

**BOROUGH OF HIGHSPIRE
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 646 of 2023

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHSPIRE, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 10 OF THE HIGHSPIRE BOROUGH CODE OF ORDINANCES TO ADD A NEW CHAPTER ENTITLED “QUALITY OF LIFE IMPROVEMENT ORDINANCE”, PART 5, WHICH PROVIDES (1) A TICKETING PROGRAM TO POTENTIALLY RESOLVE CERTAIN PROPERTY MAINTENANCE AND OTHER PROPERTY VIOLATION MATTERS IN A MORE EXPEDITIOUS MANNER THAN TRADITIONAL ORDINANCE ENFORCEMENT, (2) PROCEDURES FOR ISSUING TICKETS UNDER THE TICKETING PROGRAM, AND (3) PRESERVES TRADITIONAL ORDINANCE ENFORCEMENT, AND FURTHER PROVIDES FOR SEVERABILITY, FAILURE TO ENFORCE NOT A WAIVER, APPLICABILITY, AND EFFECTIVE DATE.

WHEREAS, the Borough of Highspire (the “Borough”) IS AMENDING Chapter 10 of the Highspire Borough Code of Ordinances to add a new chapter, “Part 5”, entitled “Quality of Life Improvement Ordinance; and

WHEREAS, the Borough of Highspire (the “Borough”), similar to many municipalities across the Commonwealth of Pennsylvania, contains certain properties that from time to time become blighted or are a nuisance to the neighborhood and the community; and

WHEREAS, the Borough has a vested interest in protecting the Borough against the deterioration of the Borough, the community, and the health, safety, welfare, and well-being of its residents; and

WHEREAS, the only resolution at the current time for the Borough to correct these matters is through traditional ordinance enforcement which often leads to involvement by the court system; and

WHEREAS, traditional ordinance enforcement often requires a lengthy and expensive process for both the Borough and the violator to resolve such a matter; and

WHEREAS, the Borough would like to expedite the resolution process relative to eliminating property maintenance and nuisance issues in the community’s neighborhoods and desires to use a program similar to what has proven beneficial throughout many communities in Pennsylvania; and

WHEREAS, the purpose of this ordinance is to provide a mechanism for issuance of a ticket before issuance of a non-traffic citation or notice of violation pursuant to the terms of an ordinance to permit a violator the choice of abating and correcting the violation and paying the ticket amount within ten (10) calendar days, or be subject to the issuance of a non-traffic citation or notice of violation for the alleged violation of an ordinance and the ensuing ordinance enforcement process; and

WHEREAS, the purpose of this ordinance is to potentially reduce the amount of non-traffic citations and notices of violation issued through traditional ordinance enforcement, potentially expedite the resolution process, and save time and money for both the Borough and violator.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Highspire, Dauphin County, Commonwealth of Pennsylvania as follows:

SECTION 1: ADOPTION OF CHAPTER 10, PART 5

Chapter 10.1 shall be added to the Borough's Code of Ordinances with the following provisions:

§ 501: NAME

This ordinance shall be commonly known as the "Quality of Life Improvement Ordinance."

§ 502: PURPOSE AND INTENT

The purpose of this ordinance is to reduce the amount of non-traffic citations and notices of violation issued through traditional ordinance enforcement. This will expedite the resolution process, improve the community's health, safety, and welfare expeditiously, and save time and money for both the Borough and violator.

§ 503: DEFINITIONS

The following words, terms and phrases when used in this Ordinance shall be defined as follows, unless the context clearly indicates otherwise:

1. Abandoned vehicle shall mean:

A. A vehicle (other than a pedal cycle) shall be presumed to be abandoned under any of the following circumstances:

- (i) The vehicle is physically inoperable and is left unattended on public property for more than 72 hours.
- (ii) The vehicle has remained illegally on other public property for a period of more than 72 hours.
- (iii) The vehicle is left unattended on public or private property for more than 72 hours and does not bear all of the following:
 - (a) A valid registration plate.

- (b) A current certificate of inspection.
- (c) An ascertainable vehicle identification number.
- (iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 72 hours.

The foregoing examples are not inclusive of all the conditions which may constitute or indicate that a vehicle is abandoned.

B. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

2. **Accumulation** means a mass or quantity of something that has gradually gathered or been acquired.
3. **Borough** shall mean the Borough of Highspire, Dauphin County, Pennsylvania
4. **Calendar Year** shall mean a twelve-month period starting with January 1 and ending with December 31.
5. **Dumping** includes, but is not limited to, depositing of litter, depositing durable goods (i.e. refrigerators, washers, dryers, televisions, air conditioning units, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized.
6. **Election** shall mean any regularly scheduled primary or general election, or any special election authorized by the Election Board of the County of Dauphin.
7. **Footpath** shall mean the area of the public right-of-way used for walking in which no sidewalk is present.
8. **Hazardous Waste** means any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:
 - a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.
9. **Highway** is the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on a private traffic-way.
10. **Household Hazardous Waste (HHW)** is waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is

produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: Toxic; Flammable; Reactive; or Corrosive. HHW consists of numerous products that are common to the average household such as: Pesticides and herbicides, cleaners, automotive products, paints, and acids.

11. **Imminent risk** means an immediate and impending threat.

12. **Indoor Furniture** means any and all pieces of furniture which are made exclusively for use inside a building or house, including but not limited to, upholstered chairs and sofas, mattresses, dressers, tables, etc.

13. **Litter** includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

14. **Municipal Waste** means any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein.

15. **Notice of violation** is a written document issued to a person in violation of a Borough ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

16. **Nuisance** shall mean something offensive or annoying to individuals or to the community.

17. **Motor Vehicle Nuisance** means any motor vehicle which is unlicensed and has any of the following physical defects:

- A. Broken windshields, mirrors, or other glass with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk, or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is open which could permit animal and/or vermin harborage.
- G. Broken headlamps or taillamps with sharp edges.
- H. Protruding sharp objects from the chassis.
- I. Broken vehicle frame suspended from the ground in an unstable manner.
- J. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- K. Exposed battery containing acid.

- L. Locking mechanisms for doors or trunk that would allow a person to become trapped within the vehicle.
- M. Open or damaged floorboards including trunk and fire wall.
- N. Broken grill with protruding edges.
- O. Loose or damaged metal trim and clips.
- P. Suspended or unstable supports.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair.

18. **Person** means every natural person, firm, corporation, partnership, association, or institution. Whenever used in any clause prescribing and imposing a penalty, “person” includes the members, trustees, partners, directors, officers, managers, and supervisors or any of them, of partnerships, associations, corporations, or other forms of entity.

19. **Planter Strip** is the non-concrete space in the sidewalk area filled with dirt, grass, and/or other vegetation.

20. **Political Sign** shall mean any temporary sign which publicizes the candidacy or promotes the election of any contestant for elected public office, or which advocates a particular position on any referendum appearing on an election ballot.

21. **Private Property** means any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

22. **Property Line** is an imaginary line or “party wall” that separates adjoining lands or dwelling units of apartments, condominiums, townhomes or duplexes drawn through the points of contact of adjoining lands or in case of apartments, condominiums, townhomes and duplexed owned, rented or leased by different persons, a demarcation or a line of separation between dwelling units or properties. In the case of two or more buildings sharing common grounds, the line drawn midway between any two such buildings. All areas devoted to public right-of-way or a common or shared area shall be deemed to be across the property line.

23. **Codes Enforcement Officer** means any authorized inspector, or public official designated by the Borough Manager to enforce the Borough Ordinances.

24. **Public Nuisance** is a “nuisance” that is the unreasonable or unlawful use by a person of his real or personal property, or the unreasonable, indecent or unlawful personal conduct which materially interferes with or jeopardizes the health, safety, prosperity, quiet enjoyment of property or welfare of others, offends common decency or public morality of the citizens of the Borough of Highspire.

25. **Public Right-of-Way** means the total width of any land used, reserved, or dedicated as a street, driveway, sidewalk or utility easement, including curb and gutter areas.
26. **Public Space** is any real property or structures thereon which is owned or controlled by a governmental entity.
27. **Real Property** is all land, whether publicly or privately owned, whether approved or not improved, with or without structures, exclusive of any areas devoted to the public right-of-way.
28. **Residual Waste** means any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations excluding municipal water and sewer operations.
29. **Repeat Violation** means a violation of a provision of this Chapter by a person who has been previously found through a code enforcement, magisterial district court, or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision of this Chapter within two (2) years prior to the current violation, notwithstanding if the violations occur at different locations.
30. **Responsible Agent** means any person residing or working within the County of Dauphin designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.
31. **Shade Tree**, unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.
32. **Sidewalk Area** means the public right-of-way between the property line and the curb line or the established edge of the roadway.
33. **Temporary Sign** shall be a non-permanent sign, poster, placard or other advertising device whether free standing or attached to any object or structure pertaining to an event of a fixed and limited time or duration and intended for a limited period of display.
34. **Traffic Way** is the entire width between the property lines or other boundary lines of every way or place which any part is open to the public for purposes of vehicular travel as a matter of right of custom.
35. **Tree** shall mean any tree on private property excluding street trees.
36. **Tree Well** is the non-concrete area surrounding a shade tree planted in a sidewalk area.
37. **Vegetation** is any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

38. **Violation Ticket** is issued by a police officer or code enforcement officer to a person who violates a provision of this ordinance.

39. **Warning - Verbal or Written:** Notice to an individual issued by an officer demonstrating a violation of this Chapter that does not include the corresponding fine associated with the violation. The warning is designed to achieve voluntary compliance within a reasonable time period and to establish prior notice. Warnings are issued for violations that may lead to enforcement action if not promptly and adequately corrected.

40. **Weeds** shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:

- a. exceeds eight (8) inches in height;
- b. exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush;
- c. may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin;
- d. may cause a public nuisance.

Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

41. **Yard Waste** consists of vegetative or organic material produced from the care and maintenance of landscaped areas, gardens, or lawns. This includes weeds, leaves, grass clippings, dead flowers and plants, brush, tree trunks, pruned branches and stems, dirt, roots, wood shavings, rocks, and Christmas trees.

§ 504: LITTERING

- A. No person shall throw, scatter, deposit or sweep litter, onto any public place such as a street, sidewalk, park, or playground, nor onto any private property.
- B. No person shall throw, scatter or deposit litter into any storm water inlet or basin within the Borough.
- C. No person shall throw, scatter or deposit litter from a vehicle upon any public street or other public place within the Borough, or upon private property. The owner or operator of any motor vehicle from which the litter is thrown, discharged, dumped, deposited, placed, left shall be responsible for such litter.
- D. No person shall operate a vehicle within the Borough unless the vehicle is so constructed or loaded to prevent the contents from falling, being blown, scattered or deposited upon any street, public place or private property.

- E. No person shall drive a vehicle within the Borough such that the tires can carry onto or deposit on any street or other public place any mud, dirt, sticky substance, litter or foreign matter of any kind.

§ 505: ILLEGAL DUMPING

- A. The improper or unauthorized disposal of litter, municipal and/or residual waste onto public, private, vacant, unoccupied, or other property.
- B. Any person or business using an unlicensed hauler for the disposal of litter, trash or recyclables shall be held responsible if it is illegally dumped within the Borough.
- C. No person shall dump or cause to be deposited hazardous waste on public or private property.

§ 506: NEWSPAPERS AND HANDBILLS

- A. No person shall deliver or distribute newspapers or advertising material to any property unless it is handed to the recipient, placed on the porch, stoop or entrance way of the building or affixed to the property in such a manner to prevent it from being blown about or in any way causing litter. It shall be prohibited to distribute these materials as described if the owner or occupant of the property has informed the person or business delivering or causing delivery that they do not want to receive it.
- B. No person or business shall permit the accumulation of its delivered advertising material to set on a property for more than two weeks. It shall be the responsibility of the person or business that delivered or placed the material to remove it from the property.

§ 507: TEMPORARY SIGNS AND ADVERTISEMENTS

- A. No person or business shall post or affix any sign, advertisement, notice, poster or other paper or device to any lamp post, street sign, traffic signal pole or control box, public utility pole, tree or upon any public structure, public real estate or public building within the Borough, except as may be authorized or required by law.
- B. No person shall post, place or construct a sign so as to impair, impede, or otherwise obstruct the free flow of pedestrian or vehicular traffic along a public right-of-way or to obstruct the clear view of the entire public right-of-way by any pedestrian or vehicle operator.
- C. No signs or postings shall be erected, placed or maintained so that it impedes, interferes with or distracts from the operation of any traffic control light or sign, official traffic directional sign or other safety or control device or general traffic safety.
- D. Temporary signs may be placed on private property with the permission of the property owner and provided the temporary signs comply with all other Borough Ordinances. The

party posting the temporary sign is solely responsible for obtaining such permission prior to posting any signs. Such signs shall not be placed in the Public Right-of-Way of the property.

- E. Political signs in the public right-of-way shall be permitted to be placed out no earlier than forty-five (45) calendar days prior to election day and must be removed within ten (10) calendar days after election day. This section shall not apply to any political signs located on private property.
- F. In all cases in which signs are posted, it shall be the responsibility of the sponsor of the sign to ensure that each sign is posted and removed in accordance with the provisions of this Chapter and any other applicable Borough ordinances.
- G. Any temporary sign/advertisement found posted or affixed contrary to the provisions of this section may be removed by Borough personnel. The person responsible for any such unlawful posting shall be liable for the costs incurred in conjunction with the removal of such posting. The Borough is authorized to collect such costs. This cost is in addition to any enforcement provisions contained within this Ordinance.
- H. Any temporary sign or advertisement removed by Borough staff shall be disposed of within 10 days of removal.

§ 508: MAINTAINING PROPERTY

A. PROPERTY OWNER

- 1. The owner shall maintain the premises in compliance with this Chapter and shall regularly perform all routine maintenance to fulfill this obligation.
- 2. The existence of an agreement between owner and occupant/possessor shall not relieve an owner of any responsibility under this Chapter to maintain said property. The Borough will not be involved in the enforcement or litigation of any such agreement.

B. ACCUMULATION OF LITTER

- 1. No owner, possessor or responsible agent of real property shall permit litter to accumulate on the property and adjacent sidewalk or footpath area including the tree well and planter strip. It shall be the owner's, possessor's, or responsible agent's duty to remove such litter to prevent any such accumulation
- 2. No owner, possessor or responsible agent of real property shall accumulate, permit or store items such as indoor furniture, durable goods (i.e. refrigerators, washers, dryers, televisions, air conditioning units, etc.) small appliances, carpets, tires, vehicles, vehicle parts, automotive products or municipal waste, hazardous waste, residual waste or construction or

demolition debris on the exterior of the property if it poses a threat to the physical appearance, safety or public health of the community.

3. The owner, possessor or responsible agent of a commercial or institutional property may be required to procure, place, empty and maintain a sufficient number of litter receptacles on their property for public use by its customers to prevent the chronic accumulation of litter. These litter receptacles may not be placed in the public right-of-way.

C. HIGH GRASS AND WEEDS

1. No owner, possessor or responsible agent of real property shall permit grass or weeds to exceed eight (8) inches in height on the property, including lot, yard, tree well, etc.

2. Code Enforcement Officers shall only be required to issue a notice of violation to the property owner once per calendar year. Subsequent violations may result in the Borough taking remedial action to abate the nuisance.

3. Grass and weed clippings shall not be deposited or swept into the street.

D. VEGETATION

1. No owner, possessor or responsible agent of real property shall permit vegetation on the property to grow in such a manner as to obstruct the public right-of-way.

2. At any time when a Code Enforcement Officer observes a tree that appears to be a structurally unsound tree, a diseased tree, a dead tree, a dying tree, has significant amount of decay present, or a dangerous tree, the Code Enforcement Officer has the authority to order a special inspection or study be completed by a third-party professional arborist, contracted by the owner, at the owner's expense.

3. If a tree is determined to be an imminent threat to life or property by a certified arborist, the Code Enforcement Officer has the authority to require the modification of the tree as to abate the hazard and maintain the tree in a non-dangerous condition. If the hazard cannot be abated, the Public Officer has the authority to require removal of the tree.

E. YARD WASTE

No owner, possessor or responsible agent of real property shall permit the accumulation of yard waste on the property, except if properly being composted.

F. VEHICLES

1. An abandoned vehicle may not be parked, stored or left to remain on any lot, tract, parcel of land or portion thereof on public or private property, occupied or unoccupied, improved or unimproved, within the Borough of Highspire, unless necessary for the operation of a business

enterprise lawfully permitted on private property. Any abandoned vehicle or parts thereof shall be removed.

2. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six feet high which is always locked when unattended, with a gate adequate to admit fire and emergency equipment.

3. No vehicle accessory (e.g., utility trailer, plow, camper, boat, etc.) shall be parked or stored on any Highway or Borough maintained traffic way unless it is attached or hitched to a motor vehicle.

4. Vehicle parking is not permitted on grass, landscaped, or dirt areas of property. All parking areas must comply with all applicable Borough ordinances, codes and regulations. Borough sponsored or special events are exempt from this requirement.

G. CLEAN UP OF ANIMAL FECAL MATTER

1. It shall be unlawful for an owner to allow the accumulation of animal feces on/in any open area, run, cage or yard wherein animals are kept and to fail to remove or dispose of feces at least once every twenty-four (24) hours. This does not pertain to animals being housed or involved in agricultural or equine activities on the property.

2. It shall be unlawful for the owner or handler of any animal to fail to remove fecal matter deposited by their animal on public property or public easement or private property of another before the owner leaves the immediate area where the fecal matter was deposited.

H. SWIMMING POOLS

Swimming pools shall always be maintained in good repair. They shall also be kept clean, safe, and maintained in a sanitary manner.

I. SNOW AND ICE REMOVAL

1. All persons owning, controlling or occupying any private property, lot or tract of land adjoining or fronting upon any of the streets of the Borough shall remove snow and ice from the sidewalk area of such premises within twenty-four (24) hours after it shall have ceased snowing, sleeting or raining as reported by the National Weather Service. Compliance with this section shall be complete if a cleared portion three (3) feet in width has been made upon such sidewalk. If snow/ice cessation happens during the hours of darkness, the time limit for removal of snow/ice begins at daybreak.

2. No person shall remove snow or ice from private property and put, place, deposit, or cause to be put, placed or deposited, snow or ice so removed upon the right-of-way of any street.

3. No person shall remove or cause to be removed snow or ice from any sidewalk or driveway and put, place, deposit or cause to be put, placed or deposited, snow or ice so removed upon that portion of the street normally used for the travel of vehicles.

4. This section shall not be in force and effect in areas where street parking is prohibited, provided it is not a vehicle travel lane or there is no available private property upon which to put, place or deposit snow or ice so removed.

5. All persons owning, controlling, or occupying any private property, lot or tract of land adjoining or fronting upon any of the streets of the Borough shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow or ice surrounding a fire hydrant located along the frontage of the property of the responsible party. Such work shall be completed within a reasonable time, but not later than 24 hours after the cessation of any fall of snow, sleet or freezing rain. The minimum clear zone shall be no less than three feet around the entirety of the fire hydrant.

J. PUBLIC RIGHT-OF-WAY

It shall be prohibited to undertake any construction or placement of any kind of obstruction upon, in, under, or over the public right-of-way of any street, sidewalk or footpath without first securing a permit from the Borough. This section excludes the installation of mailboxes and vegetation unless it presents an imminent threat to private or public property.

§ 509: STORM WATER DRAINAGE AND DIVERSION

- A. Drainage of roofs and paved areas, yards and courts and other open areas, and sump pumps shall not be discharged in a manner that creates a nuisance.
- B. No person shall throw, scatter or deposit litter in any storm sewer inlet or basin in the Borough.

§ 510: ENFORCEMENT

- A. The provisions of this Ordinance shall be enforced by the Highspire Borough Police Officers, or any other Codes Enforcement Officer authorized to enforce ordinances.
- B. Any violation of the provisions of this Ordinance may be cause, at the discretion of the issuing officer, to issue a warning, a notice of violation, a violation ticket and/or a citation to be issued to the violator. If violations are continuous or egregious, the issuing officer has the right to issue a citation without first issuing a warning, a notice of violation or a violation ticket.
- C. A written warning, notice of violation or violation ticket shall be served upon a violator by handing it to the violator, 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, by leaving or

affixing the written warning, notice of violation or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to an agent or to the person for the time being in charge thereof, or by mailing via regular US mail, the written warning, the notice of violation or violation ticket to the violator's address of record.

- D. Any written warnings, notice of violations, violation tickets and citations will be issued to the violator's last known address of record.
- E. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

§ 511: ABATEMENT OF VIOLATION

- A. Whenever any violation causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the public health, safety and welfare, or the property is not in compliance after notification, the Codes Enforcement Officer shall have the authority to abate the same.
- B. If the Borough has affected the correction of the violation, the cost thereof including any labor or materials supplied by the Borough or its contractors shall be added to each invoice incurred and shall be charged to the owner of the property, tenant or offending party.
- C. This invoice may constitute a municipal lien being filed against the real property upon which said costs were incurred if left unpaid.

§ 512: REGULATIONS

The Borough Manager may publish and post any regulations governing the procedures and enforcement of any provisions of this Ordinance.

§ 513: VIOLATION TICKET APPEALS PROCESS

- A. An Appeal Officer, designated by the Borough Manager or designee, shall be responsible for the reviewing and the rendering of a decision on any appeal as it pertains to this Chapter.
- B. A person in receipt of a violation ticket may appeal to the Appeal Officer's office by filing an appeal request in writing on a form to be provided by the Borough within ten (10) calendar days of the date of the violation ticket, stating the reasons for appeal.
- C. The violator may request an opportunity to meet in person with the Appeal Officer concerning their appeal, and the request may be granted at the sole discretion of the Appeal Officer, who may also deem it appropriate to consult with the Code Enforcement Officer(s) involved in the matter or any other concerned parties.

- D. Within thirty (30) days of the appeal date, the Appeal Officer may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as deemed appropriate, and will issue written notice of the decision.

§ 514: FINES AND PENALTIES

A. Violation Ticket – Initial Fine

1. Any violation of the sections of this ordinance constitutes a separate offense and fine.
2. Fines shall be \$25.00 for violations under this Chapter.
3. Fines for any violations of 10.1 -5: ILLEGAL DUMPING shall be \$250.00.

B. Violation Ticket Penalties

1. If the person in receipt of a violation ticket does not pay the fine or appeal the violation within ten (10) days, the person will be subject to an additional twenty-five (\$25.00) dollar penalty for days eleven (11) through twenty (20).

2. A citation shall be issued against any person failing to make payment or request a hearing within twenty (20) days of the issuance of a violation ticket.

C. Citation fines

Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Chapter, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than One Hundred (\$100) dollars and not more than One Thousand (\$1,000) dollars on each offense or imprisoned no more than ninety (90) days, or both.

D. Restitution

The Magisterial District Judge may order the violator to make restitution where appropriate, to pay the Borough's costs of collection/citation proceedings and to pay the Borough reasonable attorneys' fees associated with the prosecution of the same.

SECTION 2: SEVERABILITY

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

SECTION 3: FAILURE TO ENFORCE NOT A WAIVER

The failure of the Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 4: APPLICABILITY

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather shall be an additional remedy available to the Borough above and beyond any other state, county or local provisions for the same.

SECTION 5: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following the date of adoption by Borough Council.

DULY ORDAINED AND ENACTED this 18th day of April, 2023, by a majority of the Borough Council of the Borough of Highspire, Dauphin County, Pennsylvania, at a duly advertised meeting of the Borough Council.

BOROUGH COUNCIL
BOROUGH OF HIGHSPIRE

ATTEST:

Michael J. Anderson, Council President

Mark L. Stonbraker, Borough Secretary

APPROVED this 16th day of May, 2023 by the Mayor of the Borough of Highspire, Dauphin County, Pennsylvania.

By: _____
Von E. Hess, Mayor

The Proposed Ordinance will be considered for adoption at the regular meeting of the Highspire Borough Council on May 16, 2023 at 7:00 p.m. at the Highspire Borough Municipal Building. All interested residents are encouraged to attend.