

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2902 Session of
1996

INTRODUCED BY RUBLEY, SEPTEMBER 26, 1996

REFERRED TO COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 26, 1996

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," further providing for
5 ordinances; and providing for collection of penalties for
6 violating certain ordinances.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1601(c) of the act of May 1, 1933
10 (P.L.103, No.69), known as The Second Class Township Code,
11 reenacted and amended November 9, 1995 (P.L.350, No.60), is
12 amended to read:

13 Section 1601. Ordinances.--* * *

14 (c) The board of supervisors may prescribe fines not
15 exceeding one thousand dollars (\$1,000) for [a violation of a
16 building, housing, property maintenance, health, fire or public
17 safety code or ordinance and for] water, or air and noise
18 pollution violations and not exceeding six hundred dollars
19 (\$600) for a violation of any other township ordinance, except

1 as provided in section 1601.1. Any person who violates or
2 permits the violation of a township ordinance shall, upon being
3 found liable therefor in a civil enforcement proceeding
4 commenced by a municipality, pay the fine set by the board of
5 supervisors plus all court costs, including reasonable attorney
6 fees, incurred by a municipality. No judgment shall be imposed
7 until the date of the determination of a violation by the
8 district justice. If the defendant neither pays nor timely
9 appeals the judgment, the municipality may enforce the judgment
10 pursuant to the applicable rules of civil procedure.

11 * * *

12 Section 2. The act is amended by adding a section to read:

13 Section 1601.1. Collection of Penalties for Violations of
14 Building, Housing, Property Maintenance, Health, Fire or Public
15 Safety Ordinance.--No fine or penalty shall exceed one thousand
16 dollars (\$1,000) for a violation of a building, housing,
17 property maintenance, health, fire or public safety ordinance,
18 except as provided in subsection (c).

19 (b) After thirty days from the initial charge, each day that
20 the violation continues shall constitute a separate violation.
21 If the violation remains unabated after ninety days from the
22 initial charge, the owner of the real property in violation may
23 surrender title to the township in lieu of payment of the
24 accrued penalties.

25 (c) Any person charged for a violation who fails, without
26 just cause, to begin abatement of the violation within ninety
27 days commits a misdemeanor of the third degree and shall, upon
28 conviction, be sentenced to pay a fine of not more than two
29 thousand five hundred dollars (\$2,500) and to imprisonment for
30 not more than one year.

1 Section 3. This act shall take effect in 60 days.