

**TOWNSHIP OF O'HARA  
COUNCIL REGULAR MEETING  
MARCH 21, 2023  
7:00 P.M.  
AGENDA**

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I. Opening Procedures

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

II. Minutes

- A. Council Workshop - February 7, 2023
- B. Council Regular Meeting – February 14, 2023

A motion will be needed to approve the subject minutes followed by a second to the motion and a **voice vote**.

III. Reports

- A. Other Organizations and Agencies Reports

Individual Council members may have reports for the rest of Council and audience concerning certain organizations and agencies (North Hills COG, etc.).

- B. Monthly Departmental Reports

Council may have questions or comments concerning the written monthly reports at this time.

- C. Manager's Report

Council may have questions or comments concerning the Manager's written monthly report at this time, or the Manager may have additional information to report.

IV. Old Business

- A. Ordinances - Second Reading and Adoption

- (1) B-4-2023: Amending and Restating 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. Definitions of 'compost', 'composting' and 'odor' have been included; updates

concerning garbage storage containers relative to the new trash collection contract; and odor emanating from a property. If acceptable, a motion will be needed to adopt ordinance Bill No. B-4-2023 followed by a second to the motion and a **roll call vote**.

- (2) B-5-2023: Amending and Restating 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. If acceptable, a motion will be needed to adopt ordinance Bill No. B-5-2023 followed by a second to the motion and a **roll call vote**.

## V. NEW BUSINESS

### A. Ordinance - Introduction for First Reading

- (1) B-10-2023: Condemning an Easement for Ravine Street Stormwater Project Affecting Property Owned By Leo J. Wagner, Identified In The Office Of Property Assessment Of Allegheny County As Block Lot No. 167-H-271 (a)

The Township of O'Hara and Shaler Township have agreed to work together to reduce stormwater runoff problems on Ravine Street. Shaler will redirect the runoff to a new location that will discharge the stormwater into the natural stormwater channel and into a 36" stormwater pipe under Ravine Street. The Township will need to acquire an easement to improve the flow channel to the point of connection to the stormwater pipe. If acceptable, a motion will be needed to introduce for first reading ordinance Bill No. B-10-2023 followed by a second to the motion and a **voice vote**.

### B. Resolution

- (1) B-11-2023: Authorizing the Purchase of Three Electric Vehicle Charging Stations (a)

Due to the increasing popularity of electric vehicles, staff is recommending the purchase of three additional electric vehicle charging stations. One station would be installed at the municipal building and two additional stations would be installed at O'Hara Township Community Park. The charging stations would be purchased through a Pennsylvania CoStars contract from National E Solutions. The total cost of the three electric vehicle charging stations after rebates would be \$24,918.00. If acceptable, a motion will be needed to approve resolution Bill No. B-11-2023 followed by a second to the motion and a **roll call vote**.

C. Motions

- (1) Recommending the Submittal of the Proposed Zoning Ordinance Amendment to Allow Chickens in Residential Areas to Allegheny County Economic Development Planning Division for Review (a)

Updates and corrections from the March 14th discussion have been incorporated into the attached proposed ordinance. The Pennsylvania Municipalities Planning Code requires any zoning ordinance to be reviewed by Allegheny County Economic Development Planning Division prior to Council taking action. The County will have 45 days to review the proposed ordinance and provide comments. If acceptable, a motion will be needed to authorize the submittal of the proposed ordinance to the County for review and comment, followed by a second to the motion and a **voice vote**.

- (2) Authorizing the Auctioning of Used Play Structures and Equipment on Municibid

A play structure at Beulah Frey Park, and other play equipment at various parks need to be replaced. Staff is requesting authorization to sell the play equipment through Municibid, an online auction company where the Township gets money for equipment no longer used and other municipalities and individuals have an opportunity to purchase needed equipment at a price they can afford. Auctioning equipment through Municibid has been quite lucrative. If acceptable, a motion will be needed to authorize the auctioning of used play structures and equipment on Municibid followed by a second to the motion and a **voice vote**.

VI. Other Business

A. EV Charging Stations

Research was conducted on the use of existing electric vehicle charging stations the Township has installed at O'Hara Township Community Park and Lauri Ann West Community Center. Staff is suggesting a new rate structure of \$0.15 per kilowatt hour so all users of the charging stations cover the costs. If acceptable, a motion will be needed to implement the new rate structure for the electric vehicle charging stations, followed by a second to the motion and a **voice vote**.

VII. Communications

- A. Citizens
- B. Council
- C. Staff

VIII. Adjournment

IX. Executive Session – Labor and Legal Matters

**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 constitute 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 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.

**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 materials or equipment
4. Damaged or partially destroyed buildings or structures in a state of disrepair
5. Unfinished buildings and open foundations for a period exceeding six months.

Debris. The scattered remains of something broken or destroyed; ruins; rubble 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 on 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 Concerns. 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
2. Properties in developed neighborhoods not maintained free of weeds, unhealthy 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.

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 any other group acting as a unit.

Premises. A lot, plot or parcel of land including any structures 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 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, metals, 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.

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, scooters, 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 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 drained 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 time 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 31<sup>st</sup> from 12:00 p.m. until 11:59 p.m. and January 1<sup>st</sup> from 12:00 a.m. until 12:30 a.m.; and (2) July 4<sup>th</sup> from 12:00 p.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 not to exceed 48 hours in any one month, as further set forth in Township Zoning Ordinance No. 1361, Article XVIII, Section 455-18.87. 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.
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 First 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 and 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. Walkways, Stairs, Parking Spaces, Driveways**

1. 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.

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 and 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 safeguarded 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 obtain from the Township's Collector, and maintain in good order garbage and rubbish containers for the storage of all garbage and rubbish accumulated on said premises.
- 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 menace 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 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.

**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**

1. 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.

**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 guidelines established by the Pennsylvania Department of Transportation, to place or allow any object to remain (including without limitation, trees, limbs, hedges, 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, or 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 any 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 appurtenances, the 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 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'Hara 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 clean-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, dwelling, roadway, property line or utility.
11. The open fire must be attended at all times until the open fire is extinguished.
12. 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 violated 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 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 Costs 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 who violates or permits a violation of this chapter 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.

**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 (5<sup>th</sup>) 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.

**701.2 Rights**

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 \_\_\_\_\_.

**TOWNSHIP OF O'HARA**

**ATTEST:**

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA

\_\_\_\_\_  
Robert John Smith  
President of Council

First Reading Hughes - Hammill

7 - 0

02/14/2023

Second Reading

And Adoption

Advertised \_\_\_\_\_

Codified \_\_\_\_\_



**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 the "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:

Act or Act 97 - 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/or 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/or 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.

Manure from Township permitted chicken coops and/or runs in residential zones that is properly disposed of in the municipal waste stream is not considered agricultural waste.

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

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.

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, metal cans, 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 - all 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 other structures 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.

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. § 6201 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, semisolid, 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, State institution 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.

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, and 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. § 30.51 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 course 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 - any 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 any 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, 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 obtain a sufficient number of 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. All chicken manure must be tied and sealed in a plastic garbage bag, weigh no more than 50 pounds, and placed in collection container(s).
6. 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.
7. Collection container(s) shall be used and maintained so as to prevent public nuisances.
8. Collection container(s) that do not conform to the standards of this Ordinance shall not be used.
9. 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.
10. 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. 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.
12. 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.
13. When specified by the Township, 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. 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 two (2) such containers per residence is permitted for backyard collection. The use of such collection container(s) at multi-family dwellings shall be subject to the approval of the Township.
2. Trash may not be stored in plastic bags outside.
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.

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.

SECTION VI: REGULATIONS FOR COLLECTION OF SOLID WASTEA. 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 bulky wastes from residences through the use of 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.
4. 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 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 backyard collection services.
8. 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.
9. More than one (1) bulk item may be arranged for pickup for a fee by contacting the Township's Collector.
10. 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.

11. All container(s) used for curb collection must be returned to the storage place no later than 10:00 P.M. on the day of collection.
  12. 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.
- 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. 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.

**BILL NO. B-5-2023**

**ORDINANCE NO. \_\_\_\_\_**

**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.

**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.

**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 John Smith  
President of Council

First Reading	<u>Eccles - Denny, Jr.</u>	<u>7 - 0</u>	<u>02/14/2023</u>
Second Reading	_____	_____	_____
& Adoption	_____	_____	_____
Advertised	_____	Codified	_____

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

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA CONDEMNING AN  
EASEMENT FOR RAVINE STREET STORMWATER PROJECT  
AFFECTING PROPERTY OWNED BY LEO J. WAGNER, IDENTIFIED  
IN THE OFFICE OF PROPERTY ASSESSMENT OF ALLEGHENY  
COUNTY AS BLOCK LOT NO. 167-H-271**

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**WHEREAS**, the Township of O'Hara (hereinafter called "Township") has determined that maintenance, repair, and control of a natural stormwater flow channel along Ravine Street is necessary for the public purpose of improving natural stormwater runoff; and

**WHEREAS**, as part of the Project, easements twenty-five feet (25') in width, as well as temporary construction easements, will be necessary in order for the Township to maintain, repair, and improve the natural stormwater flow channel along Ravine Street; and

**WHEREAS**, the Township has determined that permanent and temporary easements for the Project affect portions of the property owned, or reputedly owned, by Leo J. Wagner, identified in the Office of Property Assessment of Allegheny County as Block Lot No. 167-H-271; and

**WHEREAS**, the Township has been unable to reach an agreement with the foregoing named property owner, or reputed owner, of premises which the easements shall affect regarding the acquisition of the easement for the public purpose of maintaining, repairing, and improving the natural stormwater flow channel.

**THE TOWNSHIP OF O'HARA HEREBY ORDAINS:**

Section 1. The foregoing recitals are incorporated herein as though fully set forth herein.

Section 2. Pursuant to the authority conferred by law, the acquisition of a permanent easement, as well as a temporary construction easement, both of which are located as shown on Exhibit A attached hereto and made a part hereof and incorporated herein by reference, is deemed necessary and desirous for the Township's public purpose with respect to the Project.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Section 3. Pursuant to the authority conferred by law (including without limitation, the Township of O'Hara Home Rule Charter, the Home Rule Law, 53 Pa. Con. Stat. Ann. § 2901, et seq., and the First Class Township Code, 42 Pa. Con. Stat. Ann. § 56901, et seq.), the Township does hereby appropriate and condemn permanent and temporary easements both of which are located and shown on Exhibit A for the aforesaid purposes under its right of eminent domain, and the proper officers of the Township are further authorized and directed to, if necessary, execute a bond or bonds on behalf of the Township in accordance with the provisions of the Eminent Domain Code, 26 Pa. Con. Stat. Ann. § 101, et seq., and the proper officers of the Township are further authorized and empowered to execute all necessary declarations of taking and other documents necessary to condemn said easements and rights-of-way and to take all other steps necessary and proper under the Eminent Domain Code, its supplements and amendments, to condemn said property and compensate the owner, or reputed owner, according to law.

ORDAINED AND ENACTED INTO LAW this \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
by Council vote of \_\_\_ to \_\_\_.

ATTEST:

TOWNSHIP OF O'HARA

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

\_\_\_\_\_  
Robert John Smith  
President of Council

First Reading	_____	_____	_____
Second Reading	_____	_____	_____
& Adoption	_____	_____	_____
Advertised	_____	Codified	_____

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

**A RESOLUTION OF THE TOWNSHIP OF O'HARA AWARDING A BID  
FOR THE PURCHASE OF ELECTRIC VEHICLE CHARGING STATIONS**

**WHEREAS**, Township staff has recommended the purchase of three (3) Electric Vehicle Charging Stations due to the increased popularity of electric vehicles; and

**WHEREAS**, the Township has the opportunity to order electric vehicle charging stations under the CoStars Contract No. 44000241897; and

**WHEREAS**, National E Solutions is the lowest responsible bidder under the contract for the electric vehicle charging stations desired by the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of O'Hara that the bid for the purchase of three electric vehicle charging stations, as specified, be awarded to National E Solutions under the CoStars Contract No. 4400024187 for the bid price of \$45,918.00 less after-purchase rebates for a total of \$24,918.00.

**RESOLVED** by Council vote of \_\_\_\_ to \_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

TOWNSHIP OF O'HARA

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

\_\_\_\_\_  
Robert John Smith  
President of Council

Adopted \_\_\_\_\_

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**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 MPC

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

**SECTION 1.** 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 455-14.43).

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

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

**SECTION 3.** Section 455-6.2.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 (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 (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.

**Mobile Chicken Coop** - Any chicken coop that houses four (4) or less chickens with wheels to provide mobility.

**SECTION 7.** A new Section 455.14.43 is added to read as follows:

**455-14.43 Keeping of Domesticated Chickens**

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

A. Permit

1. A property owner shall be required to obtain a permit for the keeping of domesticated chickens in a stationery **or mobile chicken coop**. If a stationery chicken coop is relocated, a new permit shall be required.
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. Such application shall include a plan showing conformance with all applicable regulations including: a dimensioned site plan or existing survey of the property showing the location of the chicken coop and run, if provided; the designated area for the mobility of a mobile chicken coop; and the management of manure and wastes.

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, ~~stationery or mobile~~, in the R-1, R-2, R-4 and CD-1 and CD-2 zoning districts must be located at least 10 feet from any property line **at all times**. The entire chicken coop and any run structure, ~~stationery or mobile~~, in the R-3 zoning district must be located a minimum of five (5) feet from any property line **at all times**.
3. Mobile chicken coops are limited to one (1) mobile chicken coop per property.
4. The location of a mobile chicken coop shall be **located in the designated area specified in the approved plan**.

C. Number of Chickens 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. **Mobile chicken coops, and runs if provided, shall house a maximum of four (4) chickens.**

D. Coop Requirements

1. Space - Coops, without a chicken run, shall permit at a minimum, three (3) square feet per chicken. Coops with a chicken run shall permit a minimum of two (2) square feet per chicken.
2. Height - A coop shall not exceed **eight (8)** feet in height.
3. Size - A coop shall not exceed a maximum size of 100 s.f.



4. General - Coops shall be constructed from proper building materials and structurally sound. The coop shall be predator proof, well maintained and in good repair, provide natural lighting and adequate ventilation, and protection from weather.

E. Chicken Run Requirements

1. A chicken run, if used, 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 may not exceed seven (7) feet in height.

F. Collection and Management of Manure and Wastes

1. Property owner shall comply with the Township Zoning Ordinance, Section 455-18.5, Storage and Waste Disposal, Items C and D, ~~as well as all applicable State and Federal Laws and Regulations.~~

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 property owner shall comply with Township Nuisance Ordinance, 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.~~

3. Chicken manure will only be accepted in the municipal waste collection system as a municipal waste product when the chicken manure is tied and sealed in a plastic garbage bag and weighs no more than 50 pounds.

*Prior contract with Waste Management did not accept chicken manure (workers comp liability). Since the new contract with Waste Management is contactless, they will accept chicken manure as a municipal waste product provided it is tied and sealed in a plastic garbage bag and weighs no more than 50 pounds.*

G. Odor

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.

H. General Chicken Requirements

1. Chicken feed shall be kept in secure rodent-proof containers.
2. No roosters are permitted.
3. Chickens ~~may roam~~ must be in a secure coop, run or fenced-in area in the rear yard at all times.
4. No butchering or cleaning of butchered chicken is permitted in plain sight.

I. Other Requirements

1. No selling of eggs is permitted.
2. No selling of butchered meat is permitted.
3. No selling of chicks or chickens is permitted.
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, **Section 455-18.1, Compliance.**

1. No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or constitute a nuisance or be a detriment to the

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health, safety, moral or general welfare of the community or to any other person or property in the Township.

5. The chicken coop, and chicken run if provided, shall be free of infestation in accordance with Township Nuisance Ordinance, 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 re-infestation.

6. 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 the owner's property.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall take effect and be in force immediately from and after its enactment as required by law.

**SECTION 9.** 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.

**ORDAINED AND ENACTED** into law this \_\_\_\_ day of \_\_\_\_\_, 2022.

TOWNSHIP OF O'HARA

ATTEST:

\_\_\_\_\_  
Julie A. Jamboree, CPA, CGMA  
Township Manager

\_\_\_\_\_  
Robert John Smith  
Council President

First Reading: \_\_\_\_\_  
Second Reading \_\_\_\_\_  
and Adoption: \_\_\_\_\_  
Advertised: \_\_\_\_\_ Codified \_\_\_\_\_