

ORDINANCE NO. 1208

An Ordinance amending various penalty sections in the Code of Ordinances of the Borough of Etna to take advantage of amendments to Section 3308 of the Borough Code by the Act of March 2, 1988, P.L.103, No. 18.

The Borough of Etna ordains as follows:

Section 1. Section two of Chapter III of the Code of Ordinances, being Section two of Ordinance 1001, relating to dogs at large, is amended to read as follows:

"Section 2. Seizure and Detention of Dogs Found at Large:
Penalty. Any dog found on any highway or road in the Borough or on public or private property in the Borough in violation of any provision of Section one of this ordinance may be seized or detained by any police officer or dog catcher of the Borough, and notice given to the owner, custodian or keeper of the dog. Any dog so sighted may be released to the owner upon payment of the costs of seizure or detention, providing the owner, custodian or keeper claims the dog within 24 hours after notice. If an owner, custodian or keeper having been notified under the provisions of this section, further allows the dog to be on any highway, road, or public or private property, in violation of Section one of this ordinance, that owner, custodian or keeper shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: if the dog is not seized as provided in this section, the owner, custodian or keeper shall be notified that the dog is at large in violation of the first section of this ordinance."

Section 2. Section 16 of Chapter III of the Code of Ordinances, being Section 6 of Ordinance 1026, relating to livestock at large, is amended to read as follows:

"Section 16. Criminal Property. In lieu of proceeding under Sections three to five of this ordinance, the Borough may elect to proceed under this section. It shall be considered a summary

offense for any owner of livestock negligently or intentionally to permit any of his livestock to run free and unattended along any thoroughfare in the Borough. Any person who violates any provision of this section shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided an offense shall consist of livestock running free during any part of a 24-hour period, and each day on which such violation exists shall constitute a separate offense."

Section 3. Section 32 of Chapter III of the Code of Ordinances, being Section two of Ordinance 726, as amended by Ordinance 815, relating to the keeping of swine and the maintenance of pig sties, is amended to read as follows:

"Section 32. Penalty for Violation. Any person, whether principal or agent, who violates any provision of this ordinance, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day on which any person, firm or corporation violates any provision of this ordinance shall constitute a separate violation. "

Section 4. Section 27 of Chapter V of the Code of Ordinances, being Section 27 of Ordinance 672, as amended by Ordinance 811, relating to construction, alteration and additions of buildings, is amended to read as follows:

"Section 27. Penalty for Violation. Any person, firm or corporation who or which violates or fails to comply with any provision of this ordinance or of any lawful order or requirement of the Building Inspector made in accordance with any provision of this ordinance shall be guilty of a violation of this ordinance, and shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day on which any person, firm or

corporation continues to violate any provision of this ordinance, or of any such order or requirement, shall constitute a separate violation."

Section 5. Section 49 of Chapter V of the Code of Ordinances, being Section nine of Ordinance 333, relating to building construction between October 18, 1911 and May 13, 1933, is amended to read as follows:

"Section 49. Penalty for Violation. Any person who violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 6. Section 63 of Chapter V of the Code of Ordinances, being Section three of Ordinance 730, as amended by Ordinance 817, relating to dangerous buildings, is further amended to read as follows:

"Section 63. Penalty for Violation. Any person, firm or corporation, who or which violates any provision of this ordinance, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 7. Section 72 of Chapter V of the Code of Ordinances, being Section two of Ordinance 176, relating to the numbering of buildings, is amended to read as follows:

"Section 72. Penalty for Violation. Any person who fails to comply with any provision of this ordinance, or who fails, within ten days after service of notice as provided in Section one of this ordinance, to have the number of his lot carved, painted or attached in a conspicuous place upon the front of the house or building erected on that lot, shall be guilty of a violation, and, for every such violation, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 8. Section 132-E of Chapter V of the Code of Ordinances, being Subsection E of Section 2.11 of Article II or Ordinance 1111, relating to flood plain management, is amended to read as follows:

"E. Penalties. Any person who fails to comply with any requirement or provision of this ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the Borough, shall be guilty of an offense, and for every such offense, upon conviction, shall be sentenced to pay a fine of not more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day on which any such offense continues shall constitute a separate violation or offense. In addition to the above-mentioned penalties, all other actions are hereby reserved, including an imposition of a fine or penalty for any violation of, or non-compliance with, any provision of this ordinance shall not excuse the violation or non-compliance or permit it to continue; and every such person shall be required to correct or remedy all such violations or non-compliances within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this ordinance, may be declared by the Borough Council to be a public nuisance and abatable as such."

Section 9. Section six of Chapter VI of the Code of Ordinances, being Section six of Ordinance 1071, relating to tampering with certain property, is amended to read as follows:

"Section 6. Penalty for Violation. Any person who violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from that violation."

Section 10. Section 24 of Chapter VI of the Code of Ordinance,

being Section four of Ordinance 1117, as amended by Ordinance 1155, relating to alcoholic beverage violations in certain places, is further amended to read as follows:

"Section 24. Penalty for Violation. Any person who violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. provided: each day on which any such violation continues shall constitute a separate violation."

Section 11. Section 44 of Chapter VI of the Code or Ordinances, being Section four of Ordinance 1138, relating to smoking where prohibited in public school areas and on school buses, is amended to read as follows:

"Section 44. Penalty for Violation. Any person who violates any provision of Section one of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. "

Section 12. Section 53 of Chapter VI of the Code of Ordinances, being Section three of Ordinance 1070, relating to disorderly conduct and disturbance of the peace, is amended to read as follows:

"Section 53. Penalty for Violation. Any person who violates any provision of this ordinance, or who causes, helps, aids or abets any person to violate any such provision, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 13. Section 61 of Chapter VI of the Code of Ordinances, being Section one of Ordinance 10, as amended by Ordinance 799, relating to bathing or swimming in the river or creek without proper clothing, is further amended to read as follows:

"Section 61. Bathing in Creek or River Without Proper Clothing Prohibited. It shall be unlawful for any person to bathe, swim or wash in the Allegheny River or Pine Creek within the limits of the Borough of Etna, unless that person is wearing a bathing suit or other suitable garment to protect his or her person from exposure. Any such person who violates any provision of this section shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. "

Section 14. Section 64 of Chapter VI of the Code of Ordinances, being Section nine of Ordinance 726, as amended by Ordinance 1058, relating to depositing banana skins and other material onto sidewalks, restricting the use of firearms, and ballplaying and throwing missiles upon or onto street or sidewalk, is further amended to read as follows:

"Section 64. Penalty for Violation. Any person, whether principal or agent, who violates any provision of this ordinance, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day on which any person, firm or corporation violates any provision of this ordinance shall constitute a separate violation."

Section 15. Section six of Chapter VII of the Code of Ordinances, being Section six of Ordinance 1078, relating to a curfew for minors, is amended to read as follows:

"Section 6. Penalties.

"(a) Any person who permits any minor to violate any provision of this ordinance, after having received a notice of a prior violation, shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default or payment of fine and costs, to undergo imprisonment for not more than 30 days."

"(b) Any operator who violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in

default of payment of fine and costs, to undergo imprisonment for not more than 30 days. "

"(c) Any minor who violates any provision of this ordinance more than three (3) times shall be arrested by the Borough police and turned over to the Family Court Division of the Court of Common Pleas of Allegheny County, and proceedings shall then be taken in that Court for the permanent welfare of that minor, and a like procedure shall be taken where the arrest of the parent is not effective or where for any other reason the curfew established by this ordinance cannot be made effective by fines and penalties imposed by this section."

Section 16. Section three of Chapter X of the Code of Ordinances, being Section three of Ordinance 1023, as amended by Ordinance 1065, relating to placement and deposit of nonresident refuse for collection in the Borough, is further amended to read as follows:

"Section 3. Penalty for Violation. Any nonresident who violates any provision of Section one of this ordinance, and any resident who violates any provision of Section two shall be guilty of an offense, and, for every violation, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day on which any nonresident or resident, as the case may be, violates any provision applicable to him shall constitute a separate offense."

Section 17. Section 14 of Chapter XI of the Code of Ordinances, being Section four of Ordinance 1073, relating to the grass, weeds and other vegetation, is amended to read as follows:

"Section 14. Penalty for Violation. Any person, firm or corporation who or which violates or fails, neglects or refuses to comply with any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 18. Section three of Chapter XII of the Code of

Ordinances, being Section three of Ordinance 943, dealing with reports of tenants by landlords and of customers by public utility companies, is amended to read as follows:

Section 3. Penalty for Violation. Any person, firm or corporation who or which violates any provision of the first or second section of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$50 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than ten (10) days.

Provided: failure to report any name shall be considered a separate offense. "

Section 19. Section two of Chapter XIV of the Code of Ordinances, being Section four of Ordinance 181, relating to advertising distribution, is amended to read as follows:

"Section 2. Penalty for Violation of Provisions on Distribution. Any person or persons, or corporation, partnership or company or their agents, who or which violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. "

Section 20. Section four of Chapter XIV of the Code of Ordinances, being Section two of Ordinance 1088, relating to posting of advertisements and other material, is amended to read as follows:

"Section 4. Penalty for Violation of Provisions on Posting. Any person or persons, association, partnership or corporation who or which violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each attachment or posting shall constitute a separate violation and each day that any such attachment or posting remains shall constitute a separate violation."

Section 21. Section 21-A of Chapter XIV of the Code of Ordin-

ances, as added by Ordinance 1137 and amended by Ordinance 1156, relating to amusement devices and machines and arcade businesses, is further amended to read as follows:

"Section 21-A. Fines for Violation. Any proprietor, person or persons, firm or corporation, who or which violates any provision of this ordinance, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day on which any arcade, and/or electro-mechanical device, music device and/or video device is operated or used in violation of any provision of this ordinance shall constitute a separate and distinct offense. Provided further: repeated violations of this ordinance shall be considered separate grounds for revocation of any license without obligation on the part of the Borough to return any license fee previously paid."

Section 22. Section 33 of Chapter XIV of the Code of Ordinances, being Section three of Ordinance 619, as amended by Ordinance 810, relating to outdoor use of loudspeakers and other sound devices, is further amended to read as follows:

"Section 33. Penalty for Violation. Any person, partnership, association, firm or corporation, who or which violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 23. Section 41 of Chapter XIV of the Code of Ordinances, being Section one of Ordinance 725, prohibiting the carrying on of certain noxious and offensive businesses in the Borough, is amended to read as follows:

"Section 41. Certain Industries Prohibited in Borough. It shall be unlawful for any person or persons, firm or corporation to carry on, anywhere within the limits of the Borough, the business of a rendering plant, or the manufacture of glue or guano, or the

grinding, boiling or stacking of bones, and, for any violation of any provision of this ordinance, the violator, upon conviction, shall be sentenced to pay a fine of not more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 24. Section 63 of Chapter XIV of the Code of Ordinances, being Section 13 of Ordinance 1145, relating to solicitation and transient business, is amended to read as follows:

Section 63. Violations and Penalties. Any person, firm or corporation who or which violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not less than \$50 or more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day's continuance of a violation shall constitute a separate offense."

Section 25. Subsection (b) of Section 71 of Chapter XVI of the Code of Ordinances, being Subsection (b) of Section 11 of Article IV of Ordinance 1145, relating to tampering with on-street parking meters, is amended to read as follows:

"(b) Any person who violates any provision of Section nine of this article shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 26: Subsection (b) of Section 91 of Chapter XVI of the Code of Ordinances, being Subsection (b) of Section 11 of Ordinance 1158, as added by Ordinance 1180, relating to tampering with off-street parking meters, is amended to read as follows:

"(b) Any person who violates any provision of Section 89 of this article shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 27. Section 4 of Chapter XVII of the Code of Ordinances, being Section four of Ordinance 1076, as amended by Ordinance 1176, relating to nuisances, is further amended to read as follows:

"Section 4. Penalty for Violation. Any person who violates any provision of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day's continuance of the maintenance of any nuisance, after the expiration of ten (10) days following the issuance of the notice referred to in the third section of this ordinance, shall constitute a separate violation."

Section 28. Section 2 of Chapter XVIII of the Code of Ordinances, being Section two of Ordinance 1015, relating to violations of the rules and regulations of the Joint Playground Committee, is amended to read as follows:

"Section 2. Penalty for Violation of Rules and Regulations. Any person who violates any provision of the rules and regulations of the Joint Playground Committee shall be guilty of an offense, and, for every such offense, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: a separate offense shall be deemed to have been committed on each calendar day during or on which the violation occurs or continues."

Section 29. Section three of Chapter XVIII of the Code of Ordinances, being Section three of Ordinance 1015, relating to entering the playground after closing hours or placing foreign matter in the swimming pool, is amended to read as follows:

"Section 3. Penalty for Entering Playground After Closing Hours or Placing Foreign Matter into Swimming Pool. Any person who enters the playground after the same has been closed, or any person who places any type of foreign matter into the swimming pool shall

shall be guilty of an offense, and, for every such offense, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 30. Section five of Chapter XX of the Code of Ordinances, being Section four of Ordinance 729, as amended by Ordinance 816, relating to sewer connections, is further amended to read as follows:

"Section 5.1 Penalty for Violation of Sewer Connection Regulations. Any person, firm or corporation, who or which violates any provision of this ordinance, by failing to comply with notice to originally make connection, or subsequently to properly repair or renew the same, shall, for every offense and each separate violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each daily act of violation shall constitute a separate offense."

Section 31. Section 12 of Chapter XX of the Code of Ordinances, being Section five of Ordinance 253, relating to the construction and use of private sewers, as amended by Ordinance 1026, is further amended to read as follows:

"Section 12. Penalty for Violation of Provisions on Private Sewers. Any person who violates any provision of Section two, three or four of this ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 32. Section 33 of Chapter XX of the Code of Ordinances, being Section three of Ordinance 882, relating to unlawful discharges into sewers, is amended to read as follows:

"Section 33. Penalty for Violation. Any person, firm, association or corporation who or which violates any provision of this ordinance shall, for every such violation, upon conviction, be

sentenced to pay a fine of not more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day that a violation is continued shall constitute a separate violation.

Provided further: In the case of firms or associations, the penalty may be imposed upon the partners or members thereof; and in the case of corporations upon the officers thereof."

Section 33. Section 47 of Chapter XX of the Code of Ordinances, being Section seven of Ordinance 1152, relating to unlawful discharges into the ALCOSAN disposal system, is amended to read as follows:

"Section 47. Penalty for Violation. Any person, firm, association or corporation, who or which violates any provision of this ordinance, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day that a violation is continued shall constitute a separate violation. Provided further: In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations, upon the officers thereof."

Section 34. Section 601.1 of Ordinance 1191, The Stormwater Management Ordinance, being codified by reference as Section one of Chapter XXI of the Code of Ordinances, is amended to read as follows:

"601.1. Penalties and Fines. Any person who violates or fails to comply with any requirement or provision of this ordinance, or who fails to comply with any notice, order or direction of any authorized municipal employee or representative, issued by authority of this ordinance, shall, be guilty of an offense, and, for every such offense, upon conviction, shall be sentenced to pay a fine of not less than \$50 or more than \$1000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: Each day on which any violation of or failure to comply continues shall constitute a separate offense. Provided further: The imposition of a fine or penalty for any violation of or noncompliance with this ordinance or any order or direction issued under this ordinance shall not excuse the violation

or noncompliance or permit it to continue, and all such persons shall be required to remedy or correct all such violations or failures to comply within a reasonable time."

Section 35. Section 37 of Chapter XXII of the Code of Ordinances, being Section seven of Ordinance 1025, relating to openings and excavations in streets, is amended to read as follows:

"Section 37. Penalty for Violation. Any person, firm or corporation, who or which violates any provision of this ordinance, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 36. Subsection (b) of Section 56 of Chapter XXII of the Code of Ordinances, being Subsection (b) of Section 6 of Ordinance 747, relating to snow and ice on sidewalks, as last amended by Ordinance 1059, is further amended to read as follows:

"(b) Any person, firm or corporation, who or which violates any provision of this ordinance, shall, upon conviction, be sentenced to pay a fine of not more than \$100 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 37. Section 62 of Chapter XXII of the Code of Ordinances, being Section 11 of Ordinance 747, relating to construction maintenance, and obstruction of sidewalks as well as encroachments upon sidewalks, as last amended by Ordinance 1059, is further amended to read as follows:

"Section 62. Penalty for Violation. Any person, firm or corporation, who or which violates any provision of this ordinance, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 38. Section 73 of Chapter XXII of the Code of Ordinances,

being Section three of Ordinance 765, relating to improper construction or repair of curbs, as amended by Ordinance 823, is further amended to read as follows:

"Section 73. Improperly Constructed and Repaired Curbs
Constitute Nuisance; Penalty for Failure to Reconstruct; Authority
for Borough to Do Work and Collect Cost. Curbs not laid, reconstructed or repaired in conformity with the provisions of this ordinance and the established grade of the street on which they are constructed, are declared to be a nuisances, and must be taken up and reconstructed according to the provisions of this ordinance within 30 days after notice from the Borough to the owner or owners of the abutting property to do so. Upon failure of the owner or owners to reconstruct the curb within the time stipulated, such owner or owners shall be guilty of an offense, and, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Furthermore, the Borough shall cause the curb to be reconstructed in the manner required by this ordinance, and shall collect the cost of the work, plus ten percent (10%), together with all charges and expenses, from the owner or owners of the abutting property, according to law and this ordinance."

Section 39. Section 102 of Chapter XXII of the Code of Ordinances, being Section nine of Ordinance No. 726, relating to unprotected obstructions, excavations and nuisances on streets and sidewalks, as amended by Ordinance 823, is further amended to read as follows:

"Section 102. Penalty for Violation of Provisions on
Obstructions, Excavations and Nuisances. Any person, whether principal or agent, violating any provision of this ordinance, shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Provided: each day on which any person, firm or corporation violates any provision of this ordinance shall constitute a separate offense."

Section 40. Section 35 of Chapter XXV of the Code of Ordinances, being Section two of Ordinance 1027, relating to landlords' reports of occupants of rental property, as amended by Ordinance 1066, is amended to read as follows:

"Section 35. Penalty for Failure to Report Names and Addresses of Occupants of Rental Income Property. Any owner or operator of any rental income property in the Borough of Etna who violates any rule or regulation set out in Section one of this ordinance, or promulgated pursuant thereto, shall be guilty of an offense, and, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 41. Subsection "A" of Section 61 of Chapter XXV of the Code of Ordinances, being Subsection "A" of Ordinance 850, relating to certain prohibited acts in connection with the mercantile license and business transaction tax, is last amended by Ordinance 1019, is further amended to read as follows:

"A. Whoever makes any false or untrue statement on his return, or refuses to permit inspection of the books, records or accounts of any business in his custody or control, when the right to make such inspection by the Tax Collector is requested, and whoever fails, or refuses to file a return required by this ordinance, and whoever fails or refuses to procure a license required under this ordinance, or fails to keep his license conspicuously posted at his place of business as required herein, shall be guilty of an offense, and, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 42. Section 99 of Chapter XXV of the Code of Ordinances, being Section nine of Ordinance 985, relating to certain prohibited acts in connection with the occupational privilege tax, as last amended by Ordinance 1063, is amended to read as follows:

"Section 99. Violation. Any person who violates any provision of this ordinance or of any regulation adopted pursuant to this

ordinance shall, for every such violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 43. Section seven of Chapter XXVII of the Code of Ordinances, being Section seven of Ordinance 233 relating to obstruction of Pine Creek, as amended by Ordinance 806, further is amended to read as follows:

"Section 7. Penalty for Violation. Any person, firm or corporation who or which violates any provision of this ordinance, shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

Section 44. Section 17 of Chapter XXVII of the Code of Ordinances, being Section seven of Ordinance 497, relating to obstruction of Little Pine Creek, as amended by Ordinance 809, is further amended to read as follows:

"Section 17. Penalty for Violation. Any person, firm or corporation, who or which violates any provision of this ordinance, shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."


Section 45. Section 99 of Chapter XXVIII of the Code of Ordinances, being Section 45 of Ordinance 1187, prescribing water department rules and regulations, is amended to read as follows:

"Section 99. Penalties. Any person who violates any provision of this ordinance shall be guilty of an offense, and for every such violation, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days."

ORDAINED AND ENACTED this 11th day of Dec, 1989,
by the Council of the Borough of Etna.

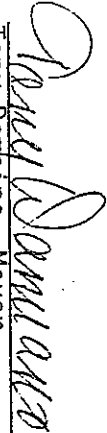
Peter Ramage
Peter Ramage, President

ATTEST:



W. M. Skerich, Secretary

EXAMINED AND APPROVED by me this *17th* day of *December*, 1989.



Tony Danalino, Mayor