

BOROUGH OF VANDERGRIFT
MINUTES OF THE VANDERGRIFT COUNCIL

FEBRUARY 4, 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 Sciuлло
Christine Wilson	Lenny Collini

OTHER OFFICIALS:

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

MINUTES:

Mr. Collini stated that a correction on page 5 should read the last Thursday of each month.

The Minutes of the January 7, 2019 meeting were approved by motion of Mr. Sciuлло, second by Mrs. Wilson. Motion carried as corrected.

VISITORS:

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

Ross Lloyd, 324 Hancock Avenue, addressed Council in regards to the adoption of Ordinance No. 2-2019, which amends the handicap parking ordinance that expands the number of spaces from 2 per block to 15% per block. He stated that this will create additional problems for available parking in his block. He also stated that there residents who have multiple cars with available parking in the rear, but do not utilize it.

Chief Caporali stated that a requirement for a handicap parking space is that there is no available off-street parking.

A motion was made by Mrs. Wilson, second by Mr. Basile, to return to the regular order of business. Motion carried.

MAYOR'S REPORT:

Mayor Turiak stated that the Crime Watch Program has been very informative and thanked the residents who turn out for these meetings, and hope more people would attend. Ms. Turiak stated that the next meeting will be held on February 13th at 7:00 pm.

Ms. Turiak stated that Officer Gray does an excellent job in his presentation of numerous subjects.

A motion was made by Mr. Sciallo, second by Mrs. Wilson, to accept the Mayor's Report. Motion carried.

SECRETARY'S REPORT:

The Secretary reviewed the new format for the General Fund Budget Report.

The Secretary informed members of Council and the Mayor that they must have their Ethics Forms submitted to him by May 1, 2019.

The Secretary presented and reviewed a report from the Vandergrift Civil Service Commission for the year 2018. (See page 1-A)

A motion was made by Mr. Collini, second by Mr. Basile, to accept the Secretary's Office. Motion carried.

CODE OFFICER'S REPORT:

Mr. Young reported that 22 violation notices were issued; 4 citations were filed, and 3 vehicles were removed. He also stated that he had attended 3 hearings at the magistrate's office.

A motion was made by Mrs. Wilson, second by Mr. Collini, to accept the Code Officer's Report. Motion carried.

COMMUNICATIONS & CORRESPONDENCE:

The Secretary presented the following correspondence to members of Council:

Exhibit 1-A: Robert Yascak, Secretary/Car Cruise Chairman.

Subject: Request to use Kennedy Park from the Vandergrift Lions Club for their

Borough of Vandergrift Civil Service Commission

109 Grant Avenue
Vandergrift, PA 15690

January 31, 2019

Vandergrift Borough
Attn: Office of the Secretary
109 Grant Avenue
Vandergrift, PA 15690

Re: 2018 Report to Borough Council

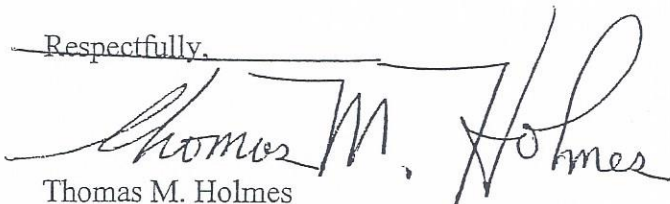
Dear Steve,

Please inform Borough Council that in the year 2018 the Commission met multiple times, reviewed and recommended approval of the Civil Service rules and regulations, tested and provided a list of qualified officers for hire.

The expenditures by the Civil Service Commission were \$982.80 for testing and postage.

This report was approved at our January 31, 2019 meeting.

Respectfully,

A handwritten signature in cursive script that reads "Thomas M. Holmes". The signature is written in black ink and is positioned above the typed name and title.

Thomas M. Holmes
Secretary



Exhibit 1-A

We Serve

Vandergrift Lions Club

Robert Yasczak, Sec'y
180 Zdina St
West Leechburg, PA 15656

Mr. Steve DelleDonne
Borough Secretary
100 Grant Ave
Vandergrift, PA 15690
Stevedelledonne@Vandergriftborough.com

Dear Mr DelleDone,

Our Board of directors of the Vandergrift Lions Club met recently to set u this years Annual Lions Car Cruise. It is currently scheduled to be held on Sunday July 28, 2019 from 8:00AM- 4:00PM in Kennedy Park utilizing our pavilion. We are requesting permission for the use of the park for that date.

The Cruise will benefit local charities in the area such as the food bank at the Presbyterian church, New Hope Food Pantry, Marine Corp League Det 1416 that feeds needy Vets during the holidays. As in past years the insurance required will be covered by our club and Lions International. You will receive a copy of the insurance form. We'll also see that the grounds are kept in good order and cleaned up upon completion of the day.

Thank You

Robert Yascak

Club Secretary/ Car cruise Chairman

PS

I am the new Lions Secretary having taken over after the passing of John last October. If you have any concerns or questions please feel free to get in touch. I lived in Vandergrift for a number of years and have been a member of the club since 2003. If you would prefer hard copies of this let me know . Thanks Robert

Annual Lions Car Cruise to be held on Sunday, July 28th, from 8:00 am to 4:00 pm.

A motion was made by Mr. Collini, second by Mr. Basile, to approve the aforementioned request. Motion carried.

REGULAR & STATED BILLS:

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

SPECIAL BILLS:

The Secretary presented payment estimate No. 3 from Eveready Contracting in the amount of \$32,325.60. (See page 3-A)

A motion was made by Mr. Sciallo, second by Mr. Collini, to approve payment of the aforementioned matter. Motion carried with Mrs. Wilson abstaining.

STREET & SANITATION REPORT:

Chairperson Sciallo reported that the Street Department has use 325 tons of salt to date. He explained that it takes 35 tons of salt each time the Crew is called out.

Mr. Sciallo stated the Borough Crew will be addressing pot holes this week.

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

ENGINEER'S REPORT:

Engineer Bove reported that the 2018 CDBG Street Reconstruction Project is ready to be advertised for bids to be opened at the March 4th meeting. He stated that the work on Oregon Avenue will be let for bids separately upon final approval from the County Planning Department.

A motion was made by Mr. Collini, second by Mr. Sciallo, to advertise the aforementioned street project to be opened at the March 4th meeting. Motion carried.

Mr. Bove stated that a meeting will be held on Wednesday, February 13th at 10:00 am, with Peoples Gas for the purpose of discussing future and ongoing gas line replacement projects, and specifically the restoration requirements of the Borough.

3-4

BOROUGH OF VANDERGRIFF
2018
SEWER REPAIR & I&I ELIMINATION PROJECT
USING BOROUGH SEWER FUNDS

EXCAVATION CONTRACTING by EREMIC, INC.
 (dba)
 EVEREADY CONTRACTING
 January 29, 2019

PAYMENT ESTIMATE NO. 3
 PERIOD ENDING: 1/21/19

COST SUMMARY

CONTRACT "A" (Using Reduced Quantities)	\$117,413.00
NET CHANGE ORDERS	\$300.00
PRESENT VALUE OF CONTRACT	<u>\$117,713.00</u>
TOTAL WORK THIS ESTIMATE	\$31,668.00
PLUS TOTAL PREVIOUS ESTIMATES	\$44,820.00
EQUAL TOTAL WORK TO DATE	\$76,488.00
(LESS 5% RETAINAGE)	(\$3,824.40)
SUBTOTAL	\$72,663.60
(LESS PREVIOUS PAYMENTS)	(\$40,338.00)
AMOUNT DUE THIS PAYMENT	<u>\$32,325.60</u>

CHANGE ORDER SUMMARY

	Date	Addition	Deduction
Change Order No. 1:	1/7/2019	\$300.00	
Final Adjusted Change Order:			
Net Change:		\$300.00	

Recommended:  1/29/19
 Lucien Boye, P.E. Date

Accepted: _____ (see attached invoice) 1/11/19
 Eveready Contracting Date

Approved:  _____
 Vandergriff Borough Date

NOTE: Contractor must provide a two-year Maintenance Bond in the amount
 of 20% of the Present Value of Contract prior to final payment

Mr. Bove stated that the sewer project in West Vandergrift area is almost complete and that any restoration will be done when the hot mills open.

Mr. Bove stated that work on Michigan Avenue will begin shortly.

Mr. Bove reported that an issue exists at the Borough Maintenance Building whereby the wall where the salt is stored is bowing out. He recommended that the Borough's insurance carrier be placed on notice.

Mr. Basile questioned whether any further leaks to Borough Garage exists.

Mr. Sciallo state that there are no leaks.

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

BUDGET & FINANCE REPORT:

No Report

POLICE & PUBLIC SAFETY REPORT:

Chairperson Collini presented and read a letter of resignation by Jerry Hobeck from the Vandergrift Police Department effective January 18, 2019. (See page 4-A)

A motion was made by Mr. Basile, second by Mrs. Wilson, to accept Mr. Hobeck's resignation from the Vandergrift Police Department. Motion carried.

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

BUILDING & GROUNDS REPORT:

Mr. Basile stated that he would like to obtain access to the structure known as the Anchor Building at the corner of Washington and Columbia Avenues for the purpose of investigating the condition of said building.

Mr. Sciallo stated that Glen Rupert will be able to assist in the matter.

Mr. Basile stated that Council needs to move on having both fire departments sign the prepared lease agreements with the Borough.

A motion was made by Mrs. Wilson, second by Mr. Collini, to accept the Building & Grounds Report. Motion carried.

4-A

Jerry M. Hobeck
2004 Ridge Ave.
New Kensington, PA 16086
(724) 953-9119
jerry.hobeck@yahoo.com

January 17, 2019

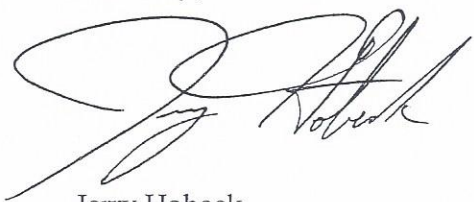
Chief Caporalli
Vandergrift Police Department
109 Grant Ave.
Vandergrift, PA 15690

Dear Chief Caporalli:

Please accept this letter that I will be resigning from my job here at Vandergrift Police effective January 18, 2019. I received an offer to work full-time for another department, and after careful consideration, I realize that this opportunity is too exciting for me to decline.

Thank you for the experience, support and the opportunities you and the department have provided me over the course of the last six months. You and the other officers have created a climate that makes it a pleasure to come to work each day, and I will miss you all. I wish you and the rest of the department the best of luck in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Hobeck', with a large, stylized initial 'JH'.

Jerry Hobeck

TREE & LIGHT REPORT:

No Report

GENERAL GOVERNMENT REPORT:

President Chvala requested Council to act on certain matters regarding the Vandergrift Civil Service Commission.

A motion was made by Mr. Sciuлло, second by Mr. Collini, to appoint Jim Kerr as an alternate to the Vandergrift Civil Service Commission. Motion carried.

A motion was made by Mr. Collini, second by Mr. Sciuлло, to appoint John Masari to the Vandergrift Civil Service Commission. Motion carried.

A motion was made by Mr. Sciuлло, second by Mrs. Wilson, to accept the General Government Report. Motion carried.

RECREATION REPORT:

Chairperson Basile stated that he will be getting the pool up and running. Because Mr. Rametta will not be able to assist with the work at the pool, he requested that another member be appointed to help him.

Mr. Basile reported that he if is able to obtain a grant to install a pool liner, he would like to schedule work at the end of the 2019 season.

Mr. Basile stated that he has purchased two trash receptacles for each park in town.

Mr. Basile questioned if the old zero-turn mower could be turned over to the Recreation Committee for use at the pool.

Mr. Sciuлло stated that he would get the mower service and turn over to the pool.

Mr. Basile stated that the shed roof at the pool needs replaced. He stated that Glen Rupert indicated that he would do this work.

Mr. Basile stated that the skate park will be opened when the weather breaks. He stated that two signs indicating the skate park rules will also be installed.

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

SOLICITOR'S REPORT:

Solicitor Loperfито stated that Ordinance No. 2-2019 has been advertised and is ready for adoption. (See pages 6-A & B)

A motion was made by Mr. Sciuлло, second by Mr. Basile, to adopt Ordinance No. 2-2019. Motion carried.

Solicitor Loperfито reported that the litigation matters with the Mihalko properties at 146 Washington Avenue and the Anchor Building has been resolved. He stated that said properties have been conveyed from Mr. Mihalko to the Westmoreland County Land Bank. He also stated that the demolition of the properties on Washington Avenue will be moving forward.

Solicitor Loperfито asked for assistance from the Borough Engineer during the development of the aforementioned area; providing an entry area, green spaces and storm water management. He also stated that Allegheny Ludlum has indicated they are willing to participate in this project.

Following a discussion on the proposed quality of life violation ticket process, it was agreed to eliminate the appeal process from the original proposed ordinance and to proceed with the advertisement of said proposed Ordinance No. 3-2019. (See pages 6-C thru 6-G)

A motion was made by Mr. Basile, second by Mr. Sciuлло, to advertise Ordinance No.3-2019 for adoption at the March 4th meeting. Motion carried.

A motion was made by Mrs. Wilson, second by Mr. Basile, to accept the Solicitor's Report. Motion carried.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Collini stated that action needs to be taken in regards to people dumping garbage at Project 70. He proposed looking into the locking of the gate entrance.

The Secretary stated that Project 70 falls in the jurisdiction of Allegheny Township, and therefore, the township should be contacted about this matter.

ADJOURNMENT:

A motion was made by Mr. Collini, second by Mr. Sciuлло, to adjourn the meeting. Motion carried.

**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
KATHLEEN CHVALA,
Council President

ATTEST:

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

APPROVED:

Barbara Turiak
BARBARA TURIAC, 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 ten (10) 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 ten (10) 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, who fails to pay the same within the five (5) day requirement set forth in Article III(6) shall have the opportunity to be heard by the District Justice assigned to citations and hearings for the Borough of Vandergrift in the same manner as if a parking ticket, or like ticket, had been issued to the named violator. The Borough of Vandergrift shall refer all ticket, remaining unpaid after the five (5) day period identified in Article III(6) directly to the magistrate for a hearing.

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 MARCH, 2019.

BOROUGH OF VANDERGRIFT

BY: _____
KATHLEEN CHVALA
Council President

ATTEST:

STEPHEN J. DELLEDONNE,
Borough Secretary (SEAL)

APPROVED:

BARBARA TURIAK, Mayor

The meeting was adjourned at 8:05 pm.