

AN ORDINANCE DECLARING THE PENAL PROVISIONS OF ANY AND ALL TOWNSHIP ORDINANCES AS NULL AND VOID AND SUBSTITUTING CIVIL CLAIMS IN PLACE OF THE PENAL PROVISIONS WHICH EXIST IN MANY CURRENT TOWNSHIP ORDINANCES

WHEREAS, the Township of West Mahanoy has many Ordinances in full force and effect governing a wide variety of activities; and

WHEREAS, in order to insure compliance with the Ordinances, the Township had legislated penalty provisions with respect to many of these Ordinances; and

WHEREAS, the Supreme Court of the Commonwealth of Pennsylvania has declared that Townships are without the legislative authority to impose penal sanctions for violations of Municipal Ordinances; and

WHEREAS, rather than redo each and every Ordinance, it is the intent of the Township to simply convert what would otherwise be considered a criminal sanction in many of the Ordinances to a civil remedy so as to come into compliance with the Supreme Court's mandate; and

WHEREAS, the Township desires to keep the merits and substance of all of its current Ordinances in full force and effect but to amend those Ordinances which contained penal sanctions to contain civil remedies which will be sought only.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Any and all current Ordinances which contain penal provisions are hereby amended to eliminate the penalty provisions and civil remedies are substituted therefore; and
2. The Township has compiled a list of those Ordinance which contain penal sanctions


for violations of same, and those Ordinances are attached hereto as Exhibit "A"; and


3. Each of the described Ordinances set forth in Exhibit "A" are amended to eliminate the penal provisions which had heretofore been in full force and effect but shall now include a civil remedy which the Township shall seek to recovery by way of a civil action brought by either the District Justice or a Court of Common Pleas of competent jurisdiction; and

4. The Township, through its designated officers, shall prepare a form out so as to advise the defendant in a civil action of the Ordinance which is being claimed under and the amount of damages being claimed. The Township is hereby authorized to proceed with the filing of these claims pursuant to this format, which is set forth in Exhibit "B" before the appropriate District Justice or a Court of Common Pleas of competent jurisdiction.

BE IT ORDAINED by the Board of Supervisors of West Mahanoy Township on this

____ 24th day of July, 1996.


Chairman

Attest: 
Secretary

MAY. 14, 1996 - ORDINANCES

Landfill Business Privilege Tax	\$300.00 per claim
Junk Yard Fine	\$200.00 per claim
Peddlers Ordinance	\$25.00 per claim
Fuel Oil Storage & Use	\$25.00 for each claim and \$1,000.00 for each succeeding claim
Ordinance No. 94-3 Junk Yard	\$600.00 per claim
Ordinance No. 92-6 Reg. requirements on all Wastes	\$1,000.00 per claim
Chapter V - Article I - Public Health - garbage, rubbish and junk	\$50.00 per claim
Chapter VI - Public safety conduct - nuisances	\$50.00 per claim
Article 2 - Open fires	\$100.00 per claim
Ordinance No. 1990-2 - Fire prevention code	\$300.00 per claim
Ordinance No. 1990-3 - Garbage collection	\$300.00 per claim
Ordinance 1990-4 - Sleigh riding on Twp. streets	\$25.00 per claim
Ordinance 1990-5 - Skateboarding	\$25.00 per claim
Ordinance 1991-3 - Excavation, soil control sdimentation control	\$300.00 per claim
Article I Building Regulations (failure to have building permit)	\$25.00 fine per claim

Article II Concerning use and maintenance of holding tanks	\$25.00 per claim
Ordinance 1991-5 - Removal of Dangerous Structures Removal of Notice	\$300.00 per claim \$100.00 per claim
Chapter VIII - Article I Traffic Regulations	\$50.00 per claim
Ordinance 1-93 - Public Decency	\$600.00 per claim
Ordinance 93-2 - Untarped Trucks	\$50.00 per claim
Ordinance 94-2 - Storage of motor vehicles parts thereof on private property	\$100.00 per claim
Ordinance 95-3 - Parking ordinance Section 104 Section 106	\$50.00 per claim Exp. Reg. \$25.00 per claim
Ordinance 90-1 - Parking on streets, sidewalks, expired inspection or registration	\$25.00 per claim
Chapter IX - Sewer, Waste and Water Reg.	\$100.00 per claim
Ordinance 91-4 - Storm Water Mgt. Reg.	\$500.00 per claim \$600.00 per claim
Ordinance 92-3 - Right of way for FAMA	\$300.00 per claim
Chapter X - Article II Wood, coal, burning stoves installation	\$300.00 per claim