

PROPOSED CODE ADOPTION ORDINANCE
for the
CODE OF THE BOROUGH OF COLLEGEVILLE, PENNSYLVANIA
May 2018

GENERAL CODE
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BOROUGH OF COLLEGEVILLE
COUNTY OF MONTGOMERY, PENNSYLVANIA

ORD. NO. 589

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE BOROUGH OF COLLEGEVILLE, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

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

ARTICLE II
Adoption of Code

§ 1-3. Approval, adoption and enactment of Code.

Pursuant to Section 3301.5 of the Borough Code (8 Pa.C.S.A. § 3301.5), the codification of a complete body of legislation for the Borough of Collegeville, County of Montgomery, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 680, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Collegeville, which shall be known and is hereby designated as the "Code of the Borough of Collegeville," hereinafter referred to as the "Code."

§ 1-4. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of the 1985 Code of Ordinances and the ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Collegeville, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-5 below, and only new or changed provisions, as described in § 1-8 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-17 below.

§ 1-5. Inconsistent legislation repealed.

Repeal of inconsistent ordinances. Except as provided in § 1-6, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-17; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Collegeville which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-6. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-5 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to June 7, 2017.
- 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 or any cause of action acquired or existing.
- 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 or any lawful contract, obligation or agreement.
- F. Any ordinance 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.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Borough.

- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.
- T. Any Comprehensive Plan and amendment thereto.

§ 1-7. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-6A 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 ordinances shall be temporarily placed in the Code until printed supplements are included.

§ 1-8. Changes and revisions in previously adopted legislation; new provisions.

- A. Nonsubstantive changes. In compiling and preparing the ordinances and resolutions of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. Nomenclature. Throughout the Code, the following terms are updated as follows:

- (1) Justice of the Peace,” “District Justice,” “District Magistrate” or “Magistrate” is changed to “Magisterial District Judge.”
 - (2) “Department of Community Affairs” is changed to “Department of Community and Economic Development.”
 - (3) U.S. Department of Agriculture’s “Soil Conservation Service (SCS)” is changed to “Natural Resources Conservation Service (NRCS).”
 - (4) “Department of Environmental Resources” is changed to “Department of Environmental Protection” or “Department of Conservation and Natural Resources.”
 - (5) “Department of Public Welfare” is changed to “Department of Human Services.”
 - (6) “Burgess” is changed to “Mayor.”
- C. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth below, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring 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 legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-17.
- (1) In Chapter 345, § 345-20, the definition of “base flood elevation” is amended to change the reference to “Section 1101” to read “the definition of ‘base flood elevation’ in § 680-193B.”
 - (2) In Chapter 580, § 580-33A is amended to revise the first sentence, in part, to include an amount as indicated: “...a fine of not more than \$100 for each violation, recoverable with costs.”
 - (3) In Chapter 592, § 592-14V(1) and (2) are each amended to change the reference to “§ 120-23C” to read “§ 592-14N(2)(i).”
 - (4) In Chapter 680, § 680-203A(6) is amended to change the reference to “Subdivision and Land Development Ordinance, § 13-321” to read “Chapter 600, Subdivision and Land Development, §§ 600-30 and 600-31.”
 - (5) In Chapter 680, § 680-211O is amended to change the reference to “Section 8.13 of this Ordinance” to read “§ 680-51A(1), Fences, of this chapter.”

§ 1-9. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater

restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-10. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-11. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-12. Amendments to Code.

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. 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 said Code as amendments and supplements thereto.

§ 1-13. Code books to be kept up-to-date.

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies 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 legislation adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-14. Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation

in the Borough. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-15. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Borough to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney’s fees, incurred by the Borough in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 1-16. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-17. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after _____, 20__.

§ 1-18. Failure to enforce not a waiver.

The failure of the Borough to enforce any provision of this ordinance and of the Code adopted hereby shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

ENACTED AND ORDAINED by the Borough Council of the Borough of Collegeville this _____ day of _____ 20__.

Attest:

BOROUGH OF COLLEGETOWN

Borough Secretary

BY: _____
Council President

BOROUGH OF COLLEGEVILLE

NOTICE OF INTRODUCTION

OF PROPOSED CODE ADOPTION ORDINANCE

Please take notice that a proposed Code Adoption Ordinance was introduced by the Borough Council of the Borough of Collegeville at a regular meeting of the Borough Council held on the 11th day of July, 2018. A copy of the proposed Code Adoption Ordinance and the Code may be examined in the office of the Borough Secretary. A summary of the proposed Code Adoption Ordinance and a listing of the Table of Contents of the proposed codification are as follows:

ORD. NO. 589

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE BOROUGH OF COLLEGEVILLE, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

This proposed ordinance provides:

- (1) For the approval, adoption and enactment of the codification of a complete body of legislation for the Borough of Collegeville, as revised, codified and consolidated into titles, chapters and sections, such codification being designated as the "Code of the Borough of Collegeville."
- (2) That the provisions of the Code are intended as the continuation of legislation in effect immediately prior to adoption of this ordinance.
- (3) For the repeal of inconsistent ordinances or parts of ordinances of a general and permanent nature which are not included in the Code, except as specifically saved from repeal.
- (4) That certain ordinances, rights and obligations be expressly saved from repeal.
- (5) That ordinances of a general and permanent nature adopted subsequent to preparation of the Code but prior to its adoption are deemed part of the Code.
- (6) For the adoption and ratification of changes and revisions made during preparation of the Code to the previously adopted legislation included therein, and for the inclusion of certain new legislation. Such changes, revisions and new legislation include:
 - (a) Nonsubstantive grammatical and style changes.
 - (b) Nomenclature changes.

- (c) Adoption and ratification of other substantive changes and revisions made so as to bring provisions included in the Code into conformity with the policies and intent of the Borough Council. Such changes and revisions are specifically enumerated and described in the ordinance.
- (7) For the interpretation of provisions.
- (8) That titles, headings and editor's notes are inserted for the convenience of persons using the Code and are not part of the legislation.
- (9) For the filing of at least one copy of the Code in the office of the Borough Secretary where it shall remain for use and examination by the public.
- (10) For the incorporation of future additions, deletions, amendments or supplements into the Code.
- (11) That Code books be kept up-to-date under the supervision of the Borough Secretary.
- (12) That notice of introduction of the ordinance and Code be published according to law, and that enactment of the ordinance, coupled with filing of a copy or copies of the Code and publication of such notice, will be deemed due and legal publication of all provisions of the Code.
- (13) For penalties for anyone convicted of altering or tampering with the Code.
- (14) That provisions of the Code and of the ordinance are severable.
- (15) That the effective date of the Code and of the ordinance be September 6, 2018.

The chapters included in the codification are as follows (all chapter numbers not listed are reserved for future use).

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Please take further notice that the Borough Council intends to adopt the proposed Code Adoption Ordinance on September 5, 2018. A copy of the Code Adoption Ordinance proposed for adoption is on file in the office of the Borough Secretary, Collegeville, Pennsylvania, where it is available for inspection during regular office hours.

BOROUGH OF COLLEGEVILLE

NOTICE OF ADOPTION

OF CODE

Please take notice that the following ordinance of the Borough of Collegeville, notice of the introduction of which had previously been given, was finally enacted at a meeting of the Borough Council of the Borough of Collegeville, County of Montgomery, Commonwealth of Pennsylvania, on the 5th day of September, 2018:

ORD. NO. 589

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF COLLEGEVILLE, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ADOPTING CERTAIN CHANGES MADE TO PREVIOUSLY ADOPTED ORDINANCES; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

The "Code of the Borough of Collegeville" will be in full force and effect on the 6th day of September, 2018. A copy of the Code Adoption Ordinance and the Code are on file in the office of the Borough Secretary, where they are available for use and examination during regular office hours.