

**PENN TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 2016-03**

**AMENDMENT OF ORDINANCE 2013-6 AND ORDINANCE 2014-02 AN
ORDINANCE OF PENN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA
TO PROVIDE FOR THE ISSUANCE OF NOTICE OF VIOLATIONS AND
CITATIONS FOR THOSE OFFENSES AS DEFINED BY RESOLUTION AS THE
INITIAL FORM OF DUE PROCESS THEREBY PROMOTING THE BEST INTEREST
OF THE RESIDENTS OF PENN TOWNSHIP, CUMBERLAND COUNTY,
PENNSYLVANIA BY PERMITTING THE RESOLUTION OF AN ALLEGED
VIOLATION IN AN EXPEDITIOUS FASHION WITHOUT RESORTING TO THE
COURTS TO RESOLVE THE MATTER.**

**BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF PENN TOWNSHIP,
CUMBERLAND COUNT, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND
ENACTED BY AUTHORITY OF THE SAME AS FOLLOWS:**

SECTION 1. GENERAL PROVISIONS: The ordinance shall be known as the Alternate Dispute Resolution of Penn Township, Cumberland County.

SECTION 2. PURPOSE: The purpose of this Ordinance is to achieve greater efficiency and economy in the enforcement of certain Penn Township, Cumberland County Ordinances and to guarantee the fairness and consistency of enforcement procedures.

SECTION 3. DEFINITIONS:

- a. **NOTICE OF VIOLATION** – A notice to a person identifying a violation of a Township Ordinance and to advise them to take specific steps to correct the violation.
- b. **CITATION** – The term to identify the formal document delivered to a person to take a certain step or to advise as to pending and proposed legal action in a court of law.

SECTION 4. ENFORCEMENT: The provision of any article so enumerated shall be enforced by the Penn Township Zoning Officer, or any public officer sworn to uphold and enforce the law of the Township.

SECTION 5. ORDINANCES: The following Ordinances shall be under the jurisdiction of this Ordinance. Any violation of the provisions of any article as enumerated in this ordinance shall be cause for a citation, and/or a notice of violation to be issued to the violator.

Ordinance No. 670- Littering

Ordinance No. 1999-1 Burning Ban at Certain Times

Ordinance No. 2004-3 Administration of Pennsylvania Construction Control Act

- Ordinance No. 2004-5 Burning Ordinance
- Ordinance No. 2007-2 Nuisance Ordinance
- Ordinance No. 2008-8 Skateboarding Ordinance
- Ordinance No. 2009-2 Construction Ordinance
- Ordinance No. 2010-2 Landlord Ordinance
- Ordinance No. 2011-3 Driveway/Access Drive
- Ordinance No. 2011-5 Intergovernmental Cooperation (trash)
- Ordinance No. 2012-2 Solicitation Ordinance
- Ordinance No. 2006-3 Zoning Ordinance (as amended)
- Ordinance No. 2013-5 Nuisance Animal Ordinance
- Ordinance No. 2016- 02 Alarm Systems

SECTION 6. CONTENTS OF A CITATION: Every citation shall contain the information required by 234 Pa Code Rule 403

SECTION 7. PROCEDURE:

- A. A notice of violation shall be served upon a violator in the following manner:
 - 1. By handing the notice of violation to the violator
 - 2. By handing the notice of violation at the residence of the violator to an adult member of the household or other person in charge of the residence.
 - 3. By mailing the notice of violation to the violator's address of record by first class mail, return receipt requested.
 - 4. Posting on property.
- B. A citation shall be served upon a violator in the following manner.
 - 1. By handing the citation or notice of violation to the violator.
 - 2. By mailing the citation or notice of violation to the violator's address of record by first class mail, return receipt requested.

SECTION 8. DISPOSITION:

- A. **NOTICE OF VIOLATION** – A person in receipt of a notice of violation shall have thirty (30) days to take corrective action unless immediate action is required if applicable. Payment may be made at the Penn Township Municipal Building during
- B. **CITATION:** A person in receipt of a Citation shall have ten (10) days to take corrective action and pay the amount of the fine and restitution (if applicable). Payment may be made at the Penn Township Municipal Building during normal working hours, or by mail. Failure to comply shall result in filing the complaint with the District Magistrate.

SECTION 9. FINES AND PENALTIES:

- a. For the first offense the violation of this article within a twelve (12) month period, the fine shall be \$25.00
- b. For the second offense of the violation of this article within a twelve (12) month period, the fine shall be \$50.00
- c. For the third offense of the violation of this article within a twelve (12) month period, the fine shall be \$100.00
- d. For the fourth offense of the violation of this article within a twelve (12) month period, the fine shall be \$300.00

SECTION 10. RESTITUTION: In addition to imposing a fine, the violator may be required to make restitution to any aggrieved person.

SECTION 11. MISCELLANEOUS PROVISIONS:

- a. Each day that a violation continues or is permitted to continue constitutes a separate offense for which a separate fine may be imposed.
- b. If the Penn Township Zoning Officer or authorized Township Official identifies a violation that, at their discretion, presents a clear and present danger to the health and safety of the community, he/she shall take all steps necessary to correct and abate the violation immediately.
- c. If the Penn Township Board of Supervisors has affected a correction of the violation, the costs incurred shall be charged to the owner of the property, tenant, or offending party, in that order of responsibility, and such restitution can be affected by whatever means available to the municipality.

SECTION 12. SEVERABILITY: The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be intent of the Penn Township Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part of provision had not been included herein.

The provisions of any other prior ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. This ordinance shall be effective immediately upon adoption.

DULY ENACTED AND ORDAINED this 8th day of September, 2016, by the Board of Supervisors of Penn Township, Pennsylvania in public session duly assembled.


**PENN TOWNSHIP
CUMBERLAND COUNTY,
PENNSYLVANIA**



GARY MARTIN, Chairman



KENNETH SHEAFFER, Vice Chairman



AMOS SEIDERS, Supervisor

ATTEST:



VICKI KNEPP, Secretary