

BOROUGH OF WHITE OAK
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-14

**AN ORDINANCE OF THE BOROUGH OF WHITE OAK,
COUNTY OF ALLEGHENY, COMMONWEALTH OF
PENNSYLVANIA, ADDING ARTICLE 1772 ENTITLED
“QUALITY OF LIFE TICKETING ORDINANCE” TO THE
BOROUGH CODE**

WHEREAS, there are properties and structures within the Borough of White Oak (the “Borough”) that are not properly maintained, which has caused a negative effect on the quality of life of the residents of the Borough; and

WHEREAS, these property maintenance deficiencies degrade the physical appearance of the Borough which reduces business and tax revenue and otherwise inhibit economic development; and

WHEREAS, the quality of life and community pride of the residents of the Borough are negatively impacted by the failure of property owners to maintain their properties; and

WHEREAS, to protect both the property values and the health, safety and welfare of the residents of the Borough, the Borough Council desires to implement an ordinance providing for the issuance of tickets, citations, and additional penalties to owners and/or occupants of said properties for property maintenance violations impacting the quality of life of the residents of the Borough; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED and IT IS HEREBY ORDAINED AND ENACTED by the Council for the Borough of White Oak, Allegheny County, Pennsylvania, as follows:

SECTION 1.

§1772.01 Title.

This Ordinance shall be referred to as the “Borough of White Oak Quality of Life Ticketing Ordinance.

§1772.02 Purpose.

1. The lack of maintenance of properties, improper care and containment of animals, littering, improper storage of trash and rubbish, and other nuisances are costly problems that contribute to the deterioration of property values and general disorder of the community. Recognizing this problem, the purpose of this section is to promote the health, safety and general welfare of Borough of White Oak by helping to create a clean environment for the citizens and residents while eliminating safety and welfare concerns for citizens, residents, guests, and emergency service personnel.

2. Implementing a mechanism for the issuance of a ticket, as an alternative to a citation, permits the Borough to maintain and enforce its laws efficiently and permits a citizen or resident so accused to resolve the dispute in a manner that does not unduly burden the citizen or resident by requiring the issuance of a citation and a court hearing.

§1772.03 Definitions.

PROPERTY OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in property located in White Oak Borough; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - An individual, corporation, partnership or any other group acting as a unit.

§1772.04 Violations.

This section shall allow for certain actions to be taken against property owners and/or occupants for violations of the following chapters of the Borough of White Oak Code of Ordinances. Additional chapters may be added by Resolution of Borough Council:

1. Part 7, Article 705.2(i)(2), Nuisances Responsibility for Cleanup;
2. Part 7, Article 713, Health, Safety and Sanitation;
3. Part 7, Article 733, Weeds, Trees, and Shrubs;
4. Part 9, Article 907.3, Sidewalks, Duty of Property Owner;
5. Part 11, Health, and Sanitation Code;
6. Part 15, Article 1551.01 Fire Prevention Code Outdoor Burning;
7. Part 17, Article 1721 Occupancy Permit Requirements;
8. Part 17, Article 1741 Unsafe Structures;
9. Part 17, Article 1771 Property Maintenance Code;
10. Part 17, Article 1781 Registration of Vacant Properties;
11. Part 17, Article 1782 Registration of Foreclosed Properties; and
12. Part 17, Article 1785 Licensing, and Inspection of Rental Units.

§1772.05 Authority for issuance.

The provisions of any article so enumerated above shall be enforced by White Oak Police Officers and White Oak Code Enforcement officers. The ability of code enforcement officers to also enforce certain provisions of the covered ordinances does not in any way affect the ability of police officers to enforce the ordinances as currently provided within each covered Ordinance.

§1772.06 Service.

A violation ticket shall be served upon the violator in one of the following manners:

1. By handing the ticket or notice of violation to the violator;

2. By handing the ticket or notice to an adult member of the household or other person in charge at the residence of the person to be served;
3. By leaving or affixing the violation ticket or notice to the property where the violation exists (if applicable);
4. By handing the quality of life ticket to the violator's agent or to the person in charge thereof at any office of usual place of business of the violator; or
5. By mailing the violation ticket or notice to the violators address of record.

§1772.07 Fines and Penalties.

The Council for the Borough of White Oak may change the fines covered under this Ordinance from time-to- time by Resolution.

1. Violations of the codes listed in §1771.04 numbers 1, 2,3,4,5,6 and 9 shall be subject to the following fines and penalties:
 - a. For the first offense of violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of Twenty-Five Dollars (\$25.00).
 - b. For the second offense of violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of Fifty Dollars (\$50.00).
 - c. For the Third offense of violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of One Hundred Dollars (\$100.00).
 - d. For the Fourth and all subsequent offense of violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of Three Hundred Dollars (\$300.00).
 - e. Any cost of abatement by the Borough of White Oak or expenses incurred by the Borough for said abatement shall be included in the cost of the ticket if such costs are known at the time of issuance.
2. A violation of the codes listed in §1771.04 numbers 7, 8, and 10, 11, and 12 shall be subject to the following fines and penalties.
 - a. For the first offense of a violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of Two Hundred Dollars (\$200.00).
 - b. For the second offense of violation of this chapter within a twelve (12) month period a ticket shall be issued in the amount of Three Hundred Dollars (\$300.00).
 - c. All subsequent offense of violation of this chapter within a twelve-month period, shall be subject to a Six hundred Dollars (\$600.00) fine with the issuance of a non-traffic citation.
3. Each day after the issuance of a ticket that the violation continues or is permitted to continue constitutes a separate offense for which a separate ticket and fine may be imposed.

4. Each property owner or occupant in receipt of a violation ticket shall pay the fine or request an appeal within ten (10) days. Failure of the property owner or occupant to make payment within ten (10) days shall make them subject to a citation for the fines indicated in the relevant sections of the Code of the Borough of White Oak and/or for any abatement costs incurred by the Borough in accordance with the terms of this chapter.
5. The Borough may, with its violation ticket, direct the property owner or occupant to abate the violation noticed on such ticket, or if the Borough determines that the immediate abatement of the same by the Borough is necessary the Borough may take the necessary action to abate the violation at the violator's expense. Additionally, if the property owner or occupant does not comply with the notice of violation, the Borough may, itself, take the action set forth in the notice of violation at the property owner or occupant's expense. If the Borough has corrected the violation, the cost thereof shall be charged to the owner of the property through any means available to the Borough, including applicable interest rates for municipal liens at a rate of ten percent (10%) pursuant to the municipal claims act at 53 P.S. §7143.
6. In every instance where the property owner or occupant has requested an appeal within ten (10) days of the receipt of a ticket and has made the payments for the appeal as set forth by the current adopted fee schedule of the Borough of White Oak, an appeal hearing will be held by the body designated by the Council for the Borough of White Oak to handle such appeals. The designated body may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated cost, fines or penalty amounts. After receiving a decision on appeal, if the property owner or occupant fails to make payment of the ticket amount owed, the Borough may pursue any and all rights it has to file citations for the original violations and to seek recovery of all fines set forth in the ordinances and codes of the Borough of White Oak.

§1772.08 Ticket as alternative.

The provisions of this chapter shall not supersede or supplant the enforcement, fines or penalty provisions of the Code of the Borough of White Oak generally and in particular, the sections referred to in §1771.04 herein, but rather shall act as an alternative means by which to resolve violations of said Code and sections.

SECTION 2 - REPEALER

As of the effective date of this Ordinance, all ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

SECTION 3 - SEVERABILITY

The provisions of this Ordinance are severable. If any section, sentence or clause of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, sentences or clauses of this Ordinance.

SECTION 4 - EFFECTIVE DATE

This Ordinance shall become effective upon enactment by the Council of the Borough of White Oak.

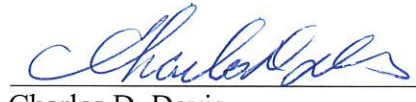
ORDAINED AND ENACTED this 15th day of May, 2023.

ATTEST:

BOROUGH OF WHITE OAK



John Palyo
Borough Manager



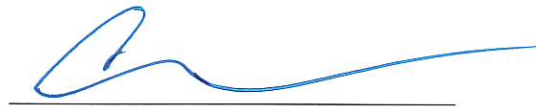
Charles D. Davis
President of Council

EXAMINED AND APPROVED by me this 15th day of May 2023.



Ina Marton
Mayor

APPROVED AS TO FORM:



Ashley J. Puchalski, Esquire
Solicitor