

**EAST PROSPECT BOROUGH  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO.: 2017-1**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF  
VIOLATION TICKETS FOR CERTAIN OFFENSES AND  
VIOLATIONS OF THE EAST PROSPECT BOROUGH  
CODE TO PERMIT THE EXPEDITIOUS RESOLUTION OF  
SUCH ALLEGED VIOLATIONS**

WHEREAS, the Borough of East Prospect desires to promote the best interests of the residents in the Borough by providing a more expeditious method of resolving certain alleged violations of the East Prospect Borough Code, without resorting to the involvement of the court system, by the issuance of tickets instead of citations as the initial form of due process for such alleged violations of the East Prospect Borough Code; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of East Prospect Borough, York County, Pennsylvania, and by and through the authority of the same, as follows:

Section 1. Purpose.

This Ordinance shall be known and cited as the Quality of Life Ordinance of the Borough of East Prospect. The purpose of the Ordinance is to allow the Borough of East Prospect (the "Borough") to issue tickets instead of citations for certain alleged violations of the East Prospect Borough Code (the "Code"). A citizen who believes he or she may be in violation of the Code may pay the ticket instead of requiring the Borough to issue a citation, which must be litigated in an often costly and lengthy legal proceeding before a Magisterial District Judge, and further, fosters unnecessary appeals. Accordingly, the Borough may maintain and enforce its laws and the Code while a citizen alleged to have violated the Code may resolve that matter without the necessity of the issuance of a citation and a hearing before the Magisterial District Judge. This process will also preserve the citizen's right to dispute the alleged violation of the Code, and to receive the full benefit of procedural and substantive due process of law.

Section 2. Definitions.

The following definitions apply to this Ordinance:

OWNER. Any person, agent, operator, firm, corporation, association, or partnership, or other legal entity having a legal or equitable interest in the property, or has a recorded title interest to the property as the same may have been recorded in the official records of the Commonwealth of Pennsylvania, the County of York, or the Borough, including, without limitation, the guardian of an estate, and the executor or administrator of the

estate of a person if ordered to take possession of real property by a court of competent jurisdiction.

PERSON. Any individual, firm, corporation, association, partnership, or other legal entity.

VIOLATOR. An Owner or individual claiming an interest in the subject property through the Owner, including, without limitation, a tenant, who has been alleged to have violated the applicable provisions of the Code, as set forth in more detail herein, as amended from time-to-time by Resolution of the Borough. In the event a tenant or non-owner occupant of the subject property has caused the violation of the Code and the issuance of a violation ticket for such violation, the Borough may pursue the tenant, the legal and/or equitable owner of the subject property, or both in accordance with this Ordinance, the Code, and all other applicable local, State, and Federal laws, rules, ordinances, and/or regulations.

### Section 3. Enforcement.

- A. Police officers, a constable, Mayor, and the Codes Enforcement Officer and/or Zoning Officer of the Borough who are sworn to uphold and enforce the laws and Code of the Borough shall enforce the provisions of this Ordinance.
- B. The following Borough Ordinances, as may be amended and supplemented by Borough Council from time to time, are hereby deemed and ordained to be under the jurisdiction of this Ordinance; provided, however, that the East Prospect Borough Council (the "Council") may, from time-to-time, by Resolution, change, remove, and add Borough Ordinances to the following list:
  - i. Parking Ordinance 69-5
  - ii. Burning Ordinance 96-5
  - iii. Weed Ordinance 97-4
  - iv. Curfew Ordinance 99-8
  - v. Motor Vehicle Nuisance Ordinance 98-9
  - vi. RV Parking and Storage Ordinance 2001-1
  - vii. Trailer- Vehicle over 9001lbs.- Ordinance 2001-2
  - viii. Snow Removal Ordinance 97-3
  - ix. Leash Law Ordinance 97-5
  - x. Barking Dog Ordinance 2002-5
- C. Any violation of the provisions of any Chapter of the Code set forth in this Ordinance, or which may be hereafter added to the provisions of this Ordinance by Resolution of the Council as set forth above, may be cause for a violation ticket to be issued to the violator.



- D. Service of the violation ticket upon the violator may be accomplished in any of the following manners:
- a. Personal service by handing the violation ticket to the violator or an adult resident or owner of the subject property;
  - b. Leaving or affixing the violation ticket to the subject property where the violation exists; or
  - c. Mailing the violation ticket to the violator's address of record by certified mail return receipt requested. Service in this manner shall be deemed effectuated upon the owner if the certified mail return receipt is signed by the owner and the mail is delivered.
- E. Each day after the issuance of a violation ticket that a violation continues or is permitted to continue shall constitute a separate offense for which a separate violation ticket may be issued and a fine imposed.
- F. In the event the Borough undertakes action to correct any violation, the cost of such corrective action shall be charged to the owner of the property pursuant to and in accordance with all applicable local, State, and Federal laws, rules, ordinances, and/or regulations.
- G. Nothing contained in this Ordinance shall preclude the Borough from pursuing other means of pursuing violations and enforcement of the Code, as set forth in the Code or other applicable local, State, and Federal laws, rules, ordinances, and/or regulations. Such other means may be pursued contemporaneously with the enforcement of this Ordinance, including, without limitation, any notice periods for non-traffic citations as required in the Code or other applicable local, State, and Federal laws, rules, ordinances, and/or regulations.

#### Section 4. Violation Ticket Disposition; Appeal.

A person in receipt of a violation ticket shall have ten (10) days from the service of the violation ticket, as set forth in more detail in Section 3.D.a. – 3.D.c. herein, to pay the amount of the violation ticket. If the amount of the violation ticket is not paid within ten (10) days of service of the same, such failure to pay shall result in the issuance of a non-traffic citation for the offense as enumerated on the violation ticket.

The person in receipt of a violation ticket may, within ten (10) days from the service of the same, provide written notice to the East Prospect Borough Secretary that the person disputes the issuance of the violation ticket. In such event, the Council shall, at its next regularly scheduled, public meeting, allow the person to address Council with his or her concerns regarding the violation ticket. Council shall, as soon as reasonably practicable, approve or deny the person's appeal.



#### Section 5. Fines and Penalties.

- A. For the first offense of the violation of any provision of this Ordinance within a twelve (12) month period, the violation ticket shall be issued in the amount of Twenty-Five and NO/100 (\$25.00) Dollars.
- B. For the second offense of the violation of any provision of this Ordinance within a twelve (12) month period, whether or not such violation is the same violation as the first, or a new violation occurring within twelve (12) months of the first violation, the violation ticket shall be issued in the amount of Twenty-Five and NO/100 (\$25.00) Dollars.
- C. For the third offense of the violation of any provision of this Ordinance within a twelve (12) month period, whether or not such violation is the same violation as the first or second, or a new violation occurring within twelve (12) months of the first and second violation, the violation ticket shall be issued in the amount of One Hundred and NO/100 (\$100.00) Dollars.
- D. For the fourth offense and all subsequent offenses of the violation of any provision of this Ordinance within a twelve (12) month period, whether or not such violation is the same violation as the first, second, or third, or a new violation occurring within twelve (12) months of the first, second, third, or subsequent violation, the violation ticket shall be issued in the amount of Three Hundred and NO/100 (\$300.00) Dollars.
- E. The amount of the fines set forth herein may be amended from time-to-time by Resolution of the Council.

#### Section 6. Severability.

The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision herein shall be deemed or held to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision or determination shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of this Ordinance.

#### Section 7. Repealer; Effective Date.

The provisions of any prior Ordinance(s) which is or are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. This Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor of the Borough of East Prospect.

**ENACTED AND ORDAINED** by the Borough Council of East Prospect Borough this 8th day of November, 2017.

Attest:

EAST PROSPECT BOROUGH COUNCIL

Mindy K Barshinger  
Mindy Barshinger, Borough Secretary

BY:

Donald E. Barshinger  
Donald Barshinger, President

(SEAL)

APPROVED this 8th day of November, 2017.

Edmund Gobat  
Edmund Gobat, Mayor