

QUALITY OF LIFE REGULATIONS

FOREST CITY BOROUGH ORDINANCE NO. 2025 - _____

AN ORDINANCE OF THE BOROUGH OF FOREST CITY, COUNTY OF SUSQUEHANNA, AND COMMONWEALTH OF PENNSYLVANIA, IDENTIFYING ISSUES THAT CONTRIBUTE TO THE DETERIORATION OF PROPERTY VALUES AND GENERAL DISORDER IN THE COMMUNITY, DEFINING GUIDELINES FOR THE MAINTENANCE AND CONTROL OF SUCH ISSUES FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE BOROUGH, AND ENACTING PENALTIES FOR THE FAILURE OF RESIDENTS AND PROPERTY OWNERS TO COMPLY WITH SAME.

WHEREAS, the Borough Code, pursuant to 8 P.S. § 1202, allows for the Council of the Borough of Forest City to enact Ordinances to enact regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, the Borough Council has identified gaps in the regulations with regard to common issues that exist in the Borough that contribute to deterioration of property values and general disorder in the community; and

WHEREAS, the Borough Council has likewise identified that several existing ordinances regulate some issues, but impose different enforcement procedures; and

WHEREAS, the Borough Council wishes to enact one Ordinance whereby these issues will be collectively defined and regulated and whereby enforcement procedures will be standardized.

BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF FOREST CITY, COUNTY OF SUSQUEHANNA, AND COMMONWEALTH OF PENNSYLVANIA, THE FOLLOWING:

SECTION I: SHORT TITLE

This Ordinance shall be known as the "Forest City Borough Quality of Life Ordinance."

SECTION II: INTENT

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable or non-registered vehicles, and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Borough, which reduces business and tax revenue inhibiting economic development. The quality of life and community pride of the citizens of Forest City Borough are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose and intent of this Ordinance is to promote the health, safety, and general welfare of the Borough by helping to create a clean environment for the residents, property owners, and visitors of Forest City Borough.

SECTION III: DEFINITIONS

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

Animal Owner: Any person owning, harboring, or keeping an animal within the Borough. This shall include, but not be limited to, the person in control of the animal regardless of whether that person is the owner of the animal.

Code Enforcement Officer: Any officer authorized to inspect properties, or the public official designated by the Borough to enforce Borough Ordinances and/or other regulations.

Contractor: Any individual and/or entity in the business of property improvement and/or renovation, holding insurance and a current contractor license number registered with the Pennsylvania Attorney General.

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 or rodents.

Dumping: Includes, but 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 by law.

Garbage: Any animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Hazardous Waste: Any waste material or combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- A. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and/or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Indoor Furniture: Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, kitchen tables, recliners, etc.

Junked Vehicles: 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. The following, if present, are examples of a state or condition of disrepair:

- A. Rusted and/or jagged metal on or protruding from the body of the vehicle;
- B. Broken glass or windows on or in the vehicle;
- C. Leaking of any fluids from the vehicle or deflated or flat tire(s);
- D. Unsecured and/or unlocked doors, hood or trunk;
- E. Storage or placement of the vehicle in an unbalanced condition, on concrete blocks, or other similar apparatus; and/or
- F. Harboring of rodents, insects, or other pests.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair.

Litter: Includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, 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, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

Motor Vehicle: 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.

Municipal Waste: Any garbage, refuse, industrial, lunchroom, or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or 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 excludes separated recyclable material or organic waste.

Notice of Violation: A written document issued to person in violation of a Borough 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 condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough, or causes a blighting effect within the Borough. See also "Public Nuisance".

Person: Every natural person, firm, corporation, partnership, association, or institution.

Victim: Any person and/or entity that suffers monetary harm and/or property damage as a result of the violation of this Ordinance by any other person and/or entity.

SECTION IV: IDENTIFICATION OF VIOLATIONS

The following shall be considered actions that violate this Ordinance and shall be deemed Quality of Life Violations:

- A. **Accumulation of Rubbish or Gargage**: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of waste, trash, rubbish and/or garbage.

- B. Animal Maintenance and Waste Clean-Up: Any animal owner shall not permit any waste matter or feces from the animal to collect and remain on any property to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition. All waste from animals must be cleaned up on a daily basis. Any waste matter or feces deposited on a public street, sidewalk, and/or any property not owned by the animal owner must be cleaned up immediately.
- C. 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.
- D. High Weeds, Grass, or Plant Growth: All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited.
- E. Littering or Scattering Rubbish: No person shall throw, dump, place, sweep, or dispose of any waste, trash, garbage, or rubbish upon any public street, sidewalk, alley, bridge, public passageway, public parking area, park, and/or any other public property.
- F. Motor Vehicles: It shall be unlawful to store, park, or place more than one (1) unregistered, uninspected, inoperable, junked, unlicensed, and/or nuisance motor vehicle on any premises on a property within the Borough, unless said property is approved as a junkyard and/or repair facility in accord with the Forest City Borough Zoning Ordinance. No vehicle shall be stored on any property and/or in any public roadway.
- G. Outdoor Placement of Indoor Appliances and/or Furniture: It is prohibited to store or place any appliance and/or interior furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior chairs on the exterior of any property for the purpose of sale, storage, and/or any other reason, except for the temporary purpose of moving it in or out of a building and/or to perform maintenance on a building. This temporary

storage shall never exceed forty-eight (48) hours. All appliances temporarily stored on the exterior of any property must be disassembled to remove the doors and/or any other safety risk to children and/or animals.

- H. Temporary Dumpster Permit Required: Each temporary dumpster, whether placed on private property or in a public right of way, shall display a valid permit issued by the Borough, and may only be placed in an area approved by the Code Enforcement Officer and/or any Borough Police Officer. Any contractor that has been granted a construction permit by the Borough of Forest City shall not need an additional dumpster permit if said contractor has disclosed on the permit application that a dumpster will be necessary. Any person and/or entity using a dumpster is required to provide proof of proper disposal, which shall include disposal receipts, to the Code Enforcement Officer upon request.
- I. Storage and Disposal of Waste: The owner of every premises shall supply approved containers for waste and trash, and shall be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, water tight, and made of metal or plastic. Containers must have tight fitting covers and must be kept clean and odor free at all times. All containers must be stored off of the curb or public sidewalk, or if the property has no alley and/or yard, as far from the curb as is practicable. Waste containers may only be placed on the curb when darkness occurs the night before the day of the scheduled trash pick up and must be collected and removed from the curb before daybreak on the day following the trash pickup.
- J. Ownership Presumption of Waste for Illegal Dumping: It shall be the responsibility of person and/or entity to dispose of their waste, trash, or recyclables in a proper manner. Any person and/or entity who is unable to show proof that they have legally disposed of any waste, trash, and/or recyclables will be in violation of this Ordinance. Upon request of the Code Enforcement Officer, any person and/or entity must show proof of appropriate disposal. Any items that have been appropriately disposed, whether loose and/or in any container or bag, displaying the name and/or address of a person

and/or entity, shall be presumed to be the property of that person and/or entity and shall create a rebuttable presumption that said person and/or entity improperly disposed of said items in violation of this Ordinance.

K. Storage of Hazardous Waste: 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 stored in compliance with the applicable Building Code. The Codes Enforcement Officer shall have the right to inspect the storage of any and all hazardous materials at all reasonable times.

L. Swimming Pools: All swimming pools shall be maintained in good repair and shall be kept clean, safe, covered, and sanitary. No swimming pool, regardless of size, shall contain moldy, stagnant, insect-infested, odorous, and/or otherwise noxious water (this shall apply to children's wading pools and toy pools). All-in-ground swimming pools and permanent above-ground pools that are less than three (3) feet above the ground shall be located within a yard that is surrounded with a fence with a locking gate and said fence and gate shall remain in good condition and working order at all times. All other permanent pools must have restricted access (i.e. ladder removed and/or locking gate to deck) when not in use. The Codes Enforcement Officer shall have the authority to require other reasonable safety measures to protect children and/or animals within the community. Any failure to comply with the requirements of the Code Enforcement Officer shall constitute a violation of this Ordinance.

M. Snow and Ice Removal from Sidewalks: Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Borough, is required to remove any snow or ice from their sidewalk within twelve (12) hours, beginning at day break, and after the cessation of any snow or ice falling. Furthermore, they must create a path, free from any snow and/or ice, three (3) feet in width on said sidewalk. Any property that

is deemed a business must have the entire sidewalk free from snow and ice, including fire hydrants.

- N. Feeding of Feral Cats: It shall be a violation of this Ordinance to provide food on the exterior of any property for the purpose of feeding feral cats.

SECTION V: ENFORCEMENT AND REMEDIES

- A. Enforcement: This provisions of this Ordinance shall be enforced by the Forest City Borough Police and/or any Codes Enforcement Officer employed by the Borough of Forest City. Any violation of this Ordinance may be a cause for a citation issued to the violator, as per Section V(B).
- B. Citation Fines: Any person and/or entity who shall fail, neglect, and/or refuse to comply with any term and/or provision of this Ordinance, and/or any regulation and/or requirement pursuant hereto and authorized hereby, shall, upon conviction by the Magisterial District Court, be ordered to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) for each offense. Each day that any offense shall continue shall constitute a separate offense.
- C. Restitution: Upon conviction, the Magisterial District Court may order a violator to make restitution to any victim.
- D. Reasonable Attorneys' Fees: Upon conviction, in addition to the fine imposed in Section V(a), the Magisterial District Court shall order the violator to reimburse the Borough for all reasonable attorneys' fees incurred in prosecuting any violation of this Ordinance. This award shall be deemed a civil judgment and shall be entered as such in the Pennsylvania Docketing System. The Borough shall have the option to proceed with collection measures, including, but not limited to, personal and/or real property execution, to collect such fees.

E. Abatement of Violations:

- a. Any person and/or entity violating this Ordinance shall remedy any violation immediately upon notice of same.
- b. If a person and/or entity fails to remedy a violation after notice of same, and/or if a violation exists that constitutes an emergency and/or serious safety hazard, in the opinion of the Forest City Borough Police and/or any Codes Enforcement Officer employed by the Borough, the Borough may elect to abate the violation, at the expense of the property owner and/or offender. In all instances where the Borough acts to abate any violation, the costs thereof may be charged to the owner of the property, and/or offending party. The Borough will perform work at the rate of Seventy-Five Dollars (\$75.00) per hour, per employee and forward the cost of any necessary material for the abatement. The Borough may also add an additional twenty percent (20%) on all material purchases to cover miscellaneous expenses such as wear and tear on equipment. All costs of abatement shall be invoiced and sent to the property owner, and/or offending party by certified mail and shall be paid in full within thirty (30) days of receipt. Any cost of abatement not paid in full within thirty (30) days, shall accrue interest at the rate of six percent (6%) per annum. The Borough shall have the right to proceed to the Magisterial District Court to collect the costs of abatement, or if the costs of abatement exceed the Magisterial District Court limits, to the Court of Common Pleas. If the Borough is forced to proceed to collection, all costs incurred, including reasonable attorneys' fees, will be added to the amount due to the Borough as part of the abatement. The Borough shall have the right to execute against real and personal property to collect on any judgment, in accordance with the laws of the Commonwealth of Pennsylvania. For avoidance of doubt, the Borough **shall always** have the right to collect costs of abatement from the property owner. The Borough may elect to charge such costs to an offending party (i.e. tenant, visitor, guest) if deemed appropriate by the Codes Enforcement Officer. As such, all property

owners are hereby deemed responsible for the actions of their guests and tenants.

- c. Towing of Vehicles: If a person and/or entity fails to remedy a violation relating to an unlicensed or inoperable motor vehicle after notice of same, and/or if a violation exists that constitutes an emergency and/or serious safety hazard, in the opinion of the Forest City Borough Police and/or any Codes Enforcement Officer employed by the Borough, the Borough may elect to abate the violation by retaining a contractor to tow the vehicle, at the expense of the property owner and/or offender. In all instances where the Borough acts to abate any violation, the costs thereof may be charged to the owner of the property, and/or offending party. All costs of abatement shall be invoiced and sent to the property owner, and/or offending party by certified mail and shall be paid in full within thirty (30) days of receipt. Any cost of abatement not paid in full within thirty (30) days, shall accrue interest at the rate of six percent (6%) per annum. The Borough shall have the right to proceed to the Magisterial District Court to collect the costs of abatement, or if the costs of abatement exceed the Magisterial District Court limits, to the Court of Common Pleas. If the Borough is forced to proceed to collection, all costs incurred, including reasonable attorneys' fees, will be added to the amount due to the Borough as part of the abatement. The Borough shall have the right to execute against real and personal property to collect on any judgment, in accordance with the laws of the Commonwealth of Pennsylvania. For avoidance of doubt, the Borough **shall always** have the right to collect costs of abatement from the property owner. The Borough may elect to charge such costs to an offending party (i.e. tenant, visitor, guest) if deemed appropriate by the Codes Enforcement Officer. As such, all property owners are hereby deemed responsible for the actions of their guests and tenants.

SECTION VI: NONEXCLUSIVE REMEDIES

The citations and abatement provisions of this Ordinance shall be independent, non-exclusive remedies, both of which shall be available to the Borough as may be deemed necessary for carrying out the intent of this Ordinance. The remedies and

procedures providing in this Ordinance are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough Code or Ordinance.

SECTION VII: SEVERABILITY

If any provision, paragraph, word, section, or subsection of this Ordinance is invalidated by any Court of competent jurisdiction, the remaining provisions, paragraphs, words, sections or subsections shall not be affected and shall remain in full force and effect.

SECTION VIII: REPEALER

All ordinances inconsistent herewith, including, but not limited to the, Dumpster Ordinance (482 of 2010), Sidewalk Ordinance (483 of 2011) shall hereby be repealed if consistent herewith.

SECTION IX: EFFECTIVE DATE

This Ordinance shall be effective immediately upon enactment.

Signed this _____ day of May, 2025, by CHRISTOPHER DEGONZAGUE, President, BERNIE SCALZO, Vice President, and DENNISE YANKAUSKAS, Secretary, after a public majority vote, in lawful session, duly advertised.

FOREST CITY BOROUGH

PRESIDENT

VICE PRESIDENT

ATTEST

MAYOR

