

DARBY BOROUGH, DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 773

**AN ORDINANCE OF THE BOROUGH OF DARBY ESTABLISHING A
PROCEDURE FOR CIVIL CODE ENFORCEMENT**

WHEREAS, Darby Borough is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Darby Borough Council ("Borough Council") is empowered to establish ordinances providing for the health, welfare and safety of Borough residents and visitors; and,

WHEREAS, Borough Council has determined that it is in the best interests of the health, safety and general welfare of the residents and businesses of Darby Borough to establish a procedure for code enforcement as detailed below; and,

NOW THEREFORE it is hereby **ENACTED** and **ORDAINED**:

SECTION I.: The Darby Borough Code shall be amended to add a Section to address civil code enforcement procedures, which shall provide as follows:

Civil Enforcement Procedure.

In the event of any violation of a civil ordinance of the Borough of Darby, the applicable enforcement and/or authorized officer shall make a determination in each instance whether a violation has or is occurring under the appropriate ordinance.

- A. Upon determining that a violation has or is occurring, the applicable enforcement and/or authorized officer shall impose a civil penalty as prescribed according to law upon the violator.
 - (1) In the event the alleged violation does not present an imminent danger of personal injury, property damage or to the peace and welfare of the community, the applicable enforcement and/or authorized officer may, at the officer's discretion, issue a notice of violation containing a grace period of not more than 30 days during which no civil penalty is to be imposed if the violator comes into compliance by the specified date.
 - (2) In the event the alleged violation is governed by other statutory law of the Commonwealth of Pennsylvania regarding a grace period, then said officer shall comply fully with the statutory requirement.
- B. The applicable enforcement and/or authorized officer shall forthwith serve upon the violator a notice of violation by certified mail.
- C. The notice of violation shall include a citation to the applicable violation, the date and time, the amount of civil penalty (if appropriate), corrective action, and the consequence of failure to pay the civil penalty on or before the due date.

- D. In the event that the violator fails to pay the prescribed civil penalty within 15 days of the date on the notice of violation, the civil penalty is increased by 100%.
- E. If the violator fails to pay the penalty on or before the due date, the applicable enforcement and/or authorized officer shall file a civil complaint in a court having jurisdiction of the case.

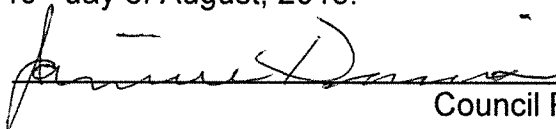
SECTION II: All persons employed or appointed by Darby Borough are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

SECTION III: All Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

SECTION IV: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

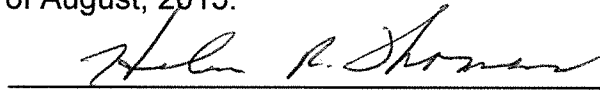
SECTION V: This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked.

ADOPTED by the Borough Council this 19th day of August, 2015.




Council President

APPROVED by the Mayor, this 19th day of August, 2015.



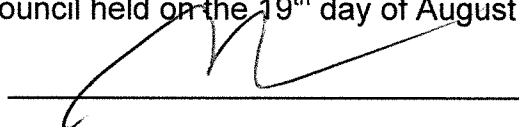
Mayor

ENACTED this 19th day of August, 2015.



Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said ordinance duly adopted at a meeting of Borough Council held on the 19th day of August 2015.



Secretary