

ORDINANCE NO. 2023-3

AN ORDINANCE AMENDING THE CODE OF ORDINANCES AND ADOPTING THE QUALITY OF LIFE AND VIOLATIONS TICKET PROCESS IN THE BOROUGH OF NESQUEHONING.

PROPERTY MAINTENANCE RULES AND REGULATIONS

SECTION 1. PURPOSE

Lack of maintenance of properties, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Borough, which reduces business and tax revenue inhibiting economic development. The Quality of Life and Community Pride of the citizens of Nesquehoning are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Ordinance is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of Nesquehoning.

SECTION 2. DEFINITIONS

**DEBRIS** – Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place for food supply for insects and rodents.

**DUMPING** – includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and such other municipal waste, hazardous waste, residual waste and construction demolition debris on public or private property, except as authorized by law.

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

**HAZARDOUS WASTE** – any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- 1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness;
- 2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

**HEDGES** – a barrier of natural plantings such as shrubs, trees (not including shade trees) and other natural plantings, generally consisting of few openings, providing minimum visibility through the plane of natural plantings that is a minimum of seventy-five (75%) percent opaque. No thorn-bearing planting material shall be incorporated into a hedge.

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

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

**JUNKED VEHICLES** – any vehicle, which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- 1) Rusted and/or jagged metal on or protruding from the body of the vehicle,
- 2) Broken glass or windows on or in the vehicle,
- 3) Leaking of any fluids from the vehicle or deflated or flat tire(s),
- 4) Unsecured and/or unlocked doors, hood or trunk,
- 5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks, or other similar apparatus,
- 6) Harboring of rodents, insects, or other pests.

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

**LITTER** – includes, but is not limited to, all waste material, garbage, trash, i.e., waste paper, tobacco products, wrappers, food or beverage container, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

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

**MOBILE VENDOR** – a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the Borough that does not typically remain stationary for more than 10 minutes each hour.

**MOTOR VEHICLE** – any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

**MOTOR VEHICLE NUISANCE** – a motor vehicle with one or more of the following defects:

- 1) Broken windshields, mirrors, or other glass with sharp edges,
- 2) Broken headlamps, tail lamps, bumpers or grills with sharp edges,
- 3) Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust,
- 4) Protruding sharp objects from chassis,
- 5) Missing doors, windows, hood, truck or other body parts that could permit animal harborage,
- 6) One or more open tires or tubes, which could permit animal harborage,
- 7) Any vehicle suspended by blocks, jacks or other such materials in a location, which may pose a danger to the public, property owners, visitors or residents of the property on which said vehicle is found,
- 8) Any excessive fluids leaking from vehicle, which may be harmful to the public or the environment,
- 9) Disassembled body or chassis parts stored in, on or about the vehicle,
- 10) Vehicles that do not display a current valid license and registration,
- 11) Such other defects, which the Fire Department determines to be a danger to the general public or property,
- 12) Motor vehicle parked, drifted or otherwise located, which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

**MUNICIPAL WASTE** – any garbage, refuse, industrial, lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities and which is not classified as a residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

**NOTICE OF VIOLATION** - a written document issued to a person in violation of a Borough ordinance, which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

**NUISANCE** - any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhoods. See also the definition of “public nuisance”.

**OWNER** - a person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the principles of a limited liability company or officer, director or shareholder of a corporation if that individual is responsible for the management and control of the property; including the Guardian of the estate of any such person, and the executor or administrator of the estate of such person, in order to take possession of real property by a court.

**PERSON** - every natural person, firm, corporation, partnership, association, or institution.

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

**PRIVATE PROPERTY** - any land and the improvements thereon owned by any person and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited temporary, continuously; uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

**PUBLIC OFFICER** - any police officer, authorized inspector, or public official designated by the Borough to enforce Borough ordinances.

**PUBLIC NUISANCE** - any conditions or premises which are unsafe or unsanitary.

**PUBLIC RIGHT-A-WAY** - total width of any land used, reserved, or dedicated at a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

**RECYCLABLE MATERIAL** - material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. These materials may include, but not limited to, aluminum cans, ferrous cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto-parts.

**RESIDUAL WASTE** - any discarded material or other waste, including solid, semisolid, contain gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

**RUBBISH** - combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, Coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, your trimmings, tin cans, metals, general matter, glass, crockery, and dust and other similar materials

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

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

**SOLID WASTE** - any waste, including, but not limited to, municipal, residual, or hazardous waste, including solid, liquid, semisolid or contained gaseous materials.

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

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

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

**VIOLATION TICKET** - a form issued by a police officer or public officer to a person who violates a provision of this part. The violation ticket is an offer by the Borough of Nesquehoning extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

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

- 1) exceeds six (6) inches in height
- 2) Excel unpleasant noxious odors or pollen, such as ragweed, dandelion, and miscellaneous other vegetation, commonly referred to as weeds or brush
- 3) they conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin
- 4) may cause a public nuisance

Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, except.

**YARD** - an open space on the same lot with a structure.

### **SECTION 3. QUALITY OF LIFE VIOLATIONS**

- 1. Accumulation of Rubbish or Garbage.** All exterior property and premises and the interior of every structure shall be free from any accumulation of waste, trash, rubbish or garbage.
- 2. Animal Maintenance and Waste/Feces Clean-Up.** People owning, harboring or keeping an animal within the Borough of Nesquehoning shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.

3. **Disposal of Rubbish or Garbage Dumping.** Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied or other property.
4. **High Weeds, Grass or Plant Growth.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this part.
5. **Littering or Scattering Rubbish.** No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area or on any public property.
6. **Motor Vehicles.** It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed or nuisance motor vehicle on any premises. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
7. **Outside Placement of Indoor Appliances/Furniture.** It is prohibited to store or place any/all appliances or furniture, including but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property.
8. **Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping and Illegal Hauling.** It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of any waste, trash or recyclables will be in violation of this part. Should any person or business use and unlicensed hauler to dispose of their waste, trash or recyclables, said person or business shall be in violation of this part. Upon request of the Public Officer any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any parts found within a municipal waste container, recycling container, garbage bag or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership or entity to remove off all waste, trash, or recyclables without the proper approval or license. Any waste, trash or recyclables found not to be disposed of in accordance with this part, will be in violation of this part.
9. **Snow and Ice Removal from Sidewalks.** Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough of Nesquehoning, is required to remove any snow or ice from their sidewalk within twenty-four (24) hours of the cessation of said snow or ice of three (3) feet on said sidewalk. Should any property be a place of business within the Borough of Nesquehoning, all snow and ice must be removed within four (4) hours of the cessation of said snow and ice falling. Any property deemed a business; the entire sidewalk must be free from any snow or ice. If/when snow

and/or ice cessation happens during the hours of darkness, the time limit for removal of all snow and ice begins at daybreak.

- 10. Storage Containers for Waste and Trash.** The owner of every premise shall supply approved containers for waste/trash as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, watertight and made of metal or plastic. Containers must have tight fitting covers and must be kept clean and odor free at all times. All containers must be placed upon the property so said containers are not visible from the public right-of-way. Waste/trash containers may only be placed in front of any property within twenty-four (24) hours in advance of the day of the scheduled pickup. Once the licensed hauler removes the waste/trash from any property, all containers must be returned to the rear of the property before daybreak on the day following the pickup. (Example: Jim Smith's trash collection day is a Wednesday. Jim Smith may place his trash containers out in front of his property on Tuesday night, once night falls. Jim Smith must place trash containers in the rear of his yard before daybreak on Thursday morning.)
- 11. Storing or Discarding of Appliances.** Refrigerators and similar equipment including but not limited to, washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.
- 12. Storing of Hazardous Material.** It shall be unlawful for any person, business or entity to store combustible, flammable, explosive, or other hazardous materials, including, but not limited to, paints, volatile oils and cleaning fluids or combustible rubbish, including but not limited to, waste paper, boxes or rags, unless the storage of said material is stored in compliance with the applicable building codes.
- 13. Storing of Recyclables.** It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only allowed in approved containers, which must be kept clean and sanitary at all times.
- 14. Storing or Serving of Potentially Hazardous Food.** No person, business, partnership or entity shall store or serve potentially hazardous food. Including but not limited to, out of date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, infestation problems at the location or serving food that has previously been open are considered a violation of this part.
- 15. Swimming Pools.** Swimming pool shall be maintained in good repair at all times. They should also be kept clean, safe, covered and sanitary as well.
- 16. Restrictions on Hedges.** Hedges may not exceed 48 inches within the confines of the front yard or 72 inches within the confines of the side yard, except as permitted herein. All such hedges shall be located in such a manner so as not to be a safety hazard due to view obstruction. The land owner of the hedge is responsible for the routine maintenance of the hedge and all areas surrounding same including weeding and grass cutting and trimming.

- a. **Waiver or request for exemption:** recognizing that there may be situations in which the height and location of hedges are well-maintained and do not affect the safety of the public welfare, it is provided that notwithstanding any provision in this ordinance to the contrary, the owner of the real property may request that the Borough Council waive or reduce the requirements of this ordinance only with regard to the height of the hedges. In considering such a request, the Borough Council may impose such restrictions as it deems necessary to safeguard the public health and safety, and shall take into consideration the character of the surrounding neighborhood.

#### **SECTION 4. AUTHORITY FOR ISSUANCE OF VIOLATION TICKET**

Upon finding a quality of life violation, the Code Enforcement Officer, Building Code Officer, Police Officer or any Public Officer of the Borough of Nesquehoning may issue a quality of life violation notice to the owner and/or occupant of the property at issue, or to the individual known to have violated this part. Should the violation not be addressed within the timeframe stated in the violation notice, the Code Enforcement Officer, Building Code Officer, Police Officer or the Public Officer of the Borough shall then proceed to issue a Violation Ticket for the violation. Violation notices shall not be required for any second or subsequent violation for the same issue within a twelve (12) month calendar year or whenever the Code Enforcement Officer, Building Code Officer, Police Officer or Public Officer shall determine the violation to be so egregious that immediate issuance of the Violation Ticket is warranted.

#### **SECTION 5. ENFORCEMENT**

1. The provisions of this part shall be enforced by any the Code Enforcement Officer, Building Code Officer, Police Officer or Public Officer authorized to enforce ordinances.
2. Any violation of the provisions of this part may be cause for a citation, a violation tickets and/or notice of violation to be issued to the violator.

#### **SECTION 6. SERVICE**

A violation ticket shall be served upon a violator handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice of violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent, or the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.



## **SECTION 7. SEPARATE OFFENSE**

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

## **SECTION 8. ABATEMENT OF VIOLATION**

1. Any person or business violating this part is hereby directed to satisfy the Borough of Nesquehoning and its citizens, upon issuance of a quality-of-life ticket, by correcting the violation in question. A Public Officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Code Enforcement Officer in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.
2. The Borough of Nesquehoning and/or its contractor, per the direction of the Borough, reserves the right to abate the violation in question at the expense of the owner. If the Borough has affected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant, or offending party. A bill/invoice will be generated to the violator for payment separate from the quality-of-life ticket, which will also be paid separately.
3. In all instances where the Borough abates the violation, in addition to the fine set forth in the quality-of-life ticket, the Borough is authorized to recover from the offending party, the owner of the property, or tenant of the abatement charges and such other charges established by the Code Enforcement Officer in the rules and regulations.
4. Borough of Nesquehoning cleanup. The Borough reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours passes from the date of issuance of the quality-of-life ticket. Should the violation at the discretion of the Code Enforcement Officer present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of sixty (\$60.00) dollars per hour, per man and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional twenty (20%) percent on all materials purchased to cover miscellaneous expenses, such as wear and tear on equipment.
5. Contractor cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours passes from the date of issuance of the quality-of-life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough of Nesquehoning at the Borough will forward these cost to the violator. The Borough reserves the right to add a thirty (30%) percent processing fee in addition to the costs of the contractor.

**SECTION 9. FINES AND PENALTIES**

- A. For the first offense of a violation of this part within a 12 month calendar year period, violation ticket shall be issued in the amount of \$50.00 as set forth on the chart below.
- B. For the second offense of a violation of this part within a 12 month calendar year period, violation ticket shall be issued in the amount of \$100.00 as set forth on the chart below.
- C. For the third offense of a violation of this part within a 12 month calendar year period, violation ticket shall be issued in the amount of \$200.00 as set forth on the chart below.
- D. For each subsequent offense to three offenses in this part within a 12 month calendar year period, amounts of violation tickets shall increase by doubling the amount for each subsequent offense.
- E. Any persons who receive a violation ticket for any violation of this part may, within fifteen (15) days of the date of the ticket, admit the violation, waive a hearing and pay the fine in full satisfaction.
- F. Any person who violates this part shall pay a fine, as set forth herein for each offense, plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation.

<u>Violation</u>	<u>Description</u>	<u>Fine 1</u>	<u>Fine 2</u>	<u>Fine 3</u>
QOL 001	Accumulation of rubbish	\$50.00	\$100.00	\$200.00
QOL 002	Animal maintenance and wasteful/feces	\$50.00	\$100.00	\$200.00
QOL 003	Disposal of rubbish	\$50.00	\$100.00	\$200.00
QOL 004	High weeds, grass or plant growth	\$50.00	\$100.00	\$200.00
QOL 005	Littering or scattering rubbish	\$50.00	\$100.00	\$200.00
QOL 006	Motor vehicles	\$50.00	\$100.00	\$200.00
QOL 007	Outside placement of indoor appliances/furniture	\$50.00	\$100.00	\$200.00
QOL 008	Ownership presumption of waste, etc.	\$50.00	\$100.00	\$200.00
QOL 009	Snow and ice removal from sidewalks	\$50.00	\$100.00	\$200.00
QOL 010	Storage container for waste, etc.	\$50.00	\$100.00	\$200.00
QOL 011	Storing or discarding of appliances	\$50.00	\$100.00	\$200.00
QOL 012	Storing of hazardous material	\$50.00	\$100.00	\$200.00
QOL 013	Storing of recyclables	\$50.00	\$100.00	\$200.00
QOL 014	Storing or serving potentially hazardous foods	\$50.00	\$100.00	\$200.00
QOL 015	Swimming pools	\$50.00	\$100.00	\$200.00
QOL 016	Restriction on hedges	\$50.00	\$100.00	\$200.00

## **SECTION 10. VIOLATION TICKET PENALTIES**

- A. If a person in receipt of a \$50.00 violation ticket does not pay the fine request a hearing within fifteen (15) days, the person will be subject to a \$25.00 penalty for days 16 through 30.
- B. If a person in receipt of a \$100.00 violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a \$50.00 penalty for days 16 through 30.
- C. If the person in receipt of a \$200.00 or higher violation ticket does not pay a fine or request a hearing within fifteen (15) days, the person will be subject to a \$100.00 penalty for days 16 through 30.
- D. If violations are continuous or egregious, Code Officials have the right to issue citations without first issuing tickets, provided notice has been given. Upon issuance of four (4) tickets for the same violation, right is reserved for the Code Officials to issue citations for the fifth and subsequent offenses.

## **SECTION 11. CITATION FINES**

Any person, firm, or corporation who shall fail, neglect or refuse to comply with any of the terms of provisions of this part, or any regulation or requirement pursuant hereto and authorized hereby, shall, upon conviction, be ordered to pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars on each offense, the costs of prosecution including restitution of the fees of the Code Official, or imprisoned no more than ninety (90) days, or both.

## **SECTION 12. RESTITUTION**

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner to the Borough of Nesquehoning for the costs of prosecution, including the fees of the Code Official.

## **SECTION 13. APPEAL**

- 1. A person in receipt of a violation notice may appeal to Borough Council by filing a request in writing within fifteen (15) days of the date of the violation notice.
- 2. In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) days:

- a. All paperwork, including the appropriate appeal form for the appeal, must be submitted and complete within fifteen (15) calendar days from the date of the quality of life ticket was issued.
  - b. Payment of the fine must be in full, which will be refunded within thirty (30) calendar days should the violator win his/her appeal. The appeal hearing will be held before the Borough Council, Borough Code Enforcement Officer or the Borough Council designee. The Borough Council, Borough Code Enforcement Officer were the Borough Council Designee may uphold the appeal, deny the appeal or may modify the violation notice and/or associated costs, fines or penalty amounts as he/she/they deem appropriate.
3. Any subsequent appeal shall be filed to the Carbon County Court of Common Pleas.

#### **SECTION 14. COLLECTIONS**

At the discretion of the Borough of Nesquehoning, all tickets, for which payment is not received within forty-five (45) days of issuance of a ticket and for which an appeal is not taken, or where forty-five (45) days have elapsed from the denial of appeal, or there have been monies paid by the Borough of Nesquehoning for abatement of the violation, but have not been paid by the violator within the forty-five (45) days of billing, may be turned over by the Borough to a collection agency for receipt.

#### **SECTION 15. LIENS**

At the discretion of the Borough of Nesquehoning, liens may be placed upon a property owned by the violator and not only against the property in which tickets were issued, and for which payment has not been received within forty-five (45) days of issuance of a ticket for which an appeal has not been taken, or forty-five (45) days from a denial of an appeal, or for monies paid by the Borough of Nesquehoning for abatement of a violation and not paid within forty-five (45) days of billing.

#### **SECTION 16. NONEXCLUSIVE REMEDIES**

The penalty lien and collection provisions of this section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough of Nesquehoning as may be deemed appropriate for carrying out the purpose of this part. Remedies and procedures provided in this part from violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough of Nesquehoning ordinance, whether or not such other ordinance is referenced in as part, and whether or not an ongoing violation of such other ordinance is cited as the underlying ground for finding a violation of this part.

**SECTION 17. SEVERABILITY**

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

**SECTION 18.** All relevant ordinances, regulations, and policies of the Borough of Nesquehoning, Pennsylvania, not amended herein or hereby, shall remain in full force and effect

**SECTION 19.** If any section, subsection, sentence, or clause of this ordinance is held for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 20.** Any ordinance or part of any ordinance conflicting with the provisions of this ordinance shall be in the same is hereby repealed to the extent to such conflict.

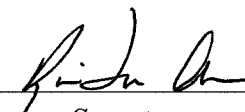
**SECTION 21.** This ordinance shall become effective immediately upon pathogen approved in the manner prescribed by law.

**ORDAINED AND ENACTED** by Borough Council this 22<sup>nd</sup> day of February, 2023

**The Borough of Nesquehoning**



**Council President**

Attest:   
Secretary

Approved this 22<sup>nd</sup> day of February, 2023



**Mayor**