

ORDINANCE NO. 5-05

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF MILLERSBURG, 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 Council hereby ordains:

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

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C Franchise and Services
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E Plan Approval
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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 of Millersburg 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 Millersburg 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 Millersburg 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 Millersburg 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. |
|-------------------|----------------------------|---|
| §15-101 - §15-905 | Motor Vehicles and Traffic | 13-1977, 3-1978, 4-1980, 4-1984, 1-1988, 5-1991, 5-1992, 7-1992, 2-1993, 3-1993, 1-1994, 3-1994, 5-1994, 2-1995, 1-1997, 2-1997, 3-1997, 1-1998, 6-2000, 3-2001, 4-2001, 5-2001, 2-2002, 4-2002, 5-2002, 3/2004 |

| | | |
|-------------------|---------|---------------|
| A. Consolidations | | |
| Section | Subject | Ordinance No. |

Res. 7/12/1979

| | | |
|-----------------|------------------------------|---------------|
| B. Revisions | | |
| Chapter, Part | Subject | Ordinance No. |
| §§1-601 - 1-603 | Firemen's Relief Association | 4-1930 |

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 | Subject |
| §§18-100-19-801 | Floodplain Management |

| | | |
|---------------|---|---|
| B. Amendments | | |
| Section | Subject | Ordinance No. |
| §1-329 | Administration and Government; Filing of Certificate of Cost with Council | 3-1991, §9 |
| §1-354 | Administration and Government; Financing | 4-1990, §4 |
| §2-103 | Unlawful Acts | 25, 2-1978 |
| §3-104 | Bicycles; Light and Reflector Required for Night Riding | 4-1991, §4 |
| §3-106 | Bicycles; Riding Abreast Restricted | 4-1991, §6 |
| §4-105 | Borough May Do Work at Owner's Expense Plus 10% | 17-1977 |
| §4-106 | Buildings; Enforcement | 17-1977, §6 |
| §7-104 | Fire Prevention and Fire Protection; Conflict with State Regulations | Ord. 6-1969, §5; Ord. 18-1977, §1 |
| §13-102 | Licenses, Permits and General Business Regulations; License Required; Fees; Conditions of Issuance | 12-1977, §2; 2-1991; 4- 1993, §§1, 2 |

B. Amendments

| Section | Subject | Ordinance No. |
|---------|---|---------------|
| §13-104 | Issuance of License; Custody, Display or Exhibit Thereof | 12-1977 |
| §18-302 | Sewers and Sewage Disposal; Fee for Permits | 1-1983, §2 |
| §20-103 | Solid Waste; Fee and Terms of License | 1-1978, §2 |
| §20-104 | Solid Waste; Arrangements for Collection; Fee Schedule | 1-1978, §3 |
| §20-105 | Solid Waste; Regulations for Licensed Haulers | 1-1978, §4 |
| §20-108 | Solid Waste; Unlawful Accumulation; Compliance with State Law | 1-1978, §7 |
| §20-110 | Solid Waste; Unlawful Disposal | 1-1978, §9 |
| §21-304 | Streets and Sidewalks; Fee | 6-1975, §4 |
| §24-101 | Taxation, Special; Definitions | 3-1966, §1 |
| §26-302 | Water; Definitions | 6-1992, §2 |
| §26-306 | Water; Where Protection is Required | 6-1992, §6 |

C. Repeals

| Ordinance No. | Subject |
|---------------|---------|
| None | |

Section 6. Land Use Amendments. The Borough of Millersburg 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 |
|---------|---------|
| None | |

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

| Section | Subject | Ordinance No. |
|---------|---------|---------------|
| None | | |

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. |
|---------|---------|---------------|
| None | | |

Section 7. Procedural Changes. The following minor procedural changes have been made to existing Borough 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 8. 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 9. 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 Millersburg Code of Ordinances and shall be available for public inspection.

Section 10. 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 of Millersburg. Whosoever shall violate this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs or, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days.

Section 11. Severability of Parts of Codification. It is hereby declared to be the intention of the 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 December, 2005.

BOROUGH OF MILLERSBURG

By James A. Bullock
President of Council

ATTEST:

Ann Bowman Jackson
Borough Secretary