

ORDINANCE NO: 167

AN ORDINANCE ADOPTING THE QUALITY OF LIFE AND VIOLATIONS TICKET PROCESS IN THE TOWNSHIP OF KIDDER

PROPERTY MAINTENANCE RULES AND REGULATIONS

Section 1. Purpose.

Lack of maintenance of properties, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, and accumulation of snow and ice are problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Township, which reduces business and tax revenues inhibiting economic development. The quality of life and community pride of the citizens of Kidder Township 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 Township by helping to create a clean environment for the citizens of Kidder Township.

Section 2. Definitions.

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

GARBAGE – Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and 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.

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 HHW materials which 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.

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.

JUNKED VEHICLES – any motor vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair or without current registration

LITTER – includes, but is not limited to, all waste material, garbage, trash, waste paper, tobacco products, wrappers, food or beverage containers, newspaper, municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, and recyclable material, that has been abandoned or improperly discarded, deposited, or disposed.

LOCAL RESPONSIBLE AGENT - any person residing or working within the Township of Kidder designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

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 Township that does not typically remain stationary for more than approximately 10 minutes each hour.

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, and which are required to be registered with the state.

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. Rusted and / or jagged metal on or protruding from the body of the vehicle.
- (4) Protruding sharp objects from chassis.
- (5) Missing doors, windows, hood, trunks, or other body parts.
- (6) Unsecured, open, or removed doors, hood, or trunk.
- (7) One or more open or flat tires or tubes.
- (8) 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.
- (9) Storage or placement of the vehicle in an unbalanced condition, on concrete

blocks, or other similar apparatus.

- (10) Any excessive fluids leaking from vehicle which may be harmful to the public or the environment. Leaking of any fluids from the vehicle or deflated or flat tire(s).
- (11) Disassembled body or chassis parts stored in on or about the vehicle.
- (12) Vehicles that do not display a current registration.
- (13) Such other defects which the Township determines to be a danger to the general public or property.
- (14) Motor vehicles parked or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.
- (15) 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.

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 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.

NOTICE OF VIOLATION – a written document issued in violation of a Township ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

OWNER – A person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property including the principals of a limited liability company or officer, director or shareholder of a corporation if that individual is responsible for the management and control of the property; including the guardian of the estate of any such person, and the executor or administrator of the estate of such person, if ordered to take possession of real property by a court.

PERSON – every natural person, firm, corporation, partnership, association, or institution.

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, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Township, or causes a blighting effect in Township neighborhoods.

PUBLIC OFFICER – any police officer, authorized inspector, or public official designated by the Township to enforce the Township ordinances.

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.

RESIDUAL WASTE – any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations.

RUBBISH – combustible and noncombustible waste materials, except garbage; the term shall include combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, and other similar materials.

SIDEWALK AREA – The paved public right-of-way between the property line and the curb line or the established edge of the roadway.

SOLID WASTE – any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

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 police officer or public officer to a person who violates a provision of this Ordinance. The violation ticket is an offer by the Township of Kidder extended to a person to settle a violation by paying the fine in lieu of citations being issued against the violators.

WEEDS – shall be defined as all grasses, annual plants, and vegetation, which meet any of the following criteria:

- (1) Grass shall not exceed ten (10) inches in height.
- (2) 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.

YARD – an open space on the same lot with a structure.

Section 3. **Quality Of Life Violations.**

A person, owner, responsible person or agent commits a Quality of Life violation by any of the following:

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/Feces Clean-Up.** People owning, harboring, or keeping a domestic animal within the Township of Kidder 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.
3. **High Weeds, Grass or Plant Growth.** All premises and their exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Cultivated flowers, gardens, trees, and shrubs shall not be included as a violation of this Ordinance.
4. **Motor Vehicles.** It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed, or public nuisance motor vehicle 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.
5. **Outside Placement of Indoor Appliances/Furniture.** It is prohibited to store appliances or furniture including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property or for a yard sale or for trash collection.
6. **Snow and Ice Removal from Sidewalks.** Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Township of Kidder, is required to remove any snow or ice from their sidewalk within twenty-four (24) hours of cessation of said snow and ice falling. Furthermore, they must create a path, free from any snow or ice on said sidewalk. If and/or when the snow and/or ice cessation happens during the hours of darkness, the time limit for removal of all snow and ice begins at daybreak.
7. **Storage Containers for Waste or Trash.** The owner of every premise shall supply 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, and made of metal or plastic. Containers must have tight fitting covers, and must be kept clean and odor free at all times. All containers must be stored so said containers are not visible from the public right-of-way or are in well maintained wooden or plastic storage units and/or storage area. The persons occupying any dwellings are limited to containers not exceeding 50 gallons or 50 pounds in weight each and a maximum of 5 bags of yard material. Waste/trash containers may only be placed in front of any property no earlier than noon on the day before the scheduled waste/trash pick-up day. Once the licensed hauler removes the waste/trash from any property, all containers must be returned to the rear of any property or placed in a well maintained wooden or plastic storage unit before dusk on the day following pick-up. (Example: John Doe's trash collection day is Monday. John Doe may place his trash containers in front of his property any time after noon on Sunday. John Doe must place his trash containers in a storage

area not visible from the public right-of-way or in a well maintained, closed, wooden or plastic storage unit before dusk on Tuesday.)

Section 4. Authority for Issuance of Violation Ticket

Upon finding a Quality of Life violation, any Public Officer of the Township of Kidder, may issue Quality of Life violation tickets to the owner, leasing agent 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 police officers, or any other 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.

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 agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

Section 7. Separate Offense.

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 Township of Kidder and its citizens, upon issuance of a Quality of Life ticket, by correcting the violation in question. In the event the violation is not corrected within seventy-two (72) hours a public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Township Code Enforcement Officer in order that the Township shall be compensated for both direct and indirect costs and expenses incurred.

2. The Township of Kidder and/or its contractor, per the direction of the Township, reserves the right to abate the violation in question at the expense of the owner. If the Township has effected the abatement of the violation, the cost thereof shall 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 Township abates the violation, in addition to the fine set forth in the Quality of Life ticket, the Township 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 Board of Supervisors and the rules and regulations.

4. **Township of Kidder Cleanup.** The Township reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours pass 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 Township reserves the right to perform the abatement immediately. The Township will perform this work at a rate of sixty dollars (\$60.00) per hour, per man, in addition to the cost of any material necessary for the abatement. The Township reserves the right to charge an additional twenty percent (20%) on all material purchases and to cover all miscellaneous expenses, such as wear and tear on equipment.

5. **Contractor Cleanup.** The Township reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours pass from the date of issuance of the Quality of Life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Township reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for the work to the Township of Kidder and the Township will forward these costs to the violator. The Township reserves the right to add a thirty percent (30%) processing fee in addition to the cost of the contractor.

Section 9. Fines and Penalties.

A. For the first violation of this Ordinance within a 12-month period, a violation ticket shall be issued in the amount of \$25.00, as set forth on the chart below.

B. For the second offense of a violation of this Ordinance within a 12-month period, a violation ticket shall be issued in the amounts of \$50.00, as set forth on the chart below.

C. For the third offense of a violation of this Ordinance within a 12-month period, a violation ticket shall be issued in the amounts of \$100.00, as set forth on the chart below.

D. For each offense subsequent to three offenses of this Ordinance within a 12-month period, the amount of violation tickets shall increase in the amount of \$150.00, accumulative for each subsequent offense.

E. Any persons who receive a violation ticket for any violation of this Ordinance may, within fifteen (15) days, admit the violation and pay the fine in full satisfaction or request a hearing.

F. 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 Township for the cleanup and abatement of the violation.

Violation	Description	Fine I	Fine 2	Fine 3
QOL-001	Accumulation of rubbish or garbage	\$25.00	\$50.00	\$100.00
QOL-002	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
QOL-003	High weeds, grass or plant growth	\$25.00	\$50.00	\$100.00
QOL-004	Motor vehicles	\$25.00	\$50.00	\$100.00
QOL-005	Outside placement of indoor appliances/furniture	\$25.00	\$50.00	\$100.00
QOL-006	Snow and ice removal from sidewalks	\$25.00	\$50.00	\$100.00
QOL-007	Storing containers for waste or trash	\$25.00	\$50.00	\$100.00

Section 10. Violation Ticket Penalties.

A. If the person in receipt of a \$25.00 or \$50.00 violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a \$10.00 penalty for days 16 through 30.

B. If the person in receipt of a \$100.00 violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a \$25.00 penalty for days 16 through 30.

C. If the person in receipt of multiple violations totaling \$250.00 or higher violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a \$50.00 penalty for days 16 through 30.

D. Failure of the person to make payment or request a hearing within fifteen (15) days of a violation ticket shall make the person subject to a citation for failure to pay.

E. If violations are continuous or egregious, the Township has the right to issue citations without first issuing tickets, provided notice has been given. Upon issuance of four (4) tickets for the same violation, right is reserved for the Township to issue a citation for the fifth and subsequent offenses without first issuing tickets or providing notice for this violation.

Section 11. Citation Fines.

Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Ordinance or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than one hundred dollars (\$100.00), and not more than one thousand dollars (\$1,000.00) on each offense, plus the costs of prosecution including restitution of the fees of the Township, or shall be imprisoned for no more than ninety (90) days, or both.

Section 12. Restitution.

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner and to the Township of Kidder for the costs of prosecution including the fees of the Township.

Section 13. Appeal.

1. A person in receipt of a violation ticket may appeal to the Township Manager by filing a request in writing within fifteen (15) calendar days of the date of the violation ticket.

2. In order for an appeal to be deemed valid and a hearing date and time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) calendar days:

- a. All paperwork, including the appropriate appeal form for the appeal, must be submitted and complete within fifteen (15) calendar days from the date the Quality of Life Ticket was issued.
- b. Payment of the fine must be in full. Payment will be refunded within thirty (30) calendar days should the alleged violator win his/her appeal. The appeal hearing will be held before the Township Manager and he/she may uphold the appeal, deny the appeal, or may modify the violation ticket, and/or any associated costs, fines or penalty amounts as he/she sees appropriate. Any subsequent appeal will be made by the alleged violator by filing with the appropriate court.

Section 14. Collections.

At the discretion of the Township of Kidder, all tickets for which payment is not received within forty-five (45) days of issuance of a ticket for which an appeal is not taken, and forty-five (45) days from denial of appeal and monies paid by the Township of Kidder for abatement of a violation not paid within forty-five (45) days of billing, may be turned over by the Township to a collection agency for collection.

Section 15. Liens.

At the discretion of the Township of Kidder, liens may be placed upon a property against which tickets were issued for which payment is not received within forty-five (45) days of issuance of a ticket for which an appeal is not taken, and forty-five (45) days from denial of appeal and monies paid by the Township of Kidder for abatement of a violation and not paid within forty-five (45) days of billing.

Section 16. Nonexclusive Remedies.

The penalty lien and collection provisions of this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Township of Kidder as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violations hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Township in the case of a violation of any other Township of Kidder Code or Codified Ordinances, whether or not such other Code or Ordinance is referenced in this Ordinance, and whether or not an ongoing violation of such other Code or Ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

Section 17. Severability.

If any provision, paragraph, word, section, or subsection of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsections shall not be affected and shall remain in full force and effect.

Section 18. Saving Clause

All relevant ordinances, regulations, and policies of the Township of Kidder, Pennsylvania not amended shall remain in full force and effect.

Section 19. Conflict Provision

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Section 20. Effective Date

This Ordinance shall be effective immediately upon passage and approved in the manner prescribed by law,

ORDAINED AND ENACTED this 15th day of May, 2014, by a vote of:

3 Yes 2 No 0 Abstained 0 Absent.

**BOARD OF SUPERVISORS OF THE
TOWNSHIP OF KIDDER**

By: Frank W Pein

Thomas L Bradley

Thomas [Signature]

Pat [Signature]

Larry [Signature]

Attest:

Suzanne Brooks
Secretary