

Ordinance 92-2

Revision of Ordinance

April 20, '92

TOWNSHIP OF HOPEWELL

NOTICE OF INTRODUCTION OF PROPOSED CODIFICATION; NOTICE OF
PUBLIC HEARING ON PROPOSED CODIFICATION AND NOTICE OF
ENACTMENT DATE OF PROPOSED CODE ADOPTION ORDINANCE

Please take notice that a proposed codification of the ordinances of the Township of Hopewell and a proposed Code Adoption Ordinance were introduced by the Board of Commissioners of the Township of Hopewell at a Board meeting held on the 9th day of March 1992. 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. 92-2

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF HOPEWELL, COUNTY OF BEAVER, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR CERTAIN CHANGES MADE TO PREVIOUSLY ADOPTED ORDINANCES; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE

This proposed ordinance provides:

- (1) For the approval, adoption and enactment of the codification of a complete body of ordinances for the Township of Hopewell, as revised, codified and consolidated into titles, chapters and sections, such codification being designated as the "Code of the Township of Hopewell."
- (2) That the provisions of the Code are intended as the continuation of ordinances in effect immediately prior to adoption of this ordinance.
- (3) For the repeal of 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 ordinances included therein. Such changes and revisions include:
 - (a) A nonsubstantive grammatical and style change.
 - (b) General deletions.
 - (c) General revisions of penalty provisions.
 - (d) 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 Board of Commissioners. 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 ordinances.
- (9) For the filing of three (3) copies of the Code in the office of the Township Secretary, where they 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 Township Secretary.
- (12) That notices of introduction and adoption of the ordinance and Code be published according to law, and that enactment of the ordinance, coupled with filing of copies of the Code and publication of such notices, 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 is May 13, 1992.
- (16) That the ordinance be included in the Code as Chapter 1, General Provisions, Article I.

CHAPTER	TITLE
66	Curfew
70	Dogs
	Article I Noise by Dogs
	Article II Nuisances
76	Fees
	(Reference statement only)
79	Fire Hydrant Rental
	Article I Establishment
	Article II Applicability
81	Fire Prevention
	Article I General Provisions
	Article II Adoption of Standards
	Article III Fire Lanes
84	Floodplain Management
	Article I General Regulations
	Article II Subdivision and Development of Land
	Article III Building Permit Procedures
88	Garbage, Rubbish and Refuse
	Article I (Reserved)
	Article II Accumulation and Dumping
	Article III Recycling
	Article IV Collection
91	Grading, Excavation and Fill
103	Parking Areas
105	Parks
109	Peddling and Soliciting
112	Planned Residential Development
119	Rental Property, Registration of
123	Sewers and Sewage Disposal
	Article I Sewage Holding Tanks
	Article II Sewer Use
	Article III Sewer Service Charges
130	Speed-Timing Devices
133	Streets and Sidewalks
	Article I Street Openings and Excavations

C E R T I F I C A T I O N

TOWNSHIP OF HOPEWELL

Office of the Township Manager

I, JAMES M. EICHENLAUB, Township Manager of the Township of Hopewell, hereby certify that the chapters contained in this volume are based upon the original ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Township of Hopewell, County of Beaver, Commonwealth of Pennsylvania, as adopted by ordinance of the Board of Commissioners on the 12th day of May 1992.

Given under my hand and the Seal of the Township of Hopewell, County of Beaver, Commonwealth of Pennsylvania, this 13 day of May, 1992, at Aliquippa, Pennsylvania.

s/JAMES M. EICHENLAUB


Township Manager

TABLE OF CONTENTS

The chapters included in the Code are listed below. All amendments to the ordinances indicated have been incorporated. Chapter numbers not listed are reserved for future use.

PART I
ADMINISTRATIVE LEGISLATION

CHAPTER	TITLE
1	General Provisions (Proposed ordinance to adopt the Code, as described above)
9	Manager
11	Meetings
15	Park Board Article I Establishment Article II Rules
20	Planning Commission
23	Police Department Article I Establishment Article II Retirement Article III Pension Fund (Reference statement only)
27	Retirement
30	Salaries and Compensation (Reference statement only)
32	Sewer System Fund

PART II
GENERAL LEGISLATION

43	Adult Entertainment
54	Brush, Grass and Weeds
57	Building Construction Article I General Provisions Article II Standard Construction Details
60	Buildings, Unsafe

CHAPTER	TITLE
136	Subdivision and Land Development
139	Taxation
	Article I Tax on Amusement Devices and Jukeboxes
	Article II House Trailer Tax
	Article III (Reserved)
	Article IV Occupation Privilege Tax
	Article V Earned Income Tax
	Article VI Mercantile License Tax
	Article VII Realty Transfer Tax
146	Vehicles, Abandoned
148	Vehicles and Traffic (Reference statement only)
156	Zoning

APPENDIX

A161	Street Dedications
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Please take further notice that a public hearing on the proposed codification and the proposed Code Adoption Ordinance will be held at a regular meeting of the Board of Commissioners to be held at Clark Boulevard, Township Municipal Building, Aliquippa, Pennsylvania on April 20, 1992, at which time any interested persons will be given an opportunity to be heard. Copies of the codification and the Code Adoption Ordinance proposed for adoption are on file in the office of the Township Secretary, Clark Boulevard, Aliquippa, Pennsylvania, where they are available for inspection during regular office hours. Furthermore, please take notice that the Board of Commissioners intend to adopt the proposed codification and the proposed Code Adoption Ordinance at the regularly scheduled monthly meeting of the Board of Commissioners to be held at the Township Municipal Building at 8:00 P.M. (E.S.T.) on May 12, 1992.

JAMES EILCHENLAUB
MANAGER / SECRETARY

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF HOPEWELL, COUNTY OF BEAVER; COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR CERTAIN CHANGES MADE TO PREVIOUSLY ADOPTED ORDINANCES; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE

ARTICLE I
Adoption of Code

Be it enacted and ordained by the Board of Commissioners of the Township of Hopewell, County of Beaver, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

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

Pursuant to Section 1502, Clause I, II (53 P.S. § 56502) of the First Class Township Code, the codification of a complete body of ordinances for the Township of Hopewell, County of Beaver, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 160, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Hopewell, which shall be known and is hereby designated as the "Code of the Township of Hopewell," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of legislation in force immediately prior to the enactment of this ordinance, are intended as a continuation of such legislation and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Commissioners of the Township of Hopewell, and it is the intention of said Board of Commissioners 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 § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of legislation not contained in Code.

All legislation or parts of ordinances of a general and permanent nature adopted by the Township of Hopewell and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 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 § 1-3 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 November 12, 1991.
- B. Any right or liability established, accrued or incurred under any legislative provision of the township 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 township 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 township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the township or any lawful contract, obligation or agreement.
- F. 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 township, or other instruments or evidence of the township'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 township.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

B. General deletions.

- (1) Sections pertaining to severability, effective dates and repeals have been deleted, since such provisions are included in this ordinance or are of no further effect.
- (2) Sections assigning titles to various ordinances have been deleted, as all ordinances have been given chapter or Article titles as part of the Code.

C. Substantive changes and revisions. In addition to the changes and revisions described above, the following changes and revisions of a substantive nature are hereby made to various ordinances included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Board of Commissioners, and it is the intent of the Board of Commissioners that all such changes be adopted as part of the Code as if the ordinances so changed have 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 § 1-15:

- (1) Chapter 9, Manager (Ord. No. 86-1).
 - (a) Section 9-2 (former Sec. 2) is hereby amended to replace the words "for a term of office as set forth by township resolution at the time of appointment" with the words "at the pleasure of the Board of Commissioners."
- (2) Chapter 11, Meetings (Ord. No. 58-1) is hereby amended in its entirety to accurately reflect current procedure, to read as follows:

§ 11-1. Biennial organizational meetings.

The organization meeting in the even-numbered years shall be held at the Hopewell Township Municipal Building, Clark Boulevard, Aliquippa, Pennsylvania, at the time and date designated by the First Class Township Code.

§ 11-2. Regular meetings.

In accordance with the First Class Township Code, the Board of Commissioners of the Township of Hopewell shall meet regularly as established at the organizational meeting.

(3) Chapter 15, Park Board, Article II, Rules (Res. No. 15-5B).

- (a) Section 15-5B [former Sec. 3(b)] is hereby amended to delete the words "the Hopewell Township Recreation Board."

(4) Chapter 23, Police Department, Article I, Establishment (Ord. No. 59-2).

- (a) Section 23-1 (former Sec. 1) is hereby amended to delete the words "two (2) policemen."

(5) Chapter 43, Adult Entertainment (Ord. No. 81-4).

- (a) Section 43-7 is hereby added to read as follows:

§ 43-7. Criminal penalties.

Notwithstanding the other remedies provided by this chapter, any person who violates any provision of this chapter shall be subject to the penalties set forth in 18 Pa.C.S.A. § 5903(h).

(6) Chapter 57, Building Construction, Article I, General Provisions (Ord. No. 75-7).

- (a) Section 57-5 (former Sec. II.1. first paragraph) is hereby amended to replace the words "Section XIII of this Ordinance, together with the Supplement designated Sections A, B, C and D, which sections satisfy the requirements of Section 1910.38 under the National Flood Insurance Program. The same" with the words "§ 57-18 of this Article."

- (b) Section 57-6 (former Sec. II.2.) is hereby amended to delete the words "together with the aforesaid Supplement."

- (c) Section 57-10 (former Sec. IV.2.) is hereby amended to increase the time limit for permit consideration from fifteen (15) to ninety (90) days.

- (d) Section 57-18A(2) [former Sec. XIII.1.(b)] is hereby amended to replace the words "amended by adding the following map attached hereto and made a part hereof" with the words "deleted from this Article."

(7) Chapter 60, Buildings, Unsafe (Ord. No. 70-1).

- (a) Sections 60-1 (former Sec. 1) and 60-2 (former Sec. 2) are hereby amended to change all references to "Secretary-Manager" to "Code Enforcement Officer."

(8) Chapter 66, Curfew (Ord. No. 75-2).

- (a) Section 66-1 (former Sec. 1) is hereby amended to add the words "between the hours of 10:00 p.m. and 5:00 a.m." and to add Subsections C, D and E, to read as follows:

- C. Such child is on an emergency errand directed by the parent, guardian or other adult having care or custody of the child.
- D. Such child is on legitimate business directed by the parent, guardian or other adult having care or custody of the child.
- E. Such child is traveling directly to or from any adult-sponsored activity sponsored by any school, church civic or nonprofit organization.

(9) Chapter 70, Dogs.

- (a) Article I, Noise by Dogs (Ord. No. 77-5).

- [1] Section 70-3 (former Sec. 3) is hereby amended to replace the words "Police Department" with the words "Dog Officer."

- (b) Article II, Nuisances (Ord. No. 77-6).

- [1] Section 70-7 (former Sec. 3) is hereby amended to replace the words "Justice of the Peace" with "District Justice."
- [2] Section 70-8 (former Sec. 4, as added by Ord. No. 78-9) is hereby amended to replace with words "Police Department" with the words "Dog Officer."

(10) Chapter 81, Fire Prevention.

- (a) Article I, General Provisions (Ord. No. 73-13) is hereby amended in its entirety to accurately reflect current procedures, to read as follows:

ARTICLE I
General Provisions

§ 81-1. Selection of Fire Marshal.

The Fire Chief and the Board of Directors of the Hopewell Township Volunteer Fire Department shall annually, during the month of October, certify to the Board of Commissioners not less than one (1) nor more than three (3) residents of the Township of Hopewell, each of whom shall have had at least five (5) years of fire-fighting experience in the Township of Hopewell, who or whom they would recommend as qualified to perform the duties and responsibilities of Fire Marshal. The Board of Commissioners shall annually, during the month of January, select and appoint one (1) from the number of candidates so certified by the Fire Chief and the Board of Directors of the Hopewell Volunteer Fire Department as Fire Marshal. The Fire Marshal, who may concurrently serve as Fire Chief and/or a member of the Board of Directors of the Hopewell Volunteer Fire Department, shall serve at the pleasure of the Board of Commissioners and shall be entitled to such compensation and/or reimbursement of expenses as may from time to time be determined by the Board of Commissioners.

§ 81-2. Inspectors.

The Board of Commissioners may from time to time appoint inspectors to assist the Fire Marshal in the enforcement of this code. Such inspectors shall be appointed upon recommendation of the Fire Marshal. Such inspectors shall be residents of the Township of Hopewell, each of whom shall have had at least three (3) years of fire-fighting experience in the Township of Hopewell. Such inspectors, who may concurrently serve as Fire Chief and/or a member of the Board of Directors of the Hopewell Volunteer Fire Department, shall serve at the pleasure of the Board of Commissioners and shall be entitled to such compensation and/or reimbursement of expenses as may from time to time be determined by the Board of Commissioners.

§ 81-3. Powers of Fire Marshal.

The Fire Marshal is hereby authorized to administer and enforce Chapter 81, Article II, and to cause due observation of the Acts of Assembly of the Commonwealth of Pennsylvania relating to:

- A. The prevention of fires.
- B. The storage and use of explosives and flammables.

- C. The installation and maintenance of automatic and other fire alarm systems and fire-extinguishing equipment.
- D. The maintenance and regulation of fire escapes.
- E. The means and adequacy of exits, in case of fire, from shopping centers, retail and wholesale outlets, factories, schools, hotels, dormitories, asylums, hospitals, nursing homes, churches, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate for any purpose.
- F. The investigation of the cause and circumstance of fires.

§ 81-4. Report.

The Fire Marshal, within thirty (30) days following the conclusion of each calendar year, shall file an annual report with the Board of Commissioners of the Township of Hopewell of all violations of Chapter 81, Article II, of this Code and all proceedings thereunder. Such report shall also include any recommendation concerning amendments to Chapter 81, Article II, of this Code which may appear to be necessary or desirable.

§ 81-5. Appeals.

Whenever the Fire Marshal shall disapprove an application for modification of any provision of Chapter 81, Article II, of this Code or shall refuse to grant a permit or when it may be claimed that the provisions of Chapter 81, Article II, of this Code do not apply or that the true intent and meaning of Chapter 81, Article II, of this Code has been misconstrued or wrongly interpreted, the person aggrieved thereby may appeal from the decision of the Fire Marshal to the Board of Commissioners of the Township of Hopewell. Such appeal must be made within thirty (30) days following the date of the decision of the Fire Marshal from which relief is sought.

§ 81-6. Outdoor burning.

- A. No outdoor fire shall be kindled or maintained in the Township of Hopewell except as may be hereinafter allowed or provided.
- B. No outdoor fire shall be kindled or maintained upon any public street in the Township of Hopewell.

- C. No outdoor fire shall be kindled or maintained for the purpose of burning garbage, animal or vegetable waste, manure, rubber, plastics, furniture, beddings, car products or any other material which will create nauseous or noxious fumes, smoke or toxic chemicals; provided, however, that this subsection shall not prohibit outdoor fires kindled and maintained for cooking purposes or outdoor fires kindled and maintained for recreation purposes.
- D. Outdoor fires for the purpose of burning dry rubbish, brush, grass and leaves may be kindled and maintained without constant attendance if such fire is contained in a waste burner approved by the Fire Marshal and such waste burner is located more than fifteen (15) feet from any structure and more than fifteen (15) feet from any property line or public street right-of-way.
- E. Outdoor fires for the open burning of dry brush, grass and leaves which cannot be kindled and maintained in an approved waste burner shall be located more than twenty-five (25) feet from any structure or building and more than fifteen (15) feet from any property line or public street right-of-way, adequate provision shall be made to prevent fire from spreading to within twenty-five (25) feet of any structure; such outdoor fires shall be constantly attended by a competent person until the fire is wholly extinguished; and such person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.
- F. Notwithstanding any other provision of this section, no outdoor fire shall be kindled before 7:00 a.m., and such fire must be wholly extinguished before 6:00 p.m., prevailing time. No outdoor fire shall be kindled on any Sunday or Monday or any of the following legal holidays:
 - New Year's Day
 - Good Friday
 - Thanksgiving Day
 - Christmas Day
- G. Notwithstanding any other provision of this section, the Fire Marshal may prohibit any or all outdoor fires when atmospheric conditions or local circumstances make such fire hazardous.

§ 81-7. Designation of routes for transport of hazardous materials.

The following motor vehicle routes are hereby established for vehicles transporting explosives and blasting agents (Article 12, 1970 edition of the Official Summary) and hazardous chemicals or other dangerous articles (Article 20, 1970 edition of the Official Summary):

- A. Route 60.
- B. Route 51.

(b) Article II, Adoption of Standards (Ord. No. 79-2).

[1] Section 81-8B (part of former Sec. I) is hereby amended to replace the words "A copy" with the words "Three (3) copies."

(c) Article III, Fire Lanes (Ord. No. 70-8), is hereby amended in its entirety to accurately reflect current procedure, to read as follows:

ARTICLE III Fire Lanes

§ 81-10. Authorization to establish.

The Board of Commissioners of the Township of Hopewell may from time to time, by ordinance, designate certain streets and specified areas of private property in the township as fire lanes and shall prohibit the parking of motor vehicles thereon. The areas so designated as fire lanes shall be so marked with appropriate signs identifying that the area is a fire lane and that parking of motor vehicles thereon is prohibited. If such areas are not identified by such signs, the fine imposed by this Article shall not be applicable.

§ 81-11. Violations and penalties.

Any person, firm or corporation violating any provision of this Article or any regulation or restriction hereafter adopted by ordinance pursuant hereto shall, upon conviction thereof in any summary proceeding, be sentenced to pay a fine of one thousand dollars (\$1,000.) together with the costs of prosecution and in default of the payment of such fine and costs, shall undergo imprisonment for a period not exceeding thirty (30) days.

§ 81-12. Enumeration.

The following areas have been designated as fire lanes pursuant to this Article:

Name of Street or Area	Designated Area
Green Garden Shopping Center	As designated by signs and painted curbs
Hopewell Shopping Center	As designated by signs and painted curbs
Washington Street	Within the Scotswood Development
Westfield Drive	Left side of street (odd numbered)

(11) Chapter 84, Floodplain Management.

(a) Article I, General Regulations (Ord. No. 81-5).

- [1] Sections 84-3, definition of "development" (former Art. VII, Sec. 1), and 84-8B(1) [former Sec. 3.1B(1)] are hereby amended to replace the words "mobile home" with the words "manufactured home."
- [2] Section 84-15 (former Art. VIII, Sec. 7.3) is hereby amended to increase the fine from three hundred dollars (\$300.) to one thousand dollars (\$1,000.) and to replace the references to "District Magistrate" with "District Justice."

(b) Article II, Subdivision or Development of Land (Ord. No. 81-6).

- [1] Section 84-20 (former Art. IV). The definitions of "building," "development" and "structure" are hereby amended to replace the words "mobile homes" with the words "manufactured homes."
- [2] Section 84-27 (former Sec. 5.2) is hereby amended to increase the fine from three hundred dollars (\$300.) to one thousand dollars (\$1,000.) and to replace the references to "District Magistrate" with "District Justice."

(c) Article III, Building Permit Procedures (Ord. No. 81-7).

- [1] Section 84-30 (former Art. VIII). The definitions of "building," "construction," "development" and "special permit" are hereby amended to replace the words "mobile homes" with the words "manufactured homes."
- [2] Section 84-52B (former Sec. 4.04B) is hereby amended to add the following:

"(4) Placed on a permanent foundation."
- [3] Section 84-53D (former Sec. 5.00D, as added by Ord. No. 86-2) is hereby amended to replace the words "mobile home" with the words "manufactured home."

(12) Chapter 88, Garbage, Rubbish and Refuse, Article IV, Collection (Ord. No. 90-2) is amended to add a new § 88-36 regarding collection practices, which shall read as follows:

§ 88-36. Collection practices.³

A. Frequency of collection.

- (1) Refuse shall be collected once weekly during each month of the year.
- (2) Hotels, restaurants, institutions and commercial establishments may be required to have more frequent collection if determined by the Board of Commissioners to be essential to protect the public health.

B. Licensing of collectors.

- (1) No person shall collect, remove, haul or convey any refuse through or upon any of the streets or alleys of the Township of Hopewell or dispose of the same in any manner or place without obtaining a license from the Board of Commissioners of Hopewell Township.
- (2) The annual fee for such license shall be as set forth from time to time by resolution of the Board of Commissioners. All licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- (3) Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection and the place and method of disposal.
- (4) No license shall be granted if the place and method of disposal shall not conform to the requirements of this Article or to the ordinance of any municipal or quasi-municipal corporation wherein disposal or refuse is to be made.
- (5) The Board of Commissioners shall have the power to revoke any such license for failure on the part of the licensee to comply with any provision of this Article or rules and regulations applying thereto.
- (6) It shall be unlawful to permit an unlicensed collector to collect or remove refuse from an institution or commercial enterprise.

- C. Collection vehicles.** All vehicles used for collection of garbage shall be equipped with compacting devices or equivalent types of closed bodies and shall have enclosed cargo space.

(13) Chapter 91, Grading, Excavations and Fill (Ord. No. 79-6).

- (a) Section 91-8 (former Sec. 1 of Art. 7) is hereby amended to delete the specific fees and to add the words "as set forth from time to time by resolution of the Board of Commissioners."
- (b) Section 91-15C (former Sec. 3 of Art. 12) is hereby amended to replace the words "except under one or more of the following conditions" with the word "unless."
- (c) Section 91-24 (former Sec. 3 of Art. 19) is hereby amended to replace the words "justice of the peace" with the words "District Justice."

(14) Chapter 109, Peddling and Soliciting (Ord. No. 75-3).

- (a) Section 109-2 (former Sec. 2) is hereby amended to delete the specific fees and to add the words "set forth from time to time by resolution of the Board of Commissioners."
- (b) Section 109-3A (former Sec. 3) is hereby amended to change the reference to "Manager-Secretary" to "Manager."
- (c) Section 109-5 (former Sec. 7) is hereby amended to replace the words "Justice of the Peace" with the words "District Justice."

(15) Chapter 112, Planned Residential Development (Ord. No. 85-7).

- (a) Section 112-9 (former Sec. 300) is hereby amended to replace the words "General Residential District" with the words "Residential-Agricultural District."
- (b) Section 112-29A (former Sec. 700A) is hereby amended to add the following: "The township shall bill the subdivider and/or developer for any costs in excess of the initial amount deposited."
- (c) Section 112-29H (former Sec. 700H) is hereby amended to decrease the review period from forty-five (45) days to thirty (30) days.

- (d) Section 112-33A (former Sec. 704) is hereby amended to add the following: "The township shall bill the subdivider and/or developer for any costs in excess of the initial amount deposited."

(16) Chapter 119, Rental Property, Registration of (Ord. No. 74-11).

- (a) Sections 119-2 (former Secs. 2 and 3 and 119-3 (former Sec. 4) are hereby amended to change all references to "Township Manager-Secretary" and "Township Secretary" to "Township Manager."
- (b) Section 119-4 (former Sec. 5) is hereby amended to change the reference to "District Magistrate" to "District Justice" and to increase the maximum fine from one hundred dollars (\$100.) to six hundred dollars (\$600.).

(17) Chapter 133, Streets and Sidewalks, Article I, Street Openings and Excavations (Ord. No. 79-3).

- (a) Section 133-9 (former Sec. 9) is hereby amended to change the reference to "District Magistrate" to "District Justice."
- (b) Section 133-11 (former Sec. 11) is hereby amended to replace the words "NIRA Consulting Engineers, February 1979, drawing #H-101 through H-106 are attached hereto and made a part thereof" with the words "the Township Engineer are on file in the township offices."

(18) Chapter 139, Taxation.

(a) Article I, Tax on Amusement Devices and Jukeboxes (Ord. No. 56-7).

[1] Section 139-3 (former Sec. 4) is hereby amended to delete the reference to Section 2.

[2] Section 139-9 (former Sec. 10) is hereby amended to:

[a] Change the reference to "Justice of the Peace" to "District Justice."

[b] Increase the fine from twenty-five dollars (\$25.) to six hundred dollars (\$600.).

[c] Add the following wording: "Each day's violation of any portion of this Article shall constitute a separate offense."

(b) Article II, House Trailer Tax (Ord. No. 56-9).

[1] Section 139-13 (former Sec. 4) is hereby amended to change the reference to "Justice of the Peace" to "District Justice."

(c) Article IV, Occupation Privilege Tax (Ord. No. 66-3).

[1] Section 139-23 (former Sec. 3) is hereby amended to add the words "or any calendar year thereafter."

[2] Section 139-24B [former Sec. 4(b)] is hereby amended to replace the words "March 31, 1966" with the words "March 31 of any calendar year" and to delete all references to particular years.

[3] Section 139-24C [former Sec. 4(c)] is hereby amended to delete the specific reference to the year 1966.

- [4] Section 139-25 (former Sec. 5) is hereby amended to delete references to specific years and to add the words "... if subject to the tax after March 31, the taxpayer"
- [5] Section 139-31 (former Sec. 11) is hereby amended to change the reference to "Justice of the Peace" to "District Justice" and to increase the maximum fine from one hundred dollars (\$100.) to six hundred dollars (\$600.).
- (d) Article VI, Mercantile License Tax (Ord. No. 72-3).
 - [1] Section 139-55 (former Sec. 13) is hereby amended to change all references to "District Magistrate" to "District Justice."
- (e) Article VII, Realty Transfer Tax (Ord. No 87-5).
 - [1] Section 139-72 (former § 17) is hereby amended to change the reference to "Manager/Secretary" to "Manager."
- (19) Chapter 146, Vehicles, Abandoned (Ord. No. 66-8).
 - (a) Section 146-3 (former Sec. 4) is hereby amended to delete the specific fine and imprisonment provisions and add the words "subject to the penalties set forth in 75 Pa.C.S.A. § 3712(d)."
- (20) Chapter 156, Zoning (Ord. No. 85-5).
 - (a) Section 156-17A(1) is hereby amended to enumerate the permitted principal uses, to read as follows:
 - A. Permitted uses shall be as follows:
 - (1) Principal uses:
 - (a) A horizontally integrated commercial center whereby adjoining stores and/or facilities share in most cases common party walls, vehicle and pedestrian access, parking and/or loading facilities and contain at least one (1) major generator of consumers.
 - (b) Restaurants, motels and hotels.
 - (c) General business and professional offices.
 - (d) Retail and service-oriented stores.
 - (e) Vehicle service stations, repair garages, sales and washing facilities.

- (f) Medical, dental and photographic facilities.
 - (g) Commercial recreational facilities such as golf driving ranges, bowling alleys, theaters and skating rinks.
 - (h) Banks and financial institutions.
 - (i) Municipal facilities.
 - (j) Funeral homes.
 - (k) Public utility structures.
 - (l) Retail nursery and garden supplies.
 - (m) Day-care centers.
 - (n) Vertically integrated uses.
- (2) Accessory uses:
- (a) All uses customarily incidental to a principal permitted use.
 - (b) Signs as provided in Article III.
 - (c) Parking and loading as provided in Article IV.
- (b) Section 156-19A(1) is hereby amended to enumerate the permitted principal uses, to read as follows:

A. Permitted uses shall be as follows:

- (1) * Principal uses:
- (a) Research and development facilities.
 - (b) Wholesale packaging, storage, warehousing and/or distribution facilities, excluding self-storage.
 - (c) Wholesale manufacturing, compounding, processing and/or assembly facilities.
 - (d) Printing and publishing facilities.
 - (e) Wholesale supply yards.
 - (f) General contractor and construction industries, such as general, electric, plumbing contractors and heating, ventilating and air conditioning.
 - (g) Professional offices.
 - (h) Business offices.
 - (i) Building material supply, stone crushing and concrete mixing.

- (j) Carpentry, electrical, plumbing, welding, heating or sheet metal shops.
- (k) Auto wrecking, junkyards and iron or rag storage.
- (l) Storage of organic and nonorganic materials.
- (m) Primary and secondary metal production and fabrication.

(2) Accessory uses:

- (a) All uses customarily incidental to a principal permitted use.
- (b) Signs as provided in Article III.
- (c) Packing and loading facilities as provided in Article IV.

- (c) Section 156-68A(2) (former Sec. 2101A.2) is hereby amended to increase the review period from fifteen (15) days to ninety (90) days.

D. Standardization of penalty provisions The penalty provisions in the sections listed below are hereby revised to update penalties to the applicable statutory provisions, as follows:

- (1) Maximum fine of six hundred dollars (\$600.)/maximum imprisonment for thirty (30) days.
 - (a) Section 54-6 (former Sec. 6 of Ord. No. 72-10).
 - (b) Section 66-3B (part of former Sec. 3 of Ord. No. 75-2).
 - (c) Section 70-4 (former Sec. 4 of Ord. No. 77-5).
 - (d) Section 70-7 (former Sec. 3 of Ord. No. 77-6).
 - (e) Section 88-14 (former Sec. VIII of Ord. No. 78-11).
 - (f) Section 91-24 (former Sec. 3 of Art. 19 of Ord. No. 79-6).
 - (g) Section 105-5 (former Sec. 3 of Ord. No. 80-6).
 - (h) Section 109-5 (former Sec. 7 of Ord. No. 75-3).
 - (i) Section 123-8 (former Sec. 9 of Ord. No. 75-5).
 - (j) Section 123-22 (former penalty provision of Ord. No. 78-5).

- (k) Section 123-24 (former Sec. 3 of Ord. No. 88-3).
 - (l) Section 133-9 (former Sec. 9 of Ord. No. 79-3).
 - (m) Section 139-13 (former Sec. 4 of Ord. No. 56-9).
 - (n) Section 139-43E [former Sec. 14(e) of Ord. No. 69-7].
 - (o) Section 139-55A and B [former Sec. 13(a) and (b) of Ord. No. 72-3].
- (2) Maximum fine of one thousand dollars (\$1,000.)/maximum imprisonment for thirty (30) days.
- (a) Section 57-17A (former Sec. IX.1. of Ord. No. 75-7).
 - (b) Section 60-4 (former Sec. 4 of Ord. No. 70-1).
 - (c) Section 81-9 (former Sec. II of Ord. No. 79-2).
 - (d) Section 84-44 (former Sec. 2.10E of Ord. No. 81-7).

§ 1-7. 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 or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance or regulation shall control.

§ 1-8. 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 ordinances.
- 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 ordinances.

§ 1-9. Filing of copies of Code.

Three (3) copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Township Secretary, as provided by law, and such certified copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. 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 Board of Commissioners 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.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Township Secretary, or someone authorized and directed by him or her, to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all ordinances adopted by the Board of Commissioners subsequent to the effective date of this codification which the Board of Commissioners shall adopt 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 books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Township 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 township. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the 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 provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation.

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 township to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding six hundred dollars (\$600.) plus costs of prosecution, and in default of payment thereof by imprisonment for a term not exceeding thirty (30) days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, Article 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 or part thereof rendered. It is hereby declared to be the intent of the Board of Supervisors that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, Article or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after *May 12, 1992*.