

Code Enforcement Suggestions

In order to improve compliance with property maintenance codes, ensure public safety, and also to help Council, Code Enforcement, and the Community have a clear understanding of how the Borough will approach violations, this document outlines a suggested enforcement plan for the Borough of North East to address recurring property code violations. This plan establishes a clear process for code enforcement officials to escalate cases of non-compliance, particularly for repeat offenders, and brings them to Borough Council's attention for action. As a result, Borough Council will assist with the burden of enforcement for difficult properties.

This plan uses the existing framework of the Borough of North East's Code of Ordinances, providing a structured approach to enforcement that is both firm and fair.

I. Identification and Initial Enforcement

The enforcement process will continue to be initiated by the Borough's Code Enforcement Officer upon receipt of a complaint or through routine property inspections. The initial steps will adhere to the procedures outlined in the Borough's Code of Ordinances, focusing on Chapters concerning Property Maintenance and Nuisances.

- **Complaint and Inspection:** All complaints will be logged and investigated in a timely manner. The Code Enforcement Officer will conduct a thorough inspection of the property to verify the alleged violation.
- **Notice of Violation:** If a violation is confirmed, a formal Notice of Violation will be issued to the property owner, detailing the specific ordinance in breach, the required corrective actions, and a reasonable timeframe for compliance. This initial notice serves as an opportunity for voluntary correction.
- **Follow-up Inspection:** Following the compliance deadline, a follow-up inspection will be conducted. If the violation has been abated, the case will be closed.

II. Escalation Process for Non-Compliance and Repeat Offenders

For properties that fail to comply with the initial Notice of Violation or exhibit a pattern of recurring offenses, a more stringent, escalating enforcement process will be implemented.

- **Second Notice and Potential Fine:** If the violation persists after the initial deadline, a second, more forceful notice will be issued, potentially accompanied by a fine as prescribed in the Borough's fee schedule. This notice will clearly state the consequences of continued non-compliance, including the potential for Borough Council intervention.
- **Defining a "Repeat Offender":** A property will be classified as a "repeat offender" if it is the subject of two or more verified violation reports for the same or similar

offenses within a 12-month period, or fails to comply with a notice of violation within the designated timeframe on more than one occasion.

- Referral to Borough Council: Properties designated as repeat offenders, or those with egregious violations that pose a significant threat to public health, safety, and welfare, will be formally referred to the Borough Council for review.

III. Monthly Code Violation Report and Borough Council Review

To ensure transparency and consistent oversight, a comprehensive Code Violation Report will be a standard agenda item at each monthly Borough Council meeting.

- Content of the Report: This report, prepared by the Code Enforcement Officer, will provide a summary of all code enforcement activities for the preceding month, including:
 - Number of new complaints received and investigated.
 - Number of notices of violation issued.
 - A list of properties that have come into compliance.
 - A detailed section on properties classified as "repeat offenders," including a history of violations and enforcement actions taken.
 - A list of properties with outstanding violations that have surpassed compliance deadlines.
- Borough Council Action: During the public meeting, the Borough Council will review the Code Violation Report. For cases involving repeat offenders or severe violations, the Council will have the authority to take further action as permitted by the Borough Code. This may include:
 - Authorizing Legal Action: Directing the Borough Solicitor to initiate legal proceedings against the property owner. This could involve seeking court-ordered abatement, fines, and liens against the property to recover costs incurred by the Borough in enforcement and potential remediation efforts.
 - Public Nuisance Declaration: In extreme cases, and in accordance with legal procedures, the Council may consider declaring a property a public nuisance, which can open the door to more significant legal remedies.
 - Requiring a Property Improvement Plan: The Council may require the property owner to submit a formal plan of action with a strict timeline for bringing the property into compliance, with regular progress reports to the Code Enforcement Officer.

IV. Enhanced Penalties and Cost Recovery

To deter future violations, the Borough will consistently enforce the penalty and fee structures outlined in its ordinances. For cases requiring legal action or direct abatement by the Borough, all associated costs, including administrative fees, legal expenses, and contractor fees, will be charged to the property owner and, if unpaid, will constitute a lien on the property.

This proactive and systematic enforcement plan will empower the Borough of North East to effectively address code violations, hold repeat offenders accountable, and ultimately preserve the quality of life for all its residents. The monthly review by the Borough Council will ensure that code enforcement remains a priority and that all available legal avenues are pursued to maintain a safe and welcoming community.

It is also recommended that Borough Council conduct an audit or review of the current codes pertaining to Property Maintenance with the intent to revise or update them to current standards and add or remove items as necessary.