

# ORDINANCE 13 OF 2024

## AN ORDINANCE OF AVOCA BOROUGH, LUZERNE COUNTY, PROTECTING THE QUALITY OF LIFE FOR RESIDENTS OF AVOCA BOROUGH; AUTHORIZING ENFORCEMENT; AND ENACTING PENALTIES FOR VIOLATIONS THEREOF

**WHEREAS**, it is the desire and intent of the Council for the Borough of Avoca ("Borough") to maintain the quality of life for residents, visitors and property owners of the Borough; and

**WHEREAS**, the Borough Council has adopted the International Property Maintenance Code to preserve and maintain the same; and

**WHEREAS**, the Borough Council desires and intends to take further measures to improve thereon.

**NOW THEREFORE**, be it ordained as follows:

### **SECTION 1 – TITLE**

This Ordinance shall be known as the Avoca Borough Quality of Life Ordinance.

### **SECTION 2 – PURPOSE**

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, vendor operations without permits, high grass and weeds, graffiti 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.

Recognizing these problems, the purpose of this Ordinance is to promote the health, safety, and general welfare of the Borough and its residents by promoting a clean and safe environment.

### **SECTION 3 – DEFINITIONS**

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

**AUTHORIZED LITTER RECEPTACLE** – a litter collection 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 hand-held trash, but not household or commercial waste.

**DEBRIS** – Any material upon the premises that is 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 by law.

**GARBAGE** – The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

**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.
- (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 a 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, 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 for only inside use including, but not limited to, upholstered chairs and sofas.

**JUNKED VEHICLE** – 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 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 cars, construction or demolition material, recyclable material, and direct, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

**LOCAL 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 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 alleys of the Township that does not typically remain stationary.

**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.

**MOTOR VEHICLE NUISANCE** – A motor vehicle with one or more of the following defects:

- (1) Broken windshields, mirrors, or other glass, with sharp edges.
- (2) Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
- (3) Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
- (4) Protruding sharp objects from the chassis.
- (5) Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
- (6) One or more open tires or tubes which could permit animal harborage.
- (7) 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 which said vehicle is found.
- (8) Any fluids leaking from vehicle which may be harmful to the public or the environment.
- (9) Disassembled body or chassis parts stored in on or about the vehicle.
- (10) Vehicles that do not display a current valid license and registration.
- (11) Such other defects which the Fire Department determines to be a danger to the general public or property.
- (12) Motor vehicles parked, drifted, or otherwise located which may interfere with flow of pedestrians or automobile traffic or impede emergency efforts.

**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 does not include source separated recyclable materials or organic waste.

**NOTICE OF VIOLATION** – A written document issued to a 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 in Borough neighborhoods. See also “public nuisance”

**PEDDLER** – Any person, whether a resident of the Borough or not, traveling from house to house, or from street to street, for the purpose of selling or soliciting for sale, goods, wares, merchandise or services; and shall also mean and include any person transacting a temporary business within the Borough at an established place of business.

**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 and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial, or commercial purpose, whether inhabited, temporary, continuously uninhabited, or vacant, including any yard, grounds; walk, driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building, or other structure.

**PUBLIC OFFICER** – Any police officer, authorized Code Enforcement Officer, or public employee designated by the Borough to enforce the Borough Ordinances.

**PUBLIC NUISANCE** – Any condition or premises which are unsafe, unsanitary, or disruptive.

**PUBLIC RIGHT-OF-WAY** – The total width of land used, reserved, or dedicated as a street, alley, driveway, sidewalk, or utility easement, including curb and gutter areas.

**RECYCLABLE MATERIAL** – 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. These materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires, and large auto parts.

**RESIDUAL WASTE** – Any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining and agricultural operations, excluding municipal water and sewer operations.

**RUBBISH** – Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible

materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

**SHADE TREE** – 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.

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

**STORAGE** – The containment of any municipal waste on a temporary basis in such a manner as to not constitute disposal of such waste, and it shall be presumed that the contain.

**STREET VENDOR** – Any person travelling by foot, wagon, motor vehicle or any other type of conveyance from place to place, house to house, or street to street carrying, conveying or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from themselves or who solicits orders and, as a separate transaction, makes deliveries to purchasers.

**TREE WELL** – 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 other Code Enforcement Officer to a person who violates a provision of this Ordinance. The Violation Ticket is an offer by the Borough extended to a person to settle a violation by paying the fine in lieu of a citation being used against a violator.

**WASTE WATER** – Water that contains waste from residential, commercial and industrial processes. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**WEEDS** – Shall be defined as all grasses, annual plants, and vegetation, which meet any of the following criteria:

- (1) Exceed 6 inches in height.
- (2) Exhale unpleasant noxious odors or pollen such as ragweed, dandelion, and miscellaneous other vegetation commonly referred to as weeds or brush.
- (3) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.

- (4) Encroaches onto neighboring properties by way of leaders on roots without property owner's consent.
- (5) May 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.

**YARD** – An open space on the same lot with a structure.

**COMMERCIAL VEHICLE** – A motor vehicle that has a gross vehicle weight of greater than 6,000 pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).

**TRACTOR OF A TRACTOR-TRAILER** – A truck with a minimum of 3 axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.

**TRAILER OF A TRACTOR-TRAILER** – A commercial vehicle with a length of 20 feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases, or liquids and is intended to be pulled by a tractor, and that is not a "recreational vehicle".

#### **SECTION 4 – QUALITY OF LIFE VIOLATIONS**

1. **Operating as a Peddler or Street Vendor Illegally.** It shall be unlawful to operate as a peddler or street vendor without the proper permits and/or inspections. It shall also be unlawful to operate as a peddler or street vendor while any portion of a peddling/vending conveyance is inoperable.
2. **Operating or Vending Without the Proper Permit/License.** It shall be unlawful for any person, business, partnership, or entity to operate including, but not limited to, any business, vending car, store, or establishment without the proper permits/licenses.
3. **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 stored in compliance with the applicable Building Codes.
4. **Storing or Serving Potentially Hazardous Food.** No individual or entity operating a business 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, infestation problems at the location, or serving good that had previously been open are considered a violation of this Ordinance.

5. **License Presentation Violation.** It shall be unlawful for any individual, person, entity, business, or corporation purchasing a license as required by the Borough to not have the license readily available for inspection by an authorized Code Enforcement Officer.
6. **Temporary Dumpster/POD Permit Required.** Each temporary dumpster or portable on demand storage container (POD), whether placed on private property or in a public right-of-way, shall display a valid permit issued by the Borough.
7. **Permits to be Displayed and Followed.** All permits shall be displayed in a fashion that makes them visible from the roadway. In cases of demolition, the permit shall be displayed in the back window of a construction vehicle parked on site, and visible from the roadway. Should a permittee be unable to comply with this requirement, they shall have to notify the Code Enforcement Officer and seek immediate authorization/approval. Once the Borough provides notice to a property owner that a permit is necessary, any additional work to the property shall allow the Borough to fine the property owner and/or the person(s) performing the work for violation of this Section.
8. **Accumulation of Rubbish or Garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of waste, trash, rubbish, or garbage.
9. **Animal Maintenance and Waste/Feces Clean-Up.** People owning, harboring, or keeping an animal within the 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 on a daily basis.
10. **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.
11. **High Weeds, Grass or Plant Growth.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this section.
12. **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 property.

13. **Motor Vehicles.** It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed, 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 an approved spray booth.
14. **Outside Placement of Indoor Appliances/Furniture.** 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, 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 the temporary purpose to perform maintenance on said property. If maintenance is being performed, or if the items are actively being sold in a yard sale, the items shall not be left unattended.
15. **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, or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of any waste, trash, or recyclable will be in violation of this section. 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 section. Upon request of a Code Enforcement Officer, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any parts found within a municipal waste container, recycling container, garbage bag, or loose trash/waste displaying the name and/or address of a person and/or such persons, that trash or waste 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 waste, trash, or recyclables without the proper approval or license. Any waste, trash, or recyclables found not to be disposed of in accordance with this section will be a violation of this section.
16. **Placement of Littering by Private Advertising Matter.** 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. 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 any ownership rights to without the written approval of said owner.
17. **Snow and Ice Removal from Sidewalks.** Every owner, tenant, occupant, lessee, property agent, or an other person who is responsible for any property within the Borough is required to remove any snow or ice from their sidewalk within forty-eight (48) hours of the cessation of said snow and ice falling.



Furthermore, they must create a path, free from any snow or ice, of three (3) feet on said sidewalk. Should any property be a place of business within the Borough, all snow and ice must be removed within four (4) hours of the cessation of said snow and ice falling.

Any property that is deemed a business must have the entire sidewalk free from any snow and ice. If and/or when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice beings at daybreak.

18. **Storage Containers for Waste or Trash.** The owner of every premises shall supply approved containers for waste/trash, as well as 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. All containers must be stored in the rear of every property so said containers are not visible from the public right-of-way. Waste/trash containers may only be placed in front of any property more than twenty-four (24) hours prior collection. Once the licensed hauler removes the waste/trash from any property, all containers must be returned to the rear of any property before daybreak on the day following pick-up.
19. **Storage 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 be kept clean and sanitary at all times.
20. **Swimming Pools.** Swimming pools shall be maintained in good repair at all times. They shall also be clean, safe, covered, and sanitary as well.
21. **Prohibited Occupancy.** Any building, machine, or equipment which is condemned shall not be occupied or operated. Any occupation of a residential building without a certificate of occupancy issued by Code Enforcement Officer.
22. **Shrubs and Bushes.** Bushes and Shrubs on all premises and exterior property shall be maintained and kept in good order.
23. **Dangerous Trees.** Any tree that is considered dangerous and unsafe to the public by a Code Enforcement Officer, due to overgrowth, instability, infestation, harmful insects or a dead tree.
24. **Commercial/Junk Vehicles in a Residential Area.** No commercial/junk vehicles shall be parked or stored in a residential district as defined in the Luzerne County Zoning Ordinance.

25. **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 and use of repairs and storage on the street.
26. **Accessory Structures.** All necessary structures, including detached garages, fences, and walls shall be maintained structurally sound and in good repair.
27. **Defacement of Property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.
28. **Illegal Signs/Billboards.** No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the Code Enforcement Office.
29. **Working without a License.** No person shall work within the Borough without the appropriate contracting license from the Code Enforcement Office.
30. **Discharge of Wastewater.** Causing or allowing entry of wastewater into a municipal separate storm sewer system (MS4). The discharge can be either direct (e.g. wastewater pipe connected to a storm drain) or indirect (e.g. infiltration by cracked sanitary systems, spills, or paint or oil dumped directly into a drain).

#### **SECTION 5 – AUTHORITY FOR ISSUANCE OF VIOLATION TICKET**

Upon finding a quality-of-life violation, any public officer, as previously defined herein, may issue a warning or a quality-of-life violation ticket(s) to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this Ordinance.

#### **SECTION 6 – ENFORCEMENT**

The provisions of this Ordinance shall be enforced by any authorized officer from the Code Enforcement Office, or any public officer, as previously defined herein. Any violation of the provisions of this Ordinance may be cause for a warning, a citation, a violation ticket, and/or a notice of violation to be issued to the violator.

#### **SECTION 7 – SERVICE**

A warning or 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 other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property whether the violation exists, by handing it at an office or usual place of business of the violator, to the violator's agent or the person for the time being in charge thereof, or by mailing the notice by first class mail to the violator's address of record.

## **SECTION 8 – SEPARATE OFFENSE**

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

## **SECTION 9 – ABATEMENT OF VIOLATION**

Any person or business violating this Ordinance is hereby directed to satisfy the Borough 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 an authorized public officer in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.

The Borough and/or its contractor, per the direction of the Borough, reserves the right to abate the violation in question at the expense of the owner. The Borough has affected the abatement of the violation, the total cost thereof includes hourly wages and all items and materials used 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.

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 authorized public officer and the rules and regulations.

**Borough Cleanup.** The Borough reserves the right to perform any necessary work to abate any violation once forty-eight (48) hours pass from the date of issuance of the quality-of-life ticket. Should the violation at the discretion of the authorized public officer 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 rate of seventy-five dollars (\$75.00) per hour, per person, and forward the cost of any material necessary for abatement. The Borough reserves the right to charge any additional twenty percent (20%) on all material purchased to cover all miscellaneous expenses, such as wear and tear on equipment.

**Contractor Cleanup.** The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once forty-eight (48) hours pass 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 who will forward these costs to the violator. The Borough reserves the right to add a twenty percent (20%) processing fee in addition to the cost of the contractor.

**SECTION 10 – FINES AND PENALTIES**

A. 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.

<b>Violation</b>	<b>Description</b>	<b>Fine</b>	<b>Payment Due</b>
QOL – 1	Operating as a Peddler or Street Vendor Illegally	\$150.00	48 hours
QOL – 2	Operating or Vending without the Proper Permit/License	\$200.00	48 hours
QOL – 3	Storing Hazardous Material	\$250.00	48 hours
QOL – 4	Storing or Serving Potentially Hazardous Food	\$200.00	48 hours
QOL – 5	License Presentation Violation	\$150.00	48 hours
QOL – 6	Temp. Dumpster/POD Permit Required	\$100.00	48 hours
QOL - 7	Township Permit to be Displayed	\$100.00	48 hours
QOL – 8	Accumulation of rubbish or garbage	\$100.00	48 hours
QOL – 9	Animal maintenance and Waste/Feces Clean Up	\$100.00	48 hours
QOL – 10	Disposal of Rubbish or Garbage. Dumping	\$100.00	48 hours
QOL – 11	High Weeds, Grass, or Plant Growth	\$100.00	48 hours
QOL - 12	Littering or Scattering Rubbish	\$100.00	48 hours
QOL – 13	Motor Vehicles	\$100.00	48 hours
QOL – 14	Outside Placement of Indoor Appliances/Furniture	\$100.00	48 hours
QOL – 15	Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping and Illegal Hauling	\$100.00	48 hours
QOL – 16	Placement of Littering By Private Advertising Matter	\$100.00	48 hours
QOL – 17	Snow and Ice Removal From Sidewalks	\$100.00	48 hours
QOL - 18	Storage Containers for Waste or Trash	\$100.00	48 hours
QOL – 19	Storing of Recyclables	\$50.00	48 hours
QOL - 20	Swimming Pools	\$100.00	48 hours
QOL – 21	Prohibited Occupancy	\$1,000.00	24 hours
QOL – 22	Shrubs and Bushes	\$100.00	48 hours
QOL – 23	Dangerous Trees	\$100.00	48 hours
QOL – 24	Commercial/Junk Vehicles in a Residential District	\$200.00	48 hours

QOL – 25	Vehicle Repairs/Maintenance in a Residential District	\$150.00	48 hours
QOL – 26	Accessory Structures	\$150.00	48 hours
QOL – 27	Defacement of Property	\$150.00	48 hours
QOL – 28	Illegal Signs/Billboards	\$150.00	48 hours
QOL – 29	Working without a license	\$500.00	48 hours
QOL – 30	Discharge of Hazardous Waste/Wastewater	\$250.00	24 hours

- B. Failure to remit payment within the time frame listed above shall result in a late fee being imposed in the amount of ten (10%) percent of the ticket amount per calendar day up to ten (10) days.
- C. Failure of the person to make payment within ten (10) days of the date of a violation ticket shall result in the filing of a citation, for failure to pay, with the Magisterial District Judge.
- D. If violations are continuous or egregious, Code Officials have the right to issue citations without first issuing tickets, provided notice has been given.

**SECTION 11 – CITATION FINES**

Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms of provision of this Ordinance, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction before the Magisterial District Judge, be ordered to pay a fine of not less than five hundred (\$500.00) dollars and not more than one thousand (\$1,000.00) dollars on each offense, or imprisoned no more than ninety (90) days, or both.

**SECTION 12 – RESTITUTION, COSTS, ATTORNEY FEES**

The Magisterial District Judge may order the violator to make restitution where appropriate, to pay the Borough's costs of collection/citation proceedings, and to pay the Borough's reasonable Attorneys' Fees associated with the prosecution of the same.

**SECTION 13 – REPEALER**

Any past ordinance, or part or parts thereof, conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith. In all other respects, the Ordinances of the Borough of Avoca shall remain as previously enacted and ordained.

**SECTION 14 – SEVERABILITY**

The provisions of this Ordinance are severable. If any section, sentence, clause, phrase of this Ordinance shall be held illegal, invalid, unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause, or phrase not been included. Furthermore, it is the intent of this Ordinance to be supplementary to, and not contrary to, any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.

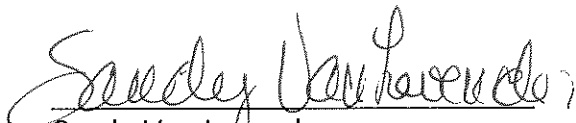
**SECTION 15 – EFFECTIVE DATE**

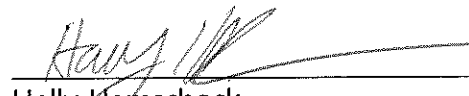
This Ordinance shall become effective immediately upon enactment as provided by law.

**PASSED and ENACTED** on this 10th day of October, 2024, at the regular meeting of the Avoca Borough Council.

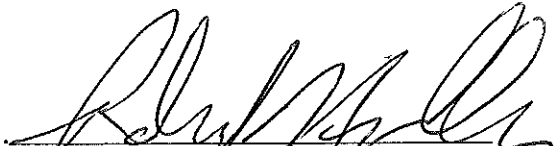
ATTEST:

AVOCA BOROUGH COUNCIL

  
Sandy Van Luyender  
Borough Manager/Secretary

  
Holly Homscheck  
President, Avoca Borough Council

Approved by this 10th day of October, 2024.

  
Mayor Robert Mullen