for the specific violation.
 - (b) If the property owner or violator does not correct the violation within 24 hours after they receive the written notice, they shall receive a ticket for the violation with a specific fine.
 - (c) If the violation is not taken care of, the Borough can correct the violation and file a municipal lien against the property for the Borough's cost of remediation, and 10% administration fee, and include the Borough's attorneys' fees and cost of filing a municipal lien.
 - (d) If the ticket is not paid within 10 days or the violation continues, a nonmoving violation will be issued.

- (e) The property owner shall only receive only one door knocker or letter providing notice of violation; thereafter a ticket will be issued for the violation contained in the original notice for any twelve-month period of violations.
- (4) Separate offense for violations. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.
- (5) Abatement of violations.
 - (a) Any person or business violating this article is hereby directed to satisfy the Borough of South Waverly and its citizens, upon issuance of a ticket, by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Code Enforcement Officer in order that the Borough shall be compensated for both the costs and expenses incurred as adopted by Borough Council resolution.
 - (b) The Borough of South Waverly and/or its contractor, per the direction of the Borough, reserves the right to abate the violation in question at the expense of the owner. If the Borough has effected the abatement of the violation, the total cost thereof, to include hourly wages and all items and materials used, may be charged to the owner of the property, tenant, or offending party. A bill/invoice will be generated to the violator for payment separate from the ticket, which will also be paid separately.
 - (c) In all instances where the Borough abates the violation, in addition to the fine set forth in the tickets, the Borough is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by the Borough Code Enforcement Officer and the rules and regulations.
 - (d) Borough of South Waverly cleanup. The Borough reserves the right to perform any necessary work to abate any violation once 48 hours passes from the date of issuance of the ticket. Should the violation, at the discretion of the Borough Code Enforcement Officer, present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate set forth in the resolution adopted by Council, per man, and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional 10% on all material purchases to cover all miscellaneous expenses, such as wear and tear on equipment.
 - (e) Contractor cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once 48 hours passes from the date of issuance of the ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for its work to the Borough of South Waverly, and the Borough will forward these costs to the violator.

The Borough reserves the right to add a 10% processing fee in addition to the cost of the contractor.

(6) Violations and penalties.

- (a) Any person who violates § 409-13N shall pay a fine as set forth herein for each offense, plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation:

Violation	Description	Fine	Payment Due
NEW-001	Borough permit to be displayed, build permit	\$50	48 hours
NEW-002	Accumulation of rubbish or garbage	\$50	48 hours
NEW-003	Animal maintenance and waste/feces cleanup	\$50	48 hours
NEW-004	Disposal of rubbish or garbage; dumping	\$50	48 hours
NEW-005	High weeds, grass or plant growth	\$50	48 hours
NEW-006	Storage containers for waste or trash	\$50	48 hours
NEW-007	Storing of recyclables	\$50	48 hours
NEW-008	Shrubs and bushes	\$50	48 hours
NEW-009	Improper disposal of grass and leaves	\$50	48 hours
NEW-010	Dangerous trees	\$100	48 hours
NEW-011	Littering or scattering rubbish	\$100	48 hours
NEW-12	Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling	\$100	48 hours
NEW-13	Defacement of property	\$150	48 hours
NEW-14	Inoperable motor vehicle	\$150	48 hours

- (b) Failure of the person to make payment within 10 days of the date of a violation ticket shall result in the filing of a nonmoving violation charge, for failure to pay, with the Magisterial District Judge.
- (c) If violations are continuous or egregious, Code Enforcement Officers have the right to issue nonmoving violation charges without first issuing tickets, provided notice has been given. Notice can be given with a letter, door

knocker or posting the premises. (Continuance is more than one time in a twelve-month period.)

- (d) If violations are for failure to remove snow, and the property owner has previously received notice or is guilty of a violation and fails to remove the snow within 24 hours, they will be issued a ticket and/or a nonmoving violation charge without any further notice.
 - (e) The second offense that occurs within a twelve-month period from the first offense shall be a minimum fine of \$75, and each subsequent offense in less than 12 months is a minimum fine of \$100 each.
- (7) Nonmoving violation fines. Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this article, or of any regulation or requirement pursuant hereto and authorized hereby, shall, upon conviction before the Magisterial District Judge, be ordered to pay a fine of not less than the fine on the ticket and not more than \$1,000 on each offense.
 - (8) Restitution, costs and attorney's fees for violations. The Magisterial District Judge may order the violator to make restitution, where appropriate, to pay the Borough's costs of collection/nonmoving violation proceedings, and to pay the Borough's reasonable attorneys' fees associated with the prosecution of the same.
- P. Review Board. In Section 111.2 Membership of Board: The review board shall be the Eastern-Western Bradford Council of Governments Program Appeal Board. All appeals shall be filed within 30 days of the date of this notice of the violation. In accordance with the procedure set forth in the South Waverly Borough Property Maintenance Ordinance. The Code Review Board fee shall be \$750, plus costs and may be amended from time to time by the municipality for the administration and appeals, undertaken pursuant to this article and the code, and shall be established by the governing body by resolution.

§ 409-14. Effect on other provisions.

- A. All relevant ordinances, regulations, and policies of the Borough of South Waverly, Pennsylvania, not amended shall remain in full force and effect.
- B. Any ordinance or part of an ordinance conflicting with the provisions of this article shall be subordinate to this article to the extent of such conflict, and the language contained in the article shall control.

§ 409-15. Severability; amendment.

- A. If any section, clause, provision or portion of this article shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this article so long as it remains legally enforceable minus the invalid portion.

- B. The Borough reserves the right to amend this article or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this article and the effective administration thereof.

§ 409-16. When effective.

This article shall be effective on the date of enactment.