

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 436

(Duly Adopted August 31, 2005)

AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF THE ALBURTIS CODIFIED ORDINANCES: SECTION 7-106 — TO ESTABLISH A \$15.00 FEE FOR A POLICE ACCIDENT REPORT; SECTION 11-108 — TO ESTABLISH THE RATE OF COMPENSATION OF THE BOROUGH ENGINEER; SECTION 41-802 — TO EXTEND UNTIL SEPTEMBER 30, 2006 THE DESIGNATED HANDICAPPED PARKING SPACES ON THE EAST SIDE OF WALNUT STREET IN FRONT OF 329 WALNUT STREET AND AN THE WEST SIDE OF CHESTNUT STREET NEAR THE ENTRANCE TO 103 WEST SECOND STREET; SECTION 56-102 — TO REQUIRE A STREET EXCAVATION PERMIT AS WELL AS A CURB OR SIDEWALK PERMIT WHENEVER ANY CURB OR SIDEWALK INSTALLATION SHALL REQUIRE STREET EXCAVATION; SECTION 56-104 — TO PERMIT ENGINEERS ENGAGED BY PROPERTY OWNERS TO SUBMIT PLANS FOR CURBING OR SIDEWALK WORK FOR REVIEW AND APPROVAL BY THE BOROUGH ENGINEER IN LIEU OF HAVING THE BOROUGH ENGINEER FIX THE LINES AND GRADES; SECTION 58-103 — TO ASSIGN ENFORCEMENT RESPONSIBILITY AND AUTHORITY FOR THE STREET TREE TRIMMING ORDINANCE TO THE ZONING OFFICER; SECTION 64-106 — TO AUTHORIZE THE MAYOR TO IMPOSE PROHIBITIONS ON WATER USE IN MATTERS OF EMERGENCY OR FOR PRESERVATION OF A DWINDLING WATER SUPPLY AND TO PERMIT COUNCIL TO IMPOSE SUCH PROHIBITIONS BY MOTION RATHER THAN RESOLUTION; AND SECTIONS 93-205 AND 93-301 — TO ASSIGN ENFORCEMENT RESPONSIBILITY AND AUTHORITY FOR THE WEED CONTROL ORDINANCE TO THE ZONING OFFICER.

BE IT ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances § 7-106 (relating to Departments—Police
Department—Accident Report Fee) is amended as follows (with deletions indicated by
~~strike-outs~~ and insertions indicated by double underlining):

§ 7-106 Accident Report Fee.

The fee for a copy of an accident report shall be Fifteen Dollars (~~\$15.00~~) ~~Five Dollars (\$5.00)~~.

SECTION 2. Codified Ordinances § 11-108 (relating to Salaries and Compensation—In General—Professionals) is amended by adding a new paragraph (2) to subsection (b) as follows:

§ 11-108 Professionals.

* * *

(b) Borough Engineer.

* * *

(2) 3/31/2005. Effective March 31, 2005, the rate of compensation of the Borough Engineer shall be \$105.00 per hour, and the fees paid for services provided by other personnel in the Borough Engineer's firm and the amounts of reimbursable expenses shall be as provided in the fee schedule submitted in connection with the initial employment of the Borough Engineer or from time to time thereafter by the Borough Engineer and approved by Council.

SECTION 3. Codified Ordinances § 41-802 (relating to Traffic Control—Handicapped Parking Spaces—Designated Spaces) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 41-802 Designated Spaces.

The following spaces are designated handicapped parking spaces. A particular disabled person is identified for each space, and the designation

shall remain in effect until the expiration date for that space, unless terminated sooner by motion or resolution of Council. Unless otherwise indicated below, the length of the space shall be twenty-two (22) feet, and the center of the space shall be the point where the street curblin intersects the center-line of the sidewalk or other access-way used by the disabled person to access the dwelling on the designated property:

	<u>Person</u>	<u>Expiration</u>	<u>Street/Side</u>	<u>Location</u>
1.	Russell D. Andrews	June 30, 2005	Walnut Street, Easterly Side	In front of 231 Walnut Street
2.	Michael Hoosier	September 30, <u>2006</u> 2005	Walnut Street, Easterly Side	In front of 329 Walnut Street
3.	Fay Oels	September 30, <u>2006</u> 2005	Chestnut Street, Westerly Side	From the point sixty (60) feet north of the northern curblin of West Second Street, to the point twenty-two (22) feet north of the starting point.

SECTION 4. Codified Ordinances § 56-102 (relating to Curbs, Sidewalks, and Walkways—In General; Administration—Permit Required) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 56-102 Permit Required.

Before installing any curb or sidewalks along any public street or proposed public street which has been or is intended to be dedicated to public use in the Borough, the owner of the property along which the curbing or sidewalk is to be installed, or his duly authorized agent, shall obtain a permit for the installation of such curbing or sidewalk from the Borough Secretary. If such work shall require any excavation within any street, avenue, alley, or lane, the owner or his agent shall also obtain a permit under Chapter 53, Article III (relating to Street Excavations) before commencing any work.

SECTION 5. Codified Ordinances § 56-104 (relating to Curbs, Sidewalks, and Walkways—In General; Administration—Line and Grade; Cut Sheets) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 56-104 Line and Grade; Cut Sheets.

Before issuing any permit under this Article, the Borough Secretary shall cause the Borough Engineer to fix the line and grade for the setting of the curbing or sidewalk. Alternatively, an engineer for the property owner may submit plans for curbing or sidewalk work to the Borough Engineer for his/her review. Where such plans ~~However, in real-estate developments or subdivisions where the plans thereof have been approved by the Borough Engineer as to lines and grades for curbing and sidewalks, all such any curbing and sidewalk installed in such development or subdivision shall be installed in accordance with said approved lines and grades and other plan features,~~ and it shall not be necessary for the Borough Engineer to fix the line and grade for such curbing and sidewalks. Also, cut sheets shall be given to the Borough Inspector.

SECTION 6. Codified Ordinances Chapter 58, Article I (relating to Street Trees—Trimming Street Trees) is amended by adding the following new § 58-103 after existing § 58-102:

§ 58-103 Enforcement.

The Zoning Officer is hereby authorized and directed to enforce the provisions of this Article.

SECTION 7. Codified Ordinances § 64-106 (relating to Water—In General—Emergency Curtailment of Water Use) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 64-106 Emergency Curtailment of Water Use.

The Borough may, from time to time, in matters of emergency or for the preservation of a dwindling water supply, curtail the use of water for other than essential household and business activities. Council hereby empowers the Mayor, if he/she determines that such a situation exists, to impose prohibitions upon uses of water in the same manner as described in § 73-104 (relating to Drought Emergencies—Water Use Restrictions—Activities Which May Be Restricted), which shall continue in effect until terminated by action of the Mayor or Council. Council also may impose the same or other water use restrictions whenever it determines that such action is warranted under this Section. ~~Such action shall be taken by a resolution, which shall be temporary and with a fixed termination date.~~ The violation of any prohibitions or restrictions imposed by the Mayor or Council under this Section ~~such resolution~~ shall subject the offending user to the penalty provisions of § 64-110 in a summary proceeding.

SECTION 8. Codified Ordinances Chapter 93, Article II (relating to Weed Control—Prohibitions and Duties) is amended by adding the following new § 93-205 after existing § 93-204:

§ 93-205 Enforcement.

The Zoning Officer is hereby authorized and directed to enforce the provisions of this Chapter.

SECTION 9. Codified Ordinances § 93-301 (relating to Weed Control—Removal or Cutting by the Borough—Notice to Owner or Occupant) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 93-301 Notice to Owner or Occupant.

The Zoning Officer ~~Borough police department~~ is hereby authorized to give notice, by personal service or first class U.S. mail, to the owner and/or occupant of any property in this Borough which contains vegetation in violation of this Chapter, directing such person to comply with his/her duty under § 93-203 within five (5) calendar days after the issuance of the notice. Whenever, in the reasonable judgment of the Zoning Officer ~~Chief of Police or his/her designee~~, it shall appear to be impracticable to give such notice, either because the owner and/or occupant cannot readily be found or cannot reliably be served, or because a search for the owner and/or occupant would entail unreasonable delay, the police department may give notice by posting ~~posting~~ a written notice in a conspicuous location on the property on which the nuisance and violation exists, directing the abatement of the nuisance and violation within five (5) calendar days after the date of posting.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 31st day of August, 2005, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Melanie Hansen, Executive Secretary

AND NOW, this 31st day of August, 2005, the above Ordinance is hereby
APPROVED.

Russell J. Afflerbach, Mayor