

BERWICK TOWNSHIP ORDINANCE NO. 96

AN ORDINANCE PROVIDING FOR FINES AND PENALTIES FOR
VIOLATION OF TOWNSHIP ORDINANCES

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, hereinafter referred to as the "Township", as follows, to wit:

SECTION I - STATUTORY AUTHORITY

This ordinance is enacted under the authority of and pursuant to the provisions of the Act of Assembly dated May 1, 1933, P.L. 103, No. 69 §1601, reenacted and amended November 9, 1995, Pl. 350, No. 60 §1; 53 P.S. §65101 et seq. specifically §66601, known as "The Second Class Township Code".

SECTION II - PURPOSE

This ordinance is enacted for the purpose of making uniform the provisions of any ordinances previously adopted by and in effect in the Township with respect to fines and penalties rendered after judgment in civil proceedings before a district justice. Any fines or penalties established pursuant to the Motor Vehicle Code or other statutory authority of the Commonwealth of Pennsylvania shall be in accordance with those statutes.

SECTION III - PENALTIES

a. If any person, partnership, firm, association, or corporation shall violate the provisions of any ordinances dealing with a building, housing, property maintenance, health, fire or public safety code or ordinance or for water, air and noise pollution violations, the fine for such violations shall, upon a decision being rendered against the individual or entity in a summary proceeding, not to exceed \$1,000.00 together with court costs, including reasonable attorney's fees incurred by the Township.

b. The fine for the violation of any other ordinance shall not exceed \$600.00 together with court costs, including reasonable attorney's fees incurred by the Township.

c. No judgment shall be imposed until the date of determination of a violation by the district justice.

d. If the defendant in the civil proceeding neither pays nor timely appeals judgment, the Township may enforce the judgement pursuant to the applicable rules of civil procedure.

SECTION IV - ENFORCEMENT

The Township's police officers, the building permit officer, and such other individuals designated by the Board of Supervisors for enforcement of ordinances shall initiate civil enforcement proceedings as required to achieve compliance with the Township's ordinances. As part of such enforcement proceedings the aforementioned individuals shall determine the fine to be imposed within the guidelines promulgated in Section III.

SECTION V - SEVERABILITY AND CONSTITUTIONALITY

It is the intention of the Township that each section or portion of any section of this Ordinance shall be a separate provision and all shall be independent of all other provisions herein, and it is further the intention of the Township that if any section or portion of any section shall be declared to be unconstitutional, invalid, illegal, or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining sections or parts thereof of this Ordinance. It is hereby declared as a legislative intent that this ordinance would have been enacted had such unconstitutional, invalid, illegal or unenforceable provision not have been included herein.

SECTION VI - REPEALER

All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. The following ordinances and any subsequent amendment is are specifically amended by this Ordinance although this list shall not by exclusive, it being the intent of the Board of Supervisors to amend all ordinances:

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| a. | Ordinance No. 1 | RE: Taxes for Earned Income |
| b. | Ordinance No. 2 | RE: Taxes for Admissions for Amusements, Junk Dealers, etc |
| c. | Ordinance No. 3 | RE: Taxes for Deeds and Transfers |
| d. | Ordinance No. 4 | RE: Per Capita Tax of \$4.00 |
| e. | Ordinance No. 5 | RE: Licensing and Regulation of Businesses |
| | Ordinance No. 6 | RE: Regulation of Construction |
| g. | Ordinance No. 7 | RE: Establishment of Township Planning Commission |
| h. | Ordinance No. 8 | RE: Accumulation of Garbage and Rubbish |
| i. | Ordinance No. 9 | RE: Traffic Parking Regulations and its Amendments |
| j. | Ordinance No. 10 | RE: Building Code-Provisions for Flood Plain |
| k. | Ordinance No. 11 | RE: Compensation for Township Supervisors |
| l. | Ordinance No. 12 | RE: Requiring Owners of Rental Units to Furnish Identity of Residents |
| m. | Ordinance No. 13 | RE: Regulation of Junk Dealers |
| n. | Ordinance No. 14 | RE: Establishment of Employee Pension Plan |
| o. | Ordinance No. 15 | RE: Regulation of Construction of any Building |
| p. | Ordinance No. 1988-16 | RE: Abbottstown - Paradise Sewer Connection |

q.	Ordinance No. 17-89	RE:	Naming Public Streets - Orchard and Summit
r.	Ordinance No. 18-90	RE:	Qualifications of Permit Officer under Ordinance No. 15
s.	Ordinance No. 19	RE:	Size of Postal Address on Mailboxes, etc
t.	Ordinance No. 20	RE:	Establishing Eastern Adams Regional Policy
u.	Ordinance No. 21	RE:	Changing name of Public Street - No Name to Mill Run Road
v.	Ordinance No. 22	RE:	Naming Public Street - Orchard Drive
w.	Ordinance No. 23	RE:	Land Development, Subdivision and Mobile Home Park
x.	Ordinance No. 24	RE:	Amending Ordinance No. 14., Supra
y.	Ordinance No. 25	RE:	General Obligation Note Series of 1993
z.	Ordinance No. 26	RE:	Regulation of Wells
aa.	Ordinance No. 27	RE:	Management of Sanitary Sewers
bb.	Ordinance No. 28	RE:	Management of un-Lot Subsurface Sewage Disposal Facilities
cc.	Ordinance No. 29	RE:	Berwick Township Municipal Authority Articles of Incorporation
dd.	Ordinance No. 30	RE:	Occupational Privilege Tax
ee.	Ordinance No. 31	RE:	General Obligation Note, Series of 1995
if	Ordinance No. 32	RE:	Disorderly Conduct
gg.	Ordinance No. 33	RE:	General Obligation Note, Series of 1996
hh.	Ordinance No. 96-34	RE:	Ordaining Joint Resolution 95-22

SECTION VII - EFFECTIVE DATE

This ordinance shall be and become effective (5) days after its adoption.

ENACTED AND ORDAINED by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, on the 14th day of October, 1996.

