

ORDINANCE 2015-04

**AN ORDINANCE OF THE BOROUGH OF BERWICK COUNCIL, COLUMBIA COUNTY, PENNSYLVANIA TO PROVIDE FOR THE ISSUANCE OF TICKETS FOR THOSE OFFENSES AS DEFINED BY RESOLUTION RATHER THAN CITATIONS AS THE INITIAL FORM OF DUE PROCESS THEREBY PROMOTING THE BEST INTEREST OF RESIDENTS OF THE BOROUGH OF BERWICK, COLUMBIA COUNTY, PENNSYLVANIA BY PERMITTING THE RESOLUTION OF AN ALLEGED VIOLATION IN AN EXPEDITIOUS FASHION WITHOUT RESORTING TO THE COURTS TO RESOLVE THE MATTER.**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH OF BERWICK COUNCIL, COLUMBIA COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME FOLLOWS:**

**SECTION 1: GENERAL PROVISIONS:**

The Ordinance shall be known and may be cited as the Alternative Dispute Resolution Ordinance of Berwick Borough Council, Columbia County, Pennsylvania.

**Section 1.1: Purpose:**

To provide for a mechanism by means of issuance of tickets 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 Judge and unnecessary appeals. The resolution in this manner is beneficial from a twofold 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 right to dispute the ticket and receive the full benefit of procedural and substantive due process of law.

**SECTION 2: ENFORCEMENT:**

A. The provision of any article so enumerated shall be enforced by code enforcement officers, or any public officer sworn to uphold and enforce the law of the municipality.

B. The Borough of Berwick Council may from time to time change, increase or decrease those sections to be covered under this alternative dispute resolution ordinance by resolution passed at the 5/18/2015 regular monthly meeting, however at the time of the adopting of the ordinances the following chapters of the International Property Maintenance Code, 2009 Edition and all other such ordinances deemed appropriate are hereby ordained to be under the jurisdiction of this process:

Section 302.1	Sanitation
Section 302.4	Weeds
Section 302.8	Motor Vehicles
Section 304.3	Premises Identification
Section 308.1	Rubbish and Garbage
Section 308.2.3	Containers
Section 70-2 B (1)	Prohibited furniture
Section 149-1	Sidewalk obstructions and nuisances

C. Any violation of the provisions of any article as enumerate in this chapter may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

D. A violation ticket shall be served upon a violator in the following manner:

1. By handing the violation ticket to the violator.
2. 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.
3. By leaving or affixing the notice of violation to the property where the violation exits.
4. By handing it to any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof.
5. By mailing the violation ticket to the violator's address of any record by regular and first class mail, return receipt requested.

E. A notice of violation shall be served upon a violator in the following manner:

1. By handing the notice of violation to the violator.
2. 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.
3. By leaving or affixing the notice or violation to the property where the property 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 for the time being in charge thereof.
5. By mailing the notice of violation to the violator's address of record by regular and first class mail, return receipt requested.

F. Each day that a violation continues or is permitted to continue constitutes a separate offense for which a separate fine may be imposed.

G. A code enforcement officer is hereby authorized and empowered to correct or abate any violation and should in the discretion of the officer such violation should constitute a clear and present danger to the health and safety of the community, he shall take all steps necessary to correct and abate the violation within twenty-four (24) hours.

H. If the Berwick Borough Council has effected a correction of the violation, the costs thereof shall be charged to the new owner of the property, tenant, or offending party, in that order of responsibility, and such restitution can be affected by whatever means is available to the municipality.

**SECTION 3. VIOLATION TICKET DISPOSITION:**

A person in receipt of a violation ticket shall have ten (10) days within which time to pay the amount of the ticket. In the event the ticket is not paid within ten (10) days such failure to pay shall result in the issuance of a criminal citation for the offense as enumerated on the ticket.

**SECTION 4. FINES AND PENALTIES:**

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

**SECTION 5. RESTITUTION:**

In addition to imposing a fine and costs and/or imprisonment as enumerated under the section allegedly violated the Magisterial District Court Judge may order the violator upon conviction to make restitution to any aggrieved person.

**SECTION 6. SEVERABILITY:**

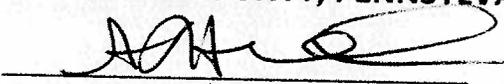
The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Berwick Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part of provision had not been included herein.

The provisions of any prior Ordinance which are inconsistent with the provision of this Ordinance are hereby repealed to the extent of such inconsistency. This Ordinance shall be effective immediately upon adoption.

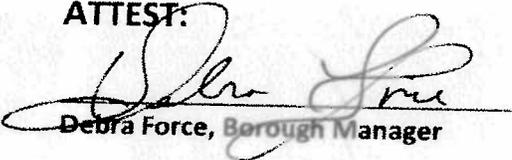
**DULY ENACTED AND ORDAINED** this 18 day of May 2015, by the Council of the Borough of Berwick, Pennsylvania, in lawful session duly assembled.

**BOROUGH OF BERWICK  
COLUMBIA COUNTY, PENNSYLVANIA**

BY:

  
Alvin Hill, President of Council

ATTEST:

  
Debra Force, Borough Manager

**EXAMINED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Timothy E. Burke, Mayor  
Borough of Berwick, Pennsylvania

10/8/2015

ORDINANCE - 2015-04

I AM RETURNING YOUR COPY UNMARRED

I AM ALSO ENCLOSED A COPY WITH SECTIONS NOTATED THAT FIGURED IN MY DECISION TO VETO. I REALIZE THIS VETO WILL BE OVER RODE, BUT IT IS IMPORTANT TO ME TO NOTATE MY DISAGREEMENT.

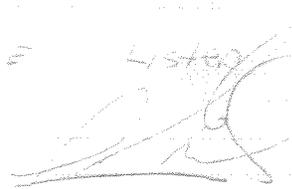
\* PAGE (3) ARTICLE H - I DO NOT BELIEVE ANY COSTS SHOULD BE CHARGED TO NEW OWNERS, OR TENANTS WITHOUT GIVING APPROPRIATE TIME TO CORRECT OR CONTEST SUPPOSED VIOLATION.

X PAGE 4 TOP - UNLESS ISSUE IS SERIOUS - I DONT FEEL 10 DAYS IS ENOUGH TIME TO ADDRESS PAYMENT BEFORE BECOMING A CITATION. OUR ECONOMY IS NOT GOOD.

X PAGE 4 - ARTICLE 2 - 3 AND 4 - I FEEL THE ESCALATION OF COST ONLY MAKES CORRECTING ANY ISSUES MORE DIFFICULT. - IF PEOPLE DONT HAVE MONEY TO PAY INITIAL FINE, THEY SURELY DONT HAVE MONEY TO EFFECT REPAIRS AND CORRECTIONS.

AS PER BOROUGH CODE I HAVE LISTED ABOVE OBJECTIONS.

THANK YOU



INCORPORATED 1818

SETTLED 1786  
**BOROUGH OF BERWICK**  
CITY HALL  
1800 NORTH MARKET STREET  
BERWICK, PENNSYLVANIA 18603-3792  
TELEPHONE: 570-752-2723 FAX: 570-752-2726

RE-INCORPORATED 1918

October 19, 2015

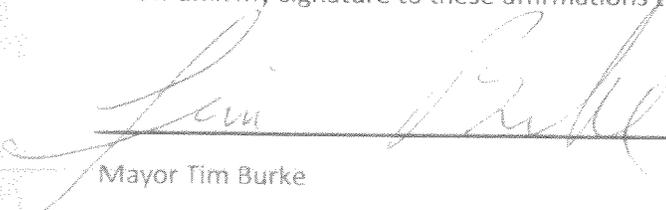
Between  
Mayor Tim Burke  
And  
Members of Berwick Council

### Waiver of Service

I have received a copy of the following by certified mail in relation to this matter.

I hereby waive formal service in this action and also accept Ordinances 2015: 03, 04 and 05 of The Borough of Berwick at this time. I understand and agree I waive any objections to the absence of official service.

I now affix my signature to these affirmations the 21<sup>ST</sup> of October, 2015.

  
\_\_\_\_\_  
Mayor Tim Burke

