

**BOROUGH OF HELLERTOWN
ORDINANCE NO.: 854**

**AN ORDINANCE OF THE BOROUGH OF HELLERTOWN, NORTHAMPTON
COUNTY, PENNSYLVANIA ADOPTING A QUALITY OF LIFE AND VIOLATION
TICKETING PROCESS IN THE BOROUGH OF HELLERTOWN.**

WHEREAS, the Borough of Hellertown is empowered to establish and regulate and to remove nuisances or dangerous structures on public and private grounds including accumulation of garbage, storage and abandoned or junked vehicles and street obstructions and the removal of unsafe conditions and to make regulations as may be necessary for the health, safety, morals and general welfare, cleanliness, beauty, convenience and comfort of the Borough pursuant to the specific power set forth in the Borough Code at 8 Pa.C.S.A. § 1202.

WHEREAS, the Borough of Hellertown believes it is in the Public's health, safety and welfare to establish a quality of life and violation ticket system.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH OF HELLERTOWN AND IT IS ENACTED AND ORDAINED AS FOLLOWS:

1. SECTION 1: Purpose. Lack of maintenance of properties, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, 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 of the citizens of Hellertown 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 of Hellertown.

2. SECTION 2: Definitions.

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

GARBAGE – Animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

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:

- (1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating illness.

- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE (HHW) – Waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive, or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints, and acids.

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 the definition of “motor vehicle nuisance set forth in Chapter 430” which terms are incorporated by reference into this Ordinance.

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

LOCAL RESPONSIBLE AGENT – Any person residing or working within the Borough of Hellertown designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

MOBILE VENDOR – A vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the Borough that does not typically remain stationary for more than approximately 10 minutes each hour.

MOTOR VEHICLE – 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 semitrailers pulled thereby.

MOTOR VEHICLE NUISANCE – 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 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 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.

MUNICIPAL WASTE – Any garbage, refuse, industrial, lunchroom, or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or 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 or organic waste.

NOTICE OF VIOLATION – A written document issued to a person in violation of a Borough ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

NUISANCE – Any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhoods. See also the definition of “public nuisance.”

OWNER – A person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property including the principals of a limited liability company or officer, director or shareholder of a corporation if that individual is responsible for the management and control of the property; including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON – Every natural person, firm, corporation, partnership, association, or institution.

PRIVATE PROPERTY – Any land and the improvements thereon owned by any person and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial, or commercial purposes, whether inhabited, temporary, continuously uninhabited, or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building, or other structure.

PUBLIC OFFICER – Any authorized inspector, Borough Manager, Code Enforcement Officer, or public official designated by the Borough to enforce the Borough ordinances, and for purposes of this definition includes a police officer.

PUBLIC NUISANCE – Any conditions 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.

RESIDUAL WASTE – Any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

RUBBISH – Combustible and noncombustible waste materials, except garbage; the term shall include residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

SHADE TREE – Unless otherwise specified, includes all trees, shrubs and woody vegetation in the public right-of-way or which falls within the provisions.

SIDEWALK AREA – The public right-of-way between the property line and the curb line or the established edge of the roadway.

SOLID WASTE – Any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous 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 police officer or public officer to a person who violates a provision of this ordinance. The violation ticket is an offer by the Borough of Hellertown extended to a person to settle a violation by paying a reduced fine in lieu of a citation being issued against the violator.

WEEDS – Shall be defined as all grasses, annual plants, and vegetation, which meet any of the following criteria:

- (1) Exceed eight (8) inches in height.
- (2) Exhale unpleasant noxious odors or pollen such as ragweed, dandelion, and miscellaneous other vegetation commonly referred to as weeds or brush.
- (3) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.
- (4) May cause a public nuisance. Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

YARD – An open space on the same lot with a structure.

3. SECTION 3. Quality of Life Violations. A person, owner, or responsible person commits a quality of life violation by any of the following:

1. Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure shall be free from any accumulation of waste, trash, rubbish, or garbage.

2. Animal Maintenance and Waste/Feces Clean-Up. People owning, harboring, or keeping an animal within the Borough of Hellertown shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition. All waste from animals must be cleaned up on a daily basis. No person shall cause or allow any animal to defecate upon any property within the Borough of Hellertown without immediately removing said feces and depositing it in approved containers.

3. High Weeds, Grass or Plant Growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation. Cultivated flowers, gardens, and shrubs shall not be included as a violation of this Section.

4. Motor Vehicles. It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed, or nuisance motor vehicle on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. It shall be unlawful to store, park, or place any motor vehicle constituting a violation of this section herein upon any sidewalk within the Borough of Hellertown.

5. Outside Placement of Indoor Appliances/Furniture. 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, 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 the temporary purpose to perform maintenance on said property.

6. Snow and Ice Removal from Sidewalks. Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Borough of Hellertown, is required to remove any snow or ice from their sidewalk within twenty-four (24) hours of the cessation of said snow and ice falling. If and/or when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak.

7. Storage Containers for Waste or Trash. The owner of every premises shall supply approved containers for waste/trash, as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, water tight, and made of metal or plastic. Containers must have tight-fitting covers and must be kept clean and odor free at all times. All containers must be stored so said containers are not reasonably visible from the public right-of-way. Waste/trash containers may only be placed in front or rear of any property, based on where waste/trash pick-up occurs, when darkness occurs the night before the day of the scheduled waste/trash pick-up day. Once the licensed hauler removes the waste/trash from any property, all containers must be returned on the property before daybreak on the day following pick-up.

8. Vacant structures and land. Vacant structures and land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

9. Temporary signs – It shall be a violation of this ordinance for all temporary signs issued pursuant to Borough Code Section 450-22 and as defined in Section 450-7 to remain erected for more than the required time period as set forth in the zoning permit.

4. SECTION 4. Authority for Issuance of Violation Ticket. Upon finding a quality of life violation, any Public Officer of the Borough of Hellertown may issue quality of life violation tickets to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this Part.

5. SECTION 5. Enforcement.

1. The provisions of this part shall be enforced by the Code Official or any other public officer authorized to enforce ordinances.
2. Any violation of the provisions of this ordinance may be cause for a citation, a violation ticket, and/or a notice of violation to be issued to the violator at the sole discretion of the Code Official.

6. SECTION 6. Service. A violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served 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 to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

7. SECTION 7. Separate Offense. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

8. SECTION 8. Abatement of Violation.

Upon issuance of a quality of life ticket:

1. Any person or business violating this ordinance is hereby directed to correct the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Code Enforcement Officer and that the Borough shall be compensated for both direct and indirect costs and expenses incurred.
2. The Borough of Hellertown and/or its contractor, per the direction of the Borough, reserves the right to abate the violation in question at the

expense of the owner. If the Borough has undertaken 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. In all instances where the Borough abates the violation, in addition to the fine set forth in the quality of life ticket, the Borough is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by Borough Council by Resolution and as amended.
4. Borough of Hellertown Cleanup. The Borough reserves the right to perform any necessary work to abate any violation after the expiration of seventy-two (72) hours from the date of issuance of the quality of life ticket. Should the violation at the discretion of the Code Enforcement Officer present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at the current hourly rate for each public works employee utilized to abate said nuisance in addition to the costs of any material necessary for the abatement. The Borough 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.
5. Contractor Cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question after the expiration of seventy-two (72) hours from the date of issuance of the quality of life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough of Hellertown and the Borough will forward these costs to the violator.

9. SECTION 9. Fines and Penalties.

A. For the first of a violation within a 12-month period, violation tickets shall be issued in the amounts of \$25.00.

B. For the second offense of a violation within a 12-month period, violation tickets shall be issued in the amounts of \$50.00.

C. For the third offense of a violation within a 12-month period, violation tickets shall be issued in the amounts of \$100.00.

D. For any subsequent violations after the third offense within a 12-month period, amounts of violation tickets shall increase in the amount of \$100.00, accumulative for each subsequent offense.

E. Any persons who receive a violation ticket for any violation may, within ten (10) days, admit the violation and pay the fine in full satisfaction or plead not guilty and the matter will be referred to the Magistrate for issuance of a citation and the scheduling of a hearing.

F. 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 for the cleanup and abatement of the violation.

10. SECTION 10. Violation Ticket Penalties.

A. 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 will be subject to a \$10.00 penalty for days 16 through 30.

B. If the person in receipt of a \$50.00 violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a \$25.00 penalty for days 16 through 30.

C. If the person in receipt of a \$100.00 or higher violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a \$50.00 penalty for days 16 through 30.

D. Failure of the person to make payment or request a hearing within ten (10) days of a violation ticket shall make the person subject to a citation.

E. The Borough Code Officials have the right to issue citations without first issuing tickets, at the Code Officers absolute discretion.

11. SECTION 11. Setting of fine amounts. All fines imposed pursuant to this Ordinance may be modified and amended by Resolution of Borough Council.

12. SECTION 12. 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 citations are issued, upon conviction, be ordered to pay a fine of not less than one hundred (\$100.00) dollars, and not more than one thousand (\$1,000.00) dollars on each offense, the costs of prosecution including restitution of the fees of the Code Official, or imprisoned no more than ninety (90) days, or both.

13. SECTION 13. Collections. At the discretion of the Borough of Hellertown, all tickets for which payment of a fine is not received within ten (10) days of issuance of a ticket for which an appeal is not taken as set forth in Section 9E and all monies paid by the Borough of

Hellertown for abatement of a violation not paid within ten (10) days of billing may be turned over by the Borough to a collection agency for receipt.

14. SECTION 14. Liens. At the discretion of the Borough of Hellertown liens may be placed upon a property against which tickets were issued for which payment of a fine is not received within ten (10) days of issuance of a ticket for which an appeal as set forth in Section 9E is not taken and all monies paid by the Borough of Hellertown for abatement of a violation and not paid within ten (10) days of billing.

15. SECTION 15. Nonexclusive Remedies. The ticket penalty, lien and collection provisions of this ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough of Hellertown as may be deemed appropriate for carrying out the purposes of this ordinance. The remedies and procedures provided in this ordinance for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough of Hellertown Code or Codified Ordinances, whether or not such other Code or Ordinance is referenced in this ordinance, 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 ordinance.

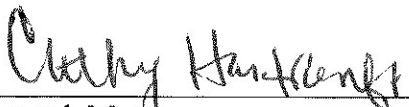
16. SECTION 16: SEVERABILITY. The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

17. SECTION 17: Any and all ordinances and/or parts hereon which are inconsistent herewith are hereby and the same repealed.

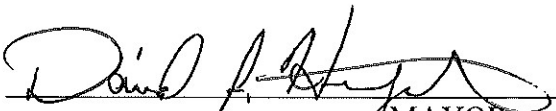
ENACTED AND ORDAINED this 1st day of April, 2024.

ATTEST:

BOROUGH OF HELLERTOWN


Borough Manager


Thomas Rieger, President Borough Council


MAYOR