

Code of Ordinances of the Borough of Elizabethville

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CODE OF ORDINANCES
of the
BOROUGH OF ELIZABETHVILLE
Dauphin County, Pennsylvania

Published by Authority of the Borough

Code Adopted August 8, 1994

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OFFICIALS

of the

BOROUGH OF ELIZABETHVILLE

County of Dauphin,
Pennsylvania

ELECTED OFFICIALS

Mayor - Timothy J. Matter

Council

President - Fredrick W. Renn

Vice-President - Gary E. Shadle

Members - Timothy Motter
- Brian Stahl
- James S. Facinelli
- Stuart Margerum
- James K. Lodge

Tax Collector - Marilyn Henninger

APPOINTED OFFICIALS

Secretary/Treasurer - Peggy P. Kahler

Solicitor - Linus E. Fenicle, Esquire

Engineer - Jack Raudenbush

Auditors - Patton and Lettich

FOREWORD

History

This comprises the recodification of the Ordinances of the Borough of Elizabethville. The original Code of Ordinances of the Borough of Elizabethville was prepared by Local Government Research Corporation and adopted by Ord. 222 on July 14, 1975.

The recodification of the Code of Ordinances of the Borough of Elizabethville was prepared by Penns Valley Publishers and adopted by the Borough Council on August 8, 1994, by Ordinance Number 288.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough contained in Chapters 1 through 27, (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Key to the disposition of each ordinance ever enacted by the Borough, and (4) the Index which is an alphabetical arrangement of subjects.

In the Code, each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment if known.

The Key to disposition indicates what action has been taken by the codifiers and the Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Key. The Key is a cross reference to the original ordinance books of the Borough, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 288

An Ordinance adopting the Code of Ordinances of the Borough of Elizabethville, Dauphin 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 Borough hereby ordains:

Section 1. Adoption. The "Code of Ordinances, Borough of Elizabethville," as prepared and published for the said Borough by Penns Valley Publishers, a division of Fry Communications, Inc., Mechanicsburg, Pennsylvania, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough. Chapters 1 through 27 thereof contain the text of the body of all general administrative and penal ordinances of the Borough organized as follows:

- Chapter 1. Administration and Government
- Chapter 2. Animals
- Chapter 4. Buildings
- Chapter 5. Code Enforcement
- Chapter 6. Conduct
- Chapter 7. Fire Prevention and Fire Protection
- Chapter 8. Floodplains
- Chapter 10. Health and Safety
- Chapter 13. Licenses, Permits and General Business Regulations
- Chapter 14. Mobile Homes and Mobile Home Parks
- Chapter 15. Motor Vehicles and Traffic
- Chapter 16. Parks and Recreation
- Chapter 18. Sewers and Sewage Disposal
- Chapter 20. Solid Waste
- Chapter 21. Streets and Sidewalks
- Chapter 24. Taxation, Special

Appendix:

- A. Annexation of Territory
- B. Bond Issues and Loans
- C. Franchises and Services
- D. Governmental and Intergovernmental Affairs
- E. Plan Approval
- F. Public Property
- G. Sewers
- H. Streets and Sidewalks
- I. Water
- J. Zoning; Prior Ordinances

Key to the Disposition of All Ordinances

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 Borough shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in section 1 of this ordinance shall be known and cited officially as the "Borough of Elizabethville 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 Borough of Elizabethville 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 Borough of Elizabethville 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

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
15, Entire Chapter	Motor Vehicles and Traffic	4/8/1929, 21 66 Res. 8/11/1941 79 150 208 213 216 223, [VIII, §403] [V, §107] [V, §201] [V, §401] [V, §402] [V, §403] [V, §413] [V, §414] 226 228 231 244 245 246 251 255 258 259

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
		265
		266
		271
		272
		276
		282
		285

B. Revisions

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
2, 1, 101-108	Dogs Running at Large	140
2, 2, 201-204	Animal Defecation	277
6, 1, 101,102	Disorderly Conduct	50
6, 2, 201-208	Curfew	212
6, 3, 301-304	Firearms	157
10, 4 401-408	Storage of Vehicles	183
13, 1, 101-109	Transient Retail Merchants	189
21, 4, 401-405	Snow and Ice Removal	171
21, 5, 501-503	Vehicle Driving on Sidewalks	7
21, 6, 601-604	Sidewalk Obstructions	8
24, 6, 601-605	Per Capita Tax	144

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

<u>Chapter,Part,Section</u>	<u>Short Title</u>
1, Part 6	Volunteer Firemen's Relief Association
2, Part 3	Animal Noise Control
6, Part 5	Alcohol Use in Public
6, Part 6	Protection of Public Property
6, Part 7	Throwing Objects in Throughfares
7, Part 1	Fireworks
7, Part 2	Restricting Open Burning
15, Entire Chapter	Motor Vehicles and Traffic
16, Part 2	Regulations for Use of Parks and Recreational Areas
21, Part 7	Befouling of Streets by Motor Vehicles
21, Part 8	Vehicle Repair on Public Streets

B. Amendments

<u>Chapter,Part,Section</u>	<u>Short Title</u>	<u>Ordinance No.</u>
5, 1, 108	Automobile Wrecking Yards, Junkyards and Waste Material Handling Plants	206, §3.2;
8, 1, 102	Administration; Fees	221;250
21, 1, 111	Street Opening Permits	267

C. Repeals

<u>Ord. No.</u>	<u>Short Title</u>
1	Mayor's Docket
3	Sanitary Regulations
4	Nuisances
5	Animals at Large
9	Vagrants
10, §2	Fireworks
36, §§1, 4, 5	Grading and Paving Regulations
46	Moving Picture Shows
75	Coal Shakers
81	Blackout and Defense
128	Admission Tax
210	Motor Vehicles and Traffic
214	Motor Vehicles and Traffic
223 [VI, §301]	Animals at Large; Penalty
[VI, §501]	Vagrants; Penalties
[VII, §501]	Regulation of Firecrackers
234	Solid Wastes
237	Controlled Substance Paraphernalia

Section 6. Procedural Changes. The following minor procedural changes have been made to existing Borough's 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 Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 7. 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 8. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough Secretary to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Borough of Elizabethville's Code of Ordinances and shall be available for public inspection.

Section 9. 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 Borough. Whoever shall

violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days.

Section 10. Severability of Parts of Codification. It is hereby declared to be the intention of Borough Council 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.

ENACTED AND ORDAINED this 8th day of
August, 1994.

BOROUGH OF ELIZABETHVILLE

By: /s/ Frederick G. Messersmith
President of Council

ATTEST:

/s/ Theodore M. Lebo
Secretary

EXAMINED AND APPROVED this 8th day of
August, 1994.

By: /s/ John E. Biddle, Jr.
Mayor

FEE RESOLUTION

All fees are hereby fixed as follows:

BUILDING PERMITS (4, §102)	
\$ 0.00 to \$ 200.00	\$ 5.00
\$201.00 to \$1,000.00	10.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	2.50
DRIVEWAY PERMIT [<u>Res. 2005-5</u>]	\$15.00
GARBAGE COLLECTION LICENSE (20, §103)	
Annual fee	\$ 1.00
STREET OPENING AND EXCAVATION PERMITS (21, §111)	
Additional fee	\$20.00 per each one hundred feet or fraction thereof
Minimum fee	30.00
Permit [<u>Res. 2005-2</u>]	\$15.00
TAX COLLECTION [<u>Res. 2002-5</u>]	
Tax certification in regard to the sale or refinance of real property	\$ 5.00
TRANSIENT RETAIL MERCHANTS (13, §102)	
License Fee	\$ 5.00 one month \$15.00 one year
VEHICLE STORAGE PERMIT (10, §406)	\$50.00
 (<u>Res. 8/8/1994</u> ; as amended by <u>Res. 2002-5</u> , 4/8/2002; by <u>Res. 2005-2</u> , 4/11/2005; and by <u>Res. 2005-5</u> , 9/12/2005)	

