

BOROUGH OF VANDERGRIFT

MINUTES OF THE VANDERGRIFT COUNCIL

JANUARY 7, 2019

The Council of the Borough of Vandergrift met in the Council Chambers of the Municipal Building at 7:00 p.m., with President Chvala presiding. The Pledge of Allegiance to the Flag was recited.

MEMBERS PRESENT:

Kathleen Chvala	Casimer Maszgay
Peter Basile	Vernon Sciuillo
Christine Wilson	Lenny Collini
James Rametta	

OTHER OFFICIALS:

Barbara Turiak, Mayor	Stephen J. DelleDonne, Secretary
Larry Loperfито, Solicitor	Theresa Geltz, Asst. Secretary
Lucien Bove, Engineer	Joseph Caporali, Police Chief

MINUTES:

The Minutes of the December 3, 2018 meeting were approved by motion of Mr. Rametta second by Mrs. Wilson. Motion carried

VISITORS:

A motion was made by Mr. Collini, second by Mr. Maszgay, to hear from visitors at this time. Motion carried.

Don Detar, 213 Lowell Street, questioned when Longfellow Street will be repaired due to the water company digging up this area.

Mrs. Wilson stated that repairs will be made when the weather improves and the paving plants open.

Mr. Detar stated that the water problem in the area of Hamilton and Lafayette needs corrected.

Engineer Bove stated that this area needs resurfaced in order to correct the water flow.

A motion was made by Mr. Sciallo, second by Mr. Collini, to return to the regular order of business. Motion carried.

MAYOR'S REPORT:

No Report

SECRETARY'S REPORT:

The Secretary presented Resolution No. 1-2019 for adoption, whereby the contribution rate for the members of the Vandergrift Police Pension to the Police Pension Plan will remain at 6.23% for the year 2019. (See page 2-A)

A motion was made by Mr. Rametta, second by Mr. Sciallo, to adopt Resolution No. 1-2019. Motion carried.

The Secretary presented and reviewed the Borough's Debt Statement as of December 31, 2019. (See page 2-B)

COMMUNICATIONS & CORRESPONDENCE:

None

REGULAR & STATED BILLS:

A motion was made by Mr. Rametta, second by Mr. Sciallo, to pay all stated and approved bills. Motion carried.

SPECIAL BILLS:

None

STREET & SANITATION REPORT:

Chairperson Sciallo stated that he has placed an order with CoStars for 850 tons of salt materials for the 2019-2020 season. He state that the must obtain at least 60% of the 850 tons. He also stated that the price per ton has gone up \$3.12/ton to \$69.87/ton.

Mr. Sciallo stated that the crew has collected 68 Christmas trees so far this year, and that said trees are being taken to a collection site in Allegheny Twp.

2-A

Kathleen Chvala
PRESIDENT OF COUNCIL

Barbara Turiak
MAYOR

Borough of Vandergrift

Larry D. Loperfito
Solicitor

Office of the Secretary
Stephen J. DelleDonne
109 Grant Avenue
Vandergrift, PA 15690
724-567-7818
Fax-724-567-7847
vgborosec@comcast.net

Joseph M. Caporali
Chief of Police

RESOLUTION / 2019

WHEREAS, the Borough of Vandergrift (the "Borough") on January 6, 1958 established a retirement for certain of its employees known as the **Borough of Vandergrift Police Pension Plan** (the "Plan"), which was adopted pursuant to Act 600, and,

WHEREAS, the Borough received confirmation from the Plan's Actuary with respect to the Participant Contribution and the actuary soundness of the Plan, and,

WHEREAS, the Borough is satisfied that the conditions have been met in order to set the contribution rate to 6.23% of compensation for the year 2019 Plan year;

NOW THEREFORE, BE IT RESOLVED by the Borough Council that, effective January 1, 2019 and continuing through and including December 31, 2019, the amount of the Participant Contributions shall be 6.23% of compensation.

RESOLVED at Vandergrift, Pennsylvania this 7th day of January, 2019.

BOROUGH OF VANDERGRIFT

By *Kathleen A. Chvala*
Council President

Attest:

Stephen J. DelleDonne (Seal)
Stephen J. DelleDonne
Borough Secretary

2-B

**BOROUGH OF VANDERGRIFT
DEBT STATEMENT**

Title of Purpose of Debt	Year of Issue	Term	Gross Debt Outstanding at Beginning of Year January 1, 2018	Amount Paid During Year 2018	Gross Debt Outstanding at end of Year December 31, 2018
Police Car	2017	4 yrs.	\$21,914.97	\$0.00	\$21,914.97
First Commonw.Bank	2015	5 yrs.	\$35,215.62	\$16,280.21	\$18,935.41
Penn Vest Loan	2016	30 yrs.	\$7,815,844.78	\$240,640.82	\$7,575,203.96
2017 Freightliner Tk	2016	5 yrs.	\$108,115.53	\$36,038.51	\$72,077.02
2017 Mini Street Sweeper	2016	4 yrs.	\$71,968.20	\$22,726.80	\$49,241.40
TOTAL			\$8,053,059.10	\$315,686.34	\$7,737,372.76

Mr. Sciallo stated that he and members of the Street Committee would like to meet with Solicitor over personnel matters with the labor force.

A motion was made by Mr. Maszgay, second by Mrs. Wilson, to accept the Street & Sanitation Report. Motion carried.

ENGINEER'S REPORT:

Engineer Bove recommended that some type of signage be placed in the area of Washington and Custer Avenue advising motorists of the bad condition of the road due to a water hydrant leak. He also suggested that the water company should place some cold patch material on the roads.

Engineer Bove stated that the sewer repair project in the West Vandergrift area has begun.

Engineer Bove reported that he has obtained four quotes regarding the storm sewer extension on Michigan Avenue. He explained the low bid was received from Eveready Contracting at \$3,674.00. (See page 3-A)

A motion was made by Mr. Basile, second by Mr. Maszgay, to award the aforementioned work to Eveready Contracting at the bid price of \$3,674.00. Motion carried with Mrs. Wilson abstaining.

A motion was made by Mr. Sciallo, second by Mr. Rametta, to accept the Engineer's Report. Motion carried.

BUDGET & FINANCE REPORT:

No Report

POLICE & PUBLIC SAFETY REPORT:

A motion was made by Mr. Collini, second by Mr. Sciallo, to accept the resignation of Joseph Nemit as a full-time school crossing guard. Motion carried.

A motion was made by Mr. Collini, second by Mr. Sciallo, to promote Paulette Detar from a substitute to a full-time school crossing guard. Motion carried.

A motion was made by Mr. Collini, second by Mr. Rametta, to employ Brian Young as a part-time school crossing guard. Motion carried.

A motion was made by Mr. Sciallo, second by Mr. Rametta, to accept the Police & Public Safety Report. Motion carried.

**BOVE ENGINEERING COMPANY
ARMBRUST PROFESSIONAL CENTER
8201 ROUTE 819
GREENSBURG, PA 15601
724-925-9269
FAX: 724-925-1216**

December 21, 2018

To: Respective Bidders

Reference: Storm Sewer Extension
Vandergrift Borough, Westmoreland County

Thank you for submitting a quotation on the above referenced project. The lowest quote was received from Eveready Contracting in the amount of \$3,674.00 for the storm sewer work. (see Quotation Tabulation below)

<u>CONTRACTOR</u>	<u>LUMP SUM QUOTE</u>
1. Eveready Contracting	\$3,674.00
2. Winfall Energy Inc.	\$7,800.00
3. Nagy Construction	\$9,000.00
4. Lutterman Excavating, LLC	\$9,900.00

Sincerely,

BOVE ENGINEERING COMPANY

BUILDING & GROUNDS REPORT:

No Report

TREE & LIGHT REPORT:

No Report

GENERAL GOVERNMENT REPORT:

No Report

RECREATION REPORT:

Chairperson Basile stated that he is repairing an issue with the boiler at the Vandergrift Pool.

Mr. Collini stated that kids are jumping and/or sitting on the split rail fence along Jackson Avenue, of which, is causing damage to the fence.

Mr. Collini also stated that the permeable sidewalk near the Jackson Playground area is beginning to crumble and deteriorate. He suggested that the Engineer look into this problem.

A motion was made by Mr. Sciuillo, second by Mr. Rametta, to accept the Recreation Report. Motion carried.

SOLICITOR'S REPORT:

Solicitor Loperfido presented for adoption Ordinance No. 1-2019 regarding the capping and removal of a sewer tap. (See pages 4-A thru 4-C)

Solicitor Loperfido presented for Council's consideration for adoption to amend Ordinance No. 4-2004, regarding the issuance of handicap parking spaces. (See pages 4-D & E)

A motion was made by Mr. Collini, second by Mrs. Wilson, to direct the Solicitor to advertise the proposed Ordinance No. 2-2019 for adoption at the February 4, 2019 meeting. Motion carried.

Solicitor Loperfido presented for Council's consideration the proposed Ordinance No. 3-2019, which establishes quality of life violation ticket process for certain violations of the Borough Code, (See pages 4-F thru 4-L)

Council tabled action on the aforementioned ordinance for the purpose of reviewing the fees and the proposed appeal process.

BOROUGH OF VANDERGRIFT

ORDINANCE NO. 1 OF 2019

AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 382-6 OF THE CODE OF THE BOROUGH OF VANDERGRIFT, PERMIT FOR CONNECTION, AS ASSOCIATED WITH RESIDENTS WHO ELECT TO CAP THEIR SEWER TAP THEREBY RENDERING THE PROPERTY UNOCCUPIABLE FOR HUMAN HABITATION.

WHEREAS, the resident of the Borough of Vandergrift may make an application to permanently remove their sewer tap and cease the payment of debt service fees associated with said property and in the process thereof, rendering said property uninhabitable for human occupancy; and,

WHEREAS, the Borough of Vandergrift deems this opportunity to be limited in nature and affecting only those properties that do not possess a structure thereon and only if there is no intent to rebuild on the property within five years of the date of the application to terminate the sewer tap; and,

WHEREAS, the Borough of Vandergrift is authorized to enact such an Ordinance pursuant to the power granted to the Borough of Vandergrift under the Borough Code of the Commonwealth of Pennsylvania, 8 Pa.C.S. §101, et seq. (including supplements);

NOW THEREFORE, Section 382-6 of the Code of the Borough of Vandergrift, as codified by the Borough of Vandergrift is hereby amended as follows:

Section 382-6 – Application for Removal Sewer Tap

The provision shall be added to Section 382-6 of the Code of the Borough of Vandergrift:

382-6(L) – An applicant may apply to the Borough of Vandergrift for removal of a sewage tap on property owned by the applicant subject to the following conditions:

1. The applicant shall complete an application to remove and/or cap the sewer tap on a form provided by the Borough of Vandergrift;
2. The application to the Borough of Vandergrift to cap or remove a sewer tap may only be submitted to the Borough of Vandergrift if there is no structure on the subject lot, piece or parcel of land in question and if there is no intended or actual construction on the property within five (5) years after the application is submitted to the Borough of Vandergrift;
3. Any connection within five (5) years of application for termination, to the sanitary sewer system of the Borough of Vandergrift on the lot, piece or parcel of land upon the termination was requested, shall require said applicant to pay a new tap fee to the Borough of Vandergrift, including any capacity fee portion due and payable to the Kiski Valley Water Pollution Control Authority, and in addition thereto, said applicant shall be required to pay any and all debt service fees, sewer recovery fees or other fees which would have been due and owing to either the Borough of Vandergrift from the date of tap termination to the date of application for a new tap on the lot, piece or parcel of land in question and, upon application, an application fee in the amount of \$500.00 made payable to the Borough of Vandergrift or such amount, as may be amended, from time to time, hereafter, by resolution of the Council of the Borough of Vandergrift;
4. Removal and/or capping of the sewer tap shall be performed by a contractor approved by the Borough of Vandergrift;
5. A representative of the Borough of Vandergrift shall be present to inspect at the time of the removal and/or capping of the sewer tap in question;
6. Removal of and/or capping of the sewer tap shall be performed as directed by the Borough of Vandergrift.
7. The applicant shall be responsible for all costs and expenses associated with the removal and/or capping of the sewer tap and the inspection by the Borough of Vandergrift;
8. No capping or removal of the sewer tap shall be permitted if it is the intent of the applicant to construct on the property in question within one year of the date of application for capping or removal of the sewer tap.

Repealer:

Any part or provision of any other Ordinance which conflicts with the provisions of this Ordinance shall be repealed to the extent that they conflict herewith.

Severability:

If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutional, illegal or invalid part or portion shall be removed and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that it is the intent of the Borough of Vandergrift that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herewith.

Effective Date:

This Ordinance shall be effective immediately upon enactment.

THIS ORDINANCE BEING ORDAINED AND ENACTED THIS 7th DAY OF JANUARY, 2019, BY THE COUNCIL OF THE BOROUGH OF VANDERGRIFT AT A PUBLIC MEETING OF VANDERGRIFT BOROUGH COUNCIL, IN VANDERGRIFT, PENNSYLVANIA.

BOROUGH OF VANDERGRIFT

BY: Kathleen Chvala
KATHLEEN CHVALA,
Council President

ATTEST:

Stephen J. DelleDonne (SEAL)
STEPHEN J. DELLEDONNE,
Borough Secretary

APPROVED:

Barbara Turiak
BARBARA TURIK, Mayor

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**BOROUGH OF VANDERGRIFT
ORDINANCE NO. 2 OF 2019**

AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA AMENDING VANDERGRIFT CODE CHAPTER 470 (VEHICLES AND TRAFFIC) ARTICLE VIII (HANDICAPPED PARKING).

WHEREAS, the Council of the Borough of Vandergrift ordained and enacted Ordinance No. 4 of 2004, codified as Chapter 470, Article VIII, Handicapped Parking, which established guidelines for handicapped parking on public streets within the Borough of Vandergrift, County of Westmoreland and Commonwealth of Pennsylvania; and,

WHEREAS, the Borough believes that the Ordinance must be amended in order to provide an appropriate quantity of handicapped parking places, to be issued, per block, amending the instructions which were part and parcel of the original Ordinance and which set forth guidelines for the issuance of handicapped parking places on public streets within the Borough of Vandergrift;

NOW THEREFORE, the Council of the Borough of Vandergrift, does hereby enacted and ordain the following Ordinance amending Ordinance No. 4 of 2004, as codified in Chapter 470, Article VIII, Handicapped Parking, as follows:

470-68(A)(1)(i):

The provisions of Chapter 470-68(A)(1)(i) are hereby repealed in full and replaced with the following language:

470-68(A)(1)(i) The applicant must certify that the location of the nearest off-street parking facility exceeds the distance that the applicant can walk, as required by physician's certification, in Chapter 470-68-(A)(1)(g);

470-68(10):

The following provisions shall be added as Chapter 470-68(A)(10):

Handicapped parking spaces, on public streets, within the Borough of Vandergrift, shall not exceed fifteen percent (15%) of the available lawful parking spaces on any public street parking block, within the Borough of Vandergrift; provided however, that if the number of handicapped parking spaces results in a number of handicapped spaces which is greater than a base number, the number of handicapped spaces will be rounded to the next base number. The Council of the Borough of Vandergrift shall amend the application to provide for the fifteen percent (15%) requirement on the instructions for the application which shall be presented to the applicant at the time of application. The Council of the Borough of Vandergrift reserves the right to amend the percentage of parking spaces, for handicapped residents, by resolution, from time to time hereafter based upon the determination of need by the Council of the Borough of Vandergrift.

Repealer:

The balance of Code Chapter 470-68 shall remain unamended by the amendments set forth herein; provided however, that any part or portion of Chapter 470-68, inconsistent with the provisions set forth in this Ordinance are hereby repealed.

Severability:

If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutional, illegal or invalid part or portion shall be removed and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that it is the intent of the Borough of Vandergrift that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herewith.

Incorporation into Codified Ordinances:

The provisions of this Ordinance shall be codified, annually, by update of the Code for the Borough of Vandergrift.

Effective Date:

This Ordinance shall be effective immediately upon enactment.

THIS ORDINANCE BEING ORDAINED AND ENACTED THIS 4th DAY OF FEBRUARY, 2019, BY THE COUNCIL OF THE BOROUGH OF VANDERGRIFT AT A PUBLIC MEETING OF VANDERGRIFT BOROUGH COUNCIL, IN VANDERGRIFT, PENNSYLVANIA.

BOROUGH OF VANDERGRIFT

BY:

KATHLEEN CHVALA,
Council President

ATTEST:

STEPHEN J. DELLEDONNE, (SEAL)
Borough Secretary

APPROVED:

BARBARA TURIK, Mayor

BOROUGH OF VANDERGRIFT
ORDINANCE 3 OF 2019

AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA; ESTABLISHING QUALITY OF LIFE VIOLATION TICKET PROCESS FOR VIOLATION OF SPECIFICALLY IDENTIFIED BOROUGH CODE PROVISIONS.

WHEREAS, the Borough of Vandergrift (the "Borough") has experienced an increase in failure of property owners to maintain properties and structures located within the Borough, which has had a negative effect on the quality of life of the Borough's citizens and guests; and,

WHEREAS, the Borough of Vandergrift's Council (the "Borough Council") is desirous of adopting an Ordinance that shall provide for the issuance of tickets, citations, and penalties to owners and/or occupiers of properties within the Borough in a timely manner, for violations affecting the "quality of life"; and,

WHEREAS, the Borough Council wishes to enact this Ordinance to provide for a mechanism by means of issuance of tickets rather than citations to reduce costly and protracted legal hearings before the District Justice and unnecessary appeals; and,

WHEREAS, the Borough Council finds that this Ordinance will be beneficial to the citizens of the Borough as it will not unduly burden violating residents by requiring the issuance of a citation and a court hearing while simultaneously not depriving citizens of the right to dispute the ticket and receive the full benefit of procedure and substantive due process of law; and,

WHEREAS, the Borough Code, at 8 Pa.C.S. §3321, gives the Borough Council the authority to prescribe fines and penalties of violations of the Borough Ordinances; and,

WHEREAS, the Borough Council finds that such an Ordinance is necessary to protect the health and safety of the citations and residents of the Borough;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Vandergrift, County of Westmoreland and Commonwealth of Pennsylvania, the following:

ARTICLE I: DEFINITIONS

For the purposes of this Ordinance, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

As used in this Ordinance, the following words and phrases shall have the meaning unless the context clearly indicates a different meaning.

Owner: Any person (i) having legal or equitable interest in a property; (ii) having a legal interest in a property recorded in the official record of the state, county or municipality as holding title to the property; or (iii) otherwise having control of the property including the guardianship of the estate of such person if ordered to take possession of the real property by a court; (iv) agent of any person having legal or equitable interest in a property.

Person: An individual, corporation, partnership, financial institution, bank, credit union, saving and loans company, investment firm, government agency, government authority, municipal corporation or any other group acting as a unit.

Property: Any portion of unimproved or improved real estate located within the Borough of Vandergrift which includes the buildings or structures located on it regardless of condition.

Violator: See OWNER.

ARTICLE II: PURPOSE

The purpose of this ordinance is to protect the public health, safety, and welfare by promoting maximum compliance with Borough regulations. Ultimately, it is beneficial from a twofold perspective in that it permits the Borough to maintain and enforce its laws and permits a citizen so accused to resolve the dispute in a manner that does not unduly burden the resident by requiring the issuance of a citation and a court hearing.

ARTICLE III: ENFORCEMENT

1. The provisions of any article so enumerated below shall be enforced by Borough of Vandergrift police officers or code enforcement officers who are sworn to uphold and enforce the law and Ordinances/codes of the Borough. The ability of the code enforcement officers to also enforce certain provisions of the covered Ordinances does not in any way affect the ability of police officers to enforce the Ordinances.

2. Council may amend those sections covered under this Ordinance from time-to-time by Ordinance, however at the time of the adoption of this Ordinance, the following chapters are deemed and ordained to be under the jurisdiction of this enforcement process:

- a. Chapter 122: Advertising Materials.
- b. Chapter 142: Animals, Article I, Article II and Article III.
- c. Chapter 311: Nuisances.
- d. Chapter 317: Occupancy Permits.
- e. Chapter 356: Property Maintenance, Article I, II and IV.
- f. Chapter 333: Parks and Recreation Areas, Article II.
- g. 2015 International Property Maintenance Code Chapter 3 and any succeeding International Property Maintenance Code regarding Property Maintenance.
- h. Chapter 382: Sewers and Sewage Disposal, Article II, Article IV.
- i. Chapter 404: Solid Waste, Article I, II, III, IV, V, VI, and VII.
- j. Chapter 416: Streets and Sidewalks, Article III, IV, VI, VII, Article IX and Article X.

3. The foregoing list is not intended and shall not be constructed to be exclusive. This Part shall apply to any future ordinance(s) relating to animals, property maintenance, public safety, public health, solid waste and streets and sidewalks.

4. Any violation of the provisions of any part as enumerated in this chapter may be cause for a violation ticket to be issued to the violator.

5. A violation ticket shall be served upon the violator in the following manner:

- a. By handing the ticket or notice of violation to the violator.
- b. By handing it to an adult resident of the subject property.
- c. By leaving or affixing the notice or violation to the property where the violation exists.
- d. By mailing the notice or violation ticket to the violator's address of record first-class mail with a certificate of mailing issued by the United States Postal Service.

6. A person in receipt of a violation ticket shall have five (5) calendar days from the date of the issuance of said ticket, as noted on the citation, to pay the amount of the ticket to the Borough at 109 Grant Avenue, Vandergrift, Pennsylvania 15690.

7. Upon receipt of a violation ticket, the violator shall be obliged to promptly abate the specified violation; and pay the stated ticket amount in full and within the prescribed time.

8. Each day after the initial five (5) calendar days following the issuance of a ticket that the same violation continues or is permitted to continue, constitutes a separate offense for which a separate violation ticket may be imposed.

ARTICLE IV: RESPONSIBILITY

1. The owner of a property shall be deemed responsible for its condition, or activity thereon, even if not in occupancy thereof. Any agreement between an owner and a tenant or other occupant regarding this condition of the property or the activity there shall not affect the application of this Part to the owner, nor any party or portion of the Code of Vandergrift related.

2. The occupant of a property shall likewise be deemed responsible for its condition and/or activity there. Any agreement between an occupant and the owner regarding the condition of the property or the activity there shall not affect the application of this Part to the occupant.

3. If the property has more than one owner, each owner shall be deemed responsible for the condition of the property and/or the activity there and shall be subject severally to the provisions of this Part.

ARTICLE V: AUTHORIZATION

Whenever it appears to the Code Enforcement Officer or a Police Officer that a Code violation exists, such officer may, in her/his discretion, issue a violation ticket to the person(s) believed to be responsible.

ARTICLE VI: FINES AND PENALTIES

1. For the first offense of violation of this Ordinance within a twelve (12) month period, a ticket shall be issued in the amount of Twenty- Five Dollars (\$25.00).

2. For the second offense of violation of this Ordinance within a twelve (12) month period, a ticket shall be issued in the amount of Fifty Dollars (\$50.00).

3. For the third offense of violation of this Ordinance within a twelve (12) month period, a ticket shall be issued in the amount of One Hundred Dollars (\$100.00).

4. For the fourth offense and all subsequent offenses of violation of this Ordinance within a twelve (12) month period, a ticket shall be issued in the amount of Three Hundred Dollars (\$300.00).

ARTICLE VII: APPEAL

1. A person in receipt of a violation ticket may appeal to the Borough Secretary's office by filing his or her appeal request in writing on the Borough approved appeal form (Exhibit "A") within five (5) calendar days of the date of the violation ticket, stating his or her reasons for appeal, and accompanied by a fifty-dollar (\$50.00) application fee.

2. The violator may request an opportunity to meet in person with the Borough Secretary concerning their appeal, and the request may be granted at the sole discretion of the Borough Secretary, who may also deem it appropriate to consult with the public officer(s) involved in the matter or any other concerned parties.

3. Within thirty (30) days of the appeal date, the Borough Secretary may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she deems appropriate, and will issue written notice of the decision, along with any refunds applicable.

4. Any subsequent appeal shall be filed to the Westmoreland County Court of Common Pleas pursuant to 2 Pa.C.S. §751 and §752.

ARTICLE VIII: BOROUGH REMEDIES

1. In addition to the procedures provided for above, the Code Enforcement Officer is authorized to issue a citation charging a summary offense, when the violation involved is defined as such in the Code.

2. In addition to the procedures provided for above, the Code Enforcement Officer is authorized to initiate a civil enforcement proceeding before a Court of competent jurisdiction when the violation involved is subject to civil penalties under the Code.

3. In addition to the procedures provided for above, the Borough shall have the right to, but not the responsibility, to abate a violation if the responsible person refuses or fails to do so. In so acting, employees or contractors of the Borough shall have the authority to enter the subject property.

4. In addition to the procedures provided for above, the Borough shall have the right to obtain equitable relief by civil action in court.

5. All remedies of the Borough pursuant to state law and this Part shall be nonexclusive and cumulative, so that the pursuit of any particular course of action shall not constitute an election of remedies. Remedies may be pursued simultaneously or consecutively and, in such number, or order as the Borough sees fit. The Borough may also apply any and all other remedies in any other part or portion of the Vandergrift Borough Code.

ARTICLE IX: REPEALER

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

ARTICLE X: SEVERABILITY

If any sentence, clause, section or amendment of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or amendments of this Ordinance. It is hereby declared as the intent of the Borough of Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or amendment thereof not be included therein.

THIS ORDINANCE IS ORDAINED AND ENACTED BY THE BOROUGH OF VANDERGRIFT IN LAWFUL SESSION THIS 4th DAY OF FEBRUARY, 2019.

BOROUGH OF VANDERGRIFT

BY: _____
KATHLEEN CHVALA
Council President

ATTEST:

STEPHEN J. DELLEDONNE, (SEAL)
Borough Secretary

APPROVED:

BARBARA TURIK, Mayor

THE BOROUGH OF VANDERGRIFT
Quality of Life Violation Ticket Appeal Form

Property Owner: _____ Applicant (if different): _____
Owners Address: _____ Address: _____
City, State, Zip: _____ City, State, Zip: _____
Owner's Phone: _____ Applicants Phone: _____

If applicant is not the owner of the property, please indicate relationship: _____

Code Section(s) Being Appealed: _____

Code Requirement: _____

Reason for appeal: _____

SIGNATURE OF APPLICANT _____ DATE: _____

NOTE TO ALL APPLICANTS

An applicant for appeal shall be based on a claim that the true intent of this code or rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. **APPEAL FEE OF FIFTY DOLLARS (\$50.00)** must be submitted with the application. Additional fees may apply. Application will not be processed if fee is not received with application.

THIS SECTION FOR BOROUGH USE ONLY

DATE APPLICATION RECEIVED: _____

FEE RECEIVED: _____

DATE APPEAL WAS DECIDED: _____

SECRETARY'S DECISION: _____

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BOROUGH OF VANDERGRIFT
CODE ORDINANCE VIOLATION TICKET

Date: _____ Time: _____

Issuing Officer: _____

Location of Violation: _____

Owner: _____

Owner Address: _____

VIOLATION

CODE VIOLATION: _____ FINE: \$ _____

CODE VIOLATION: _____ FINE: \$ _____

CODE VIOLATION: _____ FINE: \$ _____

CODE VIOLATION: _____ FINE: \$ _____

TOTAL: \$ _____

Remarks: _____

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN FIVE (5) CALENDAR DAYS TO AVOID ANY FURTHER ACTION. TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR COPY OF THE VIOLATION ALONG WITH CASH, CHECK OR MONEY ORDER (PAYABLE TO - BOROUGH OF VANDERGRIFT) TO:

VANDERGRIFT MUNICIPAL BUILDING
109 GRANT AVENUE
VANDERGRIFT, PENNSYLVANIA 15690

A PERSON IN RECEIPT OF A VIOLATION TICKET MAY APPEAL TO THE BOROUGH SECRETARY'S OFFICE BY FILING HIS OR HER APPEAL REQUEST IN WRITING ON THE BOROUGH APPROVED APPEAL FORM WITHIN FIVE (5) CALENDAR DAYS OF THE DATE OF THE VIOLATION TICKET, STATING HIS OR HER REASONS FOR APPEAL, AND ACCOMPANIED BY A FIFTY-DOLLAR (\$50.00) APPLICATION FEE. WITHIN 30 DAYS OF THE APPEAL DATE, THE BOROUGH SECRETARY MAY DECIDE TO UPHOLD THE APPEAL, DENY THE APPEAL, OR MAY MODIFY THE VIOLATION TICKET AND/OR ANY ASSOCIATED COSTS, FINES OR PENALTY AMOUNTS AS HE/SHE DEEMS APPROPRIATE, AND WILL ISSUE WRITTEN NOTICE OF THE DECISION, ALONG WITH ANY REFUNDS APPLICABLE. ANY SUBSEQUENT APPEAL SHALL BE FILED TO THE WESTMORELAND COUNTY COURT OF COMMON PLEAS PURSUANT TO 2 PA C.S. 751 AND 752.

Solicitor Loperfito stated that he has prepared an ordinance that can be used as an alternative to the nuisance suits. He stated that the ordinance provides for the vacating, removal, repair or demolition of any structure deemed dangerous to the health, safety and welfare of the public. He stated that copies of the proposed ordinance will be provided to members of Council.

A motion was made by Mr. Maszgay, second by Mr. Collini, to accept the Solicitor's Report. Motion carried.

UNFINISHED BUSINESS;

Mr. Collini stated that a committee for the 2020 celebration of the 125th Anniversary of the Borough of Vandergrift will be holding meetings at the Vandergrift Museum & Historical Building on Sherman Avenue, every Thursday of each month at 6:30 pm.

NEW BUSINESS:

No Report

ADJOURNMENT:

A motion was made by Mr. Rametta, second by Mr. Sciallo, to adjourn the meeting. Motion carried.

The meeting was adjourned at 7:44 p.m.