

ORDINANCE 2007- 1

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 1, PART 1, ENTITLED FISCAL AFFAIRS, OF THE CODE OF THE BOROUGH OF DILLSBURG , BY REDEFINING THE COMPENSATION TO BE PAID TO THE MAYOR AND COUNCIL MEMBERS

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dillsburg, York County, Pennsylvania, in accordance with the Consolidated Ordinance Code of the Borough of Dillsburg and by virtue of the power and authority vested in said Council, that Sections 1-101 and 1-102 of the Consolidated Ordinance Code of the Borough of Dillsburg are hereby amended to read as follows:

§1-101. Compensation of Mayor.

Compensation to be paid to the Mayor shall be set by Borough Council in the amount of One Thousand, Two Hundred Dollars (\$1,200)per year, to be paid in quarterly installments at the end of each quarter for performance of the duties imposed by the Borough Code. Any Mayor who shall not serve in such capacity for a full calendar quarter shall be paid on a pro-rated basis of one-third of the quarterly salary for each month he or she has served in the capacity of Mayor.

(Ord. 2000-4, 8/8/2000, §1; A.O.)

§1-102. Compensation of Borough Council.

Compensation to be paid to members of the Dillsburg Borough Council shall be set by Borough Council in the amount of One Thousand, Two Hundred Dollars (\$1,200) per year, to be paid in quarterly installments for performance of the duties imposed by the Borough Code. Any Council Member who shall not serve in such capacity for a full calendar quarter shall be paid on a pro-rated basis of one-third of the quarterly salary for each month he or she has served in the capacity of Council Member.

(Ord. 2000-4, 8/8/2000, §2; A.O.)

Section 7. Repealer:

All ordinances or any parts thereof which are inconsistent herewith are hereby repealed.

Section 8. Severability:

If any provision, sentence, clause, section, or any part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality,

or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section, or part thereof not have been included herein.

THIS ORDINANCE shall become effective at the earliest date allowed by law.

DULY ENACTED AND ORDAINED this 9th day of January 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE 2007-2

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 20, PART 2, RECYCLING PROGRAM, OF THE BOROUGH CODE CREATING A MANDATORY RECYCLING PROGRAM WITHIN THE BOROUGH

WHEREAS, Borough Council believes that it is important to divert recyclable material from Municipal solid waste; and

WHEREAS, the Commonwealth has enacted Act 101 of 1988 in order to authorize and encourage the establishment of municipal recycling programs in Pennsylvania; and

WHEREAS, residents and business owners of the Borough of Dillsburg have also demonstrated an interest in the establishment of convenient and effective recycling programs sponsored by the Borough,

NOW, THEREFORE, the following amendments and revisions to Chapter 20, Section 2 of the Dillsburg Borough Code shall be ordained and enacted as follows:

Section 20-201 is hereby amended to read as follows:

Authorization

A **mandatory** recycling program is hereby established within the boundaries of Dillsburg Borough. Such program shall remain in operation in the Borough as long as Council determines that the public interest is served. **All Persons must** comply with the terms, conditions, rules, procedures and so forth of the program as established

Section 20-202 is hereby amended to add additional definitions:

“Leaf Waste” – Leaves fallen from trees, bushes or the like only. Does Not include grass clippings, garden waste, tree trimmings, shrubbery, chipped shrubbery and/or other vegetation.

Section 20-203, Items '3' and '9' shall be amended and Items '10' and '11' shall be added as follows:

3. Recyclable materials, **other than leaf waste**, must be placed only in recycling **container** obtained from the Borough or the Borough's Contracted Waste Hauler. Materials not in a recycling **container** will not be collected.

9. In case of a multi-family, **commercial, institutional or municipal** property, the owner and/or resident of said property may be required to use a recycling container that is not the same as used for single dwelling units. The purpose of the alternate container is to prevent an accumulation of a large number of recycling bins on a property on collection day. Separate arrangements for the container and payment for the service may be made directly with the contractor.

10. All non-residential property, units, occupants or any other entities of any kind whatsoever that are not part of the Borough's weekly recycling collection program are required to do the following:

- a. Obtain and utilize a separate recycling receptacle for all recyclable goods. This receptacle may be a single receptacle for co-mingled recycling products or may be separate receptacles for each individual recycled product.
- b. Must provide in writing to the Borough of Dillsburg, by the end of the first business week of February of the following year, a written report of the total weight of recycled products removed from the receptacle by the hauler either by providing the total co-mingled weight or by the weight by individual product for the preceding year.

Failure to comply with both subsection (a.) and (b.) above shall be considered a violation of the Statute.

11. All Persons who reside in residential dwellings and all Persons responsible for the management or operation of multiple-family housing properties, commercial, municipal and institutional establishments who gather leaf waste shall source separate all leaf waste and place in an loose, unconfined pile for collection within 2 feet of the curbline, but not on the sidewalk, no earlier than 24 hours before advertised collection date. There will be various collections between October 17th and December 10th of each year. Additional collection days may be added if deemed necessary by Borough Council. This Section shall not prevent any Person from utilizing leaf waste for compost, mulch, agricultural, horticultural, subcultural, gardening or landscaping purposes.

Section 20-204, Item '1G' shall be added as follows:

7. To place or cause to be placed any foreign material with the leaf waste.

Section 20-209 shall be added as follows:

Repealer and Severability

Any Ordinance, or part thereof, conflicting with this Ordinance shall be, and hereby is, repealed in so far as it conflicts with this Ordinance. Further, the provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Dillsburg that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

Section 20-210 shall be added as follows:

Chapter 20, Part 2 of the Dillsburg Borough Code as previously enacted is hereby readopted in all other respects.

THIS ORDINANCE shall become effective April 1, 2007.

DULY ENACTED AND ORDAINED this 15th day of February, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE 2007-3

**AN ORDINANCE AMENDING THE ZONING MAP OF
THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA.**

WHEREAS, the Boundaries of the Borough of Dillsburg districts shall be as shown upon the map designated "Zoning Map – Borough of Dillsburg". The said map, and all the notations, references and other data shown thereon, are hereby incorporated by reference into Borough Code Chapter 27, Part 3, Section 27-302 as if all were fully described; and

WHEREAS, a purpose of said Ordinance is to promote coordinated and practical community development;

BE IT ENACTED AND ORDAINED, by the Council of the Borough of Dillsburg, York County, Pennsylvania, in accordance with the Code of the Borough of Dillsburg, and by virtue of the power and authority vested in said Council, that the Zoning Map of the Borough of Dillsburg be amended as follows:

A portion of tax parcel number 58000OC0098E will be changed from Planned Commercial (P-C) to Residential-Suburban (R-S).

THIS ORDINANCE shall become effective at the earliest date allowed by law.

DULY ENACTED AND ORDAINED this 10th day of April, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE 2007- 4

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 15, PART 4, GENERAL PARKING REGULATIONS, OF THE BOROUGH CODE

WHEREAS, in reviewing the Borough of Dillsburg's Codified Ordinances printing errors were found,

NOW, THEREFORE, the following amendments and revisions to Chapter 15, Section 4 of the Dillsburg Borough Code shall be ordained and enacted as follows:

Section 15-405 is hereby amended to read as follows:

§15-405. Parking Time Limited in Certain Locations, Certain Days and Hours.

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

Street	Side	Between	Days	Hours
Baltimore Street	West	Harrisburg Street to Quay Alley		6 a.m. - 6 p.m. (2 hours)
South Baltimore Street	East and West	Harrisburg Street to York Street	Monday to Saturday	<u>8 a.m. - 6 p.m.</u> <u>(2 hours)</u>
West Church Street	North	North Baltimore Street Bomar Alley	Monday to Friday	6 a.m. - 6 p.m. (15 minutes)

Section 15-411 is hereby amended to read as follows:

§15-411. Penalties.

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$25 and costs. Provided, it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the appropriate official all violations of any provision of this Part indicating, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such

vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he/she will report to the Borough Office and pay the sum of \$15 within 72 hours after the time of the notice, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

Chapter 15, Part 4 of the Dillsburg Borough Code as previously enacted is hereby readopted in all other respects.

THIS ORDINANCE shall become effective April 10, 2007.

DULY ENACTED AND ORDAINED this 10th day of April, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE 2007- 5

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING DILLSBURG ORDINANCE 2006-6, RESIDENTIAL RENTAL PROPERTY REGULATIONS.

WHEREAS, Dillsburg Borough Council enacted an Ordinance that set a specific fee for registration and inspections for the year 2007;

WHEREAS, it is estimated that the cost of the 2007 registration and inspection fee will be less than originally projected;

WHEREAS, Dillsburg Borough Council wishes to amend the Ordinance to reflect actual costs incurred and provide sufficient notice of the fee reduction;

WHEREAS, Dillsburg Borough Council would also like to simplify and clarify the appeal procedures under the Ordinance,

NOW, THEREFORE, the following amendments and revisions to Dillsburg Ordinance 2006-6 shall be ordained and enacted as follows:

Section 102A is hereby amended to read as follows:

All rental property dwellings, including but not limited to dwelling, dwelling units, rooming houses, rooming units, dormitory rooms, must be registered at the Borough office no later than July 21, 2006, and each year following between January 1 and March 31; *except in the year 2007 when the registration period will extend from January 1, 2007 until April 30, 2007*. All owners or legal controlling persons must comply with registration:

- (1) Provide names, address and phone number of all occupants, tenants, roomers or persons living within the dwelling, dwelling unit, rooming unit or dormitory that may or may not have a valid lease or rental agreement. This information must be updated within thirty (30) days of occupant, tenant, roomer or person change and should include forwarding information for previous occupants, tenants, roomers or persons.
- (2) Provide the name(s), address and phone numbers of owner.
- (3) Provide any other needed information allowable by law.

Section 102C is hereby amended to read as follows:

As part of the Annual Registration a basic fee shall be paid for each and any rental property dwelling, including but not limited to dwelling units, rooming houses, rooming units, dormitory rooms. The fee schedule is as follows:

- Year 1 (2006): \$150 registration fee for up to 3 units per address, \$25 for each additional unit per address.
This will cover IPMC Book, Q/A session, and up to 2 minimum condition inspections per unit.
Repeat failures will cost \$55 per inspection.
- Year 2 (2007): \$45 registration fee for up to 3 units per address, \$15 for each additional unit per address.
This will cover 1 complete inspection per unit.
Repeat inspections will cost \$60 each per unit *and must be paid at the time of the repeat inspection.*
- Year 3 and beyond: Fee will be set by resolution.

Section 105C is hereby amended to read as follows:

Inspection conducted after 1/1/07 will require FULL compliance to the current edition of the International Property Maintenance Code. *The 2007 inspections will pay particular attention to the following:*

1. *Accumulation of Rubbish and Garbage on property (IPMC 307)*
2. *Exterior Areas (IPMC 302)*
 - a. *Condition of private walkways, patios and driveways*
 - b. *Accessory Structures – Garages/Sheds*
 - c. *Motor Vehicles not in use*
3. *Exterior Structure (IPMC 304)*
 - a. *Structural Members*
 - b. *Rotted, exposed wood*
 - c. *Roof Drains and Down Spouts – should not be discharged to create a public nuisance*
 - d. *Chimneys – exterior maintenance, not decayed or unsafe interior conditions.*
 - e. *Peeling, Flaking or Chipping paint*

Section 107 is hereby amended to read as follows:

Any person aggrieved by a determination of a UCC or IPMC violation issued by the Building Code Inspector may appeal the determination to the UCC/Housing Appeals Board on an appeal form that shall be available from the Building Code Inspector or Borough Staff.

All other provisions of ordinance 2006-6 shall remain unchanged and in full force and effect.

THIS ORDINANCE shall become effective April 10, 2007.

DULY ENACTED AND ORDAINED this 10th day of April, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE 2007- 6

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, PART 5, SECTION 6, ZONING GENERAL REGULATIONS-NONCONFORMITIES, OF THE BOROUGH CODE

WHEREAS, in reviewing the Borough of Dillsburg's General Zoning Regulations, it was decided that some set back and maybe rebuilding info updates were required in order to assist the residents of the older homes in the Borough.

NOW, THEREFORE, the following amendments and revisions to Chapter 27, Part 5, Section 6 of the Dillsburg Borough Code shall be ordained and enacted as follows:

Section 27-506C is hereby amended to read as follows:

§27-506. Nonconformities.

C. Extensions.

- (1) A nonconforming use of a building may be extended throughout the building if no structural alterations are made therein.
- (2) A nonconforming use may be extended upon a lot occupied by such use and held in single and/or separate ownership at the effective date of this Chapter when authorized as a special exception, provided that such extension does not replace a conforming use, and does not violate the yard requirements of the zone in which the nonconforming use exist.

(3) The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:

a. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a building or structure is nonconforming as to a required front, side or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended.

b. The entire building or use shall be provided with off-street parking and loading spaces as required by Part 14, "Off-Street Parking," herein.

c. The extension or enlargement does not replace a conforming use.

d. The extension or enlargement of a building used for a nonconforming use

shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this Chapter.

Chapter 27, Part 5, of the Dillsburg Borough Code as previously enacted is hereby readopted in all other respects.

THIS ORDINANCE shall become effective August 14, 2007.

DULY ENACTED AND ORDAINED this 14th day of August, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE 2007- 7

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 24, PART 5, SECTION 10, LOCAL TAXPAYERS' ADMINISTRATIVE APPEALS, OF THE BOROUGH CODE

WHEREAS, in reviewing the Borough of Dillsburg's Taxation Ordinances it was decided that some updates were required.

NOW, THEREFORE, the following amendments and revisions to Chapter 24, Part 5, Section 10 of the Dillsburg Borough Code shall be ordained and enacted as follows:

Section 24-510 is hereby amended to read as follows:

§24-510. Administrative Appeals.

A political subdivision levying an eligible tax shall establish an administrative process to receive and make determinations on petitions from taxpayers relating to the assessment, determination or refund of an eligible tax. The administrative process shall consist of any one of the following:

- A. Review and decision by the Borough Council.
- B. A hearing and decision by a hearing officer appointed by the Borough Council. The Borough Council shall determine the qualifications and compensation, if any, of the hearing officer.

Chapter 24, Part 5 of the Dillsburg Borough Code as previously enacted is, together with all amendments, hereby readopted in all other respects.

THIS ORDINANCE shall become effective August 14, 2007.

DULY ENACTED AND ORDAINED this 14th day of August, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE NO. 2007-8

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA REPEALING ORDINANCE 2005-4 AND ENACTING ORDINANCE 2007-8 PROVIDING FOR THE ASSESSMENT OF A LOCAL SERVICES TAX.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dillsburg, York County, Pennsylvania, by virtue of the power and authority vested in said Council as follows:

101. TITLE

This Ordinance shall be known and may be cited as the "Borough of Dillsburg Local Services Tax Ordinance."

102. AUTHORITY

This Ordinance is enacted under the authority of the Local Tax Enabling Act, as amended by Act No. 7 of 2007.

103. PURPOSE

The purpose of this Ordinance is to provide revenue for police, fire and emergency services; road construction and maintenance; the reduction of property taxes and for such other purposes as may be specified for such tax from time to time by the laws of the Commonwealth of Pennsylvania.

104. DEFINITIONS

The following words and phrases when used in this Ordinance shall have the meanings ascribed to them in this Section except where the context clearly indicates or requires a different meaning:

BOROUGH – the area within the jurisdictional limits of the Borough of Dillsburg.

COLLECTOR – the person or firm, from time to time, designated by resolution of the Council of the Dillsburg Borough to collect and administer the provision of this Part and collect the tax levied by this Part. Until changed by subsequent resolution, the collector shall be the same person or firm last designated to collect the Emergency and Municipal Services Tax for the Borough of Dillsburg.

COUNCIL - shall mean the Governing Body of the Borough of Dillsburg.

EARNED INCOME - "Compensation" as determined under section 303 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and

regulations in 61 Pa. Code Pt. I Subpt. B Art. V (relating to personal income tax) NOT INCLUDING, however, wages or compensation paid to individuals on active military service. Employee business expenses are allowable deductions as determined under Article III of the "Tax Reform Code of 1971." Any housing allowance provided to a member of the clergy shall not be taxable as earned income.

EMPLOYER – an individual, partnership, association, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission, fee or other compensation basis, including a self-employed person.

HE, HIS OR HIM – shall include singular and plural number and male, female and neuter gender.

INDIVIDUAL – any person engaged in any occupation, trade or profession within the jurisdictional limits of the Borough of Dillsburg whose total earned income and net profits within the Borough of Dillsburg are greater than \$12,000 per calendar year.

NET PROFITS - The net income from the operation of a business, profession, or other activity, (except from Corporations), determined under section 303 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and regulations in 61 Pa. Code Pt. 1 Subpt. B Art. V (relating to personal income tax). The term does not include income which is not paid for services provided and which is in the nature of earnings from an investment. For taxpayers engaged in the business, profession or activity of farming the term shall not include:

- (1) any interest generated from monetary accounts or investment instruments of the farming business;
- (2) any gain on the sale of farming machinery;
- (3) any gain on the sale of livestock held twelve months or more for draft, breeding or dairy purposes; and
- (4) any gain on the sale of other capital assets of the farm.

OCCUPATION – any trade, profession, business or undertaking of any type, kind or character including services, domestic or other, carried on or preformed within the jurisdictional limits of the Borough of Dillsburg for which compensation is charged and/or received, whether by salary, wages, commissions, fees or net profits for services rendered.

RESERVE COMPONENT OF THE ARMED FORCES – The United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, The Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

TAX – the Local Services Tax levied in this Part.

YEAR – shall mean a calendar year.

The Borough of Dillsburg hereby levies and imposes on every individual engaging in an occupation within the jurisdictional limits of the Borough of Dillsburg a tax in the amount of \$52.00 per annum, beginning the first day of January, 2008 and continuing on a calendar basis annually thereafter, until modified or repealed by subsequent ordinance. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Borough of Dillsburg.

106. RESTRICTED USE

The Borough of Dillsburg shall use the revenue derived from this tax for the following purposes:

1. Emergency Services, which shall include emergency medical services, police services and/or fire services.
2. Road construction and/or maintenance.
3. Reduction of property taxes.
4. Property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85 Subch. F. (relating to homestead property exclusion).

The Borough of Dillsburg shall use no less than twenty-five percent of the funds derived from the Local Services Tax for emergency services.

107. DUTY OF EMPLOYER

Each employer within Borough of Dillsburg and each employer situate outside the Borough of Dillsburg who engages in business within the Borough of Dillsburg, is hereby charged with the duty of collecting the tax from each of the employees engaged by the employer and performing work for the employer within the Borough of Dillsburg. Each person subject to the tax shall be assessed a pro rata share of the tax for each payroll period in which the person is engaging in an occupation.

The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the Local Services Tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar.

Employer collection of the Local Services Tax shall be made on a payroll period basis for each payroll period, beginning with the first payroll period in which the person is engaging in an occupation.

No employer shall be held liable for failure to withhold the Local Services Tax or for the payment of the withheld tax money to a political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's

place or places of employment, the employee's principal office or where the employee is principally employed.

108. RETURNS

Employers are required to make and file a Local Services Tax Quarterly Return thirty (30) days after the end of each quarter of a calendar year. The Local Services Tax Quarterly Return shall list the name, address, social security number of the employee; the physical address of the employee's place of employment; the number of payroll periods for which the Local Services Tax was withheld and the amount of Local Services Tax being remitted for each employee.

109. DATES FOR DETERMINING TAX LIABILITY AND PAYMENT

Each employer shall use his employment and payroll records from the first day of January to March 31 each year for determining the number of employees from whom said tax shall be deducted and paid over to the collector on or before April 30 of the same calendar year. Supplemental reports shall be made by each employer on July 30, October 30 and January 31 for new employees as reflected on his employment and payroll records from April 1 to June 30, July 1 to September 30 and October 1 to December 31, and payments on these supplemental reports shall be made on July 30, October 30 and January 30, respectively.

110. INDIVIDUALS ENGAGED IN MORE THAN ONE OCCUPATION

In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during the payroll period, the priority of claim to collect the Local Services Tax shall be in the following order:

1. The political subdivision in which a person maintains his or her principal office or is principally employed;
2. The political subdivision in which the person resides and works, if the tax is levied by that political subdivision;
3. The political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

In the case of concurrent employment, an employer shall refrain from withholding the Local Services Tax, if the employee provides:

1. a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of Local Services Tax withheld; and
2. a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other

employers of a change in principal place of employment within two weeks of its occurrence.

The Situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. It is the intent of this section that no person shall be subject to the payment of the Local Services tax by more than one political subdivision during each payroll period.

111. EXEMPTIONS TO THE LOCAL SERVICES TAX

The Local Services Tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

The law requires Municipalities and School Districts who levy the Local Services Tax at a combined rate exceeding \$10 to exempt any person from the Local Services Tax whose total earned income and net profits from all sources within the political subdivision is less than \$12,000 for the calendar year in which the Local Services Tax is levied.

Each political subdivision levying the Local Services Tax shall exempt the following persons from the Local Services Tax:

1. Any person who served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent permanent disability.
2. Any person who serves as a member of a Reserve Component of the Armed Forces and is called to active duty at any time during the taxable year. A "Reserve Component of the Armed Forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, The Pennsylvania Army National Guard or The Pennsylvania Air National Guard.

A person seeking to claim an exemption from the Local Services Tax may annually file an exemption certificate with the collector of the tax for the political subdivision levying the tax and file a copy of the certificate with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than \$12,000 in the calendar year for which the exemption certificate is filed.

The exemption certificate shall have attached to it a copy of all of the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the Local Services Tax.

Upon receipt of the exemption certificate and until otherwise instructed by the collector of the tax for the political subdivision levying the tax the employer shall not withhold the tax from the person during the calendar year or remainder of the calendar year for which the exemption certificate applies. With respect to a person who claimed an exemption from the Local Services Tax, upon notification to an employer by the person or by the collector of the tax for the political subdivision, that the person has received earned income and net profits from all sources within that political subdivision equal to or in excess of \$12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within that political subdivision in an amount equal to or in excess of \$12,000 in that calendar year, an employer shall withhold the Local Services Tax from the person as follows:

If a person who claimed an exemption for a given calendar year from the Local Services Tax becomes subject to the tax for the calendar year the employer shall withhold the tax for the remainder of that calendar year.

The employer shall withhold from the person, for the first payroll period after receipt of the notification under the above paragraph, a lump sum equal to the amount of the tax that was not withheld from the person due to the exemption certificate filed by the person, plus the per payroll amount due for that first payroll period.

The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees.

In the event the employment of a person subject to withholding of the Local Services Tax under this exception is severed in that calendar year, the person shall be liable for any outstanding balance of tax due and the political subdivision levying the tax may pursue collection under this act.

Employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a Local Services Tax.

Employers shall be responsible for retaining a copy of all exemption certificates filed by employees within a given calendar year for a minimum of three (3) years. Employers who have failed to withhold the Local Services Tax from an employee or employees, AND do not have copies of the employee exemption certificate or certificates, will be held responsible for the payment of the Local Services Tax as if the tax had been originally levied against the employer.

112. SELF EMPLOYED INDIVIDUALS

All self-employed individuals and individuals whose employer is not required to withhold local taxes (certain state and federal agencies) will be billed quarterly for the Local Services Tax. The full amount of tax must be paid by the date indicated on such billing. If such taxpayer qualifies for a low-income exemption, the taxpayer may complete the required exemption certificate or make application for a refund of the tax paid.

113. EMPLOYEES AND SELF-EMPLOYED INDIVIDUALS RESIDING BEYOND THE LIMITS OF THE BOROUGH OF DILLSBURG.

All employers and self-employed individuals residing or having their place of business outside Borough of Dillsburg but who engage in any occupation within the Borough of Dillsburg, do by virtue thereof agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the Borough of Dillsburg. Further, any individual engaged in an occupation within the Borough of Dillsburg and an employee of a non-resident employer may for the purpose of this Part be considered a self-employed person and in the event this tax is not paid, the collector shall have the option of proceeding against either the employer or employee for collection of this tax as hereinafter provided.

114. ADMINISTRATION OF TAX

1. It shall be the duty of the collector to accept and receive payments of this tax and keep a record thereof showing the amount received by him from each employer or self employed person, together with the date the tax was received. It shall be the duty of the collector to accept and keep a record of the information submitted by employers relating to the number of employees subject to the tax, the number of employees exempt from the tax, the employee exemption certificates and refunds of the tax paid to individuals and employers.
2. The collector is hereby charged with the administration and enforcement of this Part and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of the payroll records of any employer subject to this Part; the examination and correction of any return made in compliance with this Part; and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the collector shall have the right to appeal to the Court of Common Pleas of York or Cumberland County as in other cases provided.
3. The collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer; or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the collector the means, facilities and opportunity for such examination.

115. SUIT FOR COLLECTION

1. In the event any of the tax under this Part remains due or unpaid 30 days after the due date set forth above, the collector may sue for the recovery of such tax due or unpaid together with interest and penalty.
2. If for any reason the tax is not paid when due, interest at the rate of 6% per annum on the amount of said tax, and an additional penalty of 10% shall be added to the flat rate of said tax for non-payment thereof. Where suit is brought for the recovery of this tax, the individual liable therefore shall, in addition, be

responsible and liable for the costs of collection, including, but not limited to, attorney's fees.

116. FINE AND PENALTY

Whoever makes any false or untrue statement on any return required by this Part, or who refuses inspection of his books, records or accounts in his custody and control in order to determine the number of employees subject to this tax who are in his employment, or who fails or refuses to file any return required by this Part, or fails or refuses to pay the tax herein levied shall, upon conviction, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, be sentenced to a term of imprisonment not to exceed 30 days. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refused to file a return required by this Part.

117. REPEALER AND SEVERABILITY

The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or of the Borough of Dillsburg Code of Ordinances.

118. EFFECTIVE DATE

This Ordinance shall become effective in accordance with applicable law, with the repeal of previous Occupational Privilege Tax and Emergency and Municipal Services Tax Ordinances, effective January 1, 2008.

ENACTED AND ORDAINED THIS _____ DAY OF _____ 2007.

ATTEST:

Secretary

President

ORDINANCE 2007-9

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, ACCEPTING AND ORDAINING AUTUMN WOODS COURT AND A SECTION OF CLEMENS DRIVE BEING A PORTION OF AND CONTAINED WITHIN AUTUMN WOODS DEVELOPMENT WITHIN THE BOROUGH OF DILLSBURG

WHEREAS, the purpose of this Ordinance is to accept and ordain Autumn Woods Court and a section of Clemens Drive, all being a portion of and contained within Autumn Woods Development within the Borough of Dillsburg.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dillsburg, York County, Pennsylvania, and it is hereby enacted by the authority of the same as follows:

Section 1 : The Street heretofore ordained, established, laid out, opened and designated as a Section of Clemens Drive being a portion of and contained within Autumn Woods Development is accepted and ordained as a Public Street of the Borough of Dillsburg. The legal description of said portion of the section of Clemens Drive is attached hereto and made part hereof as exhibit A.

Section 2 : The Street heretofore ordained, established, laid out, opened and designated as Autumn Woods Court being a portion of and contained within Autumn Woods Development is accepted and ordained as a Public Street of the Borough of Dillsburg. The legal description of Autumn Woods Court is attached hereto and made part hereof as exhibit B.

BEING PART OF ALL THAT CERTAIN piece of parcel of land situated in the Borough of Dillsburg, York County, Pennsylvania, being more fully

bounded and described as Exhibits A and B, being a portion of and contained within Autumn Woods Development and which are attached hereto and made part hereof.

THIS ORDINANCE shall become effective at the earliest date allowed by law.

DULY ENACTED AND ORDAINED THIS 11th day of December, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

**DESCRIPTION OF
RIGHT-OF-WAY DEDICATION OF CLEMENS DRIVE
AUTUMN WOODS SUBDIVISION**

ALL THAT CERTAIN parcel of land located in the Borough of Dillsburg, County of York, Commonwealth of Pennsylvania, being shown on a plan entitled "Right-of-way Dedication For Clemens Drive – Autumn Woods", by Dawood Engineering, Inc., plan dated October 6, 2006.

Said parcel being more fully described as follows:

BEGINNING at a point on the northern right-of-way line of Old York Road (variable width right-of-way), said point located North 38 degrees 42 minutes 40 seconds West, a distance of 133.08 from intersection of the southwestern corner of lot 44 and the western line of lands now or formerly of Douglas B. & Cheryl Downs, as described in Deed Book 67-X, Page 663;

Thence along said the northern right-of-way line of Old York Road, North 38 degrees 42 minutes 40 seconds West, a distance of 92.00 feet to a point along lot 76;

Thence, along lot 76, the following three (3) courses and distances:

1. Along a curve to the left said curve having a radius of 20.00 feet, an arc length of 31.38 feet, and a chord bearing and distance of South 83 degrees 39 minutes 59 seconds East, 28.26 feet to a point;
2. North 51 degrees 22 minutes 42 seconds East, a distance of 34.94 feet to a point;
3. Along a curve to the left, said curve having a radius of 228.61 feet, an arc length of 54.98 feet, and a chord bearing and distance of North 44 degrees 29 minutes 18 seconds East, 54.85 feet to a point along lot 76;

Thence continuing along lot 76, and also along lot 75, Autumn Woods Court, and lot 50, North 37 degrees 35 minutes 53 seconds East, a distance of 379.15 feet to a point along lot 50;

Thence continuing along lot 50, and also along lot 49, along a curve to the left, said curve having a radius of 249.00 feet, an arc length of 124.42 feet, and a chord bearing and distance of North 23 degrees 17 minutes 01 seconds East, 123.13 feet to a point along lot 49;

Thence continuing along lot 49, and also along lots 48, 47, 46, 45, 77, 78, and 79, North 08 degrees 58 minutes 09 seconds East, a distance of 487.74 feet to a point along land now or formerly of Dillsburg Heights Associates, as described in Deed Book 88-V, Page 24;

Thence continuing along said lands of Dillsburg Heights Associates, along a curve to the left, said curve having a radius of 124.00 feet, an arc length of 85.27 feet, and a chord bearing and distance of North 10 degrees 43 minutes 51 seconds West, 83.60 feet to a point;

Thence passing through Clemens Drive right-of-way, along a curve to the left, said curve having a radius of 52.00 feet, an arc length of 73.97 feet, and a chord bearing and distance of South 71 degrees 10 minutes 56 seconds East, 67.89 feet to a point along lot 1;

Thence continuing along lot 1, along a curve to the right, said curve having a radius of 176.00 feet, an arc length of 68.84 feet, and a chord bearing and distance of South 02 degrees 14 minutes 07 seconds East, 68.40 feet to a point along lot 1;

Thence continuing along lot 1 and also along lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, South 08 degrees 58 minutes 09 seconds West, a distance of 487.74 feet to a point along lot 20;

Thence continuing along lot 20 and also along lots 21, 22, 23, 24, 25, 26, and 27, along a curve to the right, said curve having a radius of 301.00 feet, an arc length of 150.40 feet, and a chord bearing and distance of South 23 degrees 17 minutes 01 seconds West, 148.84 feet to a point along lot 27;

Thence continuing along lot 27, and also along lots 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42, South 37 degrees 35 minutes 53 seconds West, a distance of 379.15 feet to a point along lot 42;

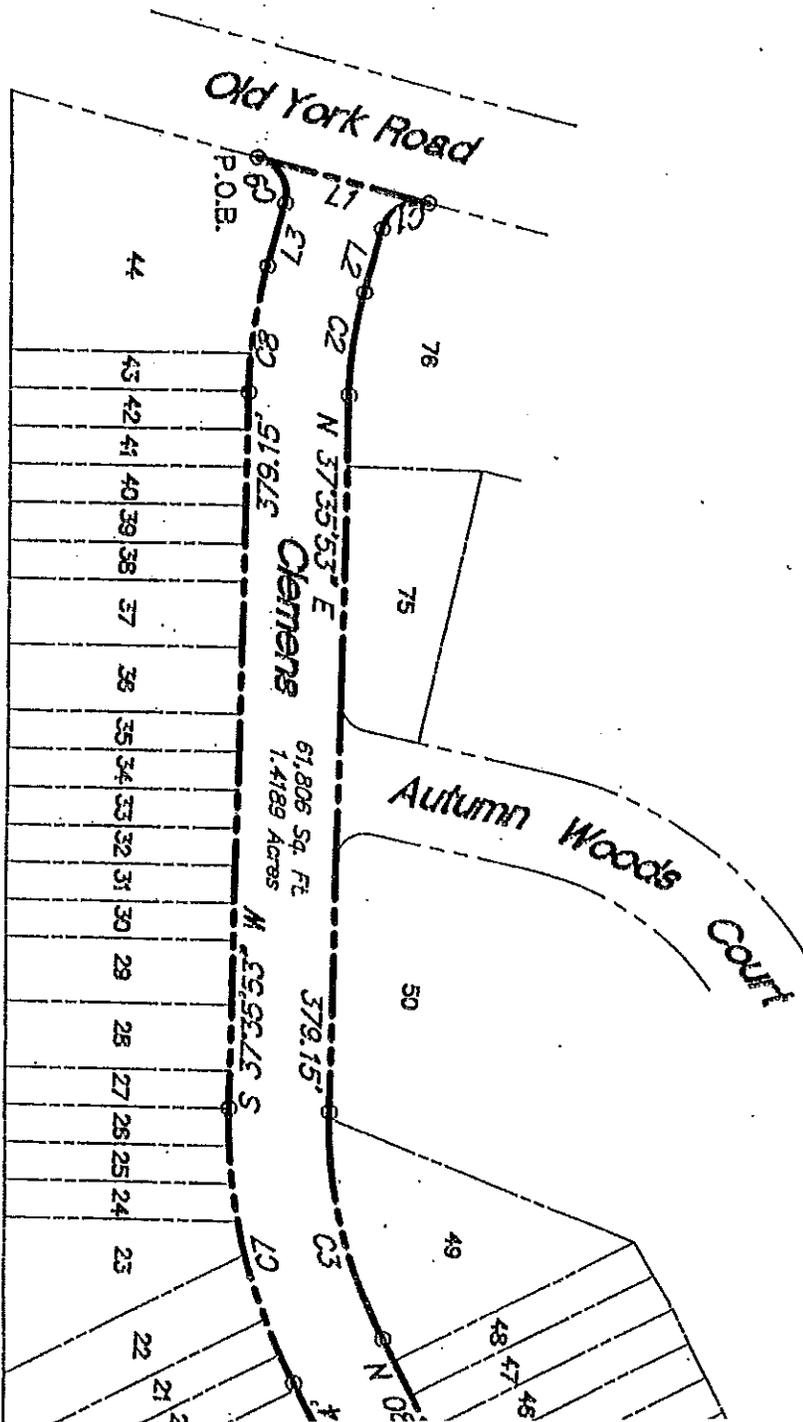
Thence continuing along lot 42 and also along lots 43 and 44, along a curve to the right, said curve having a radius of 280.61 feet, an arc length of 67.49 feet, and a chord bearing and distance of South 44 degrees 29 minutes 18 seconds West, 67.33 feet to a point along lot 44;

Thence continuing along lot 44, the following two (2) courses and distances:

1. South 51 degrees 22 minutes 42 seconds West, a distance of 34.80 feet to a point;
2. Along a curve to the left said curve having a radius of 20.00 feet, an arc length of 31.45 feet, and a chord bearing and distance of South 06 degrees 20 minutes 01 seconds West, 28.31 feet to a point along aforementioned northern right-of-way line of Old York Road;

the **PLACE OF BEGINNING.**

CONTAINING: 61,806 square feet or 1.4189 acres of land, more or less.



11/1
 Douglas B. Downs &
 Cheryl R. Downs
 Deed Book 67-X, Page 663

**DESCRIPTION OF
RIGHT-OF-WAY DEDICATION OF AUTUMN WOODS COURT
AUTUMN WOODS SUBDIVISION**

ALL THAT CERTAIN parcel of land located in the Borough of Dillsburg, County of York, Commonwealth of Pennsylvania, being shown on a plan entitled "Right-of-way Dedication For Autumn Woods Court – Autumn Woods", by Dawood Engineering, Inc., plan dated October 6, 2006.

Said parcel being more fully described as follows:

BEGINNING at point on the northwestern right-of-way line of Clemens Drive (52 foot right-of-way width), said point located the following two courses and distances along the northwestern right-of-way line of Clemens Drive from the front lot corner of lots 49 and 50:

1. Along a curve to the right, said curve having a radius of 249.00 feet, an arc length of 3.55 feet, and a chord bearing and distance of North 37 degrees 11 minutes 21 seconds East, 3.55 feet;
2. South 37 degrees 35 minutes 53 seconds West a distance of 134.53 feet;

Thence, along said northwestern right-of-way line of Clemens Drive, South 37 degrees 35 minutes 53 seconds West, a distance of 83.51 feet to a point along the same, said point also being on the lot line of lot 75;

Thence, along lot 75, along a curve to the left, said curve having a radius of 15.00 feet, an arc length of 20.70 feet, and a chord bearing and distance of North 01 degrees 56 minutes 35 seconds West, 19.10 feet to a point along lot 75;

Thence along continuing along lot 75, and also along lots 74, 73, 72, and 71, North 41 degrees 29 minutes 03 seconds West, a distance of 98.64 feet to a point along lot 71;

Thence continuing along lot 71, and also along lots 70, 69, 68, 67, 66, 65, 64, 63, and 62, along a curve to the right, said curve having a radius of 206.00 feet, an arc length of 166.10 feet, and a chord bearing and distance of North 18 degrees 23 minutes 04 seconds West, 161.64 feet to a point along lot 62;

Thence continuing along lot 62, and also along lots 61 and 60, North 04 degrees 42 minutes 55 seconds East, a distance of 29.46 feet to a point along lot 60;

Thence continuing along lot 60, along a curve to the left, said curve having a radius of 15.00 feet, an arc length of 5.92 feet, and a chord bearing and distance of North 06 degrees 35 minutes 41 seconds West, 5.88 feet a point along lot 60;

Thence continuing along lot 60, and also along lots 59, 58, 57, 56, 85, 84, 83, 82, 81, 80, and 55, along a curve to the right, said curve having a radius of 50.00 feet, an arc length of 237.96 feet, and a chord bearing and distance of South 61 degrees 33 minutes 39 seconds East, 69.03 feet to point along lot 55;

Thence, continuing along lot 55, along a curve to the left, said curve having a radius of 15.00 feet, an arc length of 19.06 feet, and a chord bearing and distance of South 38 degrees 22 minutes 43 seconds West, 17.80 feet to a point along lot 55;

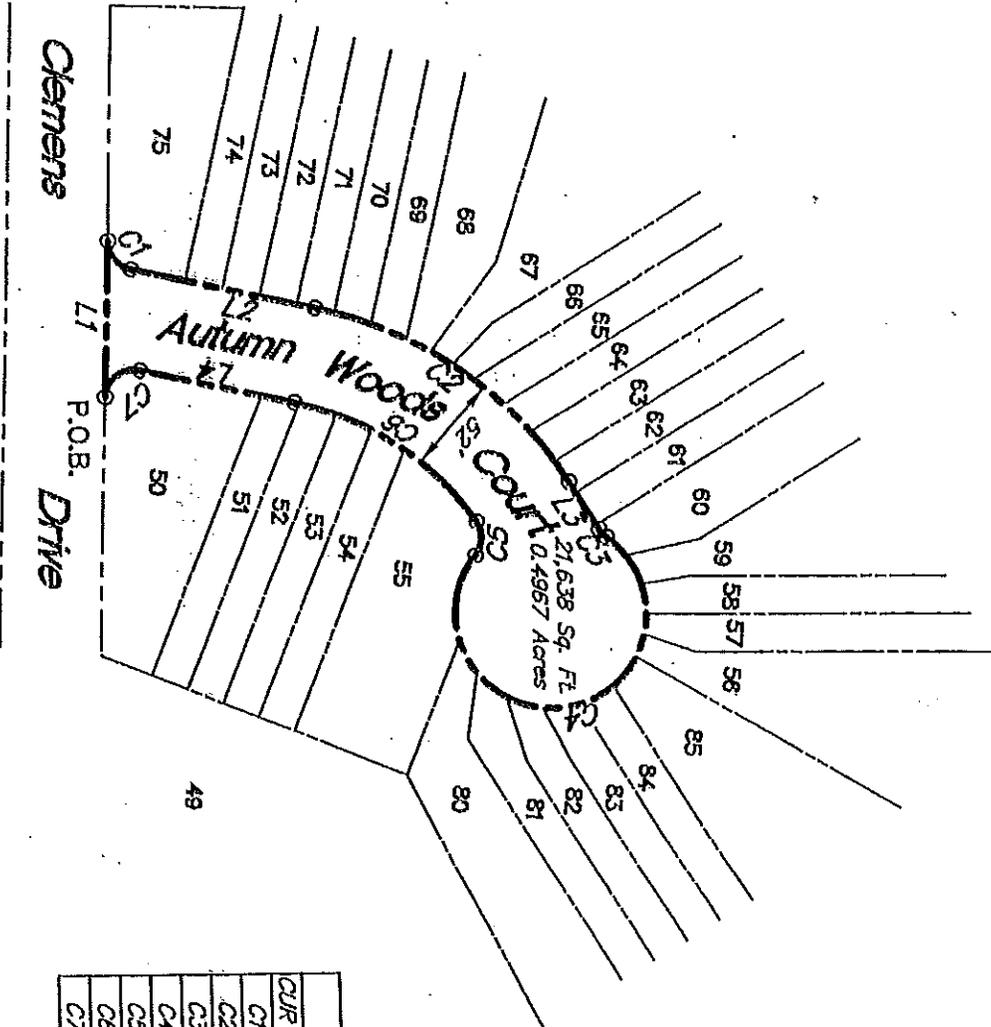
Thence continuing along lot 55, and also along lots 54, 53, 52, and 51, along a curve to the left, said curve having a radius of 154.00 feet, an arc length of 116.81 feet, and a chord bearing and distance of South 19 degrees 45 minutes 18 seconds East, 114.03 feet to a point along lot 51;

Thence continuing along lot 51 and also along lot 50, South 41 degrees 29 minutes 03 seconds East, a distance of 82.83 feet to a point along lot 50;

Thence, continuing along lot 50, along a curve to the left, said curve having a radius of 15.00 feet, an arc length of 26.42 feet, and a chord bearing and distance of North 88 degrees 03 minutes 25 seconds East, 23.14 feet to a point along the aforementioned northwestern right-of-way line of Clemens Drive;

the **PLACE OF BEGINNING.**

CONTAINING: 21,638 square feet or 0.4967 acres of land, more or less.



CURVE	RADIUS	AUTU
C1	15.00'	
C2	206.00'	
C3	15.00'	
C4	50.00'	
C5	15.00'	
C6	154.00'	
C7	15.00'	

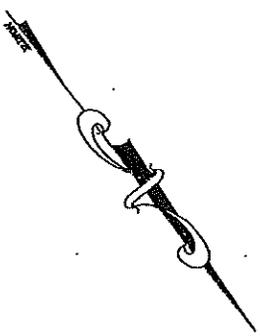
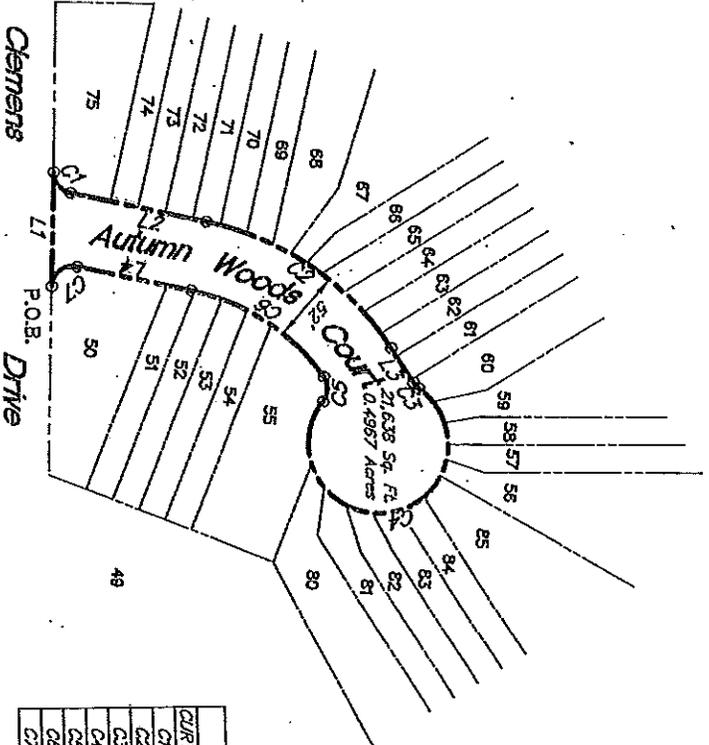
CERTIFICATE

I, the undersigned, Secretary of the Borough of Dillsburg, York County, Pennsylvania (the "Borough"), certify that: the foregoing is a true and correct copy of an Ordinance of the Borough Council of the Borough (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on **December 11, 2007**; said Ordinance duly has been recorded in the Ordinance Book of the Borough; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this **11th day of December, 2007**.


Secretary

(SEAL)

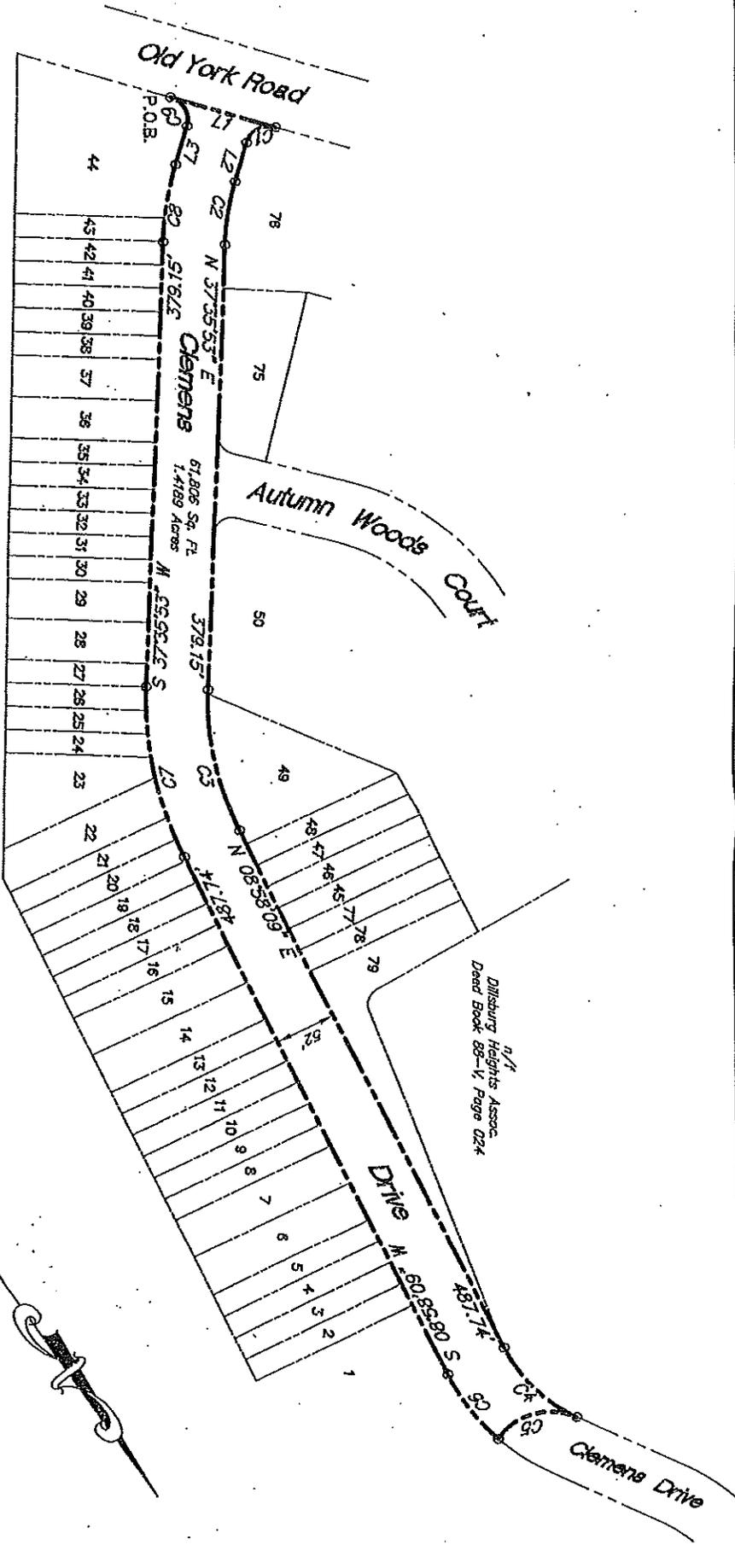


AUTUMN WOODS COURT LINE TABLE

LINE	BEARING	LENGTH
L1	S 37°35'53" W	83.51'
L2	N 41°29'03" W	98.64'
L3	N 04°42'55" E	29.46'
L4	S 41°29'03" E	82.83'

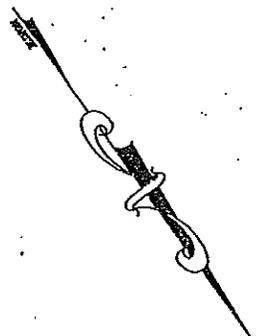
AUTUMN WOODS COURT CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD	BEARING	CHORD LENGTH
C1	15.00'	20.70'	N 01°56'35" W	19.10'	
C2	208.00'	188.10'	N 182°31'04" W	161.64'	
C3	15.00'	5.92'	N 08°35'41" W	5.88'	
C4	50.00'	237.95'	S 61°33'39" E	69.03'	
C5	15.00'	19.08'	S 38°22'43" W	17.80'	
C6	154.00'	116.81'	S 19°45'18" E	114.05'	
C7	15.00'	26.42'	N 88°03'25" E	23.14'	



r/f
 Douglas B. Downs &
 Cheryl R. Downs
 Deed Book 67-X Page 663

r/f
 Dillsbury Heights Assoc.
 Deed Book 88-1, Page 024



ORDINANCE 2007-10

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING DILLSBURG ORDINANCES 2006-6 and 2007-5, RESIDENTIAL RENTAL PROPERTY REGULATIONS.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dillsburg, York County, Pennsylvania, in accordance with the Consolidated Ordinance of the Borough of Dillsburg and by virtue of the power and authority vested in said Council, that Dillsburg Borough Zoning Ordinance 171, Section 516, be amended as follows:

Section 102.G will read as follows:

As part of the Annual Registration a basic fee shall be paid for each and any new and/or additional rental property dwelling, including but not limited to dwelling units, rooming houses, rooming units, dormitory rooms. The fee will be set yearly by resolution.

Section 103.A.5.b.(1) is hereby amended to read as follows:

Equipment and materials relating to commercial or industrial uses shall not be stored or used at a location visible from the sidewalk, street, other public areas or adjoining properties. *All such materials shall be enclosed or screened and be removed within 60-days.*

Section 105.C is hereby amended to read as follows:

Inspections conducted after 1/1/07 will require FULL compliance to the current edition of the International Property Maintenance Code *and will be conducted every other year beginning in 2007. The fee will be set yearly by resolution.*

Section 110.A is hereby amended to read as follows:

A. Any person, firm, corporation or other entity who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, plus costs *and reasonable legal (including attorney) fees*, 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 shall constitute a separate offense.

All other provisions of ordinances 2006-6 and 2007-5 shall remain unchanged and in full force and effect.

THIS ORDINANCE shall become effective at the earliest date allowed by law.

DULY ENACTED AND ORDAINED this 11th day of December, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE 2007-11

AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 7, PART 1, SMOKE DETECTORS, OF THE BOROUGH CODE

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dillsburg, York County, Pennsylvania, in accordance with the Consolidated Ordinance of the Borough of Dillsburg and by virtue of the power and authority vested in said Council, Chapter 7, Part 1 of the Borough Code be amended as follows:

Definitions: For the purpose of this ordinance the following definitions shall apply. Where definitions are not included in this ordinance, the definitions provided in the International Residential Code 2006 shall apply.

Sleeping Area - Any room or space in which people sleep.

Bedroom - Any room of space that is used as a sleeping area and is partially or fully separated from other living areas of the dwelling unit.

Area outside a bedroom – Any space, hall, room, stairs or living space directly outside the entrance to a bedroom. There can be multiple "areas outside a bedroom.

Items not specifically covered in this ordinance shall comply with adopted International codes; including but not limited to International Residential Code, International Property Maintenance Code and International Fire Code.

§7-101. Smoke Detectors Required.

1. All buildings and structures used for residential occupancy, including, but not limited to, single-family dwellings, multifamily dwellings, multifamily apartment houses, boarding houses, lodging homes, rooming houses, tourist homes, bed and breakfast homes, dormitories, hotels, motels, resident buildings shall have hardwired with battery back-up smoke detectors installed in each sleeping area of said building or structure *and in the area outside the sleeping area. A minimum of 1 smoke detector is required per floor of the building or structure.* Where bedrooms or rooms habitually used for sleeping are separated by other use areas, such as kitchens, living rooms or dining rooms, they shall be considered separate sleeping areas for the purpose of this section. Additionally, in each multi-family dwelling or apartment house containing three or more units and in each boarding house, lodging home, rooming house, bed and breakfast home, tourist home, dormitory, hotel, motel and resident building, smoke detectors shall be installed in the cellar and/or basement and on every floor in common areas (e.g., basements, cellars, hallways, corridors, etc.) along with those placed in sleeping areas.

2. It shall be the responsibility of the owner of each new residential occupancy unit, and each existing residential occupancy unit in any structure having at least one occupant, to install smoke detectors as heretofore provided, except as provided in 7-104. It shall be the responsibility of the tenants/residents in all occupied units and of the owner in all other cases to maintain said smoke detectors. Such maintenance shall include keeping the smoke detector units serviceable by replacing

batteries when necessary and/or by keeping them connected to an electric source so that they remain capable of transmitting, an audible signal in the presence of smoke.
(Ord. 2001-3, 2/13/2001, §1)

§7-102. Installation and Placement.

1. In all other buildings and/or structures in the Borough of Dillsburg for which a use and/or occupancy permit has been issued, smoke detectors shall be installed and placed so as to provide adequate coverage for the structure in accordance with standards set forth in The International Fire Code, 2006 Edition, and subsequent editions as published, copies of which are on file in the office of the Secretary of Dillsburg Borough at the Municipal Building, 151 South Baltimore Street, Dillsburg, York County, Pennsylvania.
2. It shall be the responsibility of the owner of each new structure, and existing structure having at least one occupant, other than those structures identified in §7-101 above, to install hardwired with battery back-up smoke detectors as here tofore provided (at least one on each floor). It shall be the responsibility of the tenants/occupants in all such occupied units and of the owner in all such unoccupied units, if any, to maintain said smoke detectors. Such maintenance shall include keeping the smoke detector units serviceable by replacing batteries when necessary and/or by keeping them connected to an electrical source so that they remain capable of transmitting an audible signal in the presence of smoke.
(Ord. 2001-3, 2/13/2001, §2; and as amended by A.O.)

§7-105. Violation and Penalty.

Any person, firm, corporation or other entity who violates this Part shall, upon conviction thereof before any magisterial district judge of the Borough or any other court having jurisdiction over same, be sentenced to pay a fine of not more than \$1,000 plus costs of prosecution for each offense *and reasonable legal (including attorney) fees*, and in default of payment of such fine and costs, to imprisonment in the County jail for not more than 30 days. Any architect, engineer, builder, contractor, agent, person, partnership or corporation employed in connection therewith, who may have participated or assisted in the commission of any such violation shall each be guilty of a separate, offense, and, upon conviction thereof before any magisterial district judge in the Borough or other court having jurisdiction over same, shall be sentenced to pay a fine of not more that \$1,000 and costs of prosecution for each offense, and, in default of payment thereof, to imprisonment in the county jail for not more than 30 days. Each day that a violation continues shall be deemed a separate offense.
(Ord. 2001-3, 2/13/2001, §5; as amended by A.O.)

§7-106. Power Supply.

Smoke detectors shall be *inner connected and* hardwired directly to the building's power supply. In all existing structures, *except Residential Single Family, Owner Occupied existing structures*, it is *required* that smoke detectors be hardwired to the building's power supply All existing structures under-going structural improvements, remodeling or rehabilitation greater than 20% shall be equipped with hard-wired smoke detectors as heretofore provided. All nonresidential structures covered by this Part shall be protected by hardwired smoke detectors.
(Ord. 2001-3, 2/13/2001, §6)

All other provisions of Chapter 7, Part 1 of the Borough Code shall remain unchanged and in full force and effect.

THIS ORDINANCE shall become effective at the earliest date allowed by law.

DULY ENACTED AND ORDAINED this 11th day of December, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)

ORDINANCE NO. 2007-12
TAX ORDINANCE 2008

**AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK
COUNTY, PENNSYLVANIA, FIXING CERTAIN TAX RATES
FOR THE NON-EXEMPT REAL PROPERTY AND
OCCUPATIONS FOR THE YEAR 2008.**

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dillsburg, York County, Pennsylvania, in accordance with the Consolidated Ordinances of the Borough of Dillsburg, and by virtue of the power and authority vested in said Council, as follows:

Section 1: Tax Levy

- A. Real Estate: There is hereby imposed and levied on all non-exempt real property located with the Borough of Dillsburg, for the fiscal year 2008, a tax calculated at the rate of 2.37 mills, based upon the assessed valuation as established by the Assessor for the Borough of Dillsburg, or in lieu thereof, as assessed by the York County Assessment Office.
- B. Occupational Assessment: There is hereby imposed upon the occupation of all residents of the Borough of Dillsburg, for the fiscal year 2008, a tax collected at the rate of 1200 mills, based upon the assessed valuation as established by the Assessor for the Borough of Dillsburg, or in lieu thereof, as assessed by the York County Assessment Office.

Section 2: Notice and Payment of Tax

On or before the first day of April 2008, the Tax Collector shall send to each person, upon whom tax is imposed in Section 1 hereof, a notice of tax due. Such notice may be consolidated with a notice of any other tax to be collected by the Tax Collector provided, however, that each tax shall be stated separately thereon.

Section 3: Rebated and Penalties

- A. Any taxpayer subject to the payment of a tax levied by this Ordinance shall be entitled to a discount of Two Percent (2%) of the amount of such tax upon making payment of the entire amount within two months after the date of the tax notice.
- B. A taxpayer subject to payment of a tax levied by this Ordinance who shall fail to make the payment of such tax with four months after the due date of the notice shall be charged a penalty of Ten Percent (10%), which penalty shall be added to the tax by the Tax Collector, and shall be collected by the Tax Collector.
- C. Real estate taxes, which remain unpaid by January 10 of the year following the year of imposition, shall be returned to the York County Tax Claim Bureau in accordance with the law.

Section 4: Effective Date

This Ordinance and the taxes imposed thereby shall become effective January 1, 2008

Section 5: Repealer and Severability

Any Ordinance or part thereof, conflicting with this Ordinance shall be, and hereby is, repealed insofar as it conflicts with this Ordinance. Further, the provisions of the Ordinance are severable. If any sentence, clause, or section of the Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionally, illegality, or invalidity shall not affect or impair any of the remaining provisions of the Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Dillsburg that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, or section not been included herein.

ENACTED AND ORDAINED this 11th day of December, 2007.

ATTEST:

(Secretary)

(President)

(Mayor)