



# BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



## ORDINANCE #20-02

ORDINANCE OF THE BOROUGH OF TARENTUM, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A PENALTY FOR EXCESSIVE POLICE, FIRST RESPONSE AND PUBLIC SAFETY CALLS WITHIN A 30 DAY TIME FRAME TO THE SAME LOCATION.

**WHEREAS**, the Council of the Borough of Tarentum is duly empowered under the terms of the Borough Code to protect the public safety, health and welfare and to prevent and abate repeated, unwarranted service response calls by Borough law enforcement, first response and public safety services to the same property or location for nuisance calls which prevent said public safety services being available to other residents of the Borough; and

**WHEREAS**, such law enforcement, first response and public safety services are accessible to and are utilized by all property owners, tenants and citizens in a generally equal manner; and

**WHEREAS**, it has been the Borough's experience that from time-to-time, law enforcement, first response and public safety 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 and tenants of such locations where an inordinate number of calls arise should pay service call penalties for excessive calls.

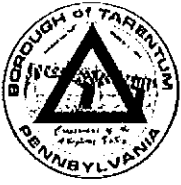
**NOW, THEREFORE**, BE IT ORDAINED AND ENACTED by Council of the Borough of Tarentum, and it is hereby ordained and enacted by authority of same as follows:

### **ARTICLE I: EXCESSIVE AND NUISANCE LAW ENFORCEMENT SERVICE CALLS.**

#### **Section 1.1 – 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.



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- 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 2.1 – Excessive Service Calls.**

It is hereby deemed that in the event three (3) like service 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 Tarentum Borough Police, police of a neighboring municipality, Pennsylvania State Police, County Police, Sheriff, Code Enforcement Officer or Fire Department.

Upon the occurrence of a third (3rd) excessive call occurring within a consecutive thirty (30) day period or less, the Borough Police Department shall notify the owner or the tenant that the next call will result in imposition of a fine. Notice may be served by hand delivery or certified mail, return receipt requested, to either the owner's residence or owner's address under the real estate tax records or the tenant's address.

A citation may not be issued to any person unless they have been provided notice pursuant to this Ordinance.

### **Section 3.1 – Penalties**

It shall be unlawful for any person to violate the provisions of this Ordinance. Any person violating the provisions of this Ordinance shall be guilty of a summary offense and, upon conviction before a Magisterial District Judge having jurisdiction over same, be sentenced of a fine of not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000) and, in default of payment thereof, be sentenced to the maximum punishment provided for summary offenses under Pennsylvania Law.

### **Section 4.1 – 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 5.1 – Conflict.**



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Any ordinance or part of any ordinance conflicting with the provisions of this Ordinance, shall be repealed to the extent that such ordinance or provision is in conflict with this Ordinance.

**IN WITNESS WHEREOF**, this Ordinance is duly Ordained and Enacted by the Council of the Borough of Tarentum at a public meeting held this 4th day of August, 2020.

ATTEST:


BOROUGH OF TARENTUM

  
Michael L. Nestico, Borough Manager

  
Scott Dadowski, President of Council

EXAMINED AND APPROVED by me this 4th day of August, 2020.

  
David A. Regoli, Esq., Solicitor

  
Eric Carter, Mayor