

AN ORDINANCE OF THE BOROUGH OF EAST PITTSBURGH, COUNTY OF ALLEGHENY, ESTABLISHING QUALITY OF LIFE TICKETING AS AN ADDITIONAL OPTION FOR CODE ENFORCEMENT; PRESERVES TRADITIONAL CODE AND ORDINANCE ENFORCEMENT; ESTABLISHING VIOLATIONS, FINES; ESTABLISHES A HEARING BOARD FOR APPEALS; SEVERABILITY; EFFECTIVE DATE

ORDINANCE NO. 929

**WHEREAS**, the Borough of East Pittsburgh, contains certain properties that from time to time become blighted or are a nuisance to the neighborhood and the community; and

**WHEREAS**, Borough Council wishes to create alternative methods of addressing blight and nuisance properties in addition to the traditional method of ordinance enforcement which can be both costly and time consuming; and

**WHEREAS**, blighted and nuisance properties can degrade the physical appearance of the Borough, reduce tax revenue and inhibit economic development; and

**WHEREAS**, Borough Council believes it is in the best interests of the community to implement an alternative process to address blight in the community's neighborhoods and/ or eliminating nuisance property matters; and

**WHEREAS**, the purpose of this Quality of Life Ticketing Ordinance is to provide the Code Enforcement Officer of the Borough of East Pittsburgh, a mechanism for issuance of a ticket for violations pursuant to quality of life violations and to give the Violator an opportunity to abate the violation and timely pay the fine or be subject to the issuance of a non -traffic citation or notice of violation for the alleged violation of a Covered Ordinance.; and

**WHEREAS**, concomitantly, the purpose of this Quality of Life Ticketing Ordinance is also to reduce the amount of non -traffic citations and notices of violation issued by the Borough of East Pittsburgh through traditional ordinance enforcement each year, expedite the resolution process to assist in eliminating blight and nuisance properties in the community in a manner that is less costly and more timely which is found to be in the best interests of the Borough and its citizens.

**NOW, THEREFORE, BE IT HEREBY ORDAINED**, by the Council of the Borough of East Pittsburgh, Allegheny County, Pennsylvania as follows:

Section 1. Title

This Ordinance shall be known as the "Borough of East Pittsburgh Quality of Life Ordinance."

## Section 2. 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 property values and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of the Borough of East Pittsburgh 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 creating an option for Borough officials to more quickly address violations and mitigate the costs of issuing a non-traffic citation while helping to create a clean environment for the citizens of the Borough and eliminating safety and welfare concerns for both residents and emergency service personnel.

## Section 3. Definitions

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

**ACCESSORY STRUCTURE** – A structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

**ADULT** – Any person 18 years of age or older.

**BOROUGH** – The Borough of East Pittsburgh, Allegheny County, Pennsylvania

**DANGEROUS TREES** – Any tree that is considered dangerous and unsafe to the public due to overgrowth, disease, instability, infestation, harmful insects or a dead tree.

**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) 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) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus.
- 5) Harboring of rodents, insects, or other pests.
- 6) 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 inspection or registration.
- K. Such other defects which the Public Officer 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 PERMIT** – The Permit issued to an owner of a regulated unit, owner occupied or rental, established by ordinance, which is required for the lawful occupancy of a regulated unit.

**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.

**OWNER** - One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

**PERSON** — Includes the singular and plural and shall mean and include any natural person, firm, corporation, partnership, business trust, other association, estate, trust, foundation or institution. The term also includes the governing authority for a county or municipality, and a government entity other than the Commonwealth.

**PROPERTY MANAGER** – An adult individual designated by the owner of a regulated rental unit. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this Ordinance.

**BOROUGH OFFICER** – Any police officer, authorized inspector, code enforcement officer, 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 UNIT** – A dwelling unit, owner occupied or rental, occupied by one or more related and/or unrelated persons.

**RENTAL AGREEMENT** - A written agreement between an owner/landlord or property manager and occupant/tenant, embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit or premises.

**RUN AT LARGE** — For purposes of this Ordinance, "run at large" shall mean any animal when it is off the property of the owner and not under restraint of any competent person.

**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.

**VEGETATION** — Any planting that is cultivated and managed for edible or ornamental purposes, such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

**VIOLATION TICKET** — A form issued by a public officer to a person who violates a provision of this Ordinance. The violation ticket is an offer by the Borough of East Pittsburgh extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

**WEEDS** — All grasses, annual plants, and vegetation. Weeds shall not include cultivated flowers, gardens, trees, and shrubs

#### Section 4. 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 not in use 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 reasonably 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, or if there is no location to remain non-visible, the containers shall be stored in an orderly and neat fashion.

3) Waste/trash containers may only be placed in front of any property no earlier than 6:00 pm the night before the day of the scheduled pickup day, and all containers must be returned to their storage area by 10:00 pm following pick-up.

4) All waste/trash must be stored so said waste/trash is not visible from the public right-of-way, or if there is no location to remain non-visible, shall be stored in an orderly and neat fashion.

5) Any violation of Chapter 315, Article I of the East Pittsburgh Borough Code shall be considered a violation of this part and may be ticketed as such.

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.

3) Any waste or trash found within a municipal waste container shall be considered dumping and a violation of this section. Any waste or trash displaying the name and/or address of a person, that trash shall be presumed to be the property of such persons.

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 a business in a residential district.

4) It shall be unlawful to keep a nuisance vehicle as defined by Chapter 264, Article IV of the East Pittsburgh Borough Code and may be ticketed under this Ordinance.

G. Placement or littering by private advertising matter. 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.

H. Animal maintenance and waste/feces cleanup. People owning, harboring, keeping, or those otherwise responsible for an animal within the Borough of East Pittsburgh:

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 Code Enforcement Officer of the Borough of East Pittsburgh, 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 ten 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 their sidewalk, and shall, within 24 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 36 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. Regulation of Rental Units.

##### 1) Owner's Duties.

###### a. General.

It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with all applicable codes and provisions of all other applicable state or federal laws and regulations and local ordinances, and to keep such property in good and safe condition. To include the number of residents permitted per unit.

As provided for in this Ordinance, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which they own. As provided for in this Ordinance, every owner shall also be responsible for regulating the conduct and activities of the occupants of every regulated rental unit which they own in the Borough, which conduct or activity takes place at such regulated rental unit or its premises.

In order to achieve those ends, every owner of a regular rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below.

This Section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants of their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.



This Ordinance is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough against an owner, occupant, or guest thereof.

b. Designation of Manager. Every owner who is not a full-time resident of the Borough of East Pittsburgh, or a resident elsewhere within fifteen miles from East Pittsburgh, shall designate a manager who shall reside within fifteen miles of the Borough of East Pittsburgh.

If the owner is a corporation, a manager shall be required if any officer of the corporation does not reside within the aforesaid distance. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside in the aforesaid distance. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving notices and demands, as well as for performing the obligations of the owner under this Ordinance and under Rental Agreements with occupants. The identity, address and telephone number(s) of a person who is designated as manager hereunder shall be provided by owner or manager to the Borough, and such information shall be kept current and updated as it changes.

c. Disclosure. The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy: the name, address and telephone numbers of the manager, if applicable, and the name, address and telephone number of the owner of the premises.

d. Maintenance of Premises.

i. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.

ii. The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if: (a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant; and (b) the agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

iii. In no case shall the existence of any agreement between owner and occupant relieve any owner of any responsibility under this Ordinance or other ordinances or codes for maintenance of premises.

e. Landlord/Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.

f. Common Areas. Where an owner does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common areas, as if the owner were an occupant.

g. Enforcement. Within ten days after receipt of written notice from the Code Enforcement Officer, that an occupant of a regulated rental unit has violated a provision of this Ordinance, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

h. Code Violations. Upon receiving notice of any code violation from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

i. Borough Can Make Repairs. In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any Code within the period of time stated in such notice, the Borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved for each time the Borough shall cause a violation to be corrected; and the owner of the premises shall be billed after the same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to a judgement and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the Borough and its Code Enforcement Officer may invoke such other remedies available under this Ordinance or other applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of the premises as unfit for habitation; or suspension, revocation, or nonrenewal of the License issued hereunder.

j. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times in the discretion of the Code Enforcement Officer.

## 2) Occupant's Duties.

a. General. The occupant shall comply with all obligations imposed upon occupants by this Ordinance, all applicable Codes and ordinances of the Borough and all applicable provisions of state law.

b. Health and Safety Regulations. The occupant shall dispose from their regulated rental unit all rubbish, garbage and other waste in a clean and safe manner in compliance with East Pittsburgh's Solid Waste Ordinance and all other applicable ordinances, laws and regulations.

c. Peaceful Enjoyment. The occupant shall conduct themselves and require the other persons, including, but not limited to, guests on the premises and within

their regulated peaceful enjoyment of the premises by others, and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying the same.

d. Residential Use. The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use their regulated rental unit for no other purpose than as a residence.

e. Illegal Activities. The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa. C.S.A. §101, et seq.) or Liquor Code (47 P.S. §1-101 et seq.), or The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101 et seq.), or the East Pittsburgh Borough Code of Ordinances.

f. Disruptive Conduct. The occupant shall not engage in, nor tolerate nor permit others on the premises to engage in disruptive conduct, or other violations of the Ordinance.

g. Inspection of Premises. The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times in the discretion of the Code Enforcement Officer. In accordance with §296 of the East Pittsburgh Borough Code of Ordinances

O. Rental Registration. It shall be unlawful for a landlord to allow tenants of occupants to reside or occupy a regulated rental unit without complying with the provisions set forth in Chapter 296 entitled "Rental Property" of the East Pittsburgh Borough Code and may be ticketed under this 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 East Pittsburgh Zoning Ordinance.

2) Temporary dumpster permits are required. Each temporary dumpster, when placed on a public right-of-way, shall have a valid permit issued by the Borough of East Pittsburgh.

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 East Pittsburgh.

4) Working without a license. No person shall work within the Borough of East Pittsburgh without a business license and proof of insurance, which shall be supplied to the Borough 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.

R. Dangerous Trees. No person owning or occupying property in the Borough of East Pittsburgh shall allow the presence of any tree on the property that is considered dangerous and unsafe to the public by a public officer, due to overgrowth, instability, infestation, harmful insects or a dead tree.

S. Parking.

1) It shall be prohibited for any person to park a motor vehicle within 15 feet in either direction of a fire hydrant.

2) It shall be illegal for any person to park a vehicle on a right of way where the curb is painted yellow by the Borough.

3) It shall be illegal for any person to park a vehicle on a right of way where a disability/handicap sign is posted and/or the curb is marked and painted blue by the Borough without appropriate indication of a "handicap" permit on said vehicle's license plate or hanging in said vehicle's front windshield.

All of the above parking violations are also subject to towing at the owner's expense.

T. Obstruction of Public Rights-of-Way. It shall be prohibited to cause, create, place, keep, maintain or allow any merchandise, vehicle, structure, material, condition or any other thing that blocks, obstructs and/or prevents passage or progress in the public right of way; including streets, driveways, alleys, and sidewalk areas.

#### Section 5. Authority for Issuance

Upon finding a quality of life violation, any public officer of the Borough of East Pittsburgh, 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 6. Service

A violation ticket may be served upon a violator by handing it to the violator or their agent or 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 7. Violation Ticket Disposition

A. Each person in receipt of a violation ticket shall pay the fine or request an appeal within ten (10) days if served in person or affixed to the property. Recipients of a violation ticket by postal service shall have fifteen days to pay the fine or request and appeal. Failure of the person to make payment within the specified timeframe shall make the person subject to a citation for the fines indicated in the relevant sections of the Code of the Borough of East

Pittsburgh and for any abatement costs incurred by the Borough in accordance with the terms of this chapter.

- B. The Borough may, with its violation ticket, direct a person to abate the violation noticed on such ticket ("notice of violation"), or if the Borough determines that the immediate abatement of the same by the Borough is necessary for public safety the Borough may take the necessary action to abate the violation at the violator's expense.
- C. In the instance that such person does not comply with the notice of violation, the Borough may, itself, take the action set forth in the notice of violation at the violator's expense.
- D. If the Borough corrected the violation set forth in the notice of violation, the cost thereof may be charged to the owner of the property, tenant or offending party.
- E. In every instance where the recipient of a violation ticket has requested an appeal within the timeframe specified and as set forth above and has made the payments for the appeal as set forth by the current adopted fee schedule of the Borough of East Pittsburgh an appeal hearing will be held by the body designated by the Borough Council to handle such appeals may uphold the appeal, deny the appeal, or may modify the violation ticket and/ or any associated cost, fines or penalty amounts. In the instance, following appeal, the recipient of a violation fails to make payment of the ticket amount owed, the Borough may pursue any and all rights it has to file citations for the original violations and to seek recovery of all fines set forth in the ordinances and codes of the Borough of East Pittsburgh notwithstanding any of the lesser amounts set forth in the violation ticket.

#### Section 8. Fines and Penalties

The Borough Council may change the fines covered under this Ordinance from time -to- time by resolution.

Any person or business violating this ordinance shall pay a fine as set forth herein for each offense:

- A. The fine for the first Quality of Life ticket shall be \$25.00
- B. Payment of the fine and abatement of the violation is to be made within ten (10) day of issuance when served in person, or fifteen (15) days if served by postal service.
- C. The fine for the second Quality of Life Ticket for the same violation within a twelve (12) month shall be \$35.00. The fine for a third and subsequent violations in a twelve (12) month period shall be \$50.00 per occurrence.
- D. Failure to respond. If a person fails to make payment and the violation is not abated to the satisfaction of the Public Officer or the person fails to request an appeal hearing within the timeframe set forth herein, they shall be subject to a citation for failure to pay.
- E. Repeated violations. Upon issuance of Quality of Life Tickets for the same violation, right is reserved for a Public Officer to use a citation for all subsequent violations.

- F. Continuous or egregious violations. If violations are continuous or egregious, the Public Officer has the right to issue a citation without first issuing a ticket, provided notice has been given. Any previously used violation tickets will be considered as notice given.
- G. Citation Fine. Any person 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 in a summary proceeding under the Pennsylvania Rules of Civil Procedure, be guilty of a summary offense and shall be punishable by a fine not to exceed six hundred dollars (\$600), plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings

#### Section 9. Establishment of an Appeals Hearing Board

The Borough Council shall establish an appeals board to hear all Quality of Life Ticket appeals. The appeals board, upon hearing said appeal, may uphold the appeal, deny the appeal or modify the violation ticket and/or any associated cost, fines, or penalty amounts.

#### Section 10. Appeals

A person in receipt of a Quality of Life Ticket may appeal to the Borough by filing an appeal in writing within ten (10) days of the date of the violation, or fifteen (15) days if the violation is served via postal service.

#### Section 11. Repealer

All ordinances or parts of ordinances insofar as they are inconsistent herewith are hereby repealed and rescinded.

#### Section 12. Severability

In the event any provision, section, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences clauses, or parts of this Ordinance; it being the intent of the Borough of East Pittsburgh that the remainder of the Ordinance shall be and shall remain in full force and effect.

#### Section 13. Effective Date

This Ordinance shall take effect on April 21, 2021

ORDAINED into law as an Ordinance of the Borough of East Pittsburgh the 20<sup>th</sup> day of April, 2021.


ATTEST:

BOROUGH OF EAST PITTSBURGH

BY:   
Borough Manager

BY:   
President of Council

Approved this 20<sup>th</sup> day of April, 2021.

BY:   
Mayor

#### CERTIFICATION

I, Seth Abrams, hereby certify that I am the Manager of the Borough of East Pittsburgh, and that the within Ordinance was enacted at a regular meeting of the Borough Council duly convened, at which a quorum was present and voted in favor thereof.

Certified this 20<sup>th</sup> day of April, 2021.

BY:   
Manager