

PALMYRA TOWNSHIP  
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 123-2015

AN ORDINANCE AMENDING ORDINANCE NO. 96-2005, KNOWN AS “THE NUISANCE ORDINANCE OF PALMYRA TOWNSHIP”, TO CHANGE THE SECTION ENTITLED “PENALTIES FOR VIOLATION” TO PROVIDE FOR ENFORCEMENT UNDER THE NUISANCE ORDINANCE FOR PALMYRA TOWNSHIP TO BE CRIMINAL RATHER THAN CIVIL, WITH THE REMAINDER OF SAID ORDINANCE TO REMAIN IN FULL FORCE AND EFFECT.

WHEREAS, the Palmyra Township Board of Supervisors (the “Township”) adopted Ordinance No. 96 – 2005, known as “The Nuisance Ordinance of Palmyra Township” on December 20, 2005; and

WHEREAS, the Township is charged with the duty to protect and provide for the health, safety and general welfare of the citizens and property owners of Palmyra Township, Pike County, PA; and

WHEREAS, the purpose of Ordinance No. 96 –2005 is to prohibit unreasonable, unwarrantable or unlawful courses of conduct, or the use of private or public property, which causes, or may cause, injury, damage, hurt, inconvenience, annoyance, interference, or discomfort to others, as being in the best interest of the health, safety and general welfare of the citizens and property owners of Palmyra Township, Pike County, PA; and

WHEREAS, the PA Second Class Township Code and the PA General Municipal Law provide that Nuisance ordinances can be enforced as a criminal violation; and

WHEREAS, Ordinance No. 96 – 2005 provides in Section 10 that violations shall be subject to “civil” enforcement, rather than “criminal” enforcement and this amendment is being adopted to change the enforcement procedure to criminal.

NOW THEREFORE, the Board of Supervisors of Palmyra Township, Pike County, PA, do adopt and ordain this Ordinance as follows:

ITEM I. Amend Section 10 of Ordinance No. 96 – 2005 by deleting the current paragraph and replacing it with this new Section 10:

“Failure to comply with any provision of this Ordinance, and/or failure to comply with an order to abate a nuisance, shall be violations of this Ordinance. Any person who has violated or permitted the violation of any of the provisions of this Ordinance shall, upon being found guilty thereof in a criminal enforcement proceeding, pay a fine of not less than five hundred (\$500.00) dollars, but not more than one thousand (\$1,000.00) dollars, plus all court costs and reasonable attorney fees incurred by the Township as a result thereof. Each day that a violation continues shall constitute a separate violation. All fines, costs and attorney fees for the violation shall be turned over to the Township. Failure to pay the fines imposed when due may result in additional punishment, including incarceration.

ITEM II. In all other respects, the provisions of Ordinance No. 96 – 2005 shall remain in full force and effect.

ITEM III. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ITEM IV. This Ordinance shall become effective five (5) days after the adoption thereof.

**ENACTED AND ORDAINED** into law by the Board of Supervisors of Palmyra Township, Pike County, Pennsylvania, this 3<sup>rd</sup> day of February of 2015.

s/Thomas A. Simons  
Thomas A. Simons, Chairman

s./Eric J. Ehrhardt  
Eric J. Ehrhardt, Vice-Chairman

s/Kenneth Coutts  
Kenneth Coutts, Secretary

ATTEST:

s/Jo-Ann Rose  
Jo-Ann Rose, Administrator