



Text File

Introduced: 11/17/2017

Bill No: 2017-2127, Version: 1

Committee: Committee on Public Safety
Services

Status: Passed Finally

An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article VII: - Disruptive Properties, Chapter 670: - Disruptive Property Abatement, Section 670.02 - Disruptive Property Defined, by requiring a minimum of three of, but not limiting to, three (3) separate occasions, citations, summons, and/or arrests for disruptive activities within any twelve-month period.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1.

§ 670.02 - DISRUPTIVE PROPERTY DEFINED.

(a) Disruptive activity shall be any form of conduct, action, omission, incident or behavior perpetrated, caused or permitted on a property by the owner(s), tenant(s), occupant(s) or their invitee(s) of the property, which constitutes a violation of any of the following ordinances of the City of Pittsburgh or statutes of the Commonwealth of Pennsylvania:

(1) any public order offense under Sections 601.03 (Soliciting Business), 601.04 (Noise Control), 601.06 (Intersexual Massage), 601.07 (Unlicensed Alcohol or Liquor Sale), or 601.08 (Alcohol or Liquor Consumption on Streets or Sidewalks), 601.19 (Social Host and Underage Drinking) of the Pittsburgh Code; or 18 Pa.C.S.A. § 5501 (Riot), 18 Pa.C.S.A. § 5502 (Failure to Disperse), 18 Pa.C.S.A. § 5503 (Disorderly Conduct), 18 Pa.C.S.A. § 5505 (Public Drunkenness), 18 Pa.C.S.A. § 5506 (Loitering), 18 Pa.C.S.A. § 5512 (Lotteries), 18 Pa.C.S.A. § 5513 (Gambling Devices, Gambling), or Pa.C.S.A. § 5514 (Pool Selling and Bookmaking);

(2) any violation involving a minor under Chapter 604 (Curfew) of the Pittsburgh Code; or 18 Pa.C.S.A. § 4304 (Endangering the Welfare of Children), 18 Pa.C.S.A. § 6110.1 (Possession of Firearm by Minor), 18 Pa.C.S.A. § 6301 (Corruption of Minors), 18 Pa.C.S.A. § 6308 (Purchase, Consumption or Possession of Alcoholic Beverages), 18 Pa.C.S.A. § 6310 (Inducement to Buy Alcoholic Beverages), 18 Pa.C.S.A. § 6310.1 (Selling or Furnishing Alcoholic Beverages to Minors), 18 Pa.C.S.A. § 6310.7 (Selling or Furnishing Nonalcoholic Beverages to Minors) or 18 Pa.C.S.A. § 6319 (Solicitation of Minors to Traffic Drugs) of the Pennsylvania Crimes Code;

(3) any firearms or other weapons offense under Sections 607.03 (Discharging Firearm or Airgun) or 607.05 (Archery and Slingshots) of the Pittsburgh Code, or the Pennsylvania Uniform Firearms Act, 18 Pa.C.S.A. § 6101 et seq.;

(4) any violation related to the maintenance of a property free from noxious weeds, excessively high

grass and refuse under Chapter 609 of the Pittsburgh Code;

(5) any public decency offenses under Sections 613.02 (Obscene Materials), 613.03 (Dissemination of Explicit Sexual Materials to Minors), 613.04 (Admitting Minors to Shows), or Chapter 615 of the Pittsburgh Code; or 18 Pa.C.S.A § 5901 (Open Lewdness), 18 Pa.C.S.A § 5902 (Prostitution), 18 Pa.C.S.A. § 5903 (Obscene and Other Sexual Materials and Performances), or 18 Pa.C.S.A § 5904 (Public Exhibition of insane or Deformed Person);

(6) any offense against property under Chapter 616 of the Pittsburgh Code;

(7) any sanitation violation under Section 619.04 (Accumulation of Municipal Waste) of the Pittsburgh Code; or 18 Pa.C.S.A. § 6501 (Scattering Rubbish);

(8) any animal offense under Sections 633.08 (Dogs at Large), 633.09 (Harboring a Nuisance), 633.11 (Nondomestic Canine/Feline and Hybrids), 633.12 (Number of Pets Permitted in City Limits), 633.20 (Dangerous Dogs) and 635.02 (Fowl at Large) of the Pittsburgh Code; or 18 Pa.C.S.A § 5511 (Cruelty to Animals); and

(9) any violation of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act. 35 P.S. § 780-101 et. seq.

(b) When the Director determines that the owner(s), tenant(s) or occupant(s) of a property, or any person present at a property with the permission and knowledge of the owner(s), tenant(s) or occupant(s), has either been arrested or issued a citation or summons for Disruptive Activities occurring on the property on three (3) **or more** separate occasions within any twelve-month period, the Director may declare the property to be a Disruptive Property and proceed with the notice and enforcement procedures set forth in this Chapter.

(c) For rental properties containing six (6) or more rental units, each individual rental unit shall be considered a "property" for purposes of enforcement of this chapter. Thus, requiring that three (3) **or more** separate citations, summons and/or arrests for disruptive activity must be made involving the same rental unit in order to declare the individual rental unit a disruptive property. Any occurrence of disruptive activity in the common area or curtilage of a rental property shall be charged to the specific rental unit that the actor occupies and not the property in whole.

(d) After a property has been declared a disruptive property, if law enforcement authorities are not called upon to respond to any disruptive activities for a period of twelve (12) consecutive months, then the property will no longer be classified as a disruptive property.

(e) Any citation, summons or arrest for disruptive activity perpetrated by a tenant who is already in the process of being evicted, shall not count towards the declaration of a disruptive property pursuant to subsection (b) above, provided that the property owner can prove that an eviction action has been commenced in a court of law and that the property owner is actively prosecuting said eviction action against the tenant.