

Chapter 1

Administration and Government

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Part 1**Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Township of Heidelberg shall be the "Township of Heidelberg Code of Ordinances."

(Ord. 2010-1, 4/8/2010)

§1-102. Citation of Code of Ordinances.

The Township of Heidelberg Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.

(Ord. 2010-1, 4/8/2010)

§1-103. Arrangement of Code.

1. This Code is divided into Chapters which are subdivided as follows:
 - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
 - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
 - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
 - A. Subsections, identified by Arabic numerals.
 - B. Paragraphs, identified by capital letters.
 - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
 - D. Clauses, identified by lower case letters enclosed within parentheses.
 - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
 - F. Items, identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified small Roman numerals.

(Ord. 2010-1, 4/8/2010)

§1-104. Headings.

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify, or affect the scope, meaning, or intent of the Code. The headings of Sections, Subsections, or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection, or other division and shall not be deemed to be taken as titles of such Section, Subsection, or other division, nor as any part of said Section, Subsection, or other division unless expressly so provided.

(Ord. 2010-1, 4/8/2010)

§1-105. Tenses, Gender, and Number.

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 2010-1, 4/8/2010)

§1-106. Construction.

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty, or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause, or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause, or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions, and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification, and revision of the ordinances and regulations of the Township of Heidelberg, it is the intention of the Board of Supervisors that no ordinance or regulation of the Township be amended, revised, or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Board of Supervisors of the Township of Heidelberg (in written form and designated “resolution”) which did not require prior public notice in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Board of Supervisors. Such “resolutions” are included herein for ease of reference and the Board of Supervisors does not intend by their inclusion herein to require prior public notice before amending, revising, or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Board of Supervisors that such actions of the Board of Supervisors that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision, or repeal) by the simple fact of inclusion in this Code.

(Ord. 2010-1, 4/8/2010)

§1-107. Normal Numbering.

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, “§1-101” designates Chapter 1, Part 1, Section 1. Similarly, “§27-305” designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:

1. Subsection.
 - A. Paragraph.
 - (1) Subparagraph.
 - (a) Clause.
 - 1) Subclause.
 - a) Item.
 - i. Subitem.

(Ord. 2010-1, 4/8/2010)

§1-108. Special Numbering Problems.

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part, or Section between existing Chapters, Parts, or Sections, the new Chapter, Part, or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part, or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, “§5A-101.” If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, “§5-5A01.” A new Section introduced between existing Sections 5 and 6 would be “§5-105A.” When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.
2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.
3. If it becomes necessary to introduce a unit smaller than a Subsection between existing units, the entire Subsection shall be revised and renumbered.
4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: “[Reserved].”

(Ord. 2010-1, 4/8/2010)

§1-109. Amending Code.

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal, or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses, or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Board of Supervisors.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section, and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended (revised) to read as follows” The amended or revised provisions may then be set out in full as desired.

B. *Addition.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended by the addition of the following” The new provision shall then be set out in full as desired.

C. *Repeal.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby repealed in its entirety.”

3. It is the intention of the Board of Supervisors that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Board of Supervisors that such enactment be renumbered in the process of supplementing, revising, or updating this Code to conform to the numbering scheme of this Code. The Board of Supervisors hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(Ord. 2010-1, 4/8/2010)

§1-110. Altering Code.

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Board of Supervisors.

(Ord. 2010-1, 4/8/2010)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Township any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety, and Welfare Provisions.* For violations of

ordinances adopting building, housing, property maintenance, health, fire, or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, “Motor Vehicles and Traffic” (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under the authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, partnership, or corporation who or which has violated or permitted the violation of any provision of this part, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$600 plus all court costs. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney’s fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 2010-1, 4/8/2010)

Part 2**Commissions, Boards, and Councils****A. Planning Commission****§1-201. Establishment.**

The Board of Supervisors shall appoint a Township Planning Commission, hereinafter referred to as the "Commission." consisting of seven persons, who shall serve for terms of 4 years; two members of the Commission shall be appointed on the first Monday of August of the years 1972, 1973, and 1975, and one member shall be appointed on the first Monday of August, 1974; all present members shall serve until the expiration of their appointments, and the Board of Supervisors shall immediately appoint sufficient additional members to fill the Commission.

(*Ord. 2-67, 7/7/1967, §1; as amended by Ord. 4-72, 8/25/1972*)

§1-202. Members.

All members of the Commission shall reside within the Township and they may be reimbursed for necessary expenses incurred in performance of their duties as Commission members.

(*Ord. 2-67, 7/7/1967, §2; as amended by Ord. 2010-1, 4/8/2010*)

§1-203. Appointment to Fill Vacancy.

An appointment to fill a vacancy shall be only for the unexpired portion of the term.
(*Ord. 2-67, 7/7/1967, §3*)

B. Northwestern Recreation Commission**§1-211. Creation.**

There is hereby created a recreation and park board known as the “Northwestern Recreation Commission.”

(*Ord. 4-84, 7/11/1984*)

§1-212. Composition of Board.

The Board shall be composed of seven members, two members of which shall be appointees of the Northwestern School Board. Each township shall appoint one of its supervisors and one member shall be appointed at large by a majority vote of the participating townships. All appointments shall be made in accordance with §1902 of the Second Class Township Code, 53 P.S. §66902 [1984].

(*Ord. 4-84, 7/11/1984*)

§1-213. Powers of the Northwestern Recreation Commission.

The Northwestern Recreation Commission shall have all those powers set forth in the enabling legislation specifically §1901 *et seq.* of the Second Class Township Code, 53 P.S. §66902 [1984] and shall have the power to enact by-laws and rules and regulations, which are not inconsistent with the provisions of the enabling legislation.

(*Ord. 4-84, 7/11/1984*)

§1-214. Acceptance of Gifts, Grants, and Donations.

The Northwestern Recreation Commission may accept, by grant, gift, bequest or donation of services, equipment, real estate or money from any individual or group to be used as specified by the donor or by the terms of acceptance.

(*Ord. 4-84, 7/11/1984*)

§1-215. Acts Prohibited by the Northwestern Recreation Commission.

The Northwestern Recreation Commission shall have no authority to enter into any contract or incur any debt or obligation binding upon the participating municipalities and the School District, other than current obligations or contracts to be fully executed within the then current fiscal year and within the budget appropriation made by the governing bodies of the participating municipalities and School District.

(*Ord. 4-84, 7/11/1984; as amended by Ord. 2010-1, 4/8/2010*)

§1-216. Effective Date.

This Part and resolution shall become effective 5 days after its enactment by all the Townships and the School District. All acts of the Northwestern Recreation Commission prior to the effective date of this document are ratified.

(*Ord. 4-84, 7/11/1984*)

C. Environmental Advisory Council

§1-221. Short Title.

An advisory council to be known as the “Heidelberg Township Environmental Advisory Council,” is hereby created and shall continue to function until this Part is revoked.

(*Ord. 2001-1, 5/10/2001, §1*)

§1-222. Composition of Council.

The Environmental Advisory Council (EAC) shall be composed of five residents of this Township. Associate (non-voting) members who are also Township residents may also be appointed to the Council.

(*Ord. 2001-1, 5/10/2001, §2; as amended by Ord. 2005-3, 7/14/2005; by Ord. 2006-1, 4/13/2006; and by Ord. 2011-1, 5/12/2011*)

§1-223. Procedures for Appointing Council Members.

Council members shall be appointed in accordance with the following procedures:

A. All Council members shall be appointed by the Board of Supervisors.

B. Council members’ terms of office shall expire on the first Monday in January following the last year of their term of office.

C. Duly appointed Council members shall serve a term of 3 years, except that initial appointment shall be so staggered that the terms of approximately one-third of the membership shall expire each year.

D. Whenever possible, one member shall also be a member of the local Planning Commission.

(*Ord. 2001-1, 5/10/2001, §3*)

§1-224. Compensation and Reimbursement.

Council members shall receive no compensation for their services, but may be reimbursed for the expenses actually and necessarily incurred by the in the performance of their duties.

(*Ord. 2001-1, 5/10/2001, §4*)

§1-225. Duties of Council.

The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials, Planning Commission and other such local governmental agencies.

(*Ord. 2001-1, 5/10/2001, §5*)

§1-226. Designation of Chairman.

The Board of Supervisors shall designate the chairman of the Council.

(*Ord. 2001-1, 5/10/2001, §6*)

§1-227. Powers of the Council.

The Environmental Advisory Council shall have the following powers:

- A. Identify environmental problems.
- B. Recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the area of this Township.
- C. Make recommendations as to the possible use of open land areas of this Township.
- D. Promote a community environmental program.
- E. Keep an index of all open areas, publicly or privately owned, including, but not limited to, flood prone areas, swamps, and other unique natural areas.
- F. Advise the appropriate local governmental agencies in the acquisition of property, both real and personal.
- G. To undertake such environmental tasks as requested by the Board of Supervisors.

(Ord. 2001-1, 5/10/2001, §7)

§1-228. Keeping of Records and Annual Reports by Council.

The Environmental Advisory Council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual municipal report or otherwise made known and available. Minutes of each meeting shall be forwarded to the Board of Supervisors.

(Ord. 2001-1, 5/10/2001, §8)

§1-229. Appropriation of Funds.

The Board of Supervisors may, from time to time, appropriate funds for the expenses incurred by the Council.

(Ord. 2001-1, 5/10/2001, §9)