

Chapter 372

PROPERTY MAINTENANCE

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[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Adoption of Standards

[Adopted 11-8-2018 by Ord. No. 18-18]

§ 372-1. Adoption by reference of 2015 International Property Maintenance Code.

A certain document, three copies of which are on file in the office of the City Clerk of the City of Jeannette, being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Jeannette in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the City of Jeannette are hereby referred to, adopted, and made a part

hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 372-2 of this article.

§ 372-2. Additions, insertions, deletions and changes.

The following sections of the Property Maintenance Code are hereby revised in their entirety to read as follows:

A. **Section 101.1 Title.** These regulations shall be known as the Property Maintenance Code (or International Property Maintenance Code) of the City of Jeannette, Westmoreland County, Pennsylvania, hereinafter referred to as "this code."

B. **Section 202** (with respect to the following definitions):

CODE OFFICIAL — The property maintenance code officer(s) of the City, his or their authorized representatives, the Fire Chief of the City, the Fire Captain of the City, and Building Code Official of the City.

LEGAL OFFICER or LEGAL REPRESENTATIVE — The office of the City Solicitor or such other attorney or firm so appointed for purposes of administering, enforcing or representing the City in connection with this article and any actions or appeals related thereto.

PERSON — An individual, corporation, partnership, limited liability company, limited liability partnership, association, entities, property management groups, or any other group acting as a unit. To the maximum extent provided by law, when used in this article in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer and other individual having an interest or decision-making authority in the entity, controlling or otherwise.

C. **Section 103.5 Fees.** The fees for activities and services performed by the City or the department in carrying out its responsibilities under this code shall initially be as indicated in the following schedule and as may be subsequently amended or revised by ordinance or resolution of City Council:

Abatement Charges:

1. Vegetation cutting: \$300 per incident under five man-hours.
2. Rubbish removal: \$300 per incident under five man-hours.
3. Road clearing or special treatment: \$300 per incident under 2 hours.
4. Any service provided by the City's employees in addition to or over the hours of the above-mentioned will be billed at \$200 per hour plus material charges and a 10% service fee.
5. Contracted services: cost to the City plus 10% service charge.

Appeal Fees:

Single-family dwellings	\$150 per premises
Multifamily dwellings	\$150 per premises, per dwelling unit
Commercial buildings	\$150 per premises, per unit

- D. **Section 104.3 Right of entry.** In the discharge of his duties, the property maintenance officer or his authorized agents or representatives, upon showing proper identification where or when requested, are hereby authorized to enter and inspect between the hours of 9:00 a.m. and 4:00 p.m. any structure or premises in the City, other than a private residence occupied by the owner, or any portion of a private residence occupied by the owner thereof, to enforce the provisions of this article and of those other applicable codes and ordinances. The assistance and cooperation of all other municipal offices, including police and fire departments, shall be available to the property maintenance officer to assist in the performance of his duties and in securing right of entry.

The property maintenance officer and the owner, operator or occupant, or other person in charge of any structure or premises subject to the provisions of this article may agree to an inspection by appointment at a mutually convenient time.

The owner, operator or occupant, or other person in charge of any structure or premises shall give the property maintenance officer entry and free access thereto and to every part of the structure or premises, including, without limitation, the area surrounding the structure or contained within such premises.

If any owner, operator or occupant, or other person in charge of any structure or premises fails or refuses to permit entry and free access to the structure or premises or any part thereof, including, without limitation, the area surrounding the structure or contained within such premises, with respect to any authorized inspection, the property maintenance officer may, upon a showing that probable cause exists for the inspection, file a complaint and petition for and obtain an order directing compliance with the inspection requirements of this article from a court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

- E. **Section 106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense or civil infractions determined by the local municipality, and the violation shall be deemed to be a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal of termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order of direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- F. **Section 106.4 Violation penalties.** Any person who shall violate a provision of this code or any adopted City building code, or fail to comply herewith, or with any of the requirements hereof, shall be guilty of a summary offense and shall be subject, upon conviction, to a fine of not less than \$300 or more than \$1,000 plus costs or, after a final hearing, sentenced to a term of incarceration or imprisonment not to exceed 90 days. Each day that a violation continues after due notice, as provided in this code, has been served shall be deemed a separate violation or offense for the purpose of computing fines and penalties and for determining a term or terms of incarceration or imprisonment, which may be imposed consecutively.

- G. **Section 111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall, upon the payment of any requisite appeal fee or fees, have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- H. **Section 111.2 Membership of board.** The Board of Appeals shall consist of the Board of Health of the City of Jeannette.
- I. Sections 111.2.1 through Section 111.2.5 are deleted in their entirety.
- J. **Section 112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$300 or more than \$1,000, plus costs, or sentenced to a term of incarceration or imprisonment not to exceed 90 days.
- K. **Section 302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious, harmful or injurious weeds shall be prohibited on all premises and exterior property. 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.

Upon the failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employer of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property, and any unpaid costs shall constitute a lien against the property.

- L. **Section 304.14 Insect screens.** During the period from April 1st to October 1st every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect-repellent fans, are employed.

- M. **Section 602.3 Heat supply.** Every owner or operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heating during the period from October 1st to April 1 to maintain a temperature of not less than 68° F. (20° C.) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30° F. (-1° C.), a minimum temperature of 65° F. (18° C.) shall be maintained.

- N. **Section 602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to April 1st to maintain a temperature of not less than 65° F. (18° C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

- O. Section 704.2.2. Exceptions are deleted in their entirety.

- P. Section 704.2.3. Exceptions are deleted in their entirety.

§ 372-3. Supplemental nature.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of the departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this article. The code shall control in all cases where the state requirements are not as strict as those contained in this article.

§ 372-4. Repealer.

Ordinance 12-02 of the City of Jeannette, as amended, known as the 2012 International Property Maintenance Code, and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

§ 372-5. Severability.

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The City of Jeannette hereby declares that it would have passed this article, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

§ 372-6. Continuing proceedings, rights, liabilities, and causes of action.

Nothing in this article or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 372-4 of this article; nor shall any just or legal right or remedy of any character related thereto be lost, impaired, or affected by this article.

ARTICLE II**Quality of Life Violations****[Adopted 2-8-2017 by Ord. No. 17-04]****§ 372-7. Title.**

This article shall be known as the "City of Jeannette Quality of Life Ordinance."

§ 372-8. Purpose. [Amended 3-14-2019 by Ord. No. 19-04]

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, vendor operations without permits, accumulation of snow and ice and failure to trim trees and other vegetation within public rights-of-way are costly problems that contribute to the deterioration of property values and general disorder in the 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 Jeannette are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this article is to promote the health, safety and general welfare of the City by helping to create a clean environment for the citizens of Jeannette while eliminating safety and welfare concerns for both residents and emergency service personnel.

§ 372-9. Scope.

The provisions of this article shall apply to all existing and future properties and structures.

§ 372-10. Definitions.

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

ADULT — Any person 18 years of age or older.

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.

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 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.

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 City 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, monetary or otherwise.

LITTER — Includes, but is not limited to, all waste material, garbage, trash, i.e., wastepaper, 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.

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 semitrailers pulled thereby.

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, taillamps, bumpers or grills with sharp edges.
- C. Any body parts, truck, fire wall 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 body 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 pose 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 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 flow of pedestrian or automobile traffic or impede emergency efforts.

OCCUPANCY LICENSE — The license issued to an owner of a regulated rental unit established by Chapter 387, Rental Property, Article I, Occupancy Licenses and Regulations, 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 or lessee.

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

PUBLIC OFFICER — Any police officer, authorized inspector, Fire Chief, Fire Marshal or public official designated by the Mayor and/or City Council to enforce City ordinances.

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 MATERIAL — 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, as defined by Chapter 387, Rental Property, Article I, Occupancy Licenses and Regulations.

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 therefor, 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 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.

§ 372-11. Quality of life violations.

The following shall be considered quality of life violations:

- A. Accumulation of rubbish, garbage, junk or litter.
- (1) All exterior property and premises, and the interior of 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/all appliances or furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TVs, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason except for removal or the temporary purpose to perform maintenance in 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 10 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 pickup day, and all containers must be returned to their storage area before daybreak on the day following pickup.
 - (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 pickup 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 responsible for an animal within the City of Jeannette:
- (1) Shall not permit them to run at large or make unreasonable noise.

- (2) Shall not allow waste matter/feces from the animal 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 City immediately.
- I. Insects or vermin. Infestation of insects or vermin shall not be allowed to continue, and the owner or occupant of any infested property shall report same to the Fire Marshal of the City of Jeannette 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 10 inches as defined herein, and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**
- 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 City of Jeannette is required to remove any snow or ice from his 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 curblin 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, aboveground 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, 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 article.

- 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. Registration of tenants.
- (1) It shall be unlawful for a landlord to allow tenants or occupants to reside within the City of Jeannette without securing an occupancy license at the office of the City Treasurer of the City of Jeannette. Tenants or occupants must be registered pursuant to the City of Jeannette Regulated Rental Unit Occupancy Ordinance.¹
 - (2) It shall be unlawful for a tenant to allow individuals to reside within their dwelling unit without securing an occupancy license at the office of the City Treasurer of the City of Jeannette. Tenants or occupants must be registered pursuant to the City of Jeannette Regulated Rental Unit Occupancy Ordinance.
 - (3) It shall be unlawful for individuals to reside in a leased or rented dwelling unit without securing an occupancy license at the office of the City Treasurer of the City of Jeannette. Tenants or occupants must be registered pursuant to the City of Jeannette Regulated Rental Unit Occupancy Ordinance.
- 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 City of Jeannette Zoning Ordinance, Chapter 550, Zoning, of this Code.
 - (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 City of Jeannette.
 - (3) Illegal signs/billboards. No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the City of Jeannette.
 - (4) Working without a license. No person shall work within the City of Jeannette 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 structurally sound and in good repair.
- R. Tree and vegetation trimming. It shall be unlawful for the owner(s) of real property to permit or cause trees, bushes or vegetation growing or located upon, along, in front of, in the rear of his or her respective real property to: **[Added 3-14-2019 by Ord. No. 19-04]**

1. Editor's Note: See Ch. 387, Art. I, Occupancy Licenses and Regulations.

- (1) Overhang any portion of a public highway, street, alley, sidewalk or other public right-of-way at a height of less than 12 feet, provided that the City Engineer shall have the authority to designate a higher clearance in any public right-of-way where heavy traffic or other conditions make it expedient;
- (2) Overhang any portion of a public highway, street, alley, sidewalk or other public right-of-way so as to in any way obstruct the movement of vehicular or pedestrian traffic;
- (3) Remain standing if diseased and situated so as to in any way endanger vehicular or pedestrian traffic on any portion of a public highway, street, alley, sidewalk or other public right-of-way;
- (4) Interfere with the proper lighting of public highways, streets and alleys by streetlights; or
- (5) Interfere with any City fire alarm wiring that the owner(s) have not removed or allowed the City to remove, at the City's discretion.

§ 372-12. Authority for issuance of violation tickets and citations.

Upon finding a quality of life violation, any public officer of the City of Jeannette appointed by City Council of the City of Jeannette may issue quality of life violation tickets and/or citations to the owner and/or occupant of the property at issue or to the individual known to have violated this article.

§ 372-13. Service of violation ticket.

A violation ticket may be served upon a violator by handing it to the violator or his/her agent, by handing it to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator or to the person for the time being in charge thereof, or by mailing the violation ticket to the violator's address of record.

§ 372-14. Separate offense.

Each day a violation continues or is permitted to continue constitutes a separate and distinct offense for which a separate violation ticket may be issued and fine imposed.

§ 372-15. Regulations.

Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this article.

§ 372-16. Abatement of violation.

- A. Any person or business violating this article is hereby directed to satisfy the City of Jeannette, upon issuance of a quality of life ticket, by correcting the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.
- B. The City of Jeannette reserves the right to abate the violation in question at the expense of the owner. If the City 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 ticket, which will also be paid separately.
- C. City of Jeannette cleanup. The City 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 appropriate officer(s), present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to perform the abatement immediately. The City will perform this work at a rate of \$60 per hour, per man, and forward the cost of any material necessary for the abatement. The City reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses, such as wear and tear on equipment.
- D. Contractor cleanup. The City 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 ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for his work to the City of Jeannette, and the City will forward these costs to the violator. The City reserves the right to add a 30% processing fee in addition to the cost of the contractor.

§ 372-17. Violations and penalties.

Any person who violates this article shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the cleanup and abatement of the violation.

- A. Violation ticket fines. For a violation of this chapter, violation tickets shall be issued in the amount of \$25.
- B. Violation ticket penalties. If the person in receipt of a \$25 violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a \$10 penalty for days 16 through 30.
- C. Failure to respond. If a person fails to make payment or request a hearing within 30 days of a violation ticket, they shall be subject to a citation for failure to pay.
- D. Repeated violations. Upon issuance of four tickets for the same violation, right is reserved for a public officer to issue a citation for fifth and subsequent offenses.

- E. Continuous or egregious violations. If violations are continuous or egregious, a public officer has the right to issue a citation without first issuing a ticket, provided notice has been given. Any previously issued violation tickets will be considered as notice given.
- F. Citation fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this chapter 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 and not more than \$1,000 on each offense or imprisoned no more than 90 days, or both.

§ 372-18. Appeal. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

- A. A person in receipt of a violation ticket may appeal to the City Clerk's office by filing his appeal request in writing on a form to be provided within 15 calendar days of the date of the violation ticket, stating his reasons for appeal, and accompanied by the appropriate fine amount.
- B. If abatement or other costs were associated with the violation, these may be required to be posted, at the City Clerk's sole discretion, along with the appeal.
- C. The violator may request an opportunity to meet in person with the City Clerk concerning his appeal, and the request may be granted at the sole discretion of the City Clerk, who may also deem it appropriate to consult with the public officer(s) involved in the matter or any other concerned parties.
- D. Within 30 days of the appeal date, the City Clerk may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she deems appropriate, and will issue written notice of the decision along with any refunds applicable.

§ 372-19. Nonexclusive remedies.

The penalty and collection provisions of this article shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Jeannette as may be deemed appropriate for carrying out the purposes of this article. The remedies and procedures provided in this article for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Jeannette code or ordinance, whether or not such other code or ordinance is referenced in this chapter and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this article.

§ 372-20. Severability.

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