

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 205

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING HUNTING, FISHING, AND TRAPPING ON RUSH TOWNSHIP-OWNED PROPERTY; PROHIBITING THE USE OF SNOWMOBILES AND ATV'S ON RUSH TOWNSHIP-OWNED PROPERTY; PROHIBITING THE USE OF MOTORCYCLES ON ALL RUSH TOWNSHIP-OWNED PROPERTY EXCEPT HIGHWAYS OF RUSH TOWNSHIP; AUTHORIZING POSTING; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, Section 1527 of the Second Class Township Code, 53 P.S. Section 66527, authorizes the board of supervisors of a township to adopt an ordinance to secure the safety of persons or property within the township, and to define disturbing the peace within the limits of the township;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Definitions.

A. The following words, terms or phrases, when used throughout this Ordinance, shall be defined and shall have the meanings attributed to them in this Section unless the context clearly indicates otherwise. Throughout this Ordinance the use of the singular of the following words, terms and phrases shall also include the plural, and the plural shall also include the singular.

B: Terms defined:

“hunting” - to chase or search for game or other wild animals for the purpose of catching or killing;

“fishing” - to catch or attempt to catch any species of fish or the like;

“trapping” - catching or attempting to catch game or other animals by use of a contrivance, including but not limited to a mechanical device that springs shut suddenly;

“Rush Township-owned property” - shall include real property owned in fee simple by Rush Township and property over which Rush Township has easement or license rights.

Section 2. Prohibitions.

A. No person shall engage in hunting, fishing or trapping on Rush Township-owned property.

B. No person shall discharge a firearm or other deadly weapon, including a bow, on or within Rush Township-owned property.

B. No person shall operate or ride a snowmobile (as that term is defined in 75 Pa.C.S.A. §7702), or an ATV (as that term is defined in 75 Pa.C.S.A. §7702) on Rush Township-owned property except on clearly marked and previously designated snowmobile or ATV routes or as expressly permitted by Rush Township.

C. No person shall operate or ride a motorcycle (as defined in 75 Pa.C.S.A. §102) on Rush Township-owned property except on a highway (as defined in 75 Pa.C.S.A. §102) in Rush Township, or as expressly permitted by Rush Township such as in an area designated for public parking adjoining Rush Township-owned property.

Section 3. Posting Authorized.

Officials of Rush Township are authorized to post Rush Township-owned property that the actions proscribed by this Ordinance are prohibited thereon. A lack of posting, or inadequate posting, shall not be a defense to an enforcement action taken pursuant to this Ordinance. If Rush Township-owned property is posted, an enforcement action for a violation of this Ordinance, in addition to proceeding under this Ordinance, may also be attempted pursuant to 34 Pa.C.S.A. §2508.

Section 4. Penalties.

A. Any person violating the provisions of this Ordinance is subject to prosecution by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person found guilty of violating any provision of this Ordinance shall pay a fine of not less than \$100.00 nor more than \$500.00, plus court costs, and/or may be sentenced to imprisonment either for a violation of any provision of this Ordinance or for failing to pay a fine or costs imposed under this Ordinance for a term not to exceed 90 days.

B. A separate offense shall arise for each day or portion thereof in which a violation of this Ordinance is found to exist, or for each Section or sub-Section of this Ordinance which is found to have been violated.

C. Rush Township, in its discretion, may seek to enforce this Ordinance in equity.

Section 5. Severability.

If any section, part, sentence, clause or portion of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by Rush Township without the section, part, sentence, clause or portion found illegal or unenforceable.

Section 6. Repealer.

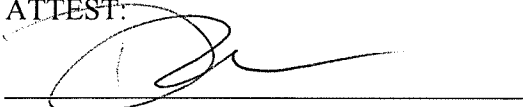
All prior Rush Township ordinances or portions thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

Section 7. Effective Date

This Ordinance shall be effective 5 days from the date of its enactment.

ENACTED and ORDAINED this 21st day of November, 2019.

ATTEST:



Secretary

RUSH TOWNSHIP
BOARD OF SUPERVISORS

