

ORDINANCE NO. 2011-01

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF YOE, YORK 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 of Yoe hereby ordains:

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

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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 Yoe 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 Yoe 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 Yoe 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 Yoe 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., Section
15, Entire Chapter	Motor Vehicles and Traffic	93-002; 94-001; 94-005; 95-002; 2000-07; 2000-08; 2000-11; 2001-05; 2003-08; 2003-09; 2007-01; 2007-02; Res. 2009-06

B. *Revisions.*

Section	Subject	Ordinance No., Section
	[Reserved]	

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.*

Section	Subject
§§1-101–1-111	Preliminary Provisions
§6-401	Skates, Skateboards, Coasters, Sleds and Other Toy Vehicles
15, Entire Chapter	Motor Vehicles and Traffic

B. *Amendments.*

Section	Subject	Ordinance No., Section
§2-107	Penalties	93-004, §7
§4-103	Penalties	75-005, §5; 93-002, §4-103
§5-202	Adoption	2003-11, §3
§5-204	Licensing of Rooming Houses, Multi-family Dwellings, Tenant Occupied Single-Family Dwellings or Rental Properties	2003-11; §5
§5-205	Inspections	2003-11; §6
§5-207	Penalties and Fees	2003-11; §8
§5-304	Definitions	93-002, §10-104
§5-306	Buildings and Structures	93-002, §10-106
§5-308	Vector Control, Infestation, Prevention and Correction	93-002, §10-108
§5-316	Penalties	93-002, §10-116
§5-402	Responsibility for Removing, Cutting or Trimming	93-002, §10-202; 95-002, §2
§5-403	Notice to Remove, Trim or Cut; Borough May Do Work and Collect Cost and Additional Amount	93-002, §10-203; 95-002, §2
§5-404	Penalties	93-002, §10-204
§5-502	Dead or Diseased Tree Removal	96-001
§5-506	Penalty for Violation	96-001, §405
§6-101	Definitions	93-002, §6-104; 95-002, §1
§6-104	Enforcement and Penalties	93-002, §6-104
§6-204	Penalty	93-002, §6-204
§6-303	Penalty	87-004, §3
§7-102	Regulations	91-002, §2
§7-103	Exceptions	91-002, §3
§7-105	Penalties	91-002, §5; 93-002, §7-105
§7-205	Penalties for Noncompliance	77-004, §6; 93-002, §7-205
§7-206	Penalties for Tampering with Smoke Detector so as to Render Said Smoke Detector Inoperative	77-004, §7; 93-002, §7-206
§7-207	Duty of Fire Chief to Bring Charges	77-004, §8
§7-306	Penalties	2009-02, §6
§8-211	Enforcement	2009-03, §2.10
§9-175	Penalties	2005-01, §805

Section	Subject	Ordinance No., Section
§9-220	Criminal Prosecution	2005-02, §21
§11-107	Penalties	93-002, §11-107
§13-104	Penalties for Noncompliance	77-005, §5; 93-002, §13-104
§13-105	Duty of Zoning Officer to Bring Charges	77-005, §6
§16-103	Penalties	81-004, §3; 93-002, §16-103
§18-101	Definitions	93-002, §18-101
§18-104	Permit Required for Installation; Systems Subject to Approval by D.E.P.	93-002, §18-104
§18-109	Penalties	93-002, §18-109
§18-241	Penalties	C-73-006, §5.01; 93-002, §18-241
§18-407	Violation Notice, Remedies and Penalties	93-002, §18-407; 98-03, §§5, 6; 99-002, §1
§20-108	Penalties	C-73-004, §7; 93-002, §20-108
§20-214	Penalty for Violation	91-003, §14; 93-002, §20-214
§21-114	Penalties	12/28/1931; 2003-07
§21-201	Owner, Occupant or Tenant of Property to Remove Snow and Ice from Sidewalks and Walkways	73-009, §1
§21-202	Authority for Borough to Remove Snow and Ice at Expense of Defaulting Owner, Occupant or Tenant	73-009, §2
§21-203	Penalty for Violation	73-009, §3; 93-002, §21-303
§21-219	Penalties	8-1894; 93-002, §21-109
§24-102	Definitions	6710, §2
§24-110	Fines and Penalties for Violation of this Part	6710, §10; 93-002, §24-110
§24-205	Imposition of Tax	99-01, §105
§24-219	Unlawful Acts; Penalty	99-01, §119
§26-102	Violations and Penalty	91-005, §2; 93-002, §26-202

C. *Repeals.*

Ord./Res.

Subject

[Reserved]

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:

Section	Short Title
	[Reserved]

Section 7. Land Use Amendments. The Borough of Yoe 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
	[Reserved]

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

Section	Subject	Ordinance No., Section
§27-103	Definitions	80-002, §102; 93-002, §27-103; 2008-02, §2
§27-203	Residential Zone (R)	80-002, §202
§27-303	Unenclosed Storage	80-002, §302; 93-002, §27-303
§27-306	Driveways	80-002, §305
§27-314	Animals and Poultry	80-002, §313
§27-707	Enforcement Remedies	80-002, §707; 93-002, §27-707

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., Section
		[Reserved]

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Borough of Yoe 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 9. 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 ____, Article ____, Section ____, Subsection ____ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter ____, Article ____, Section ____, Subsection ____ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter ____, Article ____, Section ____, Subsection ____ is hereby repealed in its entirety."

Section 10. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough of Yoe 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 Yoe Code of Ordinances and shall be available for public inspection.

Section 11. 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 Yoe. Whosoever shall violate this Section shall be guilty of an offense under §4911, "Tampering with Public Records or Information," of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of the Borough of Yoe 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 15th day of February, 20 11.

ATTEST:

BOROUGH OF YOE

Sandra Sterner
Secretary

BY:

[Signature]
President, Borough Council

APPROVED this 7th day of FEBRUARY, 20 11.

[Signature]
Mayor