



Text File

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Committee: Committee on Public Safety and Wellness

Status: Passed Finally

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

(Post Agenda held 10/1/24)

WHEREAS, accumulation of garbage and rubbish are unsightly, 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, and inhibits economic development. The quality of life and community pride of the residents of Pittsburgh are negatively impacted by the occurrences and existence of these activities; and,

WHEREAS, 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 residents; and,

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

The Council of the City of Pittsburgh hereby 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.01 Definitions

1. CALENDAR YEAR - The year beginning January 1st and ending December 31st.
2. CITATION - A directive, issued by an Inspector, that a person appears in court and answer an infraction charge or charges.
3. CITY - The word "City" as used herein shall mean the City of Pittsburgh, Pennsylvania.

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4. CONTAINER - A portable device made of durable, watertight materials with a closed, tight-fitting lid.
 5. 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.
 6. HOUSEHOLDS - Includes without limitation single and multiple-family dwellings and structures, hotels, motels, bunkhouses, ranger stations, campgrounds, picnic grounds, and daily-use recreation areas.
 7. INSPECTOR - Any 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.
 8. MUNICIPAL WASTE - Any garbage, rubbish, refuse, debris, and other material, including solid, liquid, semisolid, or contained gaseous material that is to be collected by the City of Pittsburgh.
 9. 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 escalating to a citation.
 10. 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.
 11. PUBLIC NUISANCE - Any condition or premises which is unsafe or unsanitary.
 12. PUBLIC RIGHT-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.

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13. QUALITY OF LIFE TICKET - A form issued by an Inspector to a person who violates a provision of this chapter. **Tickets shall be served in the recipient's preferred language by request.**

14. STORAGE - The containment of any waste or recycling on a temporary basis.

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

(a) QOL-1. *Accumulation of Garbage.* All exterior property and premises shall not contain more than one cubic foot of municipal waste, debris, trash, rubbish, or garbage.

(b) QOL-2. *Improper Storage of Cans.* 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, where feasible. All waste or recycling containers shall store municipal waste and recyclables in durable, watertight containers with close-fitting lids. Containers shall be kept in clean, neat, and sanitary condition at all times so as not to create an attraction or harborage for rodents, insects, and other pests.

(c) QOL-3. *Early Set out or Late Removal of Cans.* 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.

(d) QOL-4. *Contamination of Recyclables.* Recyclables must be separated from municipal waste.

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

(a) Upon finding a quality-of-life violation, an Inspector may issue a QUALITY-OF-LIFE TICKET(s) to the owner and occupant of the property at issue.

§619A.04 Enforcement

(a) The provisions of this Ordinance shall be enforced by any Inspector 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 QUALITY-OF-LIFE TICKET for any violation of this chapter may, within 15 days, admit **appeal** the violation, ~~waive an administrative appeal as set forth in 619A.08 below, and pay the fine in full satisfaction.~~

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

(a) A QUALITY OF LIFE TICKET shall be served 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 the 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 owner's address of record.

(b) If the owner and occupant are different persons, the owner shall be the responsible party unless able to provide to the City a Waste and Recycling Fact Sheet/ lease addendum per 619.08 (a) signed by both owner and occupant and dated prior to the issuance of a QUALITY OF LIFE TICKET.

§619A.06 Abatement of violation

(a) *Cleanup up by Violator.* Any person or business violating this Ordinance is hereby directed to satisfy the City of Pittsburgh and its residents, upon issuance of a QUALITY-OF-LIFE TICKET, by correcting the violation in question.

(b) *Cleanup by City.* The City of Pittsburgh and/or its contractor 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 pose a health hazard and/or public nuisance, the City of Pittsburgh reserves the right to perform the abatement immediately. The City will perform this work at a rate designated by the City of Pittsburgh Fee Schedule. A bill/invoice will be generated for payment by the owner or occupant of the property, separate from the QUALITY-OF-LIFE TICKET.

§619A.07 Penalties and Repeat Violations

(a) *QOL ticket costs.* Any person who 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 the calendar year, \$50 for the second issuance within the calendar year of the 1st violation, and \$100 for an issuance within the calendar year of a 2nd violation.

	1 st violation	2 nd violation, within the calendar year of a 1 st violation	3 rd violation, within the calendar year of a 2nd violation
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QOL1 - Accumulation of garbage.	\$35	\$50	\$100
QOL2 - Improper storage of cans. QOL3 - Early set out or late removal of cans.			
QOL4 - Contamination of recyclables.			

(b) *QOL Cleanup by City costs.* In the event the City abates a violation, per 619A.06(b), costs incurred will be billed to the violator separately from the cost of the Quality-of-Life ticket.

§619A.08 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 issuance of a QUALITY OF LIFE TICKET. The appeal process and form will be referenced on the ticket and available on the City of Pittsburgh's website.

b. In order for an appeal to be deemed valid and a hearing date/time to be set, **the appeal paperwork must be complete when submitted.** ~~the following must be performed by the alleged violator requesting t~~ **The request for an appeal must be made** within 15 calendar days of the date that the QUALITY-OF-LIFE TICKET was issued:

i. ~~The appeal paperwork must be complete when submitted.~~

ii. ~~Payment of the fine must be paid in full, which will be refunded within 30 calendar days should the appeal be won,~~

iii. ~~c.~~ 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.09 Exemptions

(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 social services programs, including: City Cuts, Snow Angels, and/or Environmental Services Curbside Medical Exemption are hereby excluded from receiving QUALITY OF LIFE TICKETS, subject instead to a notice of violation or citation.

§619A.10 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.12 Severability; amendment

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(a) If any section, clause, provision, or portion of this Chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

§619A.13 Fines Collected to be Deposited into the Solid Waste Trust Fund.

(a) Fines collected from QUALITY-OF-LIFE TICKETS shall be paid to the City's Department of Finance via check or online at PittsburghPA.gov, thus remitted into the **General Fund.** ~~Solid Waste Trust Fund, established in 1990 via Resolution #522 for use by the Department of Public Works – Bureau of Environmental Services Refuse and Recycling Division for expenses related to~~

- ~~a. Solid waste projects,~~
- ~~b. Purchase of equipment (including vehicles) and services,~~
- ~~c. Consultation fees, and~~
- ~~d. Construction or improvements to solid waste facilities.~~