

ORDINANCE NO. 2-1996

SHENANGO TOWNSHIP, LAWRENCE COUNTY  
CONSOLIDATION AMENDMENT TO EXISTING ORDINANCES  
FOR THE IMPOSITION OF CIVIL PENALTIES  
UNDER SECTION 1601 OF ACT NO. 1995-60

WHEREAS, the Pennsylvania Legislature enacted Act No. 1995-60, which provides in Section 1601(c) that the board of supervisors may prescribe fines 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 ordinances; and

WHEREAS, said Section 1601(c) further provides that any person who violates such township ordinances may be found liable therefor in a civil enforcement proceeding commenced by the township; and

WHEREAS, the supervisors intend to consolidate the imposition of civil penalties for all such previously enacted ordinances and to make the enforcement thereof civil in nature, converting such existing ordinances from summary offenses to civil violations; and

WHEREAS, pursuant to Section 1601(d) of said Act, the township has advertised notice of the proposed adoption

of this consolidation Amendment by listing in the notice the titles of each of the ordinances so amended.

BE IT ENACTED AND ORDAINED by the Supervisors of Shenango Township, Lawrence County, Pennsylvania, and they hereby enacted and ordained as follows:

SECTION 1. The following previously enacted ordinances are hereby being amended:

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|-----|----------------------|---|
| 1.  | Ordinance No. 2-1958 | The Shenango Township Anti Nuisance Act   |
| 2.  | Ordinance No. 3-1960 | Garbage Permits/Violations  |
| 3.  | Ordinance No. 1966-1 | Shenango Township Junkyard and Refuse Ordinance                                 |
| 4.  | Ordinance No. 8-1986 | Fire Prevention Code  |
| 5.  | Ordinance No. 1975-1 | Dog Ordinance   |
|     | Ordinance No. 1-1988 | Shenango Township Anti-Litter Ordinance   |
| 7   | Ordinance No. 5-1986 | Shenango Township Dangerous Buildings Ordinance                                 |
| 8.  | Ordinance No. 6-1986 | Noise Control Ordinance   |
| 9.  | Ordinance No. 1-1987 | Fire Prevention Code of the Township of Shenango                                |
|     | Ordinance No. 3-1997 | Defining Sewer Materials  |
|     | Ordinance No. 3-1989 | Nuisance Ordinance  |
| 12. | Ordinance            | December 14, 1989 Amendment to Zoning Ordinance of Shenango Township of 5/27/67 |

SECTION 2. Any person who violates or permits the violation of any of the ordinances identified in Section 1 hereof shall upon being found liable therefore in a civil enforcement proceeding commenced by the township, pay the fine set by the township in said ordinance, plus all court costs, including reasonable attorney fees, incurred by township in the enforcement of said ordinance. The penalties imposed in said Ordinances shall be deemed to be civil and not criminal violations. Reasonable attorney fees may be imposed in addition to the fines and costs set forth in said ordinances.

SECTION 3. All references in said ordinances to criminalty and criminal fines are hereby repealed.

SECTION 4. Instead, civil fines applicable to the violation of each said Ordinance are hereby established as set forth in Section 2 hereof.

SECTION 5. Such fines shall be determined by the officer of the township authorized to enforce said Ordinances by the Board of Supervisors, and by the Supervisors themselves when they are carrying out the enforcement without a designated officer.

SECTION 6. The code enforcement officer of the township and/or the supervisors shall initiate civil enforcement

proceedings as required to achieve compliance with each said Ordinance. Further, notwithstanding, that the penalties imposed in said Ordinance shall be deemed to be civil and not criminal in nature, the Board of Supervisors of Shenango Township hereby appoint the Police Department of Shenango Township and its officers to act as its agent in enforcement proceedings, to serve notice of any and all violations, and to further act as necessary for violation of its Ordinances as specified in Section 1 above.

SECTION 7. Except as provided herein, all other provisions of said Ordinances shall remain enforce.

SECTION 8. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 10<sup>TH</sup> day of OCTOBER, 1996, by the Supervisors of Shenango Township, Lawrence County, in lawful session duly assembled.

SUPERVISORS OF SHENANGO TOWNSHIP

Richard B. Shumaker  
Andrew Piccolo  
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CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy  
of an Ordinance adopted by the Supervisors of Shenango Township,  
Lawrence County, Pennsylvania, at a regular meeting of the  
Board on the 10<sup>TH</sup> day of OCTOBER, 1996.

Brian D. Tanner  
Secretary