

**ORDINANCE #339**  
**BOROUGH OF MINERSVILLE**  
**Schuylkill County, Pennsylvania**

REPLEALING ORDINANCE #329 AND IMPOSING ORDINANCE PROVIDING  
FOR THE ISSUANCE OF TICKETS AND CITATIONS BY PUBLIC OFFICERS TO  
THE OWNERS, OCCUPANTS OR OTHERS FOR PROPERTIES THAT ARE  
CONSIDERED QUALITY OF LIFE VIOLATIONS AND FOR THE PURPOSES OF  
ASSURING CODE COMPLIANCE AND MAINTENANCE; KNOWN AS THE  
***QUALITY OF LIFE ORDINANCE***

WHEREAS, the Borough of Minersville has experienced an increase in quality of life violations of properties located in the Borough of Minersville; and

WHEREAS, in an effort to protect the health, safety and welfare of the citizens of the Borough of Minersville, the Borough Council desires to implement an Ordinance providing for the issuance of tickets, citations and penalties to owners and/or occupiers of said properties, assuring for code compliance and maintenance of said properties in a timely manner, for quality of life violations.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Minersville, and it is hereby enacted and ordained under the authority of the same:

**Section 1: PURPOSE**

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, vendor operations without permits 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 Minersville are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems the purpose of this Part is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of Minersville.

**Section 2. SCOPE**

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

**Section 3. DEFINITIONS**

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

**ADULT** - Any person 18 years of age or older.

**AGENT** – Individual of legal majority who has been designated by the Owner, as the agent of the Owner of the Property

**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** – A single habitable unit, providing living facilities for one or more persons, including permanent space for living, sleeping, eating, cooking and bathing and sanitation, whether furnished or unfurnished. There may be more than one Dwelling Unit on Premises.

**GARBAGE** – includes all accumulations of fruit or vegetable matter, that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit, or vegetable, containers originally used for food stuff and other household garbage.

**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.

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.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also "motor vehicle nuisance."

**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, 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 semi-trailers pulled thereby.

**NUISANCE MOTOR VEHICLE** - a motor vehicle with one or more of the following defects:

1. Broken windshields, mirrors, headlamps, tail lamps, bumpers, metal trips and clips, grills, or other glass with sharp edges.
2. Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.
3. Protruding sharp objects from the chassis.
4. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Broken vehicle frame suspended from the ground in an unstable manner
7. Exposed battery containing acid.
8. Inoperable locking mechanism for doors or trunk.

9. Open or damaged floor boards including trunk and firewall.
10. Damaged bumpers pulled away from the perimeter of the vehicle.
11. Broken communication equipment antennae.
12. Upholstery which is torn or open which could permit animal and/or vermin harborage.
13. One or more open tires or tubes which could permit animal and/or vermin harborage.
14. 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.
15. Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
16. Disassembled body or chassis parts apart from the motor stored in on or about the vehicle.
17. Vehicles that do not display a current valid license and registration,
18. Such other defects which the Police or Fire Department determines to be a danger to the general public or property.
19. Motor vehicles parked, drifted or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

**OCCUPANT** - Any person who resides at a Premises and does not have a legal interest in the property as recorded in the official records of the state, county, or municipality as holding title to the property; or the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property to a court of competent jurisdiction.

**OWNER** - Any Person having a legal interest in the property; is recorded in the official records of the state, county, or municipality as holding title to the property; or the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property to a court of competent jurisdiction.

**OWNER - OCCUPANT** – An Owner who resides in a Dwelling Unit on a regular permanent basis, or who otherwise occupies a non-residential portion of the Premises on a regular permanent basis.

**PERSON** – Any person, partnership, firm, association, corporation, or municipal authority or any other group acting as a single unit.

**PUBLIC OFFICER** - any police officer, authorized inspector, or public official designated by the Borough Council to enforce the Borough ordinances.

**PUBLIC NUISANCE** – any condition or premises which are unsafe or unsanitary

**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 bi-metal cans, glass containers, plastic bottles and containers, and paper.

**RESIDENTIAL RENTAL UNIT** – A Dwelling Unit or Rooming Unit which is Let for Occupancy, is not occupied by an Owner; and is occupied by one or more Occupants

**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.

#### Section 4: QUALITY OF LIFE VIOLATIONS

The following shall be considered Quality of Life Violations:

- 1. Accumulation of Rubbish, Garbage, Junk or Litter.**
  - A. 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.
  - B. 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, TV's, 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.
  - C. 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.
- 2. 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.
- 3. Storing of Recyclables.** Storage of recyclables is only permitted in approved containers which must be kept clean and sanitary at all times.
- 4. Storage Containers for Waste or Trash.**
  - A. All containers that store waste or trash shall be durable, water tight and made of metal or plastic have tight fitting covers and must be kept clean and odor free at all times.
  - B. All containers must not be stored so said containers are in the public right-of-way.
  - C. Waste/trash containers may only be placed in front of any property the day before the scheduled pick-up day and all containers must be returned to their storage area before daybreak on the day following pick-up.
- 5. Littering, Scattering Rubbish or Dumping.**
  - A. 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,
  - B. The improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property is prohibited
- 6. Motor Vehicles.**
  - A. It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed, junked or nuisance motor vehicle on any premises not designated for that use.
  - B. Painting of vehicles is prohibited unless conducted inside an approved spray booth.



**7. Placement or Littering by Private Advertising Matter.**

- A. No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area or any public property.
- B. No person, group, organization or entity will hang, place or advertise on any public property in any manner.
- C. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights without written approval of said owner.

**8. Animal Maintenance and Waste/Feces Clean-Up.** People owning, harboring, keeping or responsible for an animal within the Borough of Minersville:

- A. Shall not permit them to run at large or make unreasonable noise.
- B. 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.
- C. Shall clean up waste matter/feces from the animal deposited anywhere else in the Borough immediately.

**9. 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 Code or Health Officer of the Borough of Minersville and take appropriate steps to abate said infestation without unnecessary delay. Failing to do so is a violation.

**10. High Weeds, Grass, Plant Growth or Standing Water.** All premises and exterior property shall be maintained free from weeds as defined herein and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin.

**11. Snow and Ice Removal from Sidewalks**

- A. Every owner, occupant, agent or any other person who is responsible for any property within the Borough of Minersville, is required to remove any snow or ice from their sidewalk and shall, within the 12 hours after secession 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 curb line opposite the entire frontage of such dwelling house, store, building or vacant lot.
- B. 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.

**12. Swimming Pools.** 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.

**13. 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

**14. Registration of Occupants**

- A. It shall be unlawful for a landlord to allow any occupants to reside in any Residential Rental Unit within the Borough of Minersville without first obtaining an Occupant Permit from the

Minersville Borough Office.

- B. It shall be unlawful for an occupant to reside in any Residential Rental Unit within the Borough of Minersville without first obtaining an Occupant Permit from the Minersville Borough Office.
- C. It shall be unlawful for an Occupant to reside in a Residential Rental Unit that is not properly registered and licensed by the Borough of Minersville.

#### Section 5: AUTHORITY FOR ISSUANCE OF VIOLATION TICKETS AND CITATIONS

Upon finding a quality of life violation any Public Officer of the Borough of Minersville, appointed by the Borough Council of the Borough of Minersville, 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 Ordinance.

#### Section 6: SERVICE

A violation ticket may be served upon a violator:

- 1. By handing it to the violator or his/her agent or
- 2. By handing it to an adult member of the household or other person in charge of the residence or
- 3. By leaving or affixing the notice or violation ticket to the property where the violation exists or
- 4. 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
- 5. By mailing the violation ticket to the violators address of record.

#### Section 7: SEPARATE OFFENSE

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

#### Section 8: REGULATIONS

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

#### Section 9: ABATEMENT OF VIOLATION

- A. Any person or business violating this Ordinance is hereby directed to satisfy the Borough of Minersville, 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 Borough of Minersville reserves the right to abate the violation in question 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, occupant, agent 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. Borough of Minersville Clean-up. The Borough reserves the right to perform any necessary work to abate any violation once seventy-two (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 Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of Sixty (\$60.00) Dollars per hour, per man and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional twenty (20%) percent

on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

- D. **Contractor Clean-up.** The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (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 Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough of Minersville and the Borough will forward these costs to the violator. The Borough reserves the right to add a thirty (30%) percent processing fee in addition to the cost of the contractor.

#### Section 10: FINES AND PENALTIES

Any person who violates this Ordinance, shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the Borough for the clean-up and abatement of the violation.

1. **Violation Ticket Fines:** For a violation of this Part, violation tickets shall be issued in the amount of Fifty (\$50.00) Dollars.
2. **Continuous or Egregious Violations:** If violations are continuous or egregious, a Public Officer has the right to issue citation without first issuing ticket provided notice has been given. Any previously issued violation tickets will be considered as notice given,
3. **Failure to Respond:** If a person fails to make payment or request a hearing within ten (10) days of a violation ticket they shall be subject to a citation for failure to pay.
4. **Citation Fines.** Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not more than One Thousand (\$1,000.00) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

#### Section 11: APPEAL

1. A person in receipt of a violation ticket may appeal to the Borough Manager's Office by filing their appeal request in writing on a form to be provided within five (5) calendar days of date of the violation ticket, stating their reasons for appeal, and accompanied by the appropriate fine amount.
2. If abatement or other costs were associated with the violation, these may be required to be posted, at the Borough Manager's sole discretion, along with the appeal.
3. The violator may request an opportunity to meet in person with the Borough Manager concerning their appeal, and the request may be granted at the sole discretion of the Borough Manager, who may also deem it appropriate to consult with the Public Officer(s) involved in the matter or any other concerned parties.
4. Within five (5) days of the appeal date, the Borough Manager 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 see appropriate, and will issue written notice of the decision, along with any refunds applicable

#### Section 12: NONEXCLUSIVE REMEDIES

The penalty and collection provisions of this Section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough of Minersville as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in

this Ordinance for violation hereof 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 of Minersville Ordinances, whether or not such other ordinance is referenced in this Ordinance and whether or not an ongoing violation of such other ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

Section 13: SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 14: Effective Date.

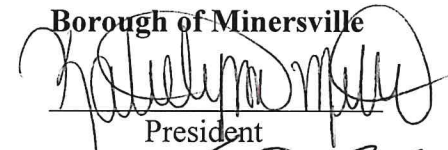
This Ordinance shall take effect immediately upon its final adoption by the Council of the Borough of Minersville.

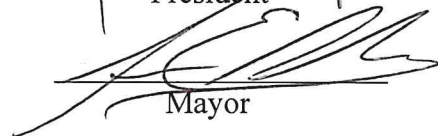
**ENACTED AND ORDAINED by the Borough of Minersville this 14<sup>th</sup> day of September, 2021.**

**Attest:**

  
Secretary

**Borough of Minersville**

  
President

  
Mayor