



Allegheny County Council

County of Allegheny
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Legislation Text

File #: 12953-24, **Version:** 1

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances by the creation of a new Chapter 572, entitled “Litter,” in order to provide specific guidelines for enforcement of littering offenses within Allegheny County.

Whereas, Allegheny County has a longstanding tradition of endeavoring to legislatively enhance and protect its natural features, homes, businesses, and residents from litter, as typified by regulations enacted governing conduct in the County parks, resolution 11-15 (establishing an annual Countywide Cleanup Day), authorizations for leaf composting areas on County-owned property, and the like; and

Whereas, although the Commonwealth of Pennsylvania has criminalized scattering rubbish, at 18 Pa.C.S.A. §6501, this statute is neither particularly specific nor tailored to the individual needs and concerns of Allegheny County; and

Whereas, it is the considered judgment of Council that both observational and anecdotal evidence strongly suggest that existing protections against litter are not adequate to the task; and

Whereas, it is further the judgment of Council that the enactment of a uniform Countywide litter ordinance may serve the valuable purposes of creating additional disincentives to littering and raising public awareness of this concern, provided that such enactment does not impinge on existing or future statutes and regulations enacted by other municipal governments within the County; and

Whereas, it is incontrovertible that the proliferation of litter causes financial and administrative burdens for local governments, in the form of resources that must be committed to initiating and managing cleanup activities; and

Whereas, when confronted with similar circumstances, other home rule governments within the County have enacted litter control ordinances in an effort to curb the spread of litter;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The recitations contained within the Preamble to this Ordinance are hereby incorporated by reference herein.

SECTION 2. Amendment of the Code.

The Allegheny County Code of Ordinances is hereby amended and supplemented by the creation of a new Chapter 572, entitled “Litter” and comprised as follows:

Chapter 572 Litter

§572-1. Purpose and intent.

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 County, which reduces business and tax revenue and inhibits economic development. The quality of life and community pride of Allegheny County's citizens are negatively affected by litter, dumping, and graffiti. Recognizing these are community problems, the purpose of this ordinance is to promote the safety and general welfare of the County's residents and visitors and preserve property values to the extent possible by helping to create a litter-free environment.

§572-2. Definitions.

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

- A. Authorized Litter Receptacle is a litter collection receptacle which is placed on the public right-of-way or on public property by any municipality for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste.
- B. Damaged and deteriorated furniture or motor vehicle seat means any item of indoor or outdoor furniture or any portion of a motor vehicle designed to accommodate seating for a driver or passenger or both which presents a hazard or danger to the public by virtue of its state or condition of disrepair. If present, examples of a state or condition of disrepair shall include but not be limited to:
 - 1. Rusted and/or jagged metal or exposed springs on or protruding from an item of furniture or motor vehicle seat;
 - 2. Broken or missing legs, arms or other structural or support components which would make the item of furniture or motor vehicle seat unstable and unsafe;
 - 3. Storage or placement of furniture or a motor vehicle seat in an unbalanced condition, such as leaning against a wall for support;
 - 4. Harboring of rodents, insects or other pests;
 - 5. Unclean or unsanitary by virtue of condition.
- C. 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 any municipal waste storage,

collection or disposal ordinance(s) or regulation(s).

- D. 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. 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.
- E. 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:
1. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and
 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.
- F. 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.
- G. 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, damaged and deteriorated furniture or motor vehicle seats, vehicle parts, automotive products, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.
- H. Minor shall mean any person under the age of eighteen (18) years.
- I. 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.
- J. Notice of violation is a written document issued to a person in violation of this Chapter which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.
- K. Person means every natural person, firm, corporation, partnership, association, or institution.
- L. Planter Strip is the non-concrete space in the sidewalk area filled with dirt and/or grass.

- M. 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.
- N. Public Officer means any state, county, municipal, Pittsburgh Regional Transit Authority, housing authority, or university police officer, any sheriff or deputy sheriff, any authorized inspector, or any other official designated by a municipality to enforce the provisions of this Chapter.
- O. 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.
- P. 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.
- Q. 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.
- R. Responsible Agent means any person residing or working within the County of Allegheny designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.
- S. Shade Tree, unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right of way.
- T. Sidewalk Area means the public right-of-way between the property line and the curblin or the established edge of the roadway.
- U. Shopping or Grocery Cart includes any small or light vehicle, typically found at retail stores, that is moved by hand and used to carry groceries and other such items.
- V. Tree Well is the non-concrete area surrounding a shade tree planted in a sidewalk area.
- W. Violation Ticket is a form issued by a Public Officer to a person who violates a provision of this Chapter. The violation ticket is an offer extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

§572-3. 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.

§572-4. 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.
- 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.

§572-5. Depositing litter in a storm sewer.

No person shall throw, scatter or deposit litter in any storm sewer inlet in the County.

§572-6. 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 municipal statute or regulation.
- B. No person shall dump or cause to be deposited household hazardous, hazardous or residual waste on public or private property.

§572-7. 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 County, or upon private property.
- 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 presumed to be the person depositing such litter, unless another individual is observed depositing litter by the public official enforcing this Chapter.
- 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 County, 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.

§572-8. Certain litter accumulation prohibited.

- A. No owner, possessor or responsible agent of an owner or possessor of real property shall accumulate 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. The terms of this Section shall not apply to any accumulation of items specifically authorized by any municipal law, regulation, or permit.
- B. The owner, possessor or responsible agent of an owner or possessor 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, pursuant to municipal law, regulation, or permit. If so required, these litter receptacles may not be placed in the public right of way.
- C. No owner or responsible agent of an owner 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.

§572-9. Graffiti.

- A. No person shall apply graffiti to any natural or man-made surface on public or private property, except to the extent that such application both:
 - 1. Is specifically authorized by the owner of such property; and
 - 2. Complies with all applicable municipal law, regulation, permit requirements, and zoning.
- 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.

§572-10. 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 stores that provide shopping carts shall post a notice at all store exits pertaining to the prohibitions in Subsection A, and that violators are subject to a fine of not less than fifty (50) dollars, nor more than three hundred (300) dollars should they leave the premises with a shopping cart.
- C. Shopping carts that have been removed from their premises and left elsewhere on public or private property must be retrieved by their owners within seventy-two (72) hours of notification.
- D. Unidentified or unattended shopping carts not retrieved by their owner after the notification period may be declared abandoned and subject to confiscation by the County or other public officer (as defined in this Chapter).

§572-11. Violations committed by minors.

- A. Any violation of the provisions of this Chapter 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.

§572-12. Enforcement.

- A. The provisions of this Article shall be enforced by police officers, or any other public officer authorized to enforce ordinances.
- 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.
- 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.
- 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 County or any municipality has effected 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 County or municipality that conducted the remediation in order that both direct and indirect costs and expenses incurred are fully reimbursed.

§572-13. Violation ticket appeals.

- A. A person in receipt of a violation ticket may appeal to any magisterial district court of competent jurisdiction pursuant to any procedures required by such court within ten (10) days of receipt of the violation ticket.
- B. Upon hearing such appeal, a magisterial district judge may uphold the appeal, deny the appeal, or modify the violation ticket and/or any associated costs, fines or penalty amounts.

§572-14. Abandoned refrigerators.

- A. No person shall leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has a door or lock which may not be released for opening from the inside of such icebox, refrigerator or container.
- B. No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has a snap-lock or other device thereon without first removing the snap-lock or doors from such icebox, refrigerator or container.

§572-15. Penalties and fines.

A. Violation Ticket Fines

1. Violation tickets shall be issued with fines in the amount of fifty (50) dollars.
2. Any person who receives a violation ticket for any violation of this Chapter, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of fifty (50) dollars, as indicated on the violation ticket.

B. Violation Ticket Penalties

1. If the person in receipt of a fifty (50) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty (20) dollar penalty for days eleven (11) through twenty (20).
2. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation, as provided for in Subsection C.

C. Citation Fines and Penalties

1. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Chapter, except §572-6 (relating to illegal dumping) or §572-15 (relating to abandoned refrigerators) and who is issued a citation shall commit a summary offense and be issued a citation. Upon conviction, such individual(s) shall be ordered to pay a fine not less than one hundred (100) Dollars, nor more than three hundred (300) dollars on each offense, be subject to a term of imprisonment of no more than ninety (90) days, or both.
2. Any person, firm or corporation who shall fail, neglect or refuse to comply with the provisions of §572-6 of this Chapter (relating to illegal dumping) shall commit a summary offense and be issued a citation. Upon conviction, such individual(s) shall be ordered to pay a fine not less than three hundred (300) dollars, nor more than five hundred (500) dollars on each offense, be subject to a term of imprisonment of no more than ninety (90) days, or both, 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.
3. Any person violating the provisions of §572-14 (relating to abandoned refrigerators) shall be fined not more than five hundred (500) Dollars, be subject to a term of imprisonment of no more than ninety (90) days, or both.
4. Where deemed appropriate in the discretion of the court, a magisterial district judge may order the violator to make reasonable restitution to said real or personal property owner for any violation of this Chapter.

§572-16. Construction.

Nothing contained within this Chapter shall be read, deemed, or interpreted to preempt, abridge or in any way alter any requirements, procedures or remedies required or available pursuant to validly enacted Federal, Commonwealth, or municipal law or regulation.

SECTION 3. - Effective Date.

The provisions of this Ordinance shall enter into effect immediately upon the date of final approval.

SECTION 4. - Severability.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 5. - Repealer.

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.