

CITY OF CORRY

Ordinance

Ordinance No. 1593

Council Bill No. 19-03

Presented by: Mr. Sproveri

AN ORDINANCE ESTABLISHING A QUALITY OF LIFE VIOLATION TICKET PROGRAM USED IN CONJUNCTION WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY THE CITY WILL ASSIST CODE ENFORCEMENT WITH GOVERNING PROPERTY MAINTENANCE WITHIN THE CITY OF CORRY, ERIE COUNTY, PENNSYLVANIA.

BE IT ORDAINED by the City Council of the City of Corry, Erie County, Pennsylvania, and it is hereby enacted by authority of the same, the following:

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 use/storage of indoor furniture outside 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 City, which reduces business and tax revenue inhibiting economic development. The Quality of Life and community pride of the citizens of Corry 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 City by helping to create a clean environment for the citizens of Corry. In addition, this will allow for the Quality of Life ticket to be used as a tool to enforce the following ordinances and their amendments: City of Corry Property Maintenance Code, City Ordinance #1437 and City Ordinance #1032.

Section 2. Definitions.

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

ABANDONED VEHICLES: Unused, stripped, junked, wrecked or otherwise usable vehicles which do not carry a current registration plate or inspection sticker and which are no longer safely unusable for the purpose of which they were manufactured and which have been in place for a period of thirty (30) days.

ANIMAL WASTES – excreted materials from live animals or products used to bed animals to include – litter, straw, hay or wood shavings.

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.

CLUTTER – An accumulation of items other than garbage or rubbish in such a manner that it would be considered unsightly by reasonable living standards. Examples of this would include but not be limited to construction materials not associated with a current building project, automobile parts, appliances, etc.

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

INDOOR FURNITURE - any and all pieces of furniture which are made for inside use only including, but not limited to, upholstered chairs and sofas, TV's, electronic items, refrigerator, freezers, etc.

JUNKED VEHICLE – Any vehicle which is without a currently valid license plate(s) or inspection sticker and is in either a stripped, rusted, wrecked, dismantled, partly dismantled, inoperative, or abandoned condition. A junk vehicle shall be classified as to its condition in one of the two following categories:

1. Restorable Junk Vehicle: A vehicle that is in a condition whereby repairs to same could reasonably be made to place it in operating condition without exceeding the estimated value when repaired.

2. Non-Restorable Junk Vehicle: A junk vehicle in such condition that it is economically unsound to restore same to an operating condition considering the repairs to be made, age of the vehicle, market value of the vehicle if it were restored or in such a condition that the Code Compliance Officer determines that it warrants such classification.

If the vehicle has any of the following listed items it will be classified as Non-Restorable Junk.

- (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.
- (4) Unsecured 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) More than 2 flat tires

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

LOCAL RESPONSIBLE AGENT - any person residing or working within the City of Corry designated to accept service on behalf of a legal owner or operator of a non-owner-occupied property.

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.

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

NUISANCE - any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the City, or causes a blighting effect in City neighborhoods. See also the definition of "public nuisance."

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.

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.

PERSON – every natural person, firm, partnership, association, corporation, or organization of any kind which is recognized by law as the subject of rights and duties.

PUBLIC NUISANCE - any conditions or premises which are 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.

RUBBISH - combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, excessive animal feces, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

SIDEWALK AREA - the public right-of-way established for pedestrian use between the property lawn and curb line or established edge of roadway.

SNOW REMOVAL – to remove snow or ice and discharge or deposit same in another location by means of shoveling, blowing or plowing.

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 Code Compliance Officer to a person who violates a provision of this part. The violation ticket is an offer by the City of Corry extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

VIOLATOR – The owner and/or occupant of the property at which the violation occurred.

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

- (1) Exceed eight (8) inches in height.
- (2) Release into the air of unpleasant noxious odors or pollen such as ragweed, dandelion, and miscellaneous other vegetation commonly referred to as weeds or brush.
- (3) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.
- (4) 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.

An owner, occupant and/or responsible person commits a quality of life violation by any of the following:

1. **Accumulation of Clutter, Rubbish or Garbage.** The accumulation of clutter, waste, trash, rubbish, or garbage outside of any structure or in the yard is prohibited.
2. **Animal Waste/Feces Clean-Up.** People owning, harboring, or keeping an animal within the City of Corry 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 daily basis.
3. **High Weeds, Grass or Plant Growth.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) 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 part.
4. **Snow and Ice removal.** It is unlawful to remove snow or ice from private property, sidewalks or driveways and deposit same on the sidewalks, roadways or right of way.
5. **Premises Identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7mm).
6. **Exterior Placement of Indoor Appliances/Furniture/Electronics.** It is prohibited to store or place any/all appliances, electronics or furniture including, but not limited to televisions, ranges, refrigerators, freezers, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or tables on the exterior of any property for any reason, except to perform maintenance on said property.
7. **Storage Containers for Waste or Trash -** The owner of every premises 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, watertight, leak-proof, and made of rust-resistant galvanized metal or heavy plastic with two handles. Containers must have tight fitting covers, and must be kept clean and odor free at all times. Containers which may have ragged or sharp edges, holes or other defects must be replaced. The persons occupying any dwellings are limited to containers not exceeding fifty (50) pounds each. Waste/trash containers may not be placed at the curb for collection before 5:00

PM (prevailing time) on the day before the scheduled day for collection, and must be removed within twenty-four (24) hours after collection.

8. The provisions of Section 107 – Notices and Orders of the International Property Maintenance Code, and any amendments thereto, as adopted by the City of Corry.

Section 4. Authority for Issuance of a Quality of Life Violation Ticket.

Upon finding quality of life violations, any Code Compliance Officer of the City of Corry may issue Quality of Life violation tickets to the owner, occupant and/or responsible party of the property at issue.

Section 5. Enforcement.

1. The provisions of this Ordinance shall be enforced by City of Corry Code Compliance Officers.

2. Any violation of the provisions of this Ordinance may be cause for a violation ticket, and/or a notice of violation and citation to be issued to the violator.

Section 6. Process for Issuing Quality of Life Violation Tickets

- A. A Code Compliance Officer of the City of Corry shall serve the Quality of Life violation ticket to the violator:
 1. By handing the Quality of Life violation ticket to the violator,
 2. By leaving or affixing the Quality of Life violation ticket to the property where the violation exists (if applicable),
 3. By handing the Quality of Life violation ticket to the violator's local responsible agent, or to the person in charge thereof at any office of usual place of business of the violator, or
 4. By mailing the Quality of Life violation ticket to the violator's address of record via first class mail with a certificate of mailing.
- B. The Quality of Life violation tickets shall be in writing and shall identify the property address, include a statement of the violation(s), and specify the maximum time frame to take corrective action to address the violation. The fine for the first Quality of Life violation ticket shall be \$25.
- C. If the violation is not addressed to the satisfaction of the Code Compliance Officer within seven (7) days after the issuance of the first Quality of Life violation ticket, the officer shall issue a second Quality of Life violation ticket. If the violation is not addressed to the satisfaction of the Code Compliance Officer within seven (7) days after the issuance of the second Quality of Life violation ticket, the officer shall issue a third Quality of Life violation ticket. The fine for the second and third violations is \$50 and \$100, respectively. If the violation is not addressed within seven (7) days of the issuance of the third ticket, a citation will be issued by the Code Compliance Officer with the local Magisterial District Justice.

Section 7. Abatement of Violation.

1. Any person or business violating this Ordinance is hereby directed to satisfy the City of Corry and its citizens, upon issuance of a Quality of Life ticket, by correcting the violation in question.

Section 8. Fines and Penalties.

- A. For the first violation of any item outlined in Section 3.1-7 of this Ordinance within a 12-month period, a violation ticket shall be issued in the amount of \$25.

B. For the second violation of any item outlined in Section 3.1-7 of this Ordinance within a 12-month period, a violation ticket shall be issued in the amount of \$50.

C. For the third violation of any item outlined in Section 3.1-7 of this Ordinance within a 12-month period, a violation ticket shall be issued in the amount of \$100.

D. Any persons who receives a Quality of Life violation ticket for any violation of this Ordinance may, within seven (7) days, admit the violation, waive a hearing, and pay the fine in full satisfaction.

E. Any person who violates this Part shall pay a fine as set forth herein for each offense:

Violation	Description	Fine 1	Fine 2	Fine 3	Fine 4
QOL-001	Accumulation of rubbish or garbage <i>IPMC 308</i>	\$25.00	\$50.00	\$75.00	\$100.00
QOL-002	Animal waste <i>Ord #1437</i>	\$25.00	\$50.00	\$75.00	\$100.00
QOL-003	High weeds, grass or plant growth <i>-IPMC 302.4</i>	\$25.00	\$50.00	\$75.00	\$100.00
QOL-004	Snow and Ice removal <i>Ord #1032</i>	\$25.00	\$50.00	\$75.00	\$100.00
QOL-005	Premises ID <i>IPMC 304.3</i>	\$25.00	\$50.00	\$75.00	\$100.00
QOL-006	Exterior placement of appliances/furniture	\$25.00	\$50.00	\$75.00	\$100.00
QOL-007	Storing containers for waste or trash <i>-IPMC 308.3</i>	\$25.00	\$50.00	\$75.00	\$100.00
QOL-008	Other- Violations listed in Property Maintenance	\$25.00	\$50.00	\$75.00	\$100.00

Section 10. Violation Ticket Penalties.

A. Failure of the person to make payment or request a hearing within seven (7) days of a violation ticket shall make the person subject to a citation for failure to pay.

B. If violations are continuous or egregious, Code Compliance Officials have the right to issue citations pursuant to the International Property Maintenance Code without first issuing tickets, provided notice has been given. Upon issuance of four (4) tickets for the same violation, right is reserved for the Code Compliance Officials to issue citations for the subsequent offenses.

Section 11. Appeal.

A person in receipt of a violation ticket for any offense under this Ordinance may within seven (7) calendar days of the service of the Quality of Life violation ticket (a) admit the violation and pay the fine in full satisfaction or (b) deny the violation and request an appeal in writing before the Property Maintenance Board of Appeals free of charge. At the appeal, which shall be scheduled within thirty (30) days of a request for appeal, the person shall have the right to provide information at that time including the right to question any witnesses. Only evidence relevant to the violation in question shall be considered and formal rules of

evidence shall not apply. A ruling on the appeal shall occur not more than five (7) days after the appeal is heard.

Section 12. Severability.

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

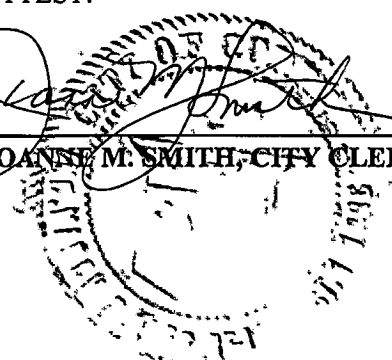
Section 13. This Ordinance shall be effective immediately upon passage and approved in the manner prescribed by law.

ORDAINED AND ENACTED by Council this 6th day of May, 2019.

ATTEST:



JOANNE M. SMITH, CITY CLERK





DAVID E. MITCHELL, MAYOR