

ORDINANCE NO. 215

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF ORDINANCES FOR THE BOROUGH OF ALBURTIS, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA: TO PROVIDE FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF CERTAIN CODE PROVISIONS.

Be it enacted and ordained by the Borough Council of the Borough of Alburttis, County of Lehigh, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE I, SECTION 1: Code adopted. The codification of a complete body of ordinances of the Borough of Alburttis, County of Lehigh, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers, is hereby approved, adopted, ordained and enacted as the "Code of the Borough of Alburttis," hereinafter known and referred to as the "Code," pursuant to Section 1008(b) of the Borough Code, 53 P.S. Section 46008(b).

ARTICLE I, SECTION 2: Effective date. All provisions of the Code shall be in full force and effect on and after the effective date of this ordinance.

ARTICLE I, SECTION 3: Repeal of ordinances not contained in Code. All ordinances or parts of ordinances of a general and permanent nature adopted by the Borough of Alburttis and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this ordinance, except as hereinafter provided.

ARTICLE I, SECTION 4: Ordinances saved from repeal; matters not affected by repeal. The adoption of this Code and the repeal of ordinances provided for in ARTICLE I, SECTION 3, of this ordinance shall not affect the following ordinances, rights and obligation, which are expressly saved from repeal:

- A. Any ordinance adopted subsequent to March 12, 1981.
- B. Any right or liability established, accrued or incurred under any legislative provision of the borough prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the borough, or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the borough.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the borough.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the borough or other instruments or evidence of the borough indebtedness.

- H. Any ordinance authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. Any ordinance annexing land to the borough.
- J. Any ordinance designating the boundaries of water districts.
- K. The levy or imposition of taxes, special assessments or charges.
- L. The dedication of property.
- M. Any currently effective ordinance or resolution establishing the salaries or rates of compensation of officers and employees of the borough.

ARTICLE I, SECTION 5: Inclusion of new legislation. All ordinances of a general and permanent nature adopted subsequent to the date given in ARTICLE I, SECTION 4A and/or the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such legislation shall be temporarily placed in the Code until printed supplements are included.

ARTICLE I, SECTION 6: Changes in previously adopted legislation.

A. In compiling and preparing the ordinances of the Borough of Alburdis for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. Certain changes of a substantive nature have been made to various ordinances found within the Code, and certain new materials have been added to the Code. These changes and additions have been made to bring the provisions of Code into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes and additions be adopted as part of the Code as if the ordinances so changed or added had been previously formally amended or adopted to read as such. Such changes and additions are cited within the historical statements by the terms "amended at time of adoption of Code" or "adopted at time of adoption of Code." These changes and additions are further detailed as follows:

(1) In Chapter 12, Planning Commission, Section 12-3 is amended to provide for four-year terms for members of the Commission as required by 53 P.S. Section 10203.

(2) In Chapter 18, Police Pension Fund, Section 18-2 is slightly revised for clarity without a change in its meaning.

(3) The following sections are amended to provide that any person who violates any provision of the chapter or Article involved shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days: Sections 49-2, 49-6, 56-4, 71-5, 80-3, 85-8, 88-11, 92-19D, 108-9, 117-23, 117-35, 121-3, 125-5, 133-18, 133-35.

- (4) Chapter 53, Bicycles, is amended as follows:
- (a) Section 53-4 is amended to increase the bicycle registration fee to one dollar (\$1).
 - (b) Section 53-5 is amended to change a provision for annual registration of bicycles to bi-annual registration on or before August 1 of even numbered years.
- (5) Chapter 59, Building Construction, is amended as follows:
- (a) Section 59-3N is amended to provide for a fine of not more than three hundred dollars (\$300.) and costs of prosecution for each offense or, upon default in payment of the fine and costs, for imprisonment in the county jail for not more than thirty (30) days, provisions for continuing offenses and summary proceedings before a District Justice being retained.
 - (b) Section 59-4 is amended to insert the 17th day of March 1975 as the effective date of the chapter and the Building Code.
- (6) Chapter 71, Garbage, Rubbish and Refuse, is amended as follows:
- (a) Section 71-2F is amended to delete a reference to a provision in Section 71-2A that was deleted by an amendment of Section 71-2A on 9-3-74 by Ord. No. 168.
 - (b) Section 71-4C is amended to delete an erroneous reference to Section 5 of Ord. No. 113.
- (7) Chapter 92, Plumbing, is amended as follows:
- (a) Section 92-5A is amended to read: "Alterations in excess of fifty percent (50%). In plumbing systems where the extent of additions or alterations exceeds fifty percent (50%) of the total length of pipe in the existing system, the provisions of this chapter shall apply."
 - (b) Section 92-8B is amended to read: "Abandoned piping. In the case of abandoned laterals, the house trap shall be removed and the pipe shall be hermetically sealed by a cap or plug at the curblin. Abandoned drainage piping within the building shall be hermetically sealed by a cap or plug."
 - (c) The second sentence of Section 92-17A(3) is amended to read: "An identifying label or stamp permanently fixed to the product indicating that required inspection has been made shall be accepted in lieu of the inspection report; provided that the identifying label or stamp is properly substantiated."
- (8) In Chapter 110, Streets and Sidewalks, Section 110-11 is amended to delete a provision for imprisonment on default of one (1) day for each dollar of fine imposed.
- (9) Chapter 117, Taxation, is amended as follows:
- (a) Sections 117-1 and 117-7 are amended to change from twenty-one (21) years to eighteen (18) years the age of persons to whom the per capita tax applies. Section 117-1 is also amended to delete a reference to the year 1966.
 - (b) Section 117-13 is amended to provide for the continuation of the Article in effect on a calendar year basis without annual reenactment unless the rate of the tax is subsequently changed.
 - (c) Section 117-15 is amended to provide for the imposition of an occupational privilege tax from and after the first day of January 1967.

- (d) Section 117-22 is amended to change a reference to "January 1, 1967," to a reference to "January 1 of each year."
- (e) Section 117-25 is amended to provide for the continuation of the occupational privilege tax in effect on a calendar or fiscal year basis without annual reenactment unless the rate of the tax is subsequently changed.
- (f) Section 117-38A is amended to adopt by reference the definitions contained in Subdivision I of 53 P.S. Section 6913 as applicable to Article IV, Earned Income Tax.
- (g) Section 117-39 is amended to delete references to 1966 and to refer to "the current year."
- (h) Sections 117-40 and 117-41 are amended to change references to 1966 and 1967 to references to "the current year" and "the succeeding year."
- (i) Sections 117-48A and B are amended to incorporate the penalty provisions of Subdivision IX of 53 P.S. Section 6913.
- (j) Section 117-49 is amended to provide for the continuation in effect of Article IV on a calendar or fiscal year basis without annual reenactment unless the rate of the tax is subsequently changed.
- (10) Chapter 129, Vehicles and Traffic, is amended as follows:
- (a) Section 129-2 is amended to delete all the original subsections except 9 and 14, which are redesignated A(2) and B, and to add Sub-section A(1) as follows: "At any location at which stopping, standing or parking is prohibited under 75 Pa.C.S.A. Section 3353, Subdivision (a) and (b)."
- (b) Section 129-3 is amended to denominate a violation of the Article a summary offense and to provide for a fine of fifteen dollars (\$15.) and costs.
- (c) Section 129-7 is amended to provide that any person violating the Article shall be guilty of a summary offense and, upon conviction shall be punishable by a fine of fifty dollars (\$50.) plus all costs of disposing of the vehicle under the provisions of 75 Pa.C.S.A. Section 7301 et seq.
- (11) In Chapter 137, Zoning, Section 137-113A is amended to reduce the amount of the fine that may be imposed from one thousand dollars (\$1,000.) to five hundred dollars (\$500.) in order to conform to the provisions of 53 P.S. Section 10616.

ARTICLE I, SECTION 7: Copy of Code on file. A copy of the Code in a post-bound volume has been filed in the office of the Borough Secretary and shall remain there for use and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified to by the Borough Secretary, as provided by law, and such certified copy shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said code is in effect.

ARTICLE I, SECTION 8: Amendments to Code. Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that references to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code, as amendments and supplements thereto.

ARTICLE L, SECTION 9: Code to be kept up-to-date. It shall be the duty of the Borough Secretary, or someone authorized and directed by the Borough Secretary, to keep up-to-date the certified copy of the book containing the Code required to be filed in the office of the Borough Secretary for use by the public. All changes in said Code and all ordinances adopted by the Borough Council subsequent to the effective date of this codification, which the Borough Council shall adopt specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

ARTICLE I, SECTION 10: Sale of Code book; supplements provided. Copies of the book containing the Code may be purchased from the Borough Secretary upon the payment of a fee to be set by resolution of the Borough Council which may also arrange by resolution for procedures for the periodic supplementation thereof.

ARTICLE I, SECTION 11: Publication; filing. The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the adoption of this ordinance adopting the Code in a newspaper of general circulation in the borough. Sufficient copies of the Code shall be maintained in the office of the Borough Secretary for inspection by the public at all times during regular office hours. The enactment and application of this ordinance adopting the Code, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

ARTICLE I, SECTION 12: Severability of Code provisions. Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

ARTICLE I, SECTION 13: Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

ARTICLE I, SECTION 14: Altering or tampering with Code; penalties for violation. It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the borough to be misrepresented thereby. Any person violating this section of this ordinance shall, upon conviction thereof before a District Justice, be guilty of a summary offense and shall be punishable for each offense by a fine of not more than three hundred dollars (\$300.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for not more than thirty (30) days.

ARTICLE I, SECTION 15: Inclusion of ordinance in Code. This ordinance shall be included in the Code as Chapter 1, General Provisions, Article I, Adoption of Code.

Ordinance No. 215

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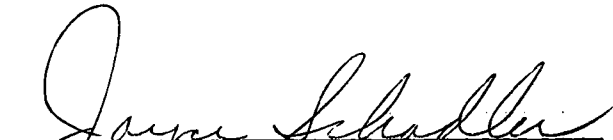
ORDAINED AND ENACTED by the Council for the Borough of Alburtis this 11th day of November, A.D., 1981.

BOROUGH OF ALBURTIS



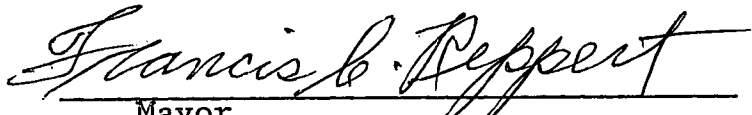
President of Council

ATTEST:



Borough Secretary

APPROVED THIS 11th day of November, 1981.



Mayor