

TOWNSHIP OF MARTIC  
LANCASTER COUNTY, PENNSYLVANIA

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ORDINANCE NO. A9-4-96

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AN ORDINANCE TO AMEND THE MARTIC TOWNSHIP DRIVEWAY ORDINANCE, ORDINANCE NO. A2-5-92, TO REVISE PENALTY PROVISIONS IN ACCORDANCE WITH ACT 60 OF 1995.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, as follows:

Section 1. Ordinance No. A2-5-92 of the Township of Martic, the Martic Township Driveway Ordinance, Section 13, Penalties for Violation, shall be amended to provide as follows:

Any owner, person and/or contractor who has violated or who has permitted the violation of any provision of this Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment of not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars for each violation plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall be imposed until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.

Section 2. All other sections, parts and provisions of the Martic Township Driveway Ordinance, Ordinance No. A2-5-92, shall remain in full force as heretofore enacted and amended.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force five (5) days after enactment as provided by law.

DULY ORDAINED AND ENACTED this 3<sup>RD</sup> day of SEPTEMBER,  
1996, by the Board of Supervisors of the Township of Martic, Lancaster County,  
Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC  
Lancaster County, Pennsylvania

Attest: James R. Caldwell  
(Assistant) Secretary

By: Frank H. Pfeiffer  
(Vice) Chairman  
Board of Supervisors

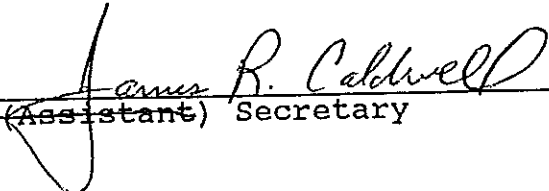
[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Township of Martic (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of Martic at a meeting duly held on the 3<sup>RD</sup> day of SEPTEMBER, 1996; such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of Martic met the advance notice requirements of Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, by advertising said meeting and by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 3<sup>RD</sup> day of SEPTEMBER, 1996.

  
(Assistant) Secretary

[TOWNSHIP SEAL]

*Supervisors:*  
*Frank Peiffer*  
*Joseph Duff*  
*Larry Hess*  
*Paul Campbell*  
*Ivan Sellers*

*Chair*  
*Vice - Chair*  
*Treasure/Roadmaster*

# MARTIC TOWNSHIP SUPERVISORS

*370 Steinman Farm Road · Pequea, PA 17565*  
*717-284-2167 · Fax 717-284-4425*

September 6, 1996

Josele Cleary  
Morgan, Hallgren, Crosswell, & Kane, P.C.  
700 North Duke Street  
P.O. Box 4686  
Lancaster, PA 17604-4686

Re: Revised Ordinances

Dear Josele:

Enclosed for your review and processing are executed and certified copies of the following:

Ordinance A9-1-96 - Amendment to the Martic Township Storm Water Management Ordinance

Ordinance A9-2-96 - Amendment to the Martic Township Anti-Litter Ordinance

Ordinance A9-3-96 - Amendment to the Martic Township Holding Tank Ordinance

Ordinance A9-4-96 - Amendment to the Martic Township Driveway Ordinance

The Supervisors also authorized advertising the remaining proposed ordinances for consideration at the October 7, 1996 meeting. In addition, your definition for junked cars received a favorable review by the Board. The proposed definition should be included in the revised Nuisance Ordinance

If you have any questions, or if you need additional information, please contact me at the Township office.

Yours truly,



James R. Caldwell  
Code Enforcement Officer/Township Secretary

PROOF OF PUBLICATION OF NOTICE IN

State of Pennsylvania }  
 }ss:  
County of Lancaster }

Dolly J. Benner of the County and State aforesaid, being duly sworn, deposes and says that the Intelligencer Journal-Lancaster New Era, a daily newspaper of general circulation published at Lancaster, County and State aforesaid, was established 1794-1877 since which date said daily newspaper has been regularly issued in said county, and that a copy of the printed notice or publication is attached hereto exactly the same as was printed and published in the regular editions and issues of said daily newspaper on the following dates, viz:

and the 26TH day of JULY A.D. 1996

Affiant further deposes that he is the Billing Clerk duly authorized by Lancaster Newspapers, Inc., a corporation, publisher of said Intelligencer Journal-Lancaster New Era, a newspaper of general circulation, to verify the foregoing statement under oath, and also declares that affiant is not interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as to time, place and character of publication are true.

Dolly J. Benner  
(SIGNATURE)

COPY OF NOTICE OR PUBLICATION

Sworn and subscribed to before me this

26TH day of JULY 1996

Carole A. Martin  
Notary Public

My commission expires

NOTARIAL SEAL  
CAROLE A. MARTIN, Notary Public  
Lancaster City, Lancaster County, PA  
My Commission Expires Feb. 16, 1998

Notice is hereby given that the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, at its public meeting on Monday, August 5, 1996, at 7:30 p.m., prevailing time, at the Martic Township Municipal Building, 370 Stehman Farm Road, Pequea, Pennsylvania, shall consider, and subsequently, if appropriate, at that public meeting or at a public meeting held within 60 days of the date of publication of this advertisement, the following four ordinances:

AN ORDINANCE TO AMEND THE MARTIC TOWNSHIP HOLDING TANK ORDINANCE TO REVISE PENALTIES FOR VIOLATIONS OF THE ORDINANCE IN ACCORDANCE WITH ACT 60 OF 1995.

AN ORDINANCE TO AMEND THE MARTIC TOWNSHIP DRIVEWAY ORDINANCE, ORDINANCE NO. A2-5-92, TO REVISE PENALTY PROVISIONS IN ACCORDANCE WITH ACT 60 OF 1995.

AN ORDINANCE TO AMEND THE MARTIC TOWNSHIP ANTI-LITTER ORDINANCE NO. 2-1975 TO REVISE PENALTY PROVISIONS IN ACCORDANCE WITH ACT 60 OF 1995.

AN ORDINANCE TO AMEND THE MARTIC TOWNSHIP STORM WATER MANAGEMENT ORDINANCE OF 1992 TO SPECIFY ACTIONS WHICH CONSTITUTE VIOLATIONS AND TO REVISE PENALTIES AND REMEDIES IN ACCORDANCE WITH ACT 60 OF 1995.

The proposed ordinances to amend the Martic Township Holding Tank Ordinance, Martic Township Driveway Ordinance, and Martic Township Anti-Litter Ordinance may all be summarized as follows. Section 1 of each of the three ordinances amends the penalty provision to revise the penalty for violation of the ordinance in accordance with the changes made to the Second Class Township Code by Act 60 of 1995. Sections 2, 3 and 4 of each of the three ordinances reaffirm all other parts and provisions of the ordinances, and provide for severability of any invalid provisions of any proposed ordinance and set forth the effective date. The proposed ordinance to amend the Martic Township Storm Water Management Ordinance is summarized as follows. Section 1 amends Section 601, Remedies, to clarify actions which are subject to the remedies of the Storm Water Management Ordinance. Section 2 revises Section 602, Penalties, of the Storm Water Management Ordinance to specify actions which constitute a violation of the Storm Water Management Ordinance and to revise penalties for violation in accordance with Act 60 of 1995. Sections 3, 4 and 5 of the proposed ordinance reaffirm all other parts and provisions of the Storm Water Management Ordinance, provide for severability of any invalid provisions of the proposed ordinance, and set forth the effective date. Copies of each of the four ordinances are available for public inspection at the offices of this newspaper and at the Martic Township Municipal Building, 370 Stehman Farm Road, Pequea, Pennsylvania, Mondays through Fridays, from 9:00 a.m. until 12:00 noon. A copy of each ordinance may be obtained for the cost of reproduction at the Martic Township Municipal Building during the above hours.

LAW OFFICES

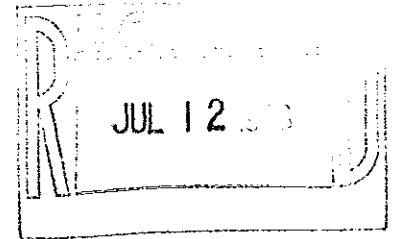
MORGAN, HALLGREN, CROSSWELL & KANE, P.C.

GEORGE J. MORGAN  
CARL R. HALLGREN  
WILLIAM C. CROSSWELL  
MICHAEL P. KANE  
ANTHONY P. SCHIMANECK  
DAVID L. WILLIAMS  
JOSELE CLEARY  
RANDALL L. MORGAN  
ROBERT E. SISCO  
JERRENE ZIMMERMAN

P. O. BOX 4686  
LANCASTER, PENNSYLVANIA 17604-4686

700 NORTH DUKE STREET  
TELEPHONE 299-5251  
AREA CODE 717  
TELECOPIER (717) 299-6170

July 11, 1996



James R. Caldwell, Secretary  
Martic Township  
370 Steinman Farm Road  
Pequea, PA 17565

Re: Amendments to Penalty Provisions of Ordinances  
Our File No. 8984

Dear Jim:

In accordance with your telephone conversations with me and Bill Crosswell, I have prepared four ordinances to amend the violation and penalty provisions of the Storm Water Management Ordinance, Driveway Ordinance, Holding Tank Ordinance, and Anti-Litter Ordinance. As we discussed, I have advertised consideration of these four ordinances for the meeting of the Board of Supervisors on Monday, August 5, 1996. Because all four of the ordinances simply amend penalty provisions, I have included the consideration of all our ordinances in a single legal advertisement. Enclosed please find a copy of the summary legal advertisement for all four ordinances and a copy of my letter to Lancaster Newspapers, Inc., requesting that the advertisement be published in accordance with the requirements of the Second Class Township Code, as amended by Act 60 of 1995.

Enclosed please find the original and two (2) copies of the each of the four proposed ordinances. If the ordinances are enacted by the Board of Supervisors, please ensure that all of the ordinance numbers are inserted on page 1 of the original and both copies of each of the four proposed ordinances. Please also ensure that all of the ordinances are properly signed by the Chairman or Vice Chairman of the Board of Supervisors. You should attest to these signatures as Township Secretary and affix the Township Seal on the last page of each of the four ordinances. Please complete the certification pages for both copies of each of the four ordinances and return them to me. Because only a summary of each of the four ordinances was advertised, the Second Class Township Code requires that a certified copy of each ordinance be filed at the Lancaster County Courthouse, and we will file one of the certified copies of each ordinance following receipt thereof from the Township. We will retain the other copies for our files.

As we discussed, I will review the On-Lot Sewage Disposal System Ordinance, Street Opening Ordinance, and Nuisance Ordinance

James R. Caldwell, Secretary  
Martic Township  
July 11, 1996  
Page 2

to recommend substantive revisions as well as revisions to the penalty provisions. I will forward proposed ordinances to you in time so that they may be discussed by the Board of Supervisors at the August meeting.

If you should have any questions concerning the above, please contact me.

Very truly yours,



Josele Cleary

JC:jac  
MUNI\223123

Enclosures

LAW OFFICES

MORGAN, HALLGREN, CROSSWELL & KANE, P.C.

P. O. BOX 4686

LANCASTER, PENNSYLVANIA 17604-4686

700 NORTH DUKE STREET

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ANTHONY P. SCHIMANECK  
DAVID L. WILLIAMS  
JOSELE CLEARY  
RANDALL L. MORGAN  
ROBERT E. SISCO  
JERRENE ZIMMERMAN

July 11, 1996

Ellie Gebhard, Classified Ads  
Lancaster Newspapers, Inc.  
8 West King Street  
P.O. Box 1328  
Lancaster, PA 17608

Re: Martic Township/Amendments of Four Ordinances to Revise  
Penalty Provisions  
Our File No. 8984

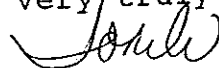
Dear Ellie:

Please publish the enclosed legal notice in the Friday, July 26, 1996, editions of the Intelligencer Journal and the Lancaster New Era. Thereafter, please send the proof of publication for the advertisement and your invoice directly to the following person:

James R. Caldwell, Manager-Secretary  
Martic Township  
370 Steinman Farm Road  
Pequea, PA 17565  
(717) 284-2167

I am also enclosing the full text of each of the proposed ordinances to which the enclosed legal notice relates as required by the Second Class Township Code. The full text of each of the proposed ordinances should be available for public inspection by anyone who cares to do so. If you have any questions, please contact me.

Very truly yours,



Josele Cleary

JC:jac  
MUNI\223123

Enclosures

✓cc: Martic Township



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MORGAN, HALLGREN, CROSSWELL &  
KANE, P.C.  
Township Solicitor