

**UNION CITY BOROUGH
ERIE COUNTY PENNSYLVANIA
ORDINANCE NO. 1158**

AN ORDINANCE OF THE BOROUGH OF UNION CITY, COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 1066, AS AMENDED, KNOWN AS THE PROPERTY MAINTENANCE CODE OF THE BOROUGH; BY AMENDING SECTION 104, ENTITLED DUTIES AND POWERS OF THE CODE OFFICIAL; SECTION 106, ENTITLED VIOLATIONS; SECTION 107, ENTITLED NOTICES AND ORDERS, SECTION 202 ENTITLED GENERAL DEFINITIONS, SECTION 306 ENTITLED RUBBISH AND GARBAGE AND PROVIDING FOR A REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on or about July 1, 2008, the Borough Council of the Union City Borough (the "Borough Council"), adopted Ordinance No. 1066, colloquially known as the Property Maintenance Code of the Union City Borough (the "Code"); and

WHEREAS, on or about May 24, 2021 the Borough Council amended Ordinance 1066 by adopting Ordinance 1136 expanding definitions, requiring potable water on all residential premises and eliminating interior door requirements; and

WHEREAS, the Borough Council desires to amend the Code, as amended, to refine the duties of the Code Official and delineate violations of the Code; and

WHEREAS, the Borough Council finds that such amendments are in the best interest of the citizens and residents of the Borough.

NOW THEREFORE, this 27th day of June, 2023, **BE IT ORDAINED AND ENACTED** by the Borough Council, Union City Borough, Erie County, Pennsylvania, the following:

Section 1. Recitals. That the above recitals are incorporated as if more fully set forth herein.

Section 2. Amendment of Section 104 of the Code. That Section 104 of the Code, pertaining to the "Duties and Powers of the Code Official", be amended in applicable part through the inclusion of the underlined text and the deletion of the text struck out as follows:

Section 104.01 General. ~~The code official shall enforce the provisions of this code.~~ The Borough Code Enforcement Officer, also known as the Code Official, shall enforce this Code. The Code Enforcement Officer shall provide for enforcement of this Code pursuant to Borough Ordinance No. 1111, adopted on or

about August 22, 2017, as amended, known as the Quality of Life Ticketing Ordinance.

Section 3. Amendment of Section 106 of the Code. That Section 106 of the Code, pertaining to “Violations”, be amended in applicable part through the inclusion of the underlined text and the deletion of the text struck out as follows:

Section 106.03. Prosecution of violation and penalties for the violation thereof

~~Any person, firm, corporation, entity or legal structure who shall violate any provisions of this Code, upon conviction thereof in an action brought before a magisterial district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be guilty of a strict liability offense and shall be sentenced to pay a fine of not more than \$1,000.00 plus the costs of prosecution, and/or, in default of payment of said fine and costs, sentences to a term of imprisonment not to exceed ninety (90) days or both. Each day that a violation of this ordinance continues, or each section of this ordinance which shall be found to have been violated, shall constitute a separate offence. Any action taken by the Borough of Union City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

The Borough Code Enforcement Officer shall engage in the disposition of violation tickets issued pursuant to Ordinance No. 1111, as amended, through bringing summary proceedings against the occupant, owner and/or tenant before the Magisterial District Judge. Any occupant, owner or tenant person who shall violate any of the provisions of this Ordinance upon conviction thereof before a Magisterial District Judge shall be sentenced to pay fines as expressed in Ordinance No. 1111, as amended, in addition to the costs of prosecution. Failure to pay such fine and cost may lead to a sentence of imprisonment in the Erie County Prison for a period not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person(s) allowing or permitting this continuation or violation may be prosecuted as provided above for each separate offense.

Section 4. Amendment of Section 107 of the Code. That Section 107 of the Code, pertaining to the “Notices and Orders”, be amended in applicable part through the inclusion of the underlined text and the deletion of the text struck out as follows:

107.01 Notice to person occupant, owner and/or tenant responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections ~~107.2~~ 107.02 and ~~107.3~~ 107.03 to the ~~person occupant, owner and/or tenant responsible of the premises~~ for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section ~~108.3~~ 108.01.03.

107.02 Form. Such notice prescribed in Section ~~107.1~~ 107.01 shall be in accordance with ~~all of the following:~~ the obligations and requirements of Ordinance No. 1111, as amended.

1. ~~Be in writing.~~
2. ~~Include a description of the real estate sufficient for identification.~~
3. ~~Include a statement of the violation or violations and why the notice is being issued.~~
4. ~~Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.~~
5. ~~Inform the property owner of the right to appeal.~~
6. ~~Include a statement of the right to file a lien in accordance with Section 106.3.~~

107.02 Method of service. Such notice shall be deemed to be properly served if a copy thereof is ~~delivered pursuant to the obligations and requirements of~~ Ordinance No. 1111, as amended.

1. ~~Delivered personally;~~
2. ~~Sent by certified or first class mail addressed to the last known address; or~~
3. ~~If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.~~

Section 5. Amendment of Section 202 of the Code. That Section 202 of the Code, pertaining to "General Definitions", be amended in applicable part through the inclusion of the underlined text and the deletion of the text struck out as follows:

GARBAGE. ~~The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.~~ All household waste from the preparation, cooking and use of food intended for human consumption; all fish, fowl, fruit vegetables, animal or other matter which was intended to be used for human consumption including condemned food.

OCCUPANT. Any individual living, ~~or sleeping or having possession of a space within~~ in a building a property, or having possession of a space within a building otherwise having control of the premises.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the ~~property premises; or~~ recorded in the official records of the state, county or municipality as holding title to the ~~property premises; or otherwise~~ having control of the ~~property premises, including~~ as the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of ~~real property the premises by a court of competent jurisdiction; or otherwise having control of the premises.~~

RUBBISH Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, ~~rags~~, cartons, boxes, wood excelsior, rubber, ~~leather~~, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar items. All household goods and refuse from normal household activities, including but not limited to rags, wood not over thirty-six (36) inches in length, barrels, packing materials, carpeting, leather, straw, metal cooking utensils, toys, porcelain, shoes, clothing, furniture, springs, mattresses, stoves, furnace, pipes, dishwashers, washers, dryers, hot water tanks, refrigerators, freezers and vehicle tires.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building premises, or portion thereof as a unit or otherwise having control of the premises.

Section 6. Amendment of Section 306 of the Code. That Section of 306 of the Code, pertaining to "Rubbish and Garbage", be amended in applicable part through the inclusion of the underlined text and the deletion of the text struck out as follows:

306.02.02 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. Under no circumstance should these refrigerators or similar items be discarded, abandoned or stored outside of any building or in the open space of any premises.

306.02.03 Vehicle tires. Unused tires from automobiles, trucks, tractors, motorcycles, bicycles, lawn mowers or other modes of transportation shall not be discarded, abandoned or stored outside of any building or in the open space of any premises.

306.04 Compost. An owner, occupant or tenant may use organic materials from the Organic materials from the premises which a person owns, occupies or leases as compost, mulch, or other agricultural, horticultural, silvicultural, gardening and/or landscape purposes. If so doing, the compost shall be in a container manufactured for such purpose or a fenced compost pile not to exceed 3' X 3' X 3'. Placement of either the container or the fenced area must be in the backyard of the premises.

Section 7 Repealer. Any ordinances, rules or resolutions, or parts of ordinances, rules or resolutions, in conflict herewith shall be, and the same are hereby repealed.

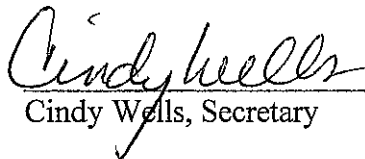
Section 8. Severability. If any section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared for any reason to be unconstitutional, illegal, or invalid, by any court of competent jurisdiction or other tribunal such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, subsection, paragraph, provision, regulation, limitation, restriction, sentence,

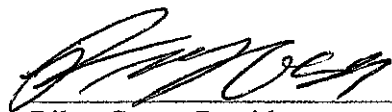
clause, phrase, or word or remaining portion of this Ordinance. Borough Council declares that it would have adopted this Ordinance and each section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, or word hereof irrespective of the fact that any one or more of the sections, subsections, paragraphs, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 9. Effective Date. This Ordinance shall take effect and be in force immediately after enactment as provided by law.

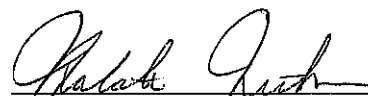
DULY ORDAINED AND ENACTED this 27th day of June, 2023, by the Borough Council of the Borough of Union City, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

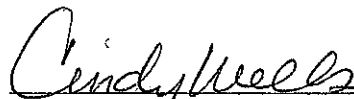

Cindy Wells, Secretary


Riley Cross, President

APPROVED


Natalie Wilmoth, Mayor

I certify that the above is a true copy of the Borough of Union City, Erie County, Pennsylvania, Ordinance No. 1158 adopted by the Union City Borough Council on June 27th, 2023 and advertised in the Corry Journal on June 17th, 2023.


Cindy Wells, Secretary

