

ORDINANCE NO. 5-88

AN ORDINANCE AMENDING THE PENALTY PROVISIONS OF VARIOUS TOWNSHIP ORDINANCES.

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania did on March 2, 1988, approve Act No. 1988-20 which amended the Second Class Township Code (the Act of May 1, 1933, P.L. 103, No. 69, as amended), Section 702(XLI) Ordinances which permits increasing ordinance violation fines; and,

WHEREAS, Kiskiminetas Township is a Second Class Township situated in Armstrong County, Pennsylvania; and,

WHEREAS, the Board of Supervisors of Kiskiminetas Township desires to amend certain Township ordinances to increase the fines for violation of the provisions of same;

NOW THEREFORE, be it ordained and enacted by the Board of Supervisors of the Township of Kiskiminetas, County of Armstrong and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the Authority of same:

1. Section 3 of Ordinance No. 8-55 adopted October 14, 1955, (which establishes a gross weight limit on Township roads) is amended to read as follows:

"Any person refusing to unload excess weight when so ordered by a peace officer in uniform or who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days."

2. Section 10 of Ordinance No. 1-66, enacted on September 23, 1966, (an ordinance regulating peddling and requiring peddlars to obtain licenses) is amended to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days."

3. Section 13 of Ordinance No. 2-69 enacted June 6, 1969, (an ordinance regulating junk dealers and providing for the issuance of a license) is amended to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days; provided further, that each day a person is in violation of any of the provisions of this ordinance shall constitute a separate offense."

4. Section 13 of Ordinance No. 5-71, enacted October 1, 1971, (an ordinance requiring the licensing of outdoor

amusements) is amended to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days."

5. Section 1 of Ordinance No. 1-73 which was enacted on May 4, 1973, which in turn amended Section 2 of Ordinance No. 3-51 enacted on August 11, 1951, (an ordinance prohibiting the erection, creation or maintenance of nuisances; and prohibiting the burning of garbage) is hereby amended to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days."

6. Section 5 of Ordinance No. 3-73 enacted on May 4, 1973, (an ordinance prohibiting the burning of combustible materials of noxious nature and confining the burning of combustible materials of non-noxious nature including grass or weed fields during certain hours) to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days."

7. Section 3 of Ordinance No. 4-73 enacted on May 4, 1973, (an ordinance prohibiting the accumulation or storage of junk, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings) is amended to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days. Each day the person is in violation of Section 2 of this ordinance shall constitute a separate offense."

8. Section 10 of Ordinance No. 8-73 enacted on 13 July 1973, (an ordinance directing and requiring the connection of all occupied buildings with public sanitary sewers directing and requiring the abandonment of privy vaults, cesspools and septic tanks and prohibiting the erection and construction of same) is amended to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days."

9. Section 6 of Ordinance No. 1-74 enacted on 7 June 1974 (an ordinance providing that no public streets be opened or cut by any person, firm, corporation or utility without first

securing a permit) is amended to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days."

10. Section V(1) of Ordinance No. 1-78 enacted on 4-12-78 (an ordinance prohibiting pornography within the Township) is amended to read as follows:

"Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00 and the costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days. Each day a violation of this ordinance continues shall constitute a separate offense."

11. In each of the ordinances referred to above, the word person shall mean a natural person, the members of an unincorporated association, all of the partners of a partnership and the officers and Board of Directors of a corporation.

12. Adopted by the Board of Supervisors of the Township of Kiskiminetas, the 14th day of December, 1988. This ordinance shall become effective immediately.

TOWNSHIP SEAL

SECRETARY

Lubara Palmadge

Jack Wilmot

William W. Jackson

Emerson D. Townsend

William W. Miller

Frances E. Hick