

TOWNSHIP OF RUSH  
Schuylkill County, Pennsylvania

---

ORDINANCE NO. 122

---

**AN OMNIBUS ORDINANCE AMENDING VARIOUS RUSH  
TOWNSHIP ORDINANCES TO COMPLY WITH ACT 60  
OF 1995, THE SECOND CLASS TOWNSHIP CODE**

WHEREAS, the Pennsylvania State Legislature amended the Second Class Township Code by Act 60 of 1995; and

WHEREAS, one of the significant changes of Act 60 of 1995 is that enforcement of Township Ordinances is civil rather than criminal procedure as set forth in Section 1601 of Act 60 of 1995; and

WHEREAS, the new Act does not affect the powers and duties of Township Police officers and there is no legal impediment to authorizing the Township Police to act in the area of civil enforcement; and

WHEREAS, Rush Township has a number of Ordinances heretofore designating summary offenses for violation therefore; and

WHEREAS, Rush Township desires that its Ordinances be administered in accordance with Act 60 of 1995;

NOW THEREFORE, be it ORDAINED this 13<sup>th</sup> day of August, 1996, by the Rush Township Board of Supervisors as follows:

1. All Township Ordinances heretofore creating summary offenses and criminal penalties for violations thereof are hereby amended and shall be deemed to be civil in nature

and all summary offenses shall hereafter be deemed to be civil violations, rather than a criminal violation. All references to summary offenses and criminal violations or summary fines are hereby deleted. Unless set forth specifically herein, any such Township Ordinance formerly referring to a summary violation and a penalty therefore shall be amended to provide for a civil penalty with the said penalty to be an amount not exceeding the maximum civil penalty permitted under the Second Class Township Code.

2. All references in each Ordinance to criminality, criminal fines, summary offenses or the like are hereby repealed as are all references, procedures or the like in any Ordinance of the Township inconsistent herewith.

3. All Township Police officers, Code Enforcement officers or other such officers that may from time-to-time be specially designated by the Rush Township Board of Supervisors to enforce Township Ordinances are hereby authorized to enforce all Township Ordinances.

4. Unless otherwise specifically set forth in the particular Ordinance, a civil penalty shall be determined and assessed by the Police officer or Code Enforcement officer of the Township in each instance by determining whether a violation has occurred under the applicable Ordinance. Upon determining that a violation has occurred, the officer shall impose a civil penalty of not more than the maximum permitted by law for a violation of that type of Ordinance upon the violator. Notice of the violation and the penalty assessment shall be served upon the violator by personal service, First Class Mail to the address provided by the alleged violator to the Township official enforcing the Ordinance or to the last known address of the alleged violator, certified or registered mail, posting the said notice at the residential or business address of the alleged violator or other reasonable method of informing the alleged violator of the violation of the Ordinance.



5a. Unless otherwise specifically stated in the Ordinance, if the alleged violator comes into compliance with the Ordinance within five (5) days of the service of the notice of violation, the civil penalty shall be waived and no fine or other action shall be imposed.

5b. If the alleged violator comes into compliance within ten (10) days of the notice of the said violation, the civil penalties shall be reduced to \$100.00 or fifty (50%) percent of the initial fine imposed, whichever is less, provided that the civil penalty is also paid within ten (10) days.

5c. If the alleged violator comes into compliance within thirty (30) days of the notice of the violation, the civil penalties shall be reduced to \$200.00 or seventy-five (75%) percent of the initial fine imposed, whichever is less, provided that the civil penalty is paid within thirty (30) days of the notice of violation.

5d. After thirty (30) days, the Township official is not authorized to reduce any civil penalty imposed.

5e. Filing an appeal to the notice of violation by an imposition of civil penalty shall not stay the above times and dates set forth above with respect to the remission or reduction of civil penalties.

6. The following Ordinances are hereby amended as set forth above unless otherwise noted: Ordinance No. 4 adopted May 6, 1955; Ordinance No. 8 adopted June 1, 1962 regulating junk dealers; Ordinance No. 18 adopted March 18, 1966 dogs running at large; Ordinance No. 27 regulating outdoor fires; Ordinance No. 38 adopted May 1, 1970 requiring connection to sewer systems; Ordinance No. 42 adopted March 2, 1973 concerning sewerage holding tanks specifically Section 9; Ordinance No. 43 adopted March 1, 1974; Ordinance No. 43 shall increase the bicycle registration fee to \$1.00 with a

maximum civil penalty of \$10.00 for violation; Ordinance No. 46 adopted August 6, 1974 specifically is hereby amended to increase the civil penalty to \$100.00 plus costs of administration and the costs incurred by the Township in the event the municipality cuts the weeds;

Also amended are Ordinance No. 47 adopted December 6, 1974 concerning the transportation of household goods; Ordinance No. 48 adopted May 7, 1975 and amended November 7, 1975, Section P-1604-17 of the Basic Boca Plumbing Code is amended to be set forth in this Ordinance;

Ordinance No. 51 adopted October 1, 1976 requires building permits and establishes fees. Only references to fines and penalties shall be amended to provide the fee shall not exceed the maximum as permitted by law; Ordinance No. 52 adopted August 4, 1978 regulating outdoor fires shall remain unamended except that the fines set forth therein shall be deemed to be civil penalties and any procedures set forth herein shall apply; Ordinance No. 55 adopted October 5, 1979 dealing with obscene materials;

Ordinance No. 62 adopted February 5, 1981 as the Zoning Ordinance of 1980 as substantially amended by Ordinance No. 117 adopted September 21, 1995 shall be amended only to the extent that there are any reference to summary offenses or criminal penalties therein. Specifically, the hearing procedures set forth in Ordinance No. 62 and Ordinance No. 117 specifically the Zoning Ordinance of 1980 as amended are not hereby changed or altered by this Ordinance. Only the designation of any summary offenses are altered to provide for civil penalties.

Ordinance No. 63 adopted June 4, 1981, Section 2.10, Subsection B shall be amended to delete the reference to a finding of guilt and reference to a finding of a civil



violation and imposition of a civil penalty of not less than \$25.00 to a maximum of \$1,000.00 plus costs of prosecution.

Ordinance No. 69 adopted January 3, 1984 concerning the public exhibition of obscene materials and lewd films and the like: Section 6 is hereby amended to provide an addition to the language of this Ordinance, the civil penalties and procedures as set forth in this amendment.

Ordinance No. 72 adopted July 2, 1987 is specifically not amended by this Ordinance and is retained in its original form as adopted on July 2, 1987.

Ordinance No. 75 concerning building permits was adopted May 5, 1988 and is hereby amended to the extent that Section 2.10 labeled "Enforcement" is amended to delete the reference to penalties and fines and in lieu thereof provide for the civil penalties as provided in the Second Class Township Code. The notice provisions and procedures as set forth in the application and enforcement of building permit Ordinance are hereby retained and supersede the language of this Ordinance.

Ordinance No. 80 adopted May 4, 1989 regulates outdoor fires. Section 5 is hereby amended to delete the reference to summary offenses and penalties impose therefore and to provide for civil penalties up to a maximum of \$1,000.00 plus costs of administration and prosecution. Section 5 is deleted to the extent that it is inconsistent with this Ordinance.

Ordinance No. 81 adopted and enacted October 5, 1989 provides for the demolition of dangerous structures. Section IV is the only section amended and should read as follows: all references to summary offenses and penalties imposed for violation of this Act shall be deleted and that a person violating this Ordinance shall be subject to the civil penalties as set forth in this Ordinance. Section A is deleted to the extent it is inconsistent

with the Second Class Township Code. Section B is deleted only to the extent it is consistent with and unenforceable under the new Township Code; and Section C is deleted only to the extent it is inconsistent and unenforceable under the new Township Code. All penalties and procedures provided herein which are not inconsistent with the Second Class Township Code or this Ordinance shall remain in full force and effect.

Ordinance No. 82 prohibits certain nuisances adopted November 2, 1989 Section IV is hereby amended to eliminate all references to summary convictions and fines imposed therefore in place shall be substituted that all violations shall be deemed to be civil penalties and subject to this Ordinance as set forth above.

Ordinance No. 89 regulates outdoor fires and amends Ordinance No. 80. Section 5 is hereby amended by deletion in its entirety and the civil penalties and procedures as set forth in this Ordinance are substituted therefore.

Ordinance No. 92 adopted April 14, 1992 establishes a water conservation policy. Section 6 is deleted in its entirety to the extent it is inconsistent with this Ordinance and the civil penalties and procedures as set forth in this Ordinance are hereby substituted for Section 6. In addition, each day of alleged violation shall be deemed to be a separate violation.

Ordinance No. 94 adopted June 11, 1992 provides a curfew for minors. Sections 4 and 5 are hereby amended only to the extent that references to summary offenses are and the fines therefore are deleted. Nothing in this Ordinance shall be applied to Ordinance No 94 except that a civil penalty not exceeding \$ 1,000.00 may be imposed against parents who permit their child to be on the streets within the definition of the Ordinance after receiving a warning; and a civil penalty may be imposed against children who are thirteen (13) years old or older who are in violation of this Ordinance after they receive a warning. All other



portions of said Ordinance remain in full force and effect.

Ordinance No. 97 adopted August 13, 1992 is the garbage collection Ordinance. Section 7 shall be amended to delete all references to summary violations and penalties imposed therefore and to substitute that violation would be deemed to be subject to a civil penalty not exceeding \$1,000.00 plus costs of prosecution and remedial costs and attorney's fees expended by the Township, if any. No other part of this Omnibus Ordinance shall apply to Ordinance No. 97.

Ordinance No. 98 adopted August 19, 1992 Article V, Section 5.01 shall be amended to delete references to summary convictions and fines imposed therefore and the language shall be altered to provide for civil penalties upon violation of this Ordinance. Section 5.02 shall delete references to fines and substitute therefore reference to civil penalties, however the balance of the Ordinance shall remain intact. The notice provisions provided under Ordinance No. 98 shall not be affected by adoption of this Omnibus Ordinance.

Ordinance No. 99 provides sewer rates for Lake Hauto and Sections 5, 6 and 7 provide for specific prohibitions of wastes discharged. Ordinance No. 99 is hereby amended to provide that the provisions set forth in this Omnibus Ordinance are hereby applicable to the extent that they are not inconsistent with notice provisions and procedures set forth in other applicable sewer Ordinances.

Ordinance No. 103 adopted December 9, 1993, Section 18 is amended to delete references to summary offenses and penalties imposed thereof and substituted therefore that all offenses shall be subject to civil penalties with a maximum fine of \$1,000.00 for each day of violation.

Ordinance No. 104 adopted December 14, 1993 the Subdivision and Land Development Ordinance. All notice provisions and procedures are hereby retained and no part of this Omnibus Ordinance shall apply. However, all references to summary offenses and penalties imposed therefore are hereby deleted and substituted therefore shall be that "violations of this Ordinance shall be subject to civil penalties not exceeding \$1,000.00."

Ordinance No. 105 which is an amendment of the Subdivision and Land Development Ordinance No. 104 is hereby amended to the extent necessary to conform to the Second Class Township Code as set forth herein in this Omnibus Ordinance.

Ordinance No. 106 adopted March 10, 1994 establishes parking regulations for fire zone and handicapped areas. Section 5 is amended to delete references to summary offenses and fines set forth thereof. Substituted therefore is that all violations of this Ordinance shall be deemed to be subject to civil penalties of not more than \$35.00 plus costs.

Ordinance No. 107 providing for the establishment of additional regulations of the Lake Hauto sewage system. Section 4 is hereby amended to delete references to summary offenses and penalties imposed therefore. Likewise, Section 8(h) is amended to delete references to summary offenses and the fines or imprisonment set forth therein. Substituted for both Section 4 and Section 8(h) is the following: "Violations of this Section shall be deemed subject to civil penalties up to a maximum of \$1,000.00 together with costs of prosecution, attorney's fees and the cost of remedying the violation. The procedures set forth in Ordinance No. 107 are specifically retained and the notice and other provisions of the Omnibus Ordinance do not apply."

Ordinance No. 112 Transient Retail Permits adopted September 8, 1994. Specifically, Section 12 is hereby amended to delete all references to summary offenses and



penalties imposed thereby and instead imposes a civil penalty in conformance with the Second Class Township Code. All other provisions of Ordinance 112 shall remain unamended.

Ordinance No. 113 Parking Ordinance which amends Ordinance No. 96. Section 7 is hereby amended to delete the reference to a summary offense and in lieu thereof substitute that violations of the Parking Ordinance shall be deemed to be violations of the Pennsylvania Vehicle Code and prosecuted as such. All fines and penalties for violations of this Ordinance are specifically retained.

Ordinance No. 119 Snow Removal Ordinance Sections 4 and 5 are hereby amended to delete all references to summary offenses and penalties imposed therefore. Sections 4 and 5 are hereby amended as set forth in this Omnibus Ordinance.

**ADOPTED** and **ORDAINED** the day and year first written above.

RUSH TOWNSHIP BOARD OF SUPERVISORS

---

*George A. Bury*

---

*David Motrone*

---

ATTEST:

*Carol Ann Opet*  
Carol Ann Opet, Secretary

(SEAL)