

**AN ORDINANCE OF THE BOROUGH OF JENNERSTOWN REGULATING
PROPERTY MAINTENANCE, INVOLVING BUILDINGS, STRUCTURES,
YARDS; PROHIBITING PUBLIC NUISANCES; DETERMINING THE
RESPONSIBILITIES OF OWNERS AND OCCUPANTS; AUTHORIZING
INSPECTIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

WHEREAS, there exists a need within the Borough of Jennerstown to regulate property maintenance within the Borough; and

WHEREAS, the Borough of Jennerstown desires to address the need for such regulations and to protect the health, safety and welfare of its citizens; and

WHEREAS, the Borough of Jennerstown believes that it is in the best interests of the residents of the Borough of Jennerstown to regulate property maintenance and declare certain activities within the Borough to be public nuisances; and

WHEREAS, the Borough of Jennerstown is empowered with the authority to regulate such public nuisances pursuant to the Borough Code.

**NOW THEREFORE IT IS HEREBY ORDAINED AND ENACTED THIS
__2nd__ DAY of _April__, 2009:**

CHAPTER 1

Section 101. General

101.1 Title. This Ordinance shall be known and cited as the “Jennerstown Borough Property Maintenance Ordinance”.

101.2 Scope. The provisions of the Jennerstown Borough Property Maintenance Ordinance shall apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures and facilities for the protection of health, safety and welfare of the citizens of the Borough of Jennerstown and for the safe and sanitary maintenance of premises; the responsibility of owners and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of the Jennerstown Borough Property Maintenance Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Borough of Jennerstown

101.4 Severability. If any provisions of the Jennerstown Borough Property Maintenance Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this

Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

101.5 Owners Severally Responsible. If the premises or structure are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this Ordinance.

101.6 Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

101.7 Effective Date. This Ordinance shall become effective immediately.

Section 102. Applicability

102.1 General. The provisions of this Ordinance shall supplement local laws, ordinances or regulations existing in the Borough of Jennerstown or those of the Commonwealth of Pennsylvania. Where a provision of this Ordinance is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establishes the higher standard shall prevail.

102.2 Workmanship. Repairs, maintenance work or alterations which are caused directly or indirectly by the enforcement of this Ordinance shall be done in a workmanlike manner.

Section 103. Property Maintenance Enforcement Officer Duties and Powers

103.1 General. The Borough of Jennerstown is vested with the authority to appoint, by resolution, a property maintenance inspector (the "Enforcement Officer") to carry out the duties and enforcement of this Ordinance.

103.2 Inspections. The Enforcement Officer shall make all required inspections, or shall accept reports of inspection by approved agencies or individual. The Enforcement Officer is authorized to engage such expert opinion as deemed necessary, subject to approval by the Jennerstown Borough Council.

103.3 Right of Entry. The Enforcement Officer is authorized to enter a structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Enforcement Officer is authorized to pursue recourse as provided by law.

103.4 Identification. The Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this Ordinance.

103.5 Notices. Whenever the Enforcement Officer determines, after an inspection of the premises or structure that such premises or structure dwelling is in violation of the provisions contained in this Ordinance or has grounds to believe that a violation has occurred, the Enforcement Officer shall issue a written notice to the person or persons responsible therefore in accordance with Section 104. Notices for condemnation procedures shall also comply with Section 303.

103.6 Hearings The Enforcement Officer shall appear at all hearings and shall be the authorized representative of the Borough of Jennerstown.

Section 104. Notices and Orders

104.1 Form of Notice. The notice prescribed in Section 103.5 shall be in accordance with all of the following:

- A. Be in writing.
- B. Include a description of the real estate sufficient for identification.
- C. Include a statement of the reasons it is being issued (i.e. the violation or violations).
- D. State a reasonable time to rectify the conditions constituting the violation or to remove and demolish the dwelling, building or structure, as applicable.
- E. Include contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and with the rules and regulations adopted pursuant thereto.
- F. Inform the property owner of the right to appeal.
- G. Include a statement of the right to file a lien in accordance with Section 105.4.

104.2 Method of Service. Notice shall be deemed properly served upon the owner, or his agent, or the occupant, as the case may require, if a copy thereof:

- (1) Delivered personally.
- (2) Sent by certified or first class mail addressed to the last known address.

(3) If the notice is returned showing that the letter was not deliverable, a copy thereof shall be posted in a conspicuous place on the premises/structure to which it relates.

(4) In case of emergencies, no notice is required prior to corrective action being taken to make the structure/premises to meet the emergency.

104.3 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 105.2.

104.4 Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Enforcement Officer and shall furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Section 105 Violations.

105.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Ordinance.

105.2 Penalties. Any person who shall violate any provision of this Ordinance shall be subject to prosecution and shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred (\$600.00) dollars, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

105.3 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Enforcement Officer of the Borough of Jennerstown from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. In addition, if the owner does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten (10%) percent of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

105.4 Right to File Lien. Any action taken by the Borough of Jennerstown on such premises shall be charged against the real estate upon which the structure is located

and shall be a lien against the real estate in accordance with the laws of the Commonwealth of Pennsylvania.

Section 106 Emergency Measures

106.1 Imminent Danger. When, in the opinion of the Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or where there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosive, explosive fumes or vapors or the presence of toxic fumes, gases or materials, the Enforcement Officer is hereby authorized and empowered to order and require the occupants to vacated the premises forthwith. The Enforcement Officer shall cause to be posted at each entrance to such structure a notice reading as follows: “ THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY HAS BEEN PROHIBITED BY THE ENFORCEMENT OFFICER.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

106.2 Temporary Safeguards. Notwithstanding other provisions of this Ordinance, whenever, in the opinion of the Enforcement Officer, there is imminent danger due to an unsafe condition, the Enforcement Officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Enforcement Officer deems necessary to meet such emergency.

106.3 Emergency Repairs. For purposes of this Section, the Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

106.4 Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be the responsibility of the owner or the premises. The Enforcement Officer is authorized to initiate appropriate legal proceedings to recover such costs incurred.

106.5 Hearing. Any person ordered to take emergency measures shall comply with such notice immediately. Such person affected by the notice shall thereafter, upon Petition to the Borough Council, be afforded a hearing as set forth in this Ordinance.

Section 107. Appeals

107.1 Application for Appeal. Any person directly affected by a decision of the Enforcement Officer or a notice or order issued under this Ordinance, shall have the right to appeal to the Borough Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Ordinance or the rules adopted thereunder have been incorrectly interpreted, the provisions of this Ordinance do not fully apply or the requirements of this Ordinance are adequately satisfied by other means.

107.2 Hearing. All hearings shall be conducted pursuant to the Pennsylvania “Local Agency Law.”

CHAPTER 2

Section 201. Definitions.

BUILDING - an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

COURT - an open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

COUNCIL- Jennerstown Borough Council

DANGEROUS BUILDING - all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- B. Those which, exclusive of the foundation, show damage or deterioration to thirty-three percent (33%) of the supporting member or members, or damage or deterioration to fifty percent (50%) of the nonsupporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public;

E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;

F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public;

G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public;

H. Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public;

I. Those existing in violation of any provision of the building code, fire prevention code, or other ordinances of the Borough of Jennerstown

DWELLING - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT - any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

EMERGENCY- See Section 106.

ENFORCEMENT OFFICER- the individual or individuals designated, from time to time, by the Jennerstown Borough Council to oversee the implementation and enforcement of this Ordinance.

EXTERIOR PROPERTY- The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION -the control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible materials that may serve as their food, poisoning, spraying,

fumigating, trapping, or by any other recognized and legal pest elimination methods.

GARBAGE – the animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION – the presence, within or around a dwelling/building/structure or premises, of any insects, rodents, rats, vermin or other pests.

OCCUPANCY- the purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT- any individual living or sleeping or having possession of a space within a building.

OWNER – any person who, alone or jointly or severally with others:

1. shall have legal or equitable title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or
2. shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON - any individual, firm, corporation, association or partnership, or other legal entity.

PREMISES/PROPERTY - a piece, parcel, lot or tract of land, including any Structures/Buildings/Dwellings located thereon.

REFUSE - all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals, animal waste, and market and industrial wastes.

RUBBISH - combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke, and other combustible paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

STRUCTURE - anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

TENANT- a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

UNOCCUPIED HAZARD - any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six (6) months, with either doors, windows or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months.

UNLAWFUL PERMANENT IMPROVEMENT- Any fence, building, shrubbery, or other plant intended to remain indefinitely which is located so near a corner or intersection of a roadway or so near the edge of the roadway so as to interfere with the ability of a motor vehicle operator to observe the condition of the traffic, the ability of a pedestrian to safely traverse along the roadway, the ability of Borough to safely and adequately maintain the roadway, and the ability of emergency vehicles or emergency personnel to adequately serve the scene of an accident or place of emergency.

YARD - any open space on the same lot with a Building, Structure and/or Dwelling and, for the most part, unobstructed from the ground up.

Whenever the words "dwelling", "dwelling unit", or "premises", are used in this Ordinance, they shall be construed as though they were followed by the words 'or any part thereof'.

Chapter 3 Property Maintenance Requirements

Section 301. General

Section 301.1 Scope. The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures and exterior or properties.

Section 301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with the requirements set forth in this Ordinance. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Ordinance. Any occupant of a premises shall be responsible for compliance with the provisions of this Ordinance with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

Section 301.3 Vacant Structures and Land. All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided in this Ordinance so as not to cause a blighting problem or adversely affect the public health, safety or welfare of the citizens of the Borough of Jennerstown.

Section 302. Exterior Property Areas

Section 302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner or occupant shall keep the exterior property in a clean and sanitary condition and shall not permit objectionable materials to accumulate and to be blown about the surrounding neighborhood.

Section 302.2. Weeds and Other Vegetative Growth Prohibited. No person, firm or corporation, owning or occupying any Property within the Borough of Jennerstown shall 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 six inches (6"), excluded however from this restriction is Property four (4) acres or greater in size; nor shall any noxious weeds prohibited by the Noxious Weed Control Law (3 P.S. §255.8, as amended) or by regulations of the Department of Agriculture be permitted to grow within the Borough of Jennerstown including:

1. Marijuana
2. Chicory, Succory or Blue Daisy
3. Canadian Thistle
4. Multiflora Rose
5. Johnson Grass

Any grass, weeds or other vegetation growing upon any premises in the Borough of Jennerstown in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough of Jennerstown.

The owner of any premises, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises. Upon the failure of the owner, occupant or agent having charge of a property to cut and destroy weeds and other vegetative growth as set forth above after service of such notice of violation as set forth in Section 104, such owner, occupant or agent shall be subject to prosecution as set forth in Section 105. In case any person, occupant, agent, firm or corporation shall neglect, fail or refuse to comply with

such notice of violation within the period of such time stated therein, the Borough of Jennerstown may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of ten percent (10%) of the cost thereof shall be collected by the Borough of Jennerstown from such person, firm or corporation, in the manner provided by law. Any duly authorized agent of the Borough shall be authorized to enter on the premises for such purpose to cut and destroy the weeds and other vegetative growth prohibited hereby.

Section 302.3 Rodent harborage. All structures and exterior premises shall be maintained free of insect, vermin and rodent harborage and infestation. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include extermination. Methods employed for extermination shall conform with generally accepted practices.

Section 302.4 Fences and Accessory Structures. All accessory structures, including detached garages, fences and walls, permitted on the premises, shall be maintained structurally sound and in good repair.

No owner, occupant or agent thereof shall permit Unlawful Permanent Improvements to be constructed and maintained on the premises. The provisions hereof shall apply to the erection and/or construction or growing of all Unlawful Permanent Improvements done or intended to be done from and after the effective date of this Ordinance and shall not apply to Unlawful Permanent Improvements in existence at the time of the enactment of this Ordinance. **PROVIDED HOWEVER**, that if an Unlawful Permanent Improvement, in existence at the time of the enactment of this Ordinance should be removed, voluntarily or otherwise or be in such a state of deterioration or disrepair that the health, safety and welfare of the citizens of the Borough of Jennerstown is jeopardized, then the provisions of this Ordinance shall apply. **PROVIDED FURTHER**, that if such existing Unlawful Permanent Improvement is determined by the Borough of Jennerstown to be so detrimental to the health, safety and welfare of its citizens that the only means of adequately protecting its citizens is to remove the Unlawful Permanent Improvement, the Borough of Jennerstown reserves this right to require the Owner or Occupant to remove said existing Unlawful Permanent Improvement in accordance with the provisions of this Ordinance.

Section 302.5 INTENTIONALLY OMITTED

Section 302.6. Refrigerator and Other Similar Storage Chests. No owner, occupant, firm or corporation shall permit any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

Section 302.7. Roof, Surface or Sanitary Drainage. No owner, occupant, firm or corporation shall permit roof, surface and/or sanitary drainage to create a safety and/or

health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.

Section 302.8 Rubbish, Refuse and Garbage. All Exterior Property and Premises, and the interior of every structure, shall be free from the accumulation of Rubbish, Refuse and Garbage.

Section 302.8.1. Disposal of Rubbish. Every owner or occupant of a structure shall dispose of all Rubbish in a clean and sanitary manner by placing such Rubbish in approved containers.

Section 302.8.2 Disposal of Garbage. Every owner or occupant of a structure shall dispose of all Garbage in a clean and sanitary manner by placing such Garbage in approved garbage disposal facility or approved garbage containers.

Section 302.8.3 Disposal of Refuse. Every owner or occupant of a structure shall dispose of all Refuse in a clean and sanitary manner by placing such Refuse in approved containers.

Section 302.8.4. Garbage Facilities and Containers. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit or an approved leakproof, covered outside garbage container with close-fitting covers for storage of such materials until removed from the premises for disposal.

Section 303. Exterior Structures

Section 303.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare.

Section 303.2 Roof Gutters and Drainage. All roof gutters, drains or any other systems designed and constructed to transport stormwater, shall be maintained in good repair, and free from obstructions. All stormwater shall be discharged in a manner so as not to create a public nuisance. Discharge of any stormwater into any sanitary sewage system and/or any part thereof is strictly prohibited.

Section 303.3 Unsafe Structures and Dangerous Buildings Declared Nuisances. When a structure is found by the Enforcement Officer to be unsafe, unfit for human occupancy or a Dangerous Building (as above defined), such structure shall be declared a public nuisance and shall be repaired, vacated, or demolished as herein provided.

Section 303.3.1. Standards for Repair, Vacation, or Demolition. Following a determination by the Enforcement Officer that such structure is a

public nuisance, the Enforcement Officer to secure the abatement of the public nuisance. The Enforcement Officer shall determine the appropriate abatement. The following standards shall be followed in substance by the Enforcement Officer when determining and ordering repair, vacation, or demolition:

1. If the structure can reasonably be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered to be repaired.
2. If the structure is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, as is reasonable.
3. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Enforcement Officer. The Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.
4. If a structure is fifty percent (50%) or more damaged or decayed or deteriorated from its original condition; if a structure cannot be repaired, so that it will no longer exist in violation of the terms of this Ordinance; or if a structure is a fire hazard existing or erected in violation of the terms of this Ordinance or any ordinance of the Borough of Jennerstown or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided the cost of repairs to rectify or remove the conditions constituting the nuisance exceed fifty percent (50%) of the market value of the building at the time demolition is proposed.

Section 303.3.2. Placarding. The Enforcement Officer shall post on the premises a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises or removing the placard.

Section 303.3.3. Removal of Placard. The Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were taken have been eliminated. No person shall remove or deface the placard without the approval of the Enforcement Officer and in such event of unauthorized removal shall be subject to penalties as provided for in this Ordinance.

Section 303.3.4. Prohibited Occupancy. Any occupied structure condemned pursuant to the provisions contained herein shall be vacated as ordered by the Enforcement Officer. Any person who shall occupy a condemned premises and any owner or person responsible for the premises who shall let

anyone occupy a condemned premises shall be liable for the penalties provided for by this Ordinance.

Section 303.3.5. Abatement by the Borough of Jennerstown. If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Enforcement Officer within the time specified in the notice issued by him, the Enforcement Officer shall, upon the prior approval of Council, cause such building or structure to be repaired, vacated, or demolished, as determined by the Enforcement Officer and Council in accordance with the standards hereinbefore provided. The Council may collect the cost of such repair, vacation or demolition together with a penalty of ten percent (10%) of such cost, in the manner provided by law or the Council may seek injunctive relief in a Court of competent jurisdiction pursuant to the rules of civil procedure.

Section 303.3.6 Notice of Condemnation. In addition to the notice requirements set forth in this Ordinance, when the Enforcement Officer has condemned a structure under the provisions of this Section, notice shall be posted in a conspicuous place in or about the structure affected by such notice.

ATTEST:

BOROUGH OF JENNERSTOWN:

Secretary, Sandy Hubbard

Terry Henry, President

EXAMINED AND APPROVED THIS 2nd DAY OF April , 2009

Mayor