

Chapter 114

PROPERTY MAINTENANCE

§ 114-1. Restricted acts.

§ 114-2. Notice to owner.

§ 114-3. Removal by Borough; costs; penalties.

§ 114-4. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Westfield 11-9-1953 by Ord. No. 123; amended in its entirety 4-13-2016 by Ord. No. 326. Subsequent amendments noted where applicable.]

§ 114-1. Restricted acts.

It is hereby declared unlawful to maintain or allow to be maintained upon any property within the Borough any nuisance or dangerous structure or substance which shall in any way endanger the health and cleanliness and the beauty, comfort, convenience and safety of the Borough, specifically including within this prohibition, but not in any way limiting the same thereto, growths of noxious weeds or other plants, highly inflammable articles or structures, structures in such lack of repair as to cause danger from collapse or from objects falling therefrom, accumulations of garbage or other refuse material, accumulations of waste or stagnant water, open excavation, open ditches, overhanging signs which, because of the manner or place of erection, are dangerous, etc.

§ 114-2. Notice to owner.

Such offensive matter as set forth in § 114-1 hereto coming to the attention of the Mayor or Council of the Borough, he or she or it shall cause to be served through the police or designated official of the Borough a written thirty-day notice upon the owner or such other person responsible under the law for the maintenance of the offending property to correct the offending condition. In the event that such owner or such other person is not resident within the Borough, the notice shall be given by registered mail or, in the event they be unknown, then by posting upon the offending premises.

§ 114-3. Removal by Borough; costs; penalties.

In the event that the offending condition is not corrected within 30 days after serving, mailing or posting notice as required by § 114-2 hereof or such longer period as the Mayor or Council shall grant, depending upon the reasonable necessities of the case, then the Council may, through employees of the Borough or by private contract, enter upon the offending property and correct the condition complained of. In the event of the correction of the offensive condition by the Borough, the actual cost of such action, together with a penalty of 10% for such cost, shall be assessed and collected in the manner provided by law for the collection of municipal claims or by action of assumpsit, whichever method the Council may deem expedient.

§ 114-4. Violations and penalties.

- A. Any person or owner or any person acting as agent, employee, contractor, tenant or servant of said person or owner who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of \$1,000, or the maximum amount permitted by law, and shall be subject to imprisonment not to exceed 30 days, or the maximum amount allowed by the law, for the punishment of summary offenses. Each day that violation of this chapter continues after notice shall constitute a separate offense.
- B. Civil enforcement.
- (1) Nothing in Subsection A hereinabove shall prevent the Borough from initiating civil enforcement proceedings before a District Justice or Court of Common Pleas of Tioga County. If this chapter is to be enforced through civil enforcement proceedings, civil penalties shall be \$600 per violation, or the maximum amount permitted by law. Each day that a violation of this chapter continues after notice shall constitute a separate violation.
 - (2) In any case where a penalty for a violation of this chapter has not been timely paid and the person or owner upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violators shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.
 - (3) The Borough reserves the right to enforce the provisions of this chapter in any manner permitted by law, and all fines and penalties collected for violation of this chapter shall be paid to the Borough.