

**AN ORDINANCE AMENDING WEST MAHANoy TOWNSHIP'S CODIFIED
ORDINANCES BY INSERTING THE FOLLOWING NEW CHAPTER/SECTION**

ORDINANCE # 2012-2 QUALITY OF LIFE MAINTENANCE

PROVIDING FOR THE ISSUANCE OF TICKETS AND CITATIONS BY PUBLIC OFFICERS TO THE OWNERS, OCCUPANTS OR OTHERS FOR QUALITY OF LIFE VIOLATIONS AND FOR THE PUPOSES OF ASSURING CODE COMPLIANCE AND MAINTENANCE.

WHEREAS, West Mahanoy Township has experienced an increase in quality-of-life violations of properties located in West Mahanoy Township, and

WHEREAS, to protect the health, safety, and welfare of the citizens of West Mahanoy Township, West Mahanoy Township desires to implement an Ordinance providing for the issuance of tickets, citations, and penalties to owners and/or occupiers of said properties, assuring code compliance and maintenance of said properties, in a timely manner, for quality-of-life violations.

NOW, THEREFORE, BE ORDAINED BY THE COUNCIL OF WEST MAHANoy TOWNSHIP AS FOLLOWS:

2012-2 Quality of Life Maintenance

SECTION 1- PURPOSE –

Lack of maintenance of properties, stray animals and animal waste, littering, lack of or improper storage of trash and rubbish, possessing inoperative/nonregistered 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 a municipality which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of a municipality are negatively impacted by the occurrence and existence of these activities. Recognizing these community problems, the purpose of this Part is to promote health and safety, and general welfare of West Mahanoy Township by helping to create a clean environment for the citizens of West Mahanoy Township.

SECTION 2- SCOPE

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

SECTION 3 -DEFINITIONS

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

1. ADULT — Any person 18 years of age or older.
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 of becoming a harboring place or food supply for insects or 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, construction or demolition debris on public or private property, except as authorized.
4. DWELLING UNIT — One or more rooms, including a kitchen or kitchenette and sanitary facilities, designed as a unit for occupancy.
5. GARBAGE — The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
6. INDOOR FURNITURE - All pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, bedding, etc.
7. 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. 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 or missing glass or windows on or in the vehicle.
 - (3) Leaking of any fluids from the vehicle or deflated, flat or missing 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 "NUISANCE MOTOR VEHICLE."
8. LANDLORD- Any person who-grants 2 lease or otherwise permits the use-of his-real estate or portion thereof for a consideration, monetary or otherwise.
9. 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 of demolition material,

recyclable material, dirt, mud, and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

10. **MOTOR VEHICLE** - Includes any type of mechanical device, capable or at one time capable of being propelled by a motor, in which people or property may be transported upon public streets, highways, thoroughfares or waterways, and including trailers or semi-trailers pulled thereby.
11. **NUISANCE MOTOR VEHICLE** — A motor vehicle with one or more of the following defects:
 - (1) Broken windshields, mirrors, or any 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 vehicles may be harmful to the public or the environment.
 - (9) Disassembled body or chassis parts stored in, on, or about the vehicle.
 - (10) Vehicles that do not display a current valid license and registration.
 - (11) Such other defects which the Fire Department determines to be a danger to the 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.
12. **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 landlord or lessee.
13. **PUBLIC OFFICER** — Any police officer, authorized inspector, or public official designated by the Mayor and/or Borough Council to enforce the Borough ordinances.
14. **PUBLIC NUISANCE** — Any condition or premises which are unsafe or unsanitary.
15. **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.
16. **RECYCLABLE MATERIAL** — Includes material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. Such materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, and paper.

17. TENANT — That person or persons who have 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.
18. 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 a residual waste or hazardous waste as defined herein. The term does not include separated recyclable materials.

SECTION 3- QUALITY OF LIFE VIOLATIONS

The following shall be considered Quality of Life Violations:

1. Accumulation of Rubbish, Garbage, Junk, or Litter.
 - A. All exterior property and premises, and 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 and ranges not in operation shall not be discarded, stored, or abandoned on any premises without first removing the doors.
2. Storing Hazardous Material. It shall be unlawful for any person, business, or entity to store combustible, flammable, explosive, or other hazardous materials including but not limited to paints, volatile oils and cleaning fluids or combustible rubbish, including but not limited to, wastepaper, boxes, or rags unless the storage of said materials is in compliance with the applicable Fire and/or Building Codes, and at least 10 feet away from the public right of way.
3. Storing of Recyclables. Storage of recyclables is only permitted in approved containers which must be always kept clean and sanitary.
4. Storage Containers for Waste or Trash. Ae
 - A. All containers that store waste or trash shall be durable, watertight, and made of metal or plastic, have tight fitting covers, and must be always kept clean and odor free.
 - 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 within a reasonable time of the day of the scheduled pick-up day and all containers must be returned to their storage area within a reasonable time following pick-up.
5. Littering, Scattering Rubbish or Dumping.
 - A. 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.
 - B. The improper disposal or rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property is prohibited.
 6. Motor Vehicles.
 - A. A. It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed, junked, or nuisance motor vehicle on any premises not designated for that use.
 - B. Painting of vehicles is prohibited unless conducted inside an approved spray booth
 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 way, street, bridge, public passageway, public parking area or any public property.
 - B. No person, group, organization, or entity will hang, place, or advertise on any public property in any manner.
 - C. No person, group, organization, or entity will hang, place, or advertise on any property that they do not have any ownership rights without written approval of said owner.
 8. Animal Maintenance and Waste/Feces Clean-Up. People owning, harboring, keeping, or responsible for an animal within West Mahanoy Township:
 - A. You should 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 to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition and shall clean it up daily.
 - C. Shall clean up waste matter/feces from the animal deposited anywhere else in West Mahanoy Township immediately.
 9. Insects or Vermin. Infestation or 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 West Mahanoy Township and take appropriate steps to abate said infestation without unnecessary delay. Failing to do so is a violation.
 10. High Weeds, Grass, Plant Growth, or Standing Water. All premises and exterior property shall be maintained free-from weeds as defined herein and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin.

11. Snow and-Ice Removal-from Sidewalks.
 - A. A. Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within West Mahanoy Township, is required to remove any snow or ice from their 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 curblin opposite the entire frontage of such dwelling house, store, building, or vacant 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 or alley, by any means whatsoever, any snow, slush or ice.
12. Swimming Pools. Swimming pools shall be always maintained in good repair. They shall also be kept clean, safe, sanitary, and covered when not in regular use.
13. Vending License Violations.
 - A. A. It shall be unlawful for any person, business, partnership, or entity to operate including, but not limited to, any business, vending carat, food cart, yard, sale, store or establishment without proper permits.
 - 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 Part.
14. Storing or Serving Potentially Hazardous Food. No person, business, partnership, or entity shall store or serve potentially hazardous food, including but not limited to, out of ate 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.
15. Registration of Tenants.
 - A. It shall be unlawful for a landlord to allow adult tenants or occupants to reside within West Mahanoy Township without registering them with West Mahanoy Township.
 - B. It shall be unlawful for a tenant to allow adults to reside within their dwelling unit without their being registered with West Mahanoy Township.
 - C. It shall be unlawful for an adult to reside in a leased or rented dwelling unit without being registered with West Mahanoy Township.

SECTION- 4- AUTHORITY FOR ISSUANCE OF VIOLATION TICKETS AND CITATIONS

Upon finding a quality-of-life violation any Public Officer of West Mahanoy Townships appointed by the Mayor and/or Borough council of West Mahanoy Township, may issue qualify 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 5- 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 -6- 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-7-REGULATIONS

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

SECTION-8- ABATEMENT VIOLATION

1. Any person or business violating this Part is hereby directed to satisfy West Mahanoy Township, 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.
2. West Mahanoy Township reserves the right to abate the violation in question at the expense of the owner. If West Mahanoy Township has contributed to 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.
3. The Borough Clean-Up. West Mahanoy Township reserves the right to perform any necessary work to abate any violation once seventy-two (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 City reserves the right to perform the abatement immediately. West Mahanoy Township will perform this work at rate of Sixty (\$60.00) Dollars per hour, per man, and forward the cost of any material necessary for the abatement. West Mahanoy Township reserves the right to charge an additional twenty (20%) percent on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.
4. Contractor Clean-Up. West Mahanoy Township reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours passes from the date of the issuance of the quality-of-life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, West Mahanoy Township reserves the right to direct the contractor to perform the abatement immediately, the

contractor will submit a bill for their work to West Mahanoy Township, and West Mahanoy Township will forward these costs to the violator. West Mahanoy Township reserves the right to add a thirty (30%) percent processing fee in addition to the cost of the contractor.

SECTION-9-FINES AND PENALTIES

Any person who violates this, Part; shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by West Mahanoy Township for the clean-up and abatement of the violation.

1. Violation Ticket Fines: For a violation of this Part, violation tickets shall be issued in the amount of Twenty-Five (\$25.00) Dollars.
2. Violation Ticket Penalties: If the person in receipt of a Twenty-Five (\$25.00) Dollar violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Ten (\$10.00) Dollar penalty for days sixteen (16) through thirty (30).
3. Failure to Respond: If a person fails to make payment or request a hearing within thirty (30) days of a violation ticket; they shall be subject to a citation for failure to pay.
4. Repeated Violations: Upon issuance of four (4) tickets for same violation, rights are reserved for a Public Officer to issue a citation for fifth (5th) and subsequent offenses.
5. Continuous or Egregious Violations: If violations are continuous or egregious, a Public Officer has the right to issue citation without first issuing ticket provided notice has been given. Any previously issued violation tickets will 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 provision of this Part, or of any regulation or requirement pursuant thereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than Three Hundred (\$300.00) Dollars, not more than One Thousand (\$1,000.00) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

SECTION-10-APPEAL

1. A person in receipt of a violation ticket may appear to West Mahanoy Township's Office by filing their appeal request in writing on a form to be provided within fifteen (15) calendar days of 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 West Mahanoy Township's sole discretion, along with the appeal.
3. The violator may request an opportunity to meet in person with West Mahanoy Township concerning their appeal, and the request may be granted to the sole discretion of West Mahanoy Township, who may also deem appropriate to consult with the Public Officer(s) involved in the matter or any other concerned parties.

4. Within thirty (30) days of the appeal date, West Mahanoy Township 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-11-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 West Mahanoy Township as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part 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 or Codified Ordinances, whether or not such other Code or Ordinance is referenced in this Part and whether or not an ongoing violation of such other Code or Ordinance is cited as the underlying ground for a finding of a violation of this Part.

SECTION-12-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- 13-EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval. This Ordinance is enacted by the Council of West Mahanoy Township under the authority of the Borough Code and mutually exclusive separate remedies, all of which shall be available to the Township of West Mahanoy as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Township of West Mahanoy in the case of a violation of any other Township Code or Codified Ordinances, whether or not such other Code or Ordinance is referenced in this Part, and whether or not an ongoing violation of such other Code or Ordinance is cited as the underlying ground for a finding of a violation of this part.

Severability. If any provision, paragraph, word, section, or subsection of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect.

All relevant ordinances, regulations, and policies of the Township of West Mahanoy, Schuylkill County, Pennsylvania not amended shall remain in full force and effect.

If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

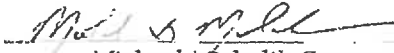
Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

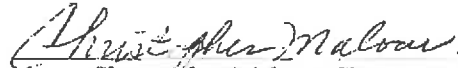
This Ordinance shall be effective immediately upon passage and approved in the manner prescribed by law.


ORDAINED and ENACTED by the Board of Supervisors of West Mahanoy Township this 20th day of November, 2012.

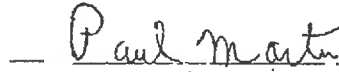
Attest:

West Mahanoy Township
Board of Supervisors


Michael Afichalik, Secretary


Christopher Malocu, Chairperson


Myrann Wisniefsky, Vice Chairperson


Paul Martin, Supervisor