

Township of Wysox
Bradford County
ORDINANCE NO. 2017-04

AN ORDINANCE, PROPERTY MAINTENANCE, OF THE CODE OF THE TOWNSHIP OF WYSOX, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

An Ordinance of the Wysox Township adopting the 2015 edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property building 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 it's for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Township of Wysox; providing for the issuance of permits and collection of fees therefore repealing any Ordinance of the Township of Wysox and all other Ordinance or parts of laws in conflict therewith.

The Township of Wysox does ordain as follows:

§ 1. Adoption of standards.

A certain document, three copies of which are on file in the office of the Township Manager or his/her designee of the Township of Wysox, being marked and designated as the "International Property Maintenance Code 2015," as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Township of Wysox, in the Commonwealth of Pennsylvania; for regulating and governing the 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 therefore, and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of Wysox Township, 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 § 2 of this legislation.

§ 2. Modification of standards.

The following sections are hereby revised:

- Section 101.1 Insert: TOWNSHIP OF WYSOX
- Section 103.5 Insert: THE FEES SHALL BE ADOPTED BY THE TOWNSHIP SUPERVISORS by resolution
- Section 302.4 Insert: 12 Inches Height of Weeds or plant growth
- Section 304.14 Insert: APRIL 1ST TO OCTOBER 31ST
- Section 602.3 Insert: OCTOBER 1ST TO APRIL 1ST
- Section 602.4 Insert: OCTOBER 1ST TO APRIL 1ST

106.3 Violations and penalties.

1. 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 Township ordinance.
2. Any person who shall violate any provisions of this chapter shall, upon found in violation 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
3. 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 thirty (30) days of the date of this notice of the violation. In accordance with the procedure set forth, in the Wysox Township 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 chapter and the Code shall be established by the governing body by resolution.

4. **WEEDS.** All premises and exterior property in developed lots in the following Zoning Districts:

- A. Commercial General, and the Commercial General II Zoning Districts, must remove all weeds or plants growth in excess of twelve (12) inches within seventy-five (75) feet around the perimeter of any structure and developed parking or driving areas that are paved, concrete, or gravel. Developed lots are defined as follows: Any property with a residential structure or non-residential structure whether occupied or unoccupied or the previous structure was razed, must be maintained.
- B. The properties located in the other zoning districts must remove all weeds or plants growth in excess of twelve (12) inches within twenty-five (25) feet around the perimeter of any occupied structure.

Section 302.4(a) **UNCULTIVATED TREES AND BRUSH.** The properties on developed lots as defined above in the Commercial General and Commercial General II Districts shall be prohibited from allowing unsightly overgrowth from uncultivated trees, brush, untrimmed cultivated trees that create a blockage of visibility, light and air on adjacent Commercial properties in the commercial districts. Including visibility of approved signs, open spaces, buildings, pedestrian walkways, vehicular alleys, streets, and parking areas.

(b) This also requires removal of harborage areas consisting of uncultivated trees and vegetation for Pest Elimination, as defined as the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that service as their food or water; by other approved pest elimination methods. The overgrowth must be

removed or adequately trimmed so that it will not impede emergency and/or fire and rescue efforts to a property because of inability or delay caused by the overgrowth to gain access in case of an emergency or fire. The overgrowth shall not interfere with the public right-of-way or interfere with vehicular or pedestrian traffic or interfere with the visibility of vehicular or pedestrian traffic, especially when entering or exiting the driveway or parking lot of an adjoining property.

(c) The Code Enforcement Officer shall make a determination based on appropriate community standards and emergency access, as stated above, for the proper maintenance of the overgrowth that adversely affects the public health, safety and welfare of the adjoining Commercial properties.

(d) This prohibition for uncultivated trees and brush is subject to any approved or appropriate storm water stabilization landscaping and/or ground cover.

302.8. **MOTOR VEHICLE** – Except as provided for in other regulations no inoperative or unlicensed vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped of dismantled. Painting of vehicles is prohibited unless conducted in an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

A motor vehicle with one or more of the following conditions shall also be considered a vehicle in violation of Section 302.8:

- (1) Broken windshields, mirrors, or other glass, with sharp edges.
- (2) Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
- (3) Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
- (4) Protruding sharp objects from the chassis.
- (5) Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
- (6) One or more open tires or tubes which could permit animal harborage.
- (7) 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.
- (8) Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- (9) Disassembled body or chassis parts stored in on or about the vehicle.
- (10) Vehicles that do not display a current valid license and registration.
- (11) Such other defects which the Fire Department determines to be a danger to the general public or property.
- (12) 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.

Exceptions are licensed and registered automotive junkyards or automotive repair facilities.

302.10. **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 vehicular traffic.

302.11. **DANGEROUS TREES**. Any tree that is considered dangerous and unsafe to the public by the Code Officer due to overgrowth, instability, infestation, harmful insects or a dead tree.

§ 3. Repealer.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The WYSOX TOWNSHIP SUPERVISORS hereby declare that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one of more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

§ 4. Construal of provisions.

That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquires, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; not shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

§ 5. Publication: when effective.

The Township Secretary shall certify to the adoption of this chapter, and cause the same to be published as required by law; and this chapter shall take effect and be in force from and after its approval as required by law.

§ 6. Purpose.

A. Lack of maintenance of properties, littering, improper storage of trash and rubbish, high grass and weeds, storage of inoperable/nonregistered vehicles, front yard parking 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 Township, which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of Wysox 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 Township by helping to create a clean environment for the citizens of Wysox.

B. This amendment is adopted to provide a fast track ticket system to ensure compliance.

§ 7. General definitions.

A. This section is an amendment to Section 202 of the International Property Maintenance Code.

B. 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 Township 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., waste paper, 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 a Property Management Agency who is responsible for the property.

MOTOR VEHICLE NUISANCE

A motor vehicle with one or more of the following defects:

- (1) Broken windshields, mirrors, or other glass with sharp edges.
- (2) Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
- (3) Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
- (4) Protruding sharp objects from the chassis.
- (5) Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
- (6) One or more open tires or tubes which could permit animal harborage.

(7) 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.

(8) Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.

(9) Disassembled body or chassis parts stored in, on or about the vehicle.

(10) Vehicles that do not display a current valid driver license and registration.

(11) Such other defects which the Fire Department determines to be a danger to the general public or property.

(12) 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 Township ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (I.E. A Door Knocker)

NUISANCE

Any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Township or causes a blighting effect in Township 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 OFFICER

Any Code Officer, or public official designated by the Township to enforce the Township 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 bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires, and large auto parts.

SHADE TREE

Any planted tree located within the right-of-way or tree lawns, the public streets and highways of the Township or on public land.

SIDEWALK AREA

The public right-of-way between the property line and the curb line or the established edge of the roadway.

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 Code officer to a person who violates a provision of this article. The violation ticket is an offer by the Township of Wysox extended to a person to settle a violation by paying the fine in lieu of a nonmoving violation being issued against the violator.

WEEDS

(1) All grasses, annual plants, and vegetation, which meet any of the following criteria:

(a) Exceed twelve inches in height.

(b) Exhale unpleasant noxious odors or pollen, and miscellaneous other vegetation commonly referred to as "weeds" or "brush."

(c) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.

(d) Encroach onto neighboring properties by way of leaders or roots without the property owners' consent.

(e) May cause a public nuisance.

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

§ 8. Modifications of standards.

A. Section 103.5 Fees. The fees for activities and services performed by the department 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 Township Resolution shall be assessed on a case-by-case basis based upon the severity and circumstances of the violation as determined by the Township Manager or Township Code Officer.

B. Section 108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Township Code 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 Township Code Officer or the third-party Code Inspector shall be liable to a fine of up to \$1,000. Each day the violation continues will be considered a separate offense.

C. Section 112.4 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 not less than \$500.

D. Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve 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.

E. Section 302.4.1 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.

F. Section 302.4.2 Dangerous trees. Any tree(s) that is (are) considered dangerous by the Township Code 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 Township 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.

§ 9. Additional violations.

Additional violations under this chapter shall be for the offenses set forth in this section which will supersede the language in the International Property Code:

A. Township permits to be displayed and followed. All Township 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 Township Code Officer or designee or third-party Code Inspector and seek

immediate authorization/approval. Once the Township provides notice to a property owner that a permit is necessary, any additional work to the property shall allow the Township to fine the property owner and/or the person(s) performing the work for violation of this section.

B. 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.

C. Animal maintenance and waste/feces cleanup. People owning, harboring, or keeping an animal within the Township of Wysox 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 dangerous or offensive living condition.

D. 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.

E. High weeds, grass or plant growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches in the Commercial District. 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.

F. 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.

G. 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.

H. Pot Holes in private driveways. All pot holes in private driveways in commercial facilities that are traveled by the public including pedestrians and vehicles shall be maintained in an acceptable condition that will not create a hazard to the pedestrian or the vehicle.

I. Pot holes in parking lots. All pot holes in private parking lots in commercial facilities that are traveled by the public including pedestrians and vehicles shall be maintained in an acceptable condition that will not create a hazard to the pedestrian or the vehicle.

J. 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.

K. Dangerous trees. Any tree that is considered dangerous and unsafe to the public by the Township Code Officer, due to overgrowth, instability, infestation, harmful insects or a dead tree.

L. 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.

M. UNCULTIVATED TREES AND BRUSH. The properties on developed lots as defined above in the Commercial General and Commercial General II Districts shall be prohibited from allowing unsightly overgrowth from uncultivated trees, brush, untrimmed cultivated trees that create a blockage of visibility, light and air on adjacent Commercial properties in the commercial districts. Including visibility of approved signs, open spaces, buildings, pedestrian walkways, vehicular alleys, streets, and parking areas.

N. Front yard parking prohibited. Off street parking shall not be permitted in the front yards in the residential districts except on driveways. See Section 1205, Yard Regulations, Zoning Ordinance.

O.
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 chapter.

§ 10. Authority to issue violation tickets.

The authority for issuance of violation ticket for violations under § 9. For the offenses set forth in § 9, which will supersede the language in the International Property Code for violations for these offenses set forth under § 14.

§ 11. Enforcement.

The enforcement for violations under § 9 for the offenses set forth in § 9; which will supersede the language in the International Property Code for violations for these offenses set forth under § 14.

A. The provisions of this article shall be enforced by the Code 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.

§ 12. Service of violation tickets.

The service of violation ticket for violations under § 9 for the offenses set forth in § 9, which will supersede the language in the International Property Code for violations for these offenses set forth under § 14.

A. 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.

B. As follows:

(1) Written name of the property owner and/or violator shall receive notice of the violation by a doorknocker attached to the front door of the dwelling or of the building and/or by posting or mailing a letter by certified and regular mail 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.

(2) If 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.

(3) If the violation is not taken care of the Township can correct the violation and file a municipal lien against the property for the Township's cost of remediation and 10% administration fee and include the Township's Attorney fees and cost of filing a municipal lien.

(4) If the ticket is not paid within 10 days or the violation continues, a nonmoving violation will be issued.

(5) The property owner shall only receive only one doorknocker 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.

§ 13. Separate offenses.

Separate offense for violations under § 9 for the offenses set forth in § 9, which will supersede the language in the International Property Code for violations for these offenses set forth under § 14.

A. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

§ 14. Abatement of violations.

Abatement of violations for violations under § 9 for the offenses set forth in § 9, which will supersede the language in the International Property Code for violations for these offenses set forth under § 14.

A. Any person or business violating this chapter is hereby directed to satisfy the Township of Wysox 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 type remediation shall be determined by the Township Code Enforcement Officer in order that the Township shall be compensated for both the costs and expenses incurred as adopted by Township Supervisors resolution.

B. The Township of Wysox and/or its contractor, per the direction of the Township, reserves the right to abate the violation in question at the expense of the owner. If the Township 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 Township abates the violation, in addition to the fine set forth in the tickets, the Township 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 Township Code Enforcement Officer and the rules and regulations.

D. Township of Wysox cleanup. The Township 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 Township Code Enforcement Officer, present imminent danger and/or pose a health hazard and/or risk, the Township reserves the right to perform the abatement immediately. The Township will perform this work at a rate set forth in the resolution adopted by Supervisors, per man, and forward the cost of any material necessary for the abatement. The Township 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 Township 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 Township reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for its work to the Township of Wysox, and the Township will forward these costs to the violator. The Township reserves the right to add a ten-percent processing fee in addition to the cost of the contractor.

§ 15. Violations and penalties.

Fines and penalties for violations under § 9 for the offenses set forth in § 9, which will supersede the language in the International Property Code for violations for these offenses set forth under § 14.

A.

Any person who violates this chapter shall pay a fine as set forth herein for each offense, plus all direct and indirect costs incurred by the Township for the cleanup and abatement of the violation.

Violation	Description	Fine	Payment Due
NEW-001	Township 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 (Commercial District)	\$50	48 hours
NEW-006	High weeds, grass or plant growth (All other Districts)	\$50	48 hours
NEW-007	Pot Holes in Commercial Driveways	\$50	48 hours
NEW-008	Pot Holes in Commercial Parking Lots	\$50	48 hours
NEW-009	Shrubs and bushes	\$50	48 hours
NEW-010	Uncultivated Trees and Brush	\$50	48 hours
NEW-011	Front yard parking (See Zoning Ordinance)	\$50	48 hours
NEW-012	Dangerous trees	\$100	48 hours
NEW-013	Littering or scattering rubbish	\$100	48 hours
NEW-14	Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling	\$100	48 hours
NEW-15	Defacement of property	\$150	48 hours
NEW-16	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 officials have the right to issue nonmoving violation charge 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 correct the violation and the property owner has previously received notice or is guilty of a violation and fails to correct the violation 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 \$100 each.

F. Each day that a violation occurs shall be considered a separate violation of the Ordinance for purposes of enforcement and the imposition of fines on the violator.

§ 16. Nonmoving violation fines.

Nonmoving violation fines for violations under § 9 for the offenses set forth in § 9, which will supersede the language in the International Property Code for violations for these offenses set forth under § 14.

A. Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this chapter, 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 lowest amount due on the ticket and not more than \$1,000 on each offense.

§ 17. Restitution, costs and attorney's fees.

Restitution, costs and attorney's fees for violations under § 9 for the offenses set forth in § 9, which will supersede the language in the International Property Code for violations for these offenses set forth under § 14.

A. The Magisterial District Judge may order the violator to make restitution where appropriate, to pay the Township's costs of collection/nonmoving violation proceedings, and to pay the Township's reasonable attorneys' fees associated with the prosecution of the same.

§ 18. Effect on other provisions.

A. All relevant ordinances, regulations, and policies of the Township of Wysox, Pennsylvania, not amended shall remain in full force and effect.

B. Any ordinance or part of an ordinance conflicting with the provisions of this chapter shall be subordinate to this chapter to the extent of such conflict, and the language contained in the chapter shall control.

§ 19. Severability; amendment.

A. If any section, clause, provision or portion of this chapter 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 chapter so long as it remains legally enforceable minus the invalid portion.


B. The Township reserves the right to amend this chapter 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 chapter and the effective administration thereof.


§ 20. When effective.


This chapter shall be effective on the date of enactment.


ENACTED AND ORDAINED BY THE TOWNSHIP OF WYSOX THIS 12th DAY OF DECEMBER, 2017.

ATTEST:


Sherry Jackson, Secretary


William Them, Supervisor


Evan Barnes, Supervisor


Anne Cowling, Supervisor