

BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 555

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON 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 THE OPERATION OF FOOD CARTS OR VENDING CARTS WITHOUT A PERMIT OR LICENSE; REQUIRING THE CUTTING OF HIGH WEEDS, GRASS OR PLANT GROWTH IN EXCESS OF SIX INCHES; 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 COSTS OF CLEANUP, FINES AND ESTABLISHMENT OF A TICKET PROCESS WITH RIGHT OF APPEAL BEFORE A BOARD OF APPEALS; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough of California 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 Borough's 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 California, the 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 and it is hereby ORDAINED AND ENACTED by the Borough Council of the Borough of California, Washington County, Pennsylvania, as follows:

SECTION 1. TITLE.

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

SECTION 2. PURPOSE.

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/unregistered 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 and residents of the Borough of California 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 health, safety and general welfare of the Borough by helping to create a clean environment for the citizens, residents, and guests of the Borough of California.

SECTION 3. DEFINITIONS.

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

1. Authorized Litter Receptacle: is a litter collection receptacle which is placed on the public right-of-way or on public property by the Borough for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste.
2. 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.
3. 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 by law.
4. Garbage: the animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.
5. Hazardous waste: any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:
 - a. Cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness.
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Dollars (\$1,000.00) for each offense, or imprisoned no more than ninety (90) days, or both.

SECTION 12. RESTITUTION.

The Magisterial District Judge may order the violator to make restitution where appropriate.

SECTION 13. APPEALS.

1. Any person who receives a violation ticket for any offense under this Ordinance may, within ten (10) days of service of the violation ticket: (a) admit the violation and pay the fine in full satisfaction or (b) deny the violation and request a hearing before the Quality of Life Hearing Board ("Hearing Board"). The Quality of Life Hearing Board shall consist of three residents from the Borough appointed by the Borough Council. This Council may appoint two alternates to the Hearing Board to serve if the regular members are unavailable. Members of the Hearing Board shall serve without remuneration.
2. If a person denies violation and requests a hearing before the Hearing Board, the person shall, within ten (10) days of service of the violation ticket, file a written appeal to the Hearing Board requesting a hearing. The written appeal shall be on a form provided by the Borough and shall be completed and signed by the person allegedly violating the Ordinance and shall be accompanied by a hearing fee of \$25.00, which shall be refunded within thirty (30) days in the event that the Hearing Board determines that there was no violation by the alleged violator. The hearing shall be held no less than ten (10) days nor more than sixty (60) days from the filing of the written appeal. At the hearing, the Public Officer shall present evidence of the alleged violation and the alleged violator shall have the opportunity to question witnesses. Formal rules of evidence shall not apply. Only evidence relevant to the violation in question shall be considered. The chairperson of the Hearing Board shall be in charge of the hearing.
3. In the event that the Hearing Board grants the appeal and determines that the person has not committed a violation, the matter is terminated. In the event that the appeal is denied and the alleged violator notifies the Borough, in writing, within ten (10) days of the decision of the Hearing Board that he or she refuses to pay the fine and restitution, the Borough may file a citation before the Magisterial District Judge. In the event that an appeal is denied and the alleged violator does not notify the Borough, in writing, of his or her refusal to pay the fine and restitution within ten (10) days of the decision of the Hearing Board, the Borough can take action pursuant to Section 10.2 of this instant Ordinance. All decisions of the Hearing Board shall be in writing.

SECTION 14. REPEAL OF PRIOR ORDINANCES.

Any and all prior Ordinances and/or any and all portions of prior Ordinances, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 15. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall become effective immediately.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 9th day of JUNE, 2016.

ATTEST:

BOROUGH OF CALIFORNIA

Shirley Coers
Borough Secretary

By: *Patsy J. Alfano*
President of Council

EXAMINED AND APPROVED by me this _____ day of _____, 2016.

BOROUGH OF CALIFORNIA

By: _____
Mayor