

Council of the City of York, PA
Session 2014
Bill No.
Ordinance No.

INTRODUCED BY: **Renee S. Nelson**

DATE:

AN ORDINANCE

Establishing Article 730 "Neighborhood Improvement Ordinance" of the York City Codified Ordinances

WHEREAS, Litter and dumping are costly problems that contribute to the deterioration of property values and general disorder in a community; and

WHEREAS, Litter and littered properties degrade the physical appearance of the City which reduces business and tax revenue and inhibits economic development; and

WHEREAS, The quality of life and community pride of City of York residents are negatively affected by dumping and litter; and

WHEREAS, Recognizing these are community problems, the City of York desires to establish regulations to promote the health, safety, and general welfare of the City by helping to create a clean environment for the citizens of York;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 730 "Neighborhood Improvement Ordinance" be hereby established as set forth herein and incorporated by reference.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: _____, _____, _____, _____, _____

NAYS: _____.

Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this _____ day of _____.

Approved: _____
Mayor Date

Vetoed: _____
Mayor Date

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, 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 an 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, 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. 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.

C. 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, 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.

D. 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.

E. 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 quiet enjoyment of their own property due to the odor.

F. 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.

G. 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. For the first and 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 Twenty-five (\$25.00) Dollars or One Hundred (\$100.00) Dollars.
2. For the third offense of a violation of this Article within 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 or Two Hundred and Fifty (\$250.00) 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 or Five Hundred (\$500.00) Dollars.
4. Any person who receives a violation ticket for any violation of this Article, except 720.06, 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 720.06 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.

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 one hundred (\$100.00) 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).
3. If the person is 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).
4. If the person in receipt of a on 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).
5. 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.

C. 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 720.06, 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 720.07 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.

D. Restitution

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