

ORDINANCE NO. 2022-351

**BOROUGH OF WEST BROWNSVILLE
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA**

WHEREAS, the Borough of West Brownsville has experienced an increase in the failure of proper maintenance of properties and structures located within the Borough, which has caused a negative effect on the quality of life of the Borough’s citizens, residents, and guests; and

WHEREAS, in an effort to protect both the property values and the health, safety and general welfare of the citizens, residents and guests of the Borough of West Brownsville, the Borough Council desires to implement an ordinance providing for the issuance of tickets, citations and penalties to owners and/or occupiers of said properties, in a timely manner, for quality of life violations.

NOW, THEREFORE, be it ORDAINED and ENACTED and it is hereby ORDAINED and ENACTED by the Borough Council of the Borough of West Brownsville, Washington County, Pennsylvania, as follows:

SECTION 1. TITLE.

This Ordinance shall be known as the “Borough of West Brownsville Quality of Life Ordinance.”

SECTION 2. PURPOSE.

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/unregistered vehicles, vendor operations without permits, 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 and residents of the Borough of West Brownsville are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of the Ordinance is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens, residents, and guests of the Borough of West Brownsville.

SECTION 3. DEFINITIONS.

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

1. Authorized Litter Receptacle: is a litter collection receptacle which is placed on the public right-of-way or on public property by the Borough for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste.
2. 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.
3. 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.
4. Garbage: the animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

5. 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:
 - a. Cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness.
 - 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.
6. Household Hazardous Waste (HHW): waste which would be chemically or physically classified as a hazardous waste, but is excluded from regulation as a hazardous waste, because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive, or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints, and acids.
7. Indoor Furniture: any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.
8. Junked Vehicle: any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition or disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- a. Rusted and/or jagged metal on or protruding from the body of the vehicle.
- b. Broken glass or windows on or in the vehicle.
- c. Leaking of any fluids from the vehicle or deflated or flat tires.
- d. Unsecured and/or unlocked doors, hood, or trunk.
- e. Storage or placement of the vehicle in an unbalanced condition, on concrete blocks, or other similar apparatus.
- f. Harboring of rodents, insects, or other pests.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also "motor vehicle nuisance."

9. Litter: includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, 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.
10. Local Responsible Agent: any person residing or working within the County of Washington designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

11. Mobile Vendor: a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the Borough that does not typically remain stationary for more than approximately ten (10) minutes each hour.
12. 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, including trailers or semi-trailers pulled thereby.
13. Motor Vehicle Nuisance: a motor vehicle with one or more of the following defects:
 - a. Broken windshields, mirrors, or other glass, with sharp edges.
 - b. Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
 - c. Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
 - d. Protruding sharp objects from the chassis.
 - e. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.
 - f. One or more open tires or tubes which could permit animal harborage.
 - g. Any vehicle suspended by blocks, jacks, or others such materials in a location which may pose a danger to the public, property owners, visitors, or residents of the property which said vehicle is found.
 - h. Any excessive fluids leaking from vehicle which may be harmful to the public or to the environment.
 - i. Disassembled body or chassis parts stored in, on, or about the vehicle.
 - j. Vehicles that do not display a current valid license, registration and/or inspection sticker.
 - k. Such other defects which Borough Fire Department determines to be a danger to the general public or property.
 - l. Motor vehicles parked, drifted, or otherwise located in such a way that may interfere with the flow of pedestrian or automobile traffic or impede emergency efforts.
 - m. Any other condition which would constitute a violation of the Borough of West Brownsville Property Maintenance Code(s).
14. Municipal Waste: any garbage, refuse, industrial, lunchroom, or office waste, and other material, including solid, liquid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments or from community activities, and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.
15. Notice of Violation: a written document issued to a person in violation of a Borough ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

16. Nuisance: any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhoods. See also “public nuisance.”
17. Person: every natural person, firm, corporation, partnership, association, or institution.
18. Personal Water Craft Vehicle: is a craft propelled by an electric, outboard, inboard/outboard or inboard motor powering a water jet pump, such as boats, pontoon boats, jet skis.
19. Planter Strip: the non-concrete space in the sidewalk area filled with dirt and/or grass.
20. 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 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.
21. Public Officer: any police officer, authorized inspector, code enforcement officer, zoning officer, authorized inspector, or other public official designated by the Borough of West Brownsville to enforce the Borough ordinances.
22. Public Nuisance: any conditions or premises which are unsafe or unsanitary.
23. Public Right-of-Way: the total width of any land used, reserved, or dedicated as a street, alley, driveway, sidewalk, or utility easement, including curb and gutter areas.
24. Recyclable Material: material which would otherwise become municipal waste, which can be collected, separated, or processed, and returned to the economic main-stream in the form of raw materials or products. These materials may include, but not limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.
25. Residual Waste: any discarded material or other waste including solid, semisolid, or contained gaseous material resulting from construction, industrial, mining, and agricultural operation, excluding municipal water and sewer operations.
26. Rubbish: combustible and noncombustible waste materials, except garbage; said term shall include the residue from the burning wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastic, downed trees, tree branches, yard trimming, tin cans, plastic barrels, metals, mineral matter, glass, crockery, and dust and other similar materials.
27. Shade Tree: unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.
28. Sidewalk Area: the public right-of-way between the property line and the curb line or the established edge of the roadway.

29. Solid Waste: any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.
30. 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.
31. Tree Well: the non-concrete area surrounding a shade tree planted in a sidewalk area.
32. Vegetation: any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.
33. Violation Ticket: a form issued by a Public Officer to a person who violates a provision of the Ordinance. The violation ticket is an offer by the Borough extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.
34. Weeds: shall be defined as all grasses, annual plants, and vegetation, which meet any of the following criteria:
 - a. Exceed six (6) 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 of mosquitoes, other insects, or vermin.
 - d. Encroaches onto neighboring properties by way of leaders or roots without property owner's/owners' consent.
 - e. 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.
35. Yard: an open space on the same lot with a structure.

SECTION 4. QUALITY OF LIFE VIOLATIONS

A violation of the Ordinance shall be defined as any violation of the Borough Property Maintenance Code(s), and any amendments thereto, which has/have, from time to time been adopted as an Ordinance or amendment to an Ordinance of the Borough of West Brownsville.

In addition thereto, the following actions, activities, and/or conduct shall be deemed to be a violation of this Ordinance:

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

2. Animal Maintenance and Waste/Fees Clean-Up: People owning, harboring or keeping an animal within the Borough limits shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a regular basis.
3. Burning: The disposal of trash, waste, riffraff, lawn/yard waste or any other solid waste by burning is prohibited unless done in compliance with the provisions of the Borough of West Brownsville Ordinance(s) and regulations governing the burning of solid waste. Burning is done on Wednesday and Saturday from sunrise to sunset.
4. Disposal of Rubbish or Garbage/Dumping: Improper disposal of rubbish or garbage, or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property. In addition, any violation of any portion of any Borough of West Brownsville Ordinance(s) governing garbage/waste collection and disposal shall be deemed to be a violation of this Ordinance.
5. High Weeds, Grass or Plant Growth: All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation. Cultivated flowers, gardens, trees, and shrubs shall not be included as a violation of this Ordinance.
6. Littering or Scattering Rubbish: No person shall throw, dump, place, sweep, or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or on any public property.
7. Motor Vehicles: It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed, or nuisance motor vehicle (motor vehicle as defined above) on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
8. Unused Personal Water Craft Vehicles: It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed, or nuisance water craft vehicle as defined above on any premises. No personal water craft vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting/treatment and/or repair of personal water craft vehicles is prohibited unless conducted inside an approved spray booth.
9. Operating a Food Cart Illegally: It shall be unlawful to operate any food cart without the proper permits and/or inspections. It shall also be unlawful to operate any food cart while any portion of the cart is inoperable.
10. Operating or Vending without the Proper Permit/License: It shall be unlawful for any person, business, partnership, or entity to operate, including, but not limited to, any business, vending cart, store or establishment without the proper permits.

11. Outside Placement of Indoor Appliances/Furniture: It is prohibited to store or place any/all appliances or furniture, including but not limited to, ranges, refrigerator's, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliner, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property. If maintenance is being performed, or if the items are actively being sold in a yard sale, the items shall not be left unattended. Refrigerators for recreational use, decks, boat docks etc., must have a lock to secure the refrigerator and contents.
12. Ownership Presumption of Waste, Trash, and/or Recyclables for Illegal Dumping and Illegal Hauling: It shall be the responsibility of every owner and/or occupant to dispose of their waster, trash or recyclables in a proper manner and in accordance with the Borough of West Brownsville Ordinance(s) governing garbage/waste collection and disposal. Any business or person who is unable to show proof that they have legally disposed of any waste, trash, or recyclables, will be in violation of the Ordinance. Should any person or business use an unlicensed hauler to dispose of their waste, trash, or recyclables, said periods of business shall be in violation of the Ordinance. Upon request of the Public Officer, any owner or occupant must show proof of their trash and/or recyclable hauler. Any parts found within a municipal waste container, recycling container, garbage bag or loose trash/waster displaying the name and/or address of a person and/or persons, that trash/waster 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 waster, trash, or recyclables without the proper approval or license. Any waste, trash or recyclables found not to be disposed of in accordance with this Ordinance will be a violation of the Ordinance.
13. Placement of Littering by Private Advertising Matter: No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public sidewalk, alley, street, bridge, public passageway, public parking area, or any public property. No person, group, organization, or entity will hang, place or advertise on any property that they do not have any ownership rights to without the written approval of said owner.
14. Snow and Ice Removal from Sidewalks:
 - a. Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough of West Brownsville is required to remove any snow and ice from their sidewalk. Snow and ice must be removed from sidewalks within twenty four (24) hours of cessation of snow and ice falling. Furthermore, they must create a path free of all snow and ice, the entire width of the sidewalk.
 - b. Should any property be a place of business within the Borough of West Brownsville, all snow and ice must be removed within twenty four (24) hours of the cessation of said snow and ice falling. Any property that is deemed a business must have the entire sidewalk free from any snow and ice. If and/or when the snow and ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice shall begin at daybreak.
 - c. No owner, tenant, occupant, lessee, property agent or other person or entity shall be permitted to shovel, plow, blow, move or otherwise deposit snow into the public streets and/or sidewalks of the Borough of West Brownsville.

15. **Storage Containers for Waste or Trash:** The owner of every property shall supply approved containers for waste/trash, as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, water tight, made of metal or plastic, and otherwise be in compliance with the Borough of West Brownsville Ordinance(s) governing garbage/waste collection and disposal. Containers must have tight fitting covers, and must be kept clean and odor free at all times. All Containers must be stored in the rear of every property so said containers are not visible from the public right-of-way. Waste or trash containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled pick-up day. Once the hauler removes the water or trash from any property, all containers must be returned to the rear of any property before daybreak on the day following pick-up.
16. **Storing of Hazardous Material:** It shall be unlawful 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 the applicable Building Codes.
17. **Storing of Recyclables:** It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection and disposal of all recyclables from their property in such a manner so as not to create a public nuisance. Storage of recyclables is only in approved containers, which must be kept clean and sanitary at all times.
18. **Swimming Pools:** Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered, and sanitary, as well.
19. **Storage or Serving of Potentially Hazardous Food:** No individual or entity operating a business shall store or serve potentially hazardous food. This would include, but not be limited to, out of date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, infestation problems at the location, or serving food that had previously been open are considered a violation of this Ordinance.
20. **Violating the Terms of Any Vending License:** It shall be unlawful to violate any term, part, portion or, in total, any vending license. Any person, business partnership, or entity violating their vending license shall be in violation of this Ordinance.
21. **Borough Permits to be Displayed and Followed:** All Borough permits shall be displayed in a fashion that makes them visible from the roadway. In cases of demolition, the permit shall be displayed in the back window of a construction vehicle parked on site, and visible from the roadway. Should a permittee be unable to comply with this requirement, they shall have to notify the License and Permit Office of the issue, and seek immediate authorization/approval. Once the Borough provides notice to a property owner that a permit is necessary, any additional work to the property shall allow the Borough to fine the property owner and/or the person(s) performing the work for violation of the Ordinance.

SECTION 5. AUTHORITY FOR ISSUANCE OF A VIOLATION TICKET.

Upon finding a Quality of Life violation, any Public Officer of the Borough of West Brownsville may issue a Quality of Life violation ticket(s) to the owner(s) and/or occupant(s) of the property at issue or to the individual(s) known to have violated this Ordinance.

SECTION 6. ENFORCEMENT.

Once issued a violation, you have ten (10) business to rectify the violation. If the violation is not addressed, you can receive an additional violation and fine. If after another ten (10) business days the violation is not rectified, the violations and fines can continue or the Borough can reserve the right to abate the violation in question at the expense of the owner. If the violation needs to be addressed in 48 hours, you have 48 hours to rectify the violation. If not addressed, another fine can be issued after that 48 hours expires. If still not addressed violations and fines can continue or the Borough can reserve the right to abate the violation in question at the expense of the owner. Violations that must be addressed immediately can be fined daily or immediately abated by the Borough at the expense of the owner.

1. The provisions of this Ordinance shall be enforced by the police officers, code enforcement officers, public health officers, or any other Public Officer authorized to enforce ordinances.
2. Any violation of the provision 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 7. SERVICE.

A violation ticket shall be served upon a violator as follows: (a) by handing it to the violator; (b) 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; (c) by leaving or affixing the notice or violation ticket to the property where the violation exists; (d) 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 (e) by mailing the notice to the violator's address of record.

SECTION 8. SEPARATE OFFENSE.

Each day that violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed. (See section 6 Enforcement)

SECTION 9. CORRECTION OR ABATEMENT OF VIOLATION.

1. Any person or business violating the Ordinance is hereby directed to satisfy the Borough of West Brownsville and its citizens and residents, upon the 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 Public Officer in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.
2. The Borough and/or its contractor, per the direction of the Borough, reserve the right to abate the violation in question at the expense of the owner. If the Borough has affected the abatement of the violation, the total costs 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 Public Officer and the rules and regulations.

4. Borough Cleanup: The Borough reserves the right to perform any necessary work to abate any violation once ten business days (10) have passed from the date of issuance of the quality of life ticket. Should the violation at the discretion of the Public 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 sixty (\$60.00) dollars per hour, per man, and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional twenty (20%) percent on all material purchased 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 ten business days (10) 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 their work to the Borough and the Borough will forward these costs to the violator. The Borough reserves the right to add thirty (30%) percent processing fee in addition to the cost of the contractor.

SECTION 10. FINES AND PENALTIES.

1. For each violation of this Ordinance, violation tickets may be issued with a fine as set forth in Section 10.3 of the Ordinance. Issuance of a violation ticket is within the sound discretion of the Public Officer. The Public Officer may elect to file a citation with the Magisterial District Judge immediately in lieu of filing a violation ticket. In such event, the process shall be governed by the rules and regulations concerning Magisterial District Judges.
2. At the discretion of the Borough of West Brownsville, any unpaid fines, penalties or costs may be turned over to the Borough of West Brownsville to a collection agency; or a municipal lien may be placed against the property which was the subject of the violation; or the Borough of West Brownsville may collect the amount due pursuant to any other remedy available at law or in equity. In all such cases, the Borough of West Brownsville may collect all costs of collection, including reasonable attorney's fees, as permitted under the laws of the Commonwealth of Pennsylvania.
3. Any person who violates this Ordinance shall pay a fine as set forth for each offense, plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation within the time set forth below:

Violation Description Fine:

- (a) QOL-000 Violation of Property Maintenance Code \$100.00 – Correction time: 10 business days unless an imminent public hazard or nuisance is present
- (b) QOL-001 Accumulation of Rubbish or Garbage \$50.00 – Correction time: 10 business days
- (c) QOL-002 Animal Maintenance and Waste/Feces Cleanup \$50.00 – Correction time: 10 business days
- (d) QOL-003 Burning \$100 – Correction time: Immediate
- (e) QOL-004 Disposal of Rubbish or Garbage/Dumping \$100.00 – Correction time: 10 business days; (for any other violation of a garbage/waste disposal and removal Ordinance of the Borough of West Brownsville – Immediate
- (f) QOL-005 High Weeds, Grass or Plant Growth \$100.00 – Correction time: 48 hours

- (g) QOL-006 Littering or Scattering Rubbish \$50.00 – Correction time: 10 business days
- (h) QOL-007 Motor Vehicles \$100.00 – Correction time: 10 business days
- (i) QOL-008 Unused Personal Watercraft \$100.00 – Correction time: 10 business days
- (j) QOL-009 Operating a Food Cart Illegally \$100.00 – Correction time: Immediate
- (k) QOL-010 Operating or Vending Without a Permit of License \$100.00 – Correction time: Immediate
- (l) QOL-011 Outside Placement of Indoor Appliance/Furniture \$50.00 – Correction time: 10 business days
- (m) QOL-012 Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping/Illegal Hauling \$50.00 – Correction time: 10 business days
- (n) QOL-013 Placement or Littering by Private Advertising Matter \$50.00 – Correction time: 10 business days
- (o) QOL-014 Snow and Ice Removal from Sidewalks \$50.00 – Correction time: 48 hours; unless it is a violation for shoveling, plowing, moving or otherwise depositing snow into the public streets and/or sidewalks of the Borough pursuant to Section 4 – No. 13.c, then – Immediate
- (p) QOL-015 Storage Containers for Waste or Tash \$50.00 – Correction time: 10 business days
- (q) QOL-016 Storing of Hazardous Material \$100.00 – Correction time: Immediate
- (r) QOL-017 Storing of Recyclables \$50.00 – Correction time: 10 business days
- (s) QOL-018 Swimming Pools \$50.00 – Correction time: 48 hours
- (t) QOL-019 Storing or Serving Potentially Hazardous Food \$100.00 – Correction time: Immediate
- (u) QOL-020 Violating the Terms of Any Vending License \$100.00 – Correction time: Immediate
- (v) QOL-021 Borough Permit to be Displayed \$100.00 – Correction time: Immediate

SECTION 11. CITATION FEES.

Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Ordinance, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction before the Magisterial District Judge, be ordered to pay a fine of not less and Three Hundred Dollard (\$300.00), and not more than One Thousand Dollard (\$1,000.00) for each offense, or imprisoned no more than ninety (90) days, or both.

SECTION 12. RESTITUTION

The Magisterial District Judge may order the violator to make restitution where appropriate.

SECTION 13. APPEALS

1. Any person who receives a violation ticket for any offense under this Ordinance may, within ten (10) days of service of the violation ticket: (a) admit the violation and pay the fine in full satisfaction or (b) deny the violation and request a hearing before the Quality of Life Hearing Board (“Hearing Board”). The Quality of Life Hearing Board shall consist of three (3) residents from the Borough appointed by the Borough Council. This Council may appoint two (2) alternates to the Hearing Board to serve if the regular members are unavailable. Members of the Hearing Board shall serve without remuneration.
2. If a person denies the violation and requests a hearing before the Hearing Board, the person shall, within then (10) days of service of the violation ticket, file a written appeal to the Hearing Board requesting a hearing. The written appeal shall be on a form provided by the Borough and shall be completed and signed by the person allegedly violating the Ordinance and shall be accompanied by a hearing fee of \$15.00 which shall be refunded within thirty (30) days in the event that the Hearing Board determines that there was no violation by the alleged violator. The hearing shall be held no less than ten (10) days nor more than sixty (60) days from the filing of the written appeal. At the hearing, the Public Officer shall present evidence of the alleged violation and the alleged violator shall have the opportunity to question witnesses. Formal rules of evidence shall not apply. Only evidence relevant to the violation in question shall be considered. The chairperson of the Hearing Board shall be in charge of the hearing.
3. In the event that the Hearing Board grants the appeal and determines that the person has not committed a violation, the matter is terminated. In the event that the appeal is denied and the alleged violator notifies the Borough, in writing, within ten (10) days of the decision of the Hearing Board that he/she refused to pay the fine and restitution, the Borough may file a citation before the Magisterial District Judge. In the event that an appeal is denied and the alleged violator does not notify the Borough, in writing, of his/her refusal to pay the fine and restitution within ten (10) days of the decision of the Hearing Board, the Borough can take actions pursuant to Section 10.2 of this Ordinance. All decisions of the Hearing Board shall be in writing.

SECTION 14. REPEAL OF PRIOR ORDINANCES.

Any and all prior Ordinances and/or any and all portions of prior Ordinances, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 15. SAVINGS CLAUSE

Should any section, provision or other part of this ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to conform to the law.

The Borough Council of the Borough of West Brownsville hereby declares its intentions that should any section, provision or other part of the ordinance be found to be illegal, unenforceable or void, it would have made the foregoing ordinance with such part so modified so as to conform to the law.

SECTION 16. EFFECTIVE DATE.

This ordinance shall take effect immediately upon adoption by Borough Council.

DULY presented and adopted at a meeting of the Borough Council of the Borough of West Brownsville, Washington County, Commonwealth of Pennsylvania, this **8th day of March, 2022.**

ATTEST:

BOROUGH OF WEST BROWNSVILLE

REGINA A. KING, Secretary

MARK R. TOBAK, President of Council

EXAMINED AND APPROVED by me this **8th day of March, 2022.**

ATTEST:

BOROUGH OF WEST BROWNSVILLE

REGINA A. KING, Secretary

W. DEAN LACEY, Mayor West Brownsville Borough