

ORDINANCE NO. 358

AN ORDINANCE 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 THE RESIDENTS OF ELIZABETHVILLE BOROUGH, DAUPHIN COUNTY, 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 COUNCIL OF ELIZABETHVILLE BOROUGH, DAUPHIN COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME AS FOLLOWS:

**SECTION 1. GENERAL PROVISIONS**

The Ordinance shall be known and may be cited as The Alternative Dispute Resolution Ordinance of Elizabethville Borough, Dauphin County, Pennsylvania of 2017.

**Section 1.1 The purpose of the Ordinance is:**

A. 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 issuance of a citation and a court hearing. It also does not deprive the citizen of the right to dispute the ticket and receive the full benefit of procedural and substantive due process of law.

**SECTION 2. ENFORCEMENT**

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

B. The 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 January regular monthly meeting, however at the time of the adoption of the ordinance the following chapters are hereby deemed and ordained to be under the jurisdiction of this process:

- Chapter 2 entitled Animals;
- Chapter 7 entitled Fire Prevention and Fire Protection;
- Chapter 10 entitled Health and Safety;
- Chapter 16 entitled Parks and Recreation;

Chapter 20 entitled Solid Waste;  
Chapter 21 entitled Streets and Sidewalks

C. Any violation of the provisions of any article as enumerated 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 notice of violation or violation ticket shall be served upon a violator in the following manner:

1. By handing the ticket or notice of violation to the violator, or
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, or
3. By leaving or affixing the notice or violation ticket to the property where the violation exists, or
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, or
5. By mailing the notice to the violator's address of record first class mail with a certificate of mailing.

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

F. A public officer is hereby authorized and empowered to correct or abate any violation and should in the discretion of the officer such violation constitute a clear and present danger to the health and safety of the community he shall take all steps necessary to correct or abate the violation within 24 hours.

G. If the Borough has effected a correction of the violation, the cost thereof shall be charged to the 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 10 days within which time to pay the amount of the ticket. In the event the ticket is not paid within 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.**

A. For the first offense of the violation of this article within a 12 month period, the tickets shall be issued in the amount of \$100.

B. For the second offense of the violation of this article within a 12 month period, the tickets shall be issued in the amount of \$200.

C. For the third offense of the violation of this article within a 12 month period, the tickets shall be issued in the amount of \$300.

D. For the fourth offense and all subsequent offenses of the violation of this article within a 12 month period, the ticket shall be issued in the amount of \$500.

**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, valid 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 Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

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

**DULY ENACTED AND AS ORDAINED** this 13<sup>th</sup> day of November 2017,  
by the Council of Elizabethville Borough, Dauphin County, Pennsylvania

ATTEST:

Peggy P. Kahleu

John J. Fuller  
President of Borough Council

Approved By Mayor

W. A. [Signature]

Date: 11-13-2017