

RUSH TOWNSHIP, SCHUYLKILL COUNTY  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 195

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE LEAVING OF SIGNS OR ITEMS ON POSTS, POLES OR ON THE GROUND WITHIN PUBLIC RIGHTS-OF-WAY IN THE TOWNSHIP, WHICH WERE PLACED TO ADVERTISE OR TO PROMOTE OR INFORM OF AN EVENT, BEYOND 48 HOURS AFTER THE EVENT BEING ADVERTISED, PROMOTED OR INFORMED OF HAS OCCURRED, AND IN NO EVENT LONGER THAN TWO WEEKS; AUTHORIZING THE ABATEMENT OF ANY VIOLATION BY OFFICIALS OF RUSH TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

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 posts or poles located within public rights-of-way within Rush Township 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 habit, custom or actions of the public in affixing certain signs or items directly into the ground within public rights-of-way within Rush Township to advertise, or to promote or inform of an event (such as a mattress sale at a local business establishment); and

WHEREAS, the Rush Township Board of Supervisors is aware that often-times the signs or items referenced above are left placed or affixed in public rights-of-way within Rush Township after the event which the sign or item advertised, promoted or informed about has passed; and

WHEREAS, as a Second Class Township in the Commonwealth of Pennsylvania, Rush Township is given authority to provide for the proper care of the Township (Section 1506 of the Second Class Township Code), which encompasses the authority to prevent littering and taking actions to keep the Township beautiful and aesthetically pleasing;

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, and the words or phrases shall have these meanings whether used in the singular or the plural:

"Signs or Items"- Any signs, flyers, posters, handbills or other items used to advertise, or to promote or to inform of an event that are placed by the public on posts (such as posts containing street signs), poles (such as telephone wire poles) or are affixed to the ground, which are within the public rights-of-way in the Township. This definition does not include billboards. This definition does not include signs promoting persons as candidates for public office.

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

Section 2. Prohibition.

Any person who has placed, or who has authorized the placing of, any Sign or Item on any post, pole or on the ground within any public right-of-way in the Township shall remove the Sign or Item within 48 hours following the occurrence of the event that the Sign or Item advertises, promotes or informs, and in no event shall allow the Sign or Item to remain on the post, pole or ground within the public right-of-way in the Township for a period in excess of two weeks.

Section 3. Abatement.

Any Sign or Item remaining within the public rights-of-way in the Township after 48 hours has passed following the event that the Sign or Item advertises, promotes or informs of shall be considered abandoned. The Township or officials of the Township are authorized to remove any Sign or Item which has been allowed to remain within the public rights-of-way in the Township 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. Rush Township Ordinance No. 194 is not in any manner repealed by this Ordinance. The posts contemplated within this Ordinance as allowable locations to place Signs or Items do not include any Traffic Regulation Sign, as that term is defined in Rush Township Ordinance No. 194, or the posts thereof.

#### 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:

Katie Orlick

Secretary

RUSH TOWNSHIP  
BOARD OF SUPERVISORS

[Signature]

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Jeanine Motroni