

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 1 – GENERAL PROVISIONS

[HISTORY: Adopted by the Council of the Borough of Northumberland:
Article I, 2-6-73 as Ordinance No. 273A. Amendment noted where applicable.]

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

ARTICLE I – ADOPTION OF CODE

[Adopted 2-6-73 as Ord. No. 273A]

1.1.01 Adoption of Code. (1-1)

The codification of a complete body of ordinances for the Borough of Northumberland, County Northumberland, Commonwealth of Pennsylvania, revised, codified and consolidated into titles, chapters and sections by the Borough of Northumberland and consisting of Chapters 1 through 61, together with an Index is hereby approved, adopted, ordained and enacted as the "Code of the Borough of Northumberland," hereinafter known and referred to as the "Code," pursuant to 1008(b) of the Borough Code.

1.1.02 When effective. (1-2)

All provisions of the Code shall be in full force and effect on and after February 6, 1973.

1.1.03 Repeal of ordinances not contained in Code. (1-3)

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of Northumberland and in force on the date of the adoption of this ordinance, and not contained in the Code, are hereby repealed as of the effective date of this ordinance, except as hereinafter provided.

1.1.04 Ordinances saved from repeal; matters not affected by repeal. (1-4)

The adoption of this Code and the repeal of ordinances provided for in 1.1.03 (1-3) of this ordinance shall not affect the following ordinances, rights and obligations which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to September 5, 1972.
- 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, relocation, straightening, establishing, grade, changing 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's indebtedness.

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- H. Any ordinance authorizing the purchase, sale, lease or transfer of property, or any lawful contact 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 special assessments or charges, or of annual real property taxes.
- L. The dedication of property.
- M. A Zoning ordinance adopted 12-1-59 as Ord. No. 192 and any amendments thereto, and a Zoning Ordinance adopted 3-12-71.

1.1.05 Inclusion of new legislation prior to adoption of Code. (1-5)

All ordinances of a general and permanent nature, adopted subsequent to the date given in 1.1.04A and/or prior to 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 supplement are included.

1.1.06 Changes in previously adopted ordinance. (1-6)

- A. In compiling and preparing the ordinances of the borough 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 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 were made to various ordinances found within the Code. These changes were made to bring the provisions into conformity with the desired policies of the Borough Council, and it is the intent 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. Such changes are cited within the historical statements by the term "amended upon adoption of Code."¹

1.1.07 Copy of code on File. (1-7)

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 the same during all times while the said Code is in effect.

1.1.08 Amendments to Code. (1-8)

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 reference to the Code shall be understood and intended to include such changes. 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 the said Code, as amendments and supplements thereto.

1.1.09 Codebook to be kept up-to-date. (1-9)

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 the use of the public. All changes in said Code and all ordinances adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt

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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.

1.1.10 Sale of Code book; supplements provided. (1-10)

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.

1.1.11 Publication; filing. (1-11)

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 the publication of notice of adoption 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 provision of the Code for all purposes.

1.1.12 Severability of the Code provisions. (1-12)

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 section or parts thereof.

1.1.13 Severability of ordinance provisions. (1-13)

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.

1.1.14 Altering or tampering with Code; penalties for violation. (1-14)

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]