

ORDINANCE NO. 2005-04

WHEREAS, certain private properties require a disproportionate amount of police service, with many calls requiring response to maintain order and public peace and to stop public disturbances. These excess calls result in less police personnel and resources available for other locations, emergencies and duties in the Borough, and extraordinary police service at such properties puts a disproportionate and unfair burden upon the citizens and taxpayers of the Borough; and

WHEREAS, the owners and/or rental agents in charge of private properties requiring excessive police attention derive a benefit from such police service; and

WHEREAS, the owners and/or rental agents in charge of such private properties have a responsibility to manage their properties to minimize required police service to maintain order and public peace, and to thus minimize the burden upon citizens and taxpayers of the Borough and to promote the health, safety and welfare of the public in general; and

WHEREAS, the owners and/or rental agents in charge of such private properties can minimize required police service to maintain order, public peace and to stop public disturbances by diligent and strict management and regulation of their properties; and

WHEREAS, assessment of costs as provided in this article is reasonable and will have a deterrent effect and encourage more responsible management of such properties. It is not the intent of this article to discourage or suppress requests for police service, but rather to encourage and stimulate diligent and strict management and regulation of private property by owners and/or rental agents in charge.

SECTION I. DEFINITIONS

OWNER - A person, persons, corporation or other entity who is (are) the comprising record owner or owners of any land or building.

POLICE SERVICE COST - An amount fixed by the Coaldale Borough Council to cover estimated compensation of officers for amount of time normally spent in responding to a call or otherwise maintaining order and public peace, appropriate administrative costs, medical treatment to injured officers and the cost of repairing damaged Borough equipment or property. This amount shall be fixed from time to time by resolution and shall be based upon an average cost for a typical police response.

PRIVATE PROPERTY - Any land or building, including single and multifamily dwellings and commercial and industrial buildings, not owned by a public entity.

PUBLIC DISTURBANCES - Any party, gathering, event or disturbance involving disorderly conduct as described by the Pennsylvania Statutes.

PUBLIC ENTITY - Any Federal, State or Local Government or School District or agency or authority created and organized thereby.

SECTION II. **PAYMENT OF COSTS; EXCLUDED RESPONSES**

Every owner of and/or rental agent with responsibility to manage private property within the Borough is required to pay police service costs to maintain order and public peace at such private property for each response by the police in excess of one response per thirty-day period. Such amount shall be fixed by resolution of the Coaldale Borough Council. Provided, however, that police service in connection with crimes against residents and/or property by nonresidents, invited guests or otherwise lawful occupants of the private property shall be considered responses for purposes of this article. Provided further, the police service in connection with spousal abuse or abuse of children by parents, or service in connection with crimes classified as misdemeanors or felonies under the Pennsylvania Crimes Code shall not be considered responses for purposes of this article.

SECTION III. **NOTICE TO OWNER AND/OR RENTAL AGENT**

The Chief or Police or other duly authorized agent of the Borough shall notify the owner of and/or rental agent with responsibility to manage private property that a response has been made to such property to maintain order or public peace. Such notice shall be given by regular mail to the last known address of such owner and/or rental agent. Provided, however, that an owner and/or rental agent with responsibility to manage private property shall be required to pay these service costs in accordance with Section II of this article whether or not such a notice has been given.

SECTION IV. **BILLING**

Police service costs due in accordance with Section II hereof shall be billed to the owner and/or rental agent with responsibility to manage private property by the Borough Secretary or her duly authorized agent and shall be due and payable within 30 days of such billing.

SECTION V. **FAILURE TO PAY**

Unpaid police service costs may be collected by civil action by the Borough against the owner and/or rental agent with responsibility to manage private property and/or may be imposed or assessed such private property as a municipal claim under the Act of May 16, 1923, P.L. 207, as amended (53 P.S. §7101). In either event, a penalty of 10% and interest at the rate of 10% per annum shall be added and collected as provided by law.

ENACTED and ORDAINED this 12 day of July, 2005.

ATTEST

BOROUGH OF COALDALE

Louise Lill
Louise Lill, Secretary/Treasurer

Susan Solt
By: Susan Solt, President

Approved this 12 day of July, 2005.

Claire Remington
By: Claire Remington, Mayor