

Chapter 93. Property Maintenance Code

GENERAL REFERENCES

Animals — See Ch. 39.
Building permits — See Ch. 48.
Garbage, rubbish and refuse — See Ch. 67.
Nuisances — See Ch. 78.
Peace and good order — See Ch. 85.

ARTICLE I

§93-1. Adoption of standards.

That a certain document, one copy of which is on file in the office of the Borough Secretary of the Borough of Matamoras, being marked and designated as “The International Property Maintenance Code, 2009 Edition”, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Matamoras in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees thereof; and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough Secretary are hereby referred to, adopted, and made a part of as if fully set out in this article, with additions, insertions, deletions and changes, if any, prescribed in §93-2 of this article.

§93-2. Revisions of Standards.

The following sections of the 2009 Edition of the International Property Maintenance Code are hereby revised;

- A. In Section 101.1, insert “the Borough of Matamoras” for *[NAME OF JURISDICTION]*.
- B. In Section 103.5 insert “Matamoras Borough Fee Schedule” for *[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]*.
- C. Section 106.3 is deleted in its entirety and replaced with the following:

106.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense and be subject to the penalties delineated in section 106.4. In addition, if the notice of violation is not complied with, the public officer shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

- D. The language in Section 106.4 is deleted in its entirety and replaced with the following:

106.4 Penalty. Any person who shall violate a provision of this Code shall, upon conviction thereof, be subject to a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1000.00) or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. **The language in Section 108.5 is deleted in its entirety and replaced with the following:**

Section 108.5 Prohibited occupancy. Any occupied building or structure condemned and placarded by the public officer shall be vacated as ordered by the public officer. Any person who shall occupy a placarded premise or operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment, shall be liable to a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1000). Each day the violation continues shall be considered a separate offense.

F. **The language in Section 112.4 is deleted in its entirety and replaced with the following:**

Section 112.4 Failure to Comply. Any person who shall continue any work after having been served with a Stop-Work-Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1000).

G. **The language in Section 302.4 is deleted in its entirety and replaced with the following:**

Section 302.4 Weeds, shrubs, bushes and trees. All premises and exterior property shall be maintained free from weeds, grass or plant growth in excess of eight (8) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided however, this term shall not include cultivated flowers and gardens. Bushes and shrubs on all premises and exterior property shall be maintained and kept in good order. On corner lots, nothing shall be erected [except street signs, utility poles, traffic signs or trees whose branches are trimmed to a height up to ten (10) feet], placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half feet (2-1/2) and ten (10) feet above the center-line grades of the intersection streets in the area bound by the street center lines of such intersecting streets and a line joining the street center lines at a distance of seventy (70) feet from the point of intersection.

H. **A new Section 302.10 shall be added to the code, which will read as follows:**

302.10 Furniture. Other than furniture contained within a structure, use or storage of furniture is not designed, constructed or labeled for exterior use is prohibited in and on exterior property areas. Such prohibited furniture shall include, but is not limited to, upholstered couches and chairs or other fabric-covered articles not designed or intended for exterior use.

I. **Section 304.14 is deleted.**

J. **The language in Section 308.3.2 is deleted in its entirety and replaced with the following:**

Section 308.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal. All containers must be stored at a location on the owner's property not within the public right-of-way. Containers shall be placed at the sidewalk, curb-line or along a public street or alley right-of-way for collection not earlier than 12:00 noon on the day before collection day. Containers must be removed from the sidewalk, curb-line or along a public street or alley right-of-way for collection no later than 12:00 noon on the day following the collection.

§93-3. Effect on violations of prior regulations.

Nothing in this article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in §93-2 of this article: nor shall any just or legal rights or remedy of any character be lost, impaired or affected by this article.

ARTICLE II. Quality-of-Life Standards

§93-4. Purpose.

Lack of maintenance of properties, littering, improper storage of inoperable and/or nonregistered vehicles, improper storage of trash and rubbish, vendor operations without permits, high grass and weeds, visibility at corners, graffiti 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 Matamoras are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this article is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of Matamoras.

§93-1. Adoption of standards.

That a certain document, one copy of which is on file in the office of the Borough Secretary of the Borough of Matamoras, being marked and designated as "The International Fire Code, 2015 Edition", as published by the International Code Council, the following sections are hereby adopted and are a part of these Quality-of-Life Standards and pertain to all businesses located in the Borough: Chapter 4, section 403, 404, 405 and 406 and Chapter 23, sections 2303.2, Emergency disconnect switches and section 2304.3

§93-5. Definitions.

The following words, terms, and phrases, when used in this article, shall be defined as follows, unless context clearly indicates otherwise:

ACCESSORY STRUCTURE/BUILDING

Any structure or building that is customarily incidental and subordinate to the main building on the property.

APPROVED

Approved by the public official or any official designated to enforce the provisions of the Borough Code.

COMMERCIAL VEHICLE

A motor vehicle that has a gross vehicle weight of greater than 6,000 pounds and is primarily used for business purposes, including, but not limited to, making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).

DEBRIS

Dead trees, weeds, shrubbery, limbs or portions thereof which have become detached and have fallen to the ground, trailers, campers, boats, and other mobile equipment parked on streets or stored on private property for unreasonable periods of time causing unsightliness and providing attractive nuisances dangerous to children, and including, but not limited to, abandoned and broken equipment, hazardous pools, ponds and excavations, neglected machinery, broken or discarded furniture or household equipment left to accumulate on private property for more than thirty (30) days, packing boxes and other debris, live vegetative growth, tires, metal, lumber and paper stored on private premises.

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 other such municipal waste, hazardous waste, residual waste and construction or 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:

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

HOUSEHOLD HAZARDOUS WASTE (HHW)

Waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation 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, paint, and acids.

INDOOR FURNITURE

Any and all pieces of furniture which are made for inside use, including, but not limited to, upholstered chairs and sofas, etc.

JUNKED OR ABANDONED VEHICLE

- A. As applied to a vehicle, any vehicle on public or private property that is not currently inspected, is not currently licensed, is not capable of passing a Commonwealth of Pennsylvania inspection or has not been moved for a period of fifteen (15) days. Any other article shall be considered "abandoned" when it has been left in position on property for a period of thirty (30) days or longer.
- B. 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.
- C. 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 pests
- D. The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also "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 containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture, mattresses, 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 Matamoras 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.

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 the chassis.
- (5) Missing doors, windows, hood, trunks, 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 the 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 one or more of the following; a current, valid license plate, registration or current inspection.
- (11) Any vehicle parked on the road or in the road right-of-way that interferes with the visibility at or by an intersection.

MUNICIPAL WASTE

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

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 "public nuisance."

OWNER

A person, agent, operator, firm or corporation having a legal or equitable interest in 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 principals 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 if ordered 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 right-of-way area filled with dirt and/or grass between the curb-line and the sidewalk.

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 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 NUISANCE

Any conditions or premises which are unsafe, unsanitary or disruptive.

PUBLIC OFFICER

Any police officer, authorized inspector or code enforcement officer, or public official designated by the Borough to enforce the Borough codes and ordinances.

RECYCLABLE MATERIAL

Materials 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 be limited to, aluminum 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, semi-solid, or contained gaseous materials, resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

RIGHT-OF-WAY

The total width of any land used, reserved, or dedicated as a street, alley, driveway, sidewalk, or utility easement, including curb and gutter areas.

RUBBISH

Combustible and noncombustible waste materials, except garbage; the term shall include the residue from burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, tires, metals, mineral matter, glass, crockery, and dust and other similar materials.

SIDEWALK AREA

The area reserved for sidewalks in the right-of-way between the property line and the curb line or the established edge of the roadway.

SOLID WASTE

Any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semi-solid, or contained gaseous materials.

STREET

A strip of land, including the entire right-of-way, intended for use as means of vehicular and pedestrian circulation.

STORAGE

The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such waste, and it shall be presumed that the containment of any municipal waste in excess of one (1) month constitutes disposal.

TRACTOR OR TRACTOR-TRAILER

A truck with a minimum or three (3) axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.

TREES

Unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

TREE WELL

The non-concrete area surrounding a shade tree planted in the area between the curb-line and the sidewalk.

VEGETATION

Any planting that is cultivated and managed for edible or ornamental purposes, such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

VIOLATION TICKET

A form issued by a public officer to a person who violates a provision of this article. The violation ticket is an offer by the Borough of Matamoras extended to a person to settle a violation by paying a compliance fee in lieu of a citation being issued against the violator.

WEEDS

- A. All grasses, annual plants, and vegetation, which meet any of the following criteria:
- (1) Exceed eight inches in height.
 - (2) Exhale unpleasant noxious odors or pollen, such as ragweed, dandelion, and miscellaneous other vegetation commonly referred to as “weeds” or “brush”.
 - (3) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.
 - (4) Encroach onto neighboring properties by way of leaders or roots without the property owner’s consent.
 - (5) May cause a public nuisance.
- B. Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes, such as vegetable gardens, trees, shrubs, flowers, etc.

YARD

An open space on the same lot with a structure.

§93-6. Quality-of-life violations.

A person, owner, or responsible person commits a quality-of-life violation by any of the following:

- (1) Snow and ice removal from sidewalks. Every owner, tenant, occupant, lease, property agent, or any other person who is responsible for any property within the Borough of Matamoras, is required to remove snow and/or ice from the sidewalks adjacent to their building within twenty-four (24) hours of the cessation of said snow and/or ice falling. Furthermore, the entire width and length of the sidewalk shall be free from any snow and/or ice.
- (2) Snow and ice removal from fire hydrants. Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Borough of Matamoras is required to remove any snow or ice from a fire hydrant adjoining his, her or its property within 10 hours of the cessation of said snow and ice falling. Furthermore, he, she or it may, if removal of said snow or ice from fire hydrants is not feasible due to physical or financial constraints, register with the Borough of Matamoras Municipal Authority. Once duly registered, the Borough of Matamoras Municipal Authority will assume the responsibility to clear snow and ice from fire hydrants adjacent to the registrant's property. If and/or when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak. If any fire hydrant is found uncleaned within said Borough after 10 hours from the time such a snowstorm shall cease, the Borough of Matamoras Municipal Authority is to forthwith clean such fire hydrant and to present the bill therefor to the owner or occupant of said premises. If the said owner or occupant shall refuse to pay the same, the Borough is to add 20% to the actual costs of cleaning the same and to collect the total in the same manner as debts of like amount are now collected. The owner of said premises shall, in addition, be liable to the penalties hereinafter set forth for violation of this section.
- (3) Operating or vending without the proper permit/license. It shall be unlawful for any person, business, partnership, or entity to operate including, but not limited to, any business, vending cart, store, or establishment without proper permits.
- (4) Violating the terms of any vending license. It shall be unlawful to violate any term, part, or portion of, or in total, any vending license. Any person, business, partnership, or entity violating his, her or its vending license shall be in violation of this article.

- (5) 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, wastepaper, boxes, or rags, unless the storage of said materials is stored in compliance with the applicable building codes.
- (6) Accumulation or storage of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation or storage of waste, trash, rubbish, or garbage.
- (7) Animal maintenance and waste/feces cleanup. People owning, harboring, or keeping an animal within the Borough of Matamoras shall not permit any waste matter/feces from the animal to collect and remain on the property to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition. All waste from animals must be cleaned up daily.
- (8) Disposal of rubbish or garbage/dumping. Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on any street, alley, right-of-way, vacant, unoccupied, or other public or private property.
- (9) High weeds, grass or plant growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) 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 article.
- (10) 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 or private property.
- (11) Motor vehicles. It shall be unlawful to store, park, or place any unregistered, uninspected, inoperable, unlicensed, or nuisance motor vehicle, trailer, or recreational vehicle on any private or public premises which includes, but is not limited to, Borough streets, which includes the right-of-way. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- (12) 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. If maintenance is being performed, or if the items are actively being sold in an approved yard sale, the items shall not be left unattended.
- (13) Placement of or littering by private advertising matter. No person shall throw, place, sweep, or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or any public property. No person, group, organization, or entity will hang advertising matter, place advertising matter, or advertise on any public property in any manner. No person, group, organization, or entity will hang advertising matter, place advertising matter or advertise on any property that he, she or it does not have any ownership rights to without the written approval of said owner.
- (14) Storage containers for waste or trash. The owner of every premises 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 and made of metal or plastic. Containers must have tight-fitting covers and must be kept clean and odor-free at all times.
- (15) 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 his, her or its property in such a manner as 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.
- (16) Swimming pools. Swimming pools shall always be maintained in good repair. They shall also be kept clean, safe, covered, and sanitary as well with covers provided during winter months or periods of non-use.

Access to all pools shall be restricted with retractable or removable ladders, or by a self-closing, self-latching gate in accordance with the building code of the Borough of Matamoras when the pool is not in use. Pool water that is drained from the pool must be contained on the pool owner's property or be disposed of offsite.

- (17) Prohibited Occupancy. Any building, machine, or equipment which is condemned shall not be occupied or operated.
- (18) Shrubs, trees and bushes. Bushes and shrubs on all premises and exterior property shall be maintained and kept in good order. Property owners on corner lots must maintain shrubs and bushes in the adjacent right-of-way to a maximum height of 2-1/2 feet or 30 inches and trees must be maintained so that the lowest branch height is at or above ten (10) feet. All heights are measured from the center crown of the adjacent street.
- (19) Vehicle repairs/maintenance in a residential district. No person shall operate repairs for profit in residential districts. This would include vehicles not owned by the property occupant and use of repairs and storage on the street. This does not include approved nonconforming uses.
- (20) Accessory structures. All accessory structures, including but not limited to, detached garages, fences, walls, etc., shall be maintained structurally sound and in good repair.
- (21) Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.
 - (a) It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

§93-7. Authority for issuance of violation ticket.

Upon finding a quality-of-life violation, any public officer may issue a quality-of-life violation ticket(s) to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this article.

§93-8. Enforcement.

- A. The provisions of this article shall be enforced by any public officer of the Borough of Matamoras.
- B. Any violation of the provisions of this article may be cause for the issuance of a Notice of Violation which may include violation ticket or the issuance of a citation.

§93-9. Service of Violation Ticket.

A violation ticket shall be served by personal service to the owner or an adult residing at the owner's residence, by leaving or affixing the violation ticket to the property or on the vehicle that is subject of the violation, by personal service to any place of business upon the owner, manager or person in charge of daily operations or by mailing the violation ticket to the violator's address of record.

§93-10. Separate Offense.

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

§93-11. Abatement of Violation; cost.

- A. Any person or business violating this article is hereby directed to satisfy the Borough of Matamoras and its citizens, upon issuance of a violation 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.
- B. The Borough of Matamoras 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 abated the violation, the total cost thereof, to include hourly wages and all items, materials and equipment used, 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 violation ticket or citation, which are fees to be paid separately.
- C. In all instances where the Borough abates a violation, in addition to the fine set forth in the violation ticket, the Borough is authorized to recover from the offending party, the owner of the property, or the tenant, any and all related cost for the abatement of said violation as established by the Borough Council.
- D. Borough of Matamoras clean-up. The Borough reserves the right to perform any necessary work to abate any violation once 48 hours passes from the date of issuance of the notice of violation and/or the violation ticket. Should the violation, at the discretion of the public 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 fifty dollars (\$50.00) 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 percent (20%) on all material purchases to cover all miscellaneous expenses, such as wear and tear on equipment.
- E. Contractor clean-up. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once 48 hours passes from the date of issuance of the notice of violation and/or the violation 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 its work to the Borough of Matamoras, and the Borough will forward these costs to the violator. The Borough reserves the right to add a twenty percent (20%) processing fee in addition to the cost of the contractor.

§93-12. Violations and Penalties

- A. Any person, firm or corporation who violates this article may be subject to the issuance of a violation ticket and pay a compliance fee as set forth herein for each offense, plus all direct and indirect costs incurred by the Borough for the clean-up and abatement of the violation which is in addition to the compliance fees listed below.
- B. The first violation of this article within a twelve-month period, a violation ticket shall be issued in the amount listed under the 1st offense.
- C. The second offense of a violation of this article within a twelve-month period, a violation ticket shall be issued in the amount listed under the 2nd offense.
- D. The third offense of a violation of this article within a twelve-month period, a violation ticket shall be issued in the amount listed under the 3rd offense.
- E. For each offense subsequent to three offenses of this article within a twelve-month period, amounts of violation tickets shall increase in the amount of \$250.00, accumulative for each subsequent offense.
- F. Any persons who receive a violation ticket for any violation of this article may, within 10 days, admit the violation, waive a hearing, and pay the compliance fee in full satisfaction.

Violation #	Description of violation	1 st offense	2 nd offense	3 rd + offense
QOL-001	Snow & Ice Removal	\$50.00	\$100.00	\$150.00
QOL-002	Snow & Ice Removal from fire hydrants	\$50.00	\$100.00	\$150.00
QOL-003	Operating a food cart illegally	\$50.00	\$100.00	\$250.00
QOL-004	Violation of terms of vending license	\$50.00	\$100.00	\$250.00
QOL-005	Storing of Hazardous Material	\$150.00	\$200.00	\$250.00
QOL-006	Accumulation of rubbish or garbage	\$50.00	\$100.00	\$150.00
QOL-007	Animal maintenance and waste/feces clean-up	\$50.00	\$100.00	\$150.00
QOL-008	Disposal of rubbish or garbage; dumping	\$100.00	\$150.00	\$250.00
QOL-009	High weeds, grass or plant growth	\$50.00	\$100.00	\$150.00
QOL-010	Littering or scattering rubbish	\$100.00	\$150.00	\$250.00
QOL-011	Motor Vehicles	\$100.00	\$150.00	\$250.00
QOL-012	Outside placement of indoor appliances/furniture	\$50.00	\$100.00	\$150.00
QOL-013	Placement/littering by private advertising matter	\$50.00	\$100.00	\$250.00
QOL-014	Storage containers for waste or trash	\$50.00	\$100.00	\$150.00
QOL-015	Storage of recyclables	\$50.00	\$100.00	\$150.00
QOL-016	Swimming pools	\$100.00	\$200.00	\$250.00
QOL-017	Prohibited occupancy	\$100.00	\$200.00	\$250.00
QOL-018	Shrubs, trees & bushes	\$50.00	\$100.00	\$150.00
QOL-019	Vehicle repairs/maintenance in residential district	\$150.00	\$200.00	\$250.00
QOL-020	Accessory structure	\$50.00	\$100.00	\$250.00
QOL-021	Defacement of property	\$100.00	\$150.00	\$250.00

G. Failure to remit payment within 10 days from date of issuance of the violation ticket will result in the commencement of civil proceedings with the District Magistrate which can include fines of up to \$1000.00, court costs, reasonable attorney's fees and any other cost incurred by the Borough related to these proceedings. Each day the violation exists is a separate violation.

H. If violations are continuous or egregious, public officers have the right to commence civil proceeding without first issuing violation tickets, provided a notice of violation has been issued.

§93-13. Citation fines.

Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this article, or of any regulation or requirement pursuant hereto and authorized hereby, shall, upon conviction before the District Magistrate, be ordered to pay a fine of not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1000.00) on each offense, or imprisoned no more than ninety (90) days, or both.

§93-14. Restitution, costs and attorney's fees.

The District Magistrate may order the violator to make restitution where appropriate, to pay the Borough's cost of collection/citation proceedings, the fees of the public official and pay the Borough's reasonable attorney's fees associated with the prosecution of the same.

§93-15. Effect on other provisions.

A. All relevant ordinances, regulations, and policies of the Borough of Matamoras, Pennsylvania, not amended shall remain in full force and effect.

- B. Any ordinance or part of an ordinance conflicting with the provisions of this article shall be subordinate to this article to the extent of such conflict, and the language contained in the article shall control.

§93-16. Severability; amendment.

- A. If any section, clause, provision or portion of this article shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this article so long as it remains legally enforceable minus the invalid portion.
- B. The Borough reserves the right to amend this article or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this article and the effective administration thereof.

§93-17. Effective date.

The effective day of Article I and Article II shall be _____ day of _____ 2019

Borough President, Joseph Sain

Attested By: Borough Secretary, Kelley Weber