

**UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1111**

AN ORDINANCE TO PROVIDE FOR A TITLE, DEFINITIONS, THE ISSUANCE OF TICKETS FOR OFFENSES GOVERNED BY ORDINANCE NO. 1066 KNOWN AS THE UNION CITY BOROUGH PROPERTY MAINTENANCE CODE, ORDINANCE NO. 987 GOVERNING THE COLLECTION OF RECYCLABLES, ORDINANCE NO. 1110 GOVERNING SIDEWALK CONSTRUCTION, RECONSTRUCTION, REPAIR AND SIDEWALK SNOW AND ICE REMOVAL, AND ORDINANCE NO. 1045 GOVERNING THE STORAGE OF NUISANCE MOTOR VEHICLES AND VEHICLE PARTS; 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 Union City Borough (the "Borough") has recently experienced an increase in the failure of property owners to maintain properties and structures located within the Borough, which has had a negative effect on the quality of life of the Borough's citizens and guests; and

WHEREAS, the Borough Council of the Union City Borough (the "Borough Council") 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 Borough in a timely manner, for violations affecting "quality of life;" and

WHEREAS, the Borough Council 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 Borough Councils finds that this Ordinance will be beneficial to the citizens of the Borough 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 Borough Code, at 8 Pa.C.S. §§32A04; 3321, gives the Borough Council the authority to prescribe fines and penalties for violations of Borough Ordinances; and

WHEREAS, the Borough Council finds that such an Ordinance is necessary to protect the health and safety of the citizens and residents of the Borough.

NOW THEREFORE, this 22nd day of August, 2017, **BE IT ORDAINED AND ENACTED** by the Borough Council, Union City Borough, Erie 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 Borough of Union City 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 3. Enforcement

A. The provisions of any article so enumerated below shall be enforced by Borough of Union City police officers and code enforcement officers who are sworn to uphold and enforce the law 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. Council 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 are deemed and ordained to be under the jurisdiction of this enforcement process:

1. Ordinance No. 1066, as amended, known as The Union City Borough Property Maintenance Code
2. Ordinance No. 987, as amended by Ordinance No. 1107, governing collection of recyclables.
3. Ordinance No. 1110, governing sidewalk construction, reconstruction, repair, sidewalk snow and ice removal
4. Ordinance No. 1045, governing the storage of nuisance motor vehicles and motor vehicle parts.

- C. Any violation of the provisions on any article as enumerated in this chapter may be caused for a violation ticket to be issued to the violator.
- D. A violation ticket shall be served upon the violator in one the following manners:
1. By handing the ticket or notice of violation to the violator;
 2. By handing it to an adult resident of the subject property;
 3. By leaving or affixing the notice or violation ticket to the property where the violation exists; or
 4. By mailing the notice or violation ticket to the violator's address of record through first class mail with a certificate of mailing.
- E. Each day after the issuance of a ticket that a violation continues or is permitted to continue constitutes a separate offense for which a separate fine may be imposed.
- F. If the Borough has corrected a violation, the cost thereof shall be charged to the owner of the property through any means available to the Borough, including applicable interest rate for municipal liens at a rate of ten percent (10%) pursuant to the Municipal Claims Act at 53 P.S. §7103.

Section 4. Violation Ticket Disposition

A person in receipt of a violation ticket shall have ten (10) days within which to pay the amount of the ticket to the Borough. In the event that payment for the ticket is not remitted within ten (10) days time, such failure to pay shall result in the issuance of a non-traffic citation for the offense as enumerated in the Property Maintenance Code Ordinance 1066, Ordinance 987 as amended by 1107, Ordinance 1110, and/or Ordinance 1045.

Section 5. Fines and Penalties

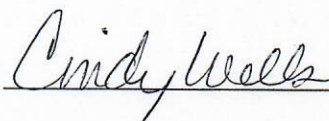
- A. For the first offense of violation of this Ordinance within a twelve (12) month period, a ticket shall be issued in the amount of Twenty-Five Dollars (\$25.00).
- B. For the second offense of violation of this Ordinance within a twelve (12) month period, a ticket shall be issued in the amount of Fifty Dollars (\$50.00).
- C. For the third offense of violation of this Ordinance within a twelve (12) month period, a ticket shall be issued in the amount of One Hundred Dollars (\$100.00).
- D. For the fourth offense and all subsequent offense of violation of this Ordinance within a twelve (12) month period, a ticket shall be issued in the amount of Three Hundred Dollars (\$300.00).

Section 6. Repealer All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

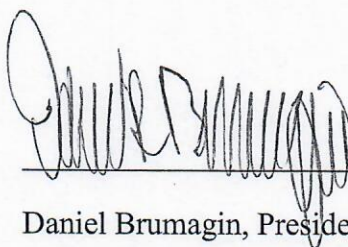
Section 7. Severability If any sentence, clause, section or amendment of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or amendments of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or amendment thereof not been included herein.

Section 8. Effective Date This Ordinance shall become immediately effective as permitted by law.

ATTEST:



Cindy Wells, Secretary



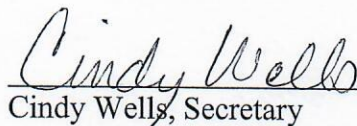
Daniel Brumagin, President

APPROVED



Robert King, Mayor

I certify that the above is a true copy of the Borough of Union City, Erie County, Pennsylvania, Ordinance No.1111 adopted by the Union City Borough Council on August 22, 2017 and advertised in the Corry Journal on August 11, 2017.


Cindy Wells, Secretary