

BOROUGH OF FREEMANSBURG
Northampton County, Pennsylvania

ORDINANCE #2016-004
(Duly Adopted November 1 , 2016)

AN ORDINANCE ENACTING A NEIGHBORHOOD
 IMPROVEMENT ORDINANCE TO PROMOTE THE HEALTH,
 SAFETY AND GENERAL WELFARE OF THE BOROUGH OF
 FREEMANSBURG

WHEREAS, the Borough of Freemansburg (“Borough”) is a Pennsylvania borough duly organized pursuant to the Borough Code, 8 Pa.C.S. Section 101 et seq.; and

WHEREAS, pursuant to Section 1202(12) of the Borough Code, Council has the authority to regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains; and

WHEREAS, pursuant to Section 1202(5) of the Borough Code, Council has the authority to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, pursuant to Section 1202(4) of the Borough Code, Council has the authority to prohibit and remove any nuisance or dangerous structure on public or private grounds, including, but not limited to, accumulations of garbage and rubbish, the storage of abandoned or junked automobiles and obstructions or nuisances in the streets of the Borough. The Borough may require the removal of any nuisance or dangerous structure by the owner or occupier of the grounds or remove the nuisance or dangerous structure itself and collect the cost of removal, together with a penalty of 10% of the cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or the Borough may seek relief by bill in equity; and

WHEREAS, pursuant to Section 1202(3) of the Borough Code, Council has the authority to impose fines and penalties; and

WHEREAS, Council desires to enact the follow Neighborhood Improvement Ordinance pursuant to its above powers and any other powers under the Borough Code or other law.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by Council of the Borough of Freemansburg that the following Neighborhood Improvement Ordinance is enacted as follows:

NEIGHBORHOOD IMPROVEMENT ORDINANCE

- § 1 Purpose
 - § 2 Definitions
 - § 3 Deposit of Litter Prohibited
 - § 4 Use of Authorized Litter Receptacles
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 - § 7 Illegal Dumping
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§ 1. PURPOSE

Litter, dumping and graffiti are costly problems that contribute to the deterioration of property values and general disorder in a community. Litter and littered properties degrade the physical appearance of the Borough of Freemansburg which reduces business and tax revenue and inhibits economic development. The quality of life and community pride of Freemansburg's citizens are negatively affected by litter, dumping, and graffiti. Recognizing these are community problems, the purpose of this ordinance is to promote the health, safety and general welfare of the Borough of Freemansburg by helping to create a clean environment for the citizens of Freemansburg.

§ 2. DEFINITIONS

The following words, terms and phrases when used In this article shall be defined as follows, unless the context clearly Indicates otherwise:

1. **Authorized Litter Receptacle** is a litter collection receptacle which is placed on the public right-of-way or on public property by the Borough for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste.
2. **Borough** is the Borough of Freemansburg, Northampton County, Commonwealth of Pennsylvania, a borough duly organized pursuant to the Borough Code, 8 Pa.C.S. Section 101 et seq., as amended, reenacted or supplemented.
3. **Citation** is issued by a police officer or public officer to a person who violates a provision of this Ordinance.
4. **Council** is the governing body of the Borough.
5. **Dumping** includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, fires, 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 permitted by law.

6. **Graffiti** shall include any and all unauthorized inscriptions, words, figures, paintings, or other defacements that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property including but not limited to building structures, fences, walls, vehicles, transport trailers, railroad cars, dumpsters, etc. Graffiti shall not be construed to apply to easily removable chalk markings on the public sidewalk and streets used in connection with traditional children's games.

7. **Hazardous Waste** means 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.

8. **Household Hazardous Waste (HHW)** is 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.

9. **Junked Vehicle** means 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.

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;
- (7) Unregistered and uninspected.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair.

10. **Litter** includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, 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..

11. **Minor** shall mean any person under the age of eighteen (18) years.

12. **Municipal waste** means 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.

13. **Notice of violation** is a written document served upon a person in violation of this ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. The notice of violation is served upon such violator in accordance with Section 16.E.

14. **Person** means every natural person, firm, corporation, partnership, association, or institution.

15. **Planter Strip** is the non-concrete space in the sidewalk area filled with dirt and/or grass.

16. **Private Property** means 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.

17. **Public Officer** means any police officer, code enforcement officer, or public official designated by Council to enforce the Borough's Ordinances.

18. **Public Nuisance** means any condition or premises which is unsafe or unsanitary.

19. **Public Right-of-Way** means the total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

20. **Recyclable Material** means 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. These materials are designated by the regulations promulgated under Article 1137, Residential Recycling.

21. **Residual Waste** means 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.

22. **Responsible Agent** means any person residing or working within the Commonwealth of Pennsylvania designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

23. **Shade Tree**, unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

24. **Sidewalk Area** means the public right-of-way between the property line and the curbline or the established edge of the roadway.

25. **Shopping or Grocery Cart** includes any small or light vehicle, typically owned by and used at retail stores, that is moved by hand and used to carry groceries and other such items.

26. **Skateboard** means a narrow board or platform mounted on wheels designed to be operated by the rider standing thereon and propelled by human power or gravity.

27. **Tree Well** is the non-concrete area surrounding a shade tree planted in a sidewalk area.

28. **Vegetation** is any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

29. **Vehicle** is every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

30. **Weeds** shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:

- (a) exceed six (6) inches in height,
- (b) exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush,
- (c) may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin,
- (d) may cause a public nuisance.

Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

§ 3. DEPOSIT OF LITTER PROHIBITED

A. No person shall throw, scatter, deposit or sweep litter, or cause litter to be on any public place, such as a street, sidewalk, park or playground, except in an authorized litter receptacle.

B. No person shall throw, scatter, deposit or sweep litter, or cause litter to be on any private property except in a receptacle authorized by the owner or legal occupant of said private property.

§ 4. USE OF AUTHORIZED LITTER RECEPTACLES

A. No person shall deposit household or commercial waste in an authorized litter receptacle. Only small quantities of hand-held trash may be placed in an authorized litter receptacle.

B. No person shall deposit litter in an authorized litter receptacle in such a manner as to cause overflowing of the receptacle.

C. No person shall damage, deface, abuse or misuse any authorized litter receptacle so as to interfere with its proper function or to detract from its proper appearance.

§ 5. DEPOSITING LITTER IN STORM SEWER

No person shall throw, scatter or deposit litter in any storm sewer inlet in the Borough.

§ 6. HANDBILLS, NEWSPAPERS AND POSTED ADVERTISEMENTS

A. No person shall deliver or distribute newspapers or advertising matter to any premises unless it is handed to the recipient, placed on the driveway, porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent the newspaper or advertising matter from being blown about, becoming scattered or in any way causing litter. It shall be unlawful to

distribute these materials as described above if the owner or occupant has informed the person delivering or causing delivery that he/she does not wish to receive it.

B. No person shall post or affix any advertisement, notice, poster or other paper or device, to any lamp post, street sign, traffic signal pole and control box, public utility pole or tree or upon any private or public structure or building, except as may be authorized or required by law.

§ 7. ILLEGAL DUMPING

A. No person shall dump or cause to be deposited trash, debris, municipal waste, durable goods (refrigerator, washer, dryer, etc.), small appliances, furniture, carpets, shopping carts, tires, vehicles, vehicle parts, automotive products, construction or demolition material or other such items on public or private property, except as permitted by law.

B. No person shall dump or cause to be deposited household hazardous, hazardous or residual waste on public or private property.

§ 8. LITTER FROM VEHICLES

A. No person shall throw, scatter or deposit litter from a vehicle upon any public street or other public place within the Borough, or upon private property.

B. The owner or operator of any motor vehicle from which the aforementioned litter is thrown, discharged, dumped, deposited, placed, left or caused to be thrown, discharged, dumped, deposited, placed or left shall be responsible for such litter.

C. No person shall operate a vehicle unless the vehicle is so constructed or loaded as to prevent its contents from falling, being blown, scattered or deposited upon any street, other public place or private property. Nor shall any person drive or move any vehicle or truck within the Borough, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 9. MAINTAINING PROPERTY

A. LITTER

1. No owner, occupier or responsible agent of real property shall permit litter to accumulate on the property and adjacent sidewalk area including the tree well and planter strip. It shall be the owner's, occupier's or responsible agent's duty to remove such litter to prevent any such accumulation.

2. No owner, occupier or responsible agent of real property shall accumulate, permit or store items such as furniture, durable goods (refrigerators, washers, dryers, etc.) small appliances, carpets, tires, vehicles, vehicle parts, automotive products or municipal waste, hazardous waste, residual waste or construction or demolition debris on the exterior of the property if it poses a threat to the physical appearance, safety or public health of the community or if their presence creates the potential for a public nuisance.

3. The owner, occupier or responsible agent of a commercial or institutional property may be required to procure, place, empty and maintain a sufficient number of litter receptacles on their property for public use by its customers to prevent the chronic accumulation of litter. These litter receptacles shall not be placed in the public right of way.

4. It shall be unlawful for any person to obstruct or reduce in any way clear width of any doorway, hallway, passageway, fire escapes or other exitways.

B. WEEDS

1. No owner, occupier or responsible agent of real property shall permit grass or weeds to exceed six (6) inches in height in the tree well, sidewalk, curbline or planter strip. It shall be the owner's, occupier's or responsible agent's duty to cut the grass or weeds to prevent such growth. Such growth is deemed a public nuisance.

2. No owner, occupier or responsible agent of real property or any tract of land shall allow any growth of grass or weeds to exceed six (6) inches in height. Such growth is deemed a public nuisance.

3. The public officer shall notify the property owner via a notice of violation that their property needs cutting before having it cut by the Borough or its contractors.

C. SNOW, SLEET, ICE AND HAZARD REMOVAL

1. Any owner, occupier or responsible agent of real property occupied or unoccupied fronting upon or along any street or alleyway within the Borough shall remove from the sidewalks, walkways and fire hydrants along said streets and alleyways all snow, sleet, ice or other hazard within 24 hours after the same has ceased to fall or accumulate thereon. Said removal shall be a path of at least 30 inches in width on said sidewalk or walkway. Said removal shall also provide a 30 inch radius around said fire hydrant to provide access.

2. In any case where an owner, occupier or responsible agent fails, neglects or refuses to comply with any of the provisions of Section 9.C.1 above within the time limit prescribed by Section 9.C.1, said snow, sleet, ice or other hazard remaining on said sidewalk or walkway or around said fire hydrant is deemed a public nuisance and the public officer may thereafter, without notice, order the snow, sleet, ice or other hazard to be removed by the Borough or its contractors. The public officer may, but is not obligated to do so, notify the property owner of the public nuisance via notice of violation before having it removed by the Borough or its contractors.

3. No person shall deposit or cause to be deposited any snow, sleet, ice or other hazard on or within 30 inches of a fire hydrant or on any street or alleyway except that snow, sleet, ice or other hazard may be mounded by the Borough on Borough street or alleyways incident to the Borough's removal of snow, sleet, ice or other hazard.

D. VEHICLES

1. JUNKED VEHICLE: A junked vehicle may not be parked, stored or left to remain on any lot, tract, parcel of land or portion thereof on public or private property, occupied or unoccupied, improved or unimproved, within the Borough, unless in an enclosed building or on the premises of a lawfully permitted business enterprise and necessary to the operation of such business. Any junked vehicle or parts thereof shall be removed.

2. VEHICLE PARKING: Vehicle parking is not permitted on grass, landscaped, dirt or stone areas of property unless permitted by Borough ordinance. All parking areas must be in compliance with all applicable Borough ordinances. Borough sponsored events are exempt from this Section 9.D.2.

E. GRAFFITI

No owner or responsible agent of real property shall permit graffiti to remain on such property for more than ten 10 days and it shall be the owner's, or responsible agent's duty to remove or cause to be removed such graffiti. The Borough shall notify the owner or responsible agent of this requirement and if not removed within ten (10) days of notification, the Borough shall have the authority to remove said graffiti.

F. VEGETATION

No owner, possessor or responsible agent of real property shall permit vegetation on the property to grow in such a manner as to create a public nuisance.

G. SATELLITE DISHES

It shall be the responsibility of the property owner of real property to remove any satellite dish(es) from the exterior of such property at the time of service disconnection.

§ 10. GRAFFITI

A. No person shall apply graffiti to any natural or man-made surface on public or private property.

B. All persons directly or indirectly involved in the acts of graffiti may be found to be equally responsible and guilty of the act, in addition to the individual who may personally deface the object or area, such as others in a group who knowingly made available the tools, writing material, ladders, lookouts, materials or assistance, or who knowingly supplied funds to acquire such materials for such purposes.

C. Writing, drawing, printing or marking with ink, paint, chalk or other substances on any real or personal property shall be permitted only to the extent that compliance with the Borough's Zoning Code, relating to signs, has been met and upon the procurement of a permit from the Borough.

§ 11. POSSESSION OF PRESSURIZED CANS CONTAINING PAINT AND CERTAIN MARKERS PROHIBITED

A. Possession of Spray Paint and Markers by Minors; and Exemptions:

1. It shall be unlawful for any person under the age of eighteen (18) to have, in their possession, any pressurized can containing any substance commonly known as paint, or dye, or any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater while on any public highway, street, alley or way, park, playground, swimming pool, or other public place or property, or on private property unless the owner of that property consented to the presence of the paint or marker.

2. This prohibition shall not apply to a child using paint or a marker while under the immediate supervision of their parent or legal guardian; a student under direct supervision of their teacher or an employee using paint or a marker at the direction and under the supervision of their employer.

B. Prohibition of Spray Paint in Public Parks and Buildings

It is unlawful for any person to have, in his possession, any pressurized can containing any substance commonly known as paint or dye or any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater while in any public park, playground, swimming pool, recreational facility, (other than a highway, street, alley or way), except authorized employees of the Borough or an individual or authorized employee of an individual or company under contract with the Borough.

C. Fraudulent Evidence

No minor shall, at the times of possession of items specified in this section, knowingly furnish fraudulent evidence of age, when furnishing identification which must be in the form of a

motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or any document issued by a federal, state, county or municipal government.

§ 12. SKATEBOARDS

A. NOTICE OF PROHIBITED RIDING PLACES

The operation, riding or coasting of skateboards upon any public or private property as to which notice against such activity is given by posting thereof in a conspicuous manner, is hereby prohibited.

B. PEDESTRIAN RIGHT-OF-WAY ON SIDEWALKS

Where the operation or riding of skateboards is permitted on sidewalks, the rider shall yield the right-of-way to pedestrians using the sidewalk. Due and proper care for pedestrians must at all times be exercised by the riders.

C. RECKLESS RIDING

It shall be unlawful for any person to operate, ride, or coast upon any skateboard in a reckless manner, i.e., in a manner that disobeys common signs regulating vehicular traffic or in a manner that is careless and dangerous to the operator of the skateboard and/or the general public be they vehicular or pedestrian and/or that causes destruction of any property, public or private.

D. This section shall apply but not be limited to public streets and sidewalks.

§ 13. BICYCLES

A. Bicycles shall be parked in the bicycle racks when racks are provided.

B. Bicycles operated by on-duty Police Officers are exempt from any prohibiting provisions of this Ordinance.

§ 14. VIOLATIONS BY A MINOR

A. Any violation of the provisions of this Ordinance by a minor ten (10) years of age and older may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the minor or to the parent or legal guardian of the minor. Any violation of the provisions of this Ordinance by a minor under the age of ten (10) may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the parent or legal guardian of the minor.

B. It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of eighteen (18) years to knowingly assist, aid, abet, allow, permit or encourage said minor to violate any provision of this Ordinance either by words, overt act, or by failing to act.

§ 15. ABANDONED REFRIGERATORS

A. No person shall leave outside any building or dwelling in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has a door or lock which may not be released for opening from the inside of such icebox, refrigerator or container.

B. No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has a snap-lock or other device thereon without first removing the snap-lock or doors from such icebox, refrigerator or container.

§ 16. ENFORCEMENT

C. The provisions of this Ordinance shall be enforced by police officers, or any other public officer authorized to enforce ordinances.

D. Any violation of a provision of this Ordinance may be cause for a notice of violation and/or a citation to be issued to the violator.

E. A notice of violation or citation shall be served upon a violator by handing it to the violator, 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, by leaving or affixing the notice or citation to the property where the violation exists, 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 or citation to the violator's address of record.

F. Each day a violation continues or is permitted to continue constitutes a separate offense for which a separate fine shall be imposed.

G. A public officer is authorized and empowered to cause a violation to be corrected if authorized by the Borough Manager to do so.

H. If the Borough has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Borough Manager or her designee in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.

I. Where the public officer or the Borough takes corrective action to abate a public nuisance, the cost thereof, including any labor or materials supplied by the Borough or its contractors plus an administrative fee of ten (10%) percent added to each invoice incurred shall be charged to the owner and shall constitute a municipal lien against the real property upon which said cost and fee were incurred.

§ 17. CITATION APPEALS PROCESS

A. A person in receipt of a citation may appeal to the Magisterial District Court as set forth on the citation.

§ 18. FINES AND PENALTIES

A. Any person who violates any provision of this Ordinance may receive a citation issued by the public officer.

B. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of:

1. For the first and second offense of a violation of this Ordinance within a twelve (12) month period, citation shall be issued in the amount of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars, in the sole discretion of the public officer.

2. For the third offense of a violation of this Ordinance within a twelve (12) month period, citation shall be issued in the amount of One Hundred and fifty (\$150) Dollars or Two Hundred and fifty (\$250) Dollars, in the sole discretion of the public officer.

3. For the fourth offense of a violation of this Ordinance within a twelve (12) months period, citation shall be issued in the amounts of Three Hundred (\$300) Dollars or Five Hundred (\$500) Dollars, in the sole discretion of the public officer.

4. For the fifth or subsequent offense of a violation of this Ordinance within a twelve (12) months period, citation shall be issued in the amount of Five Hundred (\$500) Dollars or One Thousand (\$1000) Dollars, in the sole discretion of the public officer.

5. Any person who violates Section 7 of this Ordinance (Illegal Dumping) shall pay a fine of One Thousand (\$1,000) Dollars for each offense plus all direct and indirect costs incurred by the Borough for the clean-up and abatement of the violation.

6. Any person who violates Section 9.D of this Ordinance shall pay a fine of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars for the first offense, in the sole

discretion of the public officer, with no additional cost to abate the violation. For the second and subsequent violations of Section 9.D the owner shall pay a fine of Three Hundred (\$300) Dollars and the owner shall pay all direct and indirect costs incurred by the Borough for the abatement of the violation.

C. Any person who violates any provision of this Ordinance shall, upon conviction thereof, also pay court costs and reasonable attorney fees incurred by the Borough. In default of payment(s) due by reason of this section, the violator shall be subject to imprisonment for a term not to exceed the maximum amount of days permitted for summary offenses. Each section of this Ordinance violated shall constitute a separate offense. Each day that a violation of a section of this Ordinance continues shall constitute a separate offense.

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

§ 19. SEVERABILITY

If any provision, paragraph, word, section or subsection of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect.

§ 20. REPEALER

All Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistency. Notwithstanding the foregoing, Ordinance No. 156-70 adopted on December 22, 1970, is expressly hereby repealed in its entirety.

§ 21. EFFECTIVE DATE

This Ordinance is effective immediately.

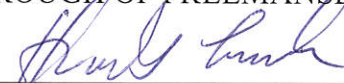
DULY ORDAINED this 1st day of November, 2016 by Council of the Borough of Freemansburg, in lawful session duly assembled.

ATTEST:

BOROUGH COUNCIL
BOROUGH OF FREEMANSBURG

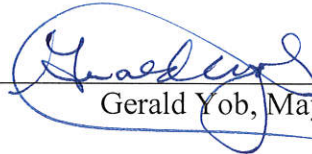


Judith A. Danko, Secretary



Homer "Bud" Lorrh, President

Approved, this 1st day of November, 2016.



Gerald Yob, Mayor

CERTIFICATE

I, the undersigned, Secretary of the Borough of Freemansburg, Northampton County, Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of an Ordinance of the Borough which was duly enacted by affirmative vote of the majority of the members of Council at a meeting duly held on November 1, 2016, and that said Ordinance remains in effect, unaltered and unamended, as of the date of this certificate.

I further certify that Council met the advance notice requirements of Act No. 93 of the General Assembly of the Commonwealth of Pennsylvania, approved October 15, 1998, by advertising the date of said meeting and posting a notice of said meeting on the bulletin board at the Municipal Building, 600 Monroe Street, Freemansburg, Pennsylvania 18017, the place of the meeting.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough this 1st day of November, 2016.



Judith A. Danko, Secretary