

Fines: All fines for the listed violations will be not less than \$1.00 nor more than \$600.00 or imprisoned for not more than 90 days, or both.

No Duty to Enforce: Nothing in this Chapter shall be construed as requiring the City to enforce the prohibitions in this Chapter against all or any properties or persons which may violate the Ordinance. In the City's prosecutorial discretion, and as the City's resources permit, this ordinance may be enforced only as to a limited number of problem properties per year. Nothing in this section or the absence of any similar provisions from any other City law shall be construed to impose a duty upon the City to enforce such other provision of law.

Loitering Prohibited:

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner to:

- Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted vehicle traffic or pedestrian; or
- Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free or uninterrupted use of property or with any business lawfully conducted by anyone in such public street, public highway, public sidewalk or other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto.

Skateboards, Scooters, Skates, and Bicycles:

Vehicles used for the propulsion of people by human power, not subject to registration under state motor vehicles laws, including but not limited to bicycles, scooters, skateboards, roller skates, and roller blades. This designation does not include any device operated by a person or a person directly assisting a person, who is unable to walk or otherwise ambulate without the assistance of a human-powered conveyance.

- No person shall operate a skateboard, scooter, skates, and bicycles on any sidewalk or public walkway, in the Downtown Business District.
- Operating to Endanger – No person shall operate a skateboard, scooter, skates, or bicycle so as to endanger any pedestrian on any public way or in such a manner as might discourage any pedestrian from the peaceful use of such public ways or in such a manner as to interrupt the smooth flow of automobile traffic.

Noise:

It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the Downtown Business District. Sounds impacting commercial and residential life; It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within three hundred (300) feet of any residentially occupied structure in any zone of the city:

- Operate a front-end loader for refuse collection between the hours of 9:00 p.m. and 4:00 a.m.
- Operate construction machinery between the hours of 9:00 p.m. and 7:00 a.m.

- Operate lawn mowers and other domestic tools out-of-doors between 9:00 p.m. and 7:00 a.m.
- Any mechanical noise which registers more than sixty (60) db(A) at the nearest complainant's property line will be probable cause for a violation.
- This section shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds exceeding sixty (60) db(A) and shall not apply to emergency operations designed to protect the public health and safety.
- Amplified sound; Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., measured anywhere within the boundary line of the nearest commercially, and residentially occupied property, except in accordance with a permit obtained from the city.
- Animals. It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person.

Posting Bills:

It shall be unlawful for any person, firm, or corporation to post any bills or advertisements on any public property without the authority of the city; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

Solicitation:

No person shall solicit funds or seek contributions for any purpose whatsoever upon the Washington Business District except when the activity has been specifically authorized.

Selling:

No person shall use the Washington Business District as a stand from which to sell, or expose for sale, goods or other things, without permission of the Mayor. The City may impose such fees, insurances, and other requirements as it deems reasonable and necessary to protect the public health, safety, and general welfare.

Alcoholic Beverages:

- No alcoholic beverages may be consumed, in public in the Washington Business District, without permission from the City.
- It shall be illegal for any individual or group of individuals, in public, to consume any type of alcoholic beverage while they are in the Business District, accept by permission of the City.

Activities:

- The City Clerk, as authorized by the Mayor, will review, schedule and grant final approval to all scheduled activities in the 14 block Business District.
- The activities which can be conducted within the Business District are those which would not interfere with the health and safety, and/or welfare of the community, and which would not be aesthetically or physically detrimental to the Downtown Business District and which would promote education, community spirit, and bring interest to the Business District, or stimulate any other community enterprise.
- All users for the above mentioned scheduled activities in the Business District shall be responsible for cleaning and repairing of the Business District to assure that the District will return to its prior condition previous to its use. Failure to comply with this provision shall result in the City taking such action as is necessary to clean and repair the District and restore it to its prior condition. In such a case the city will bill the user for its costs of such cleaning or repairing. This does not preclude the City from performing normal routine cleaning and maintenance.
- The City of Washington and the Washington Business District Authority is not responsible for damages, accidents, or incidents which occur with activities in the Washington Business District.

Conduct:

- All offenses against public order and decency as defined under the **Pennsylvania Crime Code Act of 1972, No. 334 as amended**, are prohibited in the Washington Business district.
- Public Intoxication and indecent language are prohibited in Washington Business District.
- Sun bathing is strictly prohibited in the Washington Business District

Furniture:

- No permanent installation of any type shall be permitted in the Business District. All tables, chairs or other furniture must be removed within 1 hour of the closing of stores unless otherwise permitted.
- Tables, chairs, or other furniture shall not be placed on the Business District prior to 9:00am to allow for cleaning unless otherwise permitted.
- Tables or other furniture shall be manned at all times. (i.e. No unmanned tables for distribution of literature), unless approved by the City.
- At no time is outdoor grilling and/or cooking allowed in the Washington Business District, unless, approved by the City.

Prohibited Uses:

It is unlawful for anyone to engage in any of the following activities within the Washington Business District unless said activity has been specifically authorized by the Mayor.

- Display of Merchandise upon any area of the Washington Business District.
- Street sale of flowers, souvenirs, or other merchandise.
- Distribution of handbills unless part of an approved special event or activity.
- Any other commercial activity not specifically authorized.
- A frame signage unless approved by the City.

Obstructing Stairways or Entrances or Exits:

It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor, entrance, or exit in any office building, store, or any other public establishment in such a manner that it interferes with the free use of such stairways, aisle, corridor, entrance or exit located in the Washington Business District.

Snow Removal:

City Street Department will be responsible for snow removal on streets and alleys.

Property owners will be responsible for snow removal for any vacant properties, sidewalks, entrances, exits, any form of regress or egress and parking lots. Tenants will be responsible for all sidewalks entrances and exits, and any form of regress or egress within their lease space.

Property Maintenance both occupied and vacant:

All ICC 2009 codes are in strict enforcement for all properties within the Washington Business District and enforceable by the City Code Enforcement officer. This code shall be construed to secure its expressed intent, which is ensuring public health, safety and welfare in so far as they are affected by the occupancy and maintenance of structures and premises.

Design Criteria for Vacant and Occupied structures:

All paint schemes and architectural rehabilitation of any structure (vacant or Occupied) within the Business District must be submitted to the Cities Planning Commission for approval. **NO EXCEPTIONS**

Smoking:

The purpose of this ordinance;

- Protect the public health, safety and general welfare by prohibiting smoking in public places under circumstances where other persons will be exposed to second hand smoke.
- Assure a cleaner and hygienic environment for the Business District, its residents.
- Strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including children, to breathe smoke-free air, recognizing the threat to public health and the environment which smoking causes.
- Recognize the right of residents and visitors to the city to be free from unwelcome second-hand smoke.

It shall be unlawful for employers, renters, leasers to permit employees, staff, tenants to smoke in the front primary of their property, and/or business establishment on

Main Street proper, within the City of Washington Business District. Property owners must provide smoking receptacles in the rear primary of their property not within 20' of the rear primary entrance. Proper signage must be in place to ensure designated smoking areas are accessible. A violation of this ordinance shall constitute a misdemeanor punishable.

Defacing of Public and Private Property:

The use of broad-tipped pens, paint spray cans, pencils, pens, crayons or other marking devices to write or place graffiti on the walls or other available spaces on public or private buildings, vehicles, areas or facilities causes serious defacement of such buildings, vehicles and areas, public and private, and contributes to the deterioration of property values, as well as offending the public's right, public and private, not to have unsightly and unlawful graffiti on, with defacement of, public and private property, and it constitutes a deleterious practice contrary to the public health and welfare. In addition, such contempt for the property rights of private citizens, as well as public facilities, contributes to the erosion of law and order and contributes to the deterioration in the quality of life of the community and must be opposed and punished

- No person shall write, print or place with ink, paint, chalk or other substances graffiti on the real or personal property of another, whether said personal or real property be publicly or privately owned
- All persons directly or indirectly involved shall be equally responsible and guilty, not alone the individual who may personally deface the object or area; but others in a group who knowingly make available the tools, writing material, ladders, lookout, materials or assistance or who knowingly supply funds to acquire such materials for such purposes shall be equally guilty and liable to punishment under this chapter.
- Any person violating any of the provisions of this chapter shall, upon conviction, be fined not less than \$1.00 nor more than \$600.00 or imprisoned for not more than 90 days, or both.
- Any person who violated this chapter shall also be responsible for the cost of cleaning, repairing, painting or otherwise restoring the property which he/she damaged, defaced or vandalized so as to bring the property to the condition it was in prior to the application of the graffiti.
- If said violator was under the age of 18 years old at the time of committing said offense, the District Justice shall order the person having care and custody of said violator to pay the prescribed fine and make restitution to said real or personal property owner.
- Property owners shall be liable for removal of graffiti in the event that the person responsible for defacing the property cannot be determined. Upon proper notice by the duly authorized borough official, the property owner shall remove or cause to be removed any and all such graffiti within 60 days. Failure to comply with this section shall result in the imposition of a fine of not less than \$100 nor more than \$300. In the event that the borough shall cause to have the graffiti removed because the owner has not complied with an order to do so, the borough may recover the costs of the same from the property owner.
- If caught defacing public property, individuals may be forced to clean all graffiti or defacement off all properties within the City.

Trash and littering:

Any unauthorized accumulation of litter on any premises, whether public or private, is hereby declared to be a nuisance and is prohibited. Failure of the responsible person(s) to immediately remove any existing accumulation of litter after notice from the department of health or other designated representative of the city shall be deemed a violation of this article.

BUSINESS ESTABLISHMENTS TO KEEP SIDEWALKS CLEAN.

All business establishments, property owners, tenants and agents situated in the Central Business District and the other Business Districts of the City shall keep the sidewalks, driveways, lots, parking areas, loading areas and entranceways adjacent to their property, from the building line to the curb, clean and free of debris, trash, rubbish, garbage and litter, Monday through Saturday between the hours of 9:00 a.m. and 5:00 p.m. or during their normal business hours, whichever is the greater period of time. For collection purposes, storage of such things shall only be in an approved receptacle and shall not remain more than one (1) hour.

No person shall:

- Throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles expressly provided for that purpose.
- Throw or deposit litter on any private property, whether vacant or improved, occupied or unoccupied, except that the owner or person in control of private property may maintain authorized private receptacles for collection as provided herein.
- Place litter in an authorized public or private receptacle in such manner as might permit it to be carried or deposited by the elements upon any public place or upon private property.
- Cast, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises within the city.
- While a driver or passenger in a vehicle, throw or deposit litter upon any public place or private property.
- Drive or move any truck or other vehicle within the city unless such vehicle is so constructed or covered as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.
- All leash laws and animal waste removal must be adhered to.
- All Tavern and Restaurant owners will be responsible for all broken bottles, garbage, litter and damage from said materials, on their property as well as the public sidewalks, streets, and parking lots.

Private Enforcement:

- (a) The city attorney or city prosecutor may also bring a civil action to enforce this chapter and to obtain the remedies specified below or otherwise available in equity or at law.
- (b) Any person acting for the interests of him-, her-, or itself, or of its members, or of the general public (hereinafter “a Private Enforcer”) may bring a civil action to enforce this chapter with the remedies specified below, if both of the following requirements are met:
 - (1) The action is commenced more than 60 days after the Private Enforcer has given written notice of an alleged violation of this chapter to the city attorney and to the alleged violator.
 - (2) No person acting on behalf of the city or the state has commenced or is prosecuting an action regarding the violation(s) which was or were the subject of the notice on the date the private action is filed.
- (c) A Private Enforcer shall provide a copy of his, her or its action to the city attorney within seven days of filing it.
- (d) Upon settlement or judgment of an action brought pursuant to paragraph (g) of this subsection, the Private Enforcer shall give the city attorney notice of that settlement or judgment and of the final disposition of the case. No Private Enforcer may settle such an action unless the city attorney or the court determines the settlement to be reasonable in light of the purposes of this chapter and any settlement in violation of this requirement may be set aside upon motion to a court of competent jurisdiction by the city attorney or city prosecutor.
- (e) Upon proof of a violation of this chapter, the court shall award the following:
 - (1) Damages in the amount of either:
 - (i) upon proof, actual damages; or
 - (ii) with insufficient or no proof of damages, \$250 for each violation of this chapter (hereinafter “Statutory Damages”). Unless otherwise specified in this chapter, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this chapter, no Private Enforcer suing on behalf of the general public shall recover Statutory Damages based upon a violation of this chapter if a previous claim brought on behalf of the general public for Statutory Damages and based upon the same violation has been adjudicated, whether or not the Private Enforcer was a party to that earlier adjudication.
 - (2) Restitution to the appropriate party or parties of the gains obtained by way of violation of this chapter.
 - (3) Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for the public health and safety.
 - (4) Attorneys’ fees and costs reasonably incurred by a successful party in prosecuting or defending an action.

Any damages awarded in an action brought by the city attorney or city prosecutor shall be paid into the city’s general fund unless the court determines that they should be paid to a damaged third party.

- (f) Upon proof of at least one violation of this chapter, a Private Enforcer, the city prosecutor, city attorney, any peace officer or code enforcement official may obtain an injunction against further violations of this chapter or as to small claims court actions, a judgment payable on condition that a further violation of this chapter occur within a time specified by the court.
- (g) Notwithstanding any legal or equitable bar, a Private Enforcer may bring an action to enforce this chapter solely on behalf of the general public. When a Private Enforcer do so, nothing about such an action shall act to preclude or bar the Private Enforcer from bringing a subsequent action on his, her or its own behalf based upon the same facts.
- (h) Nothing in this chapter shall prohibit a Private Enforcer from bringing a civil action in small claims court to enforce this chapter, so long as the amount in demand and the relief sought are within the jurisdiction of small claims court.

Officials of the City of Washington PA

Mayor—L. Anthony Spossey

Councilman—Matt Staniszewski

Councilman—Tom Blackhurst

Councilwoman—Virginia Ullom

Councilman—Terry L. Faust

Police Chief - - Roger Blyth

Solicitor - - Lane Turturice

Code Enforcement Officer - - Michael Behrens

City of Washington Planning Commission

Washington Business District Authority

Chairman: Christopher Potts

Vice Chair: Debra Rhone

Treasurer: William Mesler

Board of Directors:

Thomas Zimmaro

John Taggart

Mark Logston

Matt Uram

Linda Wolf

Diana Ambrose

Main Street Manager:

Pete Stefansky

Special Thanks to the Washington County Council on Economic Development,
Dan Reitz and Ed Nemeth

Legal Description of the Business District:

Adoption Date : December 2009