

**ORDINANCE NO. \_\_\_\_\_-2024**

**BUTLER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF BUTLER TOWNSHIP ESTABLISHING QUALITY OF LIFE VIOLATIONS AND FINES, PENALTIES, AND A PROCESS FOR VIOLATIONS**

**Chapter 10  
HEALTH AND SAFETY**

**Part 6  
Quality of Life**

**§601. Definitions.**

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

**APPLIANCE** – a device or instrument designed for household use.

**CODE ENFORCEMENT OFFICER** – any officer, authorized inspector, or public official designated by the Township to enforce the Township ordinances, including the Zoning Officer, Code Enforcement Officer or Building Code Official.

**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 depositing of litter, depositing of 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** – 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 cause of its quality, 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 hazardous waste, but is excluded from regulation as hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection (Pa DEP), and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations and which poses a threat to the public. 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, herbicides, cleaners, automotive products, paints, and acids.

INDOOR FURNITURE – any furniture or pieces of furniture which are made for only inside use, including upholstered chairs, sofas, and bedding.

JUNK VEHICLE – any vehicle which presents a hazard or danger to the public by virtue of its state or condition of disrepair. The following conditions, if present, are examples of a state or conditions of disrepair:

1. Rusted 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 a deflated or flat tire.
4. Unsecured or unlocked doors, hood, or trunk.
5. Harboring of rodents, insects, or other pests.
6. Broken headlamps, tail lamps, or floorboards with sharp edges or large holes resulting from rust.
7. Any body parts, trunk, firewall, or floorboards with sharp edges or large holes resulting from rust.
8. Missing doors, windows, hood, trunks, or other body parts that could permit animal harboring.
9. One or more open tires or tubes which could permit animal harborage.
10. 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 premises on which the vehicle is located.

11. Disassembled body or chassis parts stored in, on, or about the vehicle.
12. Vehicles that do not display a current valid registration, inspection, or license plate.
13. Vehicles that are inoperable.

LITTER – includes all waste material, garbage, trash, waste paper, tobacco products, wrappers, food or beverage containers, newspapers, municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

MOBILE FOOD FACILITY- a mobile vehicle which is used to sell or offer to sell prepackaged food, prepared food or beverages, and having a stationary location on land within the Township at any given time. This term does not include the catering of prepared food to a specific location not open to the public for a limited duration of not more than four times per year or for a special occasion. The term also does not include the operation of a Mobile Food Facility during special events hosted by or through the Township or its Fire Company, or social nonprofit special event where multiple Food Facilities would be gathered, or as otherwise permitted by the Board of Supervisors.

MOBILE VEHICLE- a motor vehicle, trailer, or other portable unit, which is intended for use in the sale of prepackaged food, prepared food, or beverages. The term includes any device by which any person or property is or may be transported on a road such as a food truck or pushcart vending. The term shall not include a roadside farmer's stand or any other use regulated by the Butler Township Zoning Ordinance.

MOBILE VENDOR – a vendor or seller of food or goods from a vehicle or other conveyance upon the public streets of the Township. This term shall also include a Mobile Food Facility.

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 semi-trailers pulled thereby.

MUNICIPAL WASTE – any garbage, refuse, industrial, lunchroom, or office waste, and other material including solid, liquid, semi-solid, or container gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments or from community activities, and which is not classified as residual waster or hazardous waste as defined herein. The term does not include source separated recyclable material or organic waste.

NOTICE OF VIOLATION – a written document issued to a person in violation of this 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 conditions, structure, or improvement which constitutes a danger or potential danger to the public health, safety, or welfare of citizens of the Township, or causes a blighting effect in Township neighborhoods. See also “Public Nuisance.”

**PERSON** – every natural person, individual, firm, corporation, partnership, association, institution, or other legal entity.

**PRIVATE PROPERTY, PROPERTY, OR PREMISES**– 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 act that threatens the public health, morals, safety, comfort, convince or welfare of a community.

**PUBLIC RIGHT-OF-WAY** – the total width of any land used, reserve, 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.

**RESPONSIBLE AGENT** – any person designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

**RUBBISH** – combustible and noncombustible waste materials, except garbage. The term includes 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.

**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 municipal, residual, or hazardous wastes, solid, liquid, semi-solid, or contained gaseous materials.

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

QUALITY OF LIFE TICKET OR TICKET– a form issued by the Code Enforcement Officer to a person who violates a provision of this Ordinance. A ticket is an offer by the Township extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

TOWNSHIP – Butler Township, Luzerne County, Pennsylvania.

VEGETATION – any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, bioswales, or rain gutters.

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

1. Exceed six (6) inches in height.
2. Gives off 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, or flowers.

YARD – an open space on the same Premises as the structure.

**§602. Quality of Life Violations.**

1. 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.
2. Animal Maintenance and Waste/Feces Clean-Up. People owning, harboring, or keeping an animal within the Township 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 within the Township without immediately removing said feces and depositing it in approved containers of said person.
3. 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 is

prohibited. Furthermore, it shall be unlawful to dump or dispose of any household, residential, commercial, or industrial rubbish or garbage in any public trash receptacle.

4. 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 (152.4 mm). 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.
5. 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 or private property of another.
6. Junk Vehicles. It shall be unlawful to store, park, or place any junk vehicle on any premises, provided, however, that neither the diligent repair of a junk vehicle within a period not to exceed 30 days nor the storage of no more than three junk vehicles which have had all fluids removed therefrom and which are covered with an opaque tarp that is securely tied down by a person engaged in the automotive repair business shall constitute a violation of this provision. 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.
7. Mobile Vendor. It shall be unlawful to operate as a mobile vendor without the proper permits and/or inspections. It shall also be unlawful to operate as a mobile vendor while any portion of the vehicle or conveyance being used is inoperable.
8. Operating or Vending Without the Proper Permit/License. It shall be unlawful for any person, business, partnership, or entity including any business, vending cart, store, or establishment to operate without the proper permits.
9. Outside Placement of Indoor Appliances and Furniture. It is prohibited to store or place any appliances or furniture including ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property, except for the temporary purpose to perform maintenance on the property.
10. 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 recyclables will be in violation of this Ordinance. 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 Ordinance. Upon request of the Code Enforcement Officer, any owner or

occupant must show proof of their appropriate trash and/or recyclable hauler. If 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 persons, that trash or waste shall be presumed to be in 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 under this Ordinance will be a violation of this Ordinance.

11. Placement or Littering by Private Advertising Matter. No person shall throw, place, sweep, dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or any public property or private 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.
12. Storage Containers for Waste or Trash. The owner of every premise shall supply approved containers for waste/trash, as well as be responsible for the removals of rubbish. All containers that store waste or trash shall be durable, water tight, and made of metal or plastic. Containers must have tight fitting covers, and must be kept clean and odor free at all times. All containers must be stored in an unnoticeable location on the property. Waste/trash containers may only be placed in front of any property on the day before scheduled trash pick-up. Once the licensed hauler removes the waste/trash from any property, all containers must be returned to its location on the property on the day following pick-up.
13. Storing and Discarding of Appliances. Refrigerators and similar equipment including washers, dryers, dishwashers, and ranges not in operation shall not be discarded, stored, or abandoned on any premises without first removing the doors.
14. Storing of Hazardous Materials. 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 wastepaper, boxes, or rags unless the storage of the materials is in compliance with the applicable building and property maintenance codes.
15. Storing or Serving of Potentially Hazardous Food. No individual or entity operating a business shall store or serve potentially hazardous food, including out dated food, food being stored above or below the appropriate temperature, or serving food that had previously been open are considered a violation of this Ordinance.
16. Swimming Pools. Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered, and sanitary as well.

17. Violating Terms of Any Vending License. It shall be unlawful to violate any term, part, portion, or in total, any vending license. Any person, business, partnership, or entity violating their vending license shall be in violation of this Ordinance.
18. Nuisance/Public Nuisance. Every owner, tenant, occupant, lessee, property agent, public or private contracted or any other person who is responsible for any property or maintenance of property within the Township, is required to remove any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Township, or causes a blight effect or disturbance in the Township neighborhoods. All property and premises, and the interior of every structure, shall be free from all unsafe or unsanitary conditions.
19. Motor Vehicles. It shall be unlawful to store, park, or place any vehicle, motorized or non-motorized, upon any sidewalk, within the Township or to park any motor vehicle in a manner which interferes with the flow of pedestrian, bicyclist, or automobile traffic or which may impede emergency efforts.
20. Waste tires and tire-derived materials. Any person or owners proposing to store waste tires or tire-derived materials shall obtain Pa DEP approval of a plan prior to such storage that addresses the Pa DEP “Interim Policy for the Storage of Waste Tires and Tire-derived Materials” or any subsequent regulations which are promulgated to address this issue. The Pa DEP approved plan shall be submitted to the Township Code Enforcement Officer. Any facility in which waste tires or tire-derived products are stored contrary to the provisions of this subsection shall be classified as a waste disposal facility and shall be subject to the applicable requirements of the Solids Waste management Act and the regulations promulgated thereunder.

**§603. Authority for Issuance of a Quality of Life Ticket.**

Upon finding a violation of this Ordinance, the Code Enforcement Officer, may issue a ticket to the owner or occupant of the property at issue or to the individual known to have violated this Ordinance.

**§604. Enforcement.**

1. The provisions of this Ordinance shall be enforced by the Code Enforcement Officer.
2. Any violation of the provisions of this Ordinance may be cause for a citation, a ticket, or a notice of violation.



**§605. Service.**

A quality of life ticket shall be served upon a violator by:

1. 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;
2. Leaving or affixing the notice or quality of life ticket to the property where the violation exists;
3. 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
4. Mailing the notice to the violator's address of record.

**§606. 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.

**§607. Abatement of Violation.**

1. Any person or business violating this Ordinance is hereby directed to satisfy the Township and its citizens, upon issuance of a ticket, by correcting the violation in question. The cost shall be determined by the Township Code Enforcement Officer in order that the Township shall be compensated for both direct and indirect costs and expenses incurred.
2. The Township reserves the right to perform any necessary work to abate any violation once 72 hours passes from the date of issuance of a ticket. If the Township has abated the violation, the cost thereof may be charged to the owner of the property, tenant, or offender. A bill or invoice will be generated to the person or business for payments separate from the ticket, which will also be paid separately. The rate charged by the Township for performing the work shall be the actual costs incurred by the Township in performing the work plus 20% for administrative overhead.

**§608. Fines and Penalties.**

Any person who violates this Ordinance shall pay a fine as set forth below, plus all direct and indirect costs incurred by the Township for the cleanup, and abatement of the violation.

First Offense	Second Offense	Third or Subsequent Offense
\$25.00	\$50.00	\$100.00

**§609. Quality of Life Ticket Penalties.**

1. Failure of the person to make payment or request a hearing within 10 days of a quality of life ticket shall make the person subject to a citation for failure to pay.
2. For any third or subsequent offense, the Code Enforcement Officer has the right to issue a citation without first issuing a ticket, provided notice has first been given.

**§610. Citation Fines.**

Any person, firm, or corporation who is served a citation under this Section, shall upon conviction, be ordered to pay a fine of not less than \$300.00, and not more than \$1,000.00 on each offense, or imprisoned for no more than 90 days or both.

**§611. Appeal.**

Any person issued a ticket or notice of violation under this Ordinance shall have the right to appeal to the Township Board of Supervisors, or a person or board designated by the Township Board of Supervisors to hear quality of life appeals provided that a written application for appeal is filed within 10 days after the date the notice was served. Appeals from tickets or notices issued under this Ordinance shall stay the action or enforcement of the notice until the appeal is heard.

**§612. Restitution.**

In addition to any other penalties under this Ordinance, the Township may collect or the Magisterial District Judge may order the violator to make restitution to the real or personal property owner.

**§613. Collections.**

At the discretion of the Township, all tickets for which payment is not received within 30 days of issuance and monies paid to the Township for abatement of a violation not paid within 30 days of billing, may be turned over by the Township to a collection agency for receipt. In addition, liens may be placed upon a property against which tickets were issued for which payment is not received within 30 days of issuance of a ticket and monies paid by the Township for abatement of a violation not paid within 30 days of billing.

**§614. Nonexclusive Remedies.**

The penalties, lien and collection provisions of the Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Township as may be deemed

appropriate for carrying out the provisions of this Ordinance. The remedies and procedures provided in this Ordinance for violations are not intended to supplant or replace to any degree the remedies and procedures available to the Township in the case of a violation of any other Township ordinance or regulation, whether or not such ordinance or regulation is referenced in the Ordinance, and whether or not an ongoing violation of such ordinance or regulation is cited as the underlying ground for a finding of a violation of the Ordinance.

**§615. 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.

**§616. Validity.**

If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**§617. Repeal.**

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.

ORDERED AND ENACTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Attest:

BOARD OF SUPERVISORS  
BUTLER TOWNSHIP:

\_\_\_\_\_  
Alan Kost, Manager

\_\_\_\_\_  
Charles Altmiller, Chairperson

\_\_\_\_\_  
Michael Reich, Vice Chairperson

\_\_\_\_\_  
Frank Polidora, Secretary/Treasurer