

ORDINANCE 2014 - 4

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD, PENNSYLVANIA AMENDING CERTAIN PROVISIONS OF ORDINANCE NO. 2008-4, WHICH IS COMMONLY REFERRED TO AS THE “ROCKWOOD BOROUGH NUISANCE AND DANGEROUS STRUCTURE ORDINANCE” BY AMENDING SECTIONS 6, 8 AND 9, AND BY RATIFYING AND AFFIRMING ALL OTHER PORTIONS OF THE SAID ORDINANCE NOT SO AMENDED.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Rockwood, that an Amendment shall be made to the “Rockwood Borough Nuisance and Dangerous Structure Ordinance,” and it is therefore and hereby ORDAINED and ENACTED by the authority of Borough Council as follows:

SECTION 1:

The existing Section 6 of Ordinance No. 2008-4 is repealed in its entirety, and a new Section 6 is adopted, which said section shall now read as follows:

SECTION 6: ENFORCEMENT OFFICER: This Ordinance shall be enforced by officers of the Rockwood Borough Police Department, and/or by an enforcement officer appointed by proper resolution of Borough Council. It is the specific intention of Borough Council that enforcement may be conducted both by the Rockwood Borough Police Department and by a duly-appointed enforcement officer, in the discretion of Council.

SECTION 2:

The existing Section 8 of Ordinance No. 2008-4 is repealed in its entirety, and a new Section 8 is adopted, which said section shall now read as follows:

SECTION 8. PENALTIES: Enforcement against any person, firm, partnership, corporation, or other entity, who or which fails to comply with the notice given, or otherwise fails to comply with the Ordinance, as aforesaid, shall be by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine shall be in the amount not less than One Hundred and 00/100 (\$100.00) Dollars and not more than One Thousand and 00/100 (\$1,000.00) Dollars for each violation. Additionally, imprisonment may be imposed to the extent allowed by law for the punishment of summary offenses. Any person or entity found guilty of violating this Ordinance may be assessed court costs and reasonable attorney fees incurred by the Borough in any enforcement proceedings.

Each day the violation continues after notice has been given shall be considered a separate offense allowing the filing of a separate citation, for the purpose of assessing fines and penalties. Once notice has been properly given for a violation, the notice continues to support

each separate offense and citation until the violation is corrected; it is intended that a fresh notice need not be given before each citation in cases of a continuing violation.

SECTION 3:

The existing Section 9 of Ordinance No. 2008-4 is repealed in its entirety, and a new Section 9 is adopted, which said section shall now read as follows:

SECTION 9: PROSECUTION NOT EXCLUSIVE REMEDY:

The choice by the Borough of Rockwood to initiate summary proceedings against any person, firm, partnership, corporation or other entity who or which fails to comply with the terms of this Ordinance shall not serve as the exclusive remedy, and the Borough retains all rights provided by law to pursue other remedies including actions in equity or otherwise in the Court of Common Pleas, which actions would include the collection of all costs of Rockwood Borough for actually enforcing this Ordinance, to include all court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings.

SECTION 4:

Each and every other provision and section of the said Ordinance No. 2008-4, as initially adopted on April 15, 2008, shall remain in full force and effect.

SECTION 5:

The provisions of this Amendment shall be effective immediately upon enactment.

ENACTED and ORDAINED this 19<sup>th</sup> day of August 2014.

Attest:

ROCKWOOD BOROUGH

Carla Barclay  
Secretary

By Donald Wanic  
President of Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

[Signature]  
Mayor