

BOROUGH OF PITCAIRN
ORDINANCE NO. 1023

AN ORDINANCE OF THE BOROUGH OF PITCAIRN, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, DESIGNATED AS THE "QUALITY OF LIFE ORDINANCE" GOVERNING CERTAIN VIOLATIONS, INCLUDING THE ACCUMULATION AND DISPOSAL OF WASTE, GARBAGE AND RUBBISH; PROHIBITING THE STORAGE OF UNREGISTERED, UNLICENSED, INOPERATIVE OR DISASSEMBLED MOTOR VEHICLES; PROHIBITING THE OUTDOOR PLACEMENT OF INDOOR FURNITURE; PROHIBITING CERTAIN OPERATION OF FOOD CARTS OR VENDING CARTS; REQUIRING THE CUTTING OF HIGH WEEDS, GRASS OR VEGETATION; REQUIRING THE TIMELY REMOVAL OF SNOW AND ICE FROM SIDEWALKS; REQUIRING PROPER STORAGE CONTAINERS FOR WASTE AND GARBAGE; REQUIRING THE PROPER STORAGE OF RECYCLABLES AND HAZARDOUS MATERIALS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS OF THIS ORDINANCE, INCLUDING ABATEMENT OF THE VIOLATION, ASSESSMENT OF DIRECT AND INDIRECT COST OF CLEANUP, FINES AND ESTABLISHMENT OF A TICKET PROCESS WITH RIGHT OF APPEAL; INCLUDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough of Pitcairn has experienced an increase in the failure of proper maintenance of properties and structures located within the Borough, which has caused a negative effect on the quality of life of the citizens, residents, and guests; and

WHEREAS, in an effort to protect both the property values and the health, safety and general welfare of the citizens, residents, and guests of the Borough of Pitcairn, Borough Council desires to implement an ordinance providing for the issuance of tickets, citations and penalties to owners and/or occupiers of said properties, in a timely manner, for quality of life violations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Pitcairn as follows:

SECTION I: TITLE. This Ordinance shall be known as the "Borough of Pitcairn Quality of Life Ordinance".

SECTION II: PURPOSE. Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, vendor

operations without permits and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. 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 the Borough of Pitcairn are negatively impacted by the occurrences and existence of these activities. Recognizing that these are community problems, the purpose of this Ordinance is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of the Borough while eliminating safety and welfare concerns for both residents and emergency service personnel.

SECTION III – SCOPE. The Provisions of this Ordinance shall apply to all existing and future properties and structures.

SECTION IV – DEFINITIONS. The following words, terms and phrases when used in this Ordinance 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 or 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.

JUNKED VEHICLE – Includes any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair whether on private or public property.

A. The following conditions, if present, are examples of a state or condition of disrepair:

- 1) Rusted and/or jagged metal on or protruding from the body of the vehicle.
 - 2) Broken glass or windows on or in the vehicle.
 - 3) Leaking of any fluids from the vehicle or deflated or flat tire(s).
 - 4) Unsecured and/or unlocked doors, hood or trunk.
 - 5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus.
 - 6) Harboring of rodents, insects, or other pests.
 - 7) Accumulation of debris, vegetation, leaves, or leaf waste under a vehicle on a Borough roadway.
- B. The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also "nuisance motor vehicle".

LANDLORD – Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, money 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 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 semi-trailers pulled thereby.

NUISANCE MOTOR VEHICLE – A motor vehicle with one or more of the following defects:

- A. Broken windshields, mirrors, or other glass, with sharp edges.
- B. Broken headlamps, tail lamps, bumpers or grills with sharp edges.
- C. Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.
- D. Protruding sharp objects from the chassis.
- E. Missing doors, windows, hoods, trunks, or other parts that could permit animal harborage.
- F. One or more open tires or tubes which could permit animal harborage.
- G. Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public property, owners, visitors, or residents of the property on which said vehicle is found.

- H. Any excessive fluids leaking from a vehicle which may be harmful to the public or the environment.
- I. Disassembled body or chassis parts stored in, on or about the vehicle.
- J. Vehicles that do not display a current valid license and registration.
- K. Such other defects which the Fire Department determines to be a danger to the general public or property.
- L. Motor vehicles parked, drifted, or otherwise located which may interfere with the flow of pedestrian or automobile traffic or impede emergency efforts.

OCCUPANCY LICENSE – The License issued to an owner of a regulated rental unit, which is required for the lawful rental and occupancy of a regulated rental unit.

OCCUPANCY PERMIT – See Occupancy License.

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 of lessee.

PUBLIC OFFICER – Any police officer, authorized inspector, fire chief, fire marshal, or public official designated by the Mayor and/or Borough Council to enforce the Borough ordinances.

PUBLIC NUISANCE – Any condition or premises which is unsafe or unsanitary.

PUBLIC 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 MATERIALS – 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.

REGULATED RENTAL UNIT – A dwelling unit occupied by one or more related and/or unrelated persons under a rental agreement.

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 the 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.

SECTION V - QUALITY OF LIFE VIOLATIONS.

The following shall be considered quality of life violations:

- A. The accumulation of rubbish, garbage, junk or litter.
 - 1) All exterior property and premises, and the interior or 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 and all appliances or furniture, including but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TV's, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables, on the exterior of any property for the purpose of sale of any other reason except for removal or for the temporary purpose of performing maintenance to said 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.
- 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 ten 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 and storage containers for waste or trash.
 - 1) All containers that store waste or trash shall be durable, watertight, and made of metal or plastic, have tight fitting covers, and must be kept clean and odor free at all times.
 - 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 pick-up day, and all containers must be returned to their storage area before daybreak on the day following pick-up.
 - 4) All waste/trash must be stored so said waste/trash is not visible from the public right-of-way.

- 5) Waste/trash may only be placed in front of any property when darkness occurs the night before the day of the scheduled pick-up day.
- 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, 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.
- F. Motor vehicles.
- 1) It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed, junked, or nuisance motor vehicle or trailer on any premises not designated for that use, whether such premises shall be public or private.
 - 2) Painting of vehicles is prohibited unless conducted inside an approved spray booth.
 - 3) Vehicle repairs/maintenance in a residential district. no person shall operate repairs for profit in residential districts. This would include vehicles not owned by the property occupant/owner and use of repairs and storage on or off street. A zoning variance and licensing would be required to operate such businesses in residential districts.
- G. Placement or littering by private advertising matter.
- 1) No person shall throw, place, sweep, or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, right-of-way, passageway, parking area, 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. People owning, harboring, keeping, or those otherwise responsible for an animal within the Borough of Pitcairn:
- 1) Shall not permit them to run at large or make unreasonable noise.
 - 2) Shall not allow waste matter/feces from the animals to collect or remain on their property so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition and shall clean it up on a daily basis.
 - 3) Shall clean up waste matter/feces from the animal deposited anywhere else in the Borough immediately.
- I. Insects or vermin, and/or an infestation of insects or vermin, shall not be allowed to continue, and the owner or occupant of any infested property shall report the same to the Fire Marshall of the Borough of Pitcairn, 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 eight inches as defined herein, and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin.
- K. Snow and ice removal from sidewalks.
 - 1) 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 his or her sidewalk, and shall, within the first 12 hours after every fall of snow or sleet or formation of ice upon the sidewalks, cause the same to be removed from the sidewalks to within one foot of the curb line opposite the entire frontage of such dwelling house, store, building, or vacant lot.
 - 2) No person shall cast, discharge, throw, shovel or place or cause to be cast, discharged, thrown, shoveled or placed into or onto the traveled portion of any street or alley, by any means whatsoever, any snow, slush or ice.
- 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) It shall be unlawful for any person to install an in-ground pool, above-ground pool, or temporary pool (inflatable, or any pool that can be taken down each year), without proper permits, inspections, and safeguards in place (fences, locking gates, or ladders, and proper electrical grounding). Any pool that can hold 24 inches of water or more is subject to permits, inspections and safeguards.
- M. Vending license violations.
 - 1) It shall be unlawful for any person, business, partnership, or entity to operate, including, but not limited to, any business, vending cart, food cart, yard sale, store or establishment without the proper permits.
 - 2) It shall be unlawful to violate any term, part, portion or in total, of any vending license. Any person, business, partnership or entity violating its vending license, shall be in violation of this ordinance.
- N. Storing or serving of potentially hazardous food. No person, business, partnership or entity shall store or serve potentially hazardous food, including, but not limited to, out-of-date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, in the presence of infestation problems, or serving food that had previously been opened.
- O. Registration of tenants.
 - 1) It shall be unlawful for a landlord to allow tenants or occupants to reside within the Borough of Pitcairn without securing an

Occupancy License through the Borough offices. Tenants or occupants must be registered pursuant to the Borough of Pitcairn's Rental Unit Occupancy Ordinance.

- 2) It shall be unlawful for a tenant to allow individuals to reside within their dwelling unit without securing an Occupancy License through the Borough offices. Tenants or occupants must be registered pursuant to the Borough of Pitcairn's Rental Unit Occupancy Ordinance.
- 3) It shall be unlawful for individuals to reside in a leased or rented dwelling unit without securing an Occupancy License through the Borough offices. Tenants or occupants must register pursuant to the Borough of Pitcairn's Rental Unit Occupancy Ordinance.

P. 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, unless such performance is exempt as defined in the Borough of Pitcairn Zoning Ordinance.
- 2) Temporary dumpster permits are required. Each temporary dumpster, whether placed on private property or in a public right-of-way, shall have a valid permit issued by the Borough of Pitcairn.
- 3) Illegal signs/billboards. No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the Borough of Pitcairn.
- 4) Working without a license. No person shall work within the Borough of Pitcairn without a business license and proof of insurance, which shall be supplied to the Code Enforcement Office.

Q. Property maintenance.

- 1) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained and shall at all times be structurally sound and in good repair.

SECTION VI - AUTHORITY FOR ISSUANCE OF VIOLATION TICKETS AND CITATIONS. Upon finding a quality of life violation, any public officer of the Borough of Pitcairn, appointed by Borough Council, 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 Ordinance.

SECTION VII - SERVICE. A violation ticket may be served upon a violator by handing it to the violator or his or 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 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.

SECTION VIII – SEPARATE OFFENSE. Each day a violation continues or is permitted to continue constitutes a separate and distinct offense for which a separate violation ticket may be issued and fine imposed.

SECTION IX – REGULATIONS. Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance.

SECTION X – ABATEMENT.

- A. Any person or business violating this Ordinance is hereby directed to satisfy the Borough of Pitcairn upon issuance of a quality of life ticket, by correcting the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.
- B. The Borough of Pitcairn reserves the right to abate the violation in question at the expense of the owner. If the Borough has effected the abatement of 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. Borough of Pitcairn clean-up. The Borough reserves the right to perform any necessary work to abate any violation once 72 hours passes from the date of issuance of the quality of life ticket. 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 \$ _____ per hour, per man, and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional twenty percent (20%) on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.
- D. Contractor clean-up. The City reserves the right to direct a contractor to perform the abatement of the violation in question once 72 hours passes 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 Pitcairn, and the Borough will forward these costs to the violator. The Borough reserves the right to add a thirty percent (30%) processing fee in addition to the costs of the contractor.
- E. Abatement rates will be established by resolution from time to time based upon FEMA published rates.

SECTION XI – FINES AND PENALTIES. Any person who violates this Ordinance shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the Borough of Pitcairn for the clean-up and abatement of the violation.

- A. Violation ticket fines. For a violation of this Ordinance, violation tickets shall be issued in the amount of \$25.00.
- B. Violation ticket penalties. If the person in receipt of a \$25.00 violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a \$10.00 penalty for days 16 through 30.
- C. Failure to respond. If a person fails to make payment or request a hearing within 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. Continuous or egregious violations. If violations are continuous or egregious, a public officer has the right to issue a citation without first issuing a ticket, provided notice has been given. Any previously issued violation tickets will be considered notice given.
- F. Citation fines. Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Ordinance, or of any regulation or requirement pursuant hereto and authorized hereby, shall, upon conviction, be ordered to pay a fine of not less than \$300.00 nor more than \$1,000.00 on each offense, or imprisonment of no more than 90 days on each offense, or both. Each day that such a violation exists constitutes a separate and distinct violation.

SECTION XII – APPEAL.

- A. Any person in receipt of a violation ticket may appeal to the Borough Manager's office by filing his or her appeal request, in writing, on a form to be provided by the Borough, within 15 calendar days of the date of the violation ticket, stating his reasons for appeal, and accompanied by the appropriate fine amount.
- B. If abatement or other costs were associated with the violation, these may be required to be posted, in the Borough Manager's sole discretion, along with the appeal.
- C. The violator may request an opportunity to meet in person with the Borough Manager concerning their appeal, and the request may be granted in the sole discretion of the Borough Manager, who may also deem it appropriate to consult with the public officer(s) involved in the matter or other concerned parties.
- D. Within 30 days of the appeal date, the Borough Manager made decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he or she deems appropriate, and will issue written notice of the decision, along with any refunds applicable.

SECTION XIII – NONEXCLUSIVE REMEDIES. The penalty and collection provisions of this Section shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough of Pitcairn as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance 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 Code Section or Ordinance, whether or not such other Code Section or Ordinance is referenced herein, and whether or not an ongoing violation of such other Code Section or Ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

SECTION XIV – SEVERABILITY. The terms, provisions, and applications of this Ordinance are severable. If any of the provisions of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such holding shall not affect the remaining provisions of this Ordinance. The remaining provisions and/or applications of this Ordinance shall remain in full force and effect without the invalid provision or application.

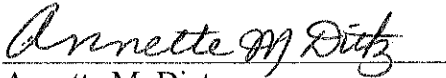
SECTION XV – REPEALED. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION XVI – EFFECTIVE DATE. This Ordinance shall become effective immediately upon approval.

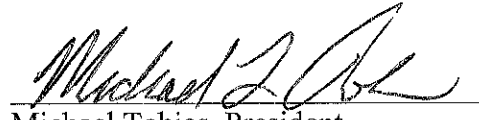
ORDAINED AND ENACTED this 9th day of October, 2017.

ATTEST:

BOROUGH OF PITCAIRN

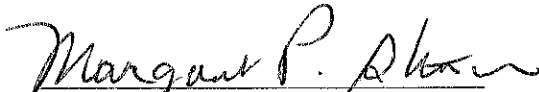


Annette M. Dietz
Borough Manager



Michael Tobias, President
Borough Council

APPROVED AS TO FORM:



Margaret P. Stevick
Mayor, Borough of Pitcairn



Michael J. Witherel, Esq.
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