

**BOROUGH OF ST. CLAIR  
SCHUYLKILL COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 393**

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR  
PROHIBITING PROPERTIES DESIGNATED AS A  
NUISANCE DUE TO MULTIPLE CRIMINAL  
VIOLATIONS, VIOLATIONS OF THE BUILDING CODE  
OR PROPERTY MAINTENANCE CODE, VIOLATIONS OF  
THE ZONING ORDINANCES OR ANY COMBINATION  
THEREOF.**

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the “Borough”), hereby enacts and ordains as follows:

WHEREAS, the Borough Council of the Borough of St. Clair previously enacted and ordained an ordinance adopting the Uniform Construction Code, pursuant to the Pennsylvania Construction Code Act, as its municipal building code; and

WHEREAS, the Borough Council of the Borough of St. Clair had previously adopted what is known as the BOCA Code for purposes of property maintenance; and

WHEREAS, the Borough Council of the Borough of St. Clair previously enacted the International Property Maintenance Code of 2006, along with amendments as made, as its maintenance code;

WHEREAS, Section 46202 of the Borough Code, 53 P.S. 46202 entitled “Specific Powers”, authorizes any borough council to make and adopt ordinances concerning building, housing, property maintenance, plumbing and other regulations.; and

WHEREAS, the Borough Council of the Borough of St. Clair has determined that properties which have numerous violations of criminal statutes and the Borough ordinances present an ongoing nuisance and burden and jeopardize the health and welfare of the Borough population.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the specific powers permitted by the Borough Code (53 P.S. §46202) and the statutes noted above, as follows:

**Section 70-1. General Definitions.**

For the purpose of this ordinance, the following definitions shall apply:

BOROUGH – The Borough of St. Clair.

BOROUGH CODE – The Code of the Borough of St. Clair including the Property Building Code as well as the Property Maintenance Code

CODE ENFORCEMENT OFFICER – The Code Enforcement Officer of the Borough of St. Clair.

DWELLINGS – Any building arranged, designed or used in whole or part to provide living facilities for one or more families. Dwelling shall include boarding (lodging) and/or rooming houses. Dwelling shall also include both the enclosed area within a dwelling as well as the exterior premises of the dwelling within the boundary lines of any real property on which the dwelling is located.

OCCUPANT – Any person who lives in or has possession of, or holds an occupancy interest in a dwelling; or any person residing in or frequenting the premises of the dwelling with the actual or implied permission of the owner or lessee.

OWNER – Any person, agent, operator, firm or corporation having legal or equitable interest in the dwelling; or recorded in official governmental records as holding title to the dwelling; or otherwise having control of the dwelling, including 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 such property by a court.

**Section 70-2. Nuisance property designation.**

A nuisance property designation is a dwelling within which, or on the premises of which, any of the following has occurred within a one-hundred-eighty-day period.

A. Three or more violations of criminal statutes of the Commonwealth of Pennsylvania and/or the ordinances of the Borough of St. Clair arising out of separate and distinct facts and circumstances and which occur in a dwelling or on the premises of a dwelling or property in close proximity to a dwelling or to the premises of a dwelling;

B. Three or more violations of the Borough Code relating to the property maintenance or building code arising out of separate and distinct facts and circumstances;

C. Three (3) or more violations of the Borough Code relating to zoning arising out of separate and distinct facts and circumstances; or

D. A combination of three (3) offenses from any of the above categories arising out of separate and distinct facts and circumstances and which have been investigated, found to have substance, and appropriately documented by the Code Enforcement Officer or members of the St. Clair Police Department, and regardless of whether the violation resulted in the initiation of formal court action.

**Section 70-3. Violation.**

A. No owner or occupant of any dwelling shall allow or permit such dwelling to be, or become, a nuisance property designation.

B. An owner and/or occupant, as the case may be, shall be deemed to have allowed or permitted a dwelling to be, or become, a nuisance property designation if:

- (1) The owner or occupant has personally committed the acts set forth in Section 70-2;
- (2) Such acts were committed by invitees of the occupant or owner;
- (3) Such acts were committed by persons attending events or functions sponsored, permitted or allowed by the occupant or owner;
- (4) Such acts were committed by a combination of Subsection B(1), B(2), or B(3); or
- (5) The owner or occupant has been provided with the written notice of a nuisance property designation pursuant to Section 70-4 below, the facts alleged therein are true and the owner or occupant fails or refuses to abate the nuisance property designation.

**70-4. Written notice.**

No person shall be prosecuted for violation of Section 70-3 until the Code Enforcement Officer shall serve such person with the notice provided herein, and the person has either failed or refused to abate the nuisance property designation. The Code Enforcement Officer and the Chief of Police shall jointly sign and give the notice provided herein to the owner or occupant after the second occurrence of a violation of the provisions of Section 70-3 herein. Said notice shall advise the owner or occupant of the specific acts which constituted the nuisance property designation and that a third violation will result in an informal conference with the Borough. In the event of a third violation of Section 70-3 herein, an informal conference will be scheduled with the Borough, at which time, the owner or occupant will have an opportunity to present his or her arguments to the Borough as to why the Borough should not allow the Code Enforcement Officer or the Chief of Police to file a citation for violation of this ordinance with the Magisterial

District Judge. Such notice may be served on any person by personal service; or in the case of an occupant, by restricted mail addressed to the address of the dwelling; or in the case of a nonoccupant owner, by restricted mail to his/her last known address; or if none, to the address to which any tax statement is provided to such owner for the dwelling; or by posting of the dwelling, either on the structure or at a location on the exterior premises, or by any other method of service reasonably calculated to give actual notice. Such notice shall contain, at a minimum, the following:

A. That a nuisance property designation exists, as defined by Section 70-2, at the location specified in the notice.

B. The date of the commission of the acts which constitute the basis of the nuisance property designation, the name(s) of the person(s) committing such acts, if known, and all other facts and circumstances that the Borough relies upon to allege that such acts form the basis for the nuisance property designation.

C. The date, time and place where the person is to appear and meet with the Borough prior to a citation being filed.

D. That failure to appear, or failure to make satisfactory arrangements for an alternate date and time, at the time, place and manner designated in the notice may result in prosecution of a violation of Section 70-3 and the imposition of penalties as proscribed by the ordinance.

**Section 70-5. Nuisance abatement.**

At the informal conference with the Borough, the owner and/or occupant shall discuss the facts constituting the disorderly house nuisance and shall attempt to explain why the Borough

should not recommend that the Code Enforcement Officer file a citation for violation of this ordinance with the Magisterial District Judge.

**Section 70-6. Informal conference.**

At the conclusion of the informal conference, the Borough may include a list of specific actions and a specific schedule of deadlines for said actions to abate the nuisance property designation or the Borough may recommend that the Code Enforcement Officer file a citation for violation of this ordinance with the Magisterial District Judge. The Borough may impose one or more of the following conditions or requirements on the owner and/or occupant:

- A. Institution of eviction proceedings of identified individual(s) from the dwelling in question.
- B. Written notification from the owner and/or occupant to an identified individual(s) that they are prohibited from entering onto the premises of the dwelling.
- C. Utilization of written leases containing a provision(s) requiring eviction for criminal activity.
- D. The completion of improvements upon the premises of the dwelling which have the impact of mitigating crime including, but not limited to, the erection of fences, installation of security devices upon the entrances or increased lighting.
- E. Any other reasonable condition or requirement designed to abate the nuisance property designation.

**Section 70-7. Commencement of prosecution.**

The Code Enforcement Officer may commence prosecution alleging a violation of this ordinance under the following circumstances:

A. The owner and/or occupant commits a violation described in Section 70-3 of this ordinance.

B. The owner and/or occupant does not attend the <sup>W</sup>formal conference with the <sub>n</sub>Borough within the time period described previously.

C. The owner and/or occupant fails or refuses to comply with the conditions or requirements set forth by the Borough within the prescribed time period in this section.

**Section 70-8. Action to abate penalties.**

In addition to prosecution of the offense defined in this ordinance or pursuing any other remedies available under this Code, the Code Enforcement Officer upon receipt of reliable information that any dwelling within the corporate limits of the Borough is being maintained as a nuisance property designation may prosecute an action for equitable relief, in the name of the Borough, to abate the nuisance and to enjoin any person(s) who may own, rent or occupy the dwelling in question from using or permitting its use in violation of the provisions of this ordinance.

**Section 70-9. Violations and penalties.**

A. Any person(s) who shall violate a provision of this ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to other remedies, any violation may be deemed a municipal infraction and prosecuted as such. The penalty for violation shall be a fine of \$600.00 for each offense.

B. Upon a finding of guilt under this ordinance, the court may, in addition to other remedies permitted by the Code, impose any or all of the following conditions:

(1) The completion of improvements upon the premises of the dwelling which have the impact of mitigating crime and criminal activity including, but not limited to, the erection of fences, installation of security devices or increased lighting.

(2) Requirement of a written lease for occupants which includes provisions requiring eviction for criminal activity.

(3) Submitting tenancy lists on a period basis to the Police Department.

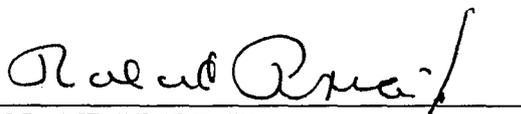
(4) Any other condition reasonably related to the objective of abating the disorderly house nuisance.

DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, this 7 day of AUGUST, 2007, in lawful session duly assembled.

ST. CLAIR BOROUGH

  
MICHAEL M. McCORD  
Council President

ATTEST:

  
ROLAND PRICE, JR.  
Borough Secretary

Approved by me this 7 day of AUGUST, 2007.

  
STEPHEN BOBELLA  
Mayor