

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP
FEBRUARY 7, 2023
7:00 P.M.
AGENDA**

I. Opening Procedures

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

II. Citizen Comments Concerning Non-Agenda Items

III. Review and Discussion

- A. Requesting Authorization to Participate in the State Road Salt Contract (a)

In order for the Township to continue participating in the Pennsylvania Department of General Services ("DGS") sodium chloride (road salt) contract, a new Salt Contract Participation Agreement must be executed and submitted to DGS by March 15, 2023. The Township shares contracts with the North Hills Council of Governments and the State for road salt and it is recommended that the Township continue to share the road salt contracts for the upcoming 2023-2024 winter season in order to maximize cost savings, needed tonnage and delivery.

- B. Requesting Authorization to File a Grant Application with Pennsylvania Department of Conservation and Natural Resources for the Meadow Park Tennis Court Improvements (a)

The attached proposed resolution authorizes the filing of a DCNR Grant Application for the Meadow Park tennis courts in the amount of \$125,000. The Capital Improvement Plan includes the replacement of the existing tennis courts, including new asphalt, coatings, nets and fencing.

- C. Proposed Amendment to the Township Zoning Ordinance to Allow for Chickens in Residential Zones and Providing Regulations for the Keeping of Chickens (a)

The Township Planning Commission formed a subcommittee consisting of two Planning Commission members, Township staff and a resident to review considerations to allow chickens in residential zones. Council reviewed the proposed ordinance at its January 3rd workshop. Based on comments and discussion, attached is a revised proposed **draft** ordinance for continued review and discussion.

- D. Proposed Amendment to the Township Nuisance Ordinance (a)

Each year staff reviews ordinances that may need updated. Staff reviewed the current Nuisance Ordinance and has recommended further clarifications in the ordinance.

E. Proposed Amendment to the Township Solid Waste Storage, Collection and Disposal Ordinance (a)

As a result of changes in the manner trash will be collected based on the new contract with Waste Management, staff reviewed the Solid Waste Storage, Collection and Disposal ordinance and has recommended updates to correlate to the new contract.

F. Request for Monetary Donation from Cooper Siegel Library

Jill McConnell, Executive Director of Cooper Siegel Library, has inquired about the status of the Township's monetary contribution. During the 2023 Budget review, Council agreed to leave the allocation in the budget as a place holder and discuss conditions/restrictions of any gift to the library in 2023.

G. Recommending Naming of Township Recreation Partners (a)

Representatives of the Lauri Ann West Community Center and Cooper Siegel Library have requested the Township's partnership to provide summer programs in Township parks in 2023.

H. 2022 White Tail Deer Management Report

The Township collaborates with Whitetail Management Associates to help maintain the deer population in the Township. Whitetail Management Associates carefully screen members for the highest standards in bow hunting proficiency, knowledge, safety and responsibility. All members must pass a proficiency test and are required to complete a 12-hour bow hunter education class for certification. Each member has several years of bow hunting and deer management experience. Every third deer is donated to charities such as the Jubilee Soup Kitchen or Salvation Army. During the 2022 deer season, Whitetail Management Associates removed 22 doe and 1 buck from the Township.

I. Council Goals/Objectives/Priorities for 2023

Council may wish to discuss potential goals, objectives and priorities for 2023.

J. Proposed February 14, 2023 Regular Meeting Agenda (a)

Attached is the proposed February 14, 2023 Regular Meeting Agenda for Council's review and approval.

IV. Concerns of Council

V. Concerns of Staff

VI. Adjournment

VII. Executive Session – Labor and Legal Matters

BILL NO. _____

RESOLUTION NO. _____

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF O'HARA AUTHORIZING THE
EXECUTION OF THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES COSTARS SALT CONTRACT
PARTICIPATION AGREEMENT**

WHEREAS, the Commonwealth of Pennsylvania enacted Act 31 of July 1971 known as the "Cooperative Purchasing Act"; and

WHEREAS, Act 31 of 1971 permits local governments to purchase materials, supplies and equipment from purchase contracts of the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Department of General Services COSTARS proposes to request bids and award a contract for the purchase of sodium chloride.

NOW, THEREFORE, BE IT RESOLVED, that the Township of O'Hara requests authorization to execute the Commonwealth of Pennsylvania Department of General Services COSTARS Salt Contract Participation Agreement in order to participate in the sodium chloride bid process and contract award for the purchase of sodium chloride, subject to the following:

1. The Township of O'Hara agrees to be bound by such terms and conditions as the Pennsylvania Department of General Services COSTARS may prescribe in such bid process and contract award.
2. The Township of O'Hara will be responsible for payment directly to the awarded vendor under each purchase contract, in accordance with the terms and conditions thereof.

BE IT FURTHER RESOLVED that the Council of the Township of O'Hara authorizes the Township Manager to execute the Commonwealth of Pennsylvania Department of General Services COSTARS Salt Contract Participation Agreement.

RESOLVED by Council vote of ___ to ___ on this _____ day of _____ 2023.

TOWNSHIP OF O'HARA

IN WITNESS

Julie A. Jakubec, CPA, CGMA
Township Manager

Robert John Smith
President of Council

Adopted _____

BILL NO. _____

RESOLUTION NO. _____

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF O'HARA AUTHORIZING THE
FILING OF A GRANT APPLICATION WITH THE PENNSYLVANIA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THE
MEADOW PARK TENNIS COURTS PROJECT**

WHEREAS, the Township of O'Hara ("Applicant") desires to undertake the Meadow Park Tennis Courts Improvements Project; and

WHEREAS, the Township of O'Hara desires to receive from the Department of Conservation and Natural Resources ("Department") a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant"; and

WHEREAS, the Applicant understands that the content of the document entitled "Terms and Conditions of Grant", including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the Applicant and the Department if the applicant is awarded a grant; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. The grant application may be electronically signed on behalf of the Township of O'Hara by "Julie A. Jakubec", who, at the time of signing, has a TITLE of "Township Manager" and the email address of "jjakubec@hara.pa.us".
2. If this Official signed the Grant Application Electronic Authorization prior to the passage of this Resolution, his grant of authority applies retroactively to the date of signing.
3. If the Applicant is awarded a grant, the Grant Application Electronic Authorization, signed by the above Official, shall become the Applicant/Grantee's executed signature page for the Grant Agreement, and the Applicant/Grantee will be bound by the Grant Agreement.
4. Any amendment to the Grant Agreement may be signed on behalf of the Grantee by the Official who, at the time of signing of the amendment, has the TITLE specified in paragraph 1 and the Grantee will be bound by the amendment.

RESOLVED by Council vote of _____ to _____ this ____ day of _____, 2023.

TOWNSHIP OF O'HARA

ATTENTION:

Julie A. Jakubec, CPA, CGMA
Township Manager

Robert John Smith
President of Council

Adopted _____

BILL NO. _____

RESOLUTION NO. _____

I, Julie A. Jakubec, duly qualified Township Manager of the Township of O'Hara, Allegheny County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Township of O'Hara Council at a regular meeting held _____, 2023 and said Resolution has been recorded in the Minutes of the Township of O'Hara Council and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Township of O'Hara, this ___ day of _____, 2023.

Julie A. Jakubec, CPA, CGMA
Township Manager

PROPOSED - 2/7/2023

TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA AMENDING THE
TOWNSHIP ZONING ORDINANCE NO. 1361 TO PROVIDE FOR
DOMESTIC CHICKEN KEEPING AS A PERMITTED ACCESSORY USE
IN THE R-1, R-2, R-3, R-4, CD-1 AND CD-2 WITH RELATED
REGULATIONS**

WHEREAS, the TOWNSHIP OF O'HARA COUNCIL is authorized by the Municipalities Planning Code ("MPC") to regulate zoning and land use within the Township through its Zoning Ordinance as embodied in the current Township of O'Hara Zoning Ordinance; and

WHEREAS, the Township of O'Hara Council desires to amend its Zoning Ordinance to provide for, and regulate the keeping of chickens for personal use in the R-1, R-2, R-3, R-4, CD-1 and CD-2 Zoning Districts as reflected in Exhibit A; and

WHEREAS, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at its duly noticed public meeting; and

WHEREAS, Township Council held a duly noticed and advertised Public Hearing on _____, 2022 to take public comments on the proposed amendment, and has duly advertised the Ordinance for consideration and enactment; and

WHEREAS, Township Council, having received public comments and the recommendation of the Township Planning Commission, finds that the enactment of the proposed amendments to the Township Zoning Ordinance will be beneficial to the Township and consistent with the Pennsylvania Municipalities Planning Code;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of O'Hara that the Ordinance is hereby Ordained and Enacted by the authority of the same as follows:

SECTION 1. ~~Section 72-4.B~~ Section 455-4.2.B (R-1 District) is amended by adding the following as a new Subsection 17:

- 17. "Keeping of Domesticated Chickens" (see Section ~~72-455~~-14.43).

SECTION 2. Section ~~455-5.2.B~~ 72-5-B (R-2 District) is amended by adding the following as a new Subsection 16:

- 16. "Keeping of Domesticated Chickens" (see Section ~~72-455~~-14.43).

SECTION 3. Section ~~455-6.2.B~~~~72-6.B~~ (R-3 District) is amended by adding the following as a new Subsection 16:

16. "Keeping of Domesticated Chickens" (see Section ~~455~~-14.43).

SECTION 4. Section ~~455-7.2.B~~~~72-7.B~~ (R-4 District) is amended by adding the following as a new Subsection 16:

16. "Keeping of Domesticated Chickens" (see Section ~~455~~-14.43).

SECTION 5. Section ~~455.8.2.C~~~~72-8.C~~ (CD-1 and CD-2 Districts) is amended by adding the following as a new Subsection 14:

14. "Keeping of Domesticated Chickens" (see Section ~~455~~-14.43).

SECTION 6. Definitions

Flock - A group of animals, such as birds, assembled together.

Domestic chicken - a bird that cannot survive without human help.

SECTION ~~76~~. A new Section ~~72-14.43~~~~455.14.43~~ is added to read as follows:

72-14.43 Keeping of Domesticated Chickens

The following shall apply to permitted accessory uses and structures for Keeping of Domesticated Chickens in Districts where specifically allowed:

- 1. A property owner shall be required to obtain a permit ~~shall be required~~ for the Keeping of Domesticated Chickens ~~and for the construction of any related coop or other structure~~. If a coop is relocated, a new permit is required. Council to determine if mobile chicken coops are permitted
- 2. A chicken coop or other related structure may only be an accessory structure, and must comply with this section and other applicable provisions of the Zoning Ordinance.

3. This permit shall be in addition to any other required permit (such as, but not limited to, a building permit, electrical permit, or fence permit, if needed).

4. Applications for a permit shall be submitted to the Zoning Officer and shall include such information as is required, ~~by the Zoning Officer and the Township Manager.~~ Such application shall include a plan showing conformance with all applicable regulations including: ~~best practices established the Township Manager;~~ a dimensioned site plan or existing survey of the property by a licensed surveyor showing the location of the exact chicken coop and run, if provided, as accurately as possible location; and a plan for collection and management of manure and ~~run~~ that shall comply with as required by all State and Federal regulations for any coop with one or more chickens, including Chapter 101 of the Pennsylvania

Department of Environmental Protection Regulations, Special Water Pollution Regulations, or is successful regulations and Pennsylvania's Nutrient Management Act.

B. Chicken Coop Location

1. The chicken coop and run, if provided, must be in a Rear Yard.
2. The entire chicken coop and any run structure in the R-1, R-2, R-4 and CD-1 and CD-2 zoning districts must be located at least ~~10~~ (25 feet recommended by Dr. Clauer, Penn State Extension) from any property line. The entire chicken coop and any run structure in the R-3 zoning district must be located a minimum of 15 feet from any property line. When measuring the distance between your applicant's house dwelling and the chicken coop, and run if provided, and your applicant's neighbor's house dwelling and the chicken coop, and run if provided, the chicken coop and any run structure must be closer to your house the applicant's dwelling the principal structure than any neighboring principal structure or immovable recreation area.

C. Number of Chickens Permitted

- ~~1. As chickens are a flocking bird, a minimum of three (3) chickens is permitted.~~
1. Three (3) chickens are permitted for the first 10,000 square feet of the lot. Each additional chicken will require 2,000 additional square feet of the lot. Lots less than 10,000 s.f. shall have a maximum of three chickens. No more than 20 chickens are permitted at one time.

~~2. As chickens are a flocking bird, a minimum of three (3) chickens is permitted.~~

D. Coop Requirements

1. Space - Coops, without a chicken run, should shall permit ~~four~~ at a minimum, three (43) square feet per chicken. Coops with a chicken run shall permit a minimum of two (2) square feet per chicken. (Recommended by Dr. Cauer, Penn State Extension) Coops ~~should shall~~ be predator proof, well maintained and in good repair. Coops ~~should shall~~ be constructed of proper building material ~~uniform in nature uniform~~. The coop ~~should shall~~ provide natural lighting, protection from weather and adequate ventilation.
 - ~~2. A coop clearly visible by neighbors must be screened from neighboring property by a fence and/or shrubs at least three (3) feet high. The fence and/or shrubs may be placed in the top (10) foot setback, but must otherwise comply with all applicable regulations.~~
 - ~~3-2 A coop shall not exceed 15 feet in height. (Note - 15' tied to maximum height of shed. Suggest a height sufficient for access, but not as tall as 15-feet.) be no taller than the height limit of a shed.~~
 - ~~3. A coop shall not exceed a maximum size of (100 s.f.) Suggested (Per Articles IV, V, VI and Sections 455-4.6.G, 455-5.6.G, 455-6.6.G, 455-7.6.G and 455-8.7.G, Lot Area, Yard and Height Requirements)~~
 4. All walls of the chicken coop must be made of the same or similar materials ~~in one color.~~
 5. Window and door trims of the chicken coop must be made of the same or similar material ~~and in one color.~~
 6. Chicken coop roof must be made of the same or similar one material ~~and in one color.~~
 7. A chicken coop must be constructed structurally sound. Scrap or waste board may not be used in the construction of a chicken coop.
 5. No mobile chicken coops are permitted. Council to further consider.

E. Chicken Run Requirements

- 1. ~~Chicken runs are not required for the raising of chickens but are recommended. Any run must comply with this ordinance. Chicken runs must be screened from neighboring property by a fence and/or shrubs at least three (3) feet high. The fence and/or shrubs may be placed in the ten (10) foot setback, but must otherwise comply with all applicable regulations.~~

- 1. Space - A chicken run, if used, shall permit a minimum of four (4) square feet per chicken. (Recommended by Dr. Clauer, Penn State Extension) Chicken run shall be predator proof, well maintained and in good repair. Chicken run shall be constructed from proper building material. The minimum gauge chicken wire that shall be used is 20-gauge and be of muted color. Other materials may be used subject to Township approval.

- 2. Chicken Run height may not exceed 15 feet in the height. (Note - 15' tied to maximum height of shed. Suggest a height sufficient for access, but not as tall as 15-feet.) of the coop. The run must be of sound construction and designed to keep predators out. The minimum gauge chicken wire that may be used is 20-gauge and be of muted color. Other materials may be used subject to Township approval.

F. Collection and Management of Manure and Wastes Plan

- 1. Plan shall comply with the Township Zoning Ordinance, Section 455-18.5, Storage and Waste Disposal, Items C. and D.

C. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses, or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies.

D. Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

- 2. The Plan shall comply with Nuisance Ordinance No. 1378, Section 295-6, Health Concerns, Item B.2.d.

d. No person shall place, throw or deposit garbage, refuse, waste, rubbish, papers, or decaying plant, animal or vegetable matter of any kind, including tree or plant cuttings, upon or along any street or highway, or upon public property, or along the bank of any stream or watercourse within the Township.

i. Nothing in the foregoing shall prohibit a person from properly maintaining a compost pile upon property owned or occupied by them on which may

be thrown leaves, lawn clippings, garden trimmings, food waste, organic materials and manure, so long as a nuisance shall not result there from.

3. Manure and wastes shall not be placed in the municipal waste collection system.

G. Odor (Newly proposed verbiage in Nuisance Ordinance)

1. No person shall manufacture, create or maintain any continuing or repeated odor or smell which is offensive, obnoxious, troublesome, annoying or unpleasant emanating from a property and is likely to interfere with the ordinary enjoyment of other property in the vicinity.

FH. General Chicken Requirements

~~1. Chicken coops and runs must be regularly cleaned and animal byproducts properly composted or disposed of. Animal byproducts may not be disposed of in the municipal trash stream.~~

~~2. No odors from the chickens, coops or run may go beyond the property line.~~

~~3. Chicken feed should be kept in a rodent-proof container. Follow manufacturer's recommendation for storage length.~~

~~4. Provide a constant supply of fresh water.~~

~~5. No roosters are permitted.~~

~~6. Chickens may roam free in a secure coop, run or fenced-in area in the rear yard. ~~in a secure, fenced-in rear yard with proper supervision.~~~~

~~7. Chickens may not roam off your property.~~

~~8. No butchering or cleaning of butchered chicken is permitted in plain sight.~~

9. No mobile chicken coops are permitted. *Council to further consider*

GH. Other Requirements

1. No advertising the selling of eggs is permitted.

2. No advertising the selling of butchered meat is permitted.

3. No ~~advertising the~~ selling of chicks or chickens is permitted.

~~3. If not used, the chicken coop and run must be removed within one (1) year.~~

4. If not used, the chicken coop, and chicken run, if provided, must be converted to another permitted use, or removed in accordance with Township Nuisance Ordinance No. 1378.

5. The chicken coop, and chicken run if provided, shall be free of Infestation in accordance with Township Nuisance Ordinance No. 1378, Section 295-6.B.1, Health Concerns, Infestation/Sanitation

1. The infestation of insects, rats, vermin or other pests. The owner shall be responsible for promptly exterminating insects, rats, vermin or other pests found by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken by the owner to eliminate insect, rats, vermin or other pests from harborage and prevent reinfestation.

~~4. If running electricity to a chicken coop, an electrical permit will be required.~~

5. A dog or cat that kills a chicken shall not, for that reason alone, be considered a dangerous or aggressive animal if a chicken is off of the owner's property.

SECTION 78. EFFECTIVE DATE. This Ordinance shall take effect and be in force immediately from and after its enactment as required by law.

SECTION 89. If any section, subsection, sentence, clause or phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

ORDINANCE NO. _____ ENACTED into law this _____ day of _____, 2022.

TOWNSHIP OF O'HARA

ATTEST:

Julie A. Jakubec, CPA, CGMA
Township Manager

Robert John Smith
Council President

BILL NO. _____

ORDINANCE NO.

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA AMENDING AND
RESTATING THE TOWNSHIP NUISANCE ORDINANCE NO. 1378**

WHEREAS, the Township of O'Hara has undertaken a review of its existing Nuisance Ordinance No. 1378; and

WHEREAS, it has been determined that certain changes should be incorporated into said Ordinance by way of an amendment and restatement for the purpose of clarification and enforceability.

NOW, THEREFORE, the Township of O'Hara hereby ordains that the Nuisance Ordinance No. 1378 of the Township is hereby amended and restated in its entirety.

IT IS HEREBY ORDAINED AND ENACTED by the Council of the Township of O'Hara, Allegheny County, Pennsylvania, as follows:

**ARTICLE I
PURPOSE**

General

Title. These regulations shall be known as the Nuisance Ordinance of the Township of O'Hara, hereinafter referred to as "this ordinance."

Scope. The provisions of this ordinance shall apply to all residential and non-residential properties, vacant land, and commercial property to the minimum requirements and standards to prohibit nuisances, protect the life, safety, and general welfare of the public, and provide for the enforcement and penalties as provided herein.

Severability. If a section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE II
DEFINITIONS**

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meanings shown in this ordinance.

Compost. A mixture of plant, food waste, organic materials and manure used as plant fertilizer to improve soil properties.

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Composting. A controlled, aerobic (oxygen-required) process that converts organic materials into a nutrient-rich soil amendment or mulch through natural decomposition.

Condemn. To adjudge unfit for occupancy.

Dangerous Conditions

1. Open wells and cisterns
2. Open excavations
3. Dangerous placement of refrigerators and other such material or equipment
4. Damaged or partially destroyed buildings or structures in state of disrepair
5. Unfinished buildings and open foundations for a period exceeding six months.

Debris. The scattered remains of something broken or destroyed, such as rubble or fragments.

Disorderly Conduct. Any act or conduct causing a disturbance of the peace and good order of the Township, including but not limited to, any loud, boisterous, excessive, unnecessary noise; fighting; quarreling; public use of obscene or indecent language; causing any danger; being visibly intoxicated; loitering or prowling on private or public property.

Exterior Property. The open space on the premises and of adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Fireworks. Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Health nuisances. Conditions that could adversely affect the health and soundness and welfare of an individual, including but not limited to:

1. Stagnant water in which insects multiply
- Properties in developed neighborhoods not maintained free of weeds, unhealthful growth, junk or debris

Infestation. A visible presence of insects, rats, vermin or other pests.

Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

BILL NO. _____

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Junk. Scrapped materials such as glass, rags, paper, or metals that can be converted into usable stock; anything worn-out or fit to be discarded.

Noxious Weeds. All weeds established under the noxious weed control list pursuant to Section 255.3(b) of the Pennsylvania Noxious Weed Control Law (3 P.S. 255.1 – 255.11).

Odor. A distinctive, unpleasant, offensive, persistent smell.

Ornamental Grass. A grass grown for its beauty or ornamental value and not established as a noxious weed.

Owner. Any 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 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. An individual, corporation, partnership, or other group acting as a unit.

Premises. A lot, plot or parcel of land including any structure thereon.

Public Nuisance. Use of property or course of conduct that interferes with the legal rights of others for such a length of time as to:

1. Substantially annoy, injure, adversely affect or endanger the comfort, health, safety or welfare of a number of persons
2. Unlawfully interfere with, obstruct or render dangerous for use or passage any street, road, sidewalk, river or public way or place
3. Interfere with the reasonable use and enjoyment of public or private property by other persons in the community

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue remaining 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, "junk", debris, metal, mineral matter, glass, crockery, dust and other similar materials.

Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Terms defined in other codes. Where terms are not defined in this ordinance and are defined in other codes adopted by the Township of O'Hara, such terms shall have the meanings ascribed to them as in those codes.

Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

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Weeds. Grasses, annual plants and vegetation. Weeds shall not include cultivated flowers, gardens, ornamental grasses, trees, shrubs, or ivy.

Yard. An open space on the same lot with a structure.

Yard Waste. Grasses, plants, vegetation, leaves, branches, and/or brush that are dead and are no longer rooted in the earth.

ARTICLE III VIOLATIONS

Specific Acts

301.1 Disorderly Conduct

Any individual whose actions or conduct causes a disturbance of the peace and good order of the Township, including but not limited to, any loud, boisterous, excessive, unnecessary noise; fighting; quarreling; public use of obscene or indecent language; causing any danger; being visibly intoxicated; loitering or prowling on private or public property, more specifically as follows:

A. Noise

1. Loud playing of radios, television sets, amplifiers and sound devices so as to be heard beyond the premises in a residential neighborhood shall not exceed sixty (60) dba for a two (2) hour duration nor after 11:00 p.m.; in a commercial area shall not exceed sixty-five (65) dba for more than eight (8) hours in a twenty-four (24) hour period nor after 11:00 p.m.; in an industrial area shall not exceed seventy-five (75) dba for eight (8) hours during a twenty-four (24) hour period nor after 11:00 p.m.
2. Operation of motor vehicles, motorcycles, motorbikes, all-terrain vehicles, mopeds and go-karts which are not adequately and properly equipped with mufflers in operating condition, or to operate same causing unnecessary noise resulting in a disturbance of the peace, or to race same, or operate same in a reckless and dangerous manner. No gasoline powered lawn equipment, off-road vehicles, or gasoline powered chain saw shall be operated any day before 7:00 A.M. nor after 9:00 P.M., nor on Sunday before 12:00 P.M. (Noon), unless being utilized for snow removal or emergency measures.
3. Operating an unlicensed vehicle, including but not limited to, go-karts, all-terrain vehicles, motor bikes, or operating model airplanes equipped with gasoline engines on a public street or on public or school grounds.
4. The keeping or harboring of any dog or other animal or fowls which by frequent howling or barking or other noise ~~or odor~~ shall annoy or disturb the neighborhood or a number of persons.

- 5. No individual, firm, corporation, or commercial operator shall conduct any building or road construction, excavating, trenching activities, or operation of heavy equipment or trucks in connection therewith between the hours of 7:00 p.m. and 7:00 a.m. daily, or on Sundays or holidays, except by special permission issued by the Township Manager. Such permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency, or that it can be carried on in a manner or in such a place that the public or residents will not be annoyed or disturbed by said construction work. Construction work shall be conducted in such a manner as to avoid or minimize the causing of dirt and dust to be carried by wind onto adjacent properties, or mud to be tracked or tracked onto streets adjacent to the project.

Exception: The emergency repair of broken water lines, gas lines, sewer lines or other utilities shall not be subject to the above restrictions.

- 6. On any given day, no person shall engage in the setting off of fireworks before 12:00 p.m. or after 10:00 p.m.

Exception: Notwithstanding the foregoing, the setting off of fireworks shall also be permitted during the following time periods: (1) December 31st from 12:00 p.m. until 11:59 p.m. and January 1st from 12:00 a.m. until 12:30 a.m.; and (2) July 4th from 12:00 a.m. until 11:00 p.m.

B. Disturbance

- 1. Parking of automobiles on streets or public property or on private property not owned by occupants of the automobile for the purpose of engaging in lewd acts.
- 2. No vehicle that is disabled, and/or from which the wheels or engine have been removed and/or that is not in operating condition, and/or which does not have a current motor vehicle license, and/or which does not have a current safety sticker attached, and/or any vehicle in a state of major disassembly, disrepair, and/or in the process of being stripped and/or dismantled shall be placed, parked, or stored on any street, right-of-way, or in any yard, driveway, or on public property for a period that shall not exceed 48 hours in any one month, as further set forth in Township Zoning Ordinance No. 409+1361, Article XVIII, Section 72455-183.87. The above regulations shall not apply to the temporary, minor repair of a vehicle by an owner or occupant of property for a period not to exceed 48 hours in any one month.

Exception: Subject to other regulations, a vehicle is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or enclosed area.

- 3. Throwing trash or rubbish upon or "littering" the streets or public or private property adjacent thereto.

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4. Properties in developed neighborhoods shall be maintained free of junk, debris, rubbish and garbage.
5. Posting bills, notices, advertisements or signs on telephone poles or elsewhere along streets or on public or private property, other than signs permitted under the Zoning Ordinance.
6. The distribution, sale or exhibition of obscene, indecent or lewd pictures, films, literature, pamphlets or engaging in any obscene, indecent or lewd act or show.
7. Any other act or acts which would be a violation of the Fire Class Township Code or the laws of the Commonwealth of Pennsylvania and not specifically defined or prohibited by any other ordinances of the Township of O'Hara.

301.2 Dangerous Conditions

It shall be unlawful for any person to maintain or permit any of the following dangerous conditions that could cause serious or life-threatening injury or death in the Township of O'Hara:

A. Openings

1. Open wells and cisterns posing a threat of falling and/or drowning.
2. Open excavations posing a threat such as, but not limited to, falling.

B. Structures

1. Unfinished or unsafe buildings, foundations or other structures for a period not to exceed one year without minimum safeguards to protect and warn occupants and the general public of danger, including but not limited to, fire, faulty construction, damage, partial destruction, dilapidated construction, unstable foundation, or possible collapse.

C. Sidewalks, Walkways, Stairs, Parking Spaces, Driveways

All sidewalks, walkways, stairs, driveways, parking spaces, public parking lots and similar areas shall be maintained free from hazardous conditions, enough for emergency personnel to access premises. Such hazardous conditions include but are not limited to, the accumulation of snow and ice, uneven concrete or bricks which may cause tripping. The owner or occupant thereof shall, within twelve (12) hours after the snow has ceased to fall, remove snow and ice from public sidewalks, walkways, or stairs. No snow or ice shall be deposited or shoveled onto the pavement of any public street.

2. Trees, vegetation or other obstructions along roadways or at intersections shall not cover, block or otherwise obstruct sight lines of traffic or traffic signs or signals.

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D. Swimming Pools

1. Any above ground or on-ground swimming pool that is greater than three feet (3') deep shall have an enclosure of not less than four (4) feet above the ground and shall conform to the requirements as stipulated in the Pennsylvania Uniform Construction Code. Any pool, associated appurtenance and electrical equipment shall be maintained in good condition, free from stagnant water, and shall be inspected and approved by the Township.

E. Miscellaneous

In the interest of the public health, safety and welfare conditions and situations shall be prohibited, including, but not limited to, the following:

1. The placement of refrigerators, freezers and other such materials or equipment, which potentially poses a threat to health or safety, including but not limited to suffocation, injury or deterioration.
2. The keeping of a vicious dog not adequately leashed or secured.

301.3 Health Concerns

In accordance with Allegheny County Health Department regulations, as may hereinafter be amended, and is on file at the Township of O'Hara for review during regular business hours, it shall be unlawful for any person to maintain or permit any of the following conditions that could cause serious life-threatening health, injury or death in the Township of O'Hara, including but not limited to:

A. Water

1. Swimming pools which are three (3) feet in depth or greater and not properly enclosed with guards or fences. All electric components shall be in good working order and properly inspected.
2. Stagnant water in which insects multiply.

B. Infestation/Sanitation

1. The infestation of insects, rats, vermin or other pests. The owner shall be responsible for promptly exterminating rodents found by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken by the owner to eliminate rodent harborage and prevent re-infestation.
2. All exterior property, vacant land and premises not kept free of rubbish, garbage and debris.

- a. The occupant or owner of any premises within the Township shall ~~provide~~obtain from the Township's Collector, and maintain in good order ~~portable~~garbage and rubbish containers for the storage of all garbage and rubbish accumulated on said premises, ~~equipped with handles and tightly fitted with lids, whose capacity shall not exceed forty (40) gallons.~~
- b. No person shall cause or allow any garbage or rubbish or dead animals to be deposited on any street or public or private property.
- c. It shall be the duty of every owner, tenant or occupant of any property in the Township to keep exterior property, vacant land and premises free from rubbish, garbage or dead animals which might become a nuisance to health, or an offensive sight or odor to residents of the Township.
- d. No person shall place, throw or deposit garbage, refuse, waste, rubbish, papers, or decaying plant, animal or vegetable matter of any kind, including tree or plant cuttings, upon or along any street or highway, or upon public property, or along the banks of any stream or watercourse within the Township.
 - i. Nothing in the foregoing shall prohibit a person from properly maintaining a compost pile upon property owned or occupied by them on which may be thrown leaves, lawn clippings, garden trimmings, food waste, organic materials and manure, so long as a nuisance shall not result there from.

C. Odors

- 1. No person shall manufacture, create or maintain any continuous or repeated odor or smell which is offensive, obnoxious, troublesome, annoying or unpleasant emanating from a property and is likely to interfere with the ordinary enjoyment of other property in the vicinity.

D. Weeds

The growing or cultivation of noxious weeds as established under the noxious weed control list pursuant to Section 255.3(b) of the Pennsylvania Noxious Weed Control Law (3 P.S. 255.1 - 255.11).

- 2. Properties in developed neighborhoods shall be maintained substantially free of noxious weeds, grass or similar plant growth in excess of 10 inches in height or until such plant goes to seed.

Exception: Wooded lots.

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301.4 Interest of Public Safety

In the interest of public safety, the following provisions shall be adhered to so not to pose a threat to the public health, safety or welfare.

1. Roof water, French drains, and property run off shall not be discharged onto streets or sidewalks or in a manner that creates a hazardous condition. Newly constructed storm water facilities cannot cause damage to adjacent property in accordance with the Township Stormwater Management Ordinance.
2. It is prohibited, including without limitation in accordance with the guidelines established by the Pennsylvania Department of Transportation, to place or allow any object to remain (including without limitation, trees, shrubs, bridges, structures, vehicles, and/or any other obstruction) in such a location as to prevent persons operating motorized and non-motorized vehicles on public streets from obtaining a clear view of traffic, pedestrians, or bicyclists at which location otherwise presents a danger to those utilizing any street or sidewalk. Any such obstruction shall be removed by the owner or occupant of the property on which the obstruction is located, or by the owner or operator of an obstructing vehicle located on a public street.
3. Areas of a public or utility easement and/or right-of-way shall be maintained by owner of such premises, property or vacant land.

Exception: In the course of a utility provider maintaining said utility appurtenance, an easement/right-of-way shall be restored by utility provider to a condition equal to the condition prior to maintenance work. Utility provider shall not be responsible for replacing trees or shrubs planted in the easement or right-of-way.

4. It shall be unlawful for any dirt, mud, soil, stone or debris to be washed, tracked or otherwise deposited upon the pavement of any street. Any dirt, mud, soil, stone or debris deposited upon the pavement of any street shall be completely removed before 5:00 p.m. of the same day. Preventative control measures and intermediate cleanings may be deemed necessary by the Township.

301.5 Composting

1. Compost materials shall be turned and mixed from time-to-time to speed up the decomposition process, aerate, and avoid the potential of creating odors.
2. If the compost emits an odor, compost shall be treated appropriately to eliminate odor.

301.6 Burning, Open Fires

1. No person shall cause to be emitted into the open air from any open fire excessive smoke, excessive odor or malodorous emissions of which conflicts with the provisions of the Allegheny County Smoke Control Law.
 2. Open burning shall be deemed allowed for the sole purpose of recreation, camping, or cooking on private property only.
 3. Open burning shall be allowed upon inspection and issuance of a Recreational Fire Permit by the Township Fire Marshal, Code Official or Township Manager.
 4. The Recreational Fire Permit Holder shall notify the O'Leary Township Police Secretary or voice mail system of the intended recreational fire a minimum of one hour prior to igniting the open fire.
 5. Open burning shall be permitted within a permanent fire circle, fireplace or commercial fire pit.
 6. Only dry, clean wood products or other open-burning fuels are permitted for opening burning.
 7. Only smokeless fuels, if any, are permitted to ignite the open fire.
 8. The pile of material being burned may not exceed three (3) feet in diameter and two (2) feet in height.
 9. The open fire must be at least ten (10) feet from the nearest structure, inhabited area, roadway, property line or utility.
 10. Portable outdoor fireplaces must be ten (10) feet from the nearest structure, area, roadway, property line or utility.
- The open fire must be attended at all times until the open fire is extinguished.
- Adequate means to control and extinguish the open fire shall be readily available at all times during any burning.
13. A class 4A fire extinguisher or garden hose shall be located close to the fire.
 14. It shall be unlawful for any person or persons to light or ignite, within the Township boundary, on public or private land, brush, wood, grass, or material of any nature, the firing of which necessitates the attendance of the Township Volunteer Fire Department or Departments and/or any other Fire Department or Departments.

**ARTICLE IV
NOTICES AND ORDERS OF VIOLATION**

401.1 Notice to Owner or to Person or Persons Responsible

Whenever a violation of this ordinance has been determined to have occurred, notice shall be given to the owner of record of the parcel on which the violation has occurred and/or the person or persons responsible for maintaining said property, vacant land or premises in the manner prescribed below:

1. Reasonable efforts to make personal contact via in-person visit or telephone call.
2. Be in writing.
3. Include a description of the real estate sufficient for identification.
4. Include a statement of the violation or violations and why the notice is being issued.
5. Include a correction order allowing a reasonable time based on the severity of the problem to comply with the provisions of this ordinance.
6. Include citation of ordinance violation and respective section and/or subsection.

401.2 Delivery of Notice or Order

Such notice or order shall be deemed to be properly delivered if:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in, on or about premises affected by such notice.

401.3 Transfer of Ownership

Upon receipt of a notice of violation by the owner or individual responsible for maintaining property, it shall be unlawful for said person to sell, transfer, mortgage, lease or otherwise dispose of such property to another:

1. Until the provisions of the violation(s) has/have been complied with; or
2. Until such owner shall furnish to the Township a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of

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such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required.

401.4 Failure to Comply

Any person failing to comply with a notice of violation will be subject to fine and/or civil suit under Article VI.

ARTICLE V EMERGENCY MEASURES

501.1 Imminent Danger

When there is imminent danger of failure or collapse of a structure which endangers life, or when any part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the designated Township Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. Such structure shall be posted at each entrance with a notice reading: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Township of O'Hara." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

501.2 Temporary Safeguards

Notwithstanding other provisions of this ordinance, whenever there is imminent danger due to an unsafe condition, the Township shall order the minimum necessary work to be done, including the boarding up of openings or demolition as deemed necessary to meet such emergency.

501.3 Emergency Repairs

The Township shall employ the necessary labor and materials to perform the required work as expeditiously as possible provided the property owner cannot be immediately located or fails to take the proper action.

501.4 Cost of Emergency Repairs

Costs incurred in the performance of emergency work shall be paid by the Township of O'Hara. If approved by the Council of the Township of O'Hara, the legal counsel of the Township of O'Hara shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**ARTICLE VI
PENALTY**

601.1 Causes of Action

In case any person, partnership or corporation who or which has violated or permitted the violation of any provision of this ordinance, the Township may institute any appropriate legal action or proceeding to prevent, restrain, correct or abate such violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct business or utilization of the building, structure or premises.

601.2 Fine

Any person, partnership or corporation who or which upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of the Township's Code. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith. ~~has violated or permitted the violation of any provision of this ordinance shall, upon being found liable in an enforcement proceeding commenced by the Township before the District Justice, pay a fine of not more than five hundred dollars (\$500.00) plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.~~

601.2.1

Each day that a violation of this ordinance occurs or continues shall constitute a separate violation, unless the District Justice determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments and costs collected for the violation of this ordinance shall be paid to the Township.

**ARTICLE VII
OTHER ORDINANCES AND RIGHTS**

701.1 Other Ordinances

In the event of conflicts, this Ordinance shall take precedence over all ordinances or parts of ordinances.

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701.2 Rights

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Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ORDAINED AND ENACTED INTO LAW this ___ day of _____, 2023 by
Township of O'Hara Council vote of _____ to _____.

ATTEST:

TOWNSHIP OF O'HARA

Julie A. Jakubec, CPA, CGMA

Robert John Smith
President of Council

First Reading
Second Reading
And Adoption
Advertised

Codified _____

DRAFT #1 - 2/7/2023

BILL NO. _____

ORDINANCE NO. _____

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA REGULATING THE
STORAGE, COLLECTION, AND DISPOSAL OF SOLID WASTE;
REPEALING AND RESTATING ORDINANCE NO. 1268 IN ITS
ENTIRETY; AND PROVIDING PENALTIES FOR THE VIOLATION OF
THIS ORDINANCE**

WHEREAS, the Township of O'Hara has undertaken a review of its existing Solid Waste Ordinance; and

WHEREAS, pursuant to the authority vested in the Township by the Pennsylvania Solid Waste Management Act 97 of 1980, as amended, the Council of the Township of O'Hara is desirous of updating the Ordinance regulating the storage, collection and disposal of garbage, rubbish, and refuse in the Township.

IT IS HEREBY ORDAINED AND ENACTED by the Council of the Township of O'Hara, Allegheny County, Pennsylvania, as follows:

SECTION I: SHORT TITLE

The short title of this Ordinance shall be "Township of O'Hara Solid Waste Ordinance", and the same may be cited in that manner.

SECTION II: REPEALING ORDINANCES

Township of O'Hara Ordinance No. 1268 is hereby repealed in its entirety.

SECTION III: DEFINITIONS

The following words and phrases used throughout this Ordinance shall have the following meanings:

Agriculture - the Pennsylvania Solid Waste Act of 1980 (P.L. 380, NO. 97 of July 7, 1980) as amended.

Agricultural Waste - poultry and livestock manure, or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural, and marketing of all agronomic, horticultural, silvicultural, and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forest, or other agricultural lands.

Back Yard Collection - the collection of municipal solid waste from residential properties at a location other than curbside.

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Bag – plastic sack designed for municipal waste with sufficient wall strength to maintain physical integrity when lifted by the top with a capacity not to exceed 40 gallons and a loaded weight not to exceed 50 pounds.

Brush - material resulting from landscaping or trees, such as leaves, limbs or twigs from trees, or cuttings from trees, shrubbery, hedges and similar matter.

Bulky Waste - large waste items including, but not limited to, appliances, furniture, and similar items, but does not include automobile parts, excessive construction and demolition waste, stones, rocks, and similar items.

Collection Container - a receptacle provided by the Township's Collector used for the temporary storage of solid waste while awaiting collection ~~that is rodent and insect proof~~

Collector - the entity or entities authorized by the Township to collect solid waste from residences, or authorized by multi-family rental housing properties, or by commercial and institutional establishments that do not receive collection services from the Township to collect solid waste from those establishments.

Commingled – recyclable glass, aluminum, metals, plastics and papers mixed together or combined into one container.

Commercial Establishments - those properties used primarily for commercial and industrial purposes, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, theaters, factories, foundries, mills, processing plants, refineries, mines, and slaughterhouses.

Commercial Solid Waste - solid waste generated by commercial and industrial businesses.

Construction and Demolition Waste - all waste building materials, grubbing waste, and rubble resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, and construction sites and pavements.

Council - the Council of the Township of O'Hara.

Curb Collection - from any structure, a point at the side of a public roadway abutting the property or from a structure abutting a private roadway, a point at the side of the private roadway, provided the property owner has issued a waiver for collection vehicles to travel along the roadway for collection.

Department - the Pennsylvania Department of Environmental Resources and its authorized representatives.

Disposal - the incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged into the waters of the Commonwealth of Pennsylvania.

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Garbage - any solid waste derived from animal, grain, fruit, or vegetable which is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors. This does not include sewage or sewage sludge or human excrement.

Hazardous Waste - waste designated as "hazardous" by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

Health Department - the Allegheny County Health Department, Pennsylvania.

Institutional - any establishment engaged in service, including educational, health care, correctional, and like facilities.

Institutional Solid Waste - all solid waste generated by institutional establishments.

Licensed Hauler - a person who has obtained a license from the Commonwealth of Pennsylvania and/or from Allegheny County or its designee. Said licenses will be issued under the Waste Transportation Safety Act (Pennsylvania Act 90), 27 Pa. C.S.A. § 620 et seq., and the Municipal Waste Planning, Recycling, and Waste Reduction Act (Pennsylvania Act 101), 53 P.S. § 4000.101 et seq., authorizing said person to collect, transport, and/or dispose of municipal solid waste, recyclable materials and bulk waste from residential, commercial, industrial, and institutional establishments.

Multi-Family Rental Housing Properties - any properties having four (4) or more dwelling units per structure that are not primarily composed of individually owned units. Examples of such are rental apartments and townhouses.

Municipal Waste - garbage, refuse, rubbish, lunchroom or office waste, and other material including solid, liquid, semi-solid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under the Solid Waste Management Act 97 of 1980, P.L. 380, as amended from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility.

Person(s) - any individual, partnership, corporation, association, institution, cooperative enterprise, trust, partnership and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Processing - any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

Refuse - discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish or a combination thereof.

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Residences - any occupied single-family dwellings, or multi-family dwellings that are primarily composed of individually owned units, for which the Township provides municipal waste collection service.

Residential Solid Waste - all garbage and rubbish generated by residences or multi-family housing properties.

Residual Waste - garbage, refuse, other discarded material, or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining, or agricultural operations and any sludge from an industrial, mining, or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act", Act 52 of 1968, P.L. 1040 No. 318, P.S. § 301 et seq. Residual waste shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to "The Clean Streams Law", Act 394 of 1937, P.L. 1987, 35 P.S. §§ 691.1 et seq.

Rubbish - all non-putrescible municipal waste and bulky waste.

Scavenging - the unauthorized removal of solid waste placed for collection or from a solid waste processing or disposal facility.

Sewage Treatment Residues - any coarse screening, grit and dewatered or air-dried sludges from sewage treatment plants and pumping from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97, as amended.

Solid Waste - any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous material.

Storage - the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of three calendar months constitutes disposal.

Street - a public or private road capable of accommodating the passage of solid waste collection vehicles.

Township - the Township of O'Hara, Allegheny County, Pennsylvania.

Township Manager - the duly appointed Manager of the Township of O'Hara.

Transportation - the off-site removal of any solid waste at any time after generation.

Transfer Station - any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

SECTION IV: PROHIBITED ACTIVITIES

- A. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Township, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97, as amended, and the Allegheny County Health Department Rules and Regulations, Article VIII, Solid Waste and Recycling Management.
- B. It shall be unlawful for any person to burn any solid waste within the Township.
- C. It shall be unlawful for any person to dispose of any solid waste in the Township except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97, as amended, and the Allegheny County Health Department Rules and Regulations, Article VIII, Solid Waste and Recycling Management.
- D. It shall be unlawful for any person to haul, transport, collect, or remove any solid waste from public or private property within the Township, without first securing a required license or permit from the Commonwealth of Pennsylvania and/or from Allegheny County or its designee.
- E. It shall be unlawful for any person to scavenge materials from any solid waste that is stored or deposited for collection within the Township.
- F. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Township except at an approved and permitted resource recovery facility under Act 97, as amended, and any Department rules and regulations adopted pursuant to Act 97, as amended.
- G. It shall be unlawful for any person to throw, place, or deposit, or cause or permit to be thrown, placed, or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Township except as provided in this Ordinance.

SECTION V: REGULATIONS FOR STORAGE OF SOLID WASTE

A. General Regulations

- 1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects, ~~or~~ rodents ~~or~~ vermin, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness, or public nuisances.
- 2. Any person producing municipal waste shall ~~provide~~ obtain a sufficient number of ~~approved~~ collection container(s) from the Collector, up to a maximum of three (3) trash containers, to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.

- 3. All municipal waste shall be drained free of liquids before being placed in collection container(s).
- 4. All garbage or other putrescible waste shall be securely wrapped in plastic, or similar material or placed in properly tied plastic bags and placed in collection container(s).
- 5. Collection container(s) shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
- 6. Collection container(s) shall be used and maintained so as to prevent public nuisances.
- 7. Collection container(s) that do not conform to the standards of this Ordinance shall not be used or which have sharp edges, ragged edges, or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner of such defective container(s) upon notice from the Township or its designated representative.
- ~~8. Reusable collection container(s) shall be constructed of durable, watertight, rust and corrosion resistant material, such as plastic, metal, or fiberglass reinforced material, in such a manner as to be leak proof, weather proof, insect proof, and rodent proof.~~
- 8. Reusable Collection container(s) shall be kept in a sanitary condition at all times. The interior of the container(s) shall be thoroughly cleaned, rinsed, drained, and disinfected, as often as necessary to prevent the accumulation of liquid residues or solids.
- 9. Collection container(s) shall always be properly stored on the owner's property at all times. Container(s) may not be stored in the front of a property.
- ~~11. Collection containers shall be placed by all persons at a collection point acceptable to the Townships Manager.~~
- 10. Bulky waste items such as furniture and appliances shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards, and fire hazards. Doors must be removed from all major appliances before they can be picked up.
- 11. Household refrigerators, freezers, window air-conditioning units, dehumidifiers and any other items containing refrigerant must have the refrigerant removed and the item stamped or tagged indicating refrigerant has been removed prior to collection.

~~134. All collection container(s), either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.~~

~~145. All municipal waste shall be stored in a manner approved by the Township Manager.~~

12. When specified by the Township **Manager**, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

B. Specific Regulations for Residences STORAGE

~~1. Only reusable collection container(s) are permitted to be used by residences for the storage of garbage.~~

~~2. Collection container(s) used for garbage shall have a tight-fitting cover and suitable lifting handles to facilitate collection.~~

1. Collection container(s) used for **backyard collection** of garbage at single-family dwellings shall have a capacity of no more than forty (40) gallons each and a loaded weight of not more than fifty (50) pounds per container. A limit of only two (2) such containers per residence is permitted for backyard collection ~~by the Township's collector~~. The use of such collection container(s) at multi-family dwellings shall be subject to the approval of the Township **Manager**.

2. Trash may not be stored in plastic bags outside. ~~Trash may be placed at the curb in plastic bags as defined in this ordinance.~~

3. The type, size, and placement of bulk waste container(s) used by multi-family dwellings shall be subject to the approval of the Township **Manager**.

C. Specific Regulations for Multi-Family Rental Housing Properties; Commercial and Institutional Establishments STORAGE

1. The storage of all municipal waste from all multi-family rental properties, and commercial and institutional establishments is subject to the regulations and standards set forth in this Ordinance.

2. Only reusable collection containers are permitted to be used for the storage of municipal waste.

3. The type, size, and placement requirements for bulk collection containers shall be determined by the waste generator and collector, subject to the approval of the Township **Manager**.

SECTION VI: REGULATIONS FOR COLLECTION OF SOLID WASTE

A. General Regulations (Contractor Collection)

1. All municipal waste collected within the Township shall ultimately be disposed of only at a landfill cited in the Allegheny County Solid Waste Plan – 1994 or on subsequent revisions thereto.
2. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, as amended, and any Department regulations adopted pursuant to Act 97, as amended, and must be licensed by the Allegheny County Health Department.
3. All collection vehicles conveying municipal waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors, and other nuisances.
4. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards, and nuisances.
5. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.
6. All solid waste collection shall be conducted Monday through Saturday between the hours of 6:00 A.M. and 6:00 P.M., unless prior approval or any exception has been granted by the Township Manager. No collection, hauling, or transporting of solid waste shall be permitted on Sunday.

B. Specific Regulations for Residences (Collection)

1. The Township shall provide for the collection of all residential solid waste, and the waste from residences through the use of ~~its own employees, or it may a~~ contract with a private collector or collectors to provide this service.
2. All residences shall utilize the collection service provided by the Township.
3. All residential solid waste shall be collected at least once per week.

Collection container(s) containing garbage at single-family dwellings shall be placed **at the curb, not in the street, no earlier than 24 hours before the day of collection, and no later than 6:00 a.m. the day of collection.**

5. **To be considered eligible for backyard garbage collection service, the Township must receive a note from a Physician indicating the resident is physically incapable of placing the collection container(s) containing garbage at the curb. A resident may also make private arrangements with the Township's Collector for backyard service.**

6. Collection container(s) used for backyard collection of garbage at single-family dwellings shall be placed in an accessible location ~~if deemed eligible for back yard collection~~ not in excess of 100 feet from a street no later than 6:00 a.m. the day of collection.
7. Collection container(s) located in a residence or garage are not eligible for back yard collection services.
8. ~~All rubbish and bulky wastes generated by single family dwellings shall be placed by the street for curb collection. Placement of these materials by the street for curb collection may be made no earlier than twenty four (24) hours before the day of collection and~~ One (1) bulk item shall be collected once per month during the first full week of the month. Bulk item shall be placed at the curb no later than 6:00 a.m. on the same day as trash collection during the bulk collection week.
8. More than one (1) bulk item may be arranged for pickup for a fee by contacting the Township's Collector.
9. Household refrigerators, freezers, window air conditioning units, dehumidifiers and any other items containing refrigerant must have the refrigerant removed and the item stamped or tagged indicating refrigerant has been removed prior to collection. Such items shall be considered bulk items.
10. All reusable container(s) used for curb collection must be returned to the storage place no later than 10 P.M. on the day of collection.
11. For multi-family dwellings, the placement of collection container(s) containing garbage, and the placement of rubbish and bulky wastes for collection, shall be subject to the approval of the Township **Manager**.

C. Specific Regulations for Multi-Family Rental Housing Properties; Commercial and Institutional Establishments (Collection)

1. All multi-family rental housing properties and all commercial and institutional establishments shall individually contract with any properly licensed collector of their choice for solid waste collection services.
- ~~2. All garbage shall be collected at least once per week.~~
2. Rubbish collection shall be made as often as necessary to control health hazards, odors, pests, and unsightly conditions. The Township reserves the right to require more frequent collection when deemed necessary.

SECTION VII: COLLECTION AND DISPOSAL COSTS

- A. All multi-family rental housing properties and commercial and institutional establishments shall be responsible for paying the costs of their own solid waste collection and disposal services.
- B. Council may at any time establish fees for the collection of residential solid waste from residences to be paid to the Township by persons requiring such service.
- C. The Township’s collector and any other licensed collectors shall be responsible for the collection of any fees for private arrangement or private contract solid waste collection and disposal services provided to any individual, residential, commercial, or institutional source located within the Township.

SECTION VIII: ADMINISTRATIVE APPEALS

All appeals from the provisions contained in this Ordinance shall be made to the Township Manager in writing.

SECTION IX: INJUNCTION POWERS

The Township may petition the appropriate Court for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance.

SECTION X: PENALTIES

Any person who violates any provision of this ordinance shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, be guilty of a summary offense which is punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or in default of payment of such fine, then by imprisonment for a period of not more than thirty (30) days, or both. Each day of violation shall be considered a separate and distinct offense.

SECTION XI: SEPARABILITY

In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be invalidated by such action.

SECTION XII: CONFLICT

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this ordinance.

BILL NO. _____

ORDINANCE NO. _____

SECTION XIII: EFFECTIVE DATE

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED this _____ day of _____ 2023, by Council vote of ____ to ____.

ATTEST:

TOWNSHIP OF O'HARA

Julie A. Jakubec, CPA, CGMA
Township Manager

Robert J. Smith
President of Council

First Reading	_____	_____	_____
Second Reading	_____	_____	_____
& Adoption	_____	_____	_____
Advertis	_____	Codified	_____

BILL NO. _____

RESOLUTION NO. _____

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF O'HARA NAMING LAURI
ANN WEST COMMUNITY CENTER AS A TOWNSHIP RECREATION
PARTNER FOR 2023**

WHEREAS, the Township of O'Hara Council wishes to offer a robust summer recreation program to its residents by naming a recreation partner to offer summer recreation activities to its residents; and

WHEREAS, The Township desires to name Lauri Ann West Community Center as a recreation partner for 2023 subject to the following conditions:

1. Act 153 clearances must be submitted for all instructors providing recreation services to minors in Township parks.
2. Township residents are to receive preferential pricing for summer recreation programs.
3. Either party may discontinue the relationship with a thirty-day notice.

NOW, THEREFORE, BE IT RESOLVED by Council of the Township of O'Hara that Lauri Ann West Community Center is named a Township recreation partner for 2023 subject to compliance of the conditions as set forth above by Lauri Ann West Community Center.

RESOLVED by Council of _____ on _____, 2023.

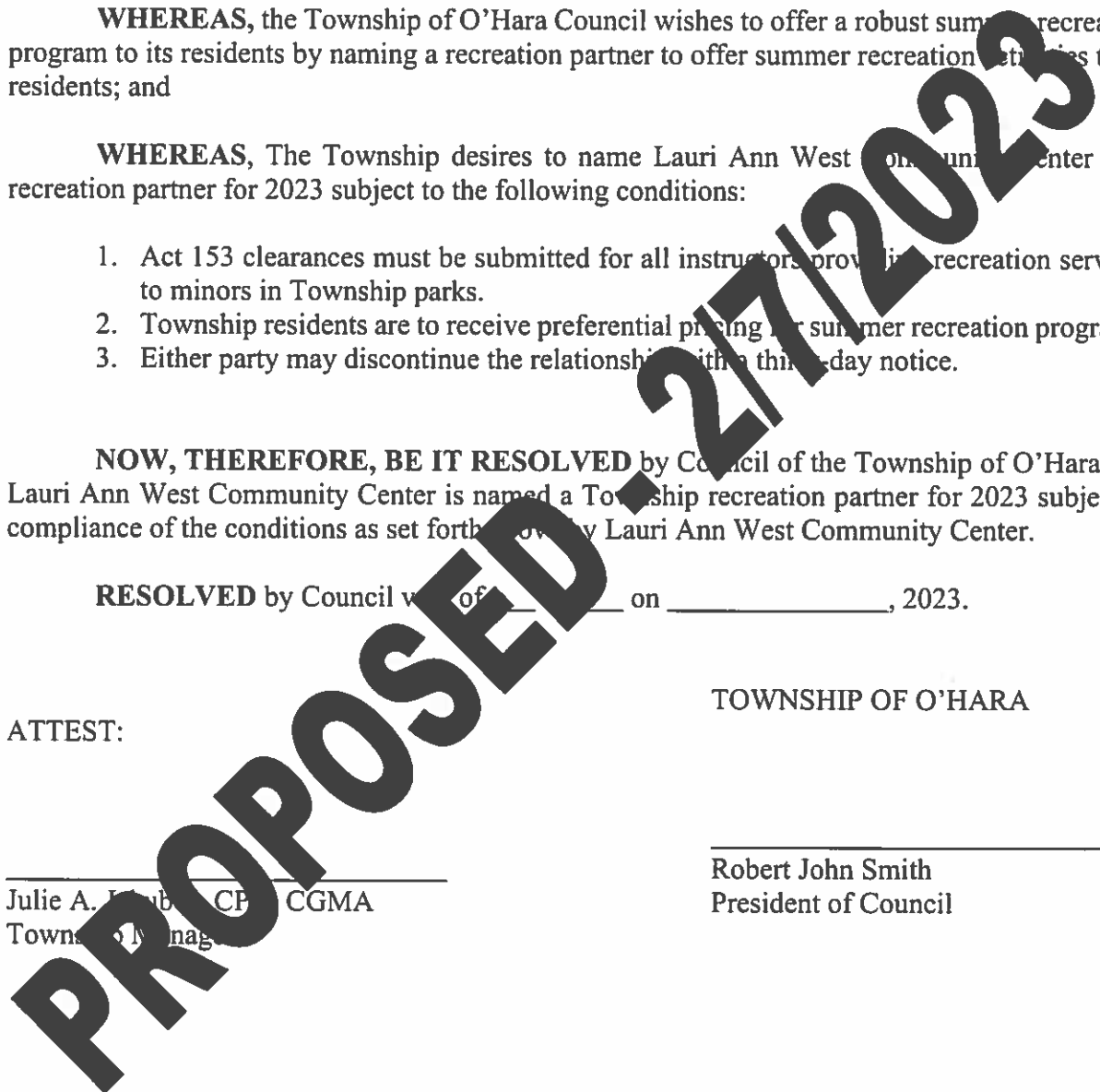
ATTEST:

TOWNSHIP OF O'HARA

Julie A. Hubert, CPA, CGMA
Township Manager

Robert John Smith
President of Council

Adopted _____



BILL NO. _____

RESOLUTION NO. _____

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF O'HARA NAMING COOPER
SIEGEL COMMUNITY LIBRARY AS A TOWNSHIP RECREATION
PARTNER FOR 2023**

WHEREAS, the Township of O'Hara Council wishes to offer a robust fall reading program to its residents by naming a recreation partner to offer fall story time activities to its residents; and

WHEREAS, The Township desires to name Cooper Siegel Community Library as a recreation partner for 2023 subject to the following conditions:

1. Act 153 clearances must be submitted for all instructors providing recreation services to minors in Township parks.
2. Township residents are to receive preferential pricing for recreation programs.
3. Either party may discontinue the relationship with a thirty-day notice.

NOW, THEREFORE, BE IT RESOLVED by Council of the Township of O'Hara that Cooper Siegel Community Library is named a Township recreation partner for 2023 subject to compliance of the conditions as set forth above by Cooper Siegel Community Library.

RESOLVED by Council of _____ on _____, 2023.

ATTEST:

TOWNSHIP OF O'HARA

Julie A. [unclear] CP CGMA
Township Manager

Robert John Smith
President of Council

Adopted _____

