BOROUGH OF WEST VIEW
ORDINANCE NO. 1509

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 1505, DESIGNATED AS THE "QUALITY OF LIFE ORDINANCE" GOVERNING CERTAIN VIOLATIONS, INCLUDING THE ACCUMULATION AND DISPOSAL OF WASTE, GARBAGE AND RUBBISH; PROHIBITING THE STORAGE OF UNREGISTERED, UNLICENSED, INOPERATIVE OR DISASSEMBLED MOTOR VEHICLES; PROHIBITING THE OUTDOOR PLACEMENT OF INDOOR FURNITURE; PROHIBITING CERTAIN OPERATION OF FOOD CARTS OR VENDING CARTS; REQUIRING THE CUTTING OF HIGH WEEDS, GRASS OR VEGETATION; REQUIRING THE TIMELY REMOVAL OF SNOW AND ICE FROM SIDEWALKS; REQUIRING PROPER STORAGE CONTAINERS FOR WASTE AND GARBAGE; REQUIRING THE PROPER STORAGE OF RECYCLABLES AND HAZARDOUS MATERIALS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS OF THIS ORDINANCE, INCLUDING ABATEMENT OF THE VIOLATION, ASSESSMENT OF DIRECT AND INDIRECT COST OF CLEANUP, FINES AND ESTABLISHMENT OF A PROCESS WITH RIGHT OF APPEAL; INCLUDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough of West View 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 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 View, Borough Council desires to implement an ordinance providing for the issuance of s, 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 by the Council of the Borough of West View as follows:

SECTION I: TITLE. This Ordinance shall be known as the "Borough of West View Quality of Life Ordinance".

SECTION II: PURPOSE. Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/non-registered 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 of the Borough of West View are negatively impacted by the occurrences and existence of these activities. Recognizing that 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 a clean environment for the citizens of the Borough while eliminating safety and welfare concerns for both residents and emergency service personnel.

SECTION III – SCOPE. The Provisions of this Ordinance shall apply to all existing and future properties and structures.

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

ADULT – Any person 18 years of age or older.

BOROUGH – The Borough of West View, Allegheny County, Pennsylvania.

CODE - Any code or ordinance adopted, enacted, and/or in effect in and for the Borough of West View concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit. Included within, but not limited by, this definition are the following which are in effect as of the date of enactment of this Ordinance: International Property Maintenance Code of 2018; ; National Electrical Code; Floodplain Management Ordinance; Weed and Vegetation Control Ordinance; Sidewalk Maintenance and Ice Removal Ordinance; Solid Waste and Recycling Ordinance; Zoning Ordinance; and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMNET OFFICER - The duly appointed code enforcement officer(s) having charge of the Office of the Code Enforcement of the Borough of West View, and any assistants or deputies thereof, including any duly appointed police officer of the Borough of West View.

COMMON AREA - In multiple dwelling units, the space which is not part of a regulated rental unit and which is shared with other occupants of the dwelling whether they reside in regulated dwelling units or not. Common areas shall be considered as part of the premises for purposes of this Ordinance.

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 or rodents.

DISRUPTIVE CONDUCT - Any form of conduct, action, incident or behavior perpetrated, caused or permitted, by and occupant or visitor of a regulated dwelling unit that is so loud, untimely (as to the hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to the code enforcement officer complaining of such conduct, action, incident, or behavior, and said actions constitute a violation of any Ordinance of the Borough of West View, or the criminal statutes of the Commonwealth of Pennsylvania. It is not necessary that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Police Officer or the code enforcement shall investigate and made a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence.

DISRUPTIVE CONDUCT REPORT - A written report of disruptive conduct on a form to be prescribed therefore, to be completed by the code enforcement officer, as the cause may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the code enforcement officer.

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.

DWELLING - A building having one or more dwelling units.

DWELLING UNIT – One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy.

GARBAGE – The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

GUEST - A person on the premises with the actual or implied consent of an occupant.

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 VEHICLE – Includes any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair whether on private or public property.

A. The following conditions, if present, are examples of a state or condition of disrepair:
    1) Rusted and/or jagged metal on or protruding from the body of the vehicle.
    2) Broken glass or windows on or in the vehicle.
    3) Leaking of any fluids from the vehicle or deflated or flat tire(s).
    4) Unsecured and/or unlocked doors, hood or trunk.
    5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus.
    6) Harboring of rodents, insects, or other pests.
    7) Accumulation of debris, vegetation, leaves, or leaf waste under a vehicle on a Borough roadway.
B. The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also "nuisance motor vehicle".

LANDLORD – Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, money or otherwise.

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

MANAGER - An adult individual designated by the owner of a regulated rental unit. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this Ordinance.

MOTOR VEHICLE – Includes 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 semi-trailers pulled thereby.

MULTIPLE-UNIT DWELLING - A building containing two (2) or more independent dwelling units, including, but not limited to, double houses, row houses, townhouses, condominiums, apartment houses, and conversion apartments.

NUISANCE MOTOR VEHICLE – 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, hoods, trunks, or other 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 other such materials in a location which may posc a danger to the public property, owners, visitors, or residents of the property on which said vehicle is found.
H. Any excessive fluids leaking from a vehicle which may be harmful to the public or 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 and registration.
K. Such other defects which the Fire Department determines to be a danger to the general public or property.
L. Motor vehicles parked, drifted, or otherwise located which may interfere with the flow of pedestrian or automobile traffic or impede emergency efforts.

OCCUPANCY LICENSE – The License issued to an owner of a regulated rental unit, which is required for the lawful rental and occupancy of a regulated rental unit.

OCCUPANCY PERMIT – See Occupancy License.

OCCUPANT – Any person who lives in or has possession of, or holds an occupancy interest in a dwelling unit; or any person residing in or frequenting the premises of the dwelling unit with the actual or implied permission of the owner of lessee.

OWNER - One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

OWNER-OCCUPIED DWELLING UNIT - A dwelling unit in which the owner resides on a regular, permanent basis.

PERSON - A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

POLICE - The Police Department of the Borough of West View or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of West View.

PREMISES - Any parcel or real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more regulated rental units is located.

PUBLIC OFFICER – Any police officer, authorized inspector, fire chief, fire marshal, or public official designated by the Mayor and/or Borough Council to enforce the Borough ordinances.

PUBLIC NUISANCE – Any condition or premises which is unsafe or unsanitary.

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.

RECYCLABLE MATERIALS – Includes material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, and paper.

REGULATED RENTAL UNIT – A dwelling unit occupied by one or more related and/or unrelated persons under a rental agreement.

RENTAL AGREEMENT - A written agreement between an owner/landlord and occupant/tenant, embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit or premises.

TENANT – That person or persons who has the use of real estate of a landlord and is responsible for the giving of any type of consideration therefore, but excluding those who are tenants for a period of less than 30 days.

WASTE – Any garbage, refuse, industrial, lunchroom or office waste, and other material, including solid liquid, semisolid, or contained gaseous material resulting from the 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.

SECTION V - QUALITY OF LIFE VIOLATIONS.

The following shall be considered quality of life violations:

A. The accumulation of rubbish, garbage, junk or litter.
    1) All exterior property and premises, and the interior or every structure, shall be kept free from any accumulation of waste, trash, rubbish, debris or garbage.

2) It is prohibited to store or place any and all appliances or furniture, including but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TV's, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables, on the exterior of any property for the purpose of sale of any other reason except for removal or for the temporary purpose of performing maintenance to said property.
3) Refrigerators and similar equipment, including, but not limited to, washers, dryers, dishwashers, and ranges not in operation shall not be discarded, stored, or abandoned on any premises.

B. 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 in compliance with the applicable fire and/or building codes, and at least ten feet away from the public right-of-way.

C. Storing of recyclables. Storage of recyclables is only permitted in approved containers which must be kept clean and sanitary at all times.

D. Storage and storage containers for waste or trash.
1) All containers that store waste or trash shall be durable, watertight, and made of metal or plastic, have tight fitting covers, and must be kept clean and odor free at all times.
2) All containers must be stored so said containers are not visible from the public right-of-way.
3) Waste/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, and all containers must be returned to their storage area before daybreak on the day following pick-up.
4) All waste/trash must be stored so said waste/trash is not visible from the public right-of-way.
5) Waste/trash may only be placed in front of any property when darkness occurs the night before the day of the scheduled pick-up day.

E. Littering, scattering rubbish, or dumping.
1) No person shall throw, dump, place, sweep or dispose of any litter, waste, trash, garbage, tobacco product, or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or on any public property.
2) The improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property is prohibited.

F. Motor vehicles.
1) It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed, junked, or nuisance motor

vehicle or trailer on any premises not designated for that use, whether such premises shall be public or private.

2) Painting of vehicles is prohibited unless conducted inside an approved spray booth.

3) Vehicle repairs/maintenance in a residential district. no person shall operate repairs for profit in residential districts. This would include vehicles not owned by the property occupant/owner and use of repairs and storage on or off street. A zoning variance and licensing would be required to operate such businesses in residential districts.

G. Placement or littering by private advertising matter.

1) No person shall throw, place, sweep, or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, right-of-way, passageway, parking area, or any public property.

2) No person, group, organization or entity will hang, place or advertise on any public property in any manner.

3) No person, group, organization, or entity will hang, place or advertise on any property that they do not have any ownership rights to without written approval of said owner.

H. Animal maintenance and waste/feces cleanup. People owning, harboring, keeping, or those otherwise responsible for an animal within the Borough of West View:

1) Shall not permit them to run at large or make unreasonable noise.

2) Shall not allow waste matter/feces from the animals to collect or remain on their property so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition and shall clean it up on a daily basis.

3) Shall clean up waste matter/feces from the animal deposited anywhere else in the Borough immediately.

I. Insects or vermin, and/or an infestation of insects or vermin, shall not be allowed to continue, and the owner or occupant of any infested property shall report the same to the Code Enforcement Officer of the Borough of West View, and take appropriate steps to abate said infestation, without unnecessary delay. Failing to do so is a violation.

J. High weeds, grass, plant growth, or standing water. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches as defined herein, and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin.

K. Snow and ice removal from sidewalks.

1) Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Borough is required to remove any snow or ice from his or her sidewalk, and shall, within the first 12 hours after every fall of snow or sleet or formation of ice upon the sidewalks, cause the same to be removed from the sidewalks to within one foot of the curb line opposite the entire frontage of such dwelling house, store, building, or vacant lot.

2) No person shall cast, discharge, throw, shovel or place or cause to be cast, discharged, thrown, shoveled or placed into or onto the traveled portion of any street or alley, by any means whatsoever, any snow, slush or ice.

L. Swimming pools.

1) Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, sanitary, and covered when not in regular use.

2) It shall be unlawful for any person to install an in-ground pool, above-ground pool, or temporary pool (inflatable, or any pool that can be taken down each year), without proper permits, inspections, and safeguards in place (fences, locking gates, or ladders, and proper electrical grounding). Any pool that can hold 24 inches of water or more is subject to permits, inspections and safeguards.

M. Vending license violations.

1) It shall be unlawful for any person, business, partnership, or entity to operate, including, but not limited to, any business, vending cart, food cart, yard sale, store or establishment without the proper permits.

2) It shall be unlawful to violate any term, part, portion or in total, of any vending license. Any person, business, partnership or entity violating its vending license, shall be in violation of this ordinance.

N. Storing or serving of potentially hazardous food. No person, business, partnership or entity shall store or serve potentially hazardous food, including, but not limited to, out-of-date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, in the presence of infestation problems, or serving food that had previously been opened.

O. Regulation of Rental Units.

1) Owner's Duties.

a. General.

It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with all applicable codes and provisions of all other applicable state or federal laws and regulations and local ordinances, and to keep such property in good and safe condition. To include the number of residents permitted per unit.

As provided for in this Ordinance, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. As provided for in this Ordinance, every owner shall also be responsible for regulating the conduct and activities of the occupants of every regulated rental unit which he, she or it owns in the Borough, which conduct or activity takes place at such regulated rental unit or its premises.

In order to achieve those ends, every owner of a regular rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below.

This Section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants of their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.

This Ordinance is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough against an owner, occupant, or guest thereof.

b. Designation of Manager: Every owner who is not a full-time resident of the Borough of West View, or a resident elsewhere within fifteen miles from West View, shall designate a manager who shall reside within fifteen miles of the Borough of West View. If the owner is a corporation, a manager shall be required if any officer of the corporation does not reside within the aforesaid distance. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside in the aforesaid distance. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving notices and demands, as well as for performing the obligations of the owner under this Ordinance and under Rental Agreements with occupants. The identity, address and telephone number(s) of a person who is designated as manager hereunder shall be provided by owner or manager to the Borough, and such information shall be kept current and updated as it changes.

c. Disclosure. The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy: the name, address and telephone numbers of the manager, if applicable, and the name, address and telephone number of the owner of the premises.

d. Maintenance of Premises.

   i. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly

perform all maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.

ii. The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if: (a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant; and (b) the agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

iii. In no case shall the existence of any agreement between owner and occupant relieve any owner of any responsibility under this Ordinance or other ordinances or codes for maintenance of premises.

e. Landlord/Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.

f. Common Areas. Where an owner does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common areas, as if the owner were an occupant.

g. Enforcement.

i. Within ten days after receipt of written notice from the Code Enforcement Officer, that an occupant of a regulated rental unit has violated a provision of this Ordinance, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

ii. Within twenty days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer, or other designee of the Borough, a report, on a form provided by the Borough, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation recurs.

iii. The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address the future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation of this Ordinance.

iv. In the event that a second violation occurs within a year involving the same occupant or occupants, the Code Enforcement Officer, may direct the owner to evict in accordance with the Landlord Tenant Act the occupants who violated this Ordinance and to not permit the occupant to occupy the premises during the subsequent licensing period.

h. Code Violations. Upon receiving notice of any code violation from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

i. Borough Can Make Repairs. In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any Code within the period of time stated in such notice, the Borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved for each time the Borough shall cause a violation to be corrected; and the owner of the premises shall be billed after the same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to a judgement and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the Borough and its Code Enforcement Officer may invoke such other remedies available under this Ordinance or other applicable codes, ordinances or statues, including, where appropriate, condemnation proceedings or declaration of the premises as unfit for habitation; or suspension, revocation, or non-renewal of the License issued hereunder.

j. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times in the discretion of the Code Enforcement Officer.

2) Occupant's Duties.

a. General. The occupant shall comply with all obligations imposed upon occupants by this Ordinance, all applicable Codes and ordinances of the Borough and all applicable provisions of state law.

b. Health and Safety Regulations. The occupant shall dispose from his or her regulated rental unit all rubbish, garbage and other waste in a clean and safe manner in compliance with West View's Solid Waste Ordinance and all other applicable ordinances, laws and regulations.

c. Peaceful Enjoyment. The occupant shall conduct himself or herself and require the other persons, including, but not limited to, guests on the premises and within his or her regulated peaceful enjoyment of the premises by others, and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying the same.

d. Residential Use. The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her regulated rental unit for no other purpose than as a residence.

e. Illegal Activities. The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa. C.S.A. §101, et seq.) or Liquor Code (47 P.S. §1-101 et seq.), or The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101 et seq.), or the West View Borough Code.

f. Disruptive Conduct.

   i. The occupant shall not engage in, nor tolerate nor permit others on the premises to engage in disruptive conduct, or other violations of the Ordinance.

   ii. When the Police Officer investigates an alleged incident of disruptive conduct, he or she shall complete Disruptive Conduct Report via Police Supplement Report upon a finding that the reported incident did, in his or her judgement, constitute "disruptive conduct" as defined herein. The information filled in on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the Police Officer make such investigation, said Police Officer shall then submit the completed Supplement to the Code Enforcement Officer within seven working days. In all cases, the Code Enforcement Officer shall mail a copy of the Disruptive "redacted" supplemental report to the owner or manager within ten working days of the occurrence of the alleged disruptive conduct, whether the person making the investigation on behalf of the Borough the Code Enforcement Officer.

g. Damage to Premises. The occupant shall not intentionally cause, nor permit, nor tolerate others to cause, damage to the premises. Conduct which results in damages in excess of $500.00 shall be considered a violation of this Ordinance.

h. Inspection of Premises. The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times in the discretion of the Code Enforcement Officer.

P. Permits and Approvals.

1) It shall be unlawful for an owner or contractor to perform work to a building or structure without a permit, where permits are required, unless such performance is exempt as defined in the Borough of West View Zoning Ordinance.
2) Temporary dumpster permits are required. Each temporary dumpster, whether placed on private property or in a public right-of-way, shall have a valid permit issued by the Borough of West View.
3) Illegal signs/billboards. No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the Borough of West View.
4) Working without a license. No person shall work within the Borough of West View without a business license and proof of insurance, which shall be supplied to the Code Enforcement Office.

Q. Property maintenance.

1) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained and shall at all times be structurally sound and in good repair.

SECTION VI - AUTHORITY FOR ISSUANCE OF NOTICE OF VIOLATIONS AND CITATIONS. Upon finding a quality of life violation, any public officer of the Borough of West View, appointed by Borough Council, may issue quality of life notice of violations and/or citations to the owner and/or occupant of the property at issue or to the individual known to have violated this Ordinance.

SECTION VII – REGULATIONS. Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance.

SECTION VIII – ABATEMENT.

A. Any person or business violating this Ordinance is hereby directed to satisfy the Borough of West View upon issuance of a quality of life , by correcting the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.
B. The Borough of West View 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 cost thereof 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 which will also be paid separately.
C. Borough of West View clean-up. The Borough reserves the right to perform any necessary work to abate any violation once 72 hours passes

from the date of issuance of the quality of life . Should the violation, at the discretion of the appropriate officer(s), 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 $_____ 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 percent (20%) on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

D. Contractor clean-up. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once 72 hours passes from the date of issuance of the quality of life . 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 his work to the Borough of West View, and the Borough will forward these costs to the violator. The Borough reserves the right to add a thirty percent (30%) processing fee in addition to the costs of the contractor.

E. Abatement rates will be established by resolution from time to time based upon FEMA published rates.

SECTION IX – FINES AND PENALTIES. 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 $300.00 nor more than $1,000.00 on each offense, or imprisonment of no more than 90 days on each offense, or both, together with costs of abatement. Each day that such a violation exists constitutes a separate and distinct violation.

SECTION X – NONEXCLUSIVE REMEDIES. The penalty and collection provisions of this Section shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough of West View as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough Code Section or Ordinance, whether or not such other Code Section or Ordinance is referenced herein, and whether or not an ongoing violation of such other Code Section or Ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

SECTION XI – SEVERABILITY. The terms, provisions, and applications of this Ordinance are severable. If any of the provisions of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such holding shall not affect the remaining provisions of this Ordinance. The remaining provisions and/or applications of this Ordinance shall remain in full force and effect without the invalid provision or application.

SECTION XII – REPEALED. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION XIII – EFFECTIVE DATE. This Ordinance shall become effective immediately upon approval.

ORDAINED AND ENACTED this 10th day of September,2020.

ATTEST:

BOROUGH OF WEST VIEW

Secretary/Manager
Bruce A. Fromlak

President, Borough Council
M. Kimberly Steele

APPROVED AS TO FORM:

Mayor, Borough of West View
John R. Henry