

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 194

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE PLACING, SECURING OR AFFIXING OF ANY SIGN OR ITEM ON ANY TRAFFIC REGULATION SIGN OF RUSH TOWNSHIP; AUTHORIZING THE ABATEMENT OF ANY VIOLATION BY OFFICIALS OF RUSH TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, there are numerous Traffic Regulation Signs positioned throughout Rush Township; and

WHEREAS, the Rush Township Board of Supervisors is aware of the habit, custom or actions of the public in placing certain signs or items (such as balloons) on Traffic Regulation Signs to advertise, or to promote or inform of an event (such as a yard sale, birthday party or open house); and

WHEREAS, the Rush Township Board of Supervisors is aware of the important purpose that Traffic Regulation Signs serve, namely to regulate the safe flow of traffic, and the potential distraction any signs or items placed thereon could cause to motorists, potentially causing them to miss or fail to see the regulation stated by the Traffic Regulation Sign; and

WHEREAS, as a Second Class Township in the Commonwealth of Pennsylvania, Rush Township is given the authority to protect the welfare of its citizens (Section 1506 of the Second Class Township Code), secure the safety of persons within the Township (Section 1527 of the Second Class Township Code), and prohibit nuisances (Section 1529 of the Second Class Township Code);

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Definitions.

The following words or phrases shall have the meaning assigned to them herein when used throughout this Ordinance unless the context clearly indicates otherwise:

"Township" - Rush Township, Schuylkill County, Commonwealth of Pennsylvania, or its governing body, the Rush Township Board of Supervisors.

"Traffic Regulation Sign" - Any sign or signs erected, placed or affixed, which are on, along or near, any public road, street, highway or bridge, located in the Township, the purpose of which is to regulate the flow, speed or direction of traffic. Examples include but are not limited to: Stop signs; Yield signs; Speed Limit signs; One Way roadway signs; Children at Play signs; and the like. This definition DOES NOT include signs stating the name of a street, road, drive, etc. This definition DOES include the post by which the sign face is connected to the ground.

Section 2. Prohibition.

No person shall himself or herself place, secure or affix, nor shall he or she direct any person to place, secure or affix, any sign, item or thing, on or to a Traffic Regulation Sign in the Township.

Section 3. Abatement.

The Township or officials of the Township are authorized to remove any sign, item or thing, which has been placed, secured or affixed to a Traffic Regulation Sign in violation of Section 2 of this Ordinance.

Section 4. Penalties and Enforcement.

A. Enforcement of this Ordinance shall be by action brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person violating any Section of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50.00 nor more than \$500.00, and/or be sentenced to a term of imprisonment either upon conviction or for failure to pay a fine not exceeding 30 days, per violation. Each day on which a violation of this Ordinance exists shall be considered a separate violation.

B. The Township may in its discretion enforce any provision of this Ordinance by an action in equity.

Section 5. Repealer.

All prior Ordinances, or portions thereof, which are inconsistent with the requirements of this Ordinance are repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 6. Severability.

If any Section, part or portion of this Ordinance is declared to be illegal and unenforceable by a court of competent jurisdiction, such Section, part or portion shall be deemed separate, distinct and independent from the remainder of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

Section 7. Effective Date.

This Ordinance shall be effective upon enactment or on the first day allowed by law thereafter, whichever occurs first.

ORDAINED and ENACTED this 15 day of September, 2016.

ATTEST:

Kate Orlick
Secretary

RUSH TOWNSHIP
BOARD OF SUPERVISORS
[Signature]
[Signature]
Jeanine Motroni