

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK

ORD. NO. 95-10

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF YORK COUNTY, 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

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

ARTICLE I
Adoption of Part I of Code

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

The codification of a complete body of ordinances for York County, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, Articles and sections by General Code Publishers Corp., and consisting of Chapters I through 115, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of York County, which shall be known and is hereby designated as Part I of the "York County Code", hereinafter referred to as the "Code."

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

The provisions of Part I of this Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances 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 York County, and it is the intention of said Board of Commissioners that each such provision, contained within Part I of the Code, is hereby reenacted and reaffirmed as it appears in said Part I of the Code. Only such provisions of former ordinances as are omitted from Part I of this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of Part I of this Code, as provided in § 1-15 below.

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

All ordinances or parts of ordinances of a general and permanent nature, adopted by York County and in force on the date of the adoption of Part I of this Code and not contained in the Code, are hereby repealed as of the effective date given in § 1-15, below, except as hereinafter provided.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 Part I 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 March 29, 1995.

B. Any right or liability established, accrued or incurred under any legislative provision of the county 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 county 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 county.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the county 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 county or other instruments or evidence of the county'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 county.

K. Any ordinance providing for 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 county or setting the bond of any officer or employee.

§ 1-5. Inclusion of new legislation prior to adoption of Part I of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of Part I of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in Part I of the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted ordinances.

A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances of the county for adoption and revision as part of Part I of the Code, certain nonsubstantive grammatical and style changes were made in one (1) or more of said ordinances. It is the intention of the Board of Commissioners that all such changes be adopted as part of Part I of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. Substantive changes and revisions. In addition to the changes and revisions described above, it is understood that there have been revisions of a substantive nature are hereby made to various ordinances included in Part I of 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 Part I 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.

§ 1-7. Interpretation of provisions.

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

§ 1-8. Titles and headings; editor's notes.

A. Chapter and Article titles, headings and titles of sections and other divisions in Part I of the Code or in supplements made to Part I of the Code are inserted in Part I of the Code and may be inserted in supplements to Part I of the Code for the convenience of persons using Part I of 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 Part I of the Code are inserted in Part I of the Code and may be inserted in supplements to Part I of the Code for the convenience of persons using Part I of the Code and are not part of the legislation.

§ 1-9. Filing of copies of Part I of the Code.

Three (3) copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Administrator/Chief Clerk and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Administrator/Chief Clerk, as provided by law, and such certified copies shall remain on file in the office of the Administrator/Chief Clerk, 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 Part I of 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 incorporated into Part I of such Code so that reference to Part I of the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to Part I of 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 Administrator/Chief Clerk 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 Administrator/Chief Clerk 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 Administrator/Chief Clerk, pursuant to the law, shall cause to be published in the manner required a notice of the introduction and of the adoption of Part I of the Code in a newspaper of general circulation in the county. 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 Part I 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 county 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 (\$600.00), plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding thirty (30) days.

§ 1-14. Severability.

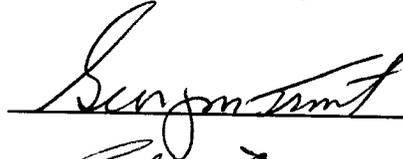
The provisions of this ordinance and of Part I of the Code adopted hereby are severable, and, if any clause, sentence, subsection, Article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, Article, chapter or part thereof rendered. It is hereby declared to be the intent of the Board of Commissioners that this ordinance and Part I of 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.

§ 1-15. Effective date.

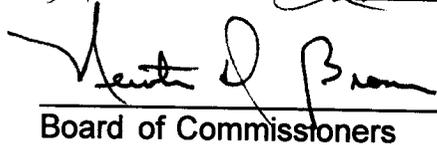
All provisions of this ordinance and of Part I of the Code shall take effect immediately.

DULY ENACTED AND ORDAINED this 20th day of December, 1995, by the Board of Commissioners of York County, Pennsylvania, in lawful session duly assembled.

COUNTY OF YORK







Board of Commissioners

ATTEST:


Chief Clerk

The above Ordinance was ordained, enacted and adopted this 20th day of December, 1995, at a regular meeting of the Board of Commissioners of the County of York, Pennsylvania, upon motion of Robert A. Minnich, seconded by Newton D. Brown, and passed with a vote of 3 Yes and 0 No.