

**BOROUGH OF EAST PROSPECT
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2004-10

AN ORDINANCE AMENDING THE FOLLOWING ORDINANCES OF THE BOROUGH OF EAST PROSPECT BY INCREASING THE PENALTIES FOR VIOLATIONS THEREOF: PARKING ORDINANCE #69-5; BURNING ORDINANCE #96-5; DANGEROUS BUILDINGS & CONDITIONS #96-18; WEED ORDINANCE #97-4; CURFEW ORDINANCE #98-8; MOTOR VEHICLE NUISANCE ORDINANCE #98-9; RECREATIONAL VEHICLE PARKING & STORAGE ORDINANCE #2000-1; AND TRAILER & VEHICLES OVER 9,001 LBS. PARKING ORDINANCE.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of East Prospect, York County, Pennsylvania as follows:

Section 1. Section VII of Ordinance 69-5 shall be amended to read as follows:

Section . Any person who violates any provision of this Ordinance shall, upon conviction, be sentenced to pay a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) and costs of prosecution, and in default of payment of such fine and costs, shall be imprisoned in the York County Prison for a period of not more than Thirty (30) days.

Section 2. Section 8 of Ordinance 96-5 shall be amended to read as follows:

Section . Penalties.

a. Any person or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) plus costs of prosecution, and in default of payment of such fine and costs, to imprisonment in the York County Prison for a term not to exceed Thirty (30) days. Each day that a violation continues shall constitute a separate offense.

Section 3. Section VII (2) of Ordinance 96-18 shall be amended to read as follows:

Section VII. Failure to Comply, Penalties.

(2) Any person who shall violate or fail, neglect, or refuse to comply with this Ordinance, shall, for each and every

such violation, pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Six Hundred Dollars (\$600.00), and costs of prosecution, and in default of payment of such fines and costs, shall be sentenced to imprisonment for not more than thirty (30) days; provided each day's violation, neglect, or refusal shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

Section 4. Section 4 of Ordinance 97-4 shall be amended to read as follows:

Section 4. Penalty for Violation.

Any person violating any of the terms or provisions of this Ordinance shall be subject to a fine in a sum not less than Seventy-Five (\$75.00) Dollars and not exceeding six hundred (\$600.00) Dollars and proceedings commenced by the Borough before any District Justice. Each day's violation shall constitute a separate offense for the purpose of commencing proceedings. Upon judgment against any person by conviction, or by proceedings by summons or default of the fine imposed and costs, said person may be sentenced to York County Jail for a period not exceeding thirty (30) days. This remedy is cumulative with other remedies in this Ordinance.

Section 5. Section 104 of Ordinance 98-8 shall be amended as follows:

Section 104. Enforcement and Penalties.

1. Any minor who shall be adjudged in violation of §102 before a District Justice shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars for each violation and costs of prosecution to be collected as other fines and costs are by law collectible and in default of payment of said fine and costs, the magistrate shall forward the citation and complaint to York County Juvenile Probation Office.

2. Any parent, guardian or other adult person having the care and custody of a minor who has violated any provision of §102 after said parent, guardian or other adult person has been sent the written notice prescribed in §104 (2), shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars for each violation and costs of prosecution to be collected as other fines and costs are by law collectible and in default of payment of said fine and costs, the magistrate shall sentence the operator of the establishment of their

agents or employees to imprisonment for not more than thirty (30) days in York County Prison.

3. Any operator of an establishment or their agents or employees who shall be adjudged in violation of §103 before a District Justice shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars for each violation and costs of prosecution to be collected as other fines and costs are by law collectible and in default of payment of said fine and costs, the magistrate shall sentence the operator of the establishment of their agents or employees to imprisonment for not more than thirty (30) days in York County Prison.

Section 6. Section 6 of Ordinance 98-9 shall be amended as follows:

Section 6. Penalties.

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 7. Section 5 of Ordinance 2000-2, as amended by Ordinance 2000-_____, shall be amended as follows:

Section 5. Any person who violates any provision of this Ordinance shall, upon conviction, be sentenced to pay a fine of not less than \$100.00 or more than \$600.00 and costs, provided that it shall be the duty of the police officers to report to the appropriate official all violations of any provision of the Ordinance, indicating in each case the section violated, the license number of the vehicle involved in the violation, the location where the violation took place and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or the other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Ordinance. The notice shall contain instructions to the owner or driver of the vehicle that, if he will pay the sum of \$__ within five days of the date of the notice, that act will save the violator from prosecution and

from payment of the fine and costs prescribed in the first sentence of this section.

Section 8. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 9. This Ordinance shall become effective immediately upon statement.

ENACTED OR ORDAINED this 7th day of September, 2004.

ATTEST:

Marvin C. Kelly
Secretary

BOROUGH OF EAST PROSPECT

By: Paul Jones
President/Vice President

Approved this 7th day of September, 2004.

Maxine Kuntz
Mayor