

**BOROUGH OF NORTH EAST  
ORDINANCE NO. 902**

**AN ORDINANCE OF THE BOROUGH OF NORTH EAST  
PROVIDING FOR ISSUANCE OF TICKETS  
TO PERMIT CITIZENS TO COMPLY WITH VARIOUS  
EXISTING ORDINANCES BEFORE BEING ISSUED A CITATION**

**PREAMBLE**

**WHEREAS**, the Borough of North East has enacted the following Ordinances:

Ordinance No. 195	Chickens
Ordinance No. 553	Regulating Grass, Weeds, and Vegetation
Ordinance No. 603	Housing Code
Ordinance No. 674	Berm Trees
Ordinance No. 684	Dogs Running at Large
Ordinance No. 706	Installation of Curbs by Homeowners
Ordinance No. 742	Recycling
Ordinance No. 753	Amending 684 – An Ordinance Regulating Dogs and Cats
Ordinance No. 797	Zoning Ordinance
Ordinance No. 801A	Sidewalk Construction
Ordinance No. 805	Amending Ordinance 742 – Burning Recyclables
Ordinance No. 815A	Dangerous Structures
Ordinance No. 821	Pennsylvania Construction Code
Ordinance No. 821A	Regulating Excavations, Openings and Installations on Borough Streets
Ordinance No. 855	Amending Ordinance 797- Zoning Ordinance
Ordinance No. 856	Nuisances
Ordinance No. 885	Nuisances
Ordinance No. 901	Garbage

**WHEREAS**, the Borough of North East desires to adopt a Ticketing Ordinance which would enable the Borough to issue a ticket to a citizen rather than a citation for the purpose of allowing the citizen to comply with the Borough Ordinances referenced before being issued a citation and having a court hearing.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY** the Corporate Authorities of the Borough of North East, County of Erie, and Commonwealth of Pennsylvania, and it is hereby enacted by the Authority the same as follows:

## **Section 1. Purpose**

The purpose of this Ordinance is to provide a mechanism for issuance of a ticket rather than citation to permit a citizen who is in violation of a Borough Ordinance to pay the ticket rather than cause the issuance of a citation and a costly and protracted legal hearing before a District Judge and unnecessary appeals. The resolution in this manner is beneficial in that it permits the Borough of North East to maintain and enforce its Ordinances 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.

## **Section 2. Enforcement**

Any violation of the following Ordinances may be cause for a *Notice of Violation, Violation Ticket*, or citation to be issued to the violator: Ordinance 195 (Chickens), Ordinance 684 (Dogs Running at Large), Ordinance 753 (Regulating Dogs and Cats), Ordinance 553 (Regulating Grass, Weeds and Vegetation), Ordinance 742 (Recycling), Ordinance 805 (Amending Ordinance 742- Burning Recyclables), Ordinance 797 (Zoning Ordinance), Ordinance 855 (Amending Ordinance 797-Zoning Ordinance), Ordinance 821 (Adopting Pennsylvania Construction Code), Ordinance 706 (Installation of Curbs by Homeowners), Ordinance 821A (Regulating Excavations, Openings and Installations on Borough Streets), Ordinance 674 (Berm Trees), Ordinance 603 (Housing Code), Ordinance 815-A (Dangerous Buildings), Ordinance Nos. 856 and 885 (Nuisances), Ordinance No. 801A (Sidewalks), Ordinance No. 901 (Garbage). If the violator fails to address the compliance issue through the ticketing process outlined below, the Borough of North East may proceed with other enforcement mechanisms described said Ordinances.

## **Section 3. Process for Issuing Violation Tickets**

- A. The *Notice of Violation* shall be in writing and shall identify the property address (if applicable), include a statement of the violation(s), specify the maximum time frame to take corrective action and detail the fine for non-payment of the ticket within the prescribed time frame.
- B. The Code Enforcement Officer of the Borough of North East shall serve the *Notice of Violation* to the violator:
  1. By handing the *Notice of Violation* to the violator,
  2. By handing the *Notice of Violation* to be served to an adult member of the household or other person in charge of the residence at the residence of the person to be served,
  3. By leaving or affixing the *Notice or Violation Ticket* to the property where the violation exists, (if applicable),
  4. By handing the *Notice of Violation* to the violator's agent or to the person in charge thereof at any office of usual place of business of the violator, or
  5. By mailing the notice to the violator's address of record first class mail with a certificate of mailing.

C. If the violation is not addressed to the satisfaction of the Code Enforcement Officer within five (5) calendar days from the issuance of the *Notice of Violation*, the Code Enforcement Officer shall issue a *Violation Ticket* to the violator consistent with the service of process described in Section 3 (B) above. The *Violation Ticket* shall be in writing and shall identify the property address (if applicable), include a statement of the violation(s), specify the maximum time frame to take corrective action to address the violation and detail the fine for the non-payment of the ticket within the prescribed time frame. The fine for the first *Notice of Violation* shall be \$25.

D. If the violation is not addressed to the satisfaction of the Code Enforcement Officer within five days (5) calendar days after the issuance of the first *Violation Ticket*, the Code Enforcement Officer shall issue a second *Violation Ticket*; if the violation is not addressed within five (5) calendar days of the second *Violation Ticket* a third *Violation Ticket* shall be issued. The fine for a second and third violations is \$50 and \$75, respectively.

E. The Code Enforcement Officer is authorized and empowered to correct or abate any violation which in the discretion of the officer such violation constitutes a clear and present danger to the health and safety of the community.

F. If the Borough of North East has taken action to correct the violation the cost thereof shall be charged to the individual or property owner (if applicable) to whom the ticket has been issued.

G. The Code Enforcement Officer shall have the discretion to decide not to issue the second and third *Violation Ticket* and to proceed with enforcement mechanisms described in Ordinances.

#### **Section 4. Violation Ticket Disposition**

A person in receipt of a third *Violation Ticket* shall have five (5) days after the issuance of the ticket to address the violation to the satisfaction of the Code Enforcement Officer. If the violation is not addressed by that time enforcement mechanisms described in Ordinances will be followed.

#### **Section 5. Appeals**

Any person who receives a *Violation Ticket* for any offense under this Ordinance may within five days of the service of the *Violation Ticket* (a) admit the violation and pay the fine in full satisfaction or (b) deny the violation and request an appeal before the Borough Manager of the Borough of North East. At the appeal, which shall be scheduled within ten (10) calendar days of a request for appeal, the person shall have the right to provide information at that time including the right to question any witnesses. Only evidence relevant to the violation in question shall be considered and formal rules of evidence shall not apply. A ruling on the appeal shall occur not more than five (5) calendar days after the appeal is heard.

**Section 6. Severability**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such as unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included herein.

**Section 7. Effective Date**

This Ordinance shall be effective immediately upon passage.

ENACTED INTO AN ORDINANCE THIS 6<sup>th</sup> DAY OF AUGUST 2018

BOROUGH OF NORTH EAST

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David Hall, President of Borough Council

ATTEST:

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Patrick J. Gehrlein, Borough Manager

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Steven L. Gregory, Mayor