

BOROUGH OF ARCHBALD
ORDINANCE NO. OF 2018
AN ORDINANCE ADOPTING A QUALITY OF LIFE FOR THE MAINTENANCE
OF PROPERTIES WITHIN THE BOROUGH OF ARCHBALD AND PROVIDING
FOR A TICKET PROCESS FOR VIOLATIONS THEREOF

WHEREAS, the Archbald Borough Council has determined it is necessary to adopt this Ordinance to ensure the health, safety and welfare of the residents and visitors to the Borough of Archbald and for the proper management, care and control of the Borough of Archbald and its finances and the maintenance of peace, good government, safety and welfare of the Borough of Archbald and its trade, commerce and manufactures;

NOW, THEREFORE, pursuant to the powers and statutory authority expressly granted to the Borough of Archbald by the Pennsylvania Borough Code, 8 Pa.C.S Section 101 et seq., specifically the power to prohibit and remove any nuisance or dangerous structure on public or private grounds, including, but not limited to, accumulations of garbage and rubbish, the storage of abandoned or junked automobiles and obstructions or nuisances in the streets of the Borough of Archbald, 8 Pa.C.S Section 1202(4); the power to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough, 8 Pa.C.S. Section 1202(5); the power to regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and the heights, grades, widths, slopes and their construction, and to prohibit the erection or construction of any building or other obstruction to the convenient use of the same, 8 Pa.C.S. Section 1202(12); the power to impose fines and penalties, incurring partial or total forfeiture, or to remit the same, 8 Pa.C.S. Section 1202(3) and the power to make and adopt all ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth as may be expedient or necessary for the proper management, care and control of the Borough and its finances and the maintenance of peace, good government, safety and welfare of the Borough and its trade, commerce and manufactures, 8 Pa.C.S. Section 1203, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Archbald, County of Lackawanna and Commonwealth of Pennsylvania, as follows:

SECTION I. PURPOSE.

Lack of maintenance of properties, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, and the accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Borough, which reduce business and tax revenue and inhibit economic development. The quality of life and community pride of the citizens of the Borough of Archbald are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Ordinance is to promote the health, safety and general welfare of the Borough of Archbald by helping to create a clean environment for the citizens of, and visitors to, the Borough of Archbald.

SECTION II. DEFINITIONS.

The following words, terms, and phrases, when used in this Ordinance, shall be defined as follows, unless the context clearly indicates otherwise:

A. DEBRIS — any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked, or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

B. BOROUGH – means the municipal corporate entity known as the Borough of Archbald, Lackawanna County, Pennsylvania and/or, where applicable, the geographical confines and land of the Borough of Archbald situate in Lackawanna County, Pennsylvania and any duly elected, appointed or authorized representative of the Borough of Archbald, Lackawanna County.

C. DUMPING — includes, but is not limited to, depositing of litter, depositing of durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by law.

D. GARBAGE -- the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

E. HAZARDOUS WASTE — any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- (1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating illness.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

F. HOUSEHOLD HAZARDOUS WASTE (HHW) - waste which would be chemically or physically classified as a hazardous waste but which is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and/or because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials include, but are not necessarily limited to, those which meet one of the following four classifications: toxic materials, flammable materials, reactive materials, or corrosive materials. HHW consists of numerous products that are common to the average household such as, by way of illustration and not by means of limitation: pesticides and herbicides, cleaners, automotive products, paints, and acids.

G. INDOOR FURNITURE — any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs, bedding; tables, non-upholstered chairs, sofas, etc.

H. JUNKED VEHICLE — any vehicle which is not able to be currently legally operated on the roadways of the Commonwealth of Pennsylvania or which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle.
- (2) Broken glass or windows on or in the vehicle.
- (3) Leaking of any fluids from the vehicle or deflated or flat tire(s).
- (4) Unsecured and/or unlocked doors, hood, or trunk.
- (5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks, or other similar apparatus.
- (6) Harboring of rodents, insects, or other pests.
- (7) Any vehicle abandoned on a public roadway for greater than seventy-two (72) consecutive hours.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair and are listed by way of illustration and not by means of limitation. See also the definition of "motor vehicle nuisance."

I. LITTER — includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demotion material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

J. LOCAL RESPONSIBLE AGENT - any person residing or working within the Borough of Archbald designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

K. MOBILE VENDOR — a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the Borough that does not typically remain stationary for more than approximately 10 minutes each hour.

L. MOTOR VEHICLE — any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

M. MOTOR VEHICLE NUISANCE – a motor vehicle which is not able to be currently legally operated on the roadways of the Commonwealth of Pennsylvania with one or more of the following defects:

- (1) Broken windshields, mirrors, or other glass, with sharp edges.
- (2) Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
- (3) Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
- (4) Protruding sharp objects from the chassis.
- (5) Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
- (6) One or more open tires or tubes which could permit animal harborage.
- (7) Any vehicle suspended by blocks, jacks, or other such materials in a location which may pose a danger to the public, property owners, visitors, or residents of the property on which said vehicle is found.
- (8) Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- (9) Disassembled body or chassis parts stored in, on, or about the vehicle.
- (10) Vehicles that do not display a current valid license and registration.

- (11) Such other defects which the Fire Department determines to be a danger to the general public or property.
- (12) Motor vehicles parked, drifted, or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.
- (13) Any motor vehicle abandoned on a public roadway for greater than seventy-two (72) consecutive hours.

N. MUNICIPAL WASTE — any garbage, refuse, industrial waste, lunchroom waste, or office waste, and/or other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities, and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

O. NOTICE OF VIOLATION — a written document issued to a person in violation of a Borough ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

P. NUISANCE — any condition, structure, activity or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhoods. See also the definition of "public nuisance", below.

Q. OWNER — A natural person, agent, firm, operator, corporation, partnership, organization, association, institution or other legal entity having a legal or equitable interest in the subject property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having custody, possession or control of the property including the principals of a limited liability company or officer, director or shareholder of a corporation if that individual is responsible for the management and control of the property; including the guardian of the estate of any such person, and the executor, administrator or personal representative of the estate of such person or property or any other person ordered to take possession of real property by a court of competent jurisdiction.

R. PERSON — A natural person, agent, firm, operator, corporation, partnership, organization, association, institution or other legal entity.

S. PRIVATE PROPERTY — any land and the improvements thereon owned by any person and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial, or commercial purposes, whether inhabited, temporary, continuously uninhabited, or vacant, including any yard, grounds, walk,

driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building, or other structure.

T. PUBLIC OFFICER — any authorized inspector or representative of the Borough of Archbald, the Archbald Borough Manager, the Archbald Borough Code Enforcement Officer, the Borough of Archbald Zoning Officer, any Borough of Archbald Police Officer or any duly designated Borough of Archbald public official or representative designated by the Borough of Archbald to enforce the Borough ordinances.

U. PUBLIC NUISANCE — any activities, conditions or premises which are unsafe, unsanitary or which interfere with the reasonable use and enjoyment of property within the Borough of Archbald.

V. PUBLIC RIGHT-OF-WAY — the total width of any land used, reserved, or dedicated as a street, alley, driveway, sidewalk, or utility easement, including curb and gutter areas.

W. RECYCLABLE MATERIALS - Material which would otherwise become municipal waste, which can be collected, separated, or processed, and returned to the economic mainstream in the form of raw materials or products. These materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires, and large auto parts.

X. RESIDUAL WASTE — any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

Y. RUBBISH — combustible and noncombustible waste materials, except garbage; the term shall include residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

Z. SIDEWALK AREA — the public right-of-way between the property line and the curb line or the established edge of any roadway.

AA. SOLID WASTE — any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

BB. VEGETATION — any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

CC. VIOLATION TICKET — a form issued by a police officer or public officer to a person who violates any provision of this Ordinance. The violation ticket is an offer by the Borough of Archbald extended to a person to settle a violation by paying a fine in lieu of a citation being issued against the violator.

DD. WEEDS — shall be defined as all grasses, annual plants, and vegetation, which meet any one of the following criteria:

- (1) Exceed ten (10) inches in height.
- (2) Exhale unpleasant noxious odors or pollen such as ragweed, dandelion, and miscellaneous other vegetation commonly referred to as weeds or brush.
- (3) Conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.
- (4) Cause a public nuisance.

Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

EE. YARD — an open space on the same lot with a structure.

SECTION III. QUALITY OF LIFE VIOLATIONS.

A. A Person, Owner, or Local Responsible Agent commits a quality of life violation by any of the following:

1. **Accumulation of Rubbish or Garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of waste, trash, rubbish, or garbage.
2. **Animal Maintenance and Waste/Feces Clean-Up.** People owning, harboring, or keeping an animal within the Borough of Archbald shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition. No person shall cause or allow any animal to defecate upon any property within the Borough of Archbald without immediately removing said feces and depositing same in approved containers of said person.
3. **High Weeds, Grass or Plant Growth.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches (254mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation. Cultivated flowers, gardens, trees, and shrubs shall not be included as a violation of this Part.
4. **Motor Vehicles.** It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed, or nuisance motor vehicle in view of the public for a period of time in excess of seventy-two (72) continuous hours on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless

conducted inside an approved spray booth. The prohibition of painting set forth in this subsection excludes touch-up painting.

5. **Outside Placement of Indoor Appliances/Furniture.** It is prohibited to store or place any/all appliances or furniture including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property.
6. **Sidewalk Areas. Snow and Ice Removal from Sidewalks and prohibition against weeds.** Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Borough of Archbald, is required to properly maintain all sidewalk areas and to remove snow and ice from all sidewalks within the Borough of Archbald on the same day of the cessation of any fall of snow, sleet, or freezing rain or within the first 4 hours of daylight after the cessation of any such fall, whichever period is longer. Furthermore, they must create a path, free from any snow or ice, of thirty (30) inches on said sidewalk. Snow and ice shall be removed from sidewalks in all business districts within 2 business hours after the cessation of any fall of snow, sleet, or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter. Business hours shall be between 9:00 a.m. and 5:00 p.m., Mondays through Fridays, exclusive of official Federal Holidays. In addition, all sidewalk areas shall be maintained such that they are free from any weeds or other unsightly or unsanitary grasses and vegetation.
7. **Storage Containers for Waste or Trash.** The owner of every premises shall supply approved containers for waste/trash, as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, water tight, and made of metal or plastic. Containers must have tight fitting covers, and must be kept clean and odor free at all times. All containers must be stored in a location on the owner's property not within the public right-of-way or readily visible from the public right-of-way. The persons occupying any dwellings are limited to 4 containers not exceeding 50 pounds each. Waste/trash containers may only be placed in front of any property no sooner than 6 PM before the day of the scheduled waste/trash pick-up day. Once the Borough removes the waste/trash from any property, all containers must be stored so they are not on the public right-of-way or readily visible from the public right-of-way within twenty-four hours after pick-up.
8. **Storing of Hazardous Material.** It shall be unlawful for any person, business or entity to store combustible, flammable, explosive, or other hazardous materials including, but not limited to, paints, volatile oils and cleaning fluids, or combustible rubbish including, but not limited to, wastepaper, boxes, or rags unless the storage of said materials is stored in compliance with applicable law.
9. **Storing of Recyclables.** It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection, and disposal of all

recyclables from their property in such a manner not to create a public nuisance. (Storage of recyclables is only permitted as described in Paragraph 7 above, which must be kept clean and sanitary at all times).

10. Swimming Pools. Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered, and sanitary as well.
11. Violating the Terms of Any Vending License. It shall be unlawful to violate any term, part, portion or in total, any vending license. Any person, business, partnership, or entity violating their vending license shall be in violation of this Ordinance.
12. Temporary Dumpster Permit Required. Each temporary dumpster, whether placed on private property or in a public right of way, shall display a valid permit issued by the Borough and shall be used and located in compliance with Borough Ordinances.

SECTION IV. AUTHORITY FOR ISSUANCE OF VIOLATION TICKET.

Upon finding any quality of life violation, any Public Officer of the Borough of Archbald, may issue a quality of life violation ticket to the owner and/or occupant of the property at issue or to any individual(s) known to have violated this Ordinance.

SECTION V. ENFORCEMENT.

A. The provisions of this Ordinance shall be enforced by the Archbald Borough Code Enforcement Officer, the Borough of Archbald Zoning Officer, The Archbald Borough Manager, any Police Officer of the Borough of Archbald, or any other public officer or Borough representative authorized to enforce ordinances.

B. Any violation of the provisions of this Ordinance may be cause for a citation, a violation ticket, and/or a notice of violation to be issued to any person in violation of this Ordinance.

SECTION VI. SERVICE.

A violation ticket in the form attached to this Ordinance as Exhibit “1” shall be served upon a person in violation of this Ordinance by any one, or a combination of, the following means: by personally handing it to the person in violation of this Ordinance; by handing it to an adult member of the household or other person in charge of the residence at the residence of the person to be served; by leaving or affixing the notice or violation ticket to the property where the violation exists; by handing it to the agent of the person in violation of this Ordinance or to the person for the time being in charge at any office or usual place of business of the person in violation of this Ordinance, or by mailing the notice to the address of record of the person in violation of this Ordinance by regular United States Mail and/or Certified United States Mail, return receipt requested. Service by regular United States mail is complete upon mailing and in and of itself constitutes effective service if not returned as undelivered by the United States Postal Service.

SECTION VII. SEPARATE OFFENSE.

Each day a violation of this Ordinance continues after the issuance of a violation ticket and each day a violation of this Ordinance is permitted to continue after the issuance of a violation ticket constitutes a separate offense for which a separate fine may be imposed without the filing of any additional violation tickets.

SECTION VIII. ABATEMENT OF VIOLATIONS.

A. Any person or business violating this Ordinance is hereby directed to satisfy the Borough of Archbald and its citizens, upon issuance of a quality of life ticket, by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Code Enforcement Officer in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.

B. The Borough of Archbald and/or its contractor, per the direction of the Borough, reserve the right to abate the violation in question at the expense of the owner. If the Borough has effectuated the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant, or offending party as provided herein. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket, which will also be paid separately.

C. In all instances where the Borough abates the violation, in addition to the fine set forth in the quality of life ticket, the Borough is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by the Code Enforcement Officer and the rules and regulations.

D. Borough of Archbald Cleanup. The Borough reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours passes from the date of issuance of the quality of life ticket. Should the violation, at the discretion of the Code Enforcement Officer, present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of fifty (\$50.00) dollars per hour, per man, and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional twenty (20%) percent on all material purchases to cover all miscellaneous expenses, such as wear and tear on equipment and the ultimate expense of all such work performed by the Borough pursuant to this Ordinance will be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

E. Contractor Cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours passes from the date of issuance of the quality of life ticket. Should the violation present imminent danger and/or pose a

health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough of Archbald and the Borough will forward these costs to the violator. The Borough reserves the right to add a thirty (30%) percent processing fee in addition to the cost of the contractor. The ultimate expense of all such work performed by the Borough pursuant to this Ordinance will be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

SECTION IX. FINES AND PENALTIES.

A. For the first violation of the terms of this Ordinance within a 12-month period by any person, a violation ticket shall be issued in the amount of \$25.00, as set forth on the chart below. For the purposes of this Ordinance, the beginning of the 12-month period will begin on the date of the initial violation ticket and end on the same date of the next calendar year.

B. For the second violation of the terms of this Ordinance within a 12-month period by the same person, a violation ticket shall be issued in the amount of \$50.00, as set forth on the chart below.

C. For the third violation of the terms of this Ordinance within a 12-month period by the same person, a violation ticket shall be issued in the amount of \$100.00, as set forth on the chart below.

Violation	Description	Fine 1	Fine 2	Fine 3
III.A.1	Accumulation of rubbish or garbage	\$25.00	\$50.00	\$100.00
III.A.2	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
III.A.3	High weeds, grass, or plant growth	\$25.00	\$50.00	\$100.00
III.A.4	Motor vehicles	\$25.00	\$50.00	\$100.00
III.A.5	Outside placement of indoor appliances/furniture	\$25.00	\$50.00	\$100.00
III.A.6	Sidewalk Areas	\$25.00	\$50.00	\$100.00
III.A.7	Storing Containers for waste or trash	\$25.00	\$50.00	\$100.00
III.A.8	Storing of Hazardous material	\$25.00	\$50.00	\$100.00
III.A.9	Storing of recyclables	\$25.00	\$50.00	\$100.00
III.A.10	Swimming Pools	\$25.00	\$50.00	\$100.00
III.A.11	Violating the terms of any vending license	\$25.00	\$50.00	\$100.00
III.A.12	Temporary dumpster permit required	\$25.00	\$50.00	\$100.00

D. For each violation of the terms of this Ordinance after the third violation of this Ordinance within a 12-month period by the same person, each violation ticket shall increase the fine and penalty in the amount of \$100.00 per offense, cumulative for each subsequent offense.

E. Any person who receives a violation ticket for any violation of the terms of this Ordinance may, within fifteen (15) days, admit the violation, waive a hearing, and pay the fine in full satisfaction.

F. In addition to the fines and penalties set forth above, any person who violates the terms of this Ordinance shall also be liable to the Borough of Archbald for any and all direct and indirect costs incurred by the Borough of Archbald for the cleanup and abatement of the violation. The Borough of Archbald may collect these costs, together with a penalty of 10% of the cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or the borough may seek relief by bill in equity pursuant to 8 PA.C.S Section 1202(4), and all other applicable laws.

G. Failure of any person to make payment of a violation ticket within thirty (30) days of service of the violation ticket shall result in the filing of a Citation, for failure to pay, with the local Magisterial District Judge.

H. In addition to the assessment of all penalties and liens set forth above, any person who violates or permits a violation of this Ordinance, upon being found liable therefore in a civil enforcement proceeding before the local Magisterial District Judge, shall pay a fine and/or penalty of not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) per violation, plus all court costs, including reasonable attorneys fees incurred by the Borough in the enforcement of this Ordinance. Each day the violation exists shall constitute a separate offense. In any case where a penalty for a violation has not been timely paid, and the person against whom the penalty was imposed is found to have been liable therefor in a civil proceeding, such violator shall be liable for the penalty imposed, including all additional daily penalties and attorney's fees incurred by the Borough in the enforcement proceedings. If the violator neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure and all other applicable law.

I. In addition to, or in lieu of, a civil action before a Magisterial District Judge, the Borough may enforce this Ordinance in equity. The appropriate officers, agents or representatives of the Borough, specifically including, but not necessarily limited to, the Archbald Borough Council, the Archbald Borough Manager, the Archbald Code Enforcement Officer or the Archbald Borough Zoning Officer are authorized to seek equitable relief, including injunctions, to enforce compliance with the terms of this Ordinance.

J. The Borough shall be exempt from the payment of costs in any civil case brought to enforce this ordinance.

SECTION XI. CITATION FINES.

Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Ordinance, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction before the Magisterial District Judge, be ordered to pay, in addition to the above listed fines and penalties, a fine of not less than one hundred (\$100.00) dollars, and not more than one thousand (\$1,000.00) dollars for each offense, the costs of prosecution, including restitution of the fees of the Code Official or be imprisoned no more than ninety (90) days, or both, subject to Pa R Crim P. 456 (c) and 42 Pa C.S. 9730 (b). A separate offense under this Ordinance shall be deemed to occur for each day for which a violation occurs. Nothing herein is intended to impede or restrict the prosecution of any criminal offense for any person continuing to violate the terms of this Ordinance or any order to stop or desist from any illegal conduct or from being charged with any separate offense under the criminal codes or otherwise.

SECTION XII. RESTITUTION.

The appropriate Magisterial District Judge may order any person found to be in violation of this Ordinance to make restitution where appropriate, to pay the Borough's costs of collection/citation proceedings/prosecution, reports, engineering or Code official fees and to pay the Borough's costs, fees and reasonable Attorneys' fees associated with the prosecution of the same. The reasonable attorney's fees shall be at the rate of one hundred and twenty-five (\$125) dollars per hour. Said sum may be amended by Resolution of the Borough, from time to time. The ultimate expense of all such work performed by the Borough pursuant to this Ordinance shall be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

SECTION XIII. COLLECTIONS.

At the discretion of the Borough of Archbald, all tickets for which payment is not received within forty-five (45) days of issuance of a ticket, from which an appeal is not taken, and forty-five (45) days from the denial of appeal and monies paid by the Borough of Archbald for abatement of a violation not paid within forty-five (45) days of billing, may be turned over by the Borough to a collection agency for receipt and collection. The ultimate expense of all such work

performed by the Borough pursuant to this Ordinance will be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

SECTION XIV. LIENS.

At the discretion of the Borough of Archbald, liens may be placed upon a property against which tickets were issued for which payment is not received within forty-five (45) days of issuance of a ticket for which an appeal is not taken, and forty-five (45) days from denial of appeal and monies paid by the Borough of Archbald for abatement of a violation and not paid within forty-five (45) days of billing. The ultimate expense of all such work performed by the Borough pursuant to this Ordinance will be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

SECTION XV. NONEXCLUSIVE REMEDIES.

The penalties, liens and collection provisions of this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough of Archbald as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough of Archbald in the case of a violation of any other Borough of Archbald Code or Codified Ordinance, whether or not such other Code or Ordinance is referenced in this Ordinance, and whether or not an ongoing violation of such other Code or Ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

SECTION XVI. SEVERABILITY.

If any provision, paragraph, word, section, or subsection of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsections of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION XVII. EFFECTIVE DATE.

This Ordinance shall be effective immediately upon passage and approval in the manner prescribed by law.

ENACTED and ORDAINED this 17th day of October, 2018.

Borough Council of the Borough of Archbald

BY: _____,
Joseph Simon, President, Archbald Borough Council

ATTEST:

_____,
Dawn Rudalavage, Borough Secretary

EXAMINED and APPROVED, this 17th day of October, 2018.

BY: _____,
SHIRLEY BARRETT, Mayor, Borough of Archbald

EXHIBIT "1"

Quality of Life Ticket No.



Archbald Borough
Zoning Office and Code
Department

400 Church Street Archbald, PA, 18403
(570) 000-0000EXT. 1008

Date: _____

Officer: _____ Time: _____

Location of
Violation: _____

Owner(s) : _____

Owner Address: _____

City: _____ State: _____ Zip: _____

Violation: QOL- _____ Fine: _____

Other:

Remarks:

Violation	Description	Fine 1	Fine 2	Fine 3+
III.A.1	Accumulation of rubbish or garbage	\$25.00	\$50.00	\$100.00
III.A.2	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
III.A.3	High weeds, grass, or plant growth	\$25.00	\$50.00	\$100.00
III.A.4	Motor vehicles	\$25.00	\$50.00	\$100.00
III.A.5	Outside placement of indoor appliances/furniture	\$25.00	\$50.00	\$100.00
III.A.6	Sidewalk Areas	\$25.00	\$50.00	\$100.00
III.A.7	Storing Containers for waste or trash	\$25.00	\$50.00	\$100.00
III.A.8	Storing of Hazardous material	\$25.00	\$50.00	\$100.00
III.A.9	Storing of recyclables	\$25.00	\$50.00	\$100.00
III.A.10	Swimming Pools	\$25.00	\$50.00	\$100.00
III.A.11	Violating the terms of any vending license	\$25.00	\$50.00	\$100.00
III.A.12	Temporary dumpster permit required	\$25.00	\$50.00	\$100.00

Any persons who receives a violation ticket for any violation of this part may, within fifteen (15) days, admit the violation, waive a hearing, and pay the fine in full satisfaction. Any person who violates this Part shall pay a fine as set forth herein for each offense, plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation. Failure of the person to make payment or request a hearing within thirty (30) days of a violation ticket shall make the person subject to a citation for failure to pay.

NOTE: THIS THE ONLY NOTICE YOU WILL RECEIVE.

PAYMENTS CAN BE MADE TO: Borough of
Archbald
400 Church Street, Archbald, PA
18403