



Text File

Introduced: 10/4/2022

Bill No: 2022-0804, Version: 1

Committee: Committee on Public Safety
Services

Status: Died due to expiration of legislative
council session

Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article 1, Regulated Rights and Actions, by adding Chapter 619A entitled Quality of Life Violations.

(Held for a Post Agenda)

WHEREAS, a lack of property maintenance, improper storage of trash and rubbish, and high grass and weeds, are costly problems that contribute to the deterioration of property values and general disorder in a community; and,

WHEREAS, these problems degrade the physical appearance of the City of Pittsburgh, which reduces business and tax revenue, therefore inhibiting economic development. The quality of life and community pride of the citizens of Pittsburgh are negatively impacted by the occurrences and existence of these activities; and,

WHEREAS, recognizing these are community problems, the purpose of this ordinance is to promote the health, safety, equity, and general welfare of the City of Pittsburgh by helping to create and sustain a clean and healthy living environment for its citizens; and,

WHEREAS, It is the intent of the City of Pittsburgh and the Quality of Life Ticketing Program to encourage education and voluntary compliance with existing code ordinances in Chapter 619 of the Pittsburgh Code; and,

WHEREAS, It is an additional intention of the City of Pittsburgh and this legislation to encourage compliance with the Landlord-Tenant Agreement, as defined in § 619.08 of the Pittsburgh Code.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PITTSBURGH ENACTS AS FOLLOWS:

Section 1. Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article 1 Regulated Rights and Actions, by adding Chapter 619A entitled Quality of Life Violations, as follows:

§619A.1 Definitions

1. CALENDAR DAY - the period of elapsed time, using Coordinated Universal Time or local time that begins at midnight and ends 24 hours later at the next midnight.
2. CALENDAR YEAR - The year beginning January 1st and ending December 31st
3. CITATION - A directive, issued by a law enforcement officer or other person authorized by statute, that a person appear in court and answer an infraction charge or charges.
4. CITY - The word "City" as used herein shall mean the City of Pittsburgh, Pennsylvania.
5. CONTAINER - A portable device made of durable, watertight materials with a closed, tight-fitting lid.
6. CURB - An edging of concrete, asphalt, sandstone, or granite built along a street to form a part of a

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gutter.

7. 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
8. DWELLING - Any building or portion thereof which is designed for or used for residential purposes. The word "Dwelling" shall not include hotels, motels, or other structures used for transient residence.
9. GARBAGE - All waste material derived in whole or in part from the meat of any animal or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, or consumption of food.
10. HAZARDOUS WASTE - Those wastes defined as hazardous under the Pennsylvania Solid Waste Management Act, 35 P.S. 6018.103, as amended, can be characterized as ignitable, reactive, corrosive, or toxic.
11. HOUSEHOLDS - Includes without limitation single and multiple-family dwellings and structures, hotels, motels, bunkhouses, ranger stations, campgrounds, picnic grounds, and daily-use recreation areas.
12. LOT - A parcel of land abutting a public street
13. MUNICIPAL WASTE - Any garbage, rubbish, refuse, office waste, and other material, including solid, liquid, semisolid, or contained gaseous material that is to be serviced by the City of Pittsburgh and meets § 619.03 and § 619.04.
14. NOTICE OF VIOLATION - A written document issued to a person in violation of a City ordinance that specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action, including but not limited to a citation.
15. PERSON - Includes the singular and plural, and shall mean and include any natural person, firm, corporation, partnership, business trust, other association, estate, trust, foundation, or institution. The term also includes the governing authority for a county or municipality, and a government entity other than the Commonwealth.
16. PUBLIC NUISANCE - Any condition or premises which is unsafe or unsanitary.
17. PUBLIC OFFICER - Any police officer, code enforcement officer, building code official, authorized inspector, public official, and/or employee designated by the Mayor or the City to enforce Federal, State, and/or City laws, rules, regulations, and/or ordinances.
18. PUBLIC RIGHTS-OF-WAY - The surface and the area across, in, over, along, under, and upon the public streets, roads, lanes, avenues, alleys, sidewalks, bridges, highways and other rights-of-way, as the same now or may thereafter exist, including curb and gutter areas and all other property over which the City has a utility easement or right-of-way, which are under the jurisdiction of the City.
19. QUALITY OF LIFE TICKET - A form issued by a police officer or public officer to a person who violates a provision of this chapter.
20. RESIDUAL WASTE - Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous waste.
21. SIDEWALK - Any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways

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- 22. SIDEWALK AREA - The portion of the right-of-way between the property line and curb line or the established edge of the roadway that is reserved for sidewalks.
- 23. SOLID WASTE - Any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.
- 24. STORAGE - The containment of any waste or recycling on a temporary basis.
- 25. STRUCTURE - Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features, but not including sidewalks, drives, fences, and porches without a roof or enclosed sides.
- 26. VEGETATION - Any planting that is cultivated and managed for edible or ornamental purposes, such as vegetable gardens, trees, shrubs, hedges, flowers, etc.
- 27. WEEDS - Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
 - a. All noxious weeds, including but not limited to ragweed and poison ivy, shall be included in this definition as well as all grasses, annual plants and vegetation, which meet any of the following criteria:
 - i. Exceed ten inches in height.
 - ii. Exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as "weeds" or "brush."
 - iii. May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.
 - iv. May cause a public nuisance.
- 28. YARD - An open, unoccupied space that lies between the principal building or buildings and the lot line (s).

§619A.02 Quality of Life (QOL) violations

- (a) **QOL-1. Accumulation of Rubbish or Garbage.** All exterior property and premises shall not contain more than one cubic foot of debris, waste, trash, rubbish, or garbage.
- (b) **QOL-2. High Weeds, Grass, or Plant Growth.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches.
- (c) **QOL-3. Storage Containers for Waste or Trash.** All municipal waste or recycling containers must be stored in the rear of every property so said containers are not visible from the public right-of-way or when the rear of the property is not available on the side of the property so as not visible or minimally visible from the public right-of-way. If a property owner does not have the ability to place municipal waste or recycling containers at the rear or side of the property, property owners/tenants may be permitted to store the container in the front of the property and must be within three feet of the front façade of the structure as to not impede sidewalk traffic. Whether at the rear, side, or front of the property, all waste or recycling containers shall store municipal waste and recyclables in durable, watertight containers with close-fitting lids. Containers shall be kept in

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clean, neat, and sanitary condition at all times so as not to create an attraction or harborage for rodents, insects, or other pest life. This provision is in keeping with regulations of Pittsburgh Code § 619.03 and § 619.04.

- (d) QOL-4. Early Set out or Late Removal** Municipal waste and recyclables shall be placed for collection no earlier than 6:00 p.m. the day before collection and no later than 6:00 a.m. the day of collection. Containers shall be removed from the collection site and stored no later than 10:00 p.m. on collection days.

§619A.03 Authority for issuance of QUALITY OF LIFE TICKET

- a) Upon finding a quality-of-life violation, any public officer, as previously defined herein, may issue QUALITY OF LIFE TICKET(s) to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this Ordinance.

§619A.04 Enforcement

- (a) The provisions of this Ordinance shall be enforced by any Public Officer authorized to enforce Ordinances.
- (b) Any violation of the provisions of this chapter may be cause for a citation, a QUALITY OF LIFE TICKET, and/or a notice of violation to be issued to the violator.
- (c) Any person who receives a violation ticket for any violation of this chapter may, within 15 days, admit the violation, waive an administrative appeal as set forth in 619A.09 below and pay the fine in full satisfaction.

§619A.05 Service of a QUALITY OF LIFE TICKET (Nail and Mail)

- (a) A QUALITY OF LIFE TICKET shall be served upon a violator by either handing it to the violator; or 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; or by leaving or affixing the notice or quality of life ticket to the property where the violation exists; or by handing it at any office or usual place of business of the violator, agent or to the person for the time being in charge thereof; in addition to mailing the notice to the violator's address of record.

§619A.06 Separate offenses

- (a) Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

§619A.07 Abatement of violation

- (a) Any person or business violating this Ordinance is hereby directed to satisfy the City of Pittsburgh and its citizens, upon 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 Works Enforcement Officer in order that the City of Pittsburgh shall be compensated for both direct and indirect costs and expenses incurred.
- (b) The City of Pittsburgh and/or its contractor, per the direction of the City of Pittsburgh, reserves the right

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to abate the violation in question at the expense of the owner. If the City of Pittsburgh has affected the abatement of the violation, the total cost 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.

- (c) In all instances where the City of Pittsburgh abates the violation, in addition to the fine set forth in the QUALITY OF LIFE TICKET, the City of Pittsburgh is authorized to recover from the offending party, the owner of the property or the tenant of the property in cases of a signed landlord-tenant agreement, the abatement charges and such other charges established by the Code Enforcement Officer and the rules and regulations.
- (d) City of Pittsburgh cleanup. The City of Pittsburgh 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 TICKET. Should the violation at the discretion of the Public Works Environmental Services Superintendent and/or his or her designee present imminent danger and/or pose a health hazard and/or risk, the City of Pittsburgh reserves the right to perform the abatement immediately. The Municipality will perform this work at a rate designated by the City of Pittsburgh Fee Schedule and forward the cost of any material necessary for the abatement.
- (e) Contractor cleanup. The City of Pittsburgh reserves the right to direct a contractor to perform the abatement of the violation in question once 48 hours 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 City of Pittsburgh reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for its work to the City of Pittsburgh, and the City of Pittsburgh will forward these costs to the violator.

§619A.08 Fines, Penalties, and Repeat Offenses

- (a) Any person who is found in violation of QOL1, QOL2, QOL3, and/or QOL4 shall pay a fine of \$35 for the first issuance of a QUALITY OF LIFE TICKET (s) within a calendar year, plus all direct and indirect costs incurred by the City of Pittsburgh for the cleanup and abatement of the violation.
- (b) Any person found in violation of QOL1, QOL2, QOL3, and/or QOL4 shall pay a fine of \$50 for a second issuance of a QUALITY OF LIFE TICKET (s) within a calendar year, plus all direct and indirect costs incurred by the City of Pittsburgh for the cleanup and abatement of the violation
- (c) Any person found in violation of QOL1, QOL2, QOL3, and/or QOL4 shall pay a fine of \$100 for a third issuance of a QUALITY OF LIFE TICKET (s) within a calendar year, plus all direct and indirect costs incurred by the City of Pittsburgh for the cleanup and abatement of the violation.

§619A.09 Appeal

- (a) Administrative appeal
 - a. A person in receipt of a QUALITY OF LIFE TICKET may appeal to the magisterial district judge by filing a request in writing within 15 calendar days of the date of the QUALITY OF LIFE TICKET. An appeal form will be available on the City of Pittsburgh's website and will be made immediately available to any person requesting one.

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- b. In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within 15 calendar days of the date that the QUALITY OF LIFE TICKET was issued:
- i. All paperwork including the appropriate appeal form, for the appeal must be submitted and complete,
 - ii. Payment of the fine must be paid in full, which will be refunded within 30 calendar days should the alleged violator win the appeal,
 - iii. Any recipient of a QUALITY OF LIFE TICKET who fails to file an appeal within 15 days shall waive the right to an appeal.

§619A.10 Exemption

- (a) At the discretion of the Director of Public Works and/or the Superintendent of Environmental Services, any residents who have made application for the City of Pittsburgh's City Cuts, Snow Angels, and/or Environmental Services Medical Exemption are hereby excluded from receiving QUALITY OF LIFE TICKETS.

§619A.11 Liens

- (a) At the discretion of the City of Pittsburgh, liens may be placed upon a property against which tickets were issued for which abatement has not occurred and payment is not received within 45 days of issuance of a ticket for which an appeal is not taken and 45 days from the denial of appeal and monies paid by the City of Pittsburgh for abatement of a violation and not paid within 45 days of billing and 45 days from the City of Pittsburgh abating the violation pursuant to §619A.07.

<<https://ecode360.com/37236343#37236374>>§619A.13 Effect on other provisions

- (a) All relevant ordinances, regulations, and policies of the City of Pittsburgh, Pennsylvania, not amended shall remain in full force and effect.
- (b) Any ordinance or part of an ordinance conflicting with the provisions of this Ordinance shall be subordinate to this Ordinance to the extent of such conflict, and the language contained in this Ordinance shall control.

§619A.14 Severability; amendment

- (a) If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion.
- (b) The City of Pittsburgh reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.