

ORDINANCE NO. 15005

FILE OF CITY COUNCIL

BILL NO. 35 – 2012

MAY 16, 2012

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AN ORDINANCE

Amending Article 720, Neighborhood Improvement Ordinance, by addressing vehicles parked on grass, skateboarding and bicycling in the center city area, illegal dumping, graffiti, property maintenance, handbills and shopping carts through the issuance of Sweep Tickets.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 720, Neighborhood Improvement Ordinance be amended to read as follows:

**ARTICLE 720**  
**NEIGHBORHOOD IMPROVEMENT ORDINANCE**

- 720.01 Purpose
  - 720.02 Definitions
  - 720.03 Deposit of Litter Prohibited
  - 720.04 Use of Authorized Litter Receptacles
  - 720.05 Depositing Litter in Storm Sewer
  - 720.06 Handbills, Newspapers, and Posted Advertisements
  - 720.07 Illegal Dumping
  - 720.08 Litter from Vehicles
  - 720.09 Maintaining Property
  - 720.10 Graffiti
  - 720.11 Sale and Possession of Pressurized Cans Containing Paint and Certain Markers Prohibited
  - 720.12 Shopping Carts
  - 720.13 Skateboards
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  - 720.90 Violations By a Minor
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## 720.01 PURPOSE

Litter, dumping and graffiti are costly problems that contribute to the deterioration of property values and general disorder in a community. Litter and littered properties degrade the physical appearance of the City which reduces business and tax revenue and inhibits economic development. The quality of life and community pride of Allentown's citizens are negatively affected by litter, dumping, and graffiti. Recognizing these are community problems, the purpose of this ordinance is to promote the health, safety and general welfare of the City by helping to create a clean environment for the citizens of Allentown. (13008 §1 11/7/90; 14262 §1 3/3/05)

## 720.02 DEFINITIONS

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

1. **Authorized Litter Receptacle** is a litter collection receptacle which is placed on the public right-of-way or on public property by the City for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste. (13008 §1 11/7/90; 14262 §1 3/3/05)

~~2. **Center City District** means the area on and abutting Hamilton Street, the southern property of Walnut and northern property line of Linden Streets between the eastern property line of North and South Fourth Streets and the western property line of North and South Twelfth Streets. **Core Business District** constitutes the following areas in the City of Allentown for the purposes of this ordinance:~~

~~**Center City Business District – Hamilton St from 4<sup>th</sup> St to 12<sup>th</sup> St and Linden St to Walnut St**~~

~~**7<sup>th</sup> St Business District – 7<sup>th</sup> St from Hamilton St to Tilghman St**~~

~~**19<sup>th</sup> St Business District – N 19<sup>th</sup> St from Liberty St to Tilghman St and Allen St from 18<sup>th</sup> St to 20<sup>th</sup> St**~~

2. **3. 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 Article 1131, Solid Waste Storage, Collection and Disposal. (13008 §1 11/7/90; 13222 §1 10/20/93; 13344 §1 8/3/95; 14262 §1 3/3/05)

3. **4. Graffiti** shall include any and all unauthorized inscriptions, words, figures, paintings, or other defacements that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property including but not limited to building structures, fences, walls, vehicles, transport trailers, railroad cars, dumpsters, etc. Graffiti shall not be construed to apply to easily removable chalk markings on the public sidewalk and streets used in connection with traditional children's games. (13343 §1 6/22/95; 14636 §1 10/16/08)

4. **5. Hazardous Waste** means 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:

a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed. (13344 §1 8/3/95)

~~5.~~ **6. Household Hazardous Waste (HHW)** is 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. (14262 §1 3/3/05)

~~6.7.~~ **Impervious Surface** is a surface that prevents substantial infiltration of precipitation and prohibits growth of vegetation. Impervious materials include asphalt; brick; paving stones; or concrete.

~~8.7.~~ **Junked Vehicle** means any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle;
- (2) Broken glass or windows on or in the vehicle;
- (3) Leaking of any fluids from the vehicle or deflated or flat tire(s);
- (4) Unsecured and/or unlocked doors, hood or trunk;
- (5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus;
- (6) Harboring of rodents, insects or other pests.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. (14480 §1 5/2/07)

~~9.~~ **8. Litter** includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed. (14262 §1 3/3/05; 14480 §1 5/2/07)

~~10.~~ **9. Minor** shall mean any person under the age of eighteen (18) years. (13008 §1 11/7/90)

~~11.~~ **10. Municipal waste** means 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. (13008 §1 11/7/90; 1322 2 §1 10/20/93; 13344 §1 8/3/95; 14262 §1 3/3/05)

~~12.~~ **11. Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (14262 §1 3/3/05)

~~13.~~ **12. Person** means every natural person, firm, corporation, partnership, association, or institution. (13008 §1 11/7/90)

14. **13. Planter Strip** is the non-concrete space in the sidewalk area filled with dirt and/or grass. (14262 §1 3/3/05)

15. **14. Private Property** means any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure. (13008 §1 11/7/90; 13344 §1 8/3/95)

16. **15. Public Officer** means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances. (13344 §1 8/3/95; 13833 §1 5/4/00)

17. **16. Public Nuisance** means any condition or premises which is unsafe or unsanitary. (14480 §1 5/2/07)

18. **17. Public Right-of-Way** means the total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas. (13008 §1 8/3/95)

19. **18. Recyclable Material** means 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 are designated by the regulations promulgated under Article 1137, Residential Recycling.

20. **19. Residual Waste** means 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. (13344 §1 8/3/95)

21. **20. Responsible Agent** means any person residing or working within the County of Lehigh designated to accept service on behalf of a legal owner or operator of a rental dwelling unit. (14262 § 3/3/05)

22. **21. Shade Tree**, unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way. (14262 §1 3/3/05)

23. **22. Sidewalk Area** means the public right-of-way between the property line and the curblineline or the established edge of the roadway. (14262 §1 3/3/05)

24. **23. Shopping or Grocery Cart** includes any small or light vehicle, typically owned by and used at retail stores, that is moved by hand and used to carry groceries and other such items. (13008 §1 11/7/90; 14262 §1 3/3/05; 14480 §1 5/2/07)

25. **24. Skateboard** means a narrow board or platform mounted on wheels designed to be operated by the rider standing thereon and propelled by human power or gravity.

26. **25. Tree Well** is the non-concrete area surrounding a shade tree planted in a sidewalk area. (14262 §1 3/3/05)

27. **26. Vegetation** is any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc. 14636 §1 10/16/08)

~~28.~~ **27. Violation Ticket** is a form issued by a police officer or public officer to a person who violates a provision of this Article. ~~The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.~~ (14262 §1 3/3/05)

**29. 28. Weeds** shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:

- a. exceed ten (10) inches in height,
- b. exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush,
- c. may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin,
- d. 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. (14480 §1 5/2/07)

### **725.03 DEPOSIT OF LITTER PROHIBITED**

No persons shall throw, scatter, deposit or sweep litter, or cause litter to be on any public place, such as a street, sidewalk, park or playground, nor onto any private property, except in authorized receptacles. (13008 §1 11/7/90; 13344 §1 8/3/95; 13356 §3 10/5/95; 14262 §1 3/3/05)

### **720.04 USE OF AUTHORIZED LITTER RECEPTACLES**

A. No person shall deposit household or commercial waste in an authorized litter receptacle. Only small quantities of hand-held trash may be placed in authorized litter receptacles.

B. Persons shall deposit litter in authorized litter receptacles in such a manner as to prevent it from overflowing the receptacle. (13344 §1 8/3/95)

C. No person shall damage, deface, abuse or misuse any litter receptacle so as to interfere with its proper function or to detract from its proper appearance.

### **720.05 DEPOSITING LITTER IN STORM SEWER**

No person shall throw, scatter or deposit litter in any storm sewer inlet in the City. (13344 §1 8/3/95)

### **720.06 HANDBILLS, NEWSPAPERS AND POSTED ADVERTISEMENTS**

~~A. No person shall place any commercial or noncommercial handbill or other forms of written material with the exception of legal notice or citation in or upon any vehicle parked on private property without the permission of the owner or in the public right of way or in municipally owned parking lots or garages, including those of the Parking Authority of the City of Allentown. (13444 §1 8/3/95)~~

A. No person shall deliver or distribute newspapers or advertising matter to any premises unless it is handed to the recipient, placed on the driveway, porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent the newspaper or advertising matter from being blown about, becoming scattered or in any way causing litter. It shall be unlawful to distribute these materials as described above if the owner or occupant has informed the person delivering or causing delivery that he/she does not wish to receive it.

B. No person shall post or affix any advertisement, notice, poster or other paper or device, to any lamp post, street sign, traffic signal pole and control box, public utility pole or tree or upon any private or public structure or building, except as may be authorized or required by law. (14262 § 3/3/05; 14480 §1 5/2/07)

### **720.07 ILLEGAL DUMPING**

A. No person shall dump or cause to be deposited trash, debris, municipal waste, durable goods (refrigerator, washer, dryer, etc.), small appliances, furniture, carpets, shopping carts, tires, vehicles, vehicle parts, automotive products, construction or demolition material or other such items on public or private property, except as authorized by Article 1131, Solid Waste Storage, Collection and Disposal. (13344 §1 8/3/95; 14262 § 3/3/05)

B. No person shall dump or cause to be deposited household hazardous, hazardous or residual waste on public or private property.

### **720.08 LITTER FROM VEHICLES**

A. No person shall throw, scatter or deposit litter from a vehicle upon any public street or other public place within the City, or upon private property. (13344 §1 8/3/95; 14262 § 3/3/05)

B. The owner or operator of any motor vehicle from which the aforementioned litter is thrown, discharged, dumped, deposited, placed, left or caused to be thrown, discharged, dumped, deposited, placed or left shall be responsible for such litter. (13344 §1 8/3/95; 14636 §1 10/16/08)

C. No person shall operate a vehicle unless the vehicle is so constructed or loaded as to prevent its contents from falling, being blown, scattered or deposited upon any street, other public place or private property. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (14262 §1 3/3/05)

### **720.09 MAINTAINING PROPERTY**

#### **A. LITTER**

1. No owner, possessor or responsible agent of real property shall permit litter to accumulate on the property and adjacent sidewalk area including the tree well and planter strip. It shall be the owner's, possessor's or responsible agent's duty to remove such litter to prevent any such accumulation. (14262 §1 3/3/05; 14480 §1 5/2/07)

2. No owner, possessor or responsible agent of real property shall accumulate, permit or store items such as furniture, durable goods (refrigerators, washers, dryers, etc.) small appliances, carpets, tires, vehicles, vehicle parts, automotive products or municipal waste, hazardous waste, residual waste or construction or demolition debris on the exterior of the property if it poses a threat to the physical appearance, safety or public health of the community or if their presence creates the potential for a public nuisance. (14262 §1 3/3/05; 14636 §1 10/16/08)

3. The owner, possessor or responsible agent of a commercial or institutional property may be required to procure, place, empty and maintain a sufficient number of litter receptacles on their property for public use by its customers to prevent the chronic accumulation of litter. These litter receptacles may not be placed in the public right of way. 14262 § 3/3/05)

4. It shall be unlawful for anyone to obstruct or reduce in any way clear width of any doorway, hallway, passageway, fire escapes or other exitways. (14480 §1 5/2/07)

#### B. WEEDS

1. No owner, possessor or responsible agent of real property shall permit grass or weeds to exceed ten (10) inches in height in the tree well, sidewalk, curbline or planter strip. It shall be the owner's, possessor's or responsible agent's duty to cut the grass or weeds to prevent such growth.

2. No owner, possessor or responsible agent of real property or any tract of land shall allow any growth of grass or weeds to exceed ten (10) inches in height. (14480 §1 5/2/07)

3. The public officer shall only be required to notify the property owner once per calendar year that their property needs cutting before having it cut by the City or its contractors.

#### C. VEHICLES

1. JUNK VEHICLE: A junk or abandoned vehicle may not be parked, stored or left to remain on any lot, tract, parcel of land or portion thereof on public or private property, occupied or unoccupied, improved or unimproved, within the City of Allentown, unless necessary for the operation of a business enterprise lawfully permitted on private property. Any junk or abandoned vehicle or parts thereof shall be removed. (14480 §1 5/2/07)

2. VEHICLE PARKING: VEHICLE PARKING: Vehicle parking is not permitted on grass, landscaped, dirt or stone areas of property. All parking areas must be in compliance with all applicable city ordinances, codes and regulations. City sponsored or special events are exempt from this requirement.

#### D. GRAFFITI

No owner or responsible agent of real property shall permit graffiti to remain on such property for more than ten (10) days and it shall be the owner's, or responsible agent's duty to remove or cause to be removed such graffiti. The City shall notify the owner or responsible agent of this requirement and if not removed within ten (10) days of notification, the City shall have the authority to remove said graffiti. (14262 § 3/3/05; 14480 §1 5/2/07; 14636 §1 10/16/08)

#### E. VEGETATION

No owner, possessor or responsible agent of real property shall permit vegetation on the property to grow in such a manner as to create a public nuisance. (14636 §1 10/16/08)

#### F. SATELLITE DISHES

It shall be the responsibility of the property owner of real property to remove any satellite dish(es) from the exterior of such property at the time of service disconnection.

### 720.10 GRAFFITI

(14262 § 3/3/05)

A. No person shall apply graffiti to any natural or man-made surface on public or private property.

B. All persons directly or indirectly involved in the acts of graffiti may be found to be equally responsible and guilty of the act, in addition to the individual who may personally deface the object or area, such as others in a group who knowingly made available the tools, writing material, ladders, lookouts, materials or assistance, or who knowingly supplied funds to acquire such materials for such purposes. (13008 §1 11/7/90; 13343 §2 6/22/95; 14262 § 3/3/05)

C. Writing, drawing, printing or marking with ink, paint, chalk or other substances on any real or personal property shall be permitted only to the extent that compliance with Article 1343 of the Zoning Code, relating to signs, has been met and upon the procurement of a permit from the City where the following conditions are met:

1. The permit shall specify the size, location and the materials to be used and shall include a small design of the proposed writing, drawing, printing or marking. A signed, notarized statement authorizing permission for the writing, drawing, printing or marking from the record owner of the property or a duly authorized agent must also be included with the permit application.

2. No writing, drawing, painting or marking shall contain any threats or offensive language.

3. A permit fee, established by the City of Allentown shall be paid in full to the Department of Administration and Finance. (13343 §1 6/22/95; 14262 § 3/3/05)

#### **720.11 SALE AND POSSESSION OF PRESSURIZED CANS CONTAINING PAINT AND CERTAIN MARKERS PROHIBITED**

A. Sale or Purchase of Spray Paint and Markers.

1. It is unlawful for any person and/or commercial establishment to sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any pressurized can containing any substance commonly known as paint or dye and any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater to anyone under the age of eighteen (18) years. Retail stores that sell these items shall provide and post adequate signage stating the prohibition of the sale of these products to anyone under the age of eighteen (18) years. The signs shall be posted on the product display shelving and at the store check out areas. (13397 §1 6/7/96; 14636 §1 10/16/08)

2. It is unlawful for anyone under the age of eighteen (18) years to purchase any pressurized can containing paint or dye or marker as defined above.

3. No person shall aid, assist or abet a person under the age of 18 in obtaining possession of paint in a spray can or any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater.

B. Possession of Spray Paint and Markers by Minors; and Exemptions:

1. It shall be unlawful for any person under the age of eighteen (18) to have, in their possession, any pressurized can containing any substance commonly known as paint, or dye, or any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater while on any public highway, street, alley or way, park, playground, swimming pool, or other public place or property, or on private property unless the owner of that property consented to the presence of the paint or marker. (13397 §1 6/7/96)

2. This prohibition shall not apply to a child using paint or a marker while under the immediate supervision of their parent or legal guardian; a student under direct supervision of their teacher or an employee using paint or a marker at the direction and under the supervision of their employer.

C. Prohibition of Spray Paint in Public Parks and Buildings

It is unlawful for any person to have, in his possession, any pressurized can containing any substance commonly known as paint or dye or any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface ~~on~~ of three-eighths of an inch or greater while in any public park, playground, swimming pool, recreational facility, (other than a highway, street, alley or way), except authorized employees of the City of Allentown or an individual or authorized employee of an individual or company under contract with the City of Allentown. (13397 §1 6/7/96)

D. Fraudulent Evidence

No minor shall, at the times of purchase of items specified in this section, knowingly furnish fraudulent evidence of age when furnishing identification which must be in the form of a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or any document issued by a federal, state, county or municipal government. (13397 §1 6/7/96)

## **720.12 SHOPPING CARTS**

A. No person shall use a shopping or grocery cart to transport groceries, goods or other items in the public right of way unless that person is the owner of the shopping or grocery cart.

B. All shopping or grocery carts shall be identified in a prominent and conspicuous manner. The identification must include the name of the establishment wherein the carts are used or the owner thereof. (13008 §1 11/7/90)

C. All stores that provide shopping carts must take measures to prevent the removal of such carts from the area of the property under their control. The measures pursuant to this section shall be determined by regulation. All stores that provide shopping carts shall post a notice at all store exits pertaining to the prohibitions in Part A, and that violators are subject to a fine or citation should they leave the premises with a shopping cart. (13833 §1 5/4/00; 14229 §1 11/18/04; (14480 §1 5/2/07)

D. Shopping carts that have been removed from their premises and left elsewhere on public or private property must be retrieved by their owners within twelve (12) hours of notification. (14480 §1 5/2/07)

E. Shopping carts not retrieved by their owner after the notification period may be declared abandoned and subject to confiscation and disposal by the City or by an authorized agent of the City. (14480 §1 5/2/07)

## **720.13 SKATEBOARDS**

### **A. SKATEBOARDS PROHIBITED IN CORE BUSINESS DISTRICT**

The operation, riding or coasting of skateboards on any sidewalks or streets in the Core Business District is hereby prohibited. The location and boundaries of the Core Business District are delineated in Section 720.02.

## B. SKATEBOARDS PROHIBITED AT NIGHT

The operation, riding or coasting of skateboards in the public right-of-way during hours of darkness, defined as one-half hour after sunset and one-half hour before sunrise, is hereby prohibited.

## C. NOTICE OF PROHIBITED RIDING PLACES

The operation, riding or coasting of skateboards upon any public or private property as to which notice against such activity is given by posting thereof in a conspicuous manner, is hereby prohibited.

## D. PEDESTRIAN RIGHT-OF-WAY ON SIDEWALKS

Where the operation or riding of skateboards is permitted on sidewalks, the rider shall yield the right-of-way to pedestrians using the sidewalk. Due and proper care for pedestrians must at all times be exercised by the riders.

## E. RECKLESS RIDING

It shall be unlawful for any person to operate, ride, or coast upon any skateboard in a reckless manner, i.e., in a manner that disobeys common signs regulating vehicular traffic or in a manner that is careless and dangerous to the operator of the skateboard and/or the general public be they vehicular or pedestrian and/or that causes destruction of any property, public or private.

F. This section shall apply but not be limited to public streets and sidewalks.

## **720.14 BICYCLES**

A. In the Core Business District, bicycles may be ridden in the street but shall not be ridden on the sidewalk at any time. Bicycles may be walked on the sidewalk in the ~~Center City District~~ **Core Business District**. The location and boundaries of the Core Business District are delineated in Section 720.02.

B. Bicycles shall be parked in the bicycle racks when racks are provided.

C. Bicycles operated by on-duty Police Officers and Allentown Parking Authority personnel are exempt from any prohibiting provisions of this article.

## **720.90 VIOLATIONS BY A MINOR**

A. Any violation of the provisions of this Article by a minor ten (10) years of age and older may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the minor or to the parent or legal guardian of the minor. Any violation of the provisions of this Article by a minor under the age of ten (10) may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the parent or legal guardian of the minor.

B. It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of eighteen (18) years to knowingly assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this Article, as herein defined, either by words, overt act, or by failing to act. (13343 §2 6/22/95)

## **720.94 ENFORCEMENT**

A. The provisions of this Article shall be enforced by police officers, or any other public officer authorized to enforce ordinances. (14262 §1 3/3/05)

B. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator. (14262 §1 3/3/05)

C. A notice of violation 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 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. (13344 §1 8/3/95;14262 §1 3/3/05)

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

E. A public officer is authorized and empowered to cause a violation to be corrected.

F. If the City has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Manager of Recycling and Solid Waste or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred. (13344 §1 8/3/95; 13356 §1 10/5/95)

G. Where the public officer or the City takes corrective action to abate a public nuisance, the cost thereof, including any labor or materials supplied by the City or its contractors plus an administrative fee of Three Hundred (\$300) Dollars added to each invoice incurred shall be charged to the owner and shall constitute a municipal lien against the real property upon which said cost and fee were incurred. For nuisance abatements in excess of Two Thousand (\$2000) Dollars, the administrative fee shall be Fifteen (15%) percent of the actual cost incurred, including any labor or materials supplied by the City or its contractors.

#### **720.95 REGULATIONS**

The City may publish and post any regulations governing the procedures and enforcement of any provisions of this Article. (13344 §1 8/3/95)

#### **720.97 VIOLATION TICKET APPEALS PROCESS**

A. A person in receipt of a violation ticket may appeal to the Bureau of Recycling & Solid Waste by filing a request within ten (10) days of receipt of the violation ticket.

B. A Hearing Officer, designated by the Manager of the Bureau of Recycling & Solid Waste, may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts. (14262 §1 3/3/05)

#### **720.98 SEVERABILITY**

If any provision, paragraph, word, section or subsection of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect. (13222 §1 10/20/93; 13344 §1 8/3/95)

#### **720.99 FINES AND PENALTIES**

A. Violation Ticket Fines

1. For the first and second offense of a violation of this Article within a twelve (12) month period, violation tickets shall be issued in the amounts of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars. (14262 § 3/3/05; 14636 §1 10/16/08)

2. For the third offense of a violation of this Article within a twelve (12) month period, violation tickets shall be issued in the amounts of One Hundred and fifty (\$150) Dollars or Two Hundred and fifty (\$250) Dollars (14636 §1 10/16/08)

3. For the fourth offense of a violation of this Article within a twelve (12) months period, violation tickets shall be issued in the amounts of Three Hundred (\$300) Dollars or Five Hundred (\$500) Dollars. (14636 §1 10/16/08)

4. Any persons who receives a violation ticket for any violation of this article, except Section 720.07, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction. (14636 §1 10/16/08)

5. Any person who violates Section 720.07 of this article shall pay a fine of One Thousand (\$1,000) Dollars or Five Thousand (\$5,000) Dollars for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation. (14636 §1 10/16/08)

6. any person who violates section 720.09 (D) of this article shall pay a fine of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars for the first offense with no additional cost to abate the violation. For the second and subsequent violations of Section 720.09 (D) the owner shall pay a fine as indicated in Section 720.99 (A) and the owner shall pay all direct and indirect costs incurred by the City for the abatement of the violation. (14636 §1 10/16/08)

#### B. Violation Ticket Penalties

1. If the person in receipt of a twenty-five (\$25) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a ten (\$10) dollar penalty for days eleven (11) through twenty (20).

2. If the person in receipt of a one hundred (\$100) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty-five (\$25) dollar penalty for days eleven (11) through twenty (20).

3. If the person in receipt of a One Hundred and Fifty (\$150) Dollar, Two Hundred and Fifty (\$250) Dollar, Three Hundred (\$300) Dollar or Five Hundred (\$500) Dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Fifty (\$50) Dollar penalty for days eleven (11) through twenty (20). (14636 §1 10/16/08)

4. If the person in receipt of a One Thousand (\$1,000) Dollar or a Five Thousand (\$5,000) Dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a One Hundred (\$100) Dollar penalty for days eleven (11) through twenty (20). (14636 §1 10/16/08)

5. Failure of the person to make payment or request a hearing within twenty (20) days of a violation ticket shall make the person subject to a citation. (14636 §1 10/16/08)

#### C. Citation Fines

1. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, except Section 720.07, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than One Hundred (\$100) Dollars, not more than One Thousand (\$1,000) Dollars on each offense or imprisoned no more than ninety (90) days, or both. (13222 §1 10/20/93; 13344 §1 8/3/95; 13356 §5 10/5/95; 13397 §2 6/7/96; 13833 §1 5/4/00; 14026 §1 10/17/02; 14636 §1 10/16/08)

2. Any person, firm or corporation who shall fail, neglect or refuse to comply with the provisions of Section 725.07 of this Article shall, upon conviction, be ordered to pay a fine not less than One Thousand (\$1,000) Dollars, not more than Five Thousand (\$5,000) Dollars on each offense or imprisoned no more than ninety (90) days, or both. In addition, the Magisterial District Judge may impose any other such remedy deemed proper, including, without limitation, an order to clean up unlawful dump sites. (14262 § 3/3/05; 14636 §1 10/16/08)

3. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of Section 720.09 (D) and 720.11 shall, upon conviction, be ordered to pay a fine not less than One Hundred (\$100) Dollars, not more than Two Thousand Five Hundred (\$2,500) Dollars on each offense or imprisoned not more than ninety (90) days, or both. (14636 §1 10/16/08)

D. Restitution 14262 § 3/3/05)

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner. (14262 § 3/3/05)

SECTION TWO: That this Ordinance takes effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

## **Amendments**

1. Impervious Surface

Delete 720.02 (6) - definition of Impervious surface

Change 720.09 (C)(2) to read: VEHICLE PARKING: Vehicle parking is not permitted on grass, landscaped, dirt or stone areas of property. All parking areas must be in compliance with all applicable city ordinances, codes and regulations. City sponsored or special events are exempt from this requirement.

2. Change the definition of Center City District and replace it with Core Business District and the definition to read as follows with the corresponding changes:

**720.02 Definitions, replace Center City District with;**

2. Core Business District constitutes the following areas in the City of Allentown for the purposes of this ordinance:

Center City Business District – Hamilton St from 4<sup>th</sup> St to 12<sup>th</sup> St and Linden St to Walnut St

7<sup>th</sup> St Business District – 7<sup>th</sup> St from Hamilton St to Tilghman St

19<sup>th</sup> St Business District – N 19<sup>th</sup> St from Liberty St to Tilghman St and Allen St from 18<sup>th</sup> St to 20<sup>th</sup> St

**In 720.13 (A) Replace City Center District with Core Business District**

**In 720.14 (A) Replace Center City District with Core Business District. Add: The location and boundaries of the Core Business District are delineated in Section 720.02.**

**3. In Section 720.06 HANDBILLS, NEWSPAPERS AND POSTED ADVERTISEMENTS, delete A, and make the corresponding changes to B and C (i.e., making the current B, A and the current C, B).**

**Amendments passed, 7 – 0**

	Yea	Nay
Joe Davis	X	
Jeanette Eichenwald	X	
Cynthia Y. Mota	X	
Ray O'Connell, VP	X	
Mike Schlossberg	X	
Peter G. Schweyer	X	
Julio A. Guridy, Pres.	X	
TOTAL	7	0

**I hereby certify that the foregoing Ordinance was passed by City Council on July 18, 2012 and signed by the Mayor on July 24, 2012.**

  
\_\_\_\_\_  
CITY CLERK

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Amendments to Article 720, Neighborhood Improvement Ordinance

The Bill is originating from the Bureaus of Recycling & Solid Waste and the Allentown Police Department (APD).

- **Summary and Facts of the Bill**

The purpose of this Article is to address quality of life issues to improve Allentown's Neighborhoods. Currently, it addresses litter, illegal dumping, graffiti, property maintenance, handbills and shopping carts.

The City seeks to add and address other important quality of life issues under this Article such as vehicles parked on grass, skateboarding and bicycling in order to allow APD and Public Officers to issue SWEEP violation tickets for these offenses.

The City seeks administrative compensation for the issuance of municipal liens and costs incurred when the City or its contractors abate a violation.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

The City seeks to consolidate these quality of life violations under one ordinance, namely the Neighborhood Improvement Ordinance. The benefit allows Police Officers and Public Officer to address problems in an efficient and effective manner. This amendment is in keeping with the City's mission to address public nuisance problems for the benefit of its citizens.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

There is no additional cost to implement these changes.

There is minimal financial benefit from the issuance of tickets for these violations.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The Bureau of Recycling & Solid Waste administers the SWEEP ticket program.

- **Priority status/Deadlines, if any**

The City requests consideration of these changes at its earliest convenience.

- **Why should Council unanimously support this bill?**

City Council has been a strong supporter of the SWEEP program and its mission to address neighborhood nuisance violations. The amendments proposed consolidate quality of life issues under this ordinance to allow for efficient enforcement.