

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 518

(Duly Adopted March 12, 2014)

AN ORDINANCE AMENDING PORTIONS OF THE ALBURTIS CODIFIED ORDINANCES RELATING TO THE PENALTIES FOR VIOLATING CERTAIN ORDINANCES TO CONFORM TO BOROUGH CODE SECTION 3321, AS RECENTLY ADDED BY PENNSYLVANIA ACT 2012-43 (INCLUDING MAKING MANY ORDINANCES ENFORCEABLE THROUGH A CIVIL ENFORCEMENT PROCEEDING RATHER THAN AS A CRIMINAL SUMMARY OFFENSE AND MAKING OTHER CHANGES CONCERNING THE ENFORCEMENT OF ORDINANCES) AND REVISING SUCH PENALTIES; INCLUDING AMENDMENTS TO ALBURTIS CODIFIED ORDINANCES SECTIONS 22-1103 (RELATING TO SUBDIVISION AND LAND DEVELOPMENT), 24-411(b) (RELATING TO FLOODPLAIN MANAGEMENT), 25-803 (RELATING TO STORM WATER MANAGEMENT), 35-203 (RELATING TO PROPERTY MAINTENANCE), 39-106 (RELATING TO TRAILERS), 41-1201, 41-1202(a), AND 41-1203 (RELATING TO TRAFFIC CONTROL), 46-108(a) AND 46-109 (RELATING TO PEDACYCLES/BICYCLES), 47-105 (RELATING TO RAILROADS), 53-309 (RELATING TO STREET EXCAVATIONS), 53-403 (RELATING TO SNOW AND ICE ON STREETS), 53-502 (RELATING TO GREASING AND REPAIRING VEHICLES ON STREETS), 56-105 AND 56-106 (RELATING TO CURBS, SIDEWALKS, AND WALKWAYS), 56-302 (RELATING TO TREES AND OTHER OBSTRUCTIONS IN SIDEWALK AREAS), 56-602 (RELATING TO SNOW AND ICE REMOVAL FROM SIDEWALKS), 58-102 (RELATING TO STREET TREES), 61-107 (RELATING TO PUBLIC USE OF PARKS AND OTHER PROPERTY OWNED BY THE BOROUGH), 62-113 (RELATING TO ELECTRICITY AND STREET LIGHTING), 64-105(d), 64-106, 64-109, AND 64-110 (RELATING TO WATER—IN GENERAL), 64-302 (RELATING TO WATER—ATTACHMENTS AND CONNECTIONS), 64-413 (RELATING TO WATER—BACKFLOW & CROSS-CONNECTION CONTROL), 65-1303 (RELATING TO SANITARY SEWER), 67-901 (RELATING TO MUNICIPAL SOLID WASTE, RECYCLABLES, AND OTHER REFUSE), 68-207 (RELATING TO HAZARDOUS MATERIALS), 69-402 (RELATING TO CABLE TELEVISION), 73-105 (RELATING TO DROUGHT EMERGENCIES), 76-108 (RELATING TO DISORDERLY CONDUCT), 76-203 (RELATING TO ALCOHOLIC BEVERAGES IN PUBLIC PLACES), 77-106 (RELATING TO CURFEW), 84-502 (RELATING TO LOCAL SERVICES TAX), 89-103 (RELATING TO MOVING PERMITS), 89-203 (RELATING TO TENANT REGISTRATION), 91-102 (RELATING TO NUISANCES), 92-107 (RELATING TO ANIMAL CONTROL), 93-204 (RELATING TO WEED CONTROL), 94-103 (RELATING TO

DISCHARGE OF FIREARMS), AND 97-114 (RELATING TO PEDDLING AND SOLICITING).

WHEREAS, the Borough of Albutis has enacted and codified many ordinances to the Albutis Codified Ordinances which provide criminal penalties for ordinance violations; and

WHEREAS, the Borough is governed by the Pennsylvania Borough Code, 53 PA. STAT. ANN. § 45101 *et seq.*; and

WHEREAS, the General Assembly recently amended the Borough Code in Act 43 of 2012, and among the amendments the General Assembly repealed former Section 3301, 53 PA. STAT. ANN. § 48301 (which provided that violations of ordinances are criminal summary offenses), and added a new Section 3321, 53 PA. STAT. ANN. § 48321 (which provides for civil enforcement of many types of ordinance violations, enforcement in the same manner as for summary offenses for other types of ordinance violations, and other matters pertaining to ordinance enforcement); and

WHEREAS, Borough Council desires to amend the Codified Ordinances in the manner provided by this Ordinance in order to conform to the new civil enforcement and other provisions of Act 2012-43 and the civil enforcement provisions of Municipalities Planning Code § 515.3, 53 PA. STAT. ANN. § 10515.3, and to revise the penalties for violating certain ordinance provisions; and

WHEREAS, on March 5, 2014, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Albutis, of its intention to consider the adoption of this Ordinance on March 12, 2014 at 7:00 P.M. in the Borough Hall, 260 Franklin Street, Albutis, Pennsylvania. The notice included a summary of the ordinance as set forth in its title;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances § 22-1103 (relating to Subdivision and Land Development—Administration—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 22-1103 Violations and Penalties.

Any person, partnership, or corporation who or which, being the owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfer, or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plan of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Chapter and of the regulations adopted hereunder and has been recorded as provided herein, or otherwise violate any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof such person or the members of such partnership or the other officers of such corporation, or the agent of any of them, responsible for such violation shall pay a fine not exceeding one thousand dollars (\$1,000.00) shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of Five Hundred Dollars (\$500.00) per lot or parcel or per dwelling within each lot or parcel, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. All fines collected for such violations shall be paid over to the Borough. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each that

that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the magisterial district judge, and thereafter each day that a violation continues shall constitute a separate violation.

The description in metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

SECTION 2. Codified Ordinances § 24-411(b) (relating to Floodplain Management—Administration—Enforcement—Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 24-411 Enforcement.

* * *

(b) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Chapter, or who fails or refuses to comply with any notice, order, or direction of the Building Permit Officer or his/her designee, shall be ~~guilty of~~ subject to prosecution in the same manner as provided for a summary ~~offense~~ offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay a criminal fine to the Borough of not less than One Hundred Dollars (\$100.00) nor more than ~~Six Hundred Dollars (\$600.00)~~ One Thousand Dollars (\$1,000.00) for each violation, plus court costs ~~of prosecution and~~ reasonable attorney fees incurred by the Borough in the enforcement proceedings. In default of such payment, such person shall be imprisoned in the county prison for a period not to exceed ~~ten (10)~~ thirty (30) days. Each day during which any violation of this Chapter occurs or continues shall

constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense. The enforcement action shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas.

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SECTION 3. Codified Ordinances § 25-803 (relating to Storm Water Management—Enforcement—Criminal Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 25-803 Criminal Penalties.

Any person who shall violate this Chapter shall be ~~guilty of~~ subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof, shall be sentenced to pay a criminal fine of ~~up to one thousand dollars~~ One Thousand Dollars (\$1,000.00) for each violation, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings, and/or imprisonment for a period not exceeding thirty (30) days. Each day that a ~~given~~ violation occurs or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense. The enforcement action shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas. These penalties are imposed pursuant to Sections ~~3301, 3307, and 3308~~ 3321 and 3323 of the Borough Code, 53 PA. STAT. ANN. §§ ~~48301, 48307, 48308~~ 48321 and 48323.

SECTION 4. Codified Ordinances § 35-203 (relating to Property Maintenance—Modifications of National Code—Penalties) is amended as follows (with deletions indicated by material inside braces (*e.g.*, {deletion}), and insertions indicated by **bold print**, except for the section number and title, which is not changed):

§ 35-203 Penalties.

PM-106.2 (relating to Administration—Violations—Penalty) is modified as follows:

Any *person* who shall violate a provision of this code shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof, be subject sentenced to pay a criminal fine of not less than {AMOUNT} One Hundred Dollars (\$100.00) nor more than {AMOUNT} One Thousand Dollars (\$1,000.00) for each violation or imprisonment for a term not to exceed {NUMBER} thirty (30) days, or both, at the discretion of the court, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding. {In default of the payment of the fine and costs, a convicted *person* shall be subject to imprisonment for a term not to exceed thirty (30) days.} Each day that a violation continues after due notice has been served shall be deemed a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this code shall constitute a separate offense. The enforcement action shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas.

SECTION 5. Codified Ordinances § 39-106 (relating to Trailers—In General—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 39-106 Violations and Penalties.

(a) Civil Penalty. Any person who violates any provision of this Chapter shall be subject to a civil penalty of, ~~upon conviction thereof, be punishable by a fine of not more than~~ Three Hundred Dollars (\$300.00) ~~and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days.~~

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Chapter to the Zoning Officer. The Zoning Officer shall serve notice of the violation(s) upon the person determined to have violated this Chapter in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Chapter is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Zoning Officer shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Chapter in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) Separate Offenses. Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense.

(e) Equitable Remedies. In addition to or in lieu of enforcement of this Chapter through a civil action, the Borough may enforce this Chapter through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 6. Codified Ordinances Chapter 41, Article XII (relating to Traffic Control—Enforcement) is amended by amending §§ 41-1201, 41-1202(a), and 41-1203 as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 41-1201 Violations and Penalties.

Except as otherwise provided in this Article or in § 41-804, any person who shall violate any of the provisions of this Chapter shall be ~~guilty of~~ subject to prosecution before a magisterial district judge in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction thereof, shall be ~~punishable by a~~ sentenced to pay a criminal fine of Fifteen Dollars (\$15.00) plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.

§ 41-1202 Violations of § 41-502.

(a) Penalty. Any person who shall violate § 41-502 (relating to No Parking for Short Periods) shall be ~~guilty of~~ subject to prosecution be-

fore a magisterial district judge in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction thereof, shall be punishable by a sentenced to pay a criminal fine of not less than Fifty Dollars (\$50.00) and not more than Three Hundred Dollars (\$300.00), plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.

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§ 41-1203 Snow Emergency Violations.

Any person who shall violate any of the provisions of Article X (relating to Snow Emergencies) shall be ~~guilty of~~ subject to prosecution before a magisterial district judge in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction thereof, shall be punishable by a sentenced to pay a criminal fine of Thirty-five Dollars (\$35.00) plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.

* * *

SECTION 7. Codified Ordinances Chapter 46, Article XII (relating to Pedacycles/Bicycles—Registration and Operation) is amended by amending §§ 46-108(a) and 46-109 as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

* * *

§ 46-108 Operation of Pedacycles.

(a) **Reckless Operation.** Any person who shall operate any pedacycle in a reckless manner shall, ~~upon conviction thereof,~~ be subject to the penalties provided for in this ~~section~~ Article.

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§ 46-109 Violations and Penalties.

(a) **Civil Penalty.** Any person who shall violate any of the provisions of this Article shall, ~~upon conviction thereof, be punished by a fine of not more than One Hundred Dollars (\$100.00)~~ be subject to a civil penalty of Twenty-five Dollars (\$25.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the police officer or the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable

attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

SECTION 8. Codified Ordinances § 47-105 (relating to Railroads—In General—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 47-105 Violations and Penalties.

(a) Civil Penalty. Any person who shall violate any provision of this Article shall be subject to a civil penalty of, ~~upon conviction thereof,~~ be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Three Hundred Dollars (\$300.00).

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Chapter to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the police officer or the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of

Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) Separate Offenses. Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

(e) Equitable Remedies. In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 9. Codified Ordinances § 53-309 (relating to Streets—Street Excavations—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 53-309 Violations and Penalties.

(a) Civil Penalty. Any person who violates any provision of this Article shall be subject to a civil penalty of, ~~upon conviction thereof, be punishable by a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days.~~

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Chapter to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address.

The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) Separate Offenses. Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

(e) Equitable Remedies. In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 10. Codified Ordinances § 53-403 (relating to Streets—Snow and Ice—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 53-403 Violations and Penalties.

(a) Civil Penalty. Any person who violates any provision of this Article shall be subject to a civil penalty of ~~be guilty of a summary offense.~~ Upon conviction therefor Fifty Dollars (\$50.00) for the first offense in a given snow season (October 1 to the following April 30), a violator shall be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00), plus the costs of prosecution, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days. Upon conviction therefor and One Hundred Dollars (\$100.00) for the second and subsequent offenses in the same snow season, a violator shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), plus the costs of prosecution, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days.

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the police officer or the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of

Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

SECTION 11. Codified Ordinances § 53-502 (relating to Streets—Greasing and Repairing Vehicles—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 53-502 Violations and Penalties.

(a) **In-General Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty ~~be guilty of a summary offense, and upon conviction therefor, shall be sentenced to pay a fine as set forth in subsection (b), plus the costs of prosecution, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days.~~

(b) **Fines Amount.** The ~~fine~~ amount of the penalty for any violation of this Article shall be—

- (1) Seventy-five Dollars (\$75.00) for a first offense;
- (2) One Hundred Fifty Dollars (\$150.00) for a second offense; and
- (3) Three Hundred Dollars (\$300.00) for a third or subsequent offense.

(c) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for

payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(d) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (c), the police officer or the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(e) Separate Offenses. Each day or portion of a day that a given violation exists or continues shall constitute a separate offense.

(f) Equitable Remedies. In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 12. Codified Ordinances Chapter 56, Article I (relating to Curbs, Sidewalks, and Walkways—In General; Administration) is amended by amending §§ 56-105 and 56-106 as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

* * *

§ 56-105 Inspection Prior to Pouring Concrete.

After the excavation has been made and the forms have been set for the pouring of any curbing or sidewalk, the Borough Engineer or his designee shall be notified so that he may inspect the work before any concrete is poured, and no concrete shall be poured until such inspection has been made and approval is given to proceed with the pouring. Any curbing or sidewalk installed contrary to the provisions of this section or of any other provision of this Chapter is hereby declared to be a nuisance *per se* and shall, notwithstanding any ~~prosecution~~ civil enforcement proceeding being brought under § 56-106, be removed within fifteen (15) days of written notice to do so given by the Borough to the property owner.

§ 56-106 Violations and Penalties.

(a) Civil Penalty. Any person who violates any provision of this Article shall, ~~upon conviction thereof before a District Justice, be sentenced to pay a fine of not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) be subject to a civil penalty of One Hundred Dollars (\$100.00), plus costs of prosecution, and in default of payment thereof, shall undergo imprisonment for a period of not more than thirty (30) days.~~

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Article to the Executive Secretary, following consultation with the Borough Engineer or his designee. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

(e) **Equitable Remedies.** In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 13. Codified Ordinances § 56-302 (relating to Curbs, Sidewalks, and Walkways—Trees and Other Obstructions—Violations and Penalties) is amended as follows (with deletions indicated by strike-outs and insertions indicated by double underlining):

§ 56-302 Violations and Penalties.

(a) **Civil Penalty.** Any ~~persons~~ violating person who violates any of the provisions of this Article shall be subject to a civil penalty of, ~~upon~~

~~conviction before a District Justice, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) Twenty-five Dollars (\$25.00), and in default of payment of the same, be committed to the Lehigh County prison.~~

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense.

(e) **Equitable Remedies.** In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of

Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 14. Codified Ordinances § 56-602 (relating to Curbs, Sidewalks, and Walkways—Snow and Ice Removal—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 56-602 Violations and Penalties.

(a) ~~Summary Offense~~ Civil Penalty. Any person who violates § 56-601 shall be subject to a civil penalty of ~~be guilty of a summary offense.~~

(b) ~~First Offense~~. Upon conviction therefor Fifty Dollars (\$50.00) for the first offense in a given snow season (October 1 to the following April 30), a violator shall ~~be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00), plus the costs of prosecution and the Borough's costs (if any) in removing the snow and ice from the walkway for which the person is responsible, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days.~~

(c) ~~Subsequent Offenses~~. Upon conviction therefor and One Hundred Dollars (\$100.00) for the second and subsequent offenses in the same snow season (October 1 to the following April 30), a violator shall ~~be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), plus the costs of prosecution and the Borough's costs (if any) in removing the snow and ice from the walkway for which the person is responsible, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days.~~

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under § 56-601 to any police officer of the Borough. The police officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at

his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. § 56-601), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of § 56-601 is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated § 56-601 in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense.

SECTION 15. Codified Ordinances § 58-102 (relating to Street Trees—Trimming Street Trees—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 58-102 Violations and Penalties. [RESERVED]

~~Any persons violating any of the provisions of this Article shall, upon conviction before a District Justice, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and in default of payment of the same, be committed to the Lehigh County prison.~~

SECTION 16. Codified Ordinances § 61-107 (relating to Parks and Recreation; Borough Property—Public Use of Property Owned by the Borough—Violations and Penalties) is amended as follows (with deletions indicated by strike-outs and insertions indicated by double underlining):

§ 61-107 Violations and Penalties.

(a) Civil Penalty. Any person violating any of the provisions of this Article shall be subject to a civil penalty of ~~be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine not more than Three Hundred Dollars (\$300.00)~~ Fifty Dollars (\$50.00), together with costs of prosecution, and in default of payment thereof, shall undergo imprisonment for a period not to exceed thirty (30) days.

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees in-

curred by the Borough in the proceedings, in addition to the penalty provided.

(d) Separate Offenses. Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

SECTION 17. Codified Ordinances § 62-113 (relating to Electricity and Street Lighting—Alburtis Electric Co. Franchise—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 62-113 ~~Violations and Penalties.~~ [RESERVED]

~~For any violation of the provisions of this Article or any of its sections, the Alburtis Electric Company, its manager, foreman, or other person in authority shall be liable to arrest, and upon conviction before the District Justice shall be liable to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each and every offense, such fines to be recoverable as fine are now by law collectible.~~

SECTION 18. Codified Ordinances Chapter 64, Article I (relating to Water—In General) is amended by amending §§ 64-105(d), 64-106, 64-109, and 64-110 as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

* * *

§ 64-105 Waste and Repairs.

* * *

(d) **Obstruction of Investigation.** Any person who shall obstruct or oppose any authorized person in making an examination under subsection (c) or in detaching the pipes shall, ~~upon conviction,~~ be subject to the penalties provided in § 64-110.

§ 64-106 Emergency Curtailment of Water Use.

The Borough may, from time to time, in matters of emergency or for the preservation of a dwindling water supply, curtail the use of water for other than essential household and business activities. Council hereby empowers the Mayor, if he/she determines that such a situation exists, to impose prohibitions upon uses of water in the same manner as described in § 73-104 (relating to Drought Emergencies—Water Use Restrictions—Activities Which May Be Restricted), which shall continue in effect until terminated by action of the Mayor or Council. Council also may impose the same or other water use restrictions whenever it determines that such action is warranted under this Section. The violation of any prohibitions or restrictions imposed by the Mayor or Council under this Section shall subject the offending user to the penalty provisions of § 64-110 ~~in a summary proceeding.~~

* * *

§ 64-109 Fire Hydrants.

No person shall be allowed to open a fireplug except such persons as have been granted a permit by the Maintenance Supervisor. If any person entrusted with the spanners of the fireplugs, or others, shall open a fireplug upon any occasion except at the request or permission of one (1) of the employees of the Maintenance Department or the Maintenance Supervisor, or in case of fire in the neighborhood and shall neglect or refuse to shut the same as soon as the fire is extinguished, or if any person or persons shall willfully, negligently, or carelessly injure the pipes of conduct,

the hydrants or fireplugs, or any other device connected with the pipes in the street, he, she, or they so offending shall, ~~upon conviction,~~ be subject to the penalties provided in § 64-110.

§ 64-110 Violations and Penalties.

(a) Civil Penalty. Any person who violates any provision of this Chapter shall be subject to a civil penalty of, upon conviction thereof, be punishable by a fine of not more than Three Hundred Dollars (\$300.00) One Hundred Dollars (\$100.00) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days.

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Chapter to the Maintenance Supervisor. The Maintenance Supervisor or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Chapter in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Chapter is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Chapter in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense.

(e) **Equitable Remedies.** In addition to or in lieu of enforcement of this Chapter through a civil action, the Borough may enforce this Chapter through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 19. Codified Ordinances § 64-302 (relating to relating to Water—Attachments & Connections—Compliance Required) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 64-302 Compliance Required.

Every person or persons having attachments of any kind made without first complying with the requirements of this Article shall, ~~upon conviction in summary proceedings,~~ be subject, for each offense, to the penalties provided in § 64-109 64-110.

SECTION 20. Codified Ordinances § 64-413 (relating to relating to Water—Backflow & Cross-Connection Control—Violations of This Article) is amended by adding the following new subsection (c) thereto (with insertions indicated by double underlining):

§ 64-413 Violations of this Article.

* * *

(c) **Civil Penalties.** In addition to the other remedies provided in this Section, each person who violates any provision of this Article shall be subject to the penalties provided in § 64-110.

SECTION 21. Codified Ordinances § 65-1303 (relating to relating to Sanitary Sewer—Judicial Enforcement Remedies—Criminal Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 65-1303 Criminal Penalties.

(a) Violations of Article III.

~~(1) **Penalties.** Any Person who shall violate any provision of Article III of this Chapter shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay a criminal fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars Three Hundred Dollars (\$300.00) for each such violation, together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.~~

~~(2) **Recovery of Fines and Costs.** Fines and costs imposed under paragraph (1) shall be enforceable and recoverable in the manner and at the time provided by applicable law.~~

(b) Industrial Violators. A User who willfully or negligently violates any provision of this Chapter, a Wastewater Discharge Permit or order issued under this Chapter, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of be subject to prosecution in the same manner as provided for a summary offense under the Pennsylva-

nia Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay punishable by a criminal fine of not more than One Thousand Dollars (\$1,000) per violation, per day, or, in default thereof, by imprisonment for not more than thirty (30) days.

(c) Introduction of Substances Which Cause Personal Injury or Property Damage. A Person who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, ~~upon conviction, be guilty of~~ be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay punishable by a criminal fine of not more than One Thousand Dollars (\$1,000) per violation, per day, or, in default thereof, by imprisonment for not more than thirty (30) days. This penalty shall be in addition to any other cause of action for personal injury or property damage available under applicable law.

(d) Falsifications. A Person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained pursuant to this Chapter, or a Wastewater Discharge Permit or order issued under this Chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, ~~upon conviction, be guilty of~~ be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure and, upon conviction, shall be sentenced to pay punishable by a criminal fine of not more than One Thousand Dollars (\$1,000) per violation, per day, or, in default thereof, by imprisonment for not more than thirty (30) days.

(e) Costs and Attorney Fees. In addition to the fines provided in subsections (a) through (d), any person found to have committed such a violation shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings.

(f) Separate Offenses. Each day during which any violation described in subsections (a) through (d) occurs or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter, a Wastewater Discharge Per-

mit, order issued under this Chapter, or a Pretreatment Standard or Requirement shall constitute a separate offense.

(g) Court. An enforcement action under this Section shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas.

SECTION 22. Codified Ordinances § 67-901 (relating to Municipal Solid Waste, Recyclables, and Other Refuse—Enforcement—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 67-901 Violations and Penalties.

(a) Civil Penalty. Any person who violates any provision of this Chapter shall, ~~upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than Three Hundred Dollars (\$300.00), in the discretion of the district justice, plus all court costs, including reasonable attorneys' fees incurred by the Borough as a result thereof~~ be subject to a civil penalty as set forth in subsections (b) and (c). Nothing contained in this section shall be construed or interpreted to grant to any person or entity, other than the Borough, the right to commence any action for enforcement of any provision of this Chapter.

(b) Amount of Penalty for Violation of § 67-809. The amount of the penalty for any violation of § 67-809 (relating to Adulteration of Drop-Off Recyclables) shall be—

(1) One Hundred Fifty Dollars (\$150.00) for a first offense;

and

(2) Five Hundred Dollars (\$500.00) for a second or subsequent offense.

(c) Amount of Penalty for Other Violations of this Chapter.

The amount of the penalty for any violation(s) of this Chapter other than for violations of § 67-809 shall be—

(1) Twenty-five Dollars (\$25.00) for a first offense;

(2) Fifty Dollars (\$50.00) for a second offense; and

(3) Seventy-five Dollars (\$75.00) for a third or subsequent offense.

(d) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Chapter to any police officer of the Borough. The police officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Chapter in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(e) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Chapter is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (d), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Chapter in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(f) Separate Offenses. Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each

violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense.

(g) Equitable Remedies. In addition to or in lieu of enforcement of this Chapter through a civil action, the Borough may enforce this Chapter through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 23. Codified Ordinances § 68-207 (relating to Hazardous Materials—Regulations—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 68-207 Violations and Penalties.

~~Any person, firm, or corporation violating~~ who shall violate any provision of this Chapter shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof, shall be fined sentenced to pay a criminal fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00) for each offense, violation, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings, and/or imprisonment for a period not exceeding thirty (30) days. ~~and a separate offense shall be deemed committed on each day or on which a violation occurs or continues. Each day that a violation occurs or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense. The enforcement action shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas.~~

SECTION 24. Codified Ordinances § 69-402 (relating to Cable Television— Enforcement—Penalties) is amended as follows (with deletions indicated by strike-outs and insertions indicated by double underlining):

§ 69-402 Violations and Penalties.

(a) Civil Penalty. Any person ~~violating~~ who violates any of the provisions of this Chapter shall be ~~guilty of a summary offense and, upon conviction thereof shall be ordered to pay a fine~~ subject to a civil penalty of ~~not more than~~ Three Hundred Dollars (\$300.00) and, ~~in default of payment of fine and costs, imprisoned not more than thirty (30) days.~~

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Chapter to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Chapter in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Chapter is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Chapter in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees in-

curring by the Borough in the proceedings, in addition to the penalty provided.

(d) Separate Offenses. Each day's violation day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense.

(e) Equitable Remedies. In addition to or in lieu of enforcement of this Chapter through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 25. Codified Ordinances § 73-105 (relating to Drought Emergencies—Water Use Restrictions—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 73-105 Violations and Penalties.

(a) Civil Penalty. ~~Failure of any person or persons to act in response to a~~ Any person who violates any prohibition imposed by the Mayor under the terms of this Article shall ~~subject the responsible individual or individuals to the issuance of a citation by the Borough Police Department and subsequent penalties to be imposed~~ be subject to a civil penalty as follows:

(a) (1) First Offense. ~~The initial citation shall subject the party cited to a “warning” only.~~ For the first offense, a person violating any prohibition imposed by the Mayor under this Article shall receive a written warning.

(b) (2) Second Offense. ~~A subsequent citation shall be punishable by a fine of~~ For a second violation of this Article (which need not

be a violation of the same prohibition as in the first offense), the amount of the civil penalty shall be Twenty-Five Dollars (\$25.00) and costs of prosecution in the form of a summary proceeding.

(e) **(3) Subsequent Offenses.** Any citation issued to a person or persons in excess of two (2) previous citations shall subject the party to a fine of Twenty five Dollars (\$25.00) plus and additional amount in multiples of One Hundred Dollars (\$100.00) for each previous citation issued in excess of the first citation whereupon a fine and costs have been levied and paid. For a third or subsequent violation of this Article (which need not be a violation of the same prohibition(s) as in the previous offenses), the amount of the civil penalty shall be as follows:

(A) **Third Violation** — \$125.00.

(B) **Fourth Violation** — \$225.00.

(C) **Fifth Violation** — \$325.00.

(D) **Sixth Violation** — \$425.00.

(E) **Seventh Violation** — \$525.00.

(F) **Eighth and Subsequent Violations** — \$600.00.

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.) and of the Mayor's prohibitions, the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge

(or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article or of a separate prohibition imposed by the Mayor shall constitute a separate offense.

(e) **Equitable Remedies.** In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 26. Codified Ordinances § 76-108 (relating to Peace and Good Order—Disorderly Conduct—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 76-108 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall, upon conviction thereof, be punishable by a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days. be subject to a civil penalty as follows:

(1) **First Offense.** Fifty Dollars (\$50.00) for the first offense.

(2) **Subsequent Offense.** One Hundred Dollars (\$100.00) each for the second and subsequent offenses.

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

SECTION 27. Codified Ordinances § 76-203 (relating to Peace and Good Order—Alcoholic Beverages in Public Places—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 76-203 Violations and Penalties.

(a) ~~In General~~ Civil Penalty. Any person who violates any provision of this Article shall ~~be guilty of a summary offense, and upon conviction therefor, shall be sentenced to pay a fine as~~ be subject to a civil penalty in the amount set forth in subsection (b), ~~plus the costs of prosecution, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days.~~

(b) **Fines Amount of Penalty.** The ~~fine~~ amount of the civil penalty for any violation of this Article shall be—

- (1) Seventy-five Dollars (\$75.00) for a first offense;
- (2) One Hundred Fifty Dollars (\$150.00) for a second offense; and
- (3) Three Hundred Dollars (\$300.00) for a third or subsequent offense.

(c) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(d) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough

within fifteen (15) calendar days after service of the violation notice under subsection (c), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(e) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

SECTION 28. Codified Ordinances § 77-106 (relating to Curfew—Occasional Short-Term Curfew for Youth—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 77-106 Violations and Penalties.

(a) **First Violation.** Any child found to be in violation of the curfew provisions of this Article shall be taken into custody by the Borough police and delivered to his or her parents, guardian, or person having the legal custody of said child, and a report of the incident shall be made immediately ~~thereof~~ to the Mayor or other person designed by Borough Council for said purpose.

(b) **Subsequent Violations.** If said parent, guardian, or person having the legal custody of said child shall again allow him or her to be on said street, alleys, parks, or public places in violation of the provisions of this Article, said parent, guardian, or person having the legal custody of said child so offending shall be subject to prosecution before a magisterial

district judge in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof before a District Justice, shall be sentenced to pay a criminal fine of Twenty-five Dollars (\$25.00) and costs of suit or, on failure of the payment thereof, to be imprisoned in the county jail for a period not to exceed five (5) days at the discretion of the said District Justice plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.

SECTION 29. Codified Ordinances § 84-502 (relating to Local Services Tax—Violations, Interest, and Penalties—Criminal Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 84-502 Criminal Other Violations and Penalties.

(a) Civil Penalty. Whoever makes any false or untrue statement in any return required by this Chapter, or whoever refuses inspection of his books, records, or accounts in his custody or control, upon reasonable request, or whoever fails or refuses to file any return required by this Chapter, shall, ~~upon conviction thereof, be punishable by a fine of not more than~~ be subject to a civil penalty of Three Hundred Dollars (\$300.00) and costs of prosecution, or, upon default in payment of the fine and costs, ~~by imprisonment in the county jail for a period not to exceed thirty (30) days.~~

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Article to the Tax Receiver. The Tax Receiver shall serve notice of the violation(s) upon the person determined to have violated this Section in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated, the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement

proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Section is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Tax Receiver shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Section in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) Separate Offenses. Each violation of a separate clause of subsection (a) shall constitute a separate offense.

SECTION 30. Codified Ordinances § 89-103 (relating to Moving Permits and Tenant Registration—Moving Permits—Notice, Violations, and Penalties) is amended as follows (with deletions indicated by strike-outs and insertions indicated by double underlining):

§ 89-103 Notice, Violations, and Penalties.

(a) In General. Any person who moves into, out of, or within the Borough of Alburtis without first registering such move with the Borough as provided in this Ordinance Article shall do so within five (5) calendar days after—

~~**(a) (1)**~~ the person is personally directed to do so by the Borough Executive Secretary or any Borough Police Officer, or

~~**(b) (2)**~~ a notice to register under this Ordinance Article is served upon any adult individual residing at the person's residence or in charge of such residence.

In default thereof, the person shall be guilty of a summary offense. Upon conviction therefor, a violator shall be sentenced to pay a fine be subject to a civil penalty of Fifty Dollars (\$50.00), ~~plus the costs of prosecution.~~

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Article to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated, the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

SECTION 31. Codified Ordinances § 89-203 (relating to Moving Permits and Tenant Registration—Tenant Registration—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 89-203 Violations and Penalties.

(a) Civil Penalty. Any person who violates any provision of this Article shall, ~~upon conviction thereof, be punishable by a fine of not more than~~ be subject to a civil penalty of Three Hundred Dollars (\$300.00) ~~and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days.~~

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Article to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated, the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

SECTION 32. Codified Ordinances § 91-102 (relating to Nuisances—In General—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 91-102 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) be subject to a civil penalty in the amount set forth in subsection (b), and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days.

(b) **Amount of Penalty.** The amount of the civil penalty for any violation of this Chapter shall be —

(1) Twenty-five Dollars (\$25.00) for a first offense;

(2) Fifty Dollars (\$50.00) for a second offense; and

(3) Seventy-five Dollars (\$75.00) for a third or subsequent offense.

(c) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Chapter to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Chapter in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(d) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Chapter is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (c), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Chapter in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees in-

curred by the Borough in the proceedings, in addition to the penalty provided.

(e) Separate Offenses. After the first two violations of this Chapter, each day or portion of a day that a given violation exists or continues shall constitute a separate offense. Each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense.

(f) Equitable Remedies. In addition to or in lieu of enforcement of this Chapter through a civil action, the Borough may enforce this Chapter through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 33. Codified Ordinances § 92-107 (relating to Animals—Animal Control—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 92-107 Violations and Penalties.

(a) Civil Penalty. Any person who violates any provision of this Article shall be ~~guilty of a summary offense, and upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00)~~ be subject to a civil penalty of One Hundred Dollars (\$100.00), plus the costs of prosecution, including, but not limited to, all court costs and reasonable attorneys' fees incurred by the Borough as a result thereof. Nothing contained in this Section shall be construed or interpreted to grant any person or entity, other than the Borough, the right to commence any action for enforcement of any provision of this Article.

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Article to any police offi-

cer of the Borough and to the Executive Secretary. The police officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each calendar day that a violation exists or continues shall constitute a separate offense. Each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

(e) **Equitable Remedies.** In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

SECTION 34. Codified Ordinances § 93-204 (relating to Weed Control—Prohibitions and Duties—Penalties for Violation) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 93-204 Penalties for Violation.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be guilty of a summary offense, and upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) be subject to a civil penalty of One Hundred Dollars (\$100.00), plus the costs of prosecution, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days.

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to the Zoning Officer. The Zoning Officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees in-

curred by the Borough in the proceedings, in addition to the penalty provided.

(d) Separate Offenses. Each day that a violation of this Article continues after notice has been given under § 93-301 shall constitute a separate offense.

SECTION 35. Codified Ordinances § 94-103 (relating to Firearms—Discharge of Firearms—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 94-103 Violations and Penalties.

(a) Civil Penalty. Any person ~~violating~~ who violates any provision of this Article shall be ~~guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00)~~ subject to a civil penalty of One Hundred Dollars (\$100.00), together with costs of prosecution, and in default of payment thereof, shall undergo imprisonment for a period not to exceed thirty (30) days.

(b) Initial Determination of Violation. Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer or the Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (i.e. section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under

subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

SECTION 36. Codified Ordinances § 97-114 (relating to Business and Nonprofit Activities—Peddling and Soliciting—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 97-114 Violations and Penalties.

Any person who violates any provision of this Article shall be subject to prosecution before a magisterial district judge in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof, be punishable by shall be sentenced to pay a criminal fine of not more than Three Hundred Dollars (\$300.00) One Hundred Dollars (\$100.00) for each violation, and plus court costs of prosecution and reasonable attorney fees incurred by the Borough in the enforcement proceedings, or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days. Each day that a violation occurs or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 12th day of March, 2014, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Sharon Trexler, Executive Secretary

AND NOW, this 12th day of March, 2014, the above Ordinance is hereby **APPROVED**.

Kathleen Palmer, Mayor