

ORDINANCE 06-02

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF TARENTUM, COUNTY OF ALLEGHENY, AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A SUR-TAX FOR EXCESSIVE POLICE CALLS WITHIN A 30 DAY TIME FRAME TO THE SAME LOCATION.

WHEREAS, the Borough's real property tax is designated to support law enforcement activities within the Borough of Tarentum; and

WHEREAS, such law enforcement services are accessible to and be utilized by all property owners, tenants and citizens in a generally equal manner; and

WHEREAS, it has been the Police Department's experience that from time-to-time, law enforcement officers are required to answer an inordinate number of calls at particular property locations; and

WHEREAS, Council of the Borough of Tarentum is of the opinion that the owners of such locations where an inordinate number of calls arise should pay a sur-tax for excessive calls.

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

1.

Section 1 - Definitions. As used in this Ordinance, unless the context clearly indicates a different meaning, a word shall have the meaning set forth below:

A. "Building." Building means any structure located within the Borough of Tarentum, whether occupied or unoccupied.

B. "Owner." Owner means any person who alone, or jointly or severally with others, shall have legal title to any building, structure or property, with or without accompanying actual possession thereof.

C. "Person." Person includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals; and shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section prescribing a penalty or fine, as to partnerships or association, the word shall include the partners or members thereof; as to corporations, it shall include the officers, agents or members thereof who are responsible for any violation of such section.

D. "Property." Property means any lot located within the Borough of Tarentum, whether the lot is vacant or has a structure erected thereon.

Section 2 - Excessive Police Calls. It is hereby deemed that in the event Three (3) police calls are dispatched to a particular property and/or building within a consecutive Thirty (30) day period or less, each and every call in excess of Three (3) is hereby deemed to be excessive. This provision shall apply to calls that are responded to by either the Borough of Tarentum Police, police of a neighboring municipality, Pennsylvania State Police, County Police, or Sheriff.

Section 3 - Fee for Excess Calls. There is hereby imposed a surtax of Fifty Dollars (\$50.00) for each and every police call that is excessive. Such fee is to be paid by the owner of the property and/or building.

Section 4 - Duties to the Borough Police Department. The Borough Police Department on behalf of the Borough of Tarentum shall invoice, collect and receive such fees imposed by this Ordinance, and shall maintain records showing the amounts and dates such amounts were received. The Police Department will forward all such fees collected and a complete accounting thereof to the Borough Manager. Upon the occurrence of a Third (3rd) police call occurring within a consecutive thirty (30) day period or less, the Borough Police Department shall notify the owner that the next call will result in imposition of the above fee. Notice may be served by hand delivery or certified mail, return receipt requested, to either the owner's residence or owner's address appearing on the property's real estate tax blotter.

Section 5 - Failure to Pay Fee. Any person who fails to pay the surtax imposed by this Ordinance within Ten (10) days of the date of the invoice shall be subject to prosecution in a summary proceeding before a district justice, and shall on conviction thereof, be guilty of a summary offense which is punishable by a fine of not less than \$50.00 nor more than \$300.00, plus costs of

prosecution, plus the amount of the surtax. In default of payment
os such fees, fines and costs, the owner shall be subject to
imprisonment not exceeding Thirty (30) days.

Section 6 - Severability. In the event any section,
paragraph, sentence, clause or phrase of this Ordinance would be
declared unconstitutional or invalid for any reason by a court of
competent jurisdiction, the remainder of such ordinance shall not
be invalidated by such action.

Section 7 - Conflict. Any ordinance or part of any ordinance
conflicting with the provisions of this Ordinance, he and the same
is hereby repealed to the extent that such ordinance or provision
is in conflict with this Ordinance.

Section 8 - Effective Date. This Ordinance shall take effect
upon the date of its adoption.

ORDAINED AND ENACTED THIS 15th day of May, 2006.

ATTEST:

BOROUGH OF TARENTUM

Jeffrey W. Thomas
Jeffrey Thomas,
Borough Manager

Mary E. Neumann
President of Council

EXAMINED AND APPROVED this 15th day of May, 2006.

James E. Wolfe
Mayor