

ORDINANCE NO. 872-23

AN ORDINANCE OF THE BOROUGH OF HAMBURG, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 1, "ADMINISTRATION AND GOVERNMENT" OF THE BOROUGH CODE OF ORDINANCES BY ADDING A NEW PART 17 ENTITLED "QUALITY OF LIFE TICKETING PROGRAM."

BE IT, AND IT IS HEREBY ENACTED by the Council of the Borough of Hamburg, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

WHEREAS, the Borough Code Enforcement and Zoning Officer, pursuant to section 5-103 of the Borough Code of Ordinances, has recommended that Borough Council implement a Quality-of-Life Ticketing Program in order to establish a more efficient process for compliance with certain property maintenance & similar code provisions and to assist in blight prevention within the Borough of Hamburg; and

WHEREAS, the Borough Council of the Borough of Hamburg believes that the recommendation of the Borough Code Enforcement and Zoning Officer is appropriate and, therefore, it is necessary to establish a Quality-of-Life Ticketing Program within the Borough of Hamburg by adding PART 17 entitled "Quality-of-Life Ticketing Program" to Chapter 1 "Administration and Government" of the Borough Code of Ordinances.

NOW THEREFORE, the Borough Council does hereby enact and ordain the following:

SECTION 1. Amendment to Chapter 1, "Administration and Government," by adding a new Part 17 entitled "Quality-of-Life Ticketing Program" in its entirety to read as follows:

**PART 17**

**Quality-of-Life Ticketing Program**

**§ 1701. Purpose.** The purpose of this section is to provide for a mechanism by means of issuance of a ticket 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 Magisterial District 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.

**§ 1702. Enforcement.** Any violation of the following may be cause for a Notice of Violation, violation ticket, or citation to be issued to the violator:

- Chapter 2, Sections 201-202 (Animal Waste);
- Chapter 5, Part 4 (Property Maintenance);

- Chapter 10 (Health and Safety);
- Chapter 20, Section 104 (Trash and Recyclable Containers);
- Chapter 20, Section 105 (Accumulation of Trash); and
- Chapter 21 (Streets and Sidewalks).

If the violator fails to address the compliance issue through the ticketing process outlined below, the Borough may proceed with other enforcement mechanisms described in said Chapters.

**§ 1703. 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 Borough Code Enforcement Officer or other designated official of the Borough 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 Borough Code Enforcement Officer or other designated official within five (5) days from the issuance of the Notice of Violation, the Borough Code Enforcement Officer or other designated official shall issue a Violation Ticket to the violator consistent with the service of process described in §1703(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 Borough Code Enforcement Officer or other designated officer within five days (5) days after the issuance of the first violation ticket, the designated officer shall issue a second *Violation Ticket*; if the violation is not addressed within five (5) 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 Borough Code Enforcement Officer or other designated official 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 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 and, in the absence of prompt payment, the Borough shall be authorized to file a municipal lien against the property of the violator.

**§ 1704. 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 designated official. If the violation is not addressed by that time, a citation will be issued by the designated official with the local Magisterial District Judge.

**§ 1704. Appeals.** Any person who receives an initial 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 Council Property Committee. At the appeal, which shall be scheduled within thirty (30) 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 5 days after the appeal is heard.

**SECTION 2. Repeal of Ordinances.** Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

**SECTION 3. Severability.** If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough Council of the Borough of Hamburg, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

**SECTION 4. Effective Date.** This Ordinance shall become effective at the earliest date permitted by law.

**SECTION 5. Code of Ordinances.** The Code of Ordinances, as amended, of the Borough of Hamburg, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of this Code of Ordinances upon adoption.

**ENACTED AND ORDAINED** this 27<sup>TH</sup> day of JUNE, 2023.

ATTEST:

BOROUGH OF HAMBURG

  
Secretary

By:   
President

Approved as an Ordinance of the Borough of Hamburg this 27<sup>th</sup> day of June, 2023.

  
Mayor