

**Amended Bill No. 25, Ordinance No. 23, Session 2014**

**Article 730**

**NEIGHBORHOOD IMPROVEMENT ORDINANCE**

**730.01 PURPOSE**

Litter and dumping are costly problems that contribute to the deterioration of property values and general disorder in a community. Litter and littered properties degrade the physical appearance of the City which reduces business and tax revenue and inhibits economic development. The quality of life and community pride of City of York residents are negatively affected by dumping and litter. Recognizing these are community problems, the purpose of this ordinance is to promote the health, safety, and general welfare of the City by helping to create a clean environment for the citizens of York.

**730.02 DEFINITIONS**

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

1. **Abandoned Vehicle:** a vehicle shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
  - a. The vehicle is physically inoperable and is left unattended on a public right of way for more than 48 hours;
  - b. The vehicle is left unattended on a public right of way for more than 48 hours and does not bear all of the following:
    - 1) A valid registration plate;
    - 2) A current certificate of inspection;
    - 3) An ascertainable vehicle identification number;
  - c. The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.
2. **Authorized Litter Receptacle** is a litter collection receptacle which is placed on the public right-of-way or on public property to deposit small quantities of hand-held trash, but not household or commercial waste.
3. **Dumping** includes, but is not limited to, depositing of litter, depositing of durable goods (refrigerators, washers, dryers, mattresses, 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 in Article 951, Municipal Solid Waste Management Act and Article 952, Waste Minimization and Recycling, of the York City Ordinances.
4. **Hazardous Waste** means any waste material or 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; or

- 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.
5. **Household Hazardous Waste (HHW)** is waste which would 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.
6. **Junked Vehicle** means 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.

7. **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.
8. **Minor** shall mean any person under the age of eighteen (18) years.
9. **Municipal Waste** means 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.
10. **Notice of Violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.
11. **Person** means every natural person, firm, corporation, partnership, association, or institution.

12. **Private Property** means any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
13. **Public Officer** means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinance.
14. **Public Nuisance** means any condition or premises which is unsafe or unsanitary.
15. **Refuse container** means a metal or plastic container sold for the purpose of storing refuse that is thirty-two gallons or less and, when filled, weighs less than forty pounds. Plastic bags up to thirty-two gallon capacity sold for the purpose of storing municipal waste may be substituted. Containers must have a handle and a tight fitting lid.
16. **Residual Waste** means 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.
17. **Responsible Agent** means any person residing or working within the County of York designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.
18. **Vegetation** is any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.
19. **Violation Ticket** is issued by a police officer or public officer to a person who violates a provision of this Article.
20. **Weeds** shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:
  - a. Exceed ten (10) inches in height;
  - b. Exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush,
  - c. May conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin,
  - d. 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.

### **730.03 DEPOSIT OF LITTER PROHIBITED**

No persons shall throw, scatter, deposit or sweep litter, or cause litter to be on a public place, such as a street, sidewalk, park or playground, nor onto any private property, except in authorized receptacles.

### **730.04 USE OF AUTHORIZED LITTER RECEPTACLES**

- A. No person shall deposit household or commercial waste in an authorized litter receptacle. Only small quantities of hand-held trash may be placed in authorized litter receptacles.
- B. Persons shall deposit litter in authorized litter receptacles in such a manner as to prevent it from overflowing the receptacle.
- C. No person shall damage, deface, abuse, or misuse any litter receptacle so as to interfere with its proper function or to detract from its proper appearance.

### **730.05 DEPOSITING LITTER IN STORM SEWER**

No person shall throw, scatter or deposit litter in any storm sewer in the City.

### **730.06 ILLEGAL DUMPING**

- A. No person shall dump or cause to be deposited trash, debris, municipal waste, durable goods (refrigerator, washer, dryer, mattresses, etc.), small appliances, furniture, carpets, shopping carts, tires, vehicles, vehicle parts, automotive products, construction or demolition material or other such items on public or private property, except as authorized in Articles 951, Municipal Solid Waste Management Act and Article 952, Waste Minimization and Recycling.
- B. No person shall dump or cause to be deposited household hazardous, hazardous, or residual waste on public or private property.

### **730.07 LITTER FROM VEHICLES**

- A. No person shall throw, scatter or deposit litter from a vehicle upon any public street or other public place within the City, or upon private property.
- B. The owner or operator of any motor vehicle from which the aforementioned litter is thrown, discharged, dumped, deposited, placed, left or caused to be thrown, discharged, dumped, deposited, placed or left shall be responsible for such litter.

### **730.08 MAINTAINING PROPERTY**

- A. LITTER
  - 1. No owner, possessor or responsible agent of real property shall permit litter to accumulate on the property and adjacent sidewalk. It shall be the owner's

possessor's, or responsible agent's duty to remove such litter to prevent any such accumulation.

2. No owner, possessor, or responsible agent of real property shall accumulate, permit, or store items such as furniture, durable goods (refrigerators, washers, dryers, etc.), small appliances, carpets, tires, vehicles, vehicle parts, automotive products, municipal waste, hazardous waste, residual waste, construction or demolition debris on the exterior of the property if it poses a threat to the physical appearance, safety or public health of the community or if their presence creates the potential for a public nuisance.
3. The owner, possessor, or responsible agent of a commercial or institutional property may be required to procure, place, empty and maintain a sufficient number of litter receptacles on their property for public use by its customers to prevent the chronic accumulation of litter. These litter receptacles may not be placed in the public right of way.
4. It shall be unlawful for anyone to obstruct or reduce in any way clear width of any doorway, hallway, passageway, fire escapes or other exit-ways.

#### B. GARBAGE AND RUBBISH

Violations of Article 951 of the York City Local Codified Ordinances (Municipal Solid Waste Management Act) including but not limited to the following shall constitute a violation of this Ordinance and may result in a ticket or citation:

- 1) Place any municipal solid waste or other material subject to decay, anywhere in the City except in a suitable container;
- 2) Permit to remain any municipal solid waste or other material subject to decay, anywhere in the City except in accordance with Section 951.05;
- 3) Cause or permit to remain, on private property or the adjoining public places such as sidewalks, curbs or streets, the unauthorized accumulation of dust, litter, yard waste, refuse, recyclables or large items;
- 4) Cause or permit to remain, any municipal solid waste on a street, alley or other public place, or upon any private property within the limits of the City, unless it complies with Section 951.05;
- 5) Deposit municipal solid waste in any stream or other body of water;
- 6) Deposit or permit to fall from their person or vehicle any municipal solid waste or litter on any public places, street or alley in the City. This section shall not be construed to prohibit placing of refuse in a container complying with the provisions of this article preparatory to having such material collected and disposed of in the manner provided herein;
- 7) Discharge wastes or waste waters other than storm or groundwater onto public streets or alleys;

- 8) Dispose of any municipal solid waste anywhere in the City except at a lawfully established solid waste disposal facility, in full compliance with all applicable Federal, State and local laws;
- 9) Allow municipal solid waste that has been scattered or spilled from refuse containers, bags or bundles from a cause or causes other than negligence of the contractor on any premises, private property or adjoining public places, such as curbs, sidewalks, streets and alleys. Failure by the owner of such property to remove any municipal solid waste promptly shall be deemed a violation of same;
- 10) Allow any unauthorized accumulation of municipal solid waste on any premises, private property or adjoining public places, such as curbs, sidewalks, streets and alleys. Unauthorized accumulation is hereby declared to be a nuisance and is prohibited. Failure by the owner of such property to remove any existing accumulation of municipal solid waste promptly shall be deemed a violation of same;
- 11) Permit refuse containers to remain on sidewalk between scheduled collections and fail to remove such containers within twenty-four hours after collection; or
- 12) Allow accumulated municipal solid waste and large items at the designated pick-up point for collection prior to 5:00 p.m. the day before collection is scheduled or placed later than 6:00 a.m. the day of collection.
- 13) Dispose of quantities, in excess of the average household, of cooking oil or grease from commercial food preparations other than by private arrangements with a waste oil vendor.
- 14) Use refuse containers in excess of 32 gallons or containers that are not specifically sold for the purpose of refuse storage. Such containers may be removed and disposed of as illegally placed municipal solid waste and no refunds will be given.
- 15) Dispose of any electronics anywhere in the City except at a lawfully established electronic disposal facility, in full compliance with all applicable Federal, State and local laws.

### C. RECYCLING

Violations of Article 952 of the York City Local Codified Ordinances (Waste Minimization and Recycling) including but not limited to the following shall constitute a violation of this Ordinance and may result in a ticket or citation:

- 1) To collect any designated recyclable material which has been placed at the pick-up point for collection or within a recycling drop-off pursuant to this article other than the designated contractor;
- 2) To violate or to cause or to assist in the violation of any provision of this article or any provision of the Pennsylvania Act 101 concerning recycling;
- 3) To place or to cause to be placed any material other than a designated recyclable in a designated recycling container or in or near a recycling drop-off;

- 4) To hinder, obstruct, prevent or interfere with the City or their personnel or designated contractor in the performance of any duty under this article or in the enforcement of this article;
- 5) To allow recyclable materials that have been scattered or spilled from containers or bundles by other than negligence of the recycling contractor to remain in the right of way;
- 6) To cause or to assist in the unauthorized use of containers;
- 7) To cause or allow any unauthorized accumulation of municipal solid waste or other non-recyclable material within the recycling container which is hereby declared to be a nuisance and is prohibited. Failure of the property owner, tenant or lessee to remove the existing accumulation within five days shall be deemed in violation of same;
- 8) Dispose of any electronics anywhere in the City except at a lawfully established electronics disposal facility, in full compliance with all applicable Federal, State and local laws.

D. WEEDS

1. No owner, possessor or responsible agent of real property shall permit grass or weeds to exceed ten (10) inches in height in the tree well, sidewalk, curblin or planter strip. It shall be the owner's possessor's or responsible agent's duty to cut the grass or weeds to prevent such growth.
2. No owner, possessor or responsible agent of real property or any tract of land shall allow any growth of grass or weeds to exceed ten (10) inches in height.

E. VEHICLES

1. **JUNK VEHICLE:** A junk or abandoned vehicle may not be parked, stored or left to remain on any lot, tract, parcel of land or portion thereof on public or private property, occupied or unoccupied, improved or unimproved, within the City of York, unless necessary for the operation of a business enterprise lawfully permitted on private property. Any junk or abandoned vehicle or parts thereof shall be removed.
2. **VEHICLE PARKING:** Vehicle parking is not permitted on grass, landscaped, **or** dirt ~~or stone~~ areas of property. All parking areas must be in compliance with all applicable city ordinances, codes and regulations. City sponsored or special events are exempt from this requirement.

F. VEGETATION

No owner, possessor or responsible agent of real property shall permit vegetation on the property to grow in such a manner as to create a public nuisance.

#### G. ANIMAL WASTE

No owner, possessor, or responsible agent of real property shall allow animal waste, feces, urine, or other animal excrement to accumulate on their property so as to create a public nuisance, or so as to prevent others from the enjoyment of their own property due to the odor.

#### H. SNOW REMOVAL

Snow and ice shall be removed from sidewalks in accordance with the current provisions of the Property Maintenance Code and shall not be deposited in violation of any of the requirements of the Property Maintenance Code.

#### I. SIDEWALK DISPLAYS

No owner, possessor, or responsible agent of real property shall allow a sidewalk display that constitutes a violation of the Property Maintenance Code.

### **730.09 VIOLATIONS BY MINOR**

- A. Any violation of the provisions of this Article by a minor thirteen (13) years of age and older may be cause for a citation, a violation ticket and/or a notice to be issued to the minor or to the parent or legal guardian of the minor.
- B. Any violation of the provisions of this Article by a minor under the age of thirteen (13) may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the parent or legal guardian on the minor.

### **730.10 ENFORCEMENT**

- A. The provisions of this Article shall be enforced by police officers, or any other public officer authorized to enforce ordinances.
- B. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.
- C. A notice of violation or violation ticket shall be served 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.
- D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.
- E. A public officer is authorized and empowered to cause a violation to be corrected.
- F. If the City has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant, or offending party.
  - 1) Where the public officer or City takes corrective action to abate a public nuisance, the cost thereof, including any labor or materials supplied by the City or its contractors

plus an administrative fee of Three Hundred (\$300.00) Dollars added to each invoice incurred shall be charged to the owner and shall constitute a municipal lien against the real property upon which said cost and fee were incurred.

- 2) For nuisance abatements in excess of Two Thousand (\$2,000.00) Dollars, the administrative fee shall be Fifteen (15%) Percent of the actual cost incurred, including any labor or materials supplied by the City or its contractors.

- G. The City may publish and post any regulations governing the procedures and enforcement of any provisions of this Article.

### **730.97 VIOLATION TICKET APPEALS PROCESS**

- A. A person in receipt of a violation ticket may appeal to the Bureau of Permits, Planning, and Zoning by filing a request within ten (10) days of receipt of the violation ticket.
- B. A Hearing Officer, designated by the Mayor of the City of York, may uphold the Appeal, deny the Appeal, or modify the violation ticket and/or any associated costs, fines, or penalty amounts.

### **730.98 SEVERABILITY**

If any provision, paragraph, word, section or subsection of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsections shall remain in full force and effect.

### **730.99 FINES AND PENALTIES**

#### **A. Violation Ticket Fines**

1. After any warning as allowed in Section 730.99(A)(6), for the first offense of a violation of this Article within a twelve (12) month period, or a continuous offense which has not been remedied, violation tickets shall be issued in the amounts of Twenty-five (\$25.00) Dollars. For the second offense of a violation of this Article within a twelve (12) month period, or a continuous offense which has not been remedied, violation tickets shall be issued in the amounts of Fifty (\$50.00) Dollars.
2. For the third offense of a violation of this Article within a twelve (12) month period, or a continuous offense which has not been remedied, violation tickets shall be issued in the amounts of One Hundred and Fifty (\$150.00) Dollars.
3. For the fourth or subsequent offense of a violation of this Article within a twelve (12) month period, or a continuous offense which has not been remedied, violation tickets shall be issued in the amounts of Three Hundred (\$300.00) Dollars.
4. Any person who receives a violation ticket for any violation of this Article, except 730.06, may within ten (10) days, admit the violation, waive any right to a hearing and pay the fine in full satisfaction.
5. Any person who violates Section 730.06 Illegal Dumping shall pay a fine of One Thousand (\$1,000.00) Dollars for a violation of 720.06(A) or Five Thousand (\$5,000.00) Dollars for a violation of 720.06(B) for each offense, plus all direct and indirect costs incurred by the City for the clean-up and abatement of the violation.

6. An individual whose first violation is a property maintenance violation on their own property or rented property in their name, shall receive one and only one warning which shall be on record as a violation ticket with no fine attached. Subsequent violations of the neighborhood improvement ordinance shall be subjected to the fines as outlined in Section 730.99(A)(1-5).
  - a. Upon delivery of notice of warning, a copy of the Neighborhood Improvement Ordinance shall also be attached to said notice.

#### B. Violation Ticket Penalties

1. If the person in receipt of a twenty five (\$25.00) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a ten (\$10.00) dollar penalty for days eleven (11) through twenty (20).
2. **If the person in receipt of a fifty (\$50.00) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a fifteen (\$15.00) dollar penalty for days eleven (11) through twenty (20).**
3. If the person in receipt of a one hundred ~~and fifty (\$100.00)~~ **(\$150.00)** dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty-five (\$25.00) dollar penalty for days eleven (11) through twenty (20).
4. If the person in receipt of a ~~one hundred and fifty (\$150.00) dollar, two hundred and fifty (\$250.00) dollar,~~ three hundred (\$300.00) dollar ~~or five hundred (\$500.00) dollar~~ violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a fifty (\$50.00) dollar penalty for days eleven (11) through twenty (20).
5. If the person in receipt of a one thousand (\$1,000.00) dollar or five thousand (\$5,000.00) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a one hundred (\$100.00) dollar penalty for days eleven (11) through twenty (20).
6. Failure of the person to make payment or request a hearing within twenty (20) days of a violation ticket shall make the person subject to a citation.

#### A. Citation Fines

1. Any person, firm or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Article, except Section 730.06, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than one hundred (\$100.00) dollars, not more than one thousand (\$1,000.00) dollars on each offense or imprisoned no more than ninety (90) days, or both.
2. Any person, firm, or corporation who shall fail, neglect or refuse to comply with the provisions of Section 730.06 of this Article shall, upon conviction, be ordered to pay a fine of not less than one thousand dollars, not more than five (\$5,000.00) dollars on each offense or imprisoned no more than ninety (90) days, or both. In addition, the Magisterial District Judge may impose any other such remedy deemed proper, including, without limitation, an order to clean up unlawful dump sites.

B. Restitution

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.