

Chapter 5 – Part H (Quality of life ticketing)

(OR1-2020)

100.00: Title

100.10 This chapter shall be known and may be cited as the "Quality of Life Ticketing Ordinance of the Borough of Saegertown."

200.00: Purpose

200.10 The purpose of this chapter is to provide for a mechanism by means of issuance of tickets to permit a citizen who believes he may have been in violation to pay the ticket rather than cause the issuance of legal proceedings and a costly and protracted legal hearing before a judge and unnecessary appeals.

200.20 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 person so accused to resolve the dispute in a manner that does not unduly burden the person by requiring the issuance of legal proceedings and a court hearing.

200.30 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.

300.00 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

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 a tenant, 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 or any legal entity.

VIOLATOR — See "owner."

400.00 Enforcement

400.10 The provisions of any chapter/article/section so enumerated shall be enforced by Code Enforcement Officer(s) or other duly appointed person of the Borough of Saegertown.

400.20 At the time of the adoption of this Chapter, the following chapters/articles/ sections are hereby deemed and ordained to be under the jurisdiction of this process:

See attached Attachment A.

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

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

400.41 By handing the ticket or notice of violation to the violator; or

400.42 By handing it to an adult resident of the subject property; or

400.43 By leaving or affixing the notice or violation ticket to the property where the violation exists; or

400.44 By mailing the notice or violation ticket to the violator's address of record by first-class mail, with a certificate of mailing.

400.50 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.

400.60 If Saegertown Borough has corrected a violation, the cost thereof shall be charged to the violator by whatever means is available to the Borough of Saegertown.

500.00 Violation ticket disposition.

500.10 A person in receipt of a violation ticket shall have 10 days within which time to pay the amount of the ticket.

500.11 In the event the ticket is not paid within 10 days, such failure to pay shall result in the issuance of appropriate legal proceedings for the offense as enumerated on the ticket and provided in the Code of Saegertown Borough.

600.00 Fines and Penalties.

Fines and Penalties shall be set by duly authorized and adopted Resolution of Saegertown Borough Council.

700.00 Nonexclusive Remedies.

700.10 The penalty and collection provisions of this section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough of Saegertown as may be deemed appropriate for carrying out the purposes of this Ordinance.

700.11 The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace to any degree, the remedies and procedures available to the Borough in the case of a violation of any Borough of Saegertown Ordinance, whether or not such other code or ordinance is referenced in this chapter and whether or not ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

800.00 Severability.

800.10 The terms, provisions and applications of this Ordinance are severable.

800.20 If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions of applications of this Ordinance. The remaining provisions and/or applications of this Ordinance shall remain in full force and effect without the invalid provision or application.

900.00 Repealer.

900.10 All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

1000.00 Effective Date

1000.10 This ordinance shall become effective immediately upon approval because it is an ordinance providing for the preservation of public peace, health, morals, and safety.

1000.20

ORDAINED AND ENACTED into an Ordinance of the Borough of Saegertown this 14th day of December, 2020, by the Council for the Borough of Saegertown.

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Attachment A (Page 1)

The following list of fines in the sections of the codified ordinances that No Warning is required to be issued a ticket for a violation:

Class A fines:

- Chapter 6 – Part C (All sections) (Burning regulations)
- Chapter 11 – Part A (section 110.10 and 110.20) (One-way Traffic – Mook Alley)
- Chapter 11 – Part A (section 204.20 and 204.21) (Large Vehicles Backing off Main St.)
- Chapter 11 – Part A (section 402 all sub-sections) (Loading & Unloading)
- Chapter 11 – Part A (section 406 all sub-sections) (Parking by Hydrant)
- Chapter 11 – Part A (section 405.20) (Blocking Driveways)
- Chapter 11 – Part A (section 405.30) (Parking in marked NO PARKING areas)
- Chapter 11 – Part A (section 209 all sub-sections) (Parking near Jordan Park)
- Chapter 11 – Part A (section 409 all sub-sections) (Vehicle Repairs on Streets)
- Chapter 18 – Part A (Section 304.10) (Signs on roundabouts)

Class B fines:

- Chapter 5 – Part A (section 200 all -sub-sessions) (Illegally Shooting Firearms and fireworks)
- Chapter 5 – Part G (Section 308.10) (Borough Property)
- Chapter 5 – Part G (Sub-Section 308.11) (Damaging Borough Property)
- Chapter 5 – Part G (Sub-section 308.13) (Littering)
- Chapter 10 - Part A (entire Ordinance) (Soliciting without a Permit)
- Chapter 12 – Part A (section 500.20) (ATV's on Borough Property)
- Chapter 12 – Part A (section 500.30) (Jordan Park closed at Dark)
- Chapter 12 – Part A (section 500.40) (48 hr. Parking at Jordan Park)
- Chapter 12 – Part A (sections 500.50 & 500.51) (Dumping at Jordan Park)
- Chapter 20 – Part F (section 200.70) (No private turning curb box on or off)
- Chapter 20 – Part F (sections 502.01) (Hydrant Use without Permission)
- Chapter 20 - Part F (section 504.01) (providing/selling water without permission)

Class D fines:

- Chapter 2 – Part D (section 1200.10 & 1200.20) (Animal Cleanliness)
- Chapter 2 – Part D (add new section 900.21) (cleanliness if animals kept indoors)
- Chapter 11 – Part A (section 220 all sub-sections) (Parking Main & Erie)
- Chapter 11 – Part A (section 406) Parking by Fire Hydrant
- Chapter 18 – Part A (sections 302.2 and 302.3) (Swimming Pools)

Class F fines:

- Chapter 16 – Part B (street marking)
- Chapter 16 – Part C (section 600) (Parking/driving on or over Sidewalk)
- Chapter 16 - Part C (section 700.10) (Plowing snow across a Street)
- Chapter 16 – Part C (section 700.10) (Plowing snow onto Borough Property)
- Chapter 16 – Part C (section 800 all-subsections) (Obstructing Traffic)

Reference from resolution:

A - \$25

B - \$100 C - \$500

D - \$50 / \$100

E - \$50

F1 - \$100

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Attachment A (Page 2)

A ticket or warning may be issued for the following.

No warning necessary if previously given.

Class A fines:

- Chapter 6 – Part A (Burning) (entire ordinance)
- Chapter 9 – Part A (Section 200.80 & 200.81) (grass trimmings)
- Chapter 9 – Part C (Burning) (entire Ordinance)
- Chapter 9 – Part D (Section 303) (Burning leaves)
- Chapter 11 – Part A (section 410 all sub-sections) (Large Vehicle Parking)

Class B fines:

- Chapter 5 – Part A (section 200.20) (Firecrackers and explosives))
- Chapter 5 – Part G (section 200.22 and section 201 all sub-sections) (Noise)
- Chapter 5 – Part G (section 308.20 and 308.22) (ATV's)
- Chapter 11 – Part E (entire ordinance) (Abandoned Vehicles)
- Chapter 12 – Part A (section 300.20) (Yard Sales on Borough Property)
- Chapter 12 – Part A (section 600 all sub-sections) (Gathering without Permit)

Class D fines:

- Chapter 2 – Part A (section 400) animals general
- Chapter 2 – Part D (section 200.10) (Animals Running Free)
- Chapter 2 – Part D (section 200.40) (Immediate removal of Droppings)
- Chapter 2 – Part D (section 400.10) (Animal Noise)
- Chapter 2 – Part D (section 600.10 and sections 900.10 - .20 - .30) (Keeping Prohibited Animals)
- Chapter 8 – Part C (section 301.30 & 301.40) (Garbage out early / garbage cans out late)
- Chapter 8 – Part D (section 200 all sub-sections) (Dumpsters dumping off-hours)
- Chapter 8 – Part D (section 900.10) (Cleaning around dumpsters)

Class E fines:

- Chapter 9 – Part A (entire ordinance) (Grass and Weeds)
- Chapter 9 – Part D (All of sections 301 and 302) (Leaf Disposal)
- Chapter 10 – Part B (entire ordinance) (Yard Sales)
- Chapter 10 – Part B (entire Ordinance) (Soliciting without permit)
- Chapter 11 – Part D (entire ordinance) (Snow Parking)
- Chapter 16 – Part B (entire ordinance) (Sports on Streets)
- Chapter 16 – Part B (add new section: 100.40) (No marking streets while playing sports)
- Chapter 21 – Part A (section 600.11) (Sidewalk Snow Removal)
- Chapter 21 – Part A (section 600.31) (Parking on Sidewalks)
- Chapter 21 – Part A (section 600.41) (Repairs to Sidewalks)

Reference from resolution:

A - \$25

B - \$100

C - \$500

D - \$50 / \$100

E - \$50

F1 - \$100