

ORDINANCE NO. 3 OF 2018

AN ORDINANCE OF THE BOROUGH OF PLYMOUTH, COUNTY OF LUZERNE COMMONWEALTH OF PENNSYLVANIA PROVIDING FOR THE INITIAL ISSUANCE OF TICKETS AS OPPOSED TO CITATIONS FOR CERTAIN VIOLATIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF 2015

WHEREAS, on December 16, 2014, the Borough by virtue of Ordinance # 2A of 2014 adopted the 2015 edition of the International Property Maintenance Code;

WHEREAS, the Borough desires to streamline the initial citation process for certain violations of the sections identified hereinbelow by initiating a ticket procedure;

WHEREAS, the Borough feels that this procedure will be more expeditious in addressing the violations specified below and potentially less costly to the violators than initially proceeding before a Magistrate;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Plymouth Borough Council, for the reasons set forth above does hereby amend the sections identified below to read as follows:

SECTION 1: PURPOSE

To establish a procedure to issue of violation tickets as opposed to citations to allow a citizen who admits that he has committed the violation that he/she has been charged with to pay the ticket as opposed to engage in the costly and protracted proceedings before a Magistrate.

SECTION 2: ENFORCEMENT

The provisions of the ordinance shall be enforced by any code enforcement officer(s) of the Borough. The Borough by Resolution can add or remove an addition officer(s) to enforce this Ordinance.

SECTION 3: VIOLATIONS SUBJECT TO THIS PROCEDURE

The following subsections of the International Property Maintenance Code of 2015 Edition as well as all other sections, and all other such ordinances deemed appropriate are hereby approved to be under the jurisdiction of this process and procedure:

Section 302.1 Sanitation
Section 302.4 Weeds
Section 302.8 Motor Vehicles
Section 304.3 Premises Identification
Section 304.5 Foundation Walls
Section 308* Rubbish and Garbage(Includes subsections 308.1 thru 308.3.2 inclusive)
OTHER

SECTION 4: PROCEDURE TO PROCESS VIOLATIONS

- a. Any violation of the provisions of any portion of this ordinance enumerated herein may be cause for a violation ticket, citation, or notice of violation to be issued to the violator, who is the person, individual, owner of the premises, officer, manager or principal person in charge of an entity, corporation, limited liability company or partnership of any type.
- b. A notice of violation shall be served upon a violator, as defined herein, in the following manner:
 1. By handing a ticket of violation to the violator.
 2. By handing it at the residence of the person who committed the violation or to an adult member of the household or another person in charge of the residence.
 3. By leaving or affixing the notice of violation 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 in charge at the time is in charge thereof.
 5. By mailing the violation ticket to the violator's address of record by first class mail, return receipt requested.
- c. A violation ticket shall be served upon a violator in the following manner:
 1. By handing a ticket of violation to the violator.
 2. By handing it at the residence of the person who committed the violation or to an adult member of the household or another person in charge of the residence.
 3. By leaving or affixing the notice of violation 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 in charge at the time is in charge thereof.
 5. By mailing the violation ticket to the violator's address of record by first class mail, return receipt requested.
- d. Each day a violation continues or exists constitutes a separate offense for which a separate fine may be imposed.
- f. Any officer appointed in accordance with this ordinance is hereby authorized and empowered to correct or abate any violation in his/her sole discretion, which constitutes a clear and present danger to the health or safety of any person or property and said officer shall take all steps to correct and abate the nuisance within twenty-four (24) hours if practicable under all the circumstances or if not within a reasonable time based upon all existing circumstances.
- g. If the Borough corrects or abates a violation under f. above, all costs connected therewith shall be charged to the owner of the property, tenant, offending person or entity responsible and such restitution can be recovered by any and all means available to the municipality.

SECTION 6: FINES AND PENALTIES

1. For the first offense of any violation of this ordinance within a twelve (12) month period, the ticket shall be issued in the amount of \$25.00.
2. For the second offense of any violation of this ordinance within a twelve (12) month period, the ticket shall be issued in the amount of \$50.00.
3. For the third offense of any violation of this ordinance within a twelve (12) month period, the ticket shall be issued in the amount of \$100.00.
4. For the fourth offense and above of any violation of this ordinance within a twelve (12) month period, the ticket shall be issued in the amount of \$300.00.

Note: The Borough may modify the amounts of the fines at any time by Resolution.

SECTION 7: VIOLATION TICKET DISPOSITION

A violator in receipt of a violation ticket shall have ten (10) days from the date of the ticket to pay the amount of the fine noted on the ticket. Failure to pay the fine within ten (10) days as stated herein above shall result in the issuance of a criminal citation for the offense as enumerated on the ticket before a Magistrate/District Justice having jurisdiction over matters involving Plymouth Borough.

SECTION 8: FORMAT OF TICKET

The ticket issued to violators shall contain the following information and be in a form as the Borough Council deems appropriate. The information shall be as follows: Ticket number, Date issued, Time issued, Officer number or name, Location of violation, violators name and address, violators date of birth and driver's license number, Violations that are listed in Section 3 of this ordinance, penalties as set forth in Section 6 of this Ordinance.

The information required stated herein can be modified by Resolution of Council.

It shall not be ground to challenge the ticket because of failure to include the date of birth, driver's license number or correct address of the violator, if not available or if false information is provided by the violator or anyone else.

SECTION 9: SEVERABILITY

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of that court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is the intent of the Borough by this Ordinance would have been adopted without such illegal, invalid or unconstitutional provision.

The provisions or any ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of the inconsistency with this Ordinance only.

This ordinance will be effective as per section 3301.3 of the Borough Code.

ENACTED AND ORDAINED the 8^h day of July 2018 at a duly authorized regular meeting of the Plymouth Borough Council.

BOROUGH OF PLYMOUTH

By: Gary Kochinski
Gary Kochinski, President of Council

ATTEST:

Holly Spence
Holly Spence, Secretary

APPROVED BY THE MAYOR

Thomas McTague
Thomas McTague, Mayor

Dated: July 9, 2018

COPY

The Citizens Voice (Under act P.L. 877 No 160. July 9, 1976)
Commonwealth of Pennsylvania, County of Luzerne

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Being duly sworn according to law deposes and says that (s)he is Billing clerk for The Citizens Voice, owner and publisher of The Citizens Voice, a newspaper of general circulation, established in 1978, published in the city of Wilkes-Barre, county and state aforesaid, and that the printed notice or publication hereto attached is exactly as printed in the regular editions of the said newspaper on the following dates:

06/28/2018

Affiant further deposes and says that neither the affiant nor The Citizens Voice is interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as time, place and character or publication are true Lisa Burbe

Sworn and subscribed to before me
this 28th day of June A.D., 2018

Sharon Venturi
(Notary Public)

Commonwealth of Pennsylvania - Notary Seal
Sharon Venturi, Notary Public
Lackawanna County
My commission expires February 12, 2022
Commission number 1254226
Member, Pennsylvania Association of Notaries



LEGAL AD

NOTICE IS HEREBY GIVEN that during a regular meeting to be held on July 8, 2018, commencing at 1:00 P.M. at the Plymouth Borough Municipal Building, 162 Shawnee Avenue, Plymouth, Pennsylvania, the Borough Council will act on Ordinance No. 3 of 2018 which, if passed, would authorize the issuance of tickets for violations of Sections of the International Property Maintenance Code, 2015 edition involving violations involving sanitation, weeds, motor vehicles premises identification, foundation walls, rubbish and garbage and provide fines for violations and enforcement of the ordinance.

This is a summary of the proposed Ordinance. A copy of the full text of the proposed ordinance may be examined by any citizen in the office of the Secretary of the local government unit at the Plymouth Borough Municipal Building, 162 Shawnee Avenue, Plymouth, Pennsylvania, on any business day (except, Saturdays, Sundays and Holidays) between the hours of 8:30 A.M. and 4:00 P.M., prevailing time. A copy of the proposed ordinance was provided to this newspaper.

Holly Spece, Secretary
Plymouth Borough