

TOWNSHIP OF RUSH
Schuylkill County, Pennsylvania

ORDINANCE NO. 128

AN ORDINANCE AMENDING THE OMNIBUS
ORDINANCE PURSUANT TO ACT 172 of 1996.

WHEREAS, Act 60 of 1995 amended the Second Class Township Code to provide that all Township Ordinances should be enforced as civil penalties; and

WHEREAS, said Second Class Township Code required an omnibus ordinance to be adopted outlining procedures consistent with civil enforcement of township ordinances; and

WHEREAS, Rush Township adopted said Ordinance numbered Ordinance No. 122 styled "AN OMNIBUS ORDINANCE AMENDING VARIOUS RUSH TOWNSHIP ORDINANCES TO COMPLY WITH ACT 60 OF 1995, THE SECOND CLASS TOWNSHIP CODE", on August 13, 1996 which set forth a comprehensive procedure for the enforcement of civil penalties; and

WHEREAS, by Act 172 of 1996, which was signed into law on December 18, 1996 and took effect on February 16, 1997, the Pennsylvania legislature again amended the Second Class Township Code to provide for mandatory enforcement of certain ordinances by criminal summary offense and set different fines relating therefor; and

WHEREAS, Rush Township in order to comply and remove any question as to whether or not the said Omnibus Ordinance still applies to any other ordinances of Rush Township, the Supervisors have deemed it advisable to further amend their Rush Township

ordinances to clarify the situation;

NOW THEREFORE, be it ordained by the Rush Township Board of Supervisors this 3rd day of June, 1997 as follows:

1. Rush Township Ordinance No. 122 entitled "AN OMNIBUS ORDINANCE AMENDING VARIOUS RUSH TOWNSHIP ORDINANCES TO COMPLY WITH ACT 60 OF 1995, THE SECOND CLASS TOWNSHIP CODE", adopted by Rush Township on August 13, 1996 is hereby repealed in full;

2. All provisions of the listed ordinances amended by Ordinance No. 122 are hereby reinstated in full and any alterations, amendments, changes, requirements or the like set forth in Ordinance No. 122 are hereby void and of no effect and such previous provisions are reinstated in their form as they legally existed prior to the adoption of Ordinance No. 122 except as hereafter amended by this Ordinance;

3. All ordinances enacted after May 7, 1996 and prior to the date of this Ordinance, and all ordinances amended by said Ordinance No. 122 and regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution are hereby amended and shall be enforced as summary offenses under the Pennsylvania Rules of Criminal Procedure, pursuant to the mandate of Act 172 of 1996;

4. The maximum fine for violations of any ordinance regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise

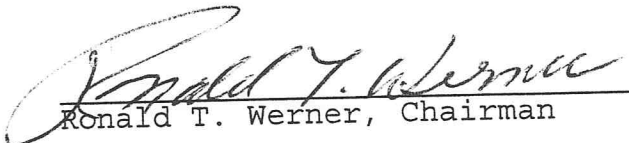
pollution violations shall be \$1,000.00 payable to the Township Treasurer and/or imprisonment, not exceeding that statutorily mandated by Act 172 of 1996. Each additional day of violation or each additional section of the Ordinance violated shall constitute a separate offense and be punishable with a fine not exceeding \$1,000.00. The maximum fine for violation of any Rush Township parking ordinance shall be that as set forth in the Rush Township parking ordinance.

5. All other Township ordinances shall be enforced by civil procedures as mandated by Act No. 172 of 1996. The civil penalty applicable shall be a maximum civil fine of \$600.00 per violation per day. Each additional day of violation or each additional section of the Ordinance violated shall constitute a separate violation and may be penalized as such.

6. Should any part or provision of this Ordinance be held to be invalid, unconstitutional or enforceable for any reason by any court of competent jurisdiction, then that section or provision only shall be so affected and the balance of this ordinance shall remain fully enforceable.

7. This Ordinance shall become effective at the earliest date authorized by law.

THE FOREGOING ORDINANCE IS HEREBY ADOPTED by the Rush Township Board of Supervisors the date and year first written above.


Ronald T. Werner, Chairman

George A. Pinkey
George Pinkey, Vice-Chairman

Remo Motroni
Remo Motroni, Supervisor

ATTEST:

Carol Ann Opet
Carol Ann Opet, Secretary

(SEAL)