

BOROUGH OF TREMONT
COUNTY OF SCHUYLKILL
IN THE COMMONWEALTH OF PENNSYLVANIA

Ordinance No. 2013-03

AN ORDINANCE OF THE BOROUGH OF TREMONT, COUNTY OF SCHUYLKILL, COMMONWEALTH OF PENNSYLVANIA, ENACTED TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY ASSURING PROPERTY AND MAINTENANCE CODE COMPLIANCE; PROVIDING FOR THE ISSUANCE OF TICKETS AND/OR CITATIONS BY PUBLIC OFFICERS OF THE BOROUGH TO THE OWNERS, OCCUPANTS, OR OTHERS FOR PROPERTIES THAT ARE CONSIDERED IN VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT, AND PENALTIES.

WHEREAS, The Borough of Tremont has experienced an increase in the failure of proper maintenance of properties and structures located within the Borough thus causing a negative effect to the quality of life of the Borough's citizens, residents, and guests; and

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

NOW THEREFORE, IT IS ORDAINED AND ENACTED by the Borough of Tremont, County of Schuylkill, Commonwealth of Pennsylvania, as follows:

QUALITY OF LIFE MAINTENANCE

SECTION 1. TITLE:

These regulations shall be known as "The Quality of Life Maintenance of Property Ordinance."

SECTION 2. PURPOSE:

Lack of maintenance of properties, littering, improper storage of trash and rubbish, parking 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 of Tremont, which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of the Borough of Tremont are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this ordinance is to promote the property value, health, safety and general welfare of the borough by helping to create a clean environment for the citizens of the Borough of Tremont.

SECTION 3. SCOPE:

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

SECTION 4. DEFINITIONS:

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

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, 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.

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 – 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. 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.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also “motor vehicle nuisance.”

LITTER – Includes, but is not limited to, all waste material, garbage, trash, i.e., waste paper, tobacco products, wrappers, food or beverage containers, newspapers, tires, municipal waste, human waste, domestic animal waste, furniture or other 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, but not limited to, motor homes, campers, lawn mowers, ATVs, motorcycles, boat trailers, or trailers or semi-trailers pulled thereby.

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

- 1) Broken windshields, mirrors or other glass, with sharp edges.
- 2) Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
- 3) Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
- 4) Protruding sharp objects from the chassis.
- 5) Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
- 6) One or more open tires or tubes which could permit animal harborage.
- 7) 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.
- 8) Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- 9) Disassembled body or chassis parts.
- 10) Vehicles that do not display a current valid license, registration and inspection.
- 11) Such other defects which the Fire Department determines to be a danger to the general public or property.
- 12) Motor vehicles parked, drifted, or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

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

PUBLIC NUISANCE – Any condition or premises which are 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 bi-metal cans, glass containers, plastic bottles and containers, and paper.

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.

SECTION 5. QUALITY OF LIFE VIOLATIONS:

The following shall be considered Quality of Life Violations:

- 1) Accumulation of Rubbish, Garbage, Junk, Litter, or Tires.**
 - a. 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.
 - b. 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 removal or the temporary purpose to perform maintenance in said property.
 - c. Refrigerators and similar equipment including, but not limited to, washers, dryers, dishwashers, ranges and lawn equipment not in operation shall not be discarded, stored, or abandoned on any premises.
- 2) 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, waste paper, 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.
- 3) Storing of Recyclables.** Storage of recyclables is only permitted in approved containers which must be kept clean and sanitary at all times.
- 4) Storage Containers for Waste or Trash.**
 - a. All containers that store waste or trash shall be durable, water tight, and made of metal or plastic, have tight-fitting covers, and must be kept clean and odor free at all times.
 - b. All containers must be stored so said containers are not visible from the public right-of-way.
 - c. 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/collection day and all containers must be returned to their storage area before the end of collection day.
 - d. All waste/trash containers must be emptied on a regular/scheduled basis either by weekly pick-up or other acceptable means
- 5) Littering, Scattering Rubbish, or Dumping.**
 - a. No person shall throw, dump, place, sweep, or dispose of any litter, waste, trash, garbage, tobacco product, rubbish, or snow upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or on any public property or neighboring private property.
 - b. The improper disposal or dumping or disposing of rubbish, garbage, or snow on vacant, unoccupied, or other property is prohibited.
- 6) Motor Vehicles.**
 - a. It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed, junked, or nuisance vehicle on any premises, borough or private, other than an enclosed storage facility or garage.
 - b. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
 - c. It shall be unlawful to perform mechanical or body work on a motor vehicle on a Borough street.

7) Placement or Littering by Private Advertising Matter.

- a. No person shall throw, place, sweep, or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or any public property.
- b. No person, group, organization, or entity shall hang, place, or advertise on any public property in any manner without prior permission from the borough.
- c. No person, group, organization, or entity shall hang, place, or advertise on any private property to which they do not have any ownership rights without written approval of said owner.

8) Animal Maintenance and Waste/Feces Clean-up. People owning, harboring, or keeping an animal within the Borough of Tremont:

- a. Shall not permit them to run at large or make unreasonable noise.
- b. Shall not allow waste matter/feces from the animal 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 regular basis.
- c. Shall clean up waste matter/feces from the animal deposited anywhere else in the borough immediately.
- d. Shall not permit their animal to cause a noise nuisance, i.e., excessive barking greater than 10 consecutive minutes.

9) Insects or Vermin.

- a. 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 Health Officer of the Borough of Tremont.
- b. The owner of infested property must take appropriate steps to abate said infestation without unnecessary delay.

10) High Weeds, Grass, Plant Growth, or Standing Water.

- a. All premises and exterior property shall be maintained free from weeds as defined herein as 6" or above.
- b. Water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin.
- c. Weeds, grass, or clippings shall not be blown, raked, brushed or caused to be moved onto a Borough street.

11) Snow and Ice Removable from Sidewalks.

- a. Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Borough of Tremont is required to remove any snow or ice from their sidewalk and shall, within the first 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 lot.
- b. 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, alley or neighboring property, by any means whatsoever, any snow slush, or ice.

12) Swimming Pools.

- a. Swimming pools shall be maintained in good repair at all times.
- b. Pools shall be kept clean, safe, sanitary, and covered when not in regular use.

13) Burning.

- a. No burning is allowed within the Borough of Tremont except to grill food with an approved, safe, covered burner.
- b. Only non-toxic material is to be burned, so as not to pollute the environment or cause respiratory/breathing problems for people.

14) Vending License Violations.

- a. It shall be unlawful for any person, business, partnership, or entity to operate including, but not limited to, any business, vending cart, food cart, store or establishment without the proper permits, as applicable.
- b. It shall be unlawful to violate any term, part, portion or in total, of any vending license. Any person, business, partnership, or entity violating their vending license shall be in violation of this ordinance.

15) Curfew.

- a. No child under the age of 16 is to be permitted on public property after 11 p.m., unless accompanied by their parent, guardian, or person with legal custody.
- b. Exceptions to curfew may be considered by borough officers due to emergency situations or other unavoidable delays or circumstances.
- c. This curfew also applies to minors under age 16 in motor vehicles.

SECTION 6. AUTHORITY FOR ISSUANCE OF VIOLATION TICKETS/CITATIONS:

Upon finding a quality of life violation, any Public Officer of the Borough of Tremont, appointed by the Mayor and/or Borough Council of Tremont, 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 7. 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 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 8. 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.

SECTION 9. REGULATIONS:

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

SECTION 10. ABATEMENT OF VIOLATION:

- 1) Any person or business violating this ordinance is hereby directed to satisfy the Borough of Tremont, upon issuance of a quality of life ticket or citation, by correcting the violation in question. Borough Public Officers are authorized and empowered to cause a violation to be corrected.

- 2) The Borough of Tremont reserves the right to abate the violation in question at the expense of the owner. If the Borough of Tremont has effected the abatement of the violation, the cost thereof may be charge to the owner of the property, tenant, or offending party. A bill/invoice shall be generated to the violator for payment separate from the quality of life ticket, which shall also be paid separately.
- 3) **Borough of Tremont Clean-up.** The Borough of Tremont 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 present imminent danger and/or pose a health hazard and/or risk, at the discretion of the Public Officers, the Borough of Tremont reserves the right direct the contractor to perform the abatement immediately. The Borough of Tremont shall perform this work at \$60.00 per hour, per man, and forward the cost of any material necessary for the abatement. 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.
- 4) **Contractor Clean-up.** The Borough of Tremont 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 shall submit a bill for their work to the Borough of Tremont, who shall forward these costs to the violator. The Borough of Tremont reserves the right to add a 30% processing fee in addition to the cost of the contractor.
- 5) **The Borough reserves the right, in addition to all costs, fines, and penalties imposed by this ordinance, to record a municipal lien against the property for all costs incurred consistent with the provisions of the Borough Code.**

SECTION 11. 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 Tremont for the clean-up or abatement of the violation.

- 1) **Violation Ticket Fines:** For a violation of this ordinance, violation tickets shall be issued in the amount of \$25.00.
- 2) **Violation Ticket Penalties:** If the person in receipt of a \$25.00 violation ticket does not pay the fine or request a hearing within ten (10) days, the person shall be subject to a \$10.00 penalty for days 11 through 30.
- 3) **Failure to Respond:** If a person fails to make payment or request a hearing within 10 days of a violation ticket, they shall be subject to a citation for failure to pay.
- 4) **Repeated Violations:** Upon issuance of 2 tickets for the same violation, the right is reserved for a Public Officer to issue a citation for the third and subsequent offenses.
- 5) **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 shall be considered as notice given.
- 6) **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 \$100.00, not more than \$1,000.00 on each offense or imprisoned no more than 90 days, or both.

SECTION 12. APPEAL:

- 1) A person in receipt of a violation ticket may appeal to the Borough of Tremont Office by filing their appeal request in writing on a form to be provided within 15 calendar days of the date of the violation ticket, stating their reasons for appeal, and accompanied by the appropriate fine amount.
- 2) If abatement or other costs were associated with the violation, these may be required to be posted, at the Borough of Tremont's sole discretion, along with the appeal.
- 3) The violator may request an opportunity to meet in person with the Public Officer issuing the ticket concerning their appeal, and the request may be granted at the sole discretion of the Borough of Tremont, who may also deem it appropriate to consult with the Public Officer(s) involved in the matter or any other concerned parties.
- 4) Within 30 days of the appeal date, the Borough of Tremont may 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/she sees appropriate, and will issue written notice of the decision, along with any refunds applicable.

SECTION 13. NON-EXCLUSIVE REMEDIES:

The penalty and collection provisions of this ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough of Tremont 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 of Tremont in the case of a violation of any other Borough of Tremont Codified Ordinances, whether or not such other code ordinance is referenced in this ordinance and whether or not an ongoing violation of such other code is cited as the underlying ground for a finding of a violation of this ordinance.

SECTION 14. SEVERABILITY CLAUSE:

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

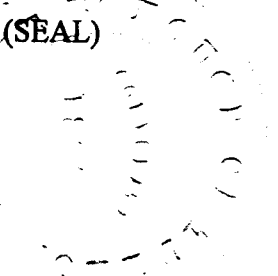
SECTION 15. EFFECTIVE DATE:

This ordinance shall become effective immediately upon approval under the authority of the Borough of Tremont and any other applicable quality of life statutes arising under the laws of the State of Pennsylvania.

ORDAINED AND ENACTED THIS 14th DAY OF May, 2013 BY
THE COUNCIL OF THE BOROUGH OF TREMONT, SCHUYLKILL COUNTY,
PENNSYLVANIA.

BY: *Robert Donmoyer*
Robert Donmoyer, President of Council

ATTEST:
Linda Gately
Linda Gately, Borough Secretary



Examined and approved this 14th day of
May, 2013.

Roger D. Adams
Roger D. Adams, Tremont Borough Mayor

