

Ordinance No. 525

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF TICKETS FOR THOSE OFFENSES AS DEFINED BY RESOLUTION RATHER THAN CITATIONS AS THE INITIAL FORM OF DUE PROCESS THEREBY PROMOTING THE BEST INTEREST OF THE RESIDENTS OF THE BOROUGH OF DANVILLE BY PERMITTING THE RESOLUTION OF AN ALLEGED VIOLATION IN AN EXPEDITIOUS FASHION WITHOUT RESORTING TO THE COURTS TO RESOLVE THE MATTER.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF DANVILLE, MONTOUR COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1: GENERAL PROVISIONS

The ordinance shall be known and may be cited as the Quality of Life Ticketing Ordinance of the Borough of Danville.

Section 1.1 The Purpose of the ordinance is:

A. To provide for a mechanism by means of issuance of tickets rather than citation to permit a citizen who believes he may have been in violation to pay the ticket rather than cause the issuance of a citation and a costly and protracted legal hearing before a judge and unnecessary appeals. The resolution in this manner is beneficial from a twofold perspective in that it permits the Borough to maintain and enforce its laws and permits a citizen so accused to resolve the dispute in a manner that does not unduly burden the resident by requiring the issuance of a citation and a court hearing. It also does not deprive the citizen the right to dispute the ticket and receive the full benefit of procedural and substantive due process of law.

SECTION 2. DEFINITIONS

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.

VIOLATOR. See OWNER

SECTION 3. ENFORCEMENT

A. The provisions of any article so enumerated shall be enforced by police officers and code enforcement officers who are sworn to uphold and enforce the law of the municipality.

B. Council may change those sections to be covered under this Quality of Life Ticketing ordinance from time to time by resolution; however at the time of the adoption of the ordinance the following chapters are hereby deemed and ordained to be under the jurisdiction of this process:

Article II, Garbage and Rubbish within Chapter 207 entitled Solid Waste  
Section 302.4 of Chapter 180 entitled Property Maintenance  
Chapter 203 entitled Snow and Ice Removal

C. Any violation of the provisions on any article as enumerated in this chapter may be cause for a violation ticket to be issued to the violator.

D. A violation ticket shall be served upon the violator in the following manner:

1. By handing the ticket or notice of violation to the violator.
2. By handing it to an adult resident of the subject property.
3. By leaving or affixing the notice or violation ticket to the property where the violation exists.
4. By mailing the notice or violation ticket to the violator's address of record first class mail with a certificate of mailing.

E. Each day after the issuance of a ticket that a violation continues or is permitted to continue constitutes a separate offense for which a separate fine may be imposed.

F. If the Borough has corrected a violation, the cost thereof shall be charged to the owner of the property by whatever means is available to the municipality.

#### SECTION 4. VIOLATION TICKET DISPOSITION.

A person in receipt of a violation ticket shall have 10 days within which time to pay the amount of the ticket. In the event the ticket is not paid within 10 days such failure to pay shall result in the issuance of a non-traffic citation for the offense as enumerated on the ticket.

#### SECTION 5. FINES AND PENALTIES.

1. For the first offense of the violation of this article within a 12 month period, the tickets shall be issued in the amount of \$25.00
2. For the second offense of the violation of this article within a 12 month period, the tickets shall be issued in the amount of \$50.00.
3. For the third offense of the violation of this article within a 12 month period, the tickets shall be issued in the amount of \$100.00.


4. For the fourth offense and all subsequent offenses of the violation of this article within a 12 month period, the tickets shall be issued in the amount \$300.00.


SECTION 6. SEVERABILITY.

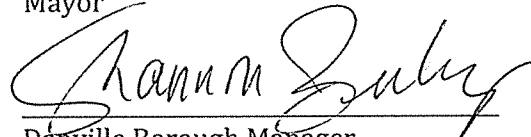
The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, valid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not effect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance.

The provisions of any prior Ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. This Ordinance shall be effective immediately upon adoption.

Approved and enacted this 10<sup>th</sup> day of February 2015, by Danville Borough Council.

  
\_\_\_\_\_  
President of Danville Borough Council

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Danville Borough Manager

SEAL