

Chapter 5

ENFORCEMENT OF ORDINANCES; PENALTIES

§ 5.1. Designation of violations; proceedings.

§ 5.2. Penalties.

§ 5.3. Continuing violations.

§ 5.4. Additional remedies.

§ 5.5. Disposition of fines.

[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 4/5/1976 as Ord. No. 616. Amendments noted where applicable.]

GENERAL REFERENCES

Ordinances and resolutions - See Charter, Art. V.

Definitions and rules of interpretation - See Ch. 3.

Ordinances and codes - See Ch. 31.

§ 5.1. Designation of violations; proceedings. [Amended 3-6-89 by Ord. No. 1377]

Unless otherwise prescribed by a general law of the Commonwealth of Pennsylvania, any violation of a provision of this Code shall constitute a Civil Violation, as defined in the laws of the Commonwealth, and shall be prosecuted in accordance with the laws of the commonwealth and the Rules of Civil Procedure adopted by the Pennsylvania Supreme Court.

§ 5.2. Penalties¹. [Amended 3-6-89 by Ord. No. 1377; 3-1-93 by Ord. No. 1576; 5-4-98 by Ord. No. 1768]

Except where specific maximum penalties are provided elsewhere in this Code, in a law of the Commonwealth uniformly effective for political subdivisions or in another ordinance of the township for a particular violation, any person who shall violate any provision of this Code, any provision of any code or other regulation adopted by reference by this Code or any provision of any other township ordinance referring to this chapter, by doing any act prohibited or declared to be unlawful thereby or declared to be a violation thereby, or who shall engage in or exercise

¹ Editor's Note: For Charter provisions pertaining to maximum penalties for violations of ordinances, see § C-503 of the Home Rule Charter.

any business or occupation or do anything for which a license or permit is required thereby without having a valid license or permit therefor as required, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be a violation, shall, upon an adjudication and a finding of a violation, pay a civil penalty not to exceed \$1,000 for a violation of building, housing, property maintenance, health, fire, and public safety codes and for water, air and noise pollution violations; and a civil penalty not exceeding \$600 for any violation of the Township Code, costs of prosecution, Attorney's fees where authorized; all collectible as provided by law.

The township shall issue a written notice of violation which shall set forth the time period in which to correct said violation and the minimum civil penalty. If the person charged with the civil violation shall elect to correct the violation within the prescribed time period and pay the prescribed penalty such action shall constitute settlement of the violation.

The time period for correction of the violation shall be as set forth in the Code, or where no time period for correction is set forth in the Code, immediate correction is required.

[Amended 10-2-89 by Ord. 1409]

Failure to correct the violation and pay the prescribed penalty shall result in the filing of a civil complaint with the District Justice.

The following penalties are established ²:

Chapter/ Title	Paid Within 48 Hours & Violation Corrected	Minimum 1 st Offense	Minimum 2 nd Offense	3 rd or More Frequent Offense Min/Max
37/Alarm Systems	N/A	\$100	\$300	\$600/\$1000
39/Amusement Devices	\$25	\$100	\$300	\$400/\$600
41/Animals (Specified Penalty Plus Boarding Fee as per Chapter 57.4)	\$25	\$100	\$300	\$400/\$1000
43/Assessments: Penalty for Failure to Pay	N/A	\$100	\$300	\$600/\$600

² Editor's Note: N/A means "Not applicable for option of reduced penalty if paid within 48 hours." "*" means "Plus reasonable attorney's fees."

Chapter/ Title	Paid Within 48 Hours & Violation Corrected	Minimum 1 st Offense	Minimum 2 nd Offense	3 rd or More Frequent Offense Min/Max
48/Brush, Grass and Weeds	\$25	\$100	\$300	\$600/\$1000
51/Building Construction	See Pennsylvania Construction Code Act ³			
Violation of Stop Work Order	N/A	\$300	\$600	\$1000/\$1000
56/Excavations & Wells, Abandoned	\$25	\$100	\$300	\$1000/\$1000
59/Firearms, Hunting and Trapping	\$25	\$100	\$300	\$600/\$1000
60/Fire Insurance Escrow	N/A	\$500	\$750	\$1,000/\$1,000
61/Fire Prevention	See Pennsylvania Construction Code Act ⁴			
61/Fire Lane	See Pennsylvania Motor Vehicle Code and/or Pennsylvania Construction Code Act ⁵			
68/Garbage, Rubbish & Refuse Commercial	\$25	\$100	\$300	\$600/\$1000
Residential	\$25	\$50	\$100	\$200/\$1000
71/Grading & Soil Excavations	\$25	\$100	\$300	\$400/\$1000
Violation of Stop Order		\$300	\$600	\$1000/\$1000
78/Improvement Costs: Collection by Installments	N/A	\$100	\$300	\$600/\$600

³ Amended 7-6-04 by Ord. No. 1915.

⁴ Amended 7-6-04 by Ord. No. 1915.

⁵ Amended 7-6-04 by Ord. No. 1915.

Chapter/ Title	Paid Within 48 Hours & Violation Corrected	Minimum 1 st Offense	Minimum 2 nd Offense	3 rd or More Frequent Offense Min/Max
80/Junk	\$25	\$100	\$300	\$600/\$1000
83/Litter, Handbills & Political Advertisement	\$25	\$100	\$300	\$600/\$600
Mud and Other Prohibited Materials On Road	\$25	\$100	\$300	\$600/\$1000
89/Noise	\$25	\$100	\$300	\$600/\$1000
91/Parades and Picketing	\$25	\$100	\$300	\$1000/\$1000
93/Parks and Playgrounds	\$25	\$100	\$300	\$600/\$600
96/Peddling & Soliciting	\$25	\$100	\$300	\$600/\$600
98/Property Maintenance Code	\$25	\$100	\$300	\$600/\$1000 ⁶
99/Public Improvements	N/A	\$100	\$300	\$600/\$600
102/Recreational Vehicles; Trailers	\$25	\$100	\$300	\$600/\$600
104/Resident Number Identification	\$25	\$100	\$300	\$600/\$600
105/Restaurants	N/A	\$100	\$300	\$600/\$600

⁶ Added 7-7-08 by Ord. No. 2003; Amended 10-6-08 by Ord. No. 2011.

Chapter/ Title	Paid Within 48 Hours & Violation Corrected	Minimum 1 st Offense	Minimum 2 nd Offense	3 rd or More Frequent Offense Min/Max
105A/Sewage Accounts Delinquent	N/A	\$100	\$300	\$600/\$600
106/Sewers & Drains	N/A	\$100	\$300	\$600/\$1000
109/Sidewalks	\$25 ⁷	\$100	\$300	\$600/\$600
112/Streets & Highways	N/A	\$100	\$300	\$600/\$600
114/Subdivision & Land Development	N/A	\$100*	\$300*	\$500*/\$500*
116/Swimming Pools	\$25	\$100	\$300	\$600/\$1000
118/Taxation	N/A	\$100	\$300	\$600/\$600
120/Tenant Registration Statements	\$25	\$100	\$300	\$600/\$600
120A/Towing Services	\$25	\$100	\$300	\$600/\$600
121/Trees	N/A	\$100	\$300	\$600/\$1000
124/Abandoned Vehicles	\$25	\$100	\$300	\$600/\$600
125/Vehicles & Traffic	See Pennsylvania Motor Vehicle Code with the following exceptions ⁸ :			
125.25.1.	\$10	\$100	\$300	\$600/\$600

⁷ Amended 9-4-90 by Ord. No. 1452.

⁸ Amended 5-2-94 by Ord. No. 1630.

Chapter/ Title	Paid Within 48 Hours & Violation Corrected	Minimum 1 st Offense	Minimum 2 nd Offense	3 rd or More Frequent Offense Min/Max
125.25.2.	\$10	\$100	\$300	\$600/\$600
130/Zoning	\$25	\$100*	\$300*	\$500*/\$500*

§ 5.3. Continuing violations.

Where provided in any chapter of this Code or in any other ordinance of the township, the continuation of a violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

§ 5.4. Additional remedies.

The imposition of a penalty as provided in § 5.2 above, or as specifically provided in any other chapter of this Code or other ordinance of the township, shall be in addition to any injunctive or remedial relief which is authorized under the laws of the commonwealth, with the same force and effect as though provided for herein. Such penalty shall not be deemed to be in lieu of any provision for revocation or suspension of any license or permit.

§ 5.5. Disposition of fines.

Unless provided otherwise in the laws of the commonwealth, all fines or penalties collected for violations of provisions of this Code or of other ordinances of the township shall be paid over to the Township Manager.