

BOROUGH OF TRAFFORD

Ordinance No. 1 of 2021

AN ORDINANCE OF THE BOROUGH OF TRAFFORD, COUNTIES OF WESTMORELAND AND ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, DESIGNATED AS THE "QUALITY OF LIFE ORDINANCE" GOVERNING CERTAIN PROPERTY MAINTENANCE 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; REQUIRING THE CUTTING OF HIGH WEEDS, GRASS OR VEGETATION; REQUIRING THE TIMELY REMOVAL OF SNOW AND ICE FROM SIDEWALKS; REQUIRING PROPER STORAGE CONTAINERS FOR WASTE AND GARBAGE; PROVIDING FOR ENFORCEMENT OF VIOLATIONS OF THIS ORDINANCE, INCLUDING THE ABATEMENT OF THE VIOLATION, ASSESSMENT OF DIRECT AND INDIRECT COSTS OF CLEANUP, FINES, AND ESTABLISHMENT OF A TICKET PROCESS.

WHEREAS, the Borough of Trafford has experienced an increase in the failure of property owners to appropriately maintain their properties and structures located within the Borough, causing a negative effect on the quality of life, health, safety, and general welfare of Borough residents and their guests; and

WHEREAS, the Borough of Trafford considers the increase in failure of proper maintenance of properties and structures to be a public nuisance because said conditions are detrimental to the health and safety of residents of the Borough; and

WHEREAS, in an effort to protect the health, safety, and general welfare of Borough residents and their guests, as well as Borough property values, Council desires to implement an ordinance providing for the issuance of tickets, citations, and penalties to owners and/or occupiers of properties that are not appropriately maintained, in a timely manner, for Quality of Life violations.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby enacted by the Borough Council for the Borough of Trafford, Westmoreland and Allegheny Counties, Pennsylvania, as follows:

Section 1: Short Title

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

Section 2: Purpose

The lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, and accumulation of snow and ice are costly problems that negatively impact the public health, safety, and general welfare of the Borough residents and their guests, and contribute to the deterioration of property values and general disorder in the Borough. 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 of the Borough are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Article is to promote the health, safety, and general welfare of the Borough by helping to create a clean environment for the citizens of Trafford.

Section 3: Scope

The provisions of this Ordinance shall apply to all existing and future properties and fixtures.

Section 4: Definitions

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

ABANDONED MOTOR VEHICLE – Any motor vehicle that:

- (a) Is inoperable and is left unattended on public property for more than forty-eight (48) hours; or
- (b) Has remained illegally on public property for a period of more than forty-eight (48) hours; or
- (c) Is left unattended on or along a public highway without a valid registration plate or valid and current inspection; or
- (d) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

ADDRESS – Any numerical sign, placard, or any other display which identifies the street address of any dwelling unit or structure.

ADULT – Any person 18 years of age or older.

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, televisions, air conditioning units, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products or 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 only for inside use, including, but not limited to, upholstered chairs, couches, sofas, etc.

JUNK MOTOR VEHICLE – Any motor vehicle which is either unable to move under its own power or does not have a valid registration plate or a valid and current inspection sticker(s), or has any of the following physical defects:

- (a) Broken windshields, mirrors, or other glass;
- (b) One or more flat or open tires or tubes;
- (c) Missing doors, windows, hood, trunk, or other body parts;
- (d) Any body parts with sharp edges including holes resulting from rust;
- (e) Missing tires;
- (f) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle;
- (g) Broken vehicle frame suspended from the ground in an unstable manner;
- (h) Leaking or damaged oil pan or gas tank which could cause fire or explosion;
- (i) Exposed battery containing acid;
- (j) Open or damaged floorboards including trunk and firewall;
- (k) Damaged bumpers pulled away from the perimeter of the vehicle;
- (l) Broken grill with protruding edges;
- (m) Such other defects that could threaten the health, safety, and welfare of the citizens of the Borough of Trafford.
- (n) If a vehicle is tarped or covered and the owner or person responsible for said vehicle refuses to remove the tarp for the proper Borough official the vehicle shall be considered to be an abandoned or junk motor vehicle.

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.

NUISANCE - Any activity, conduct or condition which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to the public as necessarily comes in contact with such activity, conduct, or condition, and which adversely affects the same's safety, health, morals, or general welfare, including aesthetics.

OCCUPANT – Any persons 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.

PUBLIC OFFICER – Any police officer, authorized inspector, or public official designated by Mayor or Council to enforce Borough Ordinances.

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.

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.

Any terms not defined herein shall have their ordinary meaning.

Section 5: Quality of Life Violation

The following shall be considered a Quality of Life Violation:

- A. Accumulation of rubbish, garbage, junk, or litter. It shall be unlawful for any person, business or entity to allow the accumulation of rubbish, debris or garbage upon their property or premises, including but not limited to the following:
- (1) 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.

- (2) 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, televisions, 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 the temporary purposes of keeping the item on the exterior of the property for a period of less than twenty-four (24) hours for the purpose of maintaining the item or removing the item from the real 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 without first removing the doors.

B. Storage containers for waste or trash.

- (1) All containers that store waste or trash shall be in compliance with Chapter 114, Section 4 of Trafford's Code of Ordinances.

C. Motor vehicles.

- (1) It shall be prohibited to maintain an abandoned or junk motor vehicle as defined herein.
- (2) Any violation of Trafford Borough Code of Ordinances Chapter 136 Section 3A or 3B shall be considered a violation of this part and may also be enforced and ticketed as such.

D. Animal maintenance and waste feces cleanup. People owning, harboring, keeping or responsible for an animal within the Borough of Trafford:

- (1) Shall not permit them to run at large or make unreasonable noise.
- (2) 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 daily basis.
- (3) Shall clean up waste matter feces from the animal deposited anywhere else in the Borough immediately.
- (4) Shall not be in violation of Trafford Borough's Code of Ordinances, Chapter 66, Article 1, a violation thereof shall be a violation under this part and ticketed as such.

- E. 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 six inches, all plant growth shall otherwise be in compliance as defined in Trafford Borough's Code of Ordinances, Chapter 75, Section 1. Water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin.
- F. 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, is required to remove any snow or ice from their sidewalk within 24 hours after the accumulation thereof and in compliance with Trafford's Code of Ordinances, Chapter 170, Section 36.
- G. 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 sold property. If maintenance is being performed, or if the items are actively being sold in a yard sale, the items shall not be left unattended.

Section 6: Authority for Issuance of Violation Tickets and Citations

Upon finding a Quality of Life Violation, any public officer of Trafford Borough, appointed by the Mayor and/or Borough Council of Trafford Borough, 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 Article.

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 conspicuously 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 Article.

Section 10: Abatement of violation.

- A. Any person or business violating this Article is hereby directed to, upon issuance of a Quality of Life ticket, correct the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.
- B. Trafford Borough reserves the right to abate the violation in question at the expense of the owner if the violation is not abated by the property owner within five (5) business days. Should the violation at the discretion of the appropriate officer(s) 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 a rate as determined in the fee schedule, per hour, per man. 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. If the Borough has abated 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.
- C. Contractor cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation once five (5) business days pass 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 his work to Trafford Borough, and the Borough will forward these costs to the violator. The Borough reserves the right to add a processing fee of \$100.00 in addition to the cost of the contractor.

Section 11: Fines and Penalties

- A. For the first instance of a violation of this Ordinance within a 12-month period, violation tickets shall be issued in the amount of \$25.00.
- B. For the second violation of this Ordinance within a 12-month period, violation tickets shall be issued in the amount of \$75.00.

- C. For the third violation of this Ordinance within a 12-month period, violations tickets shall be issued in the amount of \$100.00
- D. Upon issuance of three tickets under this Ordinance, the Borough reserves the right to issue a citation for each subsequent offense.

Section 12: Violation Ticket Penalties

- A. If the person, or entity in receipt of a \$25.00 violation, does not pay the fine or request a hearing within ten (10) calendar days, the person or entity will be subject to a \$10.00 penalty. Any person or entity who does not pay the fine within twenty (20) calendar days, will be subject to an additional \$20.00 penalty.
- B. If the person, or entity in receipt of a \$75.00 violation, does not pay the fine or request a hearing within ten (10) calendar days, the person or entity will be subject to a \$20.00 penalty. Any person or entity who does not pay the fine within twenty (20) calendar days, will be subject to an additional \$40.00 penalty.
- C. If the person or entity in receipt of a \$100.00 does not pay the fine or request a hearing within (10) calendar days, the person or entity will be subject to a penalty of \$50.00. Any person or entity who does not pay the fine within twenty (20) calendar days, will be subject to an additional \$75.00 penalty.
- D. Failure of the person or entity to make payment within thirty (30) calendar days of a violation ticket in any amount, shall be issued a citation for failure to pay.

Section 13: Appeal

- A. A person in receipt of a violation ticket may appeal to the Borough Council by filing an appeal request in writing, on a form to be provided, within ten (10) calendar days of the date of the violation ticket, stating the reasons for appeal, and accompanied by the appropriate fine amount.
- B. If abatement or other costs were associated with the violation, these will be posted, along with the appeal.
- C. The appeal will be addressed by Borough Council at the next scheduled public meeting following the filing of the appeal. The violator may address the Borough Council at this public meeting prior to the Borough Council voting on the appeal. By majority vote of the Borough Council, the appeal may be upheld, denied, or the violation ticket and or any associated costs, fines or penalty amounts modified.

Borough Council will issue written notice of the decision, along with any refunds applicable.

Section 14: 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 before the Magisterial District Judge, be ordered to pay a fine of no less than \$300.00 and not more than \$1,000.00 on each offense.

Section 15. Restitution.

The Magisterial District Judge may order the violator to make restitution where appropriate, to pay the Borough's costs of collection/citation proceedings, and to pay the Borough's reasonable attorney's fees associated with the prosecution of the same.

Section 16. Collections and Liens

At the discretion of the Borough, all tickets and costs of abatement for which payment is not received within forty-five (45) days of issuance may be turned over by the Borough to a collection agency for receipt. The Borough may place liens on properties wherein a nuisance was removed and abated, pursuant to 53 P.S. §7101, et seq.

Section 17. 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 Trafford Borough 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 Trafford Borough Ordinance, whether or not such other code or ordinance is referenced in this chapter and whether or not ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

Section 18. Severability.

The terms, provisions and applications of this Ordinance are severable. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions or applications of this Ordinance. The remaining provisions and or applications of this Ordinance shall remain in full force and effect without the invalid provision or application.

Section 19. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 20. Effective Date.

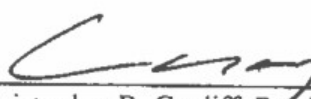
This ordinance shall become effective immediately upon approval because it is an ordinance providing for the preservation of public peace, health, morals, and safety.

ORDAINED AND ENACTED this 2nd day of February, 2021, by the Council for Trafford Borough.

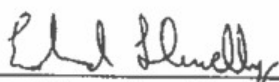
ATTEST:

THE BOROUGH OF TRAFFORD

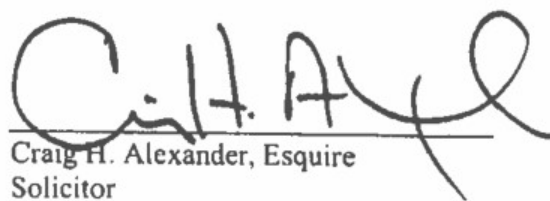
By: 
Nina Solivan, Secretary

By: 
Kristopher R. Cardiff, President

EXAMINED AND APPROVED by me this 2nd day of February, 2021.

By: 
Edward Llewellyn, Mayor

APPROVED AS TO FORM:

By: 
Craig H. Alexander, Esquire
Solicitor