

CHAPTER XIII
ENFORCEMENT

53 P.S. §§ 48301-48309

Article 1

Procedures and Penalties

53 P.S. §§ 48301-48309

101. PROSECUTION OF ORDINANCE VIOLATORS; DISPOSITION OF FINES, PENALTIES, AND COSTS. Any violation or failure to comply with any provision of any Township ordinance shall constitute a summary offense and prosecution for every such offense shall be according to the practice in the case of summary convictions before any Magistrate of the Township. All fines, penalties, and costs imposed when collected shall forthwith be payable to the Treasurer of the Township.

102. ARRESTS FOR VIOLATIONS OF ORDINANCES. Persons arrested for violations of any ordinance of the Township shall be entitled to give bail for their appearance, according to the practice in the cases of summary convictions.

103. COMMENCEMENT OF PROCEEDINGS. All proceedings for the violations of Township ordinances and for the collection of fines and penalties imposed thereby, may be commenced by warrant or by summons at the discretion of the Magistrate before whom the proceedings are commenced, but no warrant shall be issued except an oath of affirmation specifying the ordinance for the violation of which the same is issued, and all process may be directed to and be served by any policeman of the Township who may execute the same anywhere within the Commonwealth.

104. RETURN OF WARRANTS. Warrants shall be returnable forthwith and upon such return, like proceedings shall be had as in cases of summary conviction, with the same right of appeal from any final judgment.

105. ARRESTS ON VIEW; COMPLAINTS. When any person is arrested on view, a complaint, on oath or affirmation, shall be made immediately, whereupon like proceedings shall be had as provided in the preceding section.

106. COMMITMENTS PENDING HEARINGS. Any person arrested for the violation of a Township ordinance may be committed to a lock-up specified by the Township Supervisors, pending a hearing or trial, but in case there is no suitable lock-up in which to detain prisoners, the person arrested may be committed to the County Jail.

107. COMMITMENTS AFTER HEARINGS. Upon judgment against any person by summary conviction, or by proceedings by summons, on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to a suitable lock-up for a period not exceeding ten days, or to the County Jail for a period not exceeding thirty days.

108. GENERAL PENALTY. If the fine or penalty for violation of a Township ordinance is not specified in the ordinance or by the laws of the Commonwealth, the fine shall be \$10.00 for each offense.

109. COLLECTION OF PENALTIES. In case the defendant has goods or property of any kind whatsoever, out of which the judgment and costs can be collected by execution or other process, the Township may elect to collect the judgment and costs by such proceedings.

110. PAYMENT OF COSTS BY TOWNSHIP. When a prisoner shall be committed to any County Jail either for the nonpayment of a fine or penalty imposed for the violation of any Township ordinance, the costs of the proceedings and the expense of maintaining such prisoner during his confinement shall be paid by the Township and the County shall not be liable for any such maintenance or to any person for any costs in such proceedings.

Article 2

Validity

201. SEVERABILITY OF PROVISIONS. The provisions of the ordinances of West Mahanoy Township, whether Articles, Sections, Subsections, or clauses thereof, shall be severable; and if any of the said provisions shall be held invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of any ordinance.

Article 3

Repeal of Inconsistent Ordinances

301. GENERAL REPEAL.

A. Inconsistency. All ordinances, parts of ordinances, and amendments thereof are repealed insofar as they are inconsistent with the foregoing ordinances.

B. Conflicts. In the case of conflicts among the foregoing ordinances, it is hereby declared as the intent of the Supervisors of the Township of West Mahanoy, Schuylkill County, Pennsylvania, that the provisions of the ordinances with the most recent date of enactment shall prevail.

302. SPECIFIC REPEALS. The following ordinances, parts of ordinances and amendments thereof are repealed to the extent indicated:

<u>Ordinance No.</u>	<u>Date of Enactment</u>	<u>Disposition</u>
6		repealed
Ordinance amending No. 6		repealed
9	May 29, 1901	repealed
Ordinance amending No. 9		repealed
Ordinance to provide licensing of transient retail merchants.		repealed

(Ordinance enacted September 8, 1978, Chapter XIII, Section 302)