

**BOROUGH OF AVALON**

**ORDINANCE NO 1330**

**ORDINANCE OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY,  
ESTABLISHING A FEE FOR AN EXCESS NUMBER OF POLICE CALLS TO A  
SINGLE LOCATION**

**WHEREAS**, the Borough's real property tax helps to support law enforcement activities within the Borough, and

**WHEREAS**, it is generally anticipated that such law enforcement activities accessible to and utilized by all property owners be utilized 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**, the Borough of Avalon believes that the owners of such locations where an inordinate numbers of calls arise should pay a fee for such excessive calls

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Council of the Borough of Avalon, County of Allegheny, as follows

**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 Avalon, 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 This definition shall also include an executor, administrator, trustee, receiver or any other representative appointed according to law Whenever the word “person” is used in any section prescribing a penalty or fine, as to partnerships or associations, 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 Avalon, whether the lot is vacant or has a structure erected thereon

**Section 2 - Excessive Police Calls.** It is hereby deemed that in the event two (2) 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 two (2) is hereby deemed to be excessive This provision shall apply to calls that are responded to by either the Avalon Borough police or the police of a neighboring community

**Section 3 - Fee for Excess Calls.** There is hereby imposed a fee of one hundred(100 00) dollars 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 Avalon shall invoice, collect, and receive such fees imposed by this Ordinance, and it 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 Secretary Upon the occurrence of the second 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 fee 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 \$25 00 and no more than \$300 00, plus costs of prosecution, and the amount of the fees In default of payment of 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 competent jurisdiction, the remainder of such of such ordinance shall not be invalidated by such action

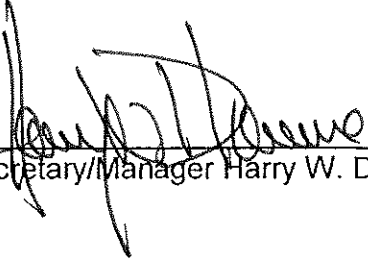
**Section 7 - Conflict.** Any ordinance or part of any ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent that such ordinance or provision is in conflict with this Ordinance

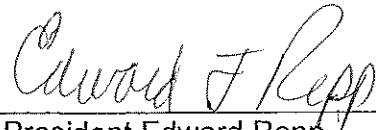
**Section 8 - Effective Date.** This Ordinance shall take effect upon the date of its adoption

ENACTED AND ORDAINED into law this 17<sup>th</sup> day of AUGUST, 2010.

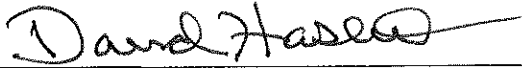
ATTEST:

BOROUGH OF AVALON

  
Secretary/Manager Harry W. Dilmore

By:   
Council President Edward Repp

APPROVED AND EXAMINED by me this 17<sup>th</sup> day of AUGUST, 2010.

  
Mayor David Haslett