ORDINANCE NO. 12-___2017

AN ORDINANCE OF THE BOROUGH OF SOUTH GREENSBURG, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 125 OF THE BOROUGH OF SOUTH GREENSBURG CODE TO ESTABLISH A QUALITY OF LIFE AND VIOLATION TICKET PROCESS

WHEREAS, the Borough of South Greensburg has experienced an increase in the failure of property owners to appropriately maintain their properties and structures located within the Borough, causing a negative effect on the quality of life, health, safety, and general welfare of Borough residents and their guests; and

WHEREAS, in an effort to protect the health, safety, and general welfare of Borough residents and there guests, as well as Borough property values, Council desires to amend its Property Maintenance Code and implement an ordinance providing for the issuance of tickets, citations, and penalties to owners and/or occupiers of properties that are not appropriately maintained, in a timely manner, for quality of life violations.

NOW, THEREFORE, be it enacted and ordained by Counsel of the Borough of South Greensburg in a regular meeting assembled and by authority of the same:

SECTION 1: Chapter 125 of the South Greensburg Code is amended to identify Sections 125-1 through 125-25 as "Article I General Provisions."

SECTION 2: Chapter 125 of the South Greensburg Code is amended to add a new article, identified as "Article II Quality of Life Regulations," which shall include the following new sections of Chapter 125:

§ 125-26. Purpose.

The lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, vendor operations without permits and accumulation of snow and ice are costly problems that negatively impact the public health, safety, and general welfare of the Borough residents and their guests, and contribute to the deterioration of property values and general disorder in the Borough. These problems degrade the physical appearance of the Borough, which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of South Greensburg are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Article is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of South Greensburg.

§ 125-27. Scope.

The provisions of this Article shall apply to all existing and future properties and structures.

§ 125-28. Definitions.

The following words, terms and phrases when used in this Article shall be defined as follows, unless context clearly indicates otherwise:

ADULT

Any person 18 years of age or older.

DEBRIS

Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

DUMPING

Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized.

DWELLING UNIT

One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy.

GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INDOOR FURNITURE

Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

LANDLORD

Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, monetary or otherwise.

LITTER

Includes, but is not limited to, all waste material, garbage, trash, i.e., waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture appliances, or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

MOTOR VEHICLE

Includes any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

OCCUPANT

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

PUBLIC NUISANCE

Any condition or premises which is unsafe or unsanitary.

PUBLIC OFFICER

Any police officer, authorized inspector, or public official designated by the Mayor and/or Borough Council to enforce the Borough ordinances.

RIGHT-OF-WAY

The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

RECYCLABLE MATERIAL

Includes material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, and paper.

TENANT

That person (or persons) who has the use of real estate of a landlord and is responsible for the giving of any type of consideration therefore, but excluding those who are tenants for a period of less than 30 days.

WASTE

Any garbage, refuse, industrial, lunchroom or office waste, and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source-separated recyclable materials.

§ 125-29. Quality of life violations.

The following shall be considered quality of life violations:

A. Accumulation of rubbish, garbage, junk or litter.

(1) All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of waste, trash, rubbish, debris or garbage.

(2) It is prohibited to store or place any/all appliances or furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TVs, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purposes of keeping the item on the exterior of the property for a period of less than twenty-four (24) hours for the purpose of maintaining the item or removing the item from the real property.

(3) Refrigerators and similar equipment, including, but not limited to, washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.

B. Storing of hazardous material. It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including, but not limited to, paints, volatile oils and cleaning fluids or combustible rubbish, including, but not limited to, wastepaper, boxes or rags unless the storage of said materials is in compliance with the applicable fire and/or building codes, and at least 10 feet away from the public right-of-way.

C. Storing of recyclables. Storage of recyclables is only permitted in approved containers which must be kept clean and sanitary at all times.

D. Storage containers for waste or trash.

(1) All containers that store waste or trash shall be in compliance with Borough of South Greensburg Code §90-10 and §90-11.

(2) All containers must be stored so said containers are not visible from the public right-of-way.

(3) Waste/trash containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled pickup day, and all containers must be returned to their storage area before daybreak on the day following pickup.

E. Littering, scattering rubbish or dumping.

(1) No person shall throw, dump, place, sweep or dispose of any litter, waste, trash, garbage, tobacco product or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, right of way or on any public property.

(2) The improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property is prohibited.

(3) Any violation Borough of South Greensburg Code Chapter 108 shall be considered a violation of this part and may also be enforced and ticketed as such.

F. Motor vehicles.

(1) It shall be prohibited to keep a nuisance vehicle as defined in Borough of South Greensburg Code §156-1.

(2) It shall be prohibited to maintain a "motor vehicle nuisance" as defined in Borough of South Greensburg Code §156-7(B), which is not otherwise permitted under Code §156-8.

(3) Any violation Borough of South Greensburg Code Chapter 156 shall be considered a violation of this part and may also be enforced and ticketed as such.

G. Placement or littering by private advertising matter.

(1) No person shall throw, place, sweep or dispose of lifter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area, right of way or any public property.

(2) No person, group, organization or entity will hang, place or advertise on any public property in any manner.

(3) No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights to without written approval of said owner.

H. Animal maintenance and waste/feces cleanup. Violations of Chapter 53 of the South Greensburg Code shall be considered a violation of this part and may also be enforced and ticketed as such.

I. Insects or vermin. Infestation of insects or vermin shall not be allowed to continue, and the owner or occupant of any infested property shall report same to the Police Department of the Borough and take appropriate steps to abate said infestation without unnecessary delay. Failing to do so is a violation.

J. High weeds, grass, plant growth or standing water. All premises and exterior property shall be maintained free from weeds, or plant growth in excess of six inches as defined herein, and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin. All such plant growth shall otherwise be in compliance with Borough of South Greensburg Code § 57-4 and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such..

K. Snow and ice removal from sidewalks. Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough, is required to remove any snow or ice from their sidewalk pursuant to Borough of South Greensburg Code Chapter 141 and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such..

L. Swimming pools.

(1) Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, sanitary, and covered when not in regular use.

(2) All pools shall be in compliance with Borough of Sough Greensburg Code Chapter 163 Sections 30(G) & (H) and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such.

M. Registration of tenants. It shall be unlawful for a landlord to allow adult tenants or occupants to reside within the Borough of South Greensburg without registering them with the Borough Tax Collector, pursuant to §149-30.1. Any violation of §149-30.1 shall be considered a violation of this part and may also be enforced and ticketed as such.

N. Permits and approvals.

(1) It shall be unlawful for an owner or contractor to perform work to a building or structure without a permit, where permits are required.

(2) Illegal signs/billboards. No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the Borough of South Greensburg.

O. Property maintenance. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound, in good repair, and in compliance with the Borough's Property Maintenance Code. Any violation of the Borough's Property Maintenance Code, Article I of this Chapter, shall be considered a violation of this part and may also be enforced and ticketed as such.

P. Water Diversion.

(1) No person shall cause water collected in a gutter or gutter system to be deposited onto the public right of way.

(2) No person shall cause a pump, whether a sump pump or otherwise, to deposit water onto the public rights of way.

(3) No person shall cause for ground water, storm water, waste water or any other source of water to be deposited onto the public rights of way.

O. Sidewalks. All sidewalks shall be in good repair and free of defect and/or hazard, and otherwise shall be in compliance with Borough of South Greensburg Code §144-1.

§ 125-30. Authority for issuance of violation tickets and citations.

Upon finding a quality of life violation, any public officer of the Borough of South Greensburg, appointed by the Mayor and/or Borough Council of the Borough of South Greensburg, may issue

quality of life violation tickets and/or citations to the owner and/or occupant of the property at issue or to the individual known to have violated this Article.

§ 125-30. Service.

A violation ticket may be served upon a violator by handing it to the violator or his/her agent, by handing it to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket conspicuously to the property where the violation exists, by handing it at any office or usual place of business of the violator, or to the person for the time being in charge thereof, or by mailing the violation ticket to the violator's address of record.

§ 125-31. Separate offense.

Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate violation ticket may be issued and fine imposed.

§ 125-32. Regulations.

Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Article.

§ 125-33. Abatement of violation.

A. Any person or business violating this Article is hereby directed to, upon issuance of a quality of life ticket, correct the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.

B. The Borough of South Greensburg reserves the right to abate the violation in question at the expense of the owner if the violation is not abated by the property owner within five (5) business days. Should the violation at the discretion of the appropriate officer(s) present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of $60 per hour, per man. The Borough reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment. If the Borough has abated the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket which will also be paid separately.

C. Contractor cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation once five (5) business days pass from the date of issuance of the quality of life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for his work to the Borough of South Greensburg,

and the Borough will forward these costs to the violator. The Borough reserves the right to add a processing fee of $10.00 in addition to the cost of the contractor.

§ 125-34. Fines and penalties.

Any person who violates this Article shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation.

A. Violation ticket fines. For a violation of this Article, violation tickets shall be issued in the amount of $25.

B. Violation ticket penalties. If the person in receipt of a violation ticket of $25 does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a penalty of $10.00.

C. Failure to respond. If a person fails to make payment or request a hearing within thirty (30) days of a violation ticket, they shall be subject to a citation for failure to pay.

D. Repeated violations. Upon issuance of four tickets for the same violation, right is reserved for a Public Officer to issue a citation for fifth and subsequent offenses.

E. Citation fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than $300, not more than $1,000 on each offense or imprisoned no more than 90 days, or both.

§ 125-35. Appeal.

A. A person in receipt of a violation ticket may appeal to the Borough Council by filing an appeal request in writing, on a form to be provided, within fifteen (15) calendar days of the date of the violation ticket, stating the reasons for appeal, and accompanied by the appropriate fine amount.

B. If abatement or other costs were associated with the violation, these will be posted, along with the appeal.

C. The appeal will be addressed by Borough Council at the next scheduled public meeting following the filing of the appeal. The violator may address the Borough Council at this public meeting prior to the Borough Council voting on the appeal. By majority vote of the Borough Council, the appeal may be upheld, denied, or the violation ticket and/or any associated costs,

fines or penalty amounts modified. Borough Council will issue written notice of the decision, along with any refunds applicable.

§ 125-36. Collections and Liens.

At the discretion of the Borough, all tickets and costs of abatement for which payment is not received within forty five (45) days of issuance may be turned over by the Borough to a collections agency for receipt. The Borough may place liens on properties wherein a nuisance was removed and abated, pursuant to 53 P.S. §7101, *et seq.*

§ 125-38. Nonexclusive remedies.

The penalty and collection provisions of this Article shall be independent, not mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Article. The remedies and procedures provided in this Article for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough of South Greensburg Code or ordinances, whether or not such other code or ordinance is referenced in this Article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Article.

§ 126-39. Severability.

Should any section or provision of this Article be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Article as a whole or any part thereof, other than the part so declared to be invalid.

§ 125-40. Effective date.

This Article shall become effective immediately upon approval.

ORDAINED AND ENACTED into an Ordinance of the Borough of South Greensburg this 17th day of August, 2017, by the Council for the Borough of South Greensburg.

ATTEST: **BOROUGH OF SOUTH GREENSBURG**

By: _____
Secretary

By: _____
Clentin C. Martin, President of Council

Examined and approved this 14th day of August, 2017

By: _____
Betty Dobies, Mayor