

BILL NO. 00- 3

ORDINANCE NO. 00- 3

**AN ORDINANCE OF THE CITY OF JEANNETTE
AMENDING THE PENALTY PROVISIONS OF ORDINANCE NO. 96-4
OF THE CITY OF JEANNETTE, AS SAME WAS ADOPTED
JUNE 12, 1996, COMMONLY KNOWN AS THE
CITY OF JEANNETTE FIRE PREVENTION CODE**

WHEREAS, the Council of the City of Jeannette has adopted Ordinance No. 96-4 on June 12, 1996, commonly known as the Jeannette Fire Prevention Code; and

WHEREAS, such Ordinance provides penalties for the violation of such Ordinance and the Fire Prevention Code referenced therein, said penalties being set forth in Section III, subparagraph D of such Ordinance; and

WHEREAS, amendments have been made to the Third Class City Code, specifically 53 P.S. §39131.1, which are in conflict with the fine structures prescribed in Section III, subparagraph D (1) of the aforesaid Ordinance; and

WHEREAS, the Council of the City of Jeannette desires to make modifications to the fine structure contained in Section III, subparagraph D. (1) of Ordinance No. 96-4 to bring same in conformity with the fine structure set forth in the Amendments to the Third Class City Code referenced above.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE DOES HEREBY ORDAIN AND ENACT THE FOLLOWING:

1. City of Jeannette Ordinance No. 96-4, Section III, subparagraph D. (1) relating to Penalties for Violation, the initiation of summary offenses for violation of said Ordinance and establishing fines as penalties for violation of same is hereby repealed in its entirety.

2. The remaining Sections of Section III, subparagraph D. (2) and D. (3) shall remain in full force and effect in their entirety, as shall all other provisions of Ordinance No. 96-4.

3. Section III, Paragraph D. (1) of Ordinance No. 96-4, relating to Penalties for Violation, is hereby amended and shall hereafter read as follows:

1. (a) Except as provided for in subsection 1 (b) set forth hereafter, any person who violates any provision of this Ordinance or the Fire Prevention Code adopted herein, and who fails to take corrective action as set forth in subsection C above, shall be guilty of a summary offense, and upon conviction thereof, shall pay a fine of not less than \$1,000.00 per violation, together with the costs of prosecution, and in default of such fine and cost, shall be imprisoned for a period of not less than 30 nor more than 90 days, or both, in accordance with 53 P.S. §37403 (60). Any such fine shall not exceed one (1) per month on a property and shall be limited to no more than \$1,000.00 each for the first two (2) continual and uncorrected violations of the same subsection of such Ordinance for the same property. For any third and/or subsequent continual and uncorrected violations of the same subsection of this Ordinance for the same property, the fine to be levied shall not exceed \$5,000.00 each for such third and any subsequent continual and uncorrected violations thereafter.

(b) In the event it is found that the violation of this Ordinance, or the Fire Prevention Code adopted therein, poses a threat to the public's health, safety or property, then penalties of fine are hereby provided as follows:

(i) Not more than one (1) citation shall be issued for each five (5)

calendar days for a continual and uncorrected violation of the same subsection of said Ordinance on the same property;

(ii) For each such citation issued pursuant to subparagraph (b)(i) herein, the fine imposed shall be limited to not less than \$500.00 nor more than \$1,000.00 each for the first two (2) continual and uncorrected violations of the same subsection of such Ordinance on the same property, and not less than \$1,000.00 nor more than \$10,000.00 for the third and any subsequent continual and uncorrected violation of the same subsection of such Ordinance on the same property, or imprisonment for any term not exceeding 90 days, or both.

(c) For violations of any portion of the above Ordinance not specified in the foregoing subsections (a) or (b), a penalty may be imposed on any person who violates such Ordinance through the imposition of a fine of not more than \$1,000.00, or a term of imprisonment of not more than 90 days, or both.

4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

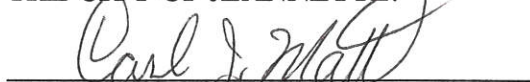
THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 10th DAY OF MAY, 2000 AT 6:30 O'CLOCK P.M. AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:



Carl Matt, Mayor/President of Council