

**BOROUGH OF MILLERSBURG
COUNTY OF DAUPHIN
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 2-22

AN ORDINANCE ALLOWING FOR THE ISSUANCE OF TICKETS RATHER THAN A CITATION FOR CERTAIN VIOLATIONS OF THE PROPERTY MAINTENANCE CODE (BOROUGH ORDINANCE NO. 1-17) AND CHAPTER 21, PART 2, SECTION 201 OF THE CODIFIED BOROUGH ORDINANCES.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Millersburg, Dauphin County, Pennsylvania, as follows:

Section 1. Purpose and Intent

The purpose of this Ordinance is to provide a mechanism by means of issuance of a “quick ticket” for certain violations of Millersburg Borough’s Ordinances that are detrimental to the health and safety of residents as well as to the value and appearance of properties within the Borough. These violations will be classified as a “Quality-of-Life” Violation and violations that fall under this category are listed in Section 3. This Ordinance shall be known as the *Quality-of-Life Quick Ticket* of Millersburg Borough.

Section 2. Authority

This Ordinance is enacted under authority of the Borough Code, 53 P.S. §§ 46202(4), (5), (15) and 46203.

Section 3. Process For Issuing Violation Tickets

a. *Eligible Violations:*

- i. Minor violations of the Property Maintenance Code (listed below) or Section 21-201 of the Codified Borough Ordinances are eligible for a ticket. Other violations of the Property Maintenance Code will receive a corrective action courtesy letter, followed by a Notice of Violation and the potential for a Citation if not rectified.

1. Property Maintenance Code Sections 305 (premises), 312 (insect and rodent infestation), 313 (refrigerators and items for free pickup), and 402 (storm drainage)

2. Chapter 21, Part 2, Section 201 of the Codified Borough Ordinances (snow and ice removal from sidewalks).

b. Individuals authorized to issue Tickets:

- i. Millersburg Borough Manager
- ii. Any member of the Millersburg Police Department, including the Clerk/Secretary
- iii. Any third-party representative who is contracted with Millersburg Borough to provide code enforcement services
- iv. Any other individual that Borough Council votes to authorize in a meeting.

c. Service of the Ticket:

- i. A ticket may be handed directly to the property owner who is in violation, or a member of the household over the age of 18.
- ii. A ticket may be securely affixed to a surface at the property in violation.
- iii. A ticket may be handed at any office or usual place of business of the property owner in violation, to their agent, or to the person in charge for the time being in charge thereof.
- iv. A ticket may be mailed to the property owner's address of record.

d. Form of the Ticket:

- i. Tickets shall
 1. Be in writing.
 2. Include sufficient description of the real estate to accurately identify the property in violation.
 3. Include a statement of the violation(s) or information as to why the ticket is being issued.
 4. Include a list or tables of the fine associated with the violation, as well as indicate what fines might be incurred if the violation is not remediated within the stated timeline.
 5. Indicate the timeline that the violation must be remediated within in order to be compliant, as well as the timeline for the payment of the fine.
 6. Inform the property owner of their right to appeal the ticket to the Property Maintenance Hearing Board within 30 days of issuance and that all penalties shall be in effect until an appeal is granted.

e. *Timeline for First Through Fifth Violation Tickets:*

- i. First offense - the first ticket issued to a property for a violation within a 12-month period.
- ii. Second offense - the second ticket issued to a property for a violation within a 12-month period, with the 12-month period beginning at the date the first offense ticket was issued.
- iii. Third offense - the third ticket issued to a property for a violation within a 12-month period, with the 12-month period beginning at the date the first offense ticket was issued.
- iv. Fourth offense - the fourth ticket issued to a property for a violation within a 12-month period, with the 12-month period beginning at the date the first offense ticket was issued.
- v. Fifth offense - the fifth ticket issued to a property for a violation within a 12-month period, with the 12-month period beginning at the date the first offense ticket was issued.
- vi. All individuals authorized to issue tickets shall ensure that there is a current and comprehensive record detailing all tickets issued within the Borough. Such record may be maintained in any manner that Borough Council deems appropriate and viable.

f. *Unauthorized Tampering with the Ticket:*

- i. Signs, tags, seals, or tickets posted or affixed by a Borough Official authorized to issue such signs, tags, seals, or tickets shall not be mutilate, destroyed, or tampered with or removed without the authorization of a Borough Official. Penalties for such tampering shall be equivalent to a second offense ticket fine.

g. *Fines for Each Offense:*

- i. Borough Council may revise these fines at any point in time via a Resolution.

OFFENSE	PENALTY
First Offense Ticket	\$25
Second Offense Ticket	\$50
Third Offense Ticket	\$100
Fourth Offense Ticket	\$250
Fifth Offense Ticket	\$500
Tampering with Ticket	\$50
Late Payment of Fine	\$10

Section 4. Quick Ticket Disposition

A person in receipt of a Quick Ticket shall have three (3) days after the issuance of the ticket to address the issue to the satisfaction of a Designated Official **or** they shall address the issue and pay the fine associated with the ticket; except in the case where the ticket was issued for snow and ice removal—such tickets shall have a timeline of 24 hours to remove the snow and ice and three (3) days for the fine to be paid in order to not be considered late. New tickets may be issued after the expiration of the remediation period.

Section 5. Appeals

Any person, firm, or corporation who receives an initial violation ticket for any offence under this Ordinance may file an appeal to the Property Maintenance Board of Appeals under Section 109 of Ordinance No. 1-17. In addition to the powers contained in the referenced Section, the Board shall have the authority to order that a ticket issued under this Ordinance be withdrawn in the event that the Board finds that the Ordinance was misapplied or that a violation did not exist at the time of the notice of the violation. The fee for an appeal hearing regarding a Quality of Life/Quick Ticket offense shall be \$100, and Council reserves the right to periodically change it via resolution. If the Board rules in favor of the Borough and upholds the ticket, the fee shall be applied to the fine owed. If the Board orders that a ticket be withdrawn, the fee shall be returned to the appellant within five (5) business days of the appeal.

Section 6. Repealer

Any ordinances of the Borough that conflict with this Ordinance are hereby repealed.

Section 7. Severability

The provisions of this Ordinance are severable. Should any portion of this Ordinance be declared by a final order of court invalid, the remaining provisions shall be unaffected by such declaration and shall remain in force and effect.

Section 8. Effective Date

This Ordinance shall be in force and effect as soon as permitted by operation of Section 48301.3(b) of the Borough Code.

ENACTED AND ORDAINED this 9th day of March, 2022.

MILLERSBURG BOROUGH
DAUPHIN COUNTY, PENNSYLVANIA

ATTEST:

Ann Bowma Jackson
Secretary

Christy C. Dady
Council President

Alm
Mayor

SEAL