

# ALBURTIS CODIFIED ORDINANCES

## Chapter 1

### Codified Ordinances

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# Chapter 1 — Codified Ordinances

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## **Article I — In General**

### **§ 1-101 Short Title.**

This document shall be known, and may be cited, as the “Codified Ordinances of the Borough of Alburtis,” or the “Codified Ordinances.”

### **§ 1-102 Adoption.**

The Codified Ordinances of the Borough of Alburtis, as set forth in this document, is hereby adopted as the recodification and revision of *all* the ordinances of the Borough of Alburtis prior to Ordinance 415 (adopted October 29, 2003), superseding all prior ordinances not specifically incorporated herein, as described in § 1-103. All changes and revisions made to prior ordinances in the creation of this document, including numerical, grammatical, organizational, and substantive changes and revisions, and all deletions from prior ordinances, are intentional. Borough Council intentionally adopts all such changes, revisions, and deletions in conjunction with this recodification, as if the prior ordinances had been so amended immediately prior to the recodification.

### **§ 1-103 Effect on Prior Ordinances.**

All ordinances and parts of ordinances of the Borough of Alburtis enacted prior to Ordinance 415 (adopted October 29, 2003) which are not specifically incorporated into the Codified Ordinances by reference are superseded by the Codified Ordinances. The Code of the Borough of Alburtis, as originally enacted by Ordinance 215 (adopted November 11, 1981) and subsequently amended from time to time, is specifically superseded by the Codified Ordinances. To the extent the provisions of the Codified Ordinances as enacted by Ordinance 415 are the same as the provisions of the Borough’s ordinances as in effect immediately before the adoption of the Codified Ordinances, the provisions of the Codified Ordinances are intended as a continuation of the pre-existing ordinances and not as a new enactment. Nothing in the Codified Ordinances (including the material incorporated by reference) shall be construed to affect any suit or proceeding pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing, any violation or any penalty or punishment therefor, or any prosecution or enforcement action, prior to the adoption of the Codified Ordinances under any ordinance or provision superseded by the Codified Ordinances.

### **§ 1-104 Effect on Prior Resolutions or Motions.**

All resolutions of the Borough and all actions of the Borough taken by motion in Council prior to the adoption of the Codified Ordinances and which are inconsistent with any provision of the Codified Ordinances are hereby repealed. All resolutions adopted, and all other actions taken, under any ordinance enacted prior to the adoption of the Codified Ordinances which,

though superseded by the Codified Ordinances, has been continued and codified or recodified into the Codified Ordinances, shall not be affected by the adoption of the Codified Ordinances. All resolutions and motions approving or accepting any plat, subdivision, or land development in the Borough, or providing regulations for the same, or granting conditional use zoning approval, shall not be affected by the adoption of the Codified Ordinances. Nothing in the Codified Ordinances (including the material incorporated by reference) shall be construed to affect any suit or proceeding pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing, any violation or any penalty or punishment therefor, or any prosecution or enforcement action, under any resolution or other action of Council prior to the adoption of the Codified Ordinances.

#### **§ 1-105 Future Amendments and Additions to the Codified Ordinances.**

Any and all ordinances of the Borough adopted after October 29, 2003, when adopted in such form as to indicate the intention of Council to make the same a part of the Codified Ordinances or to amend or repeal any part of the Codified Ordinances, shall be deemed incorporated into the Codified Ordinances, so that any reference to the Codified Ordinances shall be understood and intended to mean the Codified Ordinances as modified by such additions, amendments, and repeals. Council authorizes and directs the Solicitor to prepare and publish revisions of the Codified Ordinances from time to time which reflect such additions, amendments, and repeals.

#### **§ 1-106 Appendices.**

(a) **In General.** Except as provided in subsection (d), the appendices included with the Codified Ordinances, including the Master Appendix at the end of the Codified Ordinances and the appendices at the end of each Chapter of the Codified Ordinances, are editorial supplements for the convenience of the reader, are not ordinances or other positive enactments of Council, and do not constitute a formal part of the Codified Ordinances. No person may rely on any material provided in any such appendix without further inquiry into the source material for the appendix. Nonetheless, the appendices may be referred to as Codified Ordinances Appendix \_\_\_\_ (for appendices in the Master Appendix) or Codified Ordinances ¶ \_\_\_\_ (for paragraphs in a chapter appendix).

(b) **Future Modification or Supplementation.** Council authorizes and directs the Solicitor to revise, supplement, and/or consolidate the appendices of the Codified Ordinances from time to time, so that the appendices provide useful public information.

(c) **Linked Documents.** Council authorizes and directs the Solicitor to prepare and publish CD-ROM and internet versions of the Codified Ordinances which include links from the appendices to other public documents which may be of interest.

(d) **Incorporation by Reference.** All appendix paragraphs and provisions referred to in the text of the Codified Ordinances are specifically incorporated by reference into the Codified Ordinances, and constitute a formal part of the Codified Ordinances and positive enactment of Council which may only be altered or amended by ordinance.

**§ 1-107 Official Copy.**

The Borough Manager shall maintain a permanent printed copy of the Codified Ordinances as initially adopted by Ordinance 415 in the Borough Hall. The Borough Manager shall also maintain in the Borough Hall a printed copy of the Codified Ordinances as most recently revised by the Solicitor to reflect modifications adopted after October 29, 2003. The Borough Manager shall certify at any given time, upon request, the most recent revision of the Codified Ordinances together with those ordinances (if any) adopted subsequent to the date of the last ordinance encompassed by the most recent revision of the Codified Ordinances.

**§ 1-108 Public Access to the Codified Ordinances.**

The Borough Manager shall make the permanent printed copy of the Codified Ordinances as initially adopted by Ordinance 415, and the printed copy of the Codified Ordinances as most recently revised by the Solicitor to reflect modifications adopted after October 29, 2003, available for public inspection in accordance with the provisions of Chapter 9 (relating to public information). Copies of the Codified Ordinances may be purchased from the Borough Manager upon reasonable notice and the payment of a fee based on the number of pages printed in an amount for each page equal to the cost of a photocopied page (single side) under § 7-401(h). The Solicitor is also authorized and directed to prepare, from time to time, a CD-ROM version of the Codified Ordinances for purchase by the public from the Borough Manager at the cost of Fifteen Dollars (\$15.00) per disk. The Borough Manager is authorized to provide the material from the CD-ROM version of the Codified Ordinances on the Borough's internet web site for free access by the public.

**§ 1-109 Construction.**

Except to the extent inconsistent with the express provisions of the Codified Ordinances, 1 PA. CONS. STAT. ch. 19 (relating to rules of construction) shall be applicable to the interpretation of the Codified Ordinances to the same extent as if the Codified Ordinances were enactments of the General Assembly. For such purposes, all of the language of the Codified Ordinances shall be interpreted under the rules applicable to statutes enacted on or after October 29, 2003.

**§ 1-110 Severability.**

If any Chapter, Article, Section, subsection, paragraph, sentence, clause, or phrase of the Codified Ordinances shall be declared unconstitutional, void, invalid, ineffective, or unenforceable for any reason whatsoever, such a decision shall not affect the remaining portions of the Codified Ordinances (or of the affected Chapter, Article, or Section of the Codified Ordinances), which shall remain in full force and effect, and for this purpose each of the provisions of the Codified Ordinances are hereby declared to be severable.

**§ 1-111 Violations and Penalties.**

Except as otherwise specifically provided in and for any Chapter, Article, or Section, any person who violates any provision of the Codified Ordinances shall commit a summary offence, and upon conviction thereof before a District Justice, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00), plus costs of prosecution, and in default of payment thereof, shall undergo imprisonment for a period of not more than thirty (30) days. In the case of any violation of a building, housing, property maintenance, health, fire, or public safety code or ordinance, or a water, air, or noise pollution violation, the preceding sentence shall be modified by replacing “Six Hundred Dollars (\$600.00)” with “One Thousand Dollars (\$1,000.00)”. Each day that a violation continues shall constitute a separate offense.

**§ 1-112 Effective Date.**

The Codified Ordinances of the Borough of Alburtis shall be in full force and effect from and after October 29, 2003.

## **Article II — Definitions**

**§ 1-201 In General.**

Except as may be provided in definitions specifically applicable to a given Chapter, Article, Section, or other subdivision of the Codified Ordinances, for purposes of the Codified Ordinances the terms defined in the remaining Sections of this Article II shall have the meanings indicated, whether with or without initial capital letters, unless the context in which they are used clearly indicates a different meaning.

**§ 1-202 Borough.**

The term “Borough” shall mean the Borough of Alburtis, Lehigh County, Pennsylvania. Depending on the context, the term shall either refer to the geographic area included within the boundaries of the Borough, or the municipal corporation.

**§ 1-203 Council.**

The term “Council” or “Borough Council” shall mean the Borough Council of the Borough.

**§ 1-203.1 Manager.**

The term “Manager” or “Borough Manager” shall mean the Borough Manager of the Borough.

**§ 1-204 Mayor.**

The term “Mayor” shall mean the Mayor of the Borough.

**§ 1-205 Person.**

The term “person” shall mean a natural person, firm, partnership (limited or general), limited liability company, corporation, governmental entity or agency, association, church, school, company, institution, or organization of any kind. With respect to any provision imposing a penalty, the term “person” shall also include the officers, partners, or members of any person which is not a natural person.

**§ 1-206 Secretary.**

The term “Secretary” or “Borough Secretary” shall mean the Borough Manager of the Borough, acting in his/her role as the *ex officio* Secretary under § 12-603(p).

**§ 1-207 Solicitor.**

The term “Solicitor” or “Borough Solicitor” shall mean the Solicitor of the Borough.

## **Appendix**

**¶ 1-A Source Ordinances.**

Ordinance 415	10-29-2003
Ordinance 429	12-29-2004
Ordinance 526	01-28-2015

**§ 1-B        Prior Ordinances Concerning Related Subject Matter.**

Ordinance 215        11-11-1981