

BOROUGH OF FLEETWOOD
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 656

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE QUALITY OF LIFE AND VIOLATION TICKET PROCESS IN THE BOROUGH OF FLEETWOOD INCLUDING REGULATIONS REGARDING: PURPOSE, DEFINITIONS, QUALITY OF LIFE VIOLATIONS, AUTHORITY FOR ISSUANCE OF VIOLATION TICKET, ENFORCEMENT, SERVICE OF VIOLATION TICKETS, SEPARATE OFFENSE, ABATEMENT OF VIOLATION, FINES AND PENALTIES, VIOLATION TICKET PENALTIES, CITATION FINES, RESTITUTION, COLLECTIONS, LIENS, NONEXCLUSIVE REMEDIES, SEVERABILITY, ORDINANCES NOT AMENDED, REPEAL OF INCONSISTENT ORDINANCES, AND EFFECTIVE DATE.

WHEREAS, after discussion Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania (the "Borough"), determined it is necessary to adopt this Ordinance to ensure the health, safety and welfare of residents and visitors to the Borough.

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Fleetwood, County of Berks, and Commonwealth of Pennsylvania, as follows:

Section 1. **Purpose.** Lack of maintenance of properties, improper storage of rubbish, litter or garbage, storage of inoperable/non-registered motor 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 the Borough are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Ordinance is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of the Borough.

Section 2. **Definitions.** The following words, terms, and phrases, when used in this Ordinance, shall be defined as follows, unless context clearly indicates otherwise:

CODES OFFICIAL - any authorized inspector or public official designated by the Borough by Resolution to enforce this Ordinance. This definition includes a police officer, the Borough engineering firm, and codes enforcement officer.

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, or 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.

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 OR NUISANCE MOTOR VEHICLE - any motor 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 motor vehicle.
- (2) Protruding sharp objects from the chassis.
- (3) Broken glass or windows on or in the motor vehicle.
- (4) Missing doors, windows, hood, trunks, or other motor vehicle parts that could permit animal harborage.
- (5) One (1) or more open tires or tubes which could permit animal harborage.
- (6) Leaking of any fluids from the motor vehicle or deflated or flat tire(s).
- (7) Storage or placement of the motor vehicle in an unbalanced condition, on concrete blocks, jacks, or other similar apparatus which may pose a danger to the public, property owners, visitors, or residents of the property on which said motor vehicle is found.
- (8) Any excessive fluids leaking from motor vehicle which may be harmful to the public or the environment.

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, motor vehicle parts, motor vehicle products, shopping carts, construction or demotion material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed including grass and grass clipping or yard debris discharged into street or alley.

AGENT - any person residing or working within the Borough designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

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 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 the definition of "public nuisance."

OWNER - A person, agent, operator, firm or corporation having a legal or equitable interest in the property; 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 principals of a limited liability company or officer, director or shareholder of a corporation if that individual is responsible for the management and control of the property; including 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 by a court.

PERSON - every natural person, firm, corporation, partnership, association, or institution.

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 purposes, 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 NUISANCE - any conditions or premises which are unsafe or unsanitary, including tree limbs or dead trees that would be a public safety hazard.

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.

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 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.

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

SOURCE-SEPARATED RECYCLABLE MATERIALS - materials that are required to be separated from Municipal Waste at the point of origin for the purpose of recycling.

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 codes 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 a fine in lieu of a citation being issued against the violator.

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

- (1) Exceed ten (10) 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) 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.

Section 3. Quality of Life Violations. A person, owner, or responsible person commits a quality of life violation by any of the following:

- (1) **Accumulation of Rubbish, Litter or Garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, litter or garbage, including rubbish, litter or garbage stored in plastic trash bags.

(2) **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. No person shall cause or allow any animal to defecate upon any property other than property owned or leased by the person within the Borough without immediately removing said feces and depositing in approved containers of said person.

(3) **High Weeds, Grass or Plant Growth.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) 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 Ordinance.

(4) **Motor Vehicles.** It shall be unlawful to store, park, or place any Junked or Nuisance Motor Vehicle on any premises. No Motor Vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled in an area of public view for more than forty-eight (48) hours. It shall be unlawful to store, park, or place any Motor Vehicle upon any sidewalk within the Borough. All Motor Vehicles must be parked on an impervious surface, not in grass or dirt.

(5) **Outside Placement of Indoor Appliances / Indoor Furniture.** It is prohibited to store or place any/all appliances or indoor 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.

(6) **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 twenty-four (24) hours of the cessation of said snow and ice falling. Furthermore, every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough must create a path, free from any snow or ice, of three (3) feet on said sidewalk. The owner of any business property shall remove all snow and ice within four (4) hours of the cessation of said snow and ice falling. Any business property 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 begins at daybreak.

(7) **Public Nuisance / Public Safety Violation.** It is prohibited for any owner, tenant, occupant, lessee, property agent, or other person who is responsible for any property within the Borough, to store or allowed to be stored or kept on any property, items such as, but not limited to, dead or partially severed tree limbs, dead trees, totes or boxes or other items which are stored or kept upon a property in an unsafe manner.

(8) **Other Borough Ordinance Violation.** It is prohibited for any owner, tenant, occupant, lessee, property agent, or other person who is responsible for any property within the Borough, to violate any existing or future Borough Ordinance related to the property,

and any such violations shall constitute a quality of life violation hereunder, with any such penalty in such other Borough Ordinance remaining in full force and effect.

Section 4. **Authority for Issuance of Violation Ticket.** Upon finding a quality of life violation, the Codes Official(s) as designated by the Borough, may issue quality of life violation tickets to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this Ordinance.

Section 5. **Enforcement.**

(1) The provisions of this Ordinance shall be enforced by the Codes Official, Borough Manager, police officers, or any others authorized to enforce ordinances.

(2) Any violation of the provisions of this Ordinance may be cause for a citation, a violation ticket, and/or a notice of violation to be issued to the violator.

Section 6. **Service.** 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 other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's 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 fine may be imposed.

Section 8. **Abatement of Violation.**

(1) Any person or business violating this Ordinance is hereby directed to satisfy the Borough and its citizens, upon issuance of a quality of life violation ticket, by correcting the violation in question. A Code Official is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Code Official in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.

(2) 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. If the Borough Council has effectuated 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 violation 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 violation 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 Code Officer and the rules and regulations.

(4) **Borough Cleanup.** 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 violation ticket. Should the violation at the discretion of the Code 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 a rate of Sixty Dollars (\$60.00) per hour, per Borough employee, and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional twenty percent (20%) on all material purchases to cover all miscellaneous expenses, such as wear and tear on equipment. Such hourly rates and percentages may be changed by Resolution of Borough Council.

(5) **Contractor Cleanup.** 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 violation 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 and the Borough will forward these costs to the violator. The Borough reserves the right to add a thirty percent (30%) processing fee in addition to the cost of the contractor. Such percentage may be changed by Resolution of Borough Council.

Section 9. Fines and Penalties.

(1) For the first of a violation of this Ordinance within a 12-month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50.00), as set forth on the chart below.

(2) For the second offense of a violation of this Ordinance within a 12-month period, violation tickets shall be issued in the amounts of Seventy-Five Dollars (\$75.00), as set forth on the chart below.

(3) For the third offense of a violation of this Ordinance within a 12-month period, violation tickets shall be issued in the amounts of One Hundred Dollars (\$100.00), as set forth on the chart below.

Violation	Description	Fine 1	Fine 2	Fine 3+
QOL-001	Accumulation of litter, rubbish or garbage	\$50.00	\$75.00	\$100.00
QOL-002	Animal maintenance and waste/feces clean-up	\$50.00	\$75.00	\$100.00
QOL-003	High weeds, grass, or plant growth	\$50.00	\$75.00	\$100.00
QOL-004	Motor vehicles - nuisance or junk	\$50.00	\$75.00	\$100.00
QOL-004A	Motor vehicles - parking violation (grass / pavement, etc.)	\$50.00	\$75.00	\$100.00
QOL-005	Outside placement of indoor appliances/indoor furniture	\$50.00	\$75.00	\$100.00
QOL-006	Snow and ice removal from sidewalks	\$50.00	\$75.00	\$100.00
QOL-007	Public nuisance / public safety violation	\$50.00	\$75.00	\$100.00
QOL-008	Other Borough Ordinance violation	\$50.00	\$75.00	\$100.00

(4) For each offense subsequent to three (3) offenses of this Ordinance within a 12-month period, amounts of violation tickets shall increase in the amount of One Hundred Dollars (\$100.00), accumulative for each subsequent offense.

(5) Any persons who receive a violation ticket for any violation of this Ordinance may, within fifteen (15) days, admit the violation, waive a hearing, and pay the fine in full satisfaction.

(6) No violation ticket after the first violation ticket shall be issued within seventy-two (72) hours after the immediately previous issued violation ticket.

(7) 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 cleanup and abatement of the violation.

Section 10. Violation Ticket Penalties.

(1) If the person in receipt of a Fifty Dollar (\$50.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Ten Dollar (\$10.00) penalty for days 16 through 30.

(2) If the person in receipt of a Seventy-Five Dollar (\$75.00) violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Twenty-Five Dollar (\$25.00) penalty for days 16 through 30.

(3) If the person in receipt of a One Hundred Dollar (\$100.00) or higher violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Fifty Dollar (\$50.00) penalty for days 16 through 30.

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

(5) If violations are continuous or egregious, Codes Officials have the right to issue citations without first issuing tickets, provided notice has been given. Upon issuance of four (4) tickets for the same violation, right is reserved for the Codes Official to issue citation for the fifth and subsequent offenses.

Section 11. Citation Fines. Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Ordinance, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, 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) on each offense, the costs of prosecution including restitution of the fees of the Codes Official, or imprisoned no more than ninety (90) days, or both.

Section 12. Restitution. The Magisterial District Judge may order the violator to make restitution to said real or personal property owner and to the Borough for the costs of prosecution including the fees of the Codes Official.

Section 13. Collections. At the discretion of the Borough, all violation tickets for which payment is not received within forty-five (45) days of issuance of a violation ticket for which an appeal is not taken, and forty-five (45) days from denial of appeal and monies paid by the Borough for abatement of a violation ticket not paid within forty-five (45) days of billing, may be turned over by the Borough to a collection agency for receipt.

Section 14. Liens. At the discretion of the Borough, liens may be placed upon a property for which violation tickets were issued in the event payment is not received within forty-five (45) days of issuance of a violation ticket for which an appeal is not taken, and forty-five (45) days from denial of appeal and monies paid by the Borough for abatement of a violation and not paid within forty-five (45) days of billing.

Section 15. Nonexclusive Remedies. The penalty lien and collection provisions of this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough 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 any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough 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 16. 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 17. Ordinances not Amended. All relevant ordinances, regulations, and policies of the Borough not amended shall remain in full force and effect.

Section 19. Repeal of Inconsistent Ordinances. Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

Section 20. Effective Date. This Ordinance shall be effective immediately upon passage and approved in the manner prescribed by law.


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ORDAINED AND ENACTED into an Ordinance this ___ day of May, 2024.

BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

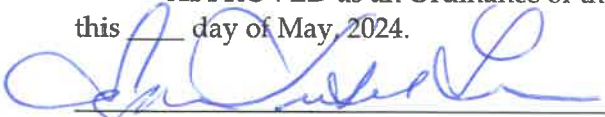
By: 

Council (Vice) President

Attest: 

Doreen O'Neil, Secretary

APPROVED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania
this ___ day of May, 2024.



Suzanne Touch, Mayor

MUNICIPAL CERTIFICATION

I, Doreen O'Neil, Secretary, of the Borough of Fleetwood, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 656 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Borough of Fleetwood and was duly enacted and approved as set forth at a regular meeting of the Borough Council held on the 13th day of May 2024.

[SEAL]


Doreen O'Neil, Secretary