

TOWNSHIP OF ELIZABETH
COUNTY OF ALLEGHENY, PENNSYLVANIA

ORDINANCE NO. 954

AN ORDINANCE OF THE TOWNSHIP OF ELIZABETH, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AN ORDINANCE TO PROVIDE FOR A TITLE, DEFINITIONS, THE ISSUANCE OF TICKETS FOR OFFENSES GOVERNED BY THE ELIZABETH TOWNSHIP CODE OF ORDINANCES, AMENDING THE CODE AND ORDINANCES TO ALLOW FOR ENFORCEMENT BY EITHER A POLICE OFFICER OR A CODE ENFORCEMENT OFFICER; PROVIDING FOR ENFORCEMENT FOR VIOLATIONS OF THIS ORDINANCE, ESTABLISHING FINES AND PENALTIES; AND PROVIDING FOR A REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Township of Elizabeth (the "Township") has recently experienced an increase in the failure of property owners to maintain properties and structures located within the Township, which has had a negative effect on the quality of life of the Township's citizens and guests; and

WHEREAS, the Board of Commissioners of Elizabeth Township (the "Board of Commissioners") is desirous of adopting an Ordinance that shall provide for the issuance of tickets, citations, and penalties to owners and/or occupiers of properties within the Township in a timely manner, for violations affecting "quality of life;" and

WHEREAS, the Board of Commissioners wishes to enact this Ordinance to provide for a mechanism by means of issuance of tickets rather than citations to reduce costly and protracted legal hearings before the District Justice and unnecessary appeals; and

WHEREAS, the Board of Commissioners finds that this Ordinance will be beneficial to the citizens of the Township as it will not unduly burden violating residents by requiring the issuance of a citation and a court hearing while simultaneously not depriving citizens of the right to dispute the ticket and receive the full benefit of procedural and substantive due process of law; and

WHEREAS, the First Class Township Code, at 73 Pa.C.S. Article 33§§3301,

Gives the Board of Commissioners the authority to prescribe fines and penalties for violations of Township Ordinances; and

WHEREAS, the Board of Commissioners finds that such an Ordinance is necessary to protect the health and safety of the citizens and residents of the Township.

NOW THEREFORE, this 2nd day of March, 2020, **BE IT ORDAINED AND ENACTED** by the Board of Commissioners, Elizabeth Township, Allegheny County, Pennsylvania, the following:

Section 1. Recitals That the above recitals are incorporated as if more fully set forth herein.

Section 2. Title. This Ordinance shall be referred to as the Elizabeth Township Quality of Life Ticketing Ordinance.

Section 3. Definitions

OWNER: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON: An individual, corporation, partnership or any other group acting as a unit

VIOLATOR: See OWNER

Section 4. Enforcement

A. The provisions of any article so enumerated below shall be enforced by Elizabeth Township police officers and code enforcement officers who are sworn to uphold and enforce the laws of the municipality. The ability of code enforcement officers to also enforce certain provisions of the covered Ordinances does not in any way affect the ability of police officers to enforce the Ordinances as currently provided within each covered Ordinance.

B. The Board of Commissioners may change those sections covered under this Ordinance from time-to-time by Ordinance, however, at the time of the adoption of this Ordinance, the following chapters of the Elizabeth Township Code of Ordinances are deemed and ordained to be under the jurisdiction of this enforcement process:

1. Chapter 2 Part 1, §109 Animal control.
2. Chapter 5 Part 3, International Property Maintenance Code.
3. Chapter 6 Part 4, Littering.
4. Chapter 10 Part 1, Vegetation.
5. Chapter 10 Part 2, §202 Health hazards and nuisances prohibited.
6. Chapter 10 Part 3, Storage of motor vehicles.
7. Chapter 11 Housing

- C. A violation of any of the above code and or ordinance sections may be cause for a citation, violation ticket and/or a notice of violation in addition to any other remedy or fine that the township may be entitled to under it ordinances or other applicable law.
- D. A violation ticket shall be served upon the violator in one of the following manners:
 - 1. By handing the ticket or notice of violation to the violator;
 - 2. By handing the ticket or notice to an adult resident of the subject property;
 - 3. By leaving or affixing the violation ticket or notice to the property where the violation exists; or
 - 4. By mailing the violation ticket or notice to the violators address of record through certified mail.
- E. Each day after the issuance of a ticket that the violation continues or is permitted to continue constitutes a separate offense for which a separate ticket and fine may be imposed.
- F. If the Township has corrected the violation, the cost thereof shall be charged to the owner of the property through any means available to the Township, including applicable interest rates for municipal liens at a rate of ten percent (10%) pursuant to the municipal claims act at 53 P.S. §7103.

Section 5. Violation Ticket Disposition

- A. Each person in receipt of a violation ticket shall pay the fine or request an appeal within 10 days. Failure of the person to make payment within 10 days shall make the person subject to a citation for the fines indicated in the relevant sections of the Code of the Township of Elizabeth and for any abatement costs incurred by the Township in accordance with the terms of this chapter.
- B. The Township may, with its violation ticket, direct a person to abate the violation noticed on such ticket ("notice of violation"), or if the Township determines that the immediate abatement of the same by the Township is necessary the Township may take the necessary action to abate the violation at the violator's expense.
- C. In the instance that such person does not comply with the notice of violation, the Township may, itself, take the action set forth in the notice of violation at the violator's expense
- D. If the Township corrected the violation set forth in the notice of violation, the cost thereof may be charged to the owner of the property, tenant or offending party.

E. In every instance where the recipient of a violation ticket has requested an appeal within ten (10) days as set forth above and has made the payments for the appeal as set forth by the current adopted fee schedule of Elizabeth Township an appeal hearing will be held by the body designated by the Board of Commissions to handle such appeals may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated cost, fines or penalty amounts. In the instance, following appeal, the recipient of a violation fails to make payment of the ticket amount owed, the Township may pursue any and all rights it has to file citations for the original violations and to seek recovery of all fines set forth in the ordinances and codes of Elizabeth Township notwithstanding any of the lesser amounts set forth in the violation ticket.

Section 6. Fines and Penalties

The Board of Commissioners may change the fines covered under this Ordinance from time-to- time by resolution.

1. Violations of the codes listed in section 4 enforcement, subsection B numbers 1 through 6 shall be subject to the following fines and penalties.
 - A. For the first offense of violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of Twenty-Five Dollars (\$25.00).
 - B. For the second offense of violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of Fifty Dollars (\$50.00).
 - C. For the Third offense of violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of One Hundred Dollars (\$100.00).
 - D. For the Fourth and all subsequent offense of violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of Three Hundred Dollars (\$300.00).
 - E. Any cost of abatement by Elizabeth Township or expenses incurred by the Township for said abatement shall be included in the cost of the ticket if such costs are known at the time of issuance.

2. A violation of the code listed in section 4 enforcement, subsection B number 7 shall be subject to the following fines and penalties.
 - A. For the first offense of a violation of this chapter within a twelve (12) month period, a ticket shall be issued in the amount of Three Hundred Dollars (\$300.00).
 - B. For the second offense of violation of this chapter within a twelve (12) month period a ticket shall be issued in the amount of Five Hundred Dollars (\$500.00).
 - C. All subsequent offense of violation of this chapter within a twelve month period, shall be subject to a One Thousand Dollar (\$1,000.00) fine with the issuance of a non-traffic citation.

Section 7. Repealer

All ordinances or parts of ordinances insofar as they are inconsistent herewith are hereby repealed and rescinded.

Section 8. Severability

In the event any provision, section, sentence, clause or part of this chapter shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this chapter; it being the intent of the Township of Elizabeth that the remainder of the chapter shall be and shall remain in full force and effect.

Section 9. Effective Date

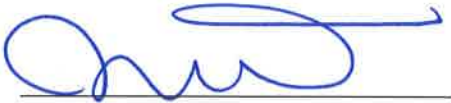
This Ordinance shall become immediately effective as permitted by law.

ORDAINED AND ENACTED by the Board of Commissioners of Elizabeth Township, Allegheny County, Pennsylvania.

Enacted this 2nd day of March, 2020.

TOWNSHIP OF ELIZABETH

ATTEST:



Joelle Whiteman
Office Manager



Kyle Walk President,
Board of Commissioners