

# ***BOROUGH OF KULPMONT***

## **ORDINANCE 2020-03**

### **AN ORDINANCE OF THE BOROUGH OF KULPMONT, NORTHUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, A QUALITY OF LIFE ORDINANCE AND VIOLATIONS TICKETING PROCESS.**

**NOW, THEREFORE IT IS HEREBY ENACTED AND ORDAINED** by the Councilmen of the Borough of Kulpmont, Northumberland County, Pennsylvania, that the foregoing property maintenance rules, regulations and procedures shall apply:

#### **Section 1: Purpose**

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, vendor operations without permits, and 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 reduces business and tax revenue inhibiting economic development. The quality of life and community pride of the citizens of Kulpmont are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Part is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for its citizens.

#### **Section 2: Definitions**

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

**AUTHORIZED LITTER RECEPTACLE** – is a litter collection receptacle which is placed on the public right-of-way or on public property by the Borough for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste.

**BOROUGH** – Borough of Kulpmont.

**CARPORT** - an open-sided automobile shelter

**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.

**DRIVEWAY** - a private road giving access from a public way to a building on abutting grounds

**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 products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by the law.

**GARAGE** – A shelter for automotive vehicles.

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

**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.

**HOUSEHOLD HAZARDOUS WASTE (HHW)** – waste which would be chemically or physically classified as a hazardous waste, but 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 because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints and acids.

**INDOOR FURNITURE** – any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

**JUNKED VEHICLE** – any vehicle which represents 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 similar apparatus.
- (6) Harboring of rodents, insects or other pests.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also “motor vehicle nuisance”.

**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 demolition materials, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

**LOCAL RESPONSIBLE AGENT** – any person residing or working within the County of Northumberland designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

**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.

**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.

**MOTOR VEHICLE NUISANCE** – a motor vehicle 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 part, 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, trunk or other body parts that could permit animal harboring
- (6) One or more open tires or tubes which could permit animal harboring
- (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 other residents 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.

MUNICIPAL WASTE – any garbage, refuse, industrial, lunchroom or office waste, and other materials 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 defined herein. The term does not include source separated recyclables materials or organic waste.

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 timeframe or face further legal action.

NUISANCE – any conditions or premises which are unsafe or unsanitary

PARKING AREA – an area used to park motor vehicles from a public way

PERSON – every natural person, firm, corporation, partnership, association or institution

PERMANENT HEATING SYSTEM – A fixed permanently installed heating system, whether system is Coal, Oil, Gas or Electric that is able to maintain a room temperature of 68 degrees at a point 3 feet above the floor and 2 feet from an exterior wall. The installation of one or more portable space heaters shall not be used to achieve compliance.

PLANTER STRIP – the non-concrete space in the sidewalk area filled with dirt and/or grass

PORTABLE KEROSENE HEATERS – Kerosene heaters that are portable, unvented and require periodic refilling. These units **cannot be used in residential housing** for use as a heating system. These units are fire hazards.

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.

PUBLIC OFFICER – any police officer, authorized inspector or public employee designated by the Borough to enforce the Borough’s ordinances

PUBLIC NUISANCE – any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of the Borough or causes a blighting effect in Borough neighborhoods. See also “Nuisance”

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

**RECYCLABLE MATERIAL** – 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 are not 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.

**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.

**RUBBISH** – combustible and noncombustible waste materials, except garbage; the term shall include the 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, dust and other similar materials.

**SHADE TREE** – unless otherwise specified, includes all trees, shrubs and woody vegetation in the public right-of-way.

**SIDEWALK AREA** – the public right-of-way between the property line and the curb line or the established edge of the roadway.

**SOLID WASTE** – any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material

**STORAGE** – the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of three (3) months constitutes disposal.

**TREE WELL** – the non-concrete area surrounding a shade tree planted in a sidewalk area.

**TURNING RADIUS** – The 30 feet area needed for a vehicle to make a 90 degree turn from a parking area, driveway or carport to a public way.

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

**VIOLATION TICKET** – a form issued by a police officer or public employee to a person who violates a provision of this Ordinance. The violation ticket is an offer by Kulpmont

Borough extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

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

- (1) Exceed six (6) 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) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin
- (4) May 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.

YARD – an open space on the same lot with a structure

### **Section 3: Quality of Life Violations**

(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 Kulpmont 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. All waste from animals must be cleaned up on a daily basis. No person shall cause or allow any animal to defecate upon any property within the Township without immediately removing said feces and depositing it in approved containers of said person.

(3) Disposal of Rubbish or Garbage/Dumping. Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied or other property. Furthermore, it shall be unlawful to dump or dispose of any household, residential, commercial or industrial rubbish or garbage in any public trash receptacle.

(4) High Weeds, Grass or Plant Growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. 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 Ordinance.

(5) Littering or Scattering Rubbish. No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, and public parking area or on any public property.

(6) Motor Vehicles. It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed or nuisance motor vehicle 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. It shall be unlawful to store, park or place any vehicle, motorized or non-motorized, upon any sidewalk within the borough of Kulpmont.

(7) Operating a Food Cart Illegally. It shall be unlawful to operate any food cart without the proper permits and/or inspections. It shall also be unlawful to operate any food cart while any portion of the cart is inoperable.

(8) Operating or Vending Without the Proper Permit/License. It shall be unlawful for any person, business, partnership or entity, including but not limited to, any business, vending cart, store or establishment, to operate without the proper permits.

(9) 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.

(10) Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping and Illegal Hauling. It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of any waste, trash or recyclables will be in violation of this part. Should any person or business use an unlicensed hauler to dispose of their waste, trash or recyclables, said person or business shall be in violation of this part. Upon request of the Public or Police Officer, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any parts found within a municipal waste container, recycling container, garbage can or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership or entity to remove or haul waste, trash or recyclables without the proper approval or license. Any waste, trash or recyclables found not to be disposed of in accordance with this part will be a violation of this Ordinance.

(11) Placement or Littering by Private Advertising Matter. No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, and public parking area or any public property. No person, group, organization or entity will hang, place or advertise on any public property in any manner. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights to without the written approval of said owner.

(12) Snow and Ice Removal from Sidewalks. Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough of Kulpmont, is required to remove any snow or ice from their sidewalk within twenty-four (24) hours of the cessation of said snow and ice falling. Furthermore, they must create a path, free from any ice or snow, of three (3) feet on said sidewalk and NOT throw ice or snow into the driving lane of any street; Should any property be a place of business within the Borough of Kulpmont, all snow and ice must be removed within four (4) hours of the cessation of said snow and ice accumulation. Any property that is deemed a business must have the entire sidewalk free from any snow and ice. If and/or when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak.

(13) Storage Containers for Waste or Trash. The owner of every premise shall supply approved containers for trash/waste, as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, watertight 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 at the **REAR** where possible of every property so said containers are not visible from the public right-of-way. Waste/trash containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled waste/trash pick-up day. Once the licensed hauler removes the waste/trash from any property, all containers must be returned to the rear of any property before daybreak on the day following pick-up. (Example: Jim Smith's trash collection day is Wednesday. He may place his trash containers out front of his property on Tuesday night, once night falls. He must place his trash container in the rear of his yard before daybreak on Thursday morning.)

(14) Storing or Discarding of Appliances. Refrigerators and similar equipment including, but not limited to, washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.

(15) 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 in compliance with the applicable Building Codes.

(16) Swimming Pools. Swimming pools shall be maintained in good repair at all times. They shall also be kept fenced in, clean, safe, covered and sanitary as well.

(17) Violating the Terms of Any Vending License. It shall be unlawful to violate any term or part in portion or in total, of any vending license. Any person, business, partnership or entity violating their vending license shall be in violation of this Ordinance.



(18) Temporary Dumpster Permit Required. Each temporary dumpster, when placed in a public right-of-way, shall display a valid permit issued by the Borough of Kulpmont.

(19) Public Nuisance. Any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of the Borough or causes a blighting effect in the Borough neighborhoods shall be in violation of this Ordinance.

(20) Nuisance. A nuisance shall be any conditions or premises which are unsafe or unsanitary and shall be a violation of this Ordinance.

(21) Parking in front of a garage. No vehicle shall block the entrance to any garage capable of housing a motor vehicle.

(22) Parking in front parking area, driveway or carport. No vehicle may park within 30 feet of a parking area, driveway or carport as to allow a vehicle to have adequate turning radius to exit onto public way.

(23) Covering permanent heating systems and banning portable kerosene heaters from residential structures. The installation of one or more portable space heaters of any kind shall not be used to achieve compliance. Kerosene heater units **cannot be used in residential housing** for use as a heating system. These units are fire hazards.

#### **Section 4: Authority for Issuance of Violation Ticket**

Upon finding a Quality of Life violation, any Public or Police Officer and employees of the Borough of Kulpmont may issue Quality of Life Violation tickets to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this Ordinance.

#### **Section 5: Enforcement**

(1) The provisions of this Ordinance shall be enforced by the Code Enforcement Officers, Police Officers or any other public employee authorized to enforce ordinances.

(2) Any violation of the provisions of this Ordinance may be a cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

#### **Section 6: Service**

A violation ticket shall be served upon a violator by handing it to the violator, 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, by leaving or affixing the notice or violation ticket to the property where the violation exists, 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 by mailing the notice to the violator's address of record.

All landlords renting out properties within Borough of Kulpmont shall be notified when a tenant is issued a citation. If the violation is not corrected within 10 calendar days, the landlord will be cited as well as the tenant.

### **Section 7: Separate Offense**

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

### **Section 8: Abatement of Violation**

(1) Any person or business violating this Ordinance is hereby directed to satisfy the Borough of Kulpmont and its citizens, upon issuance of a Quality of Life ticket, by correcting the violation in question. A public employee or police 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. Failure to correct and or pay the ticket shall result in the issuance of a citation for said violation.

(2) The Borough of Kulpmont and/or its contractor, per the direction of the Borough, reserves the right to abate the violation in question at the expense of the owner. If the Borough has affected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the Quality of Life ticket, which will also be paid separately. Failure to pay this bill within 30 days may result in an additional 10% penalty assessed as a late fee and the placement of same as a municipal lien against the property. Nothing shall operate to prevent the municipality from executing on the lien and selling the property to cover the expenses of the Borough associated with the property.

(3) In all instances where the Borough abated the violation, in addition to the fine set forth in the Quality of Life ticket and any subsequent citation issued in this matter, the Borough is authorized to recover from the offending party, the owner of the property or the tenant, the abatement charges established by the Code Enforcement Officer and the rules and regulations.

(4) Kulpmont Borough 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 sixty (\$60) 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 purchase of any materials necessary to abate the violation.

(5) Contractor Cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation in questions 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 his/her work to Kulpmont Borough 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.

## **Section 9: Fines and Penalties**

Fines and penalties shall be set as follows:

(1) For the first violation of this Ordinance within a twelve (12) month period, violation tickets shall be issued in the amounts of \$25.00.

(2) For the second offense of a violation of this Ordinance within a twelve (12) month period, violation tickets shall be issued in the amounts of \$50.00, \$100.00 or \$150.00 as set forth in the following chart.

(3) For the third offense of a violation of this Ordinance within a twelve (12) month period, violation tickets shall be issued in the amounts of \$150.00 or \$250.00 as set forth in the following chart.

(4) For each offense subsequent to three offenses of this Ordinance within a twelve (12) month period, amounts of violation tickets shall increase in the amount of \$500.00 accumulative for each subsequent offense.

(5) Any persons who receive a violation ticket for any violation of this Ordinance may, within ten (10) days, admit the violation, waive a hearing, and pay the fine in full satisfaction.

(6) Any person who violates this Ordinance 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.

### **Violation Description: First Offense, Second Offense, Third Offense**

QOL-001 Accumulation of rubbish or garbage: \$25.00, \$150.00, \$250.00

QOL-002 Animal Maintenance and waste/feces cleanup: \$25.00, \$100.00, \$150.00

QOL-003 Disposal of Rubbish or garbage; dumping: \$25.00, \$150.00, \$250.00

QOL-004 High weeds, grass or plant growth: \$25.00, \$100.00, \$150.00:

QOL-005 Littering or scattering rubbish: \$25.00, \$150.00, \$250.00

QOL-006 Motor Vehicles: \$25.00, \$100.00, \$250.00

QOL-007 Operating a food cart illegally: \$25.00, \$150.00, \$250.00

QOL-008 Operation or vending without a proper permit: \$25.00, \$150.00, \$250.00

QOL-009 Outside placement of indoor appliance/furniture: \$25.00, \$150.00, \$250.00  
QOL-010 Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling: \$25.00, \$150.00, \$250.00  
QOL-011 Placement of littering by private advertisement matter: \$25.00, \$100.00, \$150.00  
QOL-012 Snow and ice removal from sidewalk or throwing snow into the drive lane of the street: \$25.00, \$100.00, \$150.00  
QOL-013 Storing containers for waste or trash: \$25.00, \$150.00, \$250.00  
QOL-014 Storing or discarding appliances: \$25.00, \$150.00, \$250.00  
QOL-015 Storing of hazardous materials: \$25.00, \$150.00, \$250.00  
QOL-016 Swimming pools: \$25.00, \$150.00, \$250.00  
QOL-017 Violating the terms of any vending license: \$25.00, \$150.00, \$250.00  
QOL-018 Temporary Dumpster Permit Required: \$25.00, \$150.00, \$250.00  
QOL-019 Public Nuisance: \$25.00, \$150.00, \$250.00  
QOL-020 Nuisance: \$25.00, \$150.00, \$250.00  
QOL-021 Parking in front of a garage: \$25.00, \$50.00, \$150.00  
QOL-022 Parking in front of parking area, driveway or carport: \$25.00, \$50.00, \$150.00  
QOL-023 Operating portable kerosene heater in a residential structure. Also, the operation of one or more space heaters of any kind as a permanent heating source. \$25.00, \$100.00, \$150.00

#### **Section 10: Violation Ticket Penalties**

(1) If the person in receipt of a \$25.00 violation ticket does not pay the fine within ten (10) days a citation shall be issued for the offense and, upon conviction, the person will be subject to a \$50.00 penalty for days 11 through the date of conviction.

(2) If the person in receipt of a \$50.00 violation ticket does not pay the fine within ten (10) days a citation shall be issued for the offense and, upon conviction, the person will be subjected to a \$75.00 penalty for days 11 through the date of conviction.

(3) If the person in receipt of a \$100.00, \$250.00 or higher violation ticket does not pay the fine within ten (10) days a citation shall be issued for the offense and, upon conviction, the person will be subject to a \$100.00 penalty for days 11 through date of conviction.

(4) If violations are continuous or egregious, Code Officials or Police Officers have the right to issue citations without first issuing tickets, provided notice has been given. Upon issuance of three (3) tickets for the same violation, right is reserved for the Code Officials or Police Officers to issue citation for the fifth and subsequent offenses.

#### **Section 11: 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, be ordered to pay a fine of not less than five hundred (\$500.00) dollars, and not more than one thousand (\$1000.00) dollars

on each offense, or imprisoned not more than ninety days, or both. Each subsequent day of the violation shall constitute a new and separate offense.

### **Section 12: Restitution**

Any part of any finding of guilt The Magisterial District Judge may order the violator to make restitution to said real or personal property owner and the Borough to the extent it was found to have expended funds to abate the violation.

### **Section 13: Liens**

Unless a hearing has been requested, liens will be placed upon a property against which tickets were issued for which payment is not received within forty-five (45) days of issuance of the ticket(s), and monies paid by the Borough for abatement of a violation and not paid within forty-five (45) days of billing. Liens may also be placed upon the personal property of a landlord or renter who owns or occupies properties which have unpaid tickets issued against them.

### **Section 14: Non-exclusive Remedies**

The penalty lien and collection provisions of this Section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to Kulpmont Borough as may be deemed appropriate for carrying out the purpose 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 Kulpmont Borough in the case of any other Kulpmont Borough Code(s) or Codified Ordinance(s), whether or not such other Codes or Ordinances are referenced in this Ordinance, and, whether or not an ongoing violation of such other Code(s) or Ordinance(s) is cited as the underlying grounds for a finding of a violation of this Ordinance.

### **Section 15: Severability**

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

### **Section 16:**

All relevant Ordinances, regulations and policies of the Borough of Kulpmont not amended shall remain in full force and effect.

**Section 17:**

Any part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same id hereby repealed to the extent of such conflict.

**Section 18:**

The schedule of fines, fees and penalties may be modified and amended by a resolution, at a duly advertised public meeting, of the Borough of Kulpmont.

**NOW THEREFORE, be it enacted and ordained** that the Borough of Kulpmont hereby establishes a Quality of Life and Violations Ticket Process as set forth herein.

Passed and Approved by the Council of Borough of Kulpmont, County of Northumberland, Commonwealth of Pennsylvania, this 10th day of June 2020

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Robert M. Slaby, President

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Nicholas Bozza, Mayor

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Rhonda Wilk, Secretary