

ORDINANCE # 79

AMENDMENT OF PENAL ORDINANCES

AN ORDINANCE AMENDING ORDINANCES NUMBERED 18 \$VI; 20 \$12; 24 \$7; 28 \$6; 29 \$6; 31 \$7; 37 \$5; 39 \$13; 44 \$2.09b; 47 \$12; 50 \$VI(B); 52 \$V; 53 \$VI(b); 58 \$G; 61 \$4; 63 \$5; 64 \$15; TO INCREASE THE MAXIMUM FINE THAT CAN BE IMPOSED FOR VIOLATIONS THEREOF.

The Supervisors of Westfall Township, County of Pike, Commonwealth of Pennsylvania, to increase the maximum fine that can be imposed for violations, hereby enact and ordain that the following ordinances be amended as follows:

SECTION I:

Ordinance 18: Township Dumping Ground

Section VI: That any person, firm or corporation above violates any provisions of this ordinance shall be liable, upon conviction thereof before any Justice of the Peace, of said Township, to a fine or penalty of \$1,000.00, plus the costs of prosecution, to imprisonment for not more than thirty (30) days.

SECTION II:

Ordinance 20: Licensing shows

Section 12: Any person who shall violate any of the provisions of this ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

SECTION VI:

Ordinance 31: Traffic/Parking Regulations

Section 7: Any person who shall violate any provisions of this ordinance shall on conviction thereof be sentenced to pay a fine of not less than two (\$2.00) Dollars or more than One Thousand (\$1,000.00) Dollars and costs of prosecution; and in default of payment of such fine and costs, to imprisonment in the County Jail for not more than thirty (30) days.

SECTION VII:

Ordinance 37: Drinking - public, cars & open containers

Section 5 : Any person who shall violate the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars and costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

SECTION VIII:

Ordinance 39: Litter

Section 13: Any person violating any of the provisions of this Ordinance shall be deemed guilty of a summary offense and upon conviction thereof shall be fined in any amount not exceeding One Thousand (\$1,000.00) Dollars or be imprisoned in the Pike County prison for a period not exceeding thirty (30) days or to be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION III

Ordinance 24: Realty Transfer Tax

Section 7: Any person who shall fail, neglect or refuse to comply with any of the provisions of this ordinance shall, in addition to other penalties provided by law, upon summary conviction before a Justice of the Peace be sentenced to pay a fine not to exceed Six Hundred (\$600.00) Dollars, and the costs of prosecution for each such offense and in default of payment thereof, to undergo imprisonment for not more than thirty (30) days. The fine imposed by this Section shall be in addition to any other penalty imposed by any other Section of this ordinance.

SECTION IV:

Ordinance 28: Opening of Streets without permit

Section 6: Any person, firm, corporation or utility which shall violate any of the provisions of this Ordinance shall be subject, upon conviction before a District Justice, to pay a fine of not more than One Thousand Dollars (\$1,000.00) and cost of prosecution, and in default of the payment of such fine and costs to imprisonment in the County jail for not more than thirty (30) days.

SECTION V:

Ordinance 29: Construction of roads without permit

Section 6: Any person, firm, corporation or utility which shall violate any of the provisions of this Ordinance shall be subject, upon conviction before a District Justice, to pay a fine of not more than One Thousand Dollars (\$1,000.00), and costs of prosecution, and in default of the payment of such fine and costs, to imprisonment in the County Jail for not more than thirty days.

SECTION IX:

Ordinance 44: Floodplain Development

Section 2.09b: Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Board or any other authorized representative or the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Westfall Township of not less than Twenty-Five (\$25.00) Dollars nor more than One Thousand (\$1,000.00) Dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed thirty (30) days. Each day during which any violator of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

SECTION X:

Ordinance 47: Unsafe Building

Section 12 : Any person who shall violate any provision of this Article shall, upon conviction thereof, be punishable by a fine of not more than One Thousand (\$1,000.00) Dollars, plus costs of such proceedings, or, upon default of payment of such fines and costs of such proceedings, by imprisonment in the County Jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense.

SECTION XI:

Ordinance 50: Private Alarm Systems

Section VI(B): Any person who shall violate, or fail to meet, any of the provisions of the Ordinance, upon conviction before a District Magistrate, will be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars together with the cost of the prosecution and in default thereof shall undergo imprisonment in the County Jail for a period not to exceed thirty (30) days.

SECTION XII:

Ordinance 52: Amendment to 31-A - Penalties for violation of sewage permit application procedures.

Section V : Anyone in violation of any provision of this Ordinance shall be guilty of a summary offense and be subject to a fine of not less than One Hundred (\$100.00) Dollars not more than One Thousand (\$1,000.00) Dollars, and costs, per offense, to undergo imprisonment for not more than thirty (30) days. Everyday in which the said violator fails to comply with the provisions of this Ordinance shall constitute a new and separate offense.

SECTION XIII:

Ordinance 53: Private fire alarms

~~Section VI(B):~~ Any person who shall violate, or fail to meet, any of the provisions of the Ordinance, upon conviction before a District Magistrate, will be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars together with the cost of the prosecution and in default thereof shall undergo imprisonment in the County Jail for a period not to exceed thirty (30) days.

SECTION XIV:

Ordinance 58: Traffic Regulations

Section G : Unless another penalty is expressly provided by the Pennsylvania Vehicle Code, any person violating the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense, and shall be liable to a penalty of not more than One Thousand (\$1,000.00) Dollars, and costs of prosecution, to undergo imprisonment for not more than thirty (30) days.

SECTION XV:

Ordinance 61: Unlicensed dogs disturbing the peace

Section 4: Any person who shall be convicted of violating any of the provisions of this Ordinance before any District Magistrate shall be sentenced to pay a fine or penalty not exceeding Six Hundred (\$600.00) Dollars, together with costs of prosecution, and in default of payment of such fine or penalty, and costs, the violator shall be subject to imprisonment in the Pike County Jail for a term not to exceed thirty (30) days. The continuation of such violation for each successive day, or days, shall constitute a separate offense, and the violator may be punished as provided above for each separate offense. All existing ordinances, or parts of ordinances, inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

SECTION XVI:

Ordinance 63: Building Permit

Section 5: Section 5 is amended to read: Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be liable to a fine and penalty not exceeding One Thousand (\$1,000.00) Dollars, and cost of prosecution, and upon default of such fine and penalty and costs, to imprisonment for a period not exceeding thirty (30) days.

SECTION XVII:

Ordinance 64: Prohibiting opening of streets

Section 15: Any person, who or which shall construct, open, or dedicate any street, drainage facilities, sanitary sewer, storm sewer, or water main for public use or travel, without having first complied with the provisions of this Ordinance, shall be guilty of a summary offense and upon conviction thereof such person shall be

sentenced to suffer imprisonment not exceeding thirty (30) days or pay a fine not exceeding One Thousand (\$1,000.00) Dollars per day, or both, at the discretion of the Court.

SECTION XVIII:

That any Ordinance or part of ordinance conflicting with this Ordinance be, and the same is hereby repealed insofar as the same affects this Ordinance.

SECTION XIX:

Except as herein amended, the aforesaid Ordinances are hereby re-enacted, ratified and confirmed in their entirety.

SECTION XX:

This Ordinance shall become effective Five (5) days after the date of its adoption by the Board of Supervisors.

This Ordinance is hereby ordained and enacted into law this 4th day of June, 1991, at a duly and legally convened meeting of the Board of Supervisors of the Township of Westfall.

WESTFALL TOWNSHIP BOARD OF SUPERVISORS

[Signature]
Chairman

Marie G. Buda
Member

ATTEST:

[Signature]
Member

[Signature]
Member

[Signature]
Township Secretary

[Signature]
Member