BOROUGH OF FORTY FORT
LUZERNE COUNTY, PENNSYLVANIA
ORDINANCE NO. 6 OF 2024
(AMENDED "QUALITY OF LIFE" ORDINANCE)

AN ORDINANCE AMENDING ORDINANCE No. 1 of 2023

WHEREAS, the Borough of Forty Fort enacted its Borough of Forty Fort "Quality of Life" Ordinance, No. 1 of 2023; and

WHEREAS, The Borough of Forty Fort has heretofore enacted its "Quality of Life Ordinance" to promote and provide for improvements in quality of life in the Borough of Forty Fort; and,

WHEREAS, the improvement of the quality of life within the borough is a continuing goal of the Mayor and Council of this Borough; and,

WHEREAS, it is the intention of this Amended Ordinance to enhance and modify the existing sections of the "Quality of Life" Ordinance; and,

WHEREAS, it is the intent of this Amended Ordinance to provide for additional property maintenance, behavioral and procedural rules to enhance the quality of life within the Borough of Forty Fort.

WHEREAS, the Borough of Forty Fort has determined that it is in the best interest of the Borough to amend the "Quality of Life" Ordinance to conform to those aforementioned needs.

NOW THEREFORE, the Borough of Forty Fort, Luzerne County, Pennsylvania does hereby **AMEND, ENACT** and **ORDAIN** the Borough of Forty Fort Amended "Quality of Life" Ordinance as follows. The amended terms are italicized for ease of reference.

QUALITY OF LIFE ORDINANCE

§ 10-501. Title. [Ord. No. 1-2023 , 5/1/2023]

This Part shall be known as the "Quality of Life Ordinance."

§ 10-502. Purpose. [Ord. No. 1-2023 , 5/1/2023]

The Quality-of-Life Ordinance is established to better control routine, nuisance violations of the Property Maintenance Code and Code of the Forty Fort Borough on matters that interfere with the comfortable enjoyment of life and depreciate the value of property, the cleanliness of neighborhoods, and general good order of the community.

§ 10-503. Definitions. [Ord. No. 1-2023 , 5/1/2023]

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

AUTHORIZED LITTER RECEPTACLE — A litter receptacle which is placed on the public right-of-way or on public property by the Borough for use by the public to deposit small quantities of handheld trash but not household or commercial waste.

BLOWING/PUTTING OF GRASS AND LEAVES — Grass, weeds, leaves, or any type of yard debris illegally placed or blown onto any public property, sidewalk, street or alleyway.

DEBRIS — Any material on any 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.

DOMESTICATED ANIMALS — This term shall mean a dog, cat, rabbit, gerbil, lizard, parrot, or other domestic animal normally or ordinarily kept in or permitted to be at large in the dwelling of its owner. This term does not include such animals as bears, chickens, ducks, goats, wolves, wolf- dog hybrids, cows, horses, venomous snakes, pigs, hogs, sheep, bobcats, lynx, coyotes, exotic animals, or animals not native to the region. Exception: Where such animals are kept for viewing and/or interaction, subject to the general nuisance provisions of the Zoning Ordinance.[1]

DUMPING — Includes, but is not limited to, depositing of litter, depositing of durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts, and other such municipal waste, hazardous waste, residual waste, and construction and demolition debris on public or private property.

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

GRAFFITI — The use of broad-tipped pens, spray paint, paint, ink, dye, pencils, pens, crayons or any marking devices to write or place graffiti on public or private property, vehicles, buildings, playground equipment, traffic control signs, etc. Graffiti includes but is not limited to any and all unsightly, offensive or defacing writings, drawings, markings, or other written or pictorial matter by any method or device and of any content which contributes to the defacement of the real or personal property involved and which contributes to the ugliness and unsightliness of the object, space, area or community and which is detrimental to the beauty, neatness and good order of the area and community. Graffiti shall not include easily removable chalk markings on public sidewalks and streets used in connection with traditional children's games.

HAZARDOUS WASTE — Any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness; and

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE (HHW) — Waste which would be chemically or physically classified as hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection Agency, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive, or corrosive. HHW consists of numerous products that are common to the average household, such as pesticides and herbicides, cleaners, automotive products, paints, and acids.

INDOOR FURNITURE — Any and all pieces of furniture which are made only for inside use including, but not limited to, upholstered chairs and sofas, dining tables and chairs, mattresses, and bedding, etc.

JUNKED VEHICLE — Any ***on or off road*** vehicle which presents a hazard or danger to the public or is a public nuisance or eyesore by virtue of its state or condition of disrepair. 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 fluids from the vehicle or deflated or flat tire(s).
4. Unsecured and/or unlocked doors, hood, or trunk.
5. Open or damaged floorboards or firewalls.
6. Missing doors, windows, hood, trunk, or other body parts which could result in animal harborage, vermin harborage, or bodily harm.
7. On jacks or any type of lift device.
8. Not road worthy or operable mechanically.
9. Upholstery which is torn or open which could permit animal and/or vermin harborage.
10. Broken headlamps or tail lamps with sharp edges which could cause laceration.
11. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle which could cause personal injury.
12. Broken vehicle frame suspended from the ground in an unstable manner which could cause injury if it fell to the ground.
13. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
14. Exposed battery containing acid which could result in fire, burn or injury.
15. Broken antennas which could result in personal injury.
16. Any other defects which could threaten the health, safety, and welfare of municipal citizens.

LITTER — Includes, but is not limited to, all waste material, garbage, trash, i.e., wastepaper, tobacco products, wrappers, food or beverage containers, newspapers, 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.

LOCAL RESPONSIBLE AGENT — Any person residing or working within ~~the County of~~ Luzerne designated to accept service on behalf of a legal owner or operator of a dwelling unit or within ***50*** miles of the corporate boundary of the Borough of Forty Fort designated to accept service in the capacity of property manager on behalf of a legal owner of a rental dwelling unit.

MOBILE VENDOR — A vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleyways of the Borough that does not typically remain stationary for more than approximately 20 minutes each hour.

MOTOR VEHICLE — Any self-propelled land vehicle ***other than an off road vehicle,*** which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motorhomes, motorized campers, motorcycles, motor scooters, tractors, semis, and trailers or semitrailers pulled thereby.

MOTOR VEHICLE NUISANCE — Any motor vehicle that does not display a current or valid license or registration or is parked, drifted, or otherwise located in a manner that interferes with the flow of automobile or pedestrian traffic or impedes emergency and essential public efforts. Motor vehicles which disturb or are inconsistent with the general and orderly composition of a neighborhood shall also be considered a nuisance. Motor vehicles registered or unregistered, that are not moved from the same fixed location on any public street or property for a period of more than three consecutive days (72 hours).

MUNICIPAL 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 which are not classified as residual waste or hazardous waste defined herein. The term does not include source-separated recyclable materials or organic waste.

NOISE — Sounds or noises generated from appliances, vehicles, machinery and equipment, power tools, electronics, sound equipment and loudspeakers, persons and individuals, animals, etc.

NOISE DISTURBANCE — Any noise which endangers, would endanger or is likely to endanger, or injure, would injure or is likely to injure, the safety or health of humans or animals; annoys, would annoy or is likely to annoy, or disturb a reasonable person of ordinary sensibilities; endangers, would endanger or is likely to endanger, or injure, would injure or is likely to injure personal or real property; disturbs, would disturb or is likely to disturb the peace; or creates, would create or is likely to create a nuisance.

NOTICE OF VIOLATION — A written document issued to a person in violation of a Municipal 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 use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare, including the following: fire and explosion hazards; electrical and radioactive disturbances; noise and vibration; dust, dirt, and fly ash; glare; smoke and odors; and other forms of air pollution. Any use operated or conducted in a manner

which directly or indirectly endangers the public health, safety and/or welfare, including but not limited to having a detrimental effect on adjoining properties or the use of properties within the general neighborhood. A property in a continuing state of disrepair that is not fit for human habitation and/ or occupancy with the potential to attract vermin and/or deemed to be a fire hazard to adjoining properties. A property that contains trash, junk and/or one or more junked vehicles.

OFF ROAD VEHICLE —Any motorized or battery powered land vehicle not designed or equipped by the manufacturer for use on public streets. This shall include snowmobiles, dune buggies, ATV's, UTV's and similar vehicles, and vehicles originally designed for on street use but modified for off road use and no longer capable of being legally operated on public roads or streets. This shall include cars and trucks modified for the purpose of being shown or operated off road for competition.

OPEN BURNING — The burning of unwanted materials such as paper, trees, brush, leaves, grass, and other debris where smoke and other emissions are released directly into the air. During open burning, air pollutants do not pass through a chimney or stack.

PERSON — Every natural person, firm, corporation, partnership, association, or institution.

PLANTER STRIP — The non-concrete space in the sidewalk area filled with dirt and/or grass.

PRIVATE PROPERTY — Any land and the improvements thereon owned by any person including front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designated or used wholly or in part for private residential, industrial, or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

PUBLIC OFFICER — Any police officer, authorized code official, authorized inspector, or public official designated by the Council to enforce the Municipal 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 — Materials 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 and products. The materials are designated by the regulations promulgated ***under § 20-301 thru § 20-313 of the Borough Code***. Such materials may include but not be limited to aluminum cans, ferrous and bimetal cans, clear and colored glass containers, plastic goods, mixed paper, and corrugated cardboard. White goods, appliances, tires, yard waste, and waste oil which are periodically accepted by the Borough during controlled pickups or drop-offs shall be considered recyclable material.

RESIDUAL WASTE — Any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding public utility operations and Borough-owned sanitary and storm sewer

operations.

RUBBISH — Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning wood, coal, combustible materials, paper, rags, cartons, boxes, wood, tires, rubber, leather, cans, glass, and other similar materials.

SHADE TREE AREA — Unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

SIDEWALK AREA — The public right-of-way between the property line and the curb line or the established edge of the roadway.

SNOW AND ICE — Snow is precipitation in the form of ice crystals. Ice is frozen water, a brittle transparent crystalline solid.

SOLID WASTE — Any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

TREEWELL — The non-concrete area surrounding a shade tree planted in a sidewalk area.

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 police officer or public officer to a person who violates the provisions of this Part. The violation ticket is an offer by the Borough of Forty Fort extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

WASTE DUMPSTERS and TEMPORARY STORAGE UNITS — Waste dumpsters shall be classified as a construction waste dumpster or non-construction waste dumpster. A "construction dumpster" is a unit designed for the deposit of waste materials at building construction sites, repair, or demolition sites, commonly located on a temporary basis on a public right-of-way abutting the site and transportable to and from the site for the purposes of disposal of its contents by means of a carry vehicle. A "non-construction dumpster" is a unit designed for the deposit of all types of rubbish, materials, excluding garbage, generated at sites other than building construction, repair or A "temporary storage unit" is any type of temporary, fixed, transportable unit, which is used for temporary storage or moving purposes. An example of a temporary storage unit is a POD. A temporary storage unit shall be permitted to be placed on a public right-of-way for a maximum of 10 consecutive days. Under no circumstances shall the Code Enforcement Officer allow a temporary storage unit to be permitted upon any public right-of-way for a period of more than 30 consecutive days.

WEEDS — All grasses, annual plants and vegetation, and perennial plants which meet any of the following criteria: Exceed six inches in height. Emits unpleasant noxious odors or pollen such as ragweed, dandelion, and miscellaneous other vegetation commonly referred to as "weeds" or "brush." May conceal filthy deposits or serve as breeding places for mosquitos, other insects, or vermin or 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.

§ 10-504. Quality of Life (QOL) Violations. [Ord. No. 1-2023 , 5/1/2023]

1. QOL.001, Accumulation of Rubbish or Garbage. All exterior property and the interior of every structure shall be free from any accumulation of waste, trash, rubbish, or garbage.

2. QOL.002, Animal Maintenance and Waste/Feces Cleanup. People owning, harboring, or keeping an animal, i.e., cat or dog within Forty Fort Borough 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 daily, weather permitting.

3. QOL.003, Disposal of Rubbish or Garbage/Dumping. Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property.

4. QOL.004, High Weeds, Grass, or Plant Growth in Excess of Six Inches. All premises and exterior property shall be maintained free from weeds or plant growth more than six inches. All noxious weeds shall be prohibited.

5. QOL.005, Littering or Scattering Rubbish. No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or on any public street.

6. QOL.006, Motor Vehicles. It shall be unlawful to store, park, or place any ***junked***, unregistered, uninspected, untitled, unlicensed, uninsured or nuisance motor vehicle on any premises. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside of an approved spray booth. It shall be unlawful to repair or work on any vehicle on any public street, alleyway, or property. Vehicles may be stored and worked on in a garage. Outdoor storage is prohibited.

7. QOL.007, Operating or Vending Without the Proper Permit/License. It shall be unlawful for any person, business, partnership, or entity to operate any transient or itinerant business without proper permits/license.

8. QOL.008, Outside Placement of Indoor Appliances/Furniture. It is prohibited to store or place any/all appliances or furniture designed for indoor use, including but not limited to ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for any uses or sale whatsoever except for the temporary purpose to perform property maintenance.

9. QOL.009, Ownership Presumption of Waste, Trash, and/or Recyclables for Illegal Dumping and Illegal Hauling. It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash, garbage, rubbish, or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of waste, trash, or recyclables will be in violation of this Part. Should any

person or business use an unlicensed hauler to dispose of their waste, trash, or recyclables, said person or business shall be in violation of this Part. Upon request from any authorized public officer, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any item found in a municipal waste container, recycling container, garbage bag, or loose trash displaying the name and/or the address of a person and/or persons shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership, or entity to remove or haul any waste, trash, or recycling from any public or private property without proper approval or license.

10. QOL.010, Placement or Littering by Private Advertising Matter. No person shall throw, place, sweep, or dispose of litter or private advertising matter upon any public sidewalk, alley, park, street, public passageway, public parking area, or public property. No person, group, organization, or entity will hang, place, or advertise on any public property in any manner. No person, group, organization, or entity will hang, place, or advertise on any property that they do not have ownership rights without written approval of said owner.

11. QOL.011, Snow and Ice Removal from Sidewalks. Every owner, tenant, occupant, lessee, property agent, property manager, or any other person who is responsible for any property in the Borough of Forty Fort shall remove snow or ice from their sidewalk within 24 hours following the cessation of any snow or ice event. It shall be unlawful to deposit any snow or ice on or immediately next to a fire hydrant or on any sidewalk, street, or alleyway, or loading and unloading areas of a public transportation system. Private contractors are forbidden to deposit snow or ice from the property of any client onto any public property, park, street, or alley.

12. QOL.012, Storage Containers and Dumpsters. It shall be unlawful to permit the storage of refuse on any residential or commercial property that is not kept stored in a container made of durable, watertight, rust-resistant material. Containers shall always be kept clean and odor- free. All containers must be stored in the rear of every property so said containers are not visible from the public right-of-way ***whenever practicable. Commercial*** dumpsters are prohibited from being utilized for residential properties with less than three dwellings.

13. QOL.013, Placement of Storage Containers, Trash Bags, and Recycling Containers. It shall be unlawful to place any storage containers, bags, or recycling bins on the public right-of- way for collection any sooner than the evening before the date of scheduled collection. All containers must be returned to the rear of the property before daybreak on the day following the scheduled pickup. (Example: John Jones trash pickup is Tuesday. John Jones may place his containers in the public right-of-way for collection on Monday evening. John Jones must place his containers in the rear of his property before daybreak on Wednesday morning.)

14. QOL.014, Storing of Appliances. 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 without first removing the doors. No appliance as enumerated in this Part shall be stored on any property for any period exceeding 72 hours.

15. QOL.015, 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 wastepaper, pallets, boxes, or rags unless the storage of said materials is stored in compliance with applicable Building Codes.

16. QOL.016, Storing of Recyclables. It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection, and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only allowed in approved containers which must always be kept clean and sanitary.

17. ***QOL.017 Open Burning. No persons, firms, corporations or associations shall set, ignite or maintain any fire in the Borough of Forty Fort, or burn or cause to be burned any paper, garbage, construction materials, treated wood, leaves, household debris or any other material or substance of any kind out-of-doors.***
    1. ***Exceptions.***
       For fire pits and fireplaces, all the following must apply:
       (1) Shall be constructed of non-combustible material.
       (2) The noncombustible container shall be assembled, installed and used in accordance with manufacturer's specifications, requirements, instructions or in accordance with the Fire Chief or Chief Engineer and the Code Enforcement Officer's requirements.
       (3) Shall be a minimum of four inches above the floor or ground unless constructed of masonry materials which completely cover the ground. Shall be a minimum of four feet from any tree lawn, sidewalk, street and alley.
       (4) Shall be a minimum of eight feet from any structure, or a minimum of three feet from any structure provided there is a minimum five pound "ABC" dry-chemical fire extinguisher within five feet of the fire.
       (5) Shall be attended at all times.
       (6) Must be completely covered with a non-combustible 1/2-inch or smaller screen mesh.
    1. ***All exceptions must meet all applicable codes at the time of assembly and installation.***
    2. ***No exception shall allow the burning of any material or substance that creates a hazard or nuisance as determined by Code Enforcement, the Fire Department, or the Police Department.***

18. QOL.018, Blowing of Grass and Leaves. It shall be unlawful to place or blow grass, weeds, leaves, or any type of other yard debris upon any street, thoroughfare or alleyway

under the jurisdiction or control of the Borough of Forty Fort. It shall be unlawful to place or blow grass, weeds, leaves, or any other type of yard debris into the storm basin collection system maintained by the Borough of Forty Fort.

19. QOL.019, Dogs. No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or on any public property whatsoever, nor on any private property without the permission of the owner of said property. It shall be unlawful to place any defecation material from any dog into the storm basin collection system maintained by the Borough of Forty Fort.

20. QOL.020, Swimming Pools. Swimming pools shall always be maintained in good repair. They shall be kept clean, safe, covered, fenced-in pursuant to the Municipal Zoning Ordinance[2] and sanitary. It shall be unlawful to drain or pump pool water into the storm basin collection system maintained by the Borough of Forty Fort.

21. QOL.021, Graffiti. It shall be unlawful to use broad-tipped pens, spray paint, paint, ink, dye, pencils, pens, crayons, or any marking devices to write or place graffiti on public or private property, vehicles, buildings, playground equipment, traffic control signs, etc. It shall be at the discretion of the public officer appointed to enforce this provision to allow the person or property owner more than 72 hours to abate large-scale or difficult graffiti markings.

22. QOL.022, Noise. ***General Prohibition. It shall be unlawful for any person to make or cause to be made a noise disturbance within the limits of the Borough of Forty Fort, except as otherwise permitted in this Part.***

1. Specific Prohibitions. The following are specifically prohibited, except as otherwise permitted in or exempted from this Part:

A. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, cassette player, sound amplifier or similar device which produces, reproduces or amplifies sound:

(1) In such manner as to cause a noise disturbance.

(2) In such manner which is plainly audible at a distance of 50 feet from such source, when the source is operated in, from or on a motor vehicle or hand-carried on a public right-of-way or public space.

B. No person shall operate or permit the operation of any tools or equipment used on construction operations, drilling, or demolition or other work or in the sweeping of parking lots in areas adjacent to or within residential districts between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day such that the sound therefrom causes a noise disturbance.

C. No person shall operate or permit the operation of any power saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device used outdoors between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day so as to cause a noise disturbance.

D. Yelling and Shouting, etc. No person shall engage in loud yelling, shouting, hooting, whistling or singing:

(1) At any time in such a manner as to cause a noise disturbance across a property line (boundary).

(2) So as to be plainly audible across a property line (boundary).

(3) On the public streets between the hours of 7:00 p.m. and 7:00 a.m.

E. No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement, or other work, any muffler or sound-dissipative device or element of design or noise label of any product; intentionally move or render inaccurate or inoperative any sound-monitoring instrument or other device positioned by or for the Borough, provided that such device or the immediate area is clearly labeled or posted to warn of the potential illegality; or use a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative with knowledge or reason to know that such action has occurred.

F. No person shall repair, rebuild, or test or otherwise work on any motorcycle or other motor vehicle, motorboat or aircraft in such a manner as to cause a noise disturbance across a lot line of the receiving land use.

G. No person shall create such other noise as might pose a danger to the public health, safety or welfare of the Borough or otherwise constitute a nuisance in fact.

H. No person, including, without limitation, a pedestrian, shall make, continue or cause to be made or continued any noise which creates or causes a noise disturbance.

I. No person shall operate a motorcycle, truck, automobile or other motor vehicle in such a manner as to cause to create a noise disturbance.

23. QOL.023, Waste Dumpsters and Temporary Storage Units. It shall be unlawful to place any construction dumpster, non-construction dumpster, or temporary storage unit in the public right-of-way without first obtaining a permit from the Code Enforcement Officer. It shall be unlawful to permit a construction dumpster to be placed upon any public right-of-way for a period of more than 15 consecutive days without permission from the Code Enforcement Officer. It shall be unlawful to place a non-construction dumpster upon any public right-of- way for a period of more than five consecutive days without permission

from the Code Enforcement Officer. It shall be unlawful to place any temporary storage unit upon any public right-of-way for a period of more than five consecutive days without permission from the Code Enforcement Officer. All fees for these types of units will be shown in the current Fee Schedule Resolution.

24. QOL.024, Animals. It shall be unlawful to keep on the property of the owner non domesticated animals such as bears, chickens, ducks, goats, wolves, wolf-dog hybrids, cows, horses, venomous snakes, pigs, hogs, sheep, bobcat, lynx, coyotes, any exotic animals, or animals not native to the region.

§ 10-505. Authority for Issuance of a Violation Ticket. [Ord. No. 1-2023, 5/1/2023]

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

§ 10-506. Enforcement. [Ord. No. 1-2023 , 5/1/2023]

1. The provisions of this Part shall be enforced by police officers, or any other public officer appointed by the Council.
2. Any violation of the provisions of this Part may cause a violation ticket, citation, and/or a notice of violation to be issued to the violator.

§ 10-507. Service. [Ord. No. 1-2023 , 5/1/2023]

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

§ 10-508. Separate Offense. [Ord. No. 1-2023 , 5/1/2023]

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

§ 10-509. Regulations. [Ord. No. 1-2023 , 5/1/2023]

The Code Enforcement Officer of Forty Fort Borough is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Part.

§ 10-510. Abatement of Violation. [Ord. No. 1-2023 , 5/1/2023]

1. Any person or business violating this Part is hereby directed to satisfy the Borough of Forty Fort 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 Code Enforcement Officer or designee in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.

2. The Borough of Forty Fort and/or their contractor, per the direction of the Borough, reserves the right to abate the violation at the expense of the owner. If the Borough 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.

3. In all instances where the Borough abates the violation, in addition to the fine set forth in the quality-of-life ticket, the Borough is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by the Property Maintenance Code, Code of the Borough of Forty Fort, or Code Enforcement Officer.

4. Municipal Cleanup. The Borough of Forty Fort reserves the right to perform any necessary work to abate any violation once 72 hours pass from the date of issuance of the quality-of-life ticket. Should the violation at the discretion of the Code Enforcement Officer or designee present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. If the work can be performed by Borough staff, the Borough will charge per man hour plus additional costs for materials and equipment necessary to complete the abatement. The Borough reserves the right to charge an additional 20% on top of the hourly costs plus materials for wear and tear on equipment. All fees will be included in the current Fee Schedule Resolution.

5. Contractor Cleanup. The Borough reserves the right to direct a contractor to perform any necessary work to abate any violation once 72 hours pass from the date of issuance of the quality-of-life ticket. Should the violation at the discretion of the Code Enforcement Officer or designee present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to have a contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough of Forty Fort and the Borough will forward these costs to the violator. The Borough reserves the right to add a processing fee which will not exceed 30% of the total costs of the contractor's bill.

6. The Borough reserves the right to revoke any rental licenses for unpaid fines or unpaid abatements costs for violations of the Quality-of-Life Ordinance. The Borough will not issue any rental license to any property owner or agent where unpaid fines, or abatement costs are unresolved for violations of this Part.

7. The Borough will not conduct a pre-sale inspection for the conveyance of any real

property on any property containing unpaid fines or unpaid abatement costs for violations of this Part. No new occupancy shall be established in any property where a pre-sale inspection has not been completed due to outstanding fines and unpaid abatement costs for violations of this Part. Outstanding fees must be paid before inspection.

8. Quality-of-life violations shall be included in ***§11-505.6A*** of the Borough Code concerning tenants or landlord/owners routinely engaging in prohibited behavior. For the purpose of this Part, the term "routinely engaging" is defined as three or more quality-of-life violations in any sixty-day period or more than eight times in any 12 consecutive-month period. Violations by tenants or landlord/owners exceeding these thresholds are cause for the Borough to immediately revoke the rental license for such unit or property.
9. When a rental license is revoked for violations by tenants or landlord/owners exceeding the thresholds of routinely engaged prohibited behaviors, no rental license shall be reissued for the property or unit(s) until an authorized municipal official conducts an inspection of the property or unit(s) for the purpose of establishing that the property and or unit(s) are suitable for human occupancy. Any rental property and or unit(s) in violation of this section, where a rental license has been revoked, will be deemed unsuitable for human occupancy until an occupancy inspection is completed by an authorized municipal official. Upon the successful completion of an occupancy inspection, a certificate of occupancy will be issued for the property and or unit(s) at which time a landlord/owner may relicense the property through the terms and conditions of the Borough's Residential Rental Unit Occupancy Ordinance[3].

§ 10-511. Violation Ticket Fines. [Ord. No. 1-2023 , 5/1/2023]

1. For the first violation of this Part within a twelve-month period, violation tickets shall be issued in the amount of $50.
2. For the second offense of a violation of this Part within a twelve-month period, a violation ticket shall be issued in the amount of $100.
3. For the third and subsequent offense of a violation of this Part within a twelve-month period, violation tickets shall be issued in the amount of $250.
4. Any person who receives a violation ticket for any violations of this Part may, within 15 days, admit the violation, waive the hearing, and pay the fine in full satisfaction.
5. Any person violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation.

§ 10-512. Violation Ticket Penalties. [Ord. No. 1-2023 , 5/1/2023]

1. If the person in receipt of a $50 violation ticket does not pay the fine or requests a hearing within 15 days, the person will be subject to a penalty of $100 for days 16 through 30.

2. If the person in receipt of a $100 violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a penalty of $250 for days 16 through 30.

3. If a person in receipt of a $250 violation ticket does not pay the fine or requests a hearing within 15 days, the person will be subject to a penalty of $500 for days 16 through 30.

4. Failure for the person to make payment or request a hearing within 30 days of a violation ticket shall make the person subject to a citation for failure to pay.

5. For violations continuous or egregious, the Code Enforcement Officer or authorized public official has the right to issue a citation without first issuing a ticket provided notice has been given. Upon issuance of four tickets for the same violation, the right is reserved for the issuance of a citation for the fifth and subsequent violations.

6. Citation Fines. Any person, firm, or corporation who shall fail, neglect, refuse to comply with any of the terms or provisions of this Part, or any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than $250 nor more than $1,000 on each offense or imprisoned no more than 90 days, or both.

7. Restitution. The Magisterial District Judge may order the violator to make restitution to said real or personal property owner for violations of this Part.

§10-513 Appeals. [Ord. No. 1-2023, 5/1/2023] Administrative Appeal.

A. A person in receipt of a violation ticket may appeal to the Quality-of-Life Appeals Officer by filing a request with the Code Enforcement Officer in writing within 15 calendar days of the date of the violation ticket.

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:

   (1) All paperwork, including the appropriate appeal form, for the appeal must be submitted and completed.

   (2) Payment of the fine must be paid in full, which will be refunded within 30 calendar days should the alleged violator win the appeal.

C. The appeal hearing will be held before the Quality-of-Life Appeals Officer or his/her designee. The Quality-of-Life Appeals Officer or his/her designee may uphold the appeal, deny the appeal, or modify the violation ticket and/or any associated costs, fines or penalty amounts he/she sees appropriate. (Building Inspector, Fire Chief, Code Enforcement Officer, Private Citizen: Suggestions for Quality-of-Life Appeals Officer.)

2. Subsequent Appeals. Any subsequent appeal shall be filed with the Luzerne County Court of Common Pleas pursuant to 2 Pa.C.S.A. §§ 751 and 752.

§ 10-514. Liens. [Ord. No. 1-2023 , 5/1/2023]

At the discretion of the Borough of Forty Fort, liens may be placed upon a property against which tickets were issued for which payment is not received within 45 days of the issuance of a ticket for which a hearing was not taken or for the recovery of abatement costs that have not been paid within 45 days from the completion of the abatement for which a hearing was not taken and the bills for the abatement are 45 days or more past due.

§ 10-515. Repealer. [Ord. No. 1-2023 , 5/1/2023]

Any other ordinance provision(s) or regulation of the Borough of Forty Fort inconsistent with any of the provisions of this chapter is hereby repealed to the extent of the inconsistency only.

§ 10-516. Severability. [Ord. No. 1-2023 , 5/1/2023]

In the event that a court of competent jurisdiction declares any section or provision of this Part invalid, such decisions shall not affect the validity of any of the remaining provisions of this Part.

AMENDED, ENACTED and **ORDAINED** this _____ day of _____, 2024.

THE BOROUGH OF FORTY FORT:

_____
THOMAS J. MURRAY, III, Council President

_____
BRIAN THOMAS, Mayor

ATTEST:

_____

MICHELE PASCARELLA, Secretary