

ORDINANCE 16 OF 2024

AN ORDINANCE OF AVOCA BOROUGH, LUZERNE COUNTY, CREATING THE POSITION OF CODE ENFORCEMENT OFFICER FOR THE BOROUGH OF AVOCA.

WHEREAS, in the interest of the health, safety, and welfare of the citizens and residents of the Borough of Avoca, the Borough Council wishes to create the position of Code Enforcement Officer within the Borough of Avoca.

NOW THEREFORE, be it ordained as follows:

SECTION 1 – TITLE

This Ordinance shall be known as the Avoca Borough Code Enforcement Officer Ordinance.

SECTION 2 – POSITION CREATED

The position of Code Enforcement Officer is hereby created.

SECTION 3 – DUTIES AND RESPONSIBILITIES

- A. The Code Enforcement Officer shall be charged with the enforcement of the duly adopted Borough Codes and related ordinances, excepting those that are exclusively the obligation of the Avoca Borough Police Department to enforce.
- B. The Code Enforcement Officer shall provide testimony at the Avoca Borough Appeals Board, Luzerne County Zoning Board, or any other judicial or quasi-judicial tribunal as may be necessary to carry out the duties and function of the office.
- C. The Code Enforcement Officer shall issue permits only where there is compliance with the duly adopted ordinance of the Borough and with the laws of this Commonwealth.
- D. The Code Enforcement Officer shall conduct inspections as necessary to fulfill the duties of the position or as requested by the Borough of Avoca.
- E. Right of Entry
 - a. In the discharge of the Code Enforcement Officer's duties, the Code Enforcement Officer, upon showing proper identification where requested, is hereby authorized to enter and inspect, between the hours of 9:00am and 4:00pm, any structure or premises in the Borough of Avoca to enforce

the provisions of this Ordinance and of those other applicable codes and ordinances. The assistance and cooperation of all other municipality officials shall be available to the Code Enforcement Officer to assist in the performance of the duties and in securing the right of entry.

- b. The Code Enforcement Officer and the owner, operator, occupant or other person in charge of any structure or premises may agree to an inspection by appointment at a mutually convenient time.
 - c. The owner, operator, occupant, or other person in charge of any structure or premises shall give the Code Enforcement Officer entry and free access thereto, and to every part of the structure or the premises surrounding the structure.
 - d. If any owner, operator, occupant, or other person in charge fails or refuses to permit entry and free access to the structure or premises under their control, or to any part thereof, with respect to any authorized inspection, the Code Enforcement Officer may, upon a showing that probable cause exists for the inspection, either request the issuance of a search warrant by the appropriate authority then having jurisdiction, or file a complaint and may petition for and obtain an order directing compliance with the inspection requirements of this ordinance from a court of competent jurisdiction. Any person who refuses to comply with such a search warrant or an order issued under this section shall be subject to such penalties as may be authorized by law for violation of a court order or for failing to heed to a search warrant.
- F. The Code Enforcement Officer shall use enforcement notices pursuant to existing laws. Further, the Code Enforcement Officer shall issue appropriate notice to cure and/or correct violations of the Borough codes or existing law, and upon failure of compliance, the Code Enforcement Officer may seek any available judicial remedies to compel compliance with existing laws.
- G. The Code Enforcement Officer shall act on behalf of the Borough in any appropriate action or proceeding to prevent the unlawful erection, construction reconstruction, alteration, repair, conversion, demolition, maintenance or use of any building or structure or to restrain, correct, or abate such violation so as to prevent occupancy or use of any business or use in or about such premises.
- H. The Code Enforcement Officer may revoke by order any building or zoning permit issued under a mistake of fact, misrepresentation on the application or contrary to the law or the provisions of the Borough codes and ordinances.

- I. The Code Enforcement Officer shall record and file all applications and plans for permits and the action thereon at the Borough offices.
- J. The Code Enforcement Officer shall act as a liaison with federal, state, county and local officials as required.
- K. The Code Enforcement Officer shall post properties as required by law.
- L. The Code Enforcement Officer shall perform all other code-related duties.

SECTION 4 – REPEALER

Any past ordinance, or part or parts thereof, conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith. In all other respects, the ordinances of the Borough of Avoca shall remain as previously enacted and ordained.

SECTION 5 – SEVERABILITY

The provisions of this Ordinance are severable. If any Section, sentence, clause, phrase of this Ordinance shall be held illegal, invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause or phrase not been included. Furthermore, it is the intent of this Ordinance to be supplementary to, and not contrary to, any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.

SECTION 6 – EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment as provided by law.

PASSED and ENACTED on this 10th day of October, 2024, at the regular meeting of the Avoca Borough Council.

ATTEST:

AVOCA BOROUGH COUNCIL

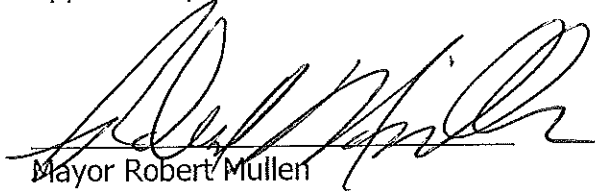


Sandy Van Luvender
Borough Manager/Secretary



Holly Homscheck
President, Avoca Borough Council

Approved by this 10th day of October, 2024.



Mayor Robert Mullen