

**WEST PIKE RUN TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-3

AN ORDINANCE OF WEST PIKE RUN TOWNSHIP, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REIMBURSEMENT TO WEST PIKE RUN TOWNSHIP FOR COSTS, EXPENSES AND FEES ASSOCIATED WITH THE OPERATION OF THE WEST PIKE RUN TOWNSHIP POLICE DEPARTMENT; ESTABLISHING REIMBURSEMENT TO WEST PIKE RUN TOWNSHIP FOR THE COSTS, EXPENSES AND FEES ASSOCIATED WITH THE OPERATION OF WEST PIKE RUN TOWNSHIP'S ZONING AND CODE ENFORCEMENT OFFICE; ESTABLISHING REIMBURSEMENT TO WEST PIKE RUN TOWNSHIP FOR THE COST, EXPENSES AND FEES ASSOCIATED WITH WEST PIKE RUN TOWNSHIP'S ANIMAL CONTROL OFFICER; PROVIDING FOR THE ESTABLISHMENT OF SAID COSTS, FEES AND EXPENSES; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, West Pike Run Township, Washington County, Commonwealth of Pennsylvania, is concerned about the ever increasing costs associated with providing adequate municipal services in and for the residents of West Pike Run Township; and

WHEREAS, the Supervisors of West Pike Run Township desire to place the burden of costs associated with providing police services, zoning and code enforcement services and animal control services by the Township on those persons who unnecessarily cause increased responses or costs associated with the work of the West Pike Run Township Police Department, West Pike Run Township's Code and Zoning Enforcement Department and the West Pike Run Township's Animal Control officer; and

WHEREAS, in order to better protect the public health, safety and welfare, and to protect and preserve the public funds and tax dollars of West Pike Run Township, the Township Supervisors of West Pike Run Township desire to adopt the policy of reimbursement of its expenses and costs incurred while providing police services and providing enforcement of zoning and code regulations and providing for enforcement of animal control ordinances, laws and regulations.

NOW, therefore, be it **ORDAINED** and **ENACTED** by the Township Supervisors of West Pike Run Township, Washington County, Commonwealth of Pennsylvania, and it is hereby **ORDAINED** and **ENACTED** by the authority of same as follows:

SECTION I. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

“Actor” – The person violating any Ordinance of West Pike Run Township and/or any laws of the Commonwealth of Pennsylvania and/or those laws, rules and regulations designated as the Pennsylvania Crimes Code Pa. C.S.A. title 18 and Title 35, Chapter 6, in their entirety.

“Request for Response” – Any communication to West Pike Run Township of County 911 Dispatch Center or to the police, Code Enforcement Officer, Zoning Officer, or other entity, indicating the possibility of the existence of the occurrence of a crime, the violation of a Township Ordinance, or other emergency situation warranting immediate action by the police and/or Zoning and Code Enforcement Officials.

“Requestor” – Any person, tenant, resident, business organization, non-profit organization, charitable institution, agent, servant or employee who makes a Request for Response.

“Response” – Any event which causes or necessitates West Pike Run Township Police Department, the West Pike Run Township Zoning Officer, the West Pike Run Township Code Enforcement Officer, or the West Pike Run Township Animal Control Officer to utilize its communications systems, motor vehicles and/or personnel to arrive at any place designated by the Requestor.

SECTION II. IMPOSITION OF COSTS AND EXPENSES - FEES

A. Any Requestor who makes a Request for Response which causes a Response to be made by an agent,

B. Any Actor or perpetrator who has been determined has violated the Ordinances of West Pike Run Township or the laws of the Commonwealth of Pennsylvania as set forth in this Ordinance, said determination being made by the Court of Common Pleas of Washington County, including the minor judiciary of said County, by either judge, district justice, or jury, after trial or hearing, the Agreement by the Actor to a guilty plea, ARD agreement, plea of nolo contendere or no contest, probation or determination without verdict, and/or any adjudication, determination, or agreement regarding a juvenile under the Pennsylvania Juvenile Laws, shall be charged the costs of the response as set forth in Section III of this Ordinance.

SECTION III. FEES

Any responses or determinations as set forth in Section II of this Ordinance shall require the Requestor or Actor to reimburse to West Pike Run Township such fees, costs and expenses as set forth by Resolution of the Supervisors of West Pike Run Township as well as any incidental costs, fees or expenses relating to a Response.

SECTION IV. COLLECTION OF FEES

- A. West Pike Run Township shall provide an invoice to those individuals creating the requirement of a police, zoning or code enforcement, and/or animal control response as set forth in Section II (A) of this Ordinance pursuant to the schedule of charges set forth by Resolution of the Supervisors of West Pike Run Township.
- B. The invoicing as designated above shall be provided by the Township within thirty (30) days of the date of the municipal response as set forth in this Ordinance. Thereafter, payment shall be made to West Pike Run Township for the aforesaid invoicing within thirty (30) days of the date of the invoice.
- C. Where the costs, expenses and fees claimed under this Ordinance for Police, Zoning, Code Enforcement or Animal Control arise from or relate to the prosecution of an Actor, as provided under Section II (B), or the filing or any action for enforcement of an Ordinance of the Township, then such costs, expenses, and fees as provided by Resolution of the Supervisors of West Pike Run Township pursuant to Section III shall be included as restitution, costs of prosecution, or additional costs in any such prosecution or enforcement action.
- D. The costs, fees, and expenses as provided under Section IV (C), above, shall be collected through the appropriate Magisterial District Office and/or through the office of the Clerk of Courts of Washington County. It shall be the duty of the prosecuting officer or Township officer bringing the enforcement proceeding to make appropriate claim for any amounts due under this Ordinance.
- E. Failure to pay the aforesaid amounts shall cause West Pike Run Township to file a civil action, judgment and/or municipal lien against the involved party. The foregoing notwithstanding, West Pike Run Township, through its police department and/or zoning and code enforcement department, may request any court having competent jurisdiction over a Requestor, Actor or perpetrator to make restitution to West Pike Run Township consistent with the terms and conditions of this Ordinance.

F. Interest on the unpaid balance of any invoices of any fees shall carry an interest rate of six percent (6%) per annum of the unpaid balance. In addition, West Pike Run Township may assess attorney's fees.

SECTION V. REPEAL OF INCONSISTENT ORDINANCES

Any Ordinance or parts of Ordinances of West Pike Run Township inconsistent with the terms and conditions of this Ordinance is hereby repealed to the extent of said inconsistency.

SECTION VI. SEVERABILITY

If any section, clause 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 West Pike Run Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION VII. SAVINGS CLAUSE

Should any provision, part, or Section of this Ordinance be finally declared to be illegal, unenforceable or void, such shall not affect the remainder of this Ordinance, which shall nonetheless remain fully valid, binding and enforceable as though this Ordinance had not contained such void, illegal or enforceable parts and/or provisions.

SECTION VIII. EFFECTIVE DATE

This Ordinance shall become effective immediately.

ENACTED AND ORDAINED this 11th day of April, 2016.

ATTEST:

David E. Jacobs

TOWNSHIP OF WEST PIKE RUN

R. D. [Signature]
Dana Hough
Phillip Podorski