

ORDINANCE NO. 16002

FILE OF CITY COUNCIL

BILL NO. 28 - 2024

INTRODUCED BY

MARCH 20, 2024

AN ORDINANCE

Amending various sections of the city code by removing penalties providing for imprisonment as a means of enforcement.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION 1. That Chapter 1, General Provisions, § 1-18 General penalty, be amended to read as follows:

§ 1-18 General penalty.

[Amended 2-21-1973 by Ord. No. 11995; 5-16-1996 by Ord. No. 13396; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Whenever in the Codified Ordinances or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violator of any such provision or any ordinance shall be fined not more than \$1,000 ~~and imprisoned not more than 90 days, or both.~~ Each day's continued violation shall constitute a separate offense.

SECTION 2. That Chapter 42 Flag; Coat of Arms; Municipal Colors, § 42-7 Penalty, be amended to read as follows:

§ 42-7 Penalty.

[Amended 2-21-1973 by Ord. No. 11995; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating the provisions of this chapter shall be fined not more than \$1,000 ~~or imprisoned not~~

~~more than 90 days, or both.~~

SECTION 3. That Ch 163: Animals/ Art II: Domestic Bees, § 163-32 Violations and penalties be amended to read as follows:

§ 163-32 Violations and penalties.

- A. Any person violating any provisions of this article shall, upon conviction thereof, be fined not more than \$1,000 ~~or imprisoned not more than 90 days or both.~~ **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Each violator of the provisions of this article shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

SECTION 4 That Chapter 319 Hamilton Street Regulations, § 319-27 Violations and penalties be amended to read as follows:

§ 319-27 Violations and penalties.

[Amended 6-4-2004 by Ord. No. 14191; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating any provision of this chapter shall be fined not more than \$1,000 ~~or imprisoned not more than 90 days, or both.~~

SECTION 5. That Chapter 328, Historic Districts, § 328-19 **Violations and penalties; enforcement** be amended to read as follows:

§ 328-19 Violations and penalties; enforcement.

[Amended 12-16-1981 by Ord. No. 12492; 12-21-2000 by Ord. No. 13881; 8-21-2013 by Ord. No. 15088]

- A. **Penalty.** Any person, property owner, occupant, firm or contractor failing to obtain a building permit or certificate of appropriateness pursuant to this chapter shall be fined the sum of \$300 for each day the violation is unabated ~~or imprisoned not more than 90 days, or both.~~
- B. **Enforcement.** The City shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this chapter the same as in its enforcement of the Building Code of the City of Allentown, as amended.

SECTION 6. That Chapter 411: Numbering of Buildings, § **411-10** Violations and penalties.

be amended to read as follows:

§ 411-10 Violations and penalties.

[Amended 2-21-1973 by Ord. No. 11995; 3-14-2018 by Ord. No. 15434]

A. Violation ticket fines.

- (1) Any offense of a violation of this chapter, the violation tickets shall be issued in the amounts of \$100.
- (2) Any persons who receives a violation ticket for any violation of this chapter may, within 10 days, admit the violation, waive a hearing and pay the fine in full satisfaction.

B. Violation ticket penalties.

- (1) If the person in receipt of a \$100 violation ticket does not pay the fine or request a hearing within 10 days, the person will be subject to a \$25 penalty for days 11 through 20.
- (2) Failure of the person to make payment or request a hearing within 20 days of a violation ticket shall make the person subject to a citation.

C. Citation fines. Any person violating the provisions of this chapter shall be fined not more than \$300 ~~or imprisoned not more than 90 days, or both.~~

SECTION 7. That Chapter **532 Special Events**, § 532-14 **Violations and penalties**. be amended to read as follows:

§ 532-14 Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Whoever violates any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 ~~or to imprisonment for not more than 90 days, or both.~~ In the case of a permittee's violation of any provisions of this chapter, the individual designated upon the permit as the responsible party shall be considered the violator.

SECTION 8. That Chapter 590 Trailer Parks and Trailers§ 590-19 **Violations and penalties** be amended to read as follows:

§ 590-19 Violations and penalties.

[Amended 2-21-1973 by Ord. No. 11995]

Any person violating the provisions of this chapter shall be fined not more than \$300 ~~or imprisoned not more than 90 days, or both.~~

SECTION 9. That Chapter **597: Trees/Ch 597 Art I: Shade Trees** § 597-10 **Violations and penalties** be amended to read as follows:

§ 597-10 Violations and penalties.

- A. Violation of any provision of this article is a summary offense.
- B. Any person violating any provisions of this article shall be fined not more than \$1,000 for each infraction, plus restitution in an amount at least equal to the appraised value of the tree involved, plus cost of cure as obtained from certified arborists, ~~or imprisoned not more than 90 days, or both.~~
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. For continuing violations of this article, each day that the condition continues shall be a separate offense.
- D. The penalties contained in this section are in addition to any other remedies at law or in equity.

SECTION 10. That Chapter **545: Streets and Sidewalks/Ch 545 Art II: Private Driveways** § 545-10 **Violations and penalties** be amended to read as follows:

§ 545-10 Violations and penalties.

[Amended 2-21-1973 by Ord. No. 11995; 3-6-1991 by Ord. No. 13034; 4-8-2004 by Ord. No. 14169; 3-7-2006 by Ord. No. 14365; 6-20-2012 by Ord. No. 15003]

- A. Violation ticket fines.
 - (1) Violation tickets may be issued in the amounts of \$25 or \$100.
 - (2) Any person who receives a violation ticket for any violation of this article may, within 10 days, admit the violation, waive a hearing and pay the fine in full satisfaction of \$25 or \$100, as indicated on the violation ticket.
- B. Violation ticket penalties.
 - (1) If the person in receipt of a \$25 violation ticket does not pay the fine or request a hearing within 10 days, the person will be subject to a \$10 penalty for days 11 through 20.
 - (2) If the person in receipt of a \$100 violation ticket does not pay the fine or request a hearing within

10 days, the person will be subject to a \$25 penalty for days 11 through 20.

(3) Failure of the person to make payment within 20 days shall make the person subject to a citation.

C. Citation fines. Any person violating any of the provisions of this article shall be fined not more than \$1,000 or imprisoned more than 90 days, or both. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SECTION 11. That Ch 649: Weeds § 649-5 Violations and penalties be amended to read as follows:

§ 649-5 Violations and penalties.

[Amended 2-21-1973 by Ord. No. 11995; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating the provisions of this chapter shall, upon each and every conviction, be fined not more than \$1,000 or imprisoned not more than 90 days, or both.

SECTION 12. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

| | Yea | Nay |
|---------------------------|-----|-----|
| Candida Affa | X | |
| Ce-Ce Gerlach | X | |
| Daryl Hendricks | X | |
| Santo Napoli | X | |
| Natalie Santos | X | |
| Ed Zucal | X | |
| Cynthia Y. Mota, Pres. | X | |
| TOTAL | 7 | 0 |

I hereby certify that the foregoing Ordinance was passed by City Council on April 3, 2024 and signed by the Mayor on April 4, 2024.



 CITY CLERK