

WESLEYVILLE BOROUGH, ERIE COUNTY, PENNSYLVANIA

OFFICIAL ORDINANCE NO. 2024-001

AN ORDINANCE

To establishing a Quality of Life Ticketing Program and establishing fines for violations.

WHEREAS, the Council of the Borough of Wesleyville has by resolution stated its intent to create a Quality of Life Ticketing Program and the establishment of fines for violations.

**NOW THEREFORE, BE IT ENACTED BY THE COUNCIL
OF THE BOROUGH OF WESLEYVILLE, PENNSYLVANIA:**

Quality of Life Ticketing Program

SECTION 1 – PURPOSE.

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, vendor operations without permits, high grass and weeds, graffiti 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 and community pride of the citizens of Wesleyville 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 and sustain a clean, healthy living environment for the citizens of Wesleyville.

SECTION 2 – DEFINITIONS.

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

ACCESSORY STRUCTURE

A structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

BOROUGH

The word "Borough" as used herein shall mean the Borough of Wesleyville, Pennsylvania.

COMMERCIAL VEHICLE

A motor vehicle that has a gross vehicle weight of greater than 3,000 pounds and is primarily used for business purposes, including, but not limited to, making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).

(1) All buses transporting or authorized to transport passengers for pay or hire, except a bus or buses whose principal route is located within the Borough.

(2) All trucks, trailers, or semitrailers transporting or authorized to transport property of any kind and all other vehicles designated or operated for the transportation of property.

CURB

An edging of concrete, asphalt, sandstone or granite built along a street to form a part of a gutter.

DANGEROUS TREES

Any tree that is considered dangerous and unsafe to the public by the Borough Arborist, due to overgrowth, disease, instability, infestation, harmful insects or a dead tree.

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 and rodents.

DUMPING

Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products, and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by law.

DWELLING

Any building or portion thereof which is designed for or used for residential purposes. The word "Dwelling" shall not include hotels, motels, or other structures used for transient residence.

FALSE FIRE ALARM

An alarm to which the Fire and/or Police Department responds resulting from the activation of an alarm device when a crime, fire, or other emergency warranting immediate action by the Fire and/or Police Department has not in fact occurred.

GARBAGE

All waste material derived in whole or in part from the meat of any animal or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, or 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.

HOUSEHOLDS

Includes without limitation single and multiple family dwellings and structures, hotels, motels, bunkhouses, ranger stations, campgrounds, picnic grounds and daily-use recreation areas.

INDOOR FURNITURE

Any and all pieces of furniture which are made exclusively for use inside a building or house, including, but not limited to, upholstered chairs and sofas, mattresses, dressers, tables, etc.

LICENSE

A certificate or other document that confers permission to engage in certain acts and/or conduct that would otherwise be unlawful or prohibited.

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 Wesleyville designated to accept service on behalf of a legal owner or operator of a business or dwelling.

LOT

A parcel of land abutting a public street.

MOBILE VENDOR

Any person engaged in the selling, or offering for sale, of food, beverages, goods and/or services from his person or from a vehicle or stand that is intended to be temporary, or is capable of being moved from one location to another, whether the person, vehicle, or stand is located within or on the premises of the Borough, including without limitation, public streets, parks, sidewalks, alley ways, rights-of-way, etc.

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 the 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 snow removal and/or 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 of residential, municipal, commercial, or institutional establishments or from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, or institutional water supply treatment plant or air pollution control facility. The term does not include source-separated recyclable materials or organic waste.

NOTICE OF VIOLATION

A written document or verbal warning 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 and/or interferes with the health, safety, or general welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhood. See also "public nuisance."

OBSTRUCTION

Any merchandise, vehicle, structure, material, condition or other thing that impedes or prevents passage or progress, or creates an obstacle or blockage, in the public right-of-way.

PEDDLER

Includes any person, whether or not a resident of the Borough, traveling by foot, wagon, motor vehicle or any other type of conveyance, from place to place, house to house or street to street, carrying, conveying or transporting goods, merchandise, food or beverages, offering and exposing the same for sale, or making sales and delivering articles for purchasers, or who, without traveling,

shall sell or offer the same for sale.

PERMIT

A license or other document issued by a Public Officer or agency to allow a person, business, firm, partnership, corporation, agency or entity to perform certain acts.

PERSON

Includes the singular and plural and shall mean and include any natural person, firm, corporation, partnership, business trust, other association, estate, trust, foundation or institution. The term also includes the governing authority for a county or municipality, and a government entity other than the Commonwealth.

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 NUISANCE

Any condition or premises which are unsafe, unsanitary and/or disruptive to the health, safety, or general welfare of citizens of the Borough of Wesleyville.

PUBLIC OFFICER

Any police officer, code enforcement officer, building code official, authorized inspector, public official and/or employee designated by the Mayor or the Borough to enforce Federal, State and/or Borough laws, rules, regulations and/or ordinances.

PUBLIC RIGHTS-OF-WAY

The surface and the area across, in, over, along, under, and upon the public streets, roads, lanes, avenues, alleys, sidewalks, bridges, highways and other rights-of-way, as the same now or may thereafter exist, including curb and gutter areas and all other property over which the Borough has a utility easement or right-of-way, which are under the jurisdiction of the Borough.

RECYCLABLE MATERIAL

Material which would otherwise become municipal waste, but are able to be collected, separated, or processed, and returned to the economic mainstream in the form of raw materials or products. These materials may include, but are not be limited to, aluminum cans, ferrous and bi-metal containers, glass containers, plastic bottles and containers, paper, magazines and periodicals, newspapers, leaf waste, grass clippings, white goods, major appliances, televisions, and large auto

parts.

RESIDENTIAL DISTRICT

An area within the Borough of Wesleyville designated primarily for dwellings and the uses normally associated with residential neighborhoods.

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 the 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.

RUN AT LARGE

For purposes of this Ordinance, “run at large” shall mean any animal when it is off the property of the owner and not under restraint of any competent person.

SIDEWALK

Any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

SIDEWALK AREA

The portion of the right-of-way between the property line and curb line or the established edge of the roadway that is reserved for sidewalks.

SOLID WASTE

Any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

STORAGE

The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of three (3) months constitutes disposal.

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features, but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

TRACTOR OF A TRACTOR-TRAILER

A truck with a minimum of three axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.

TRAILER OF A TRACTOR-TRAILER

A piece of equipment with a length of 20 feet or more that is intended to be drawn by a tractor, as defined above, and is designed to haul cargo, materials, vehicles, goods, gases or liquids, and that is not a "recreational vehicle." It is also referred to as a "semitrailer".

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 public officer to a person who violates a provision of this Ordinance. The violation ticket is an offer by the Borough of Wesleyville extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

WEEDS

All grasses, annual plants, and vegetation. Weeds shall not include cultivated flowers, gardens, trees and shrubs.

YARD

An open, unoccupied space that lies between the principal building or buildings and the lot line(s).

SECTION 3 – QUALITY OF LIFE (QOL) VIOLATIONS.

Quality-of-life violations are as follows:

QOL-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.

QOL-2. Animal Maintenance and Waste/Feces Cleanup. It shall be prohibited for any person owning, harboring, keeping or in charge of any animal to cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, by pass, play area, park or any place where people congregate or walk, or any public property whatsoever, nor on any private property without permission of the owner of such property. All dog owners and/or person in control of dog shall immediately remove any feces deposited by the owner's animal upon the public and private ways or property aforesaid and dispose of such fecal matter in a proper and sanitary manner.

QOL-3. Disposal of Rubbish or Garbage/Dumping. Improper or unauthorized disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on private, vacant, unoccupied, or other property.

QOL-4. High Weeds, Grass, or Plant Growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (6) inches.

QOL-5. Littering or Scattering Rubbish. It shall be prohibited for any person to cause or permit to be deposited any litter or rubbish upon or in any public street, alley, vacant lot or other public places in the Borough.

QOL-6. Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping/Hauling. It shall be the responsibility of every owner and/or occupant of any land and/or real property to dispose of their waste, trash, or recyclables in a proper manner. Any person or business who is unable to show proof that they have legally disposed of any waste, trash, or recyclables will be in violation of this Part. Should any person or business use an unlicensed hauler to dispose of their waste, trash, or recyclables, said person or business shall be in violation of this Part. Upon reasonable request by a public officer, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any waste, trash, or recyclables found within a municipal waste container, recycling container, garbage bag or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership, or entity to remove or haul waste, trash or recyclables without proper approval or license. Any waste, trash, or recyclables found not to be disposed of in accordance with this Ordinance, will be in violation of this Ordinance.

QOL-7. Placement or Littering by Private Advertising Matter. It shall be prohibited for any person, corporation, partnership, firm, association, or other entity, its agents, servants, employees or representatives to cast, place, sweep, or dispose of in the streets of the Borough, or upon pavements, sidewalks, rights-of-way, yards or upon the porches of any dwelling or other outbuilding within the Borough, litter, handbills, circulars, or private advertising matter without lawful authority, license, consent, express or implied by the property owner, occupant, or the Borough. No person, corporation, partnership, firm, association or other entity, its agents, servants, employees or representatives, other than the owner, shall affix or attach to the doors, walls, windows, columns, trusses, railings, gates, fences, lamp posts, decorative fixtures of any kind or any other part of any dwelling or any outbuilding within the Borough, any papers, advertisements, handbills, circulars, waste papers or samples of any description, without lawful authority or consent, express or implied from the owner. Nothing herein contained shall be held to apply to newspapers, mailed matter or addressed envelopes, or signs indicating the availability of property for sale or rent.

QOL-8. Defacement of Property. No person shall willfully, want only or maliciously damage, mutilate, destroy or deface any fountains, fixtures, statues or embankments on private property or property of the Borough, nor shall any person willfully, wantonly or maliciously damage, mutilate, destroy or deface any exterior surface of any structure or building on private property or property of the Borough by placing thereon any markings, carving or graffiti. No person shall willfully, want only or maliciously damage, mutilate, destroy or deface any fruit, shade, or ornamental tree, shrub, or flower on private property or property of the Borough.

QOL-9. Storage Containers for Waste or Trash.

(a) It shall be the duty of every owner, tenant, occupant or other householder of a residential property, or apartment within a residential building of four units or less, to provide and keep, or cause to be provided and kept, receptacles for holding refuse as provided in this Part.

(b) Each container shall be a rigid container, constructed of rust-resistant metal or plastic, shall be watertight, shall contain not less than three nor more than thirty-five gallons, and shall be provided with outside handles and a tight fitting cover. The cover shall not be removed except for the deposit or removal of refuse.

(c) All householders shall drain garbage or other residential refuse of all liquids, and place it in paper or plastic bags, which shall be stored in the container previously described until the designated day of refuse collection.

(d) On the designated weekly collection day, all householders shall deposit at the curbside or edge of the street either the container containing securely bagged refuse, or securely bagged refuse itself. Each householder shall make all reasonable efforts to insure that the refuse to be collected does not become waterlogged, or that the bags are not torn or disintegrated before collection. Loose or spilled refuse shall not be collected, and, if left more than one day after the

collection day, shall be considered a violation of this Part as well as any other littering or housing ordinance provisions.

(e) All containers shall be stored at the side or rear of every property so said containers are not visible from the public rights-of-way.

(f) All owners, tenants, occupants and/or leaseholders shall place curbside or at the edge of the street no more than sixteen (16) hours before the designated weekly collection day their waste or trash in either containers containing securely bagged refuse, or securely bagged refuse itself.

(g) All containers shall be returned to the side or rear of any property before daybreak the day following the designated weekly collection day. Loose or spilled waste or trash will not

be collected, and, if left more than one day after the designated weekly collection day, shall be considered a violation of QOL-1, QOL-3, and QOL-5.

QOL-10. Temporary Dumpster Permit Required. Each temporary dumpster, whether placed on private property, in a public right-of-way, or on any other property of the Borough, shall obtain prior approval by the Borough of Wesleyville.

QOL-11. Outside Placement of Indoor Appliances/Furniture. It shall be 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 in excess of 3 days except for the temporary purpose to perform maintenance in said property.

QOL-12. Storing or Discarding of Appliances. Refrigerators and similar equipment, including, but not limited to, washers, dryers, dishwashers, and ranges not in operation, shall not be discarded, stored and/or abandoned on any premises without first removing the doors.

QOL-13. Storing and Keeping of Hazardous Materials. It shall be prohibited for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including, but not limited to paints, volatile oils and cleaning fluids or combustible rubbish, including, but not limited to wastepaper, boxes or rags, unless the storage of said materials is stored in compliance with all applicable Building, Zoning and BOCA Fire Prevention Codes.

QOL-14. Storing and Keeping of Recyclable Materials. It shall be the responsibility of the owner, occupant, tenant and/or leaseholder of all residential, commercial and/or industrial property within the Borough to ensure storage, collection, and disposal of all recyclable materials from their property in such a manner not cause or create a public nuisance. Storage of recyclable materials shall be permitted in approved containers and translucent blue or clear LDPE or HDPE/LDPE mix recyclable plastic bags. All containers used to store recyclable materials shall be rigid, durable, watertight and made of metal or plastic. All containers must have tight-fitting covers and shall be kept clean and odor free. All containers and/or plastic bags containing recyclable materials shall be stored at the side or rear of every property so said containers or bags are not visible from the public rights-of-way. All owners, tenants, and/or occupants of residential, commercial and/or industrial property shall place curbside or at the edge of the street their recyclable materials no more than sixteen (16) hours before the designated weekly recyclable collection day. All containers shall be returned to the side or rear of any property before daybreak the day following the designated weekly recyclable collection day. Loose or spilled recyclable materials will not be collected, and, if left more than one day after the designated weekly recyclable collection day, shall be considered a violation of QOL-1, QOL-3, and QOL-5.

QOL-15. Prohibited Occupancy. Any dwelling, building, structure, machine or equipment which is condemned shall not be occupied or operated.

QOL-16. Accessory Structures. All accessory structures, including detached garages, sheds, fences, and walls shall be maintained in good repair and structurally sound.

QOL-17. Swimming Pools.

- (a) Swimming pools, hot tubs and/or spas which is accessory to one- or two- family dwellings shall be maintained in good repair and comply with the following:
 - (1) Chapter 41 of the "International Residential Code."
 - (2) Appendix G of the "International Residential Code."
 - (3) Section 2406.2, paragraph 9 of the International Building Code (Glazing in Walls and Fences Enclosing Indoor and Outdoor Swimming Pools, Hot Tubs, and Spas).
 - (4) Section 3109.4 of the International Building Code (Residential Swimming Pool Enclosures).
- (b) A swimming pool not accessory to a one- or two- family dwelling shall comply with this Chapter. The American National Standards for Public Pools issues by ANSI and NSPI (ANSI/NSPI-1 1991) and The Public Bathing Law (35 P.S. §§ 672-680(d)).
- (c) A hot tub or spa that is not accessory to a one- or two-family dwelling shall comply with this Part and the "American National Standards for Public Spas" issued by ANSI and NSPI (ANSI/NSPI-2 1999).

QOL-18. Shrubs and Bushes. Shrubs and bushes on all premises and exterior property shall be maintained and kept in good order. Not to extend over sidewalks and/or roadways or impede the use of sidewalks and/or roadways.

QOL-19. Dangerous Trees. The owner of any property shall, at the owner's expense, remove any dangerous trees and/or tree limbs within ten (10) calendar days within receipt of the Borough Arborist's declaration. The owner of the property shall remove tree limbs extending less than 8 feet above sidewalk or less than 14 feet above the roadways upon the notification of the code enforcement officer.

QOL-20. Snow and Ice Removal from Sidewalks.

- (a) It shall be the duty of the occupant of any dwelling, tenement, store, storehouse, shop, garage, factory or other building fronting on any paved or unpaved sidewalk in any public street or around the public parks in the Borough, and of the person having the charge or care of any church, schoolhouse or any public building situate as aforesaid, to remove or cause to be removed all snow, ice or sleet from the sidewalk, whether paved or unpaved, in front of the

respective premises within three (3) hours after the same shall have ceased to fall or form thereon, unless such ice or snow is so hardened or frozen that it cannot be removed without injury to the sidewalk, in which case the walk shall be kept sprinkled with sand or sawdust to make the surface of the sidewalk safe, but the ice must be removed as soon as it is possible to do so. When a building has two or more occupants, the duty of cleaning the sidewalks, as aforesaid, shall rest upon the property owner. Sidewalks in front of and at the side of vacant lots or vacant buildings shall be cleaned as aforesaid by the owners of such vacant lots or buildings. When the owner in any such case is a nonresident, it shall be the duty of the agent of such owner to remove the snow, ice or sleet as aforesaid. In the event of failure, the Borough will have the snow removed at the expense of the owner of the land. In all cases, the snow, ice or sleet shall, when removed from sidewalks, shall not be thrown toward the outside of the sidewalk and into the roadway.

(b) The property owner of said property must create a path, free from snow and ice, of three (3) feet on/over the sidewalk or sidewalk area.

QOL-21. Motor Vehicles. It shall be prohibited for any person to park, keep or store more than one (1) inoperable or unlicensed motor vehicle on any premises. No motor vehicle shall at any time be a nuisance, in a state of major disassembly or disrepair, or in the process of being stripped or dismantled. No owner or occupant of property shall permit a motor vehicle to be parked upon their property other than on a driveway or parking lot, unless the same be authorized in conjunction with a business properly operated, pursuant to the zoning laws and other laws of the Borough. Removal of vehicles in violation is at owners expense.

QOL-22. Commercial Vehicles in a Residential Area. It shall be prohibited for any commercial vehicle to be stored or parked on any street, lot or parcel of land in a residential district for a period of time in excess of two (2) hours, except for vehicles of service companies, contractors, repairmen or those actually engaged in working operations in the vicinity during the actual period in which work is being performed. An exception will be made of no more than one (1) truck (pick-up, flat bed, or panel delivery) provided its primary purpose is for the occupant to travel to/from work. Non-conforming commercial uses within a residential district are exempt from this part.

QOL-23. Vehicle Repairs/Maintenance in a Residential District. It shall be prohibited for any person to operate repairs for profit in residential districts. This would include vehicles not owned by the property occupant and repairs or storage on a Borough street. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Non-conforming commercial uses within a residential district are exempt from this Part.

QOL-24. Illegal Signs/Billboards. It shall be prohibited for any person or business to construct and/or display a sign and/or advertisement without the appropriate approval and/or permit, except as such may be authorized or required by the laws of the United States or the State, and

the ordinances, rules and regulations of the Borough.

QOL-25. Working without a Permit. It shall be prohibited for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless an approved building permit has been obtained from the Building Permit Officer or other agent of the Borough.

QOL-26. Working without a License. It shall be prohibited for any person, business, firm, partnership, corporation or entity to perform or undertake any construction-related work within the Borough without first having obtained all necessary and appropriate permits and/or licenses from the Bureau of Code Enforcement. As required by state and/or federal laws.

QOL-27. Violating the terms of any vending license. It shall be prohibited for any person, business, partnership, corporation or entity to violate, or operate while in violation of, any terms and/or condition, in whole or in part, of any vending license.

QOL-28. Operating a Food Cart Illegally. It shall be prohibited within the Borough to operate any food cart, station and/or stand without first having obtained the proper license, permit and/or inspection. It shall be prohibited to operate any food cart, stand, and/or station while any portion thereof is inoperable.

QOL-29. Operating as a Peddler or Mobile Vendor without a Valid License. It shall be prohibited within the Borough for any person, business, firm or corporation to engage in the business of peddler or mobile vendor without first having obtained a license and that may be required by the Borough.

QOL-30. Smoke Detectors. Smoke alarms must be installed and maintained in accordance with the manufacturer's specifications in all occupied dwellings and structures in the Borough of Wesleyville.

QOL-31. Illegal Burning. It shall be prohibited for any person to kindle or maintain any bonfire or rubbish fire, or authorize the same, without first obtaining a permit from the Borough and other proper authorization. When properly authorized, bonfires shall not be kindled or maintained outside private property lines. No person shall be permitted to burn garbage, recyclable materials, leaf waste or grass clippings at any time within the Borough. During construction or demolition of a building or structure no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having first obtained a permit and other proper authorization from the Borough

QOL-32. Fire Hydrants. It shall be prohibited for any person to block, obstruct, or prevent access to any fire hydrant in any manner. A three (3) foot clear space shall be maintained by the

property owner adjacent around the circumference of any fire hydrant. Vehicles shall not be parked less than fifteen (15) feet from any fire hydrant.

QOL-33. Fire Lanes. It shall be prohibited for any non-emergency vehicle to block, obstruct and/or park within a fire lane in the Borough of Wesleyville.

QOL-34. False Alarm. It shall be prohibited for any person to intentionally create or in any manner aid, abet, instigate or encourage any false fire alarm in the Borough.

QOL-35. Obstruction of Public Rights-of-Way. It shall be prohibited to cause, create, place, keep, maintain or allow any merchandise, vehicle, structure, material, condition or any other thing that blocks, obstructs and/or prevents passage or progress in the public right-of-way; including streets, driveways, alleys and sidewalk areas.

QOL-36. Water Discharge to Right-of-Way or Neighboring Properties. It shall be prohibited to intentionally discharge water from roofs and paved areas, yards and courts, and other open areas in a manner that creates a public nuisance. When possible water runoff shall be diverted away from neighboring properties, public sidewalks, alleys and streets.

QOL-37. Broken or Hazardous Sidewalk Surfaces. It shall be the duty of all property owners abutting public streets to, at the owner's expense, construct and maintain sidewalks in front of and/or adjoining their respective lot or parcel of land, and to keep the same in good and safe condition for the use of pedestrians.

QOL-38. Unpermitted Driveway or Curb Cut. It shall be prohibited for any person to begin to construct, reconstruct, establish any driveway or driveway apron over, across or upon any portion of the public sidewalk, or shall cut or alter any curb on any street in the Borough without first having obtained a Permit from the Borough zoning officer.

QOL-39. Unpermitted Excavation in Rights-of-Way. It shall be prohibited for any person, firm, business or corporation to enter upon or occupy any public right-of-way for the purpose of excavating or opening in or under any public right-of-way without first having obtained a permit from the Borough.

QOL-40. Unpermitted Sewer Connection. It shall be prohibited for any person to make or attempt to make a connection with any public sewer, sanitary, storm or combination thereof, for any purpose whatsoever, without first having obtained a permit from the Borough and/or agent of the Borough.

QOL-41. Proper Animal Restraint. The owner shall keep his animal under restraint at all times and shall not permit such animal to run at large in the Borough. On property of the owner,

custodian or keeper, an animal shall be kept, controlled or restrained in such a manner as to prevent such animal from attacking or threatening letter carriers, delivery persons and/or any other person legally entering the owner's premises or utilizing the sidewalk or public rights-of-way.

SECTION 4 – AUTHORITY FOR ISSUANCE OF VIOLATION TICKET.

Upon finding a quality-of-life violation, any public officer, as previously defined herein, after first notifying verbally or in writing may issue a quality-of-life violation ticket(s) to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this Ordinance.

SECTION 5 – ENFORCEMENT.

1. The provisions of this Ordinance shall be enforced by any 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.

SECTION 6 – SERVICE OF VIOLATION TICKET.

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 Local Responsible Agent or to the person for the time being in charge thereof, or by mailing the Notice to the violator's last known address of record.

SECTION 7 – SEPARATE OFFENSES.

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

SECTION 8 – ABATEMENT OF VIOLATION.

1. Any person or business violating this Ordinance is hereby directed to satisfy the Borough of Wesleyville and its citizens, upon issuance of a quality-of-life ticket, by correcting 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 in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.
2. The Borough of Wesleyville 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 effected the abatement of the violation, the total cost thereof, to include hourly wages and all items and materials used, 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 the Code Enforcement Officer and the rules and regulations.

4. Borough of Wesleyville cleanup. The Borough reserves the right to perform any necessary work to abate any violation once 48 hours passes 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 a rate of \$75 per hour, per man, and forward the cost of any material necessary for the abatement. 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.

5. Contractor cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once 48 hours passes 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 its work to the Borough of Wesleyville, and the Borough will forward these costs to the violator. The Borough reserves the right to add a thirty-percent processing fee in addition to the cost of the contractor.

SECTION 9 – FINES AND PENALTIES.

1. 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.

Penalty:

First Offense-\$25.00

Second Offense- \$50.00

Third and above- \$100.00

<u>Ordinance</u>	<u>Description</u>
QOL-1.	Accumulation of Rubbish or Garbage.
QOL-2.	Animal Maintenance and Waste/Feces Cleanup.
QOL-3.	Disposal of Rubbish or Garbage/Dumping.
QOL-4.	High Weeds, Grass, or Plant Growth.
QOL-5.	Littering or Scattering Rubbish.
QOL-6.	Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping/Hauling.
QOL-7.	Placement or Littering by Private Advertising Matter
QOL-8.	Defacement of Property.
QOL-9.	Storage Containers for Waste or Trash.
QOL-10.	Temporary Dumpster Permit Required.
QOL-11.	Outside Placement of Indoor Appliances/Furniture ..

QOL-12.	Storing or Discarding of Appliances
QOL-13.	Storing and Keeping of Hazardous Materials.
QOL-14.	Storing and Keeping of Recyclable Materials.
QOL-15.	Prohibited Occupancy.
QOL-16.	Accessory Structures.
QOL-17.	Swimming Pools.
QOL-18.	Shrubs and Bushes.
QOL-19.	Dangerous Trees.
QOL-20.	Snow and Ice Removal from Sidewalks.
QOL-21.	Motor Vehicles.
QOL-22.	Commercial Vehicles in a Residential Area
QOL-23.	Vehicle Repairs/Maintenance in a Residential District
QOL-24.	Illegal Signs/Billboards
QOL-25.	Working without a Permit
QOL-26.	Working without a License.
QOL-27.	Violating the terms of any vending license
QOL-28.	Operating a Food Cart Illegally.
QOL-29.	Operating as a Peddler or Mobile Vendor
	without a Valid License.
QOL-30.	Smoke Detectors
QOL-31.	Illegal Burning.
QOL-32.	Fire Hydrants.
QOL-33.	Fire Lanes.
QOL-34.	False Alarm
QOL-35.	Obstruction of Public Rights-of-Way
QOL-36.	Water Discharge to Right-of-Way or
	Neighboring Properties
QOL-37.	Broken or Hazardous Sidewalk Surfaces.
QOL-38.	Unpermitted Driveway or Curb Cut
QOL-39.	Unpermitted Excavation in Rights-of-Way.
QOL-40.	Unpermitted Sewer Connection
QOL-41.	Proper Animal Restraint.

2. Failure of the person to make payment within 10 days of the date of service of a Violation Ticket shall result in the filing of a citation with the Magisterial District Judge.

3. If violations are continuous or egregious, code officials have the right to issue citations without first issuing tickets, provided notice has been given.

SECTION 10 – CITATION FINES.

Any person, firm, business 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 not less than \$300 and not more than \$1,000 for each offense, or imprisoned no more than 90 days, or both.

SECTION 11- RESTITUTION, COSTS AND ATTORNEYS' FEES.

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 attorneys' fees associated with the prosecution of the same.

SECTION 12 – EFFECT ON OTHER PROVISIONS.

1. All relevant ordinances, regulations, and policies of the Borough of Wesleyville, Pennsylvania, not amended shall remain in full force and effect.
2. Any ordinance or part of an ordinance conflicting with the provisions of this Ordinance shall be subordinate to this Ordinance to the extent of such conflict, and the language contained in this Ordinance shall control.

SECTION 13 – SEVERABILITY; AMENDMENT.

1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion.
2. The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

SECTION 14 – EFFECTIVE DATE.

This article shall be this 24 day of January, 2024.

We do hereby certify that the above Ordinance was finally passed by the Wesleyville Council
on the 24 day of January, 2024.

Attest:

Marcus A. Jacobs
Marcus Jacobs, Borough Manager

Regina M. Julius
Regina Julius, President of Council

E. Paul Johnson II
E. Paul Johnson II, Mayor

