

**BOROUGH OF WEST KITTANNING
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 2015- 4

AN ORDINANCE OF THE BOROUGH OF WEST KITTANNING PROVIDING FOR THE ISSUANCE OF TICKETS FOR NON-TRAFFIC VIOLATIONS AMOUNTING TO SUMMARY OFFENSES OF BOROUGH ORDINANCES AND PROCESS FOR SAME.

WHEREAS, the Borough of West Kittanning is authorized by relevant Pennsylvania law, including but not limited to the Borough Code, to adopt and enforce regulations applicable throughout the Borough; and

WHEREAS, the Borough of West Kittanning is likewise authorized to, upon admission or conviction, levy a fine for violation; and

WHEREAS, the Borough has identified a violation ticket, in additions to other available notice vehicles, to be both efficient and effective;

NOW THEREFORE, IT IS ORDAINED and ENACTED by the Council of the Borough of West Kittanning, Armstrong County as follows:

I. APPLICABILITY

Upon inspection of a duly empowered Borough Officer and a determination that a Borough Ordinance has been violated, the Borough officer may notify the responsible party or parties of the violation in writing in the form of a Notice of Violation, a Violation Ticket or a Non-Traffic Citation ("Notice"). Borough Officers may include Borough police officers, or other persons so deputized or directed by Borough Council to enforce its laws and ordinances.

II. NOTICES

A. Whenever the Borough Officer determines that there exists a violation of any provision of a West Kittanning ordinance that could, upon admission or conviction, constitute a summary offense, he or she shall issue a notice which shall:

1. ___ Be in writing, and
2. ___ Include a brief description of the time/date/location of the violation inspected and;
3. ___ Specify the violation which exists with reference to the applicable ordinance provision or Code; and
4. ___ Include a statement regarding the right of appeal or other judicial process.

III. SERVICE OF NOTICE

A. Notice shall be served upon the owner, occupant or responsible party in the following manner:

- _____ 1. By handing it to the person to be served; or
- _____ 2. By handing the notice, at the residence of the person to be served, to an adult member of the family with which he resides, but if no adult member of the family is found then to an adult person in charge of such residence.
- _____ 3. By handing the notice at any office or usual place of business of the person to be served to his agent or to the person for the time being in charge thereof; or
- _____ 4. By mailing the notice to the last known address of the person or entity to be served by certified mail, return receipt requested and if returned as unclaimed to be sent first class mail; or
- _____ 5. Other method permitted by relevant Pennsylvania law or Borough Ordinances.

B. ____ If any person to whom the notice of violation cannot be served in the above manner, the Borough Officer shall briefly note the appropriate facts in the file and shall make service upon such person by posting the notice of violation in a conspicuous place on the premises described in the Notice.

C. ____ For the purposes of this Section, a person "cannot be served" when the person to be served has no residence or office or usual place of business within the Borough and the mailed Notice is returned undelivered; or when the Notice cannot be served under subsections (1), (2) or (3) hereof after two (2) trips on two (2) separate days to the residence or office or usual place of business of the person to be served and if the mailed notice of violation is returned undelivered.

D. ____ Notwithstanding the above service requirements, any Notice relating to a motor vehicle may be made by affixing the Notice to the vehicle under the front windshield wiper or other location on the vehicle reasonable believed to be conspicuous to a driver.

IV. FINES AND FEES

A. The maximum daily fines for specific Ordinance herein shall be set forth in the relevant West Kittanning Borough ordinance, as may be amended from time to time, by resolution where so authorized.

B. Where a Violation Ticket is issued by the public officer, the Violation Ticket may provide for a fine per violation of Ordinance in an amount less than the maximum daily fine provided that the Violation Ticket recipient. Tickets that remain unpaid in full seven (7) days after Notice may be converted into a Non-Traffic Citation, where upon conviction, carry the fully maximum daily fine provided by specific Ordinance. Violation Ticket fines may be set by either Ordinance, as may be amended from time to time by resolution as adopted by the Borough Council, as amended from time to time, by resolution.

V. EFFECTIVE DATE

This Ordinance shall be effective immediately.

THIS ORDINANCE adopted by the Council of West Kittanning Borough at a duly assembled public meeting held this 7TH day of December, 2015.

ATTEST:

WEST KITTANNING BOROUGH

Carey G. Cawan
Secretary

BY: [Signature]
Council President

James W. Skubski
Mayor