DISCLAIMER

NO MUNICIPALITY SHOULD ADOPT THIS VERSION WITHOUT CONSULTING WITH ITS SOLICITOR

THIS IS A SAMPLE ORDINANCE. IT HAS NOT BEEN APPROVED BY ANY ORGANIZATION.

TICKETING ORDINANCE

SAMPLE ORDINANCE

GENERAL REFERENCES (NOTE: cross references to other ordinances for illustration purposes only)

Animals-see Ch.
Brush, Grass, and Weeds-see Ch.
Dangerous Buildings-see Ch.
Outdoor Burning-see Ch.
Junk Dealers and Junk Yards-see Ch.
Littering-see Ch.
Nuisances-see Ch.
Parks and Recreation-see Ch.
Property Maintenance-see Ch.
Streets and Sidewalks-see Ch.
Trees-see Ch.

§____.1 **PURPOSE.**

The purpose of this section is to provide for a mechanism by means of issuance of a ticket 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 District Judge and unnecessary appeals. The resolution in this manner is beneficial from a two-fold perspective in that it permits the (insert Borough, Township or City) 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.

§_____.2: **ENFORCEMENT**

Any violation of the following Chapters may be cause for a *Notice of Violation,* violation ticket, or citation to be issued to the violator: Chapters 78 (Animals), Chapter 90 (Brush, Grass, and Weeds), Chapter 98 (Dangerous Buildings), Chapter 106 (Outdoor Burning), Chapter 156 (Junk Dealers and Junk Yards), Chapter 164 (Littering), Chapter 179 (Nuisances), Chapter 187 (Parks and Recreation) Chapter 192 (Property Maintenance), Chapter 221 (Streets and Sidewalks), Chapter 234 (Trees). If the violator fails to address the compliance issue through the ticketing process outlined below, the (insert Borough, Township or City) may proceed with other enforcement mechanisms described said Chapters.

§_____.3 **PROCESS FOR ISSUING VIOLATION TICKETS**

A. The *Notice of Violation* shall be in writing and shall identify the property address (if applicable), include a statement of the violation(s), specify the maximum time frame to take corrective action and detail the fine for non-payment of the ticket within the prescribed time frame.

B. The designated official of the (insert Borough, Township, or City) shall serve the *Notice of Violation* to the violator:

1. By handing the *Notice of Violation* to the violator,

2. By handing the *Notice of Violation* to be served to an adult member of the household or other person in charge of the residence at the residence of the person to be served,

3. By leaving or affixing the *Notice or Violation* ticket to the property where the violation exists, (if applicable),

4. By handing the *Notice of Violation* to the violator's agent or to the person in charge thereof at any office of usual place of business of the violator, or

5. By mailing the notice to the violator's address of record first class mail with a certificate of mailing.

C. If the violation is not addressed to the satisfaction of the designated official within five (5) days from the issuance of the *Notice of Violation*, the designated official shall issue a *Violation Ticke*t to the violator consistent with the service of process described in §____.3 (B) above. The *Violation Ticket* shall be in writing and shall identify the property address (if applicable), include a statement of the violation(s), specify the

maximum time frame to take corrective action to address the violation and detail the fine for the non-payment of the ticket within the prescribed time frame. The fine for the first *Notice of Violation* shall be $25.

D. If the violation is not addressed to the satisfaction of the designated officer within five days (5) days after the issuance of the first violation ticket ,the designated officer shall issue a second *Violation Ticket*; if the violation is not addressed within five (5) days of the second violation ticket a third *Violation Ticket* shall be issued. The fine for a second and third violations is $50 and $75, respectively.

E. The designated official is authorized and empowered to correct or abate any violation which in the discretion of the officer such violation constitutes a clear and present danger to the health and safety of the community.

F. If the (insert Borough, Township, or City) has taken action to correct the violation the cost thereof shall be charged to the individual or property owner (if applicable) to whom the ticket has been issued.

§_____4. **VIOLATION TICKET DISPOSITION**

A person in receipt of a third *Violation Ticket* shall have five (5) days after the issuance of the ticket to address the violation to the satisfaction of the designated official. If the violation is not addressed by that time a citation will be issued by the designated official with the local District Justice.

§_____5. **APPEALS**

Any person who receives an initial violation ticket for any offense under this Ordinance may within five days of the service of the violation ticket (a) admit the violation and pay the fine in full satisfaction or (b) deny the violation and request an appeal before an official designated by the (Insert Borough, Township or City) other than the official who issued the ticket. At the appeal, which shall be scheduled within ten days of a request for appeal, the person shall have the right to provide information at that time including the right to question any witnesses. Only evidence relevant to the violation in question shall be considered and formal rules of evidence shall not apply. A ruling on the appeal shall occur not more than 5 days after the appeal is heard.