

ORDINANCE NO. 96-3

AN ORDINANCE OF THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA, AMENDING ALL PREVIOUSLY ENACTED TOWNSHIP ORDINANCES CONTAINING PENALTY PROVISIONS BY PROVIDING THAT HENCEFORTH ALL VIOLATIONS OF ORDINANCES AND THE PENALTIES PRESCRIBED FOR SUCH VIOLATIONS SHALL BE DEEMED TO BE CIVIL IN NATURE; AND BY PRESCRIBING CIVIL FINES FOR VIOLATIONS NOT TO EXCEED THE SUM OF \$1,000.00, PLUS COURT COSTS AND REASONABLE ATTORNEY'S FEES, IN THE CASE OF BUILDING, HOUSING, PROPERTY MAINTENANCE, HEALTH, FIRE AND PUBLIC SAFETY ORDINANCES AND NOT TO EXCEED THE SUM OF \$600.00, PLUS COURT COSTS AND REASONABLE ATTORNEY'S FEES, FOR ALL OTHER ORDINANCES.

WHEREAS, the Commonwealth of Pennsylvania has enacted Act 60 of 1995, which established a new Township Code; and

WHEREAS, Section 1601 of the said Code provides that the enforcement of ordinances is a civil, rather than criminal, procedure; and

WHEREAS, the intent of this Ordinance is to convert violations of all existing Township Ordinances from criminal to civil violations and to remove all references to criminality, arrests, criminal penalties and fines, and summary offenses from the penalty provisions of such Ordinances.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Union, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Violations of all previously enacted Township Ordinances shall henceforth be deemed to be a civil violation rather than a criminal violation.

Section 2. The penalty provisions of the following Ordinances shall be amended to provide that the penalties prescribed therein shall be converted to civil fines as set forth in Section 3 of this Ordinance and that all references therein to criminality, arrests, criminal penalties and fines, and summary offenses are hereby repealed:

1. Ordinance No. 73-2, enacted June 5, 1973;
2. Ordinance No. 75-1A, enacted January 7, 1975;
3. Ordinance No. 75-1, enacted April 17, 1975;
4. Ordinance No. 75-2, enacted May 6, 1975;
5. Resolution adopted May 25, 1965;
6. Ordinance No. 83-1, enacted June 7, 1983;
7. Ordinance No. 87-3, enacted October 6, 1987;

8. Ordinance No. 89-1, enacted February 7, 1989;
9. Ordinance No. 93-3, enacted August 3, 1993;
10. Ordinance No. 94-1, enacted December 6, 1994; and
11. Ordinance No. 96-1, enacted April 2, 1996.

Section 3. The occurrence of violations of the aforesaid Ordinances shall henceforth be determined by the properly designated officer of the Township authorized by the Board of Supervisors to make such determination or by the Board of Supervisors itself, who, upon determining that a violation has occurred, shall impose a civil fine not to exceed the sum of One Thousand (\$1,000.00) Dollars in the case of building, housing, property maintenance, health, fire and public safety Ordinances and not to exceed the sum of Six Hundred (\$600.00) Dollars for all other Ordinances, which fine shall be paid within no more than thirty (30) days from the date of its imposition. Violators shall be notified in writing of violations and the fine imposed, which notice shall be served by either first-class regular mail or personal delivery and shall include, but not be limited to, citing the Ordinance involved, the specific violation, the amount of the fine imposed, the nature of the proceeding as being civil, the time within which the fine is to be paid, and the consequences of failure to pay the fine by the indicated due date. Nothing herein shall prevent the Township from providing violators with a period during which no fine would be imposed or civil action taken if the violator ceases the violation or otherwise comes into compliance with the violated Ordinance by a specified date. In the event that an imposed civil fine is not paid by the indicated due date, the properly designated officer of the Township authorized by the Board of Supervisors or the Board of Supervisors itself shall initiate civil enforcement proceedings by filing an appropriate Complaint against the violator in order to achieve compliance with the violated Ordinance and to obtain payment of a civil fine up to the maximum thereof, plus court costs and reasonable attorney's fees.

Section 4. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 5. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED as an Ordinance of the Township of Union, Union County, Pennsylvania, this 2<sup>ND</sup> day of July, 1996.

ATTEST:

Shirley L. Doyle  
Shirley L. Doyle, Secretary

(SEAL)

TOWNSHIP OF UNION:

R. Nelson Poe  
R. Nelson Poe, Chairman

Thomas S. Reitz  
Thomas S. Reitz, Supervisor

K. Palmer Felmer  
K. Palmer Felmer, Supervisor