

## ORDINANCE NO. 2019-2

### AN ORDINANCE OF THE BOROUGH OF SNYDERTOWN, NORTHUMBERLAND COUNTY, PENNSYLVANIA, TO PROVIDE FOR MUNICIPAL TICKETING

**WHEREAS**, the Borough of Snyderstown desires to provide a more efficient manner of enforcing ordinances which, in turn, better protects the general welfare, health and safety of Borough residents; and

**WHEREAS**, instead of requiring alleged violators of certain ordinances to go through the criminal citation process, the Borough will provide an alternate process for a violator to receive and respond to a municipal ticket; and

**WHEREAS**, this process provides a quick enforcement remedy, lowers the cost for violators willing to accept the penalty imposed by the ticket, but still preserve all the rights, protections, and remedies to those that wish to dispute the ticket through the criminal and judicial process.

**NOW, THEREFORE**, be it ordained and enacted by the Council of the Borough of Snyderstown, and it is hereby Ordained and Enacted by authority of the same as follows:

**Section 1: General Provisions.** The Ordinance shall be known and may be cited as the Municipal Ticketing Ordinance of Snyderstown Borough, Northumberland County, Pennsylvania.

**Section 1.1: Purpose.** The purpose of the Ordinance is 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 two-fold 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 of the right to dispute the ticket and receive the full benefit of procedural and substantive due process of law.

**Section 2: Enforcement.**

A. The provisions of this Ordinance and the Ordinances designated hereunder for ticketing shall be enforced by Snyderstown Code Enforcement Officers, the police, or any other public officer sworn to uphold and enforce the laws and Ordinances of Snyderstown Borough.

B. Council may, from time to time, change, modify the Ordinances to be covered under this Municipal Ticketing Ordinance by Resolution passed at the regular monthly meeting; however at the time of the adoption of the Ordinance the following Ordinances are hereby deemed and ordained to be under the jurisdiction of this process:

1. Nuisance Ordinance No. 2019-1
2. Burning Ordinance No. 2010-2
3. Outdoor Stove Ordinance No. 2010-1
4. Junk Vehicle Ordinance No. 2011-1

C. Any violation of the provisions of these Ordinances may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

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

- (1) By handing the ticket or notice of violation to the violator.
- (2) By handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence.
- (3) By leaving or affixing the notice or violation ticket to the property where the violation exists.
- (4) By handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof.
- (5) By mailing the notice to the violator's address of record via first class mail with a Certificate of Mailing.

E. Each day a violation continues or is permitted to continue constitutes a separate offense for which a separate fine may be imposed.

F. An enforcement, police, or public officer is hereby authorized and empowered to correct or abate any violation and should in the discretion of the officer such violation constitute a clear and present danger to the health and safety of the community he shall take all steps necessary to correct or abate the violation within twenty-four (24) hours.

G. If the Borough has effected a correction of the violation, the cost thereof shall be charged to the owner of the property, tenant, or offending party, in that order of responsibility and such restitution can be effected by whatever means is available to the municipality.

**Section 3: Violation Ticket Disposition.** A person in receipt of a violation ticket shall have ten (10) days within which time to pay the amount of the ticket. In the event the ticket is not paid within ten (10) days, such failure to pay shall result in the issuance of a criminal citation for the offense as enumerated on the ticket.

**Section 4: Fines and Penalties.**

A. For the first offense of the violation of this Article within a twelve (12) month period, the tickets shall be issued in the amount of Twenty-Five Dollars (\$25.00).

B. For the second offense of the violation of this Article within a twelve (12) month period, the tickets shall be issued in the amount of One Hundred Dollars (\$100.00).

C. For the third offense of the violation of this Article within a twelve (12) month period, the tickets shall be issued in the amount of Two Hundred Fifty Dollars (\$250.00).

D. For the fourth offense and all subsequent offenses of the violation of this Article within a twelve (12) month period, the tickets shall be issued in the amount of Five Hundred Dollars (\$500.00).

**Section 5: Restitution.** In addition to imposing a fine and costs and/or imprisonment as enumerated under the section allegedly violated the Magisterial District Court Judge may order the violator upon conviction to make restitution to any aggrieved person.

**Section 6: Severability.** The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.


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.

**ENACTED AND ORDAINED** this 4<sup>th</sup> day of February, 2019.

ATTEST:

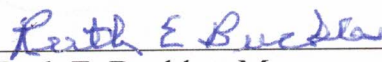
  
\_\_\_\_\_  
Amy E. Wolf, Secretary

COUNCIL MEMBERS OF  
THE BOROUGH OF SNYDERTOWN

  
\_\_\_\_\_  
Paul E. Shaw, President

(SEAL)

APPROVED:

  
\_\_\_\_\_  
Ruth E. Buckles, Mayor

Date: 3/4/2019