

MUNICIPALITY OF NORRISTON  
A HOME RULE MUNICIPALITY  
MONTGOMERY COUNTY, PENNSYLVANIA

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE NORRISTOWN MUNICIPAL ORDINANCES TO ADD A NEW CHAPTER 240 TITLED “PROPERTY MAINTENANCE QUICK TICKET PROGRAM” UNDER PART II, GENERAL LEGISLATION TO ESTABLISH A QUICK TICKET PROGRAM FOR THE ISSUANCE OF CIVIL FINE AND ADMINISTRATIVE APPEAL PROCESS FOR VIOLATIONS OF CERTAIN EXISTING PROPERTY MAINTENANCE AND CODE REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL INCONSISTANT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Municipality of Norristown (“Municipality”) is a Home Rule Municipality organized operating in accordance with the Charter of the Municipality of Norristown (“Charter”) as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq.*;

**WHEREAS**, Section 41.2-201 of the Charter (346 Pa. Code § 41.2-201) grants to the Municipality the ability to “exercise all powers and perform any functions not denied by the Constitution of Pennsylvania, the General Assembly of Pennsylvania or this Charter as fully and completely as though they were specifically enumerated in this Charter;” and

**WHEREAS**, Section 41.3-301 of the Charter grants to Municipal Council “All powers and duties of the Municipality, including those set forth in § 41.2-201 of this Charter and those in existence or hereafter conferred on the Municipality by the Constitution of Pennsylvania, or general law” that includes the power to: (1) “establish the policies, goals and objectives for the legislative, executive, administrative and advisory functions of the Municipality;” (2) “make and adopt ordinances and resolutions consistent with the Constitution and laws of this commonwealth and this Charter, and to prescribe fines and penalties for the violation thereof;” and (3) exercise “all necessary incidental powers to perform ... any of the duties and functions as set forth in this Charter or lawfully delegated to the office by this Charter or by general law; and

**WHEREAS**, numerous Pennsylvania municipalities including the City of Reading, Marietta Borough, Columbia Borough and Steelton Borough, have exercised the power and the authority by ordinance to address the processing and handling of certain property maintenance and code offenses through a quick ticketing process that involves the issuance of civil fines and the right to pursue an appeal through an administrative review process followed by a right to seek court review; and

**WHEREAS**, in accordance with the powers and duties vested in Municipal Council under the Charter and Pennsylvania law, including those inherent police powers for the enforcement

and regulation of certain local offenses, and in the interest of the general safety and welfare of the residents of the Municipality, Municipal Council now desires to enact an ordinance establish a quick ticket process for the issuance of civil fines and administrative appeal of certain property maintenance and code offenses including offences relating to high grass and weeds, accumulation of rubbish/trash, improper disposal of rubbish/garbage, failure to remove rubbish/garbage storage containers from curb after pick-up; failure to remove animal waste; failure to Remove Snow & Ice From Sidewalks; Vehicles (Unregistered, Uninspected, Inoperative, Disrepair); Outside Placement of Indoor Appliances and Furniture; Storing and/or Discarding of Indoor Furniture, Appliances, and Equipment Outdoors; Storing of Recyclables in an Unauthorized Manner; Failure to Obtain Permit (UCC - Building, Mechanical, Electrical, Plumbing, Fire, Etc.); failure to Obtain Certificate of Appropriateness for any Exterior Work in Historic District; Failure to Post Permit Placard in Conspicuous Location; Swimming Pools (Not Maintained, In Disrepair, Safety Violation); and Storage of Hazardous Materials in an Unauthorized Manner.

**NOW, THEREFORE,** be it **ORDAINED** and ENACTED by the Municipal Council of the Municipality of Norristown an ordinance as follows:

**SECTION I:            ADOPTION OF A NEW CHAPTER 240, TITLED “PROPERTY MAINTENANCE QUICK TICKET PROGRAM.”**

Municipal Council hereby adopts and establishes a new Chapter 240 titled “Property Maintenance Quick Ticket Program” under Part II, General Legislation that shall state as follows:

**Chapter 240. Property Maintenance Quick Ticket Program**

**§ 240-1. Purpose.**

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, accumulation of snow and ice on sidewalks, failure to remove animal waste, unsafe swimming pools, persons/firms working without permits, and many other code violations 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 Municipality of Norristown, which reduce business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of Norristown are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Chapter is to promote the health, safety and general welfare of the Municipality by helping to create a clean environment for the citizens of the Norristown.

**§ 240-2. Definitions.**

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

**AUTHORIZED LITTER RECEPTACLE** — A litter collection receptacle which is placed on the public right-of-way or on public property by the Municipality for use by the public to deposit small quantities of handheld trash, but not household or commercial waste.

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

**DUMPING** — Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and 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; and
- 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, paints, and acids.

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

**JUNKED VEHICLE** —

- A. 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.
- B. The following conditions, if present, are examples of a state or condition of disrepair:
  - (1) Rusted and/or jagged metal on or protruding from the body of the vehicle.
  - (2) Broken glass or windows on or in the vehicle.
  - (3) Leaking of any fluids from the vehicle or deflated or flat tire(s).
  - (4) Unsecured and/or unlocked doors, hood or trunk.
  - (5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus.
  - (6) Harboring of rodents, insects or other pests.
- C. 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., wastepaper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, 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 County of Montgomery 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 Municipality that does not typically remain stationary for more than approximately 10 minutes each hour.

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

MOTOR VEHICLE NUISANCE — A motor vehicle with one or more of the following defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. Broken headlamps, tail lamps, bumpers or grills with sharp edges.

- C. Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.
- D. Protruding sharp objects from the chassis.
- E. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.
- F. One or more open tires or tubes which could permit animal harborage.
- G. 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.
- H. Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- I. Disassembled body or chassis parts stored in on or about the vehicle.
- J. Vehicles that do not display a current valid license and registration.
- K. Such other defects which the Fire Department determines to be a danger to the general public or property.
- L. Motor vehicles parked, drifted or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

**MUNICIPAL WASTE** — Any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation 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 or organic waste.

**NOTICE OF VIOLATION** — A written document issued to a person in violation of a Municipal 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 Municipality or causes a blighting effect in Municipality neighborhoods. See also "public nuisance."

**PERSON** — Every natural person, firm, corporation, partnership, association, or institution.

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

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

**PUBLIC NUISANCE** — Any condition or premises which is unsafe or unsanitary.

**PUBLIC OFFICER** — Any police officer, property maintenance & housing inspector, code compliance inspector, or public official designated by law or local ordinance to enforce the Municipality ordinances.

**PUBLIC 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.

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

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

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

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

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

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

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

**TREEWELL** — The non-concrete area surrounding a shade tree planted in a sidewalk area.

**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 police officer or public officer to a person who violates a provision of this Chapter.

**WEEDS** —

- A. Shall be defined as 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) 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.

**§ 420- 3. Quality of Life (QOL) violations.**

- A. QOL.001 Accumulation of rubbish or garbage. All exterior property and the interior of every structure shall be free from any accumulation of waste, trash, rubbish or garbage.

B. QOL.002 Animal maintenance and waste/feces cleanup. People owning, harboring or keeping an animal within the Municipality of Norristown shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.

C. QOL.003 Disposal of rubbish or garbage/dumping. Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property.

D. QOL.004 High weeds, grass or plant growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (203.2 mm). 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 Chapter.

E. QOL.005 Motor vehicles. It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed or nuisance motor vehicle on any premises. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

F. QOL.006 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 in said property.

G. QOL.007 Snow and ice removal from sidewalks. Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Municipality of Norristown is required to remove any snow or ice from the entire length of any sidewalk fronting or abutting said premises within 24 hours after the precipitation has ceased to fall or form. Such pathway shall be not less than 30 inches in width and shall be thoroughly cleared of snow, ice or other obstruction.

H. QOL.008 Storage containers for waste or trash. All waste or trash containers must be stored in the rear of every property so said containers are not visible from the public right-of-way or when the rear of

the property is not available in the side of the property so as not visible or minimally visible from the public right-of-way. Whether at the rear or side, all waste or trash containers shall be stored in such a manner as not to create an attraction or harborage for rodents, insects or other pest life. Household(s) shall place their refuse receptacles out for collection at the appropriate location no earlier than 18 hours prior to the regular collection time. Receptacles shall be removed from the collection point and returned to an appropriate storage location no later than 18 hours after the collection time. Once the hauler removes the waste or trash from any property, all containers must be returned to the rear or side of any property, as applicable, by no later than 18 hours after the collection time.

I. QOL.009 Storing or discarding of indoor furniture appliances, and other equipment. Refrigerators and similar equipment, including but not limited to washers, dryers, dishwashers and ranges not in operation, shall not be discarded, stored or abandoned on any premises without first removing the doors. Indoor furniture, appliances, and other equipment shall be placed out for collection at the appropriate location no earlier than 18 hours prior to the regular collection time. If indoor furniture, appliance, and other equipment is not removed by the hauler from the collection point, it shall be removed from the exterior of the property and returned to an appropriate storage location by no later than 18 hours after the collection time.

J. QOL.010 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.

K. QOL.011 Storing of recyclables. It shall be the responsibility of the owner of all residential, commercial and industrial property to ensure storage, collection and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only allowed in approved containers which must be kept clean and sanitary at all times.

L. QOL.012 Swimming pools. Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered and sanitary as well. Swimming pools must also be in compliance with applicable Building Codes.

M. QOL.013 Historic District violation. It shall be the responsibility of the owner of a property located in a Historic District, so

designated by Municipality ordinance, to obtain a certificate of appropriateness from the Dept. of Buildings & Code Compliance and/or the Historic Architecture Review Board before making any alterations and renovations to the exterior of a structure visible from a public right-of-way. Failure to produce a bona fide certificate of appropriateness upon request by a Code Official shall constitute a violation of this Chapter.

N. QOL.014 Permits Required. As set forth in §120-5 of the Municipality's Code of Ordinances, a building permit shall be required before any construction or development is undertaken within any area of the Municipality. A failure to obtain such a permit shall constitute a violation of this Chapter. Including but not limited to failure to obtain any/all building, mechanical, electrical, plumbing, and fire protection permits.

O. QOL.015 Permit Placard Display. As set forth in §120-11 of the Municipality's Code of Ordinances, a placard showing the number of the permit (building, mechanical, electrical, plumbing, fire protection), the date of its issuance and signed by the Building Code Official or his/her designee will be issued along with any permit. As also set forth in §120-11 such placard must be displayed on the premises during the time construction is in progress. A failure to conspicuously display such placard during and throughout construction and until completion shall constitute a violation of this Chapter.

#### **§ 240-4. Authority for issuance of violation ticket.**

Upon finding a quality of life violation, any Municipality of Norristown Property Maintenance Inspector, Housing Inspector, Code Compliance Inspector, or Code Official or individual designated by Building Code Official/Code Enforcement Manager of the Municipality of Norristown may issue a quality-of-life violation ticket(s) to the owner and/or occupant of the property at issue or to the individual known to have violated this Chapter.

#### **§ 240-5. Enforcement.**

A. The provisions of this Chapter shall be enforced by police officers, a property maintenance & housing inspector, code compliance inspector, a code official, or any other public officer authorized to enforce ordinances.

B. Any violation of the provisions of this Chapter may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

**§ 240-6. Service.**

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

**§ 240-7. Separate offense.**

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

**§ 240-8. Regulations.**

The Building Code Official/Code Enforcement Manager is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Chapter.

**§ 240-9. Abatement of violation.**

A. Any person or business violating this Chapter is hereby directed to satisfy the Municipality of Norristown and its citizens, upon issuance of a quality of life ticket, by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Building Code Official/Code Enforcement Manager, the Public Works Director, and/or their designees in order that the Municipality shall be compensated for both direct and indirect costs and expenses incurred.

B. The Municipality of Norristown and/or their contractor, per the direction of the Municipality, reserves the right to abate the violation in question at the expense of the owner. If the Municipality has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket which will also be paid separately.

C. In all instances where the Municipality abates the violation, in addition to the fine set forth in the quality of life ticket, the Municipality is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges

established by the Building Code Official/Code Enforcement Manager in the rules and regulations.

D. Municipality of Norristown cleanup. The Municipality reserves the right to perform any necessary work to abate any violation once 72 hours passes from the date of issuance of the quality- of-life ticket. Should the violation at the discretion of the Building Code Official/Code Enforcement Manager and/or his or her designee present imminent danger and/or pose a health hazard and/or risk, the Municipality reserves the right to perform the abatement immediately. The Municipality will perform this work at a rate designated by the Municipality of Norristown Fee Schedule and forward the cost of any material necessary for the abatement. The Municipality reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

E. Contractor cleanup. The Municipality reserves the right to direct a contractor to perform the abatement of the violation in question once 72 hours passes from the date of issuance of the quality-of-life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Municipality reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Municipality of Norristown and the Municipality will forward these costs to the violator. The Municipality reserves the right to add a 30% processing fee in addition to the cost of the contractor.

**§ 420-10. Violations and penalties.**

A. Violation ticket fines.

(1) For any and all violations of this Chapter within a twelve-month period, violation tickets shall be issued in the amounts of as follows:

<b>Violation Number for Quality of Life Ticket Ordinance</b>	<b>Brief Description of Violations for Quality of Life Ticket Ordinance</b>	<b>Civil Fine</b>
QOL.001	Accumulation of rubbish or garbage	\$50
QOL.002	Animal maintenance and waste/feces cleanup	\$50
QOL.003	Disposal of rubbish or garbage/dumping	\$50

QOL.004	High weeds, grass or plant growth	\$50
QOL.005	Motor vehicles (unregistered, uninspected, inoperative, disrepair)	\$50
QOL.006	Outside placement of indoor appliances/furniture	\$50
QOL.007	Snow and ice removal from sidewalks	\$50
QOL.008	Storing containers for waste or trash	\$50
QOL.009	Storing or discarding of appliances	\$50
QOL.010	Storing of hazardous material	\$100
QOL.011	Storing of recyclables	\$50
QOL.012	Swimming pools	\$100
QOL.013	Historic District violation	\$100
QOL.014	Failure to obtain Permit (UCC-Building, Mechanical, Electrical, Plumbing, Fire, etc.)	\$100
QOL.015	Failure to post Permit Placard in conspicuous location	\$100

(2) Any person who receives a violation ticket for any violation of this Chapter may, within 15 days, admit the violation, waive an administrative appeal as set forth in § 240-11 below and pay the fine in full satisfaction.

(3) Any person violating this Chapter shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the Municipality for the clean up and abatement of the violation.

B. Violation ticket penalties.

(1) If the person in receipt of a \$50 violation ticket does not pay the fine or file an administrative appeal as set forth in § 240-11 below within 15 days, the person will be subject to a \$10 penalty for days 16 through 30.

(2) If the person in receipt of a \$100 violation ticket does not pay the fine or file an administrative appeal as set forth in § 240-11 below within 15 days, the person will be subject to a \$25 penalty for days 16 through 30.

(3) Failure of the person to make payment or request a hearing within 30 days of a violation ticket shall make the person subject to a citation for failure to pay.

(4) If violations continuous or egregious, the code official has right to issue citation without first issuing ticket provided notice has been given. Upon issuance of four tickets for same violation, right is reserved for code official to issue citation for fifth and subsequent offenses.

C. Citation fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Chapter, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than \$100, not more than \$1,000 on each offense.

D. Restitution. The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

**§ 420-11. Appeal.**

A. Administrative appeal.

(1) A person in receipt of a violation ticket may appeal to the Building Code Official / Codes Enforcement Manager by filing a request with the Property Maintenance Division in writing using

the Violation Ticket Appeal Form within 15 calendar days of date of the violation ticket.

(2) In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within 15 calendar days of the date that the quality-of-life ticket was issued:

(a) All paperwork, including the appropriate appeal form, for the appeal must be submitted and complete.

(b) Payment of the fine must be paid in full, which will be refunded within 30 calendar days should the alleged violator win the appeal.

(3) The appeal hearing will be held before the Building Code Official /Codes Enforcement Manager or his/her designee. The Manager or his/her designee may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she sees appropriate.

(4) Any recipient of a violation ticket who fails to file an appeal within 15 days shall waive the right to an appeal.

B. Subsequent appeals. Any subsequent appeal shall be filed to the Montgomery County Court of Common Pleas pursuant to 2 Pa.C.S.A. §§ 751 and 752.

#### **§ 420-12. Collections.**

At the discretion of the Municipality of Norristown, all tickets for which payment is not received within 45 days of issuance of a ticket for which an appeal is not taken and 45 days from denial of appeal and monies paid by the Municipality of Norristown for abatement of a violation not paid within 45 days of billing may be turned over by the Municipality to a collections agency for receipt.

#### **§ 420-13. Liens.**

At the discretion of the Municipality of Norristown, liens may be placed upon a property against which tickets were issued for which payment is not received within 45 days of issuance of a ticket for which an appeal is not taken and 45 days from denial of appeal and monies paid by the Municipality of Norristown for abatement of a violation and not paid within 45 days of billing.

**§ 420-14. Nonexclusive remedies.**

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

**SECTION II: SEVERABILITY.** In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

**SECTION III: REPEALER.** All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.

**SECTION IV: EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

Seal:

**Municipality of Norristown  
Municipal Council**

By: \_\_\_\_\_

Derrick Perry  
Council President

Attest: \_\_\_\_\_

Crandall O. Jones  
Municipal Administrator