

ORDINANCE NO. 97-39

AN ORDINANCE AMENDING VARIOUS SECTIONS OF EXISTING ORDINANCES OF THE TOWNSHIP OF BERWICK TO PROVIDE THAT ANY PERSONS WHO VIOLATE THE PROVISIONS OF VARIOUS EXISTING ORDINANCES REGULATING BUILDING, HOUSING, PROPERTY MAINTENANCE, HEALTH, FIRE, PUBLIC SAFETY, OR PARKING, SOLICITATION, CURFEW, WATER, AIR OR NOISE POLLUTION SHALL BE ENFORCED AS SUMMARY OFFENSES UNDER THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE, PURSUANT TO THE MANDATE OF ACT 172 OF 1996 WITHIN BERWICK TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA.

PREAMBLE

WHEREAS, the Commonwealth of Pennsylvania revised the Second Class Township Code by Act 60 of 1995, which Act became effective May 7, 1996; and

WHEREAS, prior to the adoption of Act 60 of 1995, violations of Township Ordinances were prosecuted as summary criminal offenses; and

WHEREAS, on October 14, 1996, the Board of Supervisors of Berwick Township adopted Ordinance No. 96-36 which amended various existing Ordinances of the Township to provide for their enforcement in civil proceedings pursuant to Act 60; and

WHEREAS, the Pennsylvania Legislature passed Act 172 of 1996 on December 18, 1996: which provides for an amendment to the aforementioned Act 60 of 1995 to create mandatory criminal enforcement for Ordinances dealing with building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution; and

WHEREAS, Berwick Township wishes to amend Ordinance No. 96-36 and any other ordinance enacted by the Township of Berwick since May 7, 1996, in order to provide for criminal enforcement proceedings against any person who shall violate the provisions of

Township Ordinances in the aforementioned areas.

SECTION 1
Criminal Enforcement Amendments

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Berwick Township as follows:

1) All Ordinances enacted or amended after May 7, 1996 and prior to the date of this Ordinance including, but not limited to Ordinance No. 96-36, which regulate building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution as hereby amended and shall be enforced as summary offenses under the Pennsylvania Rules of Criminal Procedure, with offenders subject to fines not to exceed \$1,000.00 and imprisonment, pursuant to the mandate of Act 172 of 1996. Such Ordinances amended by this Section include, but are not limited to, the following Ordinances, it being the intent of the Board of Supervisors to amend all Ordinances within the subject matter of Act 172 of 1996:

- a) Ordinance No. 5 - Licensing and Regulating Businesses
- b) Ordinance No. 6 - Regulation of Construction
- c) Ordinance No. 8 - Accumulation of Garbage and Rubbish
- d) Ordinance No. 9 - Traffic Parking Regulations and its Amendments
- e) Ordinance No. 10 - Building Code-Provisions for Flood Plain
- f) Ordinance No. 13 - Regulation of Junk Dealers
- g) Ordinance No. 15 - Regulation of Construction of any Building
- h) Ordinance No. 16 - Abbottstown-Paradise Sewer Connection .
- i) Ordinance No. 23 - Land Development, Subdivision and Mobile Home Park
- j) Ordinance No. 26 - Regulation of Wells
- k) Ordinance No. 27 - Management of Sanitary Sewers
- l) Ordinance No. 28 - Management of On-Lot Subsurface Sewage Disposal Facilities
- m) Ordinance No. 32 - Disorderly Conduct
- n) Ordinance No. 35 - Regulation of Wells
- o) Ordinance No. 37 - Drive-way Ordinance

2) All remaining Ordinances enacted or amended by the Berwick Township Board of Supervisors enacted prior to the date of this Ordinance which do not fall within the subject matter of the Ordinances listed in item 1 herein or Act 112 of 1996 shall remain in full force and effect and shall not be altered in any way by this Ordinance.

SECTION II
Severability Clause

In the event that any of the provisions of this Ordinance are found to be unconstitutional, it is the intention of the Berwick Township Board of Supervisors that the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION III
Effective Date

The effective date of this Ordinance shall be five (5) days following the adoption of same by the Board of Supervisors of Berwick Township.

ENACTED AND ORDAINED by the Berwick Township Board of Supervisors this
1-2 — day of nv fru ST, 1997.

Attest:

Secretary

BOARD OF SUPERVISORS
BERWICK TOWNSHIP

By: [Signature]
Chairman


By: [Signature]
Supervisor

By: [Signature]
Supervisor

By: [Signature]
Supervisor

B • [Signature] 1
Supervisor

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 97-39 adopted by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania at a meeting held on the 4th day of August, 1997, all five Supervisors being Present at such meeting and that having been adopted unanimously, notice of attention to adopt said Ordinance having been given by publication as required by law. '


Secretary