

# **THE CODE**

# **PART I**

## **ADMINISTRATIVE LEGISLATION**

# Chapter 1

## GENERAL PROVISIONS

### ARTICLE I

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**[HISTORY: Adopted by the Borough Council of the Borough of Whitehall: Art. I, 4-18-84 as Ord. No. 680. Amendments noted where applicable.]**

**ARTICLE I**  
**Adoption of Code**  
**[Adopted 4-18-84 as Ord. No. 680]**

The Council of the Borough of Whitehall hereby ordains as follows:

**§ 1.1. Approval, adoption and enactment of Code.**

Pursuant to public notice and public hearing, the codification of a complete body of ordinances for the Borough of Whitehall, County of Allegheny, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections and consisting of Chapters 1 through 181, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Whitehall, which shall be known and is hereby designated as the "Code of the Borough of Whitehall," 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 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 the 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 Borough Council of the Borough of Whitehall; it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1.3 below, and only new or changed provisions, as described in § 1.6 below, shall be deemed to be enacted from the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 ordinances not contained in Code.**

All ordinances or parts of ordinances of a general and permanent nature adopted by the Borough of Whitehall and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1.15 below, except as hereinafter provided.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:

1.4.1. Any ordinance adopted subsequent to August 3, 1983.

1.4.2. Any right or liability established, accrued or incurred under any legislative provision of the borough prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

1.4.3. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the borough or any penalty, punishment or forfeiture which may result therefrom.

1.4.4. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the borough.

1.4.5. Any franchise, license, right, easement or privilege heretofore granted or conferred by the borough or any lawful contract, obligation or agreement.

1.4.6. 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 borough, or other instruments or evidence of the borough's indebtedness.

1.4.7. Any ordinance adopting an annual budget or establishing an annual tax rate.

1.4.8. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

1.4.9. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

1.4.10. Any ordinance annexing land to the borough.

1.4.11. Any ordinance providing for requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

1.4.12. 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.

1.4.13. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; or 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.

1.4.14. Any ordinance providing for the making of public improvements.

1.4.15. Any ordinance providing for the salaries and compensation of officers and employees of the borough or setting the bond of any officer or employee.

1.4.16. Any ordinance concerning the Zoning Map, map changes and amendments.

1.4.17 Any ordinance concerning borough employee pensions and pension plans.

**§ 1.5. Inclusion of new legislation prior to adoption of Code.**

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

**§ 1.6. Changes and revisions in previously adopted ordinances; new provisions.**

1.6.1. Nonsubstantive grammatical changes. In compiling and preparing the ordinances of the borough for adoption and revision as part 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 Borough Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

1.6.2. General deletions.

1.6.2.1. 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.

1.6.2.2. Sections assigning titles to various ordinances have been deleted, as all ordinances have been given chapter or Article titles as part of the Code.

1.6.3. 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 Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the 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**.<sup>1</sup>

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<sup>1</sup> Editor's Note: Pursuant to § 1.6.3., the following penalty sections were amended: §§ 68.1, 68.12, 88.4, 157.3, 157.4.1.2, 157.4.1.3 and 157.4.1.4, 157.5.1, 171.60 and 180.5. A complete description of these changes is on file in the office of the Borough Secretary/Manager.

1.6.4. Standardization of penalty provisions. Notwithstanding any of the above amendments, additions and changes, the following sections are amended to provide, in substance, that any person violating the chapter or Article involved shall be subject to the maximum penalty prescribed by law.<sup>2</sup>

**§ 1.7. Copy of Code on file.**

A copy of the Code in a three ring binder has been filed in the office of the Borough Secretary/Manager and shall remain there for use and examination by the public until final action is taken on this ordinance. If this ordinance shall be adopted, such copy shall be certified to by the Borough Secretary/Manager, as provided by law, and such certified copy shall remain on file in the office of the Borough Secretary/Manager, available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1.8. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be 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 three ring binder containing said Code, as amendments and supplements thereto.

**§ 1.9. Code book to be kept up-to-date.**

It shall be the duty of the Borough Secretary/Manager or someone authorized and directed by the Secretary/Manager to keep up-to-date the certified copy of the book containing the Code required to be filed in the office of the Secretary/Manager for the use of the public. All changes in said Code and all ordinances adopted by the Borough Council subsequent to the effective date of this codification, which the Council 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 book, at which time such supplements shall be inserted therein.

**§ 1.10. Sale of Code book; supplements provided.**

Copies of the book containing the Code may be purchased from the Borough Secretary/Manager upon the payment of a fee to be set by resolution of the Borough Council, which may also arrange, by resolution, for procedures for the periodic supplementation thereof.

**§ 1.11. Publication; filing.**

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<sup>2</sup> Editor's Note: Pursuant to § 1.6.4, the following penalty sections were amended: §§ 68.2, 68.11, 68.21, 68.31.1, 71.7, 71.10.1, 75.5, 83.5, 92.5, 96.3.1, 107.17.2, 113.6, 124.3, 128.8, 131.13, 134.4, 147.3.1, 147.8, 154.4, 154.10, 154.23, 154.29, 163.18, 163.33.3, 163.49, 166.6, 171.58, 173.4 and 180.131.1. A complete description of these changes in on file in the office of the Borough Secretary/Manager.

The Borough Secretary/Manager, pursuant to law, shall cause to be published, in the manner required by the Home Rule Charter of the Borough of Whitehall, notice of the adoption of this ordinance adopting the Code in the official newspaper of the Borough of Whitehall. Sufficient copies of the Code shall be maintained in the office of the Borough Secretary/Manager for inspection by the public at all times during regular office hours. The enactment and application of this ordinance adopting the Code, coupled with the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be the due and legal publication of all provisions of the Code for all purposes.

**§ 1.12. Severability of Code provisions.**

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

**§ 1.13. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

**§ 1.14. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the borough to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to the maximum penalty provided by law.

**§ 1.15. Effective date.**

All provisions of this ordinance and of the Code shall be in force and effect on and after June 1, 1984.

**§ 1.16. Inclusion of ordinance in Code.**

This ordinance shall be included in the Code as Chapter 1, General Provisions, Article I.