

Chapter 5 - Part I: Personal Property Protection

100.0 This ordinance shall be a remedy for unlawful trespass or detention by a transient occupant of personal property, and for the protection of legal property owners.

100.1 This ordinance shall be construed in recognition of the right to exclude others as an essential component of property rights.

101.0 Definitions:

Borough: A town which has its own council, government, and provides local services. The term in this ordinance shall mean: Saegertown Borough, a municipal corporation of Pennsylvania.

Camping: A form of outdoor recreation involving overnight stays with a basic temporary shelter such as a tent. Camping can also include a recreational vehicle, a tent, a shelter such as a bivy or tarp, or no shelter at all.

Owner: The person in whom is vested the ownership, dominion, or title of property.

Phrogging (Phrog) (Phrogger): *The act of secretly living in or temporarily occupying another person's occupied or unoccupied home without their knowledge or permission.*

Private Property: Private property refers to **the ownership of property by private parties** - essentially anyone or anything other than the government.

Squatter: a person who unlawfully occupies an uninhabited building or uses, occupies or attempts to inhabit land they do not own.

Transient: a person who is staying or working in a place for only a short time.

Transient Occupant:

As used in this section, means a person whose residency in real property intended for residential, commercial, or industrial use has occurred for a brief length of time, is not pursuant to a lease, and whose occupant was intended as transient in nature.

Trespasser: a person entering someone's land or property without permission or who has no legal or legitimate right or authority to the land or property

Vandalism: action involving deliberate destruction of or damage to public or private property.

102.0 Transient Occupancy of a Building:

102.1 Factors that establish that a person is a transient occupant include but are not limited to:

- a) The person does not have an ownership interest, financial interest, or leasehold interest in the property entitling him or her to occupancy of the property.
- b) The person does not have any current property utility subscriptions.
- c) The person cannot produce documentation, correspondence, or identification cards sent or issued by a government agency, including, *but not limited to*, Gov. Real ID, a state or commonwealth driver's license, or identification from the supervisor of elections, which

shows that the person used the property address as an address of record with the above within the previous 12 months.

- d) The person pays minimal or no rent for his or her stay at the property.
- e) The person does not have a designated space of his or her own, such as a room, at the property.
- f) The person has minimal, if any, personal belongings at the property.
- g) The person has an apparent permanent residence elsewhere.

102.2 Minor contributions made for the purchase of household goods, or minor contributions towards household expenses, **do not** establish residency.

103.0 A transient or phrogging occupant unlawfully detains a residential property if:

- a) The transient or phrogging occupant remains in occupancy or returns to the residential property after the party entitled to possession of the property has directed the transient or phrogging occupant to leave.

103.1 The transient occupancy terminates when:

- a) The transient begins to reside elsewhere.
- b) The transient surrenders the keys or possession to the dwelling, building or property
- c) The transient leaves the dwelling, building or property when directed by the lawful owner, by a Law Enforcement Officer, or other enforcement officer appointed by the Borough.
- d) A transient occupancy is not extended by the presence of personal belongings of a former transient occupant.

103.2 The Phrogging occupancy terminates when:

- a) The phrogger is ordered to leave the property by the lawful owner, by a Law Enforcement Officer, or other enforcement officer appointed by the Borough

200.00 Trespassing on Private property.

- a) If a person has no ownership interest, financial interest or leasehold interest in the property entitling him or her to occupancy of the property it shall be illegal without permission of the legal owner to:
 - 1) Enter, loiter, camp, sleep, occupy, or build a fire on any private property.
 - 2) Park a vehicle or drive any type of vehicle on or across any private property.
 - 3) Store, house, graze or permit any animal to deposit feces on private property.
 - 4) Disturb the earth, pick crops, flowers, or fauna.
 - 5) Remove or trim trees, shrubs or vegetation on private property.
 - 6) Place signs or notices on any property without prior permission of the owner.
 - 7) Store items on private property.

300.00 Publicly Owned Buildings by Saegertown Borough:

301.0 The Borough reserves the right to:

- a) Set guidelines for the use of buildings and facilities.
- b) Restrict times, dates or specific use of the property, buildings, or facilities.
- c) Establish fees for use of buildings and facilities.

301.1 It shall be illegal to:

- a) Tamper with, mark, deface or alter in any way, any Borough owned buildings or property.
- b) Place signs or notices on any Borough owned building or property without prior permission.
- c) Attempt to forcibly enter any Borough owned building or property without prior permission.
- d) Refuse to vacate, if ordered by designated individuals, any Borough owned building or property.

302.0 Property owned by Saegertown Borough:

302.1 The Borough reserves the right to:

- a) Restrict parking on any Borough owned property.
- b) Set guidelines for the use of property and facilities.
- c) Restrict times, dates or specific use of the property, buildings, or facilities.
- d) Establish fees for use of buildings and facilities.

302.2 It shall be illegal, on any Borough property, without prior permission to:

- a) Camp on, sleep on, or occupy any Borough owned property.
- b) Place signs or notices on any Borough owned property without prior permission.
 - 1) Except Political signs at the Borough Building within 24 hours of the election.
- c) Urinate or dispose of feces on Borough property, except in properly designated facilities.
- d) Store items on the property.
- e) Refuse to vacate, if ordered by designated individuals or law enforcement officer(s) any Borough owned property.
- f) Park any vehicle, including ATV's, except in areas designated for parking for such use.
- g) Drive a vehicle of any type, including ATVs, on or across any area not designated for parking.
- h) Disturb the earth, cut down or trim trees, vegetation or shrubs, or pick flowers or fauna on any Borough owned property.

303.0 Jordan Park

- a) Jordan Park land and buildings are closed to the public from dusk to dawn without permission.
 - 1) Dusk shall be defined as: one-half hour after sundown.
 - 2) Dawn shall be defined as: one-half hour before sunrise.
- b) Overnight parking is only permitted by Borough Permission.
- c) It shall be illegal to block access or egress to the Park.
- d) All restrictions listed under section 302.2 apply to Jordan Park.

304.0 Rights-of-Ways for Streets, sidewalks and utilities.

- a) In addition to all regulations listed under section 302.2 above it shall be illegal without permission to:
 - 1) Block streets or sidewalks from unrestricted passage
 - 2) Camp on streets or sidewalks.
 - 3) Park in any area designated “NO Parking.”
 - 4) Paint, deface, mark, or vandalize any street, public sidewalk, or utility pole
 - 5) Place signs or notices on any utility pole or Rights-of-Way without prior permission.

305.0 Private property.

305.1 It shall be illegal, on private property, without permission of the owner:

- a) Camp on, sleep on, or occupy any privately owned property.
- b) Place signs or notices on any privately owned property.
- c) Urinate or dispose of feces, except in properly designated facilities.
- d) Store items on the property.
- e) Refuse to vacate, if ordered by the legal owner of the property.
- f) Park any vehicle, including ATV’s, except in areas unless designated for parking.
- g) Drive a vehicle of any type, including ATVs, on or across any area not designated for such use.
- h) Disturb the earth, cut down or trim trees or shrubs, or pick crops, flowers or fauna on any private property.
- i) Block access or egress to private property.

305.2 Any physical items or belongings that remain on the property after the order to vacate shall be considered the property of the legal property owner and may be disposed of in any manner necessary.

- a) The person in violation shall be charged for the disposal of items left on the property and/or the cleaning of the property.

350.0 Theft and destruction of Private Property.

- a) It shall be illegal for any person or persons at any time to:
- 1) Steal items belonging to another person or business.
 - 2) Participate in a flash mob, gang, group, gypsy group, or other spontaneous or planned large gathering, where the object is to legally or illegally enter into a building to ransack, steal items, destroy property, or cause chaos and confusion or engage in illegal acts

355.0 Right to Stand Ground, Protect Yourself and Protect Property.

- a) If a Law Enforcement Officer is not available or delayed after notification, the property owner or legal occupant shall have the right to:
- 1) Protect themselves and/or their property including items for sale, by any means permitted by law.
 - 2) Prevent the items from being taken, by force if necessary.
 - 3) Fight back if being assaulted, including the use of non-lethal weapons.
 - 4) Lock or block doors or entrances to prevent perpetrators from leaving the premises.
 - 5) Sue the perpetrators for damages.
 - 6) Detain the perpetrators until Law Enforcement arrives.

400.0 Notices and orders:

- a) Upon verbal notice the person or persons in violation shall be considered trespassers.
- b) After notice to vacate, any person or persons camping, sleeping, or occupying private property, shall immediately remove all possessions, clean the property, and vacate the property, within two (2) hours.
- c) Any personal items or belongings of a person in violation that remain on the property after the two (2) hour order to vacate shall be the legal property of the legal owner of the property.
- d) The person or person's camping shall be liable for any damage to the property.
- e) Any property remaining on Borough or private property after 24 hours of notice to vacate, may be removed and disposed of.

401.0 Trespass on land

- a) Upon verbal notice by the legal owner, a person or persons in violation of this ordinance shall be considered trespassers and shall vacate the property.
- b) Any person or persons camping shall immediately remove all possessions, clean the area and the property, and vacate the property, within two (2) hours of verbal notice by Borough personal, any Law Enforcement Officer, Borough Code Enforcement Officer, or the legal property owner.

- c) If a person or persons that is trespassing is not present but has stored or left personal items on a property in question, either privately owned or Borough owned, a notice shall be posted within twenty feet of the items in question, ordering removal of all such items within 48 hours of the notice.
- d) Any person or person's trespassing shall be responsible and liable for any damage to the property.
- e) The legal property owner may charge the trespasser for any clean-up fees or damages on the property, after the notice to vacate.
- f) Any items remaining on private or personal property after the notice to vacate, may be removed and disposed of, and shall be considered property of the legal property landowner.**

402.0 Order to vacate buildings.

- a) Any law enforcement officer or person designated by Borough Council, such as code enforcement officer or constable, to enforce this ordinance, may, upon a sworn affidavit of the party entitled to possession that the person who is a transient occupant who is unlawfully detaining residential property, direct a transient occupant to surrender possession of residential property.
- b) The transient must vacate the property, including all possessions, within 24 hours of the order, or the legal party entitled to possession may:
 - 1) Remove all belongings of the transient and place them (at the edge of the property or rights-of-way) outdoors.
 - 2) The owner or legal party in possession shall not be responsible for lost or stolen items.
 - 3) If the transient property is not removed from the dwelling or property in the time allotted, the person in legal possession may presume the former transient has abandoned any personal possessions and may discard the belongings after 48 hours of the eviction.
 - 4) Lock or change locks and secure the building.
- c) A transient shall be responsible for the following, and liable for damages from:
 - 1) Intentional or negligent damage to the property.
 - 2) Physical or verbal abuse directed at the person in possession of the dwelling.
 - 3) Physical or verbal abuse of another occupant of the building or property.
 - 4) Theft of property belonging to the party entitled to possession of the property, or another occupant of the building.
 - 5) Unpaid utility bills for the property.

500.0 Vacant and abandoned buildings:

- a) Any building vacant and not properly maintained for 3 months or more may be determined to be abandoned and ordered to be boarded up and secured.

- 1) The Borough shall have the right to board up a building and secure it if the owner does not comply with the order to board, and the Borough may bill the owner for any cost incurred plus 10%.
- b) The Borough can bill legal property owner for any actual costs associated with this ordinance plus 10%,
- c) The Borough is not required to provide keys or entry to a boarded-up property unless all money due to the Borough from the property in question has been paid in full.
- d) The Borough has the right to place a lien on the property for all costs incurred, and money due.

600.0 Enforcement

- a) This ordinance may be enforced by any Law Enforcement Officer, the Borough Code Enforcement Officer or any other person so authorized by resolution of Borough Council.

800.0 Penalties

- a) Any violation of this ordinance is a Class B violation. (\$100 to \$1,000)
- b) Each day shall constitute a separate violation.
- c) Borough or owner may charge attorney fees and costs associated with the violation.
- d) Borough or Owner may charge for the actual costs to clean-up, remove items, replace items, repair items, plus 10% may be assessed to any person in violation of this ordinance.
- e) Parents or legal guardians are responsible for any act by a juvenile in this ordinance.
- f) In lieu of fines, the violator may be sentenced to jail for thirty days or a time issued by the District Justice or Judge and provide full restitution to the victim or victims.

900.0 : Severance. In the event any portion of the remaining language of this Ordinance is held to be invalid, such invalidity shall not affect the remaining language of the Ordinance, it being the intent of the Borough Council that such language remaining shall remain in full force and effect and for this purpose the remaining language herein is hereby declared severable.

950 Repealer. Any other ordinance or part of an ordinance inconsistent with the language of the Ordinance set forth herein is hereby repealed insofar as the same is inconsistent herewith.

970. Effective Date. This Ordinance shall take effect immediately upon execution..

ORDAINED AND ENACTED by the Borough Council of Saegertown on this 8 day of April, 2024.