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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 Borough of North York shall be the "Borough of North York Code of Ordinances."

(Ord. 2006-3, 7/10/2006)

§1-102. Citation of Code of Ordinances.

The Borough of North York 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. 2006-3, 7/10/2006)

§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 identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified by small Roman numerals.

(Ord. 2006-3, 7/10/2006)

§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. 2006-3, 7/10/2006)

§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. 2006-3, 7/10/2006)

§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 Borough of North York, it is the intention of the Borough Council that no ordinance or regulation of the Borough be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Borough Council of the Borough of North York (in written form and designated “resolution”) which did not require prior public notice in accordance with the provisions of the Second Class Borough Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Borough Council. Such “resolutions” are included herein for ease of reference and the Borough Council 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 Borough Council that such actions of the Borough Council 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. 2006-3, 7/10/2006)

§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. 2006-3, 7/10/2006)

§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 unites, 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. 2006-3, 7/10/2006)

§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 Borough Council.

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 Borough Council 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 Borough Council 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 Borough Council 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. 2006-3, 7/10/2006)

§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 Borough Council.

(Ord. 2006-3, 7/10/2006)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Borough 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, shall be sentenced to 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 30 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.*, and earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, should provide, generally:

(1) Any person, partnership or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. 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 Borough 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. 2006-3, 7/10/2006)

Part 2**Borough Officials****A. Borough Officials****§1-201. Compensation of Elected Officials.**

1. The salary of the Mayor of North York Borough shall be \$1,750. [*Ord. 12/21/2000A*]

2. The salary of the President of the Council of North York Borough shall be \$1,750. [*Ord. 12/21/2000A*]

3. The salary of the Council Members of North York Borough shall be \$1,750. [*Ord. 12/21/2000A*]

(*Ord. 86-10, 12/8/1986; as amended by Ord. 87-10, 12/7/1987; by Ord. 88-5, 12/5/1988; by Ord. 89-11, 12/4/1989 §§1-4; by Ord. 90-14, 12/3/1990, §1; and by Ord. 12/21/2000A, §§1 - 3*)

§1-202. Offices Filled by Appointment.

The following offices of the Borough are hereby established:

- A. Secretary
- B. Treasurer
- C. Engineer
- D. Solicitor.
- E. Permit Officer.
- F. Borough Manager. [*Ord. 5/18/2000*]

(*Ord. 7/7/1975, §2-2001; as amended by Ord. 5/18/2000, §1*)

§1-203. Tax Collector's Commissions.

The commissions to be paid to the Tax Collector for collection of Borough taxes following the next regular election of the Tax Collector shall be as follows:

- A. For all taxes collected at discount, a commission of 4 percent.
- B. For all taxes collected at face or after the date when a penalty shall have been added thereto, a commission of 5 percent.
- C. In addition, it shall be lawful for the Tax Collector to charge an administrative fee for response to inquiry by interested persons concerning the status of tax payments. The administrative fee shall be in an amount as established from time to time by Borough Council. [*Ord. 2006-3*]

(*Ord. 7/7/1975, §3-1001; as amended by Ord. 93-01, 2/1/1993, Art. I; and by Ord. 2006-3, 7/10/2006*)

B. Borough Manager**§1-211. Creation of Office.**

The office of Borough Manager is hereby created by the Borough of North York, subject to the right of the Borough, by ordinance, at any time to abolish such office.

(Res. 5/18/2000, §701)

§1-212. Appointment; Filling of Vacancies.

One person shall be elected as Borough Manager by majority of all the members of the Borough Council, from time to time and whenever there is a vacancy in the office. The Manager shall be subject to removal at any time by a majority vote of all the members of the Council. The Manager shall be paid for any unused vacation and personal leave. Should the Manager elect to resign the position, the Council shall be given 10 days written notice.

(Res. 5/18/2000, §702)

§1-213. Qualifications.

The Manager shall be chosen solely on the basis of his/her executive and administrative abilities, with special reference to his/her actual experience in or his/her knowledge of accepted practices in respect to the duties of the office as herein outlined.

(Res. 5/18/2000, §703)

§1-214. Bond.

Before entering upon his/her duties, the Borough Manager shall give a bond to the Borough, with a bonding company as surety, in the amount prescribed by the Council, premium for the bond to be paid by the Borough, provided, however, that the bond of the Borough Manager may be included in and the Manager may be bonded under and covered by the blanket bond in force and effect at the time for other Borough employees.

(Res. 5/18/2000, §704)

§1-215. Manager's Compensation.

The Manager shall receive compensation in the amount fixed from time to time by the Council which shall be payable from the Borough Treasury. The Manager shall further be provided with an employee benefit package containing such benefits as the Borough Council shall approve including, but not necessarily limited to, vacation leave, personal leave, sick leave, health care insurance coverage, retirement pension plan, payroll savings plan and such other benefits customarily provided by the Borough to managerial and administrative personnel.

(Res. 5/18/2000, §705)

§1-216. General Powers and Duties.

The Manager shall be the chief administrative officer of the Borough and shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough. The powers and duties shall relate to the general management

of all Borough business not expressly, by statute or ordinance, imposed or conferred upon other Borough officers. With the approval of Borough Council, the Mayor is authorized to delegate to the Borough Manager his responsibility for supervision of the Police Department. Subject to recall by written notification at any time, any of his/her nonlegislative powers and duties.

(*Res. 5/18/2000, §706*)

§1-217. Officers and Employees; Specific Powers and Duties.

1. Subject to recall by ordinance, the powers and duties of the Manager shall include the following:

A. He shall supervise and be responsible for the activities of all municipal departments except the Police Department. The Mayor is authorized to delegate his/her control over the Police Department to the Manager only if such department is not contracted for services.

B. He shall hire and, when he shall deem it necessary for the good of the service, shall suspend or terminate employees under his/her supervision and shall notify the Personnel Committee of any such suspension or termination. [*Ord. 2006-3*]

C. Be responsible for Borough payroll.

D. He shall prepare and submit to the Council, before the end of any fiscal year, a budget for the next fiscal year.

E. He shall be responsible for the administration of the budget after its adoption by the Council.

F. He shall attend all meetings of the Borough Council and of its committees, with the right to take part in the discussion, and he shall receive notice of all special meetings of the Council and of its committees.

G. He shall prepare the agenda for each meeting of the Council and supply facts pertinent thereto.

H. He shall keep the Council informed as to the conduct of borough affairs and submit monthly reports on the condition of the Borough finances and such other reports as the Council shall request and shall make such recommendations to the Council as the deems necessary.

I. He shall submit to the Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.

J. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.

K. He may employ, by and with the approval of the Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough.

L. He shall attend to the letting of contracts in due form of law, and he shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other borough officer by statute.

M. He shall see that all money owed the Borough is promptly paid and that

proper proceedings are taken for the security and collection of all of the Borough's claims.

N. He shall be the purchasing officer of the Borough and shall purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the various agencies, boards, departments, and other offices of the Borough. He shall keep an account of all purchases and shall, from time to time or when directed by the Council, make a full written report thereof. He shall also issue rules and regulations, subject to the approval of the Council, governing the requisition and purchasing of all municipal supplies and equipment.

O. He shall cooperate with the Borough Council at all times and in all matters that the best interests of the Borough and of the general public may be maintained.

P. All complaints regarding services or personnel of the Borough shall be referenced to the office of the Manager. He or an officer designated by him shall investigate and dispose of such complaints, and the Manager shall report thereon to the Council.

2. *Purpose.* The Borough Manager is the chief administrative officer of the Borough. The Manager is appointed by the Borough Council and serves at the pleasure of the Council. The Borough Manager also serves as Borough Council Secretary, Treasurer, Codes Enforcement Officer, and Zoning Officer and is responsible for sewer and refuse administration.

3. *Scope of Authority.* Responsible for overall day-to-day Borough operations and activities.

4. *Duties and Responsibilities.*

A. Supervision of all personnel except police officers. Supervise hiring, recommends termination to Council and suspension of employees as necessary. Assign work and responsibilities to the administrative assistants and supervisors.

B. Administer and manage the daily operations of the Borough, which involves finances, budgetary control, personnel, purchasing, general services and public relations. Responsible for office operations, highway maintenance, buildings and grounds, sanitation, planning and zoning and code enforcement, sewer and refuse.

C. Review needs of personnel, space and equipment and implement policies and regulations while adhering to budgetary constraints, and committees.

D. Provide assistance in research, planning development and coordination to all departments, official boards, agencies and commissions.

E. Report regularly to the Council all matters pertaining to activities affecting each board, keeping them apprised of vital situations and financial conditions and make recommendations as required.

F. Maintain good working relations with the Police Chief and their employees.

G. Maintain good rapport with the Council Members, Mayor, commission members, Engineer, Solicitor and the various organizations within the Borough (fire department, ambulance association, library, VNA, etc.).

H. Handle and attempt to rectify complaints from citizens and customers.

- I. Chief administrative officer for the non-uniform pension plans.
- J. Prepare agenda for regular meetings and special meetings as necessary.
- K. Attend all council and committee meetings, caucus and work sessions and the various commission meetings as necessary.
- L. Prepare the annual budget for the various funds and submit to PennDOT, DEP and DCED. [*Ord. 2006-3*]
- M. Complete and/or prepare various reports required by the State and Federal governments for funding (utility realty tax, pension allocations, actuarial information, liquid fuels, etc.).
- N. Work closely with engineer and solicitor.
- O. Apply for and administer State and Federal grants.
- P. Oversee projects to assure compliance with regulations and that work is completed in an efficient and timely manner.
- Q. Manage all funds by approving and classifying all expenditures, classifying revenues and keeping idle funds invested.
- R. Prepare invoices for services rendered and reimbursable expenses.
- S. Responsible for quarterly billing and final billing for refuse and sewer usage.
- T. Prepare requisitions to the trustee for payment of invoices from funds established in bond issues.
- U. Monitor the provisions of all franchises, leases, permits and privileges granted by the Borough and authorities are adhered to.
- V. Represent the various entities in a professional manner.
- W. Prepare for and represent entities in litigation.
- X. Negotiate employment contracts and disseminate vital information to negotiating team.
- Y. Prepare specifications for purchase of materials, supplies and equipment when necessary.
- Z. Interview applicants for employment.
- AA. Conduct performance evaluations.
- BB. Assist auditors in data collection for all funds.
- CC. Investigate methods of expense reduction.
- DD. Negotiate with various suppliers and contractors.
- EE. Attend informational conferences and seminars to remain aware of the latest changes in legislation and consequences for non-compliance to new regulations.
- FF. Prepare newspaper advertisements for bidding, meeting announcements and changes and display ads.
- GG. Disseminate information to constituents regarding regulatory policies, scheduled services, taxation and public meetings.
- HH. Supply pertinent information to the news media when requested.

- II. Assure that minutes are recorded of all public meetings, copies distributed to members as required and original minutes are kept in a safe place.
 - JJ. Subject to call 24 hours per day.
 - KK. Receive and abate complaints from the citizens.
 - LL. Resolve problems that arise throughout the Borough.
 - MM. Any other assignment given by North York Borough Council.
5. Manager reports to Borough Council
6. *Reports to Manager.* Administrative assistants, recreation director, department supervisors and employees.
7. *Personal Characteristics.* Cheerful, pleasant, ability to deal with variety of age groups, temperaments and background, like to deal with the public, able to accept criticism and capable of dealing with stress.
8. *Code Enforcement Responsibilities and Job Description.*
- A. *Codes Enforcement and Office Clerical Person.*
 - (1) Issue all permits per North York Borough Ordinance.
 - (2) Enforce Zoning Ordinances of North York Borough.
 - (3) Prepare all material for zoning hearings.
 - (4) Investigate residence zoning complaints.
 - (5) Investigate residence ordinance complaints.
 - (6) Prepare reports to Council on complaints received and action taken on complaints.
 - (7) Prepare reports to Council on dollar amount of permits.
 - (8) Issued, Type of Permits Issued, and Value of Permits Issued.
 - (9) Issue Zoning Violation Citations.
 - (10) Issue Ordinance Violations Citations.
 - (11) Defend Citations Issued when Required.
 - (12) File Charges for Zoning and Ordinance Violations.
 - (13) Defend Charges Filed for Zoning and Ordinance Violations.
 - B. *Borough Treasurer.*
 - (1) Shall receive all revenue due Borough from various sources and deposits to proper accounts.
 - (2) Receive and reconcile all bank statements.
 - (3) Prepare monthly receivable showing all revenue received.
 - (4) Prepare bi-monthly accounts payable for Council's approval.
 - (5) Prepare checks approved by Council for payment.
 - (6) Prepare bi-weekly payroll including all payroll taxes and all tax and employee reporting forms.
 - (7) Assist Borough Finance Committee on preparing annual budget.
 - (8) File budget reports to all required agencies.

- (9) Handle all correspondence associated with Treasurer's job.
- (10) File all correspondence associated with Treasurer's job.
- (11) Prepare and send O.P.T. tax collected by Borough as described by Borough Ordinance. Attend monthly Council meetings and answer questions on reports prepared for Council.

C. *Recording Secretary.*

- (1) Shall take minutes of all Council meetings and transcribe for Council's approval.
- (2) Prepare monthly agenda.

D. *Borough Secretary.*

- (1) Shall be appointed by Borough Council.
- (2) Shall handle mail received in Borough office.
- (3) Shall forward mail to proper person or committee.
- (4) Shall answer all correspondence as required.
- (5) Shall maintain all file and records for Borough of North York including sewer and refuse.

(Res. 5/18/2000, §707; as amended by Ord. 2006-3, 7/10/2006)

Part 3**Boards and Commissions****A. Planning Commission****§1-301. Creation of Commission.**

A Borough Planning Commission, to be composed of seven members, appointed as provided by law (53 P.S. §10202), is hereby created in and for the Borough of North York. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Borough planning agencies; provided, the Planning Commission previously created in and for the said Borough shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Borough planning commissions in effect at the time of the happening of the said vacancy.

(*Ord. 7/7/1975*; §2-4011; as revised by *Ord. 88-1, 2/1/1988*)

B. Recreation Board**§1-311. Board Created; Membership; Terms; Compensation.**

There is hereby created a Recreation Board of the Borough consisting of seven members to be appointed by the Council for terms of 5 years or until their successors are appointed, except that the members of said Board first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. Said members shall serve without pay.

(Ord. 147, 8/4/1969, §1)

§1-312. Powers of Board.

The Recreation Board of the Borough shall have the power to equip, operate, and maintain recreation places for the Borough and shall render an accounting to the Borough semi-annually.

(Ord. 147, 8/4/1969, §2)

Part 4**Volunteer Fire Company****§1-401. Fire Company Recognized.**

The Borough hereby officially recognizes Liberty Volunteer Fire Company No. 1 as the official fire protection unit of the Borough.

(*Ord. 7/7/1975, §10-1011*)

§1-402. Recognition of Firemen's Relief Association.

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough of North York.

Voluntary Relief Association of Liberty Fire Company

The above-named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above-named association of the Borough is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(*Ord. 59, 1/2/1931; as revised by Ord. 88-1, 2/1/1988*)

§1-403. Certification to Auditor General.

The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough of North York. Such certification shall be on forms prescribed by the Auditor General.

(*Ord. 59, 1/2/1931 as revised by Ord. 88-1, 2/1/1988*)

§1-404. Annual Appropriation.

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of Act of December 18, 1984, No. 205, §701 *et seq.* as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, 53 P.S. §895.701 *et seq.* Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(*Ord. 59, 1/2/1931; as revised by Ord. 88-1, 2/1/1988*)

Part 5**Codes Enforcement Officer****§1-501. Creation of Office of Codes Enforcement Officer.**

The Borough of North York hereby creates an office to be known as "Office of Codes Enforcement," to be in charge of the "Codes Enforcement Officer." The duties of said officer are to enforce the provisions of this Part and those other provisions of the Code of Ordinances of North York Borough.

(*Ord. 89-4, 6/15/1989, §1; as amended by Ord. 2006-3, 7/10/2006*)

§1-502. Authorization of Codes Enforcement Officer.

The applicable ordinances and extent of the duties of the Codes Enforcement Officer are as follows:

A. Chapter 2 of the Code of Ordinances of the Borough of North York (*Ord. 88-1*):

- (1) Part 1, §§2-101 - 2-107 inclusive "Dogs Running at Large."
- (2) Part 2, §§2-201 - 2-204 inclusive "Animal Noise Nuisance."
- (3) Part 3, §§2-301 - 2-304 inclusive "Animal Defecation."

In addition to police officers of the Borough, the Codes Enforcement Officer is hereby designated a "Dog Warden" within the meaning of §2-103 of Part 1, Chapter 2 of this Code, with all the duties and authority set forth therein. Said designated duties and authority shall be applicable to Parts 1, 2 and 3. [*Ord. 2006-3*]

B. Chapter 6, Part 1, "Disorderly Conduct," §§6-101 - 6-103, and Part 2 "Curfew," §§6-201 - 6-207.

The Codes Enforcement Officer is authorized to bring prosecutions in the name of the Borough for violations of this Chapter of this Code before a magisterial district judge either on the basis of personal knowledge or on the basis of information had and received pursuant to §§6-103 or 6-204 of this Code as appropriate. [*Ord. 2006-3*]

C. Chapter 10, "Health and Safety," Part 1 "Vegetative Nuisances," §§10-101 - 10-104, Part 2, "Motor Vehicle Nuisances," §§10-201 - 10-208.

The Codes Enforcement Officer is designated as an officer or employee of the Borough who is charged with the enforcement of Part 1, "Vegetation Nuisances," including the giving of notice as required by §10-103 thereof, informing the Borough of the failure of the owner to comply with said notice, and bringing prosecutions in the name of the Borough before a magisterial district judge on the basis of personal knowledge or on the basis of information had and received. [*Ord. 2006-3*]

With respect to Part 2, "Motor Vehicle Nuisances," the Codes Enforcement Officer, pursuant to *Ord. 88-1*, is designated as an Enforcement Officer pursuant to §10-204 with all of the duties and authority set forth therein with respect to the enforcement of Part 2 of this Code, "Motor Vehicle Nuisances." In addition, he may bring prosecutions in the name of the Borough before a magisterial district judge

either on personal knowledge or information had and received. [*Ord. 2006-3*]

D. Chapter 15, "Motor Vehicles," Part 4, "General Parking Regulations."

In addition to the Police Officers of the Borough, the Codes Enforcement Officer is designated as a "Parking Enforcement Officer of the Borough" with all of the duties and authority set forth for "parking enforcement personnel" in Chapter 15, Part 4. In case of a failure of a violator to pay the fine set forth in §15-409 within the time limit of 48 hours, the Codes Enforcement Officer has the authority to bring a prosecution in the name of the Borough before a magisterial district judge either on personal knowledge or on information had and received. [*Ord. 2006-3*]

E. Chapter 20, "Solid Waste," Part 1, "Storage and Collection," §§20-101 - 20-108.

The Codes Enforcement Officer shall have the duty and the authority to inspect for violations of the provisions of the aforesaid Chapter 20, Part 1 of this Code, and to bring prosecutions in the name of the Borough before a magisterial district judge either on personal knowledge or on information had and received. [*Ord. 2006-3*]

G. Chapter 21, Part 3, "Sidewalk Hazards/Obstructions," §§21-301 - 21-313.

The Codes Enforcement Officer shall have the duty and authority to inspect for violations of the provisions of the aforesaid Chapter 21, Part 3, to send whatever notices are therein provided for and to bring prosecution in the name of the Borough before a magisterial district judge for such violation either on personal knowledge or information had and received. [*Ord. 2006-3*]

(*Ord. 89-4, 6/15/1989, §2; as amended by Ord. 2006-3, 7/10/2006*)

§1-503. Authority of Enforcement Officer.

In addition to the authority to enforce ordinances designated in §§1-501, 1-502, the Codes Enforcement Officer shall have the authority to investigate suspected violations of all ordinances of the Borough and to file summary proceedings or to take such other enforcement steps with the concurrence of the Borough Solicitor that he deems necessary to the proper enforcement of all such ordinances.

(*Ord. 89-4, 6/15/1989, §2; as amended by Ord. 90-11, 9/10/1990, Art. I; and by Ord. 2006-3, 7/10/2006*)

§1-504. Consolidation of the Office of Codes Enforcement and Zoning Officer.

1. The office of Borough Codes Enforcement Officer is consolidated with the office of Borough Zoning Officer, so that one person may perform the duties of both offices. When administrating the zoning ordinance, the zoning officer shall indicate that his actions are performed in that capacity. When enforcing all other ordinances, the Codes Enforcement Officer shall indicate that his actions are performed in that capacity. [*Ord. 2006-3*]

2. The Zoning Officer/Codes Enforcement Officer shall possess the qualifications required by both offices and shall not be an elected office holder of North York Borough. [*Ord. 2006-3*]

3. A single salary as determined from time to time by majority vote of the Borough Council, with the agreement of the Mayor, shall be paid for serving in both

offices.

(*Ord. 90-11*, 9/10/1990, Art. I; as amended by *Ord. 2006-3*, 7/10/2006)

Part 6**Fire Insurance Claims****§1-601. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to 508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedures set forth in 508(c) and (d) of the Act.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Borough Manager of the Borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

C. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to paragraph .A of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection .3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection .2 of this Section, or where the Treasurer has issued a certificate described in subsection .2.A indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.

B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an

amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses; provided, the Borough has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.

(4) Pay to the Borough Manager, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Borough Manager that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.

(6) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem responsible.

(Ord. 2006-3, 7/10/2006)

§1-602. Limits of Liability.

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

(Ord. 2006-3, 7/10/2006)

§1-603. Insurance Company Rights Reserved.

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment including all rights of subrogation and of assignment.

(Ord. 2006-3, 7/10/2006)

§1-604. Construction.

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

(Ord. 2006-3, 7/10/2006)

§1-605. Notification of Pennsylvania Department of Community and Economic Affairs.

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Affairs.

(Ord. 2006-3, 7/10/2006)

§1-606. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence to 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 30 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.

(Ord. 2006-3, 7/10/2006)

Part 7**Change in Fees and Costs****§1-701. Fees and Costs**

Hereafter, any Borough, fees or costs established in any Chapter or Part or Section or paragraph or subparagraph of this Code of Ordinances may be changed by resolution of Borough Council and a copy of the then current fee or cost shall be publicly displayed in the Borough Office.

(Ord. 12/21/2000, §26)

