

GENERAL PROVISIONS

Chapter 1

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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis: Art. I, 11-11-81 as Ord. No. 215, approved 11-11-81. Amendments noted where applicable.]

ARTICLE I

Adoption of Code**[Adopted 11-11-81 as Ord. No. 215, approved 11-11-81]**

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

§ 1-1. Code adopted.

The codification of a complete body of ordinances of the Borough of Alburdis, 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 Alburdis, hereinafter known and referred to as the "Code," pursuant to Section 1008(b) of the Borough Code, 53 P.S. § 46008(b).

§ 1-2. Effective date.

All provisions of the Code shall be in full force and effect on and after the effective date of this ordinance.

§ 1-3. Repeal of ordinances not contained in Code.

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Borough of Alburdis and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this ordinance, except as hereinafter provided.

§ 1-4. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, 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.

§ 1-5. Inclusion of new legislation.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A 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.

§ 1-6. 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 the 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

§ 1-7. 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 same during all times while said Code is in effect.

§ 1-8. 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.

§ 1-9. 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

¹ Editor's Note: Pursuant to § 1-6B, the following changes were made. A complete description is on file in the office of the Borough Secretary.

The following sections were amended: §§ 12-3, 18-2, 53-4, 53-5, 59-3N, 59-5, 71-2F, 71-4C, 92-5A, 92-8B, 92-17A(3), 117-1, 117-7, 117-13, 117-15, 117-20, 117-25, 117-38A, 117-39, 117-40, 117-41, 117-48A and B, 117-49, 129-2 and 157-113B.

The following penalty sections were amended: §§ 49-2, 49-6, 56-4, 71-5, 80-3, 85-3, 89-11, 92-19D, 108-9, 110-11, 117-28, 117-35, 121-3, 125-5, 129-3, 129-7, 133-18 and 133-85.

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.

§ 1-10. 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.

§ 1-11. 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.

§ 1-12. 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.

§ 1-13. 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.

§ 1-14. 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.

§ 1-15. Inclusion of ordinance in Code.

This ordinance shall be included in the Code as Chapter 1, General Provisions, Article I, Adoption of Code.