

**Code of the Borough of Mount Jewett PA  
TICKETING ORDINANCE  
CHAPTER 429**

**§ 429 -1. 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 District Judge and unnecessary appeals. The resolution in this manner is beneficial from a two-fold perspective in that it permits the Mt Jewett 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.

**§ 429 -.2. ENFORCEMENT.**

Any violation of the following Chapters may be cause for a Notice of Violation, violation ticket, or citation to be issued to the violator: Chapter 161 Article I Dogs Running At Large, Chapter 178 Dangerous Buildings, Chapter 184 BUILDINGS, Numbering of, Chapter 190 Burning, Open, Chapter 203 Construction Code, Uniform, Chapter 222 Driveways, Chapter 284 Junkyards and Junk Dealers, Chapter 318 Nuisances, Chapter 329 Parks and Recreation Areas, Chapter 382 Streets and Sidewalks. If the violator fails to address the compliance issue through the ticketing process outlined below, the Borough of Mt Jewett may proceed with other enforcement mechanisms described in said Chapters.

**§ 429 -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 designated official of the Mt Jewett Borough shall serve the Notice of Violation to the violator:
1. By handing the Notice of Violation to the violator, or
  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 served, or
  3. By leaving or affixing the Notice of Violation ticket to the property where the violation exists (if applicable), or
  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 violation, or
  5. By mailing the notice to the violator's address of record first class mail with Certificate of mailing, return receipt requested.
- C. If the violation is not addressed to the satisfaction of the designated official within five (5) days from the issuance of the *Notice of Violation*, the designated official shall issue a *Violation*

*Ticket* to the violator consistent with the service of process described in § 429 -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 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 minimum fine for the first Notice of Violation shall be \$25.

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

E. The 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 of Mt Jewett 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.

#### **§ 429 - 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 designated official. If the violation is not addressed by that time a citation may be issued by the designated official with the local District Justice.

#### **§ 429 - 5 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 hearing before an official designated by the Mt Jewett Borough Council (such as the Borough Manager) other than the official who issued the ticket. At the appeal, which shall be scheduled within ten days of a request for appeal, the person shall have the right to provide information at that time. 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.

An individual who wishes to appeal the decision of the designated official made following the appeal hearing may do so by filing the appropriate appeal with either the Magisterial District Court or Court of Common Pleas.