**ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_**

**BOROUGH OF BENTLEYVILLE**

**WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF BENTLEYVILLE, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REIMBURSEMENT TO THE BOROUGH OF BENTLEYVILLE FOR COSTS, EXPENSES AND FEES ASSOCIATED WITH THE OPERATION OF THE BENTLEYVILLE BOROUGH POLICE DEPARTMENT; ESTABLISHING REIMBURSEMENT TO THE BOROUGH OF BENTLEYVILLE FOR THE COSTS, EXPENSES AND FEES ASSOCIATED WITH OPERATION OF THE BOROUGH OF BENTLEYVILLE ZONING AND CODE ENFORCEMENT OFFICE; ESTABLISHING REIMBURSEMENT TO THE BOROUGH OF BENTLEYVILLE FOR THE COSTS, EXPENSES AND FEES ASSOCIATED WITH THE BOROUGH OF BENTLEYVILLE ANIMAL CONTROL OFFICER; PROVIDING FOR THE ESTABLISHMENT OF SAID COSTS, FEES, AND EXPENSES; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

 **WHEREAS**, the Borough of Bentleyville, Washington County, Commonwealth of Pennsylvania, is concerned about the ever increasing costs associated with providing adequate municipal services in and for the residents of the Borough of Bentleyville; and

 **WHEREAS**, the Borough Council of the Borough of Bentleyville desires to place burden of costs associated with providing police services, zoning and code enforcement services and animal control services by the Borough on those persons who unnecessarily cause increased responses or costs associated with the work of the Bentleyville Borough Police Department, the Borough of Bentleyville Zoning and Code Enforcement Department and the Bentleyville Borough Animal Control Officer; and

 **WHEREAS**, in order to better protect the public health, safety and welfare, and to protect and preserve the public funds and tax dollars of the Borough of Bentleyville, the Borough Council of the Borough of Bentleyville desires to adopt the policy of reimbursement of its expenses and costs incurred while providing police services and providing enforcement of zoning and code regulations and providing for enforcement of animal control ordinances, laws and regulations.

 **NOW**, **THEREFORE**, pursuant to the Borough Code, as amended and other relevant laws, the Council of the Borough of Bentleyville hereby enacts and ordains the following:

**SECTION I. TITLE**

 This Ordinance shall be known as the “Bentleyville Borough Costs and Reimbursement Ordinance of 2016.”

**SECTION II. DEFINTIONS**

 As used in this Ordinance, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

 “Actor”—The person violating any ordinance of the Borough of Bentleyville and/or any laws of the Commonwealth of Pennsylvania and/or those laws, rules and regulations designated as the Pennsylvania Crimes Code Pa. C.S.A. Title 18 and Title 35, Chapter 6, in their entirety.

 “Request for Response”—Any communication to the Borough of Bentleyville or County 911 Dispatch Center or to the Police, Code Enforcement Officer, Zoning Officer, or other entity, indicating the possibility of the existence of the occurrence of a crime, the violation of a Borough ordinance, or other emergency situation warranting immediate action by the police and/or zoning and code enforcement officials.

 “Requestor”—Any person, tenant, resident, business organization, non-profit organization, charitable institution, agent, servant, or employee who makes a Request for Response.

 “Response”—Any event which causes or necessitates the Bentleyville Borough Police Department, the Borough of Bentleyville Zoning Officer, the Borough of Bentleyville Code Enforcement Officer, or the Bentleyville Borough Animal Control Officer to utilize its communications systems, motor vehicles and/or personnel to arrive at any place designated by the Requestor.

**SECTION III. IMPOSITION OF COSTS AND EXPENSES-FEES**

1. Any Requestor who makes a request for Response which causes a Response to be made by an agent, employee or servant of the Borough of Bentleyville. Which subsequently results in the withdrawing of charges initiated as a result of the Response, or any Requestor who unreasonably makes multiple Requests for Response may be charged the cost of the Response as set forth in Section III of this Ordinance.
2. Any Actor or perpetrator who it has been determined has violated the ordinances of the Borough of Bentleyville or the laws of the Commonwealth of Pennsylvania as set forth in this Ordinance, said determination being made by the Court of Common Pleas of Washington County, including the minor judiciary of said county, by either judge, district justice, or jury, after trial or hearing, the agreement by the Actor to a guilty plea, ARD agreement, plea of nolo contendre or no contest, probation or determination without verdict, and or/or any adjudication, determination, or agreement regarding a juvenile under the Pennsylvania Juvenile Laws, shall be charged the costs of the response as set forth in Section III of this Ordinance.

**SECTION IV. FEES**

 Any responses or determinations as set forth in Section II of this Ordinance shall require the Requestor or Actor to reimburse to the Borough of Bentleyville such fees, costs, and expenses as set forth by Resolution of the Council of the Borough of Bentleyville as well as any incidental costs, fees or expenses relating to a Response.

**SECTION V. COLLECTION OF FEES**

1. The Borough of Bentleyville shall provide an invoice to those individuals creating the requirement of a police, zoning or code enforcement, and/or animal control response as set forth in Section II (A) of this Ordinance pursuant to the schedule of charges set forth by Resolution of the Borough Council of the Borough of Bentleyville.
2. The invoicing of designated above shall be provided by the Borough within thirty (30) days of the date of the municipal response as set forth in this Ordinance. Thereafter, payment shall be made to the Borough of Bentleyville for the aforesaid invoicing within thirty (30) days of the date of the invoice.
3. Where the costs, expenses and fees claimed under this Ordinance for Police, Zoning, Code Enforcement or Animal Control arise from or relate to the prosecution of an Actor, as provided under the Section II (B), or the filing of any action for enforcement of an Ordinance of the Borough, then such costs, expenses, and fees as provided by Resolution of the Borough of Bentleyville pursuant to Section III shall be included as restitution, costs of prosecution, or additional costs in any such prosecution or enforcement action.
4. The costs, fees, and expenses as provided under Section IV (C), above, shall be collected through the appropriate magisterial district office and/or through the office of the Clerk of Courts of Washington County. It shall be the duty of the prosecuting officer or Borough officer bringing the enforcement proceeding to make appropriate claim for any amounts due under this Ordinance.
5. Failure to pay the aforesaid amounts shall cause the Borough of Bentleyville to file a civil action, judgement and/or municipal lien against the invoiced party. The foregoing notwithstanding, the Borough of Bentleyville, through its police department and/or zoning and code enforcement department, may request any court having competent jurisdiction over a Requestor, Actor or perpetrator to make restitution to the Borough of Bentleyville consistent with the terms and conditions of this Ordinance.
6. Interest on the unpaid balance of any invoices of any fees shall carry an interest rate of six percent (6%) per annum of the unpaid balance. In addition, the Borough of Bentleyville may assess attorney’s fees.

**SECTION VI. REPEAL OF INCONSISTENT ORDINANCES**

 Any Ordinance or parts of Ordinances of the Borough of Bentleyville inconsistent with the terms and conditions of this Ordinance is hereby repealed to the extent of said inconsistency.

**SECTION VII. SEVERABILITY**

 If any section, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Bentleyville that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

**SECTION VIII. SAVINGS CLAUSE**

 Should any provision, part, or section of this Ordinance be finally declared to be illegal, unenforceable or void, such shall not affect the remainder of this Ordinance, which shall nonetheless remain fully valid, binding and enforceable as through this Ordinance had not contained such void, illegal or enforceable parts and/or provisions.

**SECTION IX. EFFECTIVE DATE**

 This Ordinance shall become effective immediately.

 **ENACTED AND ORDAINED** by the Council of the Borough of Bentleyville, Washington County, Pennsylvania this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 2016.

ATTEST: BOROUGH OF BENTLEYVILLE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kimberly Sacco, Secretary Stanley A. Glowaski, President

 EXAMINED and APPROVED by me this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2016.

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 Thomas Brown, Mayor