

ORDINANCE NO. 829

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF ELIZABTETHTOWN, LANCASTER 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 Elizabethtown,” as prepared and published for the said Borough, 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 regulatory ordinances of the Borough organized as follows:

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Chapter 1Administration and Government
Chapter 2Animals
Chapter 3Bicycles
Chapter 4Buildings
Chapter 5Code Enforcement
Chapter 6Conduct
Chapter 7Fire Prevention and Fire Protection
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Chapter 10Health and Safety
Chapter 11Housing [Reserved]
Chapter 12Libraries [Reserved]
Chapter 13Licenses, Permits and General Business Regulations
Chapter 14Mobile Homes and Mobile Home Parks [Reserved]
Chapter 15Motor Vehicles and Traffic
Chapter 16Parks and Recreation
Chapter 17Stormwater Management¹
Chapter 18Sewers and Sewage Disposal
Chapter 19Signs [Reserved]
Chapter 20Solid Waste
Chapter 21Streets and Sidewalks
Chapter 22Subdivision and Land Development

¹ Editor’s Note: The title of this chapter was changed to from Planned Residential Development to Stormwater Management with the 2007 supplement to facilitate the incorporation of Ord. 871 into the Code.

Chapter 23 Swimming Pools [Reserved]
 Chapter 24 Taxation; Special
 Chapter 25 Trees
 Chapter 26 Water
 Chapter 27 Zoning

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 Elizabethtown 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 Elizabethtown 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 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

Chapter, Part, Section	Subject	Ordinance No.
15, Entire Chapter	Motor Vehicles	356, 370, 373, 379, 387, 403, 404, 407, 414, 417, 418, 426, 433, 434, 440, 446, 455, 460, 464, 470, 475, 505, 508, 514, 516, 526, 547, 552, 555, 558, 578, 579, 580, 581, 582, 586, 589, 590, 598, 599, 615, 619, 620, 627, 628, 632, 634, 643, 644, 648, 650, 659, 661, 675, 676, 678, 689, 690, 691, 697, 699, 703, 705, 708, 712, 713, 714, 715, 716, 721, 725, 727, 731, 745, 754, 756, 761, 762, 763, 767, 768, 771, 772, 774, 778, 781, 784, 786, 787, 795, 796, 803, 805, 810, 815, Res. 8/19/1958, Res. 4/19/1962, 818, 820, 824

B. Revisions

Chapter, Part, Section	Subject	Ordinance No.
1, 2, §§201-203	Firemen's Relief	3/17/1931
13, 1, §§101-108	Temporary Retail Businesses/Dealers	7/25/1928
21, 3, §§301-305	Snow and Ice Removal	371
21, 4, §§401-405	Obstruction of Sidewalks by Vendors	350
24, 4, §§401-405	Per Capita Tax	493

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

Chapter, Part, Section	Short Title
2, 3, §§301-304	Animal Defection
10, 1, §101	Establishment of the Board of Health
15, Entire Chapter	Motor Vehicles
20, 1, §110	Composting of Leaf and Grass Material

B. Amendments

Chapter, Part, Section	Short Title	Ordinance No.
1, 3A, §301	Department of Police Established; Salaries	Res. 6/15/1954; 376; 558
1, 3A, §304	Part Time Police	600, §§1-3
1, 4A, §401	Police Pension Fund; Benefit Descriptions	706; 728, §1; 760, §§1,2
1, 7, §802	Office of Borough Manager; Election; Removal from Office	397, §2; 558, §1
1, 7, §803	Office of Borough Manager; Qualifications	397, §3; 558, §1
1, 7, §804	Office of Borough Manager; Bond	397, §4
1, 7, §807	Office of Borough Manager; Specific Duties	397, §7; 421; 558, §1; 567
1, 8, §901	Compensation of Elected Officials; Compensation of Mayor	635; 681, §3-1
1, 8, §902	Compensation of Elected Officials; Compensation of Council Members	635; 681, §3-2
2, 1, §102	Animals; Dogs at Large; Seizure of Dogs, Notice of Seizure to Owners; Redemption	11/15/1954; 604
2, 2, §201	Keeping of Cats; Duties and Responsibilities of Owners and Handlers	655, §II
4, 1, §101	Numbering of Buildings; Assignment of Numbers	8/18/1914; 352
5, 1A, §115	Existing Structures and Property Maintenance Code; General Requirements	687, Art. 3
5, 1A, §117	Existing Structures and Property Maintenance Code; Plumbing Facilities and Fixture Requirements	687, Art. 5

Chapter, Part, Section	Short Title	Ordinance No.
5, 1B, §131	Existing Structures and Property Maintenance Code; Standards for Inspections	Res. 88-2
5, 2, §202	BOCA Basic Building Code; Additions, Insertions and Changes	653, §3
5, 3, §306	BOCA Basic Plumbing Code; Permits Required	542, §VI
8, 3, §303	Floodplains; Floodway District	608, §3.3
13, 2, §207	Service Charge for False Alarms	753, §7
13, 2, §210	Testing Alarm Devices	753, §10
13, 3, §301	Parade Guidelines	Res. 94-2
18, 1, §§101-107	Sewer System Connections	683, §§1-7
18, 3, §304	Sewer Tap-In Fees; Permit Required	793, §4
18, 4, §403	Industrial Wastes; Regulations	700, §3
18, 4, §404	Industrial Wastes; Administration	700, §4
18, 5B, §511	Sanitary Sewer Installation Specifications; General	751, §A
18, 5B, §512	Sanitary Sewer Installation Specifications; Design	751, §B
18, 5B, §513	Sanitary Sewer Installation Specifications; Materials and Equipment	751, §C
20, 1, §101	Refuse and Recycling; Definitions	717, §1
20, 1, §105	Refuse and Recycling; License or Contract Required to Collect, Haul or Dispose of Refuse and/or Recyclables	717, §5
21, 1, §106	Construction and Repair of Curbs and Sidewalks; Mandatory Installation of Curb and Sidewalk	693, §7
21, 1, §108	Construction and Repair of Curbs and Sidewalks; Central Business District	693, §9
21, 2, §204	Street Excavations; Fees	612
21, 2, §208	Street Excavations; Degradation Fees	612; 647
21, 5, §503	Street Design Standards	667, §3
21, 5, §504	Street Improvement Standards	667, §4

Chapter, Part, Section	Short Title	Ordinance No.
24, 1, §107	Realty Transfer Tax; Excluded Transactions	680, §7
26, 1, §101	Water Connections; Rules and Regulations	683, §1
26, 1, §107	Residential Conversions	683, §8
26, 3, §303	Drought Contingency Plan; Local Water Rationing Plan	694, §3
26, 4, §404	Tap-In Fees; Permit Required	792, §4
26, 5, §504	Connection Fees; Permit Required	792, §5
26, 5B, §611	Water System Construction Specifications; General	752, §I
26, 5B, §615	Water System Construction Specifications; Testing and Disinfection	752, §V
26, 5B, §616	Water System Construction Specifications; Special Crossings	752, §VI

C. Repeals

Ord. No.	Short Title
349	Utilities
353	Amusements
360	Regulation of Weeds and Other Vegetation
361	Keeping of Pigs
369	Prohibited Discharge of Liquid Wastes
372	Storage of Building Materials on Streets and Sidewalks
435	Alcoholic Beverages
437	Swimming Pools
443	Sewage Disposal
448	Swimming Pools
492	Sewage Disposal
498	Dangerous Structures
511	Storage of Certain Materials
539	Sewage Disposal
558, §§1, 3	1972 Adopting Ordinance
585	Statutory Construction Standards

Ord. No.	Short Title
626	“R” Rated Motion Pictures
3/16/1897	Utilities
9/19/1905	Erection and Placement of Structures over Sidewalks
8/18/1914, §104	Numbering of Buildings; Official Plan
8/19/1925, §§2,3,4	Sewage Disposal
5/20/1926	Amusements
10/20/1953	Vegetation
Res. 5/15/1962	Employee Holidays and Vacations
Res. 3/19/1968	Storage of Materials
Res. 90-4	Central Business District Commission

Section 6. Adoption of Standard Codes by Reference.

As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

Chapter, Part, Section	Short Title
	None

Section 7. Land Use Amendments.

The Borough of Elizabethtown 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:

Chapter, Part, Section	Subject
22, 1, §105	Subdivision and Land Development; Exemptions
22, 5, §504	Subdivision and Land Development; Remedies to Effect Completion of Improvements
22, 8, §805	Subdivision and Land Development; Effect of Change in this Chapter
22, 8, §806	Subdivision and Land Development; Preventive Remedies

Chapter, Part, Section	Subject
27, 9, §907	Zoning; Conversion of Accessory Structures into Residential Units
27, 14, §1413	Zoning; Communications Antenna and Towers

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:

Chapter, Part, Section	Subject	Ordinance No.
22, 2, §202	Subdivision and Land Development; Specific Terms	663, §202
22, 3, §303	Subdivision and Land Development; Plan Processing Procedures; Preliminary Plan	663, §303
22, 3, §304	Subdivision and Land Development; Plan Processing Procedures; Final Plan	663, §304
22, 3, §308	Subdivision and Land Development; Plan Processing Procedures; Modifications	663, §308
22, 4, §403	Subdivision and Land Development; Plan Requirements; Preliminary Plan	663, §403
22, 4, §404	Subdivision and Land Development; Plan Requirements; Final Plan	663, §404
22, 4, §405	Subdivision and Land Development; Plan Requirements; Minor Subdivision Plan	663, §405
22, 4, §406	Subdivision and Land Development; Plan Requirements; Lot Add-On Plan	663, §406
22, 5, §501	Subdivision and Land Development; Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval	663, §502; 720, §1
22, 5, §502	Subdivision and Land Development; Release from Improvement Bond	663, §503
22, 6, §607	Subdivision and Land Development; Design Standards; Curbs and Sidewalks	663, §607

Chapter, Part, Section	Subject	Ordinance No.
22, 6, §608	Subdivision and Land Development; Design Standards; Stormwater Management	663, §608
22, 6, §609	Subdivision and Land Development; Design Standards; Erosion and Sedimentation	663, §609
22, 6, §611	Subdivision and Land Development; Design Standards; Landscaping	663, §611
22, 6, §613	Subdivision and Land Development; Design Standards; Sanitary Sewage and Water Supply	663, §613
22, 8, §803	Subdivision and Land Development; Administration; Modifications	663, §803
22, 8, §807	Subdivision and Land Development; Administration; Enforcement Remedies	663, §805
22, App. 1	Subdivision and Land Development; Filing Fee Schedule	663, App. 1
22, App. 2	Subdivision and Land Development; Consulting and Approving Agencies	663, App. 2
27, 13, §1302	Zoning; Accessory Uses and Structures	766, §13.1
27, 20, §2005	Zoning; Zoning Hearing Board	766, §20.4

C. Repealed Provisions. The following provisions of the Code are repealed, the text of which indicates deletions by strike-through, and are as follows:

Chapter, Part, Section	Subject	Ordinance No.
22, 5, §501	Subdivision and Land Development; Improvement Guarantee; General	663, §501
22, 5, §505	Subdivision and Land Development; Maintenance Guarantee	663, §505

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 Elizabethtown 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. 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.

Section 12. Number; Gender.

Whenever used, the singular number shall include the plural, the plural the singular and the use of any gender shall imply and be equally applicable to all genders.

ENACTED AND ORDAINED THIS 15th day of November, 2001.

Attested by

Borough of Elizabethtown

/s/ Nick Viscome
Secretary

/s/ Meade G. Bierly
President of Council

Examined and approved on this 15th of November, 2001.

/s/C. Bud Greiner
Mayor