

**ORDINANCE NO. 730**

**PENN TOWNSHIP  
York County, Pennsylvania**

**AN ORDINANCE OF THE TOWNSHIP OF PENN IMPOSING PENALTIES FOR VIOLATION OF TOWNSHIP ORDINANCES, AUTHORIZING INJUNCTIVE RELIEF, PROVIDING FOR THE COLLECTION OF ALL FINES, FEES, EXPENSES AND DELINQUENT ACCOUNTS, AUTHORIZING ACTIONS TO ABATE CONTINUING VIOLATIONS, PROVIDING FOR CONTINUING VIOLATIONS FOR FAILURE TO ABATE VIOLATIONS, SETTING INTEREST RATES FOR PAST DUE ACCOUNTS AND ALLOWING THE COLLECTION OF INTEREST, ATTORNEY FEES AND COSTS.**

**WHEREAS**, the Township of Penn is authorized to impose and collect fines and penalties for violations of its Ordinance; and

**WHEREAS**, it is necessary to authorize the Township to collect interest, charges, expenses, and fees incurred in the collection of delinquent accounts, including reasonable attorney fees and interest on the amounts due;

**NOW THEREFORE, BE IT ENACTED and ORDAINED** by the Board of Commissioners of the Township of Penn, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1.** Any person, partnership, corporation, or other entity shall pay a fine not exceeding \$1000 for a violation of any building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air and noise pollution violations.

**SECTION 2.** Any person, partnership, corporation, or other entity violating any other Ordinance of the Township of Penn shall pay a fine not exceeding \$600 per violation.

**SECTION 3.** Nothing in this Ordinance shall restrict the right of any prosecutor or police officer to seek the incarceration of a violator or the right of any judge or magistrate district judge to impose incarceration upon a violator in accordance with the provisions for enforcement of ordinances set forth in the First Class Township code.

**SECTION 4.** If a defendant shall fail to pay the fine imposed for violation of a Township Ordinance and where the fine does not exceed \$300, the defendant may be sentenced to imprisonment in the county jail for not more than 30 days; provided, however, that for any violation for which the penalty is specifically prescribed in any statute, regulation or ordinance, or if a term of imprisonment is established by such law, the provisions of such law shall be controlling.

**SECTION 5.** Any person, partnership, corporation, or other entity violating any law, regulation, statute, or ordinance containing a penalty for violation thereof shall be liable for the penalty imposed in such law, regulation, statute, or ordinance. Nothing in this ordinance shall be construed to amend or affect any payment, compliance requirements, fine, penalty, or other consequences contained in the law, regulation, statute or ordinance for such violation.

**SECTION 6.** Fines, costs and penalties may be collected by suit brought in the name of the Township before a magistrate district judge and upon the entry of judgment, the Township may collect such costs, fines and penalties by execution or other judicial process. All fines and penalties and all judgments therefore shall be paid to the Township

**SECTION 7.** Each day that a violation continues shall constitute a separate violation, unless the magistrate district judge determines that there was a good faith basis for the defendant to believe that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the decision by the Magistrate District Judge. Thereafter, each day the violation continues shall constitute a separate violation.

**SECTION 8.** In addition to the other remedies available to the Township, the Township shall have the right to institute an appropriate action to restrain, correct, or abate a violation of any ordinance, and to obtain injunctive or other relief either in equity or at law.

**SECTION 9.** The Township is hereby authorized to collect and recover in conjunction with any collection of a fine, penalty, cost or judgment, all charges, expenses, and fees incurred in the collection of such amount, including, without limitation, reasonable attorney fees, court costs and filing fees, document recording fees, certification fees, notary fees, and all other charges, expenses and fees of whatever kind incurred in the collection of the amount due.

**SECTION 10.** Whenever the collection of any delinquent account, fine, penalty or cost on behalf of or by the Township of Penn is made pursuant to any statute, law, regulation, or ordinance that sets an interest rate or a maximum interest rate, the Township hereby adopts as the interest rate collectable on such delinquency the maximum interest rate allowed under the authorizing statute, law, regulation, or ordinance under which the Township is proceeding with the collection. In the event that the Township is proceeding with a collection under more than one statute, law, regulation, or ordinance that sets an interest rate, the Township shall collect the highest interest rate allowed under any statute, law, regulation, or ordinance under which it is proceeding. In the event that the Township is proceeding under a statute, law, regulation, or ordinance that provides for the collection of interest and no interest rate is established by such statute, law, regulation, or ordinance the Township hereby establishes the interest rate to be charged to be 12% per year. Unless otherwise provided by the statute, law, regulation, or ordinance under which the Township is proceeding, the interest shall begin to accrue on the date that the account became due and owing, and shall continue until the account is paid in full. Unless otherwise provided in the statute, law, regulation, or ordinance under which the Township is proceeding, interest shall be calculated as simple interest and not compounded.

**SECTION 11.** All Ordinances or parts of Ordinances that are inconsistent herewith, including but not limited to Ordinance No. 15 as amended by Ordinance Nos. 192 and 370, are

hereby repealed. This Ordinance shall not amend or affect any penalty in any Subdivision and Land Development Ordinance or any Zoning Ordinance previously enacted or hereafter enacted by the Township.

**SECTION 12.** 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 Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 13.** The Articles hereby adopted shall be deemed to be incorporated into the Penn Township Code so that reference to the Code shall be understood and intended to include such changes.

**SECTION 14.** This Ordinance shall take effect and be in force from and after its approval as required by law.

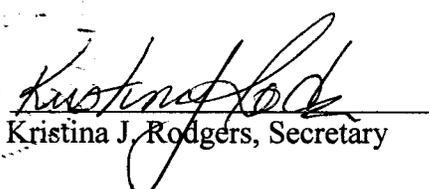
**ENACTED and ORDAINED** this 21<sup>st</sup> day of November, 2011.

**Penn Township Board of Commissioners**

By: \_\_\_\_\_

  
Craig M. Prieber, President

Attest: \_\_\_\_\_

  
Kristina J. Rodgers, Secretary