

ORDINANCE NO. 757-2009

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Township of East Pennsboro hereby ordains:

Section 1. Adoption. The "Code of Ordinances, Township of East Pennsboro," as prepared and published for the said Township of East Pennsboro, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township of East Pennsboro. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Township of East Pennsboro organized as follows:

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Chapter 1	Administration and Government
Chapter 2	Animals
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Chapter 5	Code Enforcement
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Chapter 9	Filling, Grading and Excavating
Chapter 10	Health and Safety
Chapter 11	Housing
Chapter 12	[Reserved]
Chapter 13	Licenses, Permits and General Business Regulations
Chapter 14	[Reserved]
Chapter 15	Motor Vehicles and Traffic
Chapter 16	Parks and Recreation
Chapter 17	[Reserved]

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- Chapter 18 Sewers and Sewage Disposal
- Chapter 19 [Reserved]
- Chapter 20 Solid Waste
- Chapter 21 Streets and Sidewalks
- Chapter 22 Land Development
- Chapter 23 [Reserved]
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APPENDIX:

- A Adjustments to Township Boundaries
- B Debt and Bond Issues
- C Franchises and Services
- D Governmental and Intergovernmental Affairs
- E Plan Approval
- F Public Property
- G Sewers
- H Streets and Sidewalks
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Table to Disposition of All Ordinances for East Pennsboro Township
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Table to Disposition of Significant Resolutions

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Township of East Pennsboro shall be authoritative.

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Section 2. Citation and Effective Date. The codification referred to in Section 1 of this ordinance shall be known and cited officially as the "Township of East Pennsboro Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause. The provisions of the Township of East Pennsboro Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Township of East Pennsboro Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

Section	Subject	Ordinance No., Section
15, Entire Chapter	Motor Vehicles and Traffic	West Fairview Borough Ordinances: 214, 223 East Pennsboro Township Ordinances: 458-87, 459-87, 462-88, 463-88, 465-88, 466-88, 467-88, 475-89, 479-90, 484-90, 485-90, 492-90, 493-90, 494-90, 495-90, 496-90, 502-91, 503-91, 504-91, 505-91, 506-91, 509-91, 510-91, 516-92-A, 518-92, 530-93, 531-93, 532-93-1, 532-93, 533-93, 535-94, 539-94, 544-94, 545A-94, 550-95, 552-95, 559-96, 560-96, 562-96, 563-96, 564-96, 572-96, 574-97, 575-97, 576-97, 579-97, 580-97, 584-97, 585-97, 587-98, 588-98, 591-98, 592-98, 596-98, 597-98, 600-98, 606-99, 608-99, 609-99, 610-99, 611-99, 612-99, 614-2000, 615-2000, 615-2000A, 616-2000, 625-2000, 627-2001,

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Section	Subject	Ordinance No., Section
		628-2001, 630-2001, 634-2001, 636-2001, 637-2001, 638-2001, 639-2001, 640-2001, 642-2002, 649-2002, 653-2002, 654-2002, 655-2002, 656-2003, 657-2003, 658-2003, 659-2003, 660-2003, 665-2003, 666-2003, 667-2003, 668-2003, 669-2003, 673-2003, 676-2004, 677-2004, 678-2004, 679-2004, 680-2004, 683-2004, 685-2004, 692-2005, 693-2005, 695-2005, 700-2005, 701-2005, 702-2005, 703-2005, 707-2006, 710-2006, 711-2006, 712-2006, 713-2006, 722-2006; 726-2006; 730-2007; 731-2007; 732-2007; 734-2007; 735-2007; 742-2007; 745-2008; 747-2008; 750-2008; 751-2008; 752-2008

B. Revisions.

Section	Subject	Ordinance No., Section
		[Reserved]

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments.

Section	Subject
§§ 1-101—1-111	Preliminary Provisions
§§ 6-101—6-104	Firearms
§§ 6-301—6-305	Alcoholic Beverages
15, Entire Chapter	Motor Vehicles and Traffic
§§ 18-801—18-813	On-Lot Management Program
§§ 25-101—25-109	Shade Trees

B. Amendments.

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Section	Subject	Ordinance No., Section
§ 1-201	Time and Place of Regular Meetings of Board of Commissioners; Rescheduling	1-53, § 1; 9-54, § 1; 166-68, § 1; 243-72, §§ 1, 2; 319-76, § 1; 432-83
§ 1-315	Compensation	157-67, § 5; 407-82; 428-83; 434-83
§ 1-316	Powers and Duties	157-67, § 6; 210-70, § 3; 246-72, §§ 1—4
§ 1-411	Creation and Membership	571-96, § 1
§ 1-414	Filing of Appeals	571-96, § 2
§ 1-421	Establishment; Tenure; Rules and Regulations	Res. 11/29/1960
§ 1-442	Creation of Commission	199-69, § 2
§ 1-461	Establishment; Composition; Authority	133-64; 211-70, §§ 1, 2; 328-77, § 1; 387-80
§ 1-473	Meetings	508-91, § 3; 523-92, § 2
§ 1-502	Subordinate Classifications; Number and Compensation of Persons Therein	71-60, § 2; 425-83, § 1
§ 1-703	Inspection Fee Imposed	Res. 15-78, § 3
§ 1-904	Claim Recoverable by Insuring Agent	524-92, § 4
§ 1-905	Limits of Liability	524-92, § 5
§ 1-907	Penalty	524-92, § 7
§ 1-1001	Attorney Fees	561-96, § 1
§ 2-102	Definitions	718-2006, § 102
§ 2-105	Seizure and Detention of Animals at Large; Notice Thereof; Penalty and Expenses of Detention	718-2006, § 105
§ 2-204	Penalty for Violation	718-2006, § 204
§ 3-103	Duties of Police Department	177-68, § 3; 244-72, §§ 1, 2
§ 3-104	Penalties	177-68, § 4; 387-80

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Section	Subject	Ordinance No., Section
§ 3-105	Disposition of Unclaimed Bicycles	Res. 2-68
§ 5-201	Additions, Insertions and Changes	738-2007
§ 6-206	Penalty for Violation	178-68, § 6; 387-80
§ 6-403	Definitions	341-77, § 3
§ 6-408	Penalties	341-77, § 8
§ 7-108	License Requirements	565-96, § 9
§ 7-111	Violations	565-95, § 12
§ 9-118	Violations and Penalties	624-2000, § 18
§ 10-115	Violation and Penalties	694-2005, § 205
§ 10-131	Amendments, Deletions and Modifications to the Food Code, 2005	694-2005; 716-2006
§ 10-205	Violation and Penalties	717-2006, § 5
§ 10-302	Obstructive Vegetation	739-2007, § 2
§ 10-305	Penalty for Violation	739-2007, § 7
§ 11-104	Status of Occupancy Report	147-66, § 4
§ 11-105	Penalty for Violation	147-66, § 5; 175-68, § 2; 387-80
§ 11-207	Inspection Fees	720-2006, § 12
§ 13-102	License Required	180-68, § 2
§ 13-103	Penalty for Violation	180-68, § 3; 387-80
§ 13-203	Application Procedure	748-2008, § 3
§ 13-303	Administrative Provisions	540-94, § 3
§ 13-307	Penalties	540-94, § 7
§ 16-101	Definitions	675-2004, § 101
§ 16-105	Operation/Parking of Vehicles	675-2004, § 105
§ 16-106	Alcoholic Beverages Prohibited	675-2004, § 106
§ 16-107	Trespass	675-2004, § 107
§ 16-108	Animal Control	675-2004, § 108
§ 16-109	Littering and Refuse	675-2004, § 109

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Section	Subject	Ordinance No., Section
§ 16-110	Disorderly Acts	675-2004, § 110
§ 16-111	Firearms and Explosive Devices Prohibited	675-2004, § 111
§ 16-112	Vandalism to Park Property	675-2004, § 112
§ 16-113	Facilities for Designed Use	675-2004, § 113
§ 16-114	Miscellaneous Prohibited Acts	675-2004, § 114
§ 16-115	Unlawful to Interfere	675-2004, § 115
§ 18-112	Penalties	55-58, § 12; 79-60, § 1; 130-64, § 1; 168-68, § 1; 387-80
§ 18-201	Definitions	295-75, § 1; 335-77, § 1- b; 471-88, § 1; 538-94, § 1
§ 18-202	Imposition; Rates	295-75, § 2; 321-76, §§ 1 to 4; 470-88, § 1; 471-88, § 2; 689- 2004
§ 18-203	Tapping Fee	295-75, § 2A; 335-77, § 1-a; 471-88, § 3; 538-94, § 2; 697-2005; 733-2007
§ 18-303	Fees	387-80, § 303
§ 18-402	Penalties	259-73, § 2; 387-80
§ 18-503	Compliance Date	721-2006, § 3
§ 18-508	Permit Requirements	721-2006, § 8
§ 18-510	Grease Interceptor Maintenance	721-2006, § 10
§ 18-516	Violation	721-2006, § 16
§ 18-608	Violations	741-2007, § 8
§ 18-709	Violations	740-2007, § 9
§ 20-102	Definitions	73-60, § 2; 473-88, § 1
§ 20-105	Pre-Collection Practices	73-60, § 5
§ 20-106	Collection Practices	73-60, § 6; 387-80; 473- 88, § 2

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Section	Subject	Ordinance No., Section
§ 20-107	Fees	73-60, § 7; 176-68, § 1; 224-70, §§ 1 and 2; 298-75, § 1; 348-78, § 1; 350-78, §§ 1 and 2; 424-82, § 1; 439-84, § 1; 454-87, § 3; 473-88, § 3; 480-90, § 3; 483-90, § 1; 525-92, § 1
§ 20-110	Penalties; Separability	73-60, § 10
§ 20-216	Collection Standards	482-90, Art. 3
§ 20-261	Penalty	481-90, § 12
§ 21-206	Penalty for Violation	301-75, § 6; 387-80
§ 21-305	Penalty for Violation	715-2006, § E
§ 21-306	Snow and Ice not to be Placed on Plowed Street; Penalty	715-2006, § F
§ 21-502	Permit Required; Application and Fee	578-97, § 402
§ 21-513	Violations and Penalties	578-97, § 413
§ 21-604	Penalties	387-80
§ 24-104	Imposition of Tax	453-86, § 4
§ 24-113	Statement of Value; Penalty	453-86, § 14
§ 24-118	Collector	453-86, § 18
§ 24-212	Fines and Penalties for Violation	141-66, § 12; 145-66, § 12; 387-80
§ 24-316	Fine and Penalty	743-2007, § 116

C. Repeals.

Ordinance/Resolution	Subject
Res. 1/23/1953, § 2	Orders, Purchases, Expenditures and Appropriations
Ord. 67-59	Junk Dealers
Ord. 123-64	Shade Tree Commission
Res. 21-68	Employee Benefits and Regulations
Ord. 171-68	Junk Dealers; Penalty

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Ordinance/Resolution	Subject
Res. 9-71	Leave for Illness or Emergency
Res. 20-71	Holiday Leave
Res. 2-72	Holiday Leave
Res. 5-77	Police Pension Advisory Committee
Ord. 381-80	Educational Service Agency
Ord. 457-87	Highway Improvements
Ord. 601-98	Collection License Requirements

Section 6. Adoption of Standard Codes by Reference. As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

Section	Short Title
	[Reserved]

Section 7. Land Use Amendments. The Township of East Pennsboro Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

A. New Provisions.

The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

Section	Subject
	[Reserved]

B. Revised Provisions.

The following provisions of the Code are revised, the text of which indicates deletions by ~~strike-through~~ and additions shown by underline, and are summarized as follows:

Section	Subject	Ordinance No.
§ 22-202	Definitions	736-2007, § 202
§ 22-512	Monuments and Markers	736-2007, § 512
§ 22-703	Stormwater Management Plan	736-2007, § 703
§ 22-1203	Remedies and Jurisdiction	736-2007, § 1203

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Section	Subject	Ordinance No.
§ 27-202	Definitions	737-2007, § 202
§ 27-2304	Specific Criteria	737-2007, § 2304
§ 27-2408	Violations	737-2007, § 2408

C. Repealed Provisions.

The following provisions of the Code are repealed, the text of which indicates deletions by ~~strike-through~~, and are as follows:

Section	Subject	Ordinance No.
	[Reserved]	

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Township of East Pennsboro ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Township Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 9. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision - "Chapter ____, Part ____, Section ____, Subsection ____ is hereby amended [revised] to read as follows. . ."
- B. Additions - "Chapter ____, Part ____, Section ____, Subsection ____ is hereby amended by the addition of the following. . ."
- C. Repeal - "Chapter ____, Part ____, Section ____, Subsection ____ is hereby repealed in its entirety."

Section 10. Responsibility for Code of Ordinances. It shall be the responsibility of the Township of East Pennsboro Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the

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official copy of the Township of East Pennsboro Code of Ordinances and shall be available for public inspection.

Section 11. Penalties. It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Township of East Pennsboro. Whosoever shall violate this Section shall be guilty of an offense under § 4911, "Tampering with Public Records or Information, of the Crimes Code, 18 Pa.C.S.A. § 4911, and shall be prosecuted under that Section of the law.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of the Township of East Pennsboro that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

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ENACTED AND ORDAINED this 1st day of July, 2009.

ATTEST:

Township of East Pennsboro

/s/ Robert L. Gill
Secretary

/s/ George A. DeMartyn, Jr.
President, Board of Commissioners