

ORDINANCE NO. 99

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA IMPOSING CIVIL PENALTIES/FINES NOT TO EXCEED \$1,000.00 FOR A VIOLATION OF A BUILDING, HOUSING, PROPERTY MAINTENANCE, HEALTH, FIRE OR PUBLIC SAFETY CODE OR ORDINANCE AND FOR WATER, AIR AND NOISE POLLUTION VIOLATIONS, AND NOT EXCEEDING \$600.00 FOR A VIOLATION OF ANY OTHER TOWNSHIP ORDINANCE, PLUS ALL COURT COSTS, INCLUDING REASONABLE ATTORNEY'S FEES INCURRED BY THE MUNICIPALITY FOR THE ENFORCEMENT OF A MUNICIPAL ORDINANCE.

WHEREAS, the Township of Jackson, Cambria County, Pennsylvania, has heretofore adopted Resolutions, Ordinances, Fees and/or Taxes imposing fines, late fees, charges and/or penalties for failure to comply with the Resolutions, Ordinances, Fees and/or Taxes of the Township of Jackson, Cambria County, Pennsylvania; and

WHEREAS, the Municipality is desirous of complying with Act 1995 - 60 which amends the Second Class Township Code by making all Ordinances under the Second Class Township Code civil in nature.

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Municipality, and it is hereby ordained and enacted by authority of the same as follows:

SECTION I.

It is the intent of the Municipality to repeal any reference in a Municipal Ordinance to criminal penalties and/or criminal fines for violations of any resolution, or Municipal Ordinance.

SECTION II.

The Municipality to impose a fine not exceeding \$1,000.00 for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance, and for water, air and noise pollution violations and not exceeding \$600.00 for a violation of any other Township Ordinance. Any person who violates or permits the violation of a Township Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Municipality, pay the fine set by the Board of Supervisors plus all court costs including reasonable attorney's fees, incurred by the Municipality. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the Defendant neither pays nor timely appeals the Judgment, the Municipality may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

SECTION III.

This maximum fine, penalty or late charge shall be in accordance with the maximum legally permissible dollar amount permitted by Statutes of the Commonwealth of Pennsylvania and the Case Law of the Commonwealth of Pennsylvania. It is specifically provided that each day's violation of this Ordinance shall be deemed a separate violation of this Ordinance.

SECTION IV.

It is the intent of the Municipality that the provisions of this Ordinance are severable and the invalidity of any Section, subsection, clause or provision of this Ordinance shall not affect or impair the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

SECTION V.

This Ordinance shall become effective May 7, 1996, or as soon as legally permissible and shall remain in effect unless and until subsequently repealed or amended.

ORDAINED and **ENACTED** at a duly assembled public meeting by the Township of Jackson, Cambria County, Pennsylvania, this 25th day of April, 1996.

ATTEST:

TOWNSHIP OF JACKSON:

George E. Bunkey
Secretary

By: William E. Headrick
Supervisor

By: George R. Cooper
Supervisor

By: Janet B. [unclear]
Supervisor