

**ORDINANCE SETTING FORTH ENFORCEMENT PROCEEDINGS OF PENALTIES
FOR VIOLATIONS OF ALL BOROUGH ORDINANCES ENACTED AFTER THE
DATE OF THIS ORDINANCE**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Milton, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to set forth the enforcement procedures and penalties for violations of Borough Ordinances adopted after the date of this Ordinance.

SECTION 2. NOTIFICATION OF VIOLATION

Unless otherwise provided by an Ordinance, notification of a violation shall be issued by the Code Enforcement Officer, Zoning Officer, Borough Police personnel or other designated person or agency authorized to do so by the Borough. Violation notices shall consist of either a written notice, a parking ticket or a citation issued pursuant to an action filed with the respective proceeding with the Magisterial District Judge as provided in the Pennsylvania Rules of Criminal and Civil Procedure, the Pennsylvania Municipalities Planning Code and the Pennsylvania Borough Code, and the Pennsylvania Judicial Code.

SECTION 3. VIOLATION PENALTY LEVELS AND FINES FOR VIOLATIONS OF THE MILTON BOROUGH CODE THAT RELATE TO BUILDING, HOUSING, PROPERTY MAINTNENACE, HEALTH, FIRE, PUBLIC SAFETY, PARKING, SOLICITATION, CURFEW, WATER, AIR OR NOISE POLLUTION.

- A. Except as otherwise specified within any Ordinance and the Code of the Borough of Milton, the following penalty levels and fines are hereby established for each violation of an Ordinance that relates to building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution:

Level One Violation

First Offense	Written warning
Second Offense	\$ 50.00 Fine
Third Offense	\$ 100.00 Fine

Level Two Violation

First Offense	\$ 50.00 Fine
Second Offense	\$ 150.00 Fine
Third Offense	\$ 300.00 Fine

Level Three Violation

First Offense	\$ 250.00 Fine
Second Offense	\$ 450.00 Fine
Third Offense	\$ 600.00 Fine

Level Four Violation

First Offense	\$ 500.00 Fine
Second Offense	\$ 750.00 Fine
Third Offense	\$1,000.00 Fine, or possible imprisonment

B. DETERMINATION OF FIRST, SECOND OR THIRD OFFENSE

Determination of first, second or third offense shall be based upon occurrence of a violation of the same ordinance within the preceding five (5) years by the same person(s).

The occurrence of a violation in excess of a Third Offense of a Level One, Level Two, or Level Three Violation shall constitute a violation of the next higher class, at the level of a Second Offense.

Each day that a violation is found to occur shall constitute a separate offense and each section of an ordinance which is found to have been violated shall also constitute a separate offense.

C. ENFORCEMENT

Enforcement of any Ordinance under this Section shall be by action brought before a Magisterial District Judge in the same manner provided for enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and the provisions of the Pennsylvania Judicial Code. Borough Council may prescribe criminal fines not to exceed \$1,000.00 per violation and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses.

SECTION 4. VIOLATION PENALTY LEVELS AND FINES FOR VIOLATIONS OF THE MILTON BOROUGH CODES THAT DO NOT RELATE TO BUILDING, HOUSING, PROPERTY MAINTENANCE, HEALTH, FIRE, PUBLIC SAFETY, PARKING, SOLICITATION, CURFEW, WATER, AIR, OR NOISE POLLUTION.

A. Except as otherwise specified within any Ordinance and the Code of the Borough of Milton, the following penalty levels and fines are hereby established for each violation of an Ordinance that do not relate to building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air, or noise pollution:

Level One Violation

First Offense	Written warning
Second Offense	\$ 50.00 Fine
Third Offense	\$ 100.00 Fine

Level Two Violation

First Offense	\$ 50.00 Fine
Second Offense	\$ 150.00 Fine
Third Offense	\$ 300.00 Fine

Level Three Violation

First Offense	\$ 250.00 Fine
Second Offense	\$ 450.00 Fine
Third Offense	\$ 600.00 Fine

B. DETERMINATION OF FIRST, SECOND OR THIRD OFFENSE

Determination of first, second or third offense shall be based upon occurrence of a violation of the same ordinance within the preceding five (5) years by the same person(s).

The occurrence of a violation in excess of a Third Offense of a Level One or Level Two Violation shall constitute a violation of the next higher class, at the level of a Second Offense.

Each day that a violation is found to occur shall constitute a separate offense and each section of an ordinance which is found to have been violated shall also constitute a separate offense.

C. ENFORCEMENT

Enforcement of any Ordinance under this Section shall be initiated by a complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure and the Pennsylvania Judicial Code. Borough Council may prescribe civil penalties not to exceed \$600.00 per violation.

SECTION 5. AUTHORIZATION IN ACTION IN EQUITY

Notwithstanding the aforesaid enforcement proceedings, the Borough may also enforce all Ordinances through an action in equity brought in the Court of Common Pleas of Northumberland County

SECTION 6. SEPARATE OFFENSE FOR EACH VIOLATION

A separate offense shall arise for each day or a portion of a day in which the violation is found to exist and for each section of the Ordinance which is found to have been violated.

SECTION 7. FINES AND PENALTIES EXCEEDING MAGISTERIAL DISTRICT JURISDICTION

In the event that such claims for fines and penalties exceed the monetary jurisdiction of a Magisterial District Judge, as set forth in 42 Pa. C.S.A. Section 1515(a), exclusive of interest, costs or other fees, the borough may bring such action in the Court of Common Pleas or may, pursuant to 42 Pa. C.S. Section 1515(a) waive that portion of fines or penalties that exceed the monetary jurisdictional limits so as to bring the matter within the monetary jurisdiction of the Magisterial District Judge.

SECTION 8. ASSESSMENT OF COURT COSTS AND ATTORNEY'S FEES

Any person found guilty of violating any ordinance of the Borough of Milton may be assessed court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings.

SECTION 9. EFFECT UPON ORDINANCES

This Ordinance shall apply only to violations of Ordinances that have been enacted after the date of this Ordinance and shall not be retroactive in application to any Ordinances enacted prior to the date of this Ordinance.

SECTION 10. REPEALER

Any Ordinance which is inconsistent with this Ordinance is hereby repealed.

ENACTED AND ORDINANCED into an Ordinance this _____ day of _____, 2015.

ATTEST:

Borough Secretary

President of Council

APPROVED the _____ day of _____, 2015.

Mayor