

BOROUGH OF DILLSBURG  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2008-1

AN ORDINANCE OF THE BOROUGH OF DILLSBURG CONFIRMING THE BOROUGH OF DILLSBURG'S AUTHORITY TO REGULATE THE ENTIRE WIDTH OF ALL SIDEWALKS ALONG ROADWAYS, ALLEYS AND/OR THOROUGHFARES PURSUANT TO 53 Pa. C.S. § 1202, ET. SEQ.

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

SECTION 1: PURPOSE:

The purpose of this Ordinance is to formalize and reaffirm by codification those powers specifically given to the Borough of Dillsburg pursuant to Pennsylvania Borough Code Title 53 § 1202, et. seq. which contains, among other things, the power of the Borough to regulate public sidewalks with regard to health and cleanliness, street lighting, ornamental illumination, planting of street trees, shade trees and other vegetation and the undertaking of development, urban renewal and revitalization projects within local neighborhoods along and upon public sidewalks.

SECTION 2: ORDINANCE:

Henceforth, the Borough of Dillsburg, through this Ordinance, shall hereby exercise the powers provided to it pursuant to Pennsylvania Borough Code, Title 53 § 1202, et. seq. and acknowledge, formalize and reaffirm its right to regulation and control of all public sidewalks along public roads, alleys and/or thoroughfares for the purposes set forth therein.

(a) This Ordinance shall formalize the Borough's authority to regulate the entire width of all sidewalks along public roadways, alleys and/or thoroughfares within the Borough of Dillsburg pursuant to, and for the purposes set forth in the Pennsylvania Borough Code, 53 Pa. C.S. § 1202, et. seq.

(b) Nothing within this Ordinance shall be construed to be a taking of the Borough of Dillsburg of any private property whose fee ownership shall remain in the name of the individuals, groups or entities to whom the property is deeded.

(c) Nothing within this Ordinance shall be construed to provide the Borough any fee ownership of any sidewalk or any obligation to maintain said sidewalks. Specifically, nothing within this Ordinance shall be construed to in any way abrogate, affect or amend the actual fee title owners' existing obligations and responsibilities pursuant to Chapter 21 of the Dillsburg Borough Code, including but not limited to snow and ice removal or the construction, repair or replacement of said sidewalks.

SECTION 3: Except only as amended, modified and changed by this Ordinance, the Dillsburg Borough Code of Ordinances as codified and amended shall remain in all other respects in full force and effect.

SECTION 4: 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 Dillsburg Borough Code of Ordinances.

SECTION 4: This Ordinance shall become effective in accordance with applicable law.

ADOPTED AND ORDAINED this 11<sup>th</sup> day of March, 2008.

ATTEST:

Debbi L. Bestmel  
(Secretary)

Jeffrey L. Kiffin  
(President)

Henry E. Sugar  
(Mayor)

# ORDINANCE 2008-2

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

**WHEREAS**, the streets in Autumn Woods were dedicated to the Borough in December of 2007;

**WHEREAS**, parking on both sides of Autumn Woods Court and the portion of Clemens Drive that is located within Autumn Woods can create hazardous conditions and/or impede the Borough's access to Right-of-Way areas;

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

### **§15-402. Parking Prohibited at All Times in Certain Locations.**

Parking shall be prohibited at all times in the following locations:

<b>Street</b>	<b>Side</b>	<b>Between</b>
Chestnut Street	East	From a point 170 feet south of its intersection with East Harrisburg Street, continuing in a southerly direction to a point 350 feet south of the intersection of Chestnut Street and East York Street
Chestnut Street	West	From a point at the intersection of Chestnut Street with East Harrisburg Street and continuing in a southerly direction to a point 350 feet south of the intersection of Chestnut Street and East York Street
Chestnut Street	West	A distance of 150 feet on either side of the entrance driveway serving the Dillsburg Elementary School.
South Baltimore Street	East	Intersection with Oak Avenue north to its intersection with Pheasant Ridge Road
South Baltimore Street	West	Borough boundary north of Oak Avenue north to a line extended west from the intersection of Pheasant Ridge Road
York Street	Both	Beginning at a point being the same as the eastern side of the intersection of East York Street with the unnamed one way north bound alley and continuing in an easterly direction to its intersection with Chestnut Street

Clemens Drive South From Chestnut Street to Hollow Lane

Autumn Woods Ct South From 210 Autumn Woods Ct to 212 Autumn Woods Ct

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

**THIS ORDINANCE** shall become effective March 11, 2008.

**DULY ENACTED AND ORDAINED** this 11<sup>th</sup> day of March, 2008.

ATTEST:

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Mayor)

BOROUGH OF DILLSBURG  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2008-3

AN ORDINANCE OF THE BOROUGH OF DILLSBURG AMENDING AND  
REVISING THE CODE OF THE BOROUGH OF DILLSBURG CHAPTER 22 PART  
5 SECTION 22-500(4)

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

SECTION 1: PURPOSE:

The purpose of this Ordinance is to amend Chapter 22 Part 5 Section 22-500(4) to provide design guidelines for development of exterior façades visible from public streets, residential district boundaries, residences or other residential uses and to support the undertaking and development of urban renewal and revitalization projects within the Borough of Dillsburg.

SECTION 2: ORDINANCE:

Chapter 22 Part 5 Section 22-500(4) shall be amended by adding a paragraph and shall hereinafter read as follows:

(4) Coordination of Development. The design of proposed subdivision and land developments shall be coordinated with existing nearby development and physiography to that the entire area may be developed harmoniously.

Each land development plan shall describe the proposed exterior building materials, or range of materials, for each building façade that is visible from a public street, residential district boundary, residence, or residential use. In addition, the following guidelines must be achieved:

- A. Long, unbroken façades are discouraged.
- B. Deed restrictions shall be imposed to require that at least 50% of the front façades of buildings that face a public street, residential district boundary, residence or residential use be constructed of glass and/or decorative masonry (such as brick). The intent is to allow the use of metal, cinder block and other materials on the nonpublic street and nonresidential façades of buildings, and allow 50% on the façades fronting on public streets, residential districts, residences or residential uses.
- C. The front entrances of buildings should be placed relatively close to a public street to promote pedestrian access.
- D. New or expanded loading areas that accommodate two or more tractor-trailer trucks shall be located and landscaped, or screened by decorative masonry walls, in a manner that will minimize their visibility from any public street, residential district

or primarily residential use. To the maximum extent feasible, new loading docks for tractor-trailer trucks shall be located along the rear façade of buildings along a public street.

For the purpose of this Subsection, the word “façade” shall mean the front or principle face of a building which faces any public roadway. Buildings existing on corner lots or other lots facing two or more roadways shall, for the purpose of this Ordinance, contain multiple façades, one for each public roadway for which the building faces.

SECTION 3: Except only as amended, modified and changed by this Ordinance, the Dillsburg Borough Code of Ordinances as codified and amended shall remain in all other respects in full force and effect.

SECTION 4: 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 Dillsburg Borough Code of Ordinances.

SECTION 5: This Ordinance shall become effective in accordance with applicable law.

**THIS ORDINANCE** shall become effective April 9, 2008.

**DULY ENACTED AND ORDAINED** this 9<sup>th</sup> day of April, 2008.

ATTEST:

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Mayor)

BOROUGH OF DILLSBURG  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2008-4

AN ORDINANCE OF THE BOROUGH OF DILLSBURG AMENDING THE  
CODE OF THE BOROUGH OF DILLSBURG CHAPTER 15 PART 4  
SECTION 15-404

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

SECTION 1: PURPOSE:

The purpose of this Ordinance is to amend Chapter 15 Part 4 Section 15-404 to provide for the limitation of the parking of commercial vehicles in the (T-C ) Town Center District, (C-H) Commercial Highway District, (M-C) Manufacturing Commercial District, (P-C) Planned Commercial District and (MU-C) Mixed Use Center District.

SECTION 2: ORDINANCE:

Chapter 15 Part 4 Section 15-404 entitled "Parking of Trucks, Busses and Other Vehicles Prohibited in Certain Locations" shall be amended to read as follows:

Parking in off-street parking areas or driveways between the main building and the adjacent streets in the (T-C ) Town Center District, (C-H) Commercial Highway District, (M-C) Manufacturing Commercial District, (P-C) Planned Commercial District and (MU-C) Mixed Use Center District by commercial vehicles, including trucks, busses and other commercial vehicles, shall be limited to the time it takes to load or unload said vehicle in order to provide for the least amount of interruption and to enable access to parking spaces, and in consideration for the safety of the general public for whom the parking spaces are designed. All commercial vehicles not so actively engaged in loading or unloading shall be consigned to the rear of the front line of the main building and, in the case of a corner lot, to the rear of the façade of the main building facing any street.

SECTION 3: Except only as amended, modified and changed by this Ordinance, the Dillsburg Borough Code of Ordinances as codified and amended shall remain in all other respects in full force and effect.

SECTION 4: 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 Dillsburg Borough Code of Ordinances.

SECTION 5: This Ordinance shall become effective in accordance with applicable law.

**THIS ORDINANCE** shall become effective April 9, 2008.

**DULY ENACTED AND ORDAINED** this 9th day of April, 2008.

ATTEST:

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Mayor)

## ORDINANCE 2008-5

### AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING THE DILLSBURG BOROUGH CODE CHAPTER 13, PART 1, PEDDLERS AND CANVASSERS TRANSIENT RETAIL BUSINESSES

**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 Code Chapter 13, Part 1, be amended as follows:

#### **Section 13-101. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY — New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

PERSON — any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS —

A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, services, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Borough.

B. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for yearly holidays.

C. Transient Retail Business shall not apply to:

1. Farmers selling their own produce.
2. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
3. Children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
4. A person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

2. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

**§13-102. License Required; Conditions of Issuance; Fee.**

No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Manager or designated Borough Employee a license, for which a fee, which shall be for the use of the Borough, shall be charged, said fee to be in such amount established, from time to time, by resolution of the Borough Council.

**Section 13-103. Exceptions.**

Section Deleted

**§13-104. License Application.**

Every person desiring a license under this ordinance shall first make application to the Borough Manager or designated Borough Employee for such license. He/she shall, when making such application, exhibit a valid license from any State or county officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he/she is employed.
- C. Type of goods, wares, services and merchandise he/she wishes to deal with in such transient retail business.

**§13-105. Issuance of License; Custody, Display and Exhibit.**

Upon receipt of such application and the prescribed fee, the Borough Manager or designated Borough Employee, if he/she shall find such application in order, shall issue the license required under this ordinance. Such license shall contain the information required to be given on the application therefore. Every license holder shall carry such license upon his/her person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he/she shall engage in such business if doing so at a fixed location. He/she shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the Borough.

**§13-107. Supervision; Records and Reports.**

The Borough Manager or designated Borough Employee shall supervise the activities of all persons holding licenses under this ordinance. He/she shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

**§13-108. Denial, Suspension and Revocation of License; Appeal.**

The Borough Manager or designated Borough Employee is hereby authorized to deny, suspend or revoke any license issued under this ordinance when he/she deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals, or for violation of any provision of this ordinance, or for giving false information upon any

application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Borough Council at any time within 10 days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

Chapter 13, Part 1 of the Dillsburg Borough Code as previously enacted is, together with all amendments, hereby readopted in all other respects.

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

**DULY ENACTED AND ORDAINED** this 9<sup>th</sup> day of June, 2008.

ATTEST:

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Mayor)

## ORDINANCE 2008-6

### AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, REPEALING DILLSBURG BOROUGH CODE CHAPTER 6, PART 2, ESTABLISHING A CURFEW FOR MINORS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

#### Section 1: Purpose.

The purpose of this Part is to repeal Dillsburg Borough Code Chapter 6, Part 2 and prescribe, in accordance with prevailing community standards, regulations for the conduct of minors on streets or public places at night, for the protection of said minors in this Borough from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for said minors, for the protections of the public from nocturnal mischief by minors and for the reduction of the incidence of juvenile criminal activity, for the furthermore of family responsibility, and for the promotion of the public good, health, safety, and welfare of the residents of this Borough.

#### Section 2: Definitions and Interpretation.

As used in this Part the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

MINOR – Any person under the age of eighteen (18) years of age.

PARENT – Any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Part “parent” shall mean all such persons so defined.

PUBLIC PLACE – Any public or private street, alley, sidewalk, park, playground, public building, vacant lot, or other area generally open to the public or in a parked vehicle at any said locations in this Borough.

ESTABLISHMENT – Any privately owned place of business carried on for a profit, or any place of amusement or entertainment in which the public is invited.

OPERATOR – Any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty, the term “operator,” as applied to associations or partnerships shall include members or partners thereof and as applied to corporations, shall include officers thereof.

In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

### Section 3: Establishment of Curfew and Exceptions.

Unless accompanied by a parent/guardian or competent adult with parental permission, it shall be unlawful for any minor to be or remain in or upon any public place and no operator of an establishment or their agents or employees shall permit any minor to remain upon the premises of said establishment within this Borough between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. prevailing time, except as follows:

- A. Any minor or operator of an establishment in which the minor is employed in lawful employment during curfew hours.
- B. Any minor traveling directly from their lawful place of employment to their home after working past curfew hours, or traveling from an activity described in section 3.C. which occurred past curfew hours.
- C. A minor attending an activity sponsored by school, religious, non-profit, governmental, or similar organization on which the activity is supervised by adults.
- D. A minor may operate a vehicle during night time curfew hours, if they possess a valid senior driver's license.
- E. A minor on an emergency errand.
- F. Minors possessing a written document, dated that same day and signed by a parent/guardian, specifying the starting/ending times, place or places, purpose, and necessity of the minor being in a public place.

Section 4: Penalties.

- A. A minor and a parent or guardian shall be cited if the minor is found in violation of curfew. The fine shall be up to twenty-five dollars (\$25.00) for the first violation. Upon a second violation of any curfew ordinance within the Commonwealth of Pennsylvania the fine shall be one hundred dollars (\$100.00). Upon third or subsequent violation of any curfew ordinance within the Commonwealth of Pennsylvania the fine shall be five hundred dollars (\$500.00).
- B. The court is encouraged to refer unpaid curfew fines and/or sentences to Juvenile Probation as a delinquency referral.
- C. Any operator of an establishment found to be in violation of Curfew, as described in Section 3 for allowing a juvenile to be in their establishment in violation of curfew, shall pay a fine of up to \$300 for each minor found to be in violation of curfew upon their establishment.

SECTION 5: Severability Clause

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 Dillsburg Borough Code of Ordinances.

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

**DULY ENACTED AND ORDAINED** this 9th day of June, 2008.

ATTEST:

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Mayor)

## **ORDINANCE 2008-7**

### **AN ORDINANCE OF THE BOROUGH OF DILLSBURG AUTHORIZING THE ENTRY INTO AN INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT**

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

**WHEREAS**, Carroll Township, Franklin Township, Dillsburg Borough and Franklintown Borough, York County, Pennsylvania, are municipalities existing under the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Intergovernmental Cooperation Law, 53 Pa. C.S.A. §2301 et. Seq., permits the municipalities specifically named and set forth hereinabove, as local governments, to enter into agreements to cooperate; and

**WHEREAS**, the purpose of this Ordinance is to authorize Dillsburg Borough to enter into an Intergovernmental Cooperation Implementation Agreement; adoption of agreement; amendment; withdrawal; and miscellaneous provisions, with a true and correct copy of the proposed Intergovernmental Cooperation Implementation Agreement marked Exhibit "A" and incorporated herein, same being hereinafter referred to as the "Agreement"; and

**WHEREAS**, Dillsburg Borough and all of the specifically named municipalities referred to hereinabove agree to act in good faith and to take all necessary and appropriate actions to cooperate with each other in order to effectuate the purposes of the Agreement and to enter into the Agreement pursuant to their respective lawful authorities and to adopt this Ordinance pursuant to the authority and requirements of the Intergovernmental Cooperation Law.

**IT IS, THEREFORE, ENACTED AND ORDAINED** by the Borough Council of the Borough of Dillsburg, York County, Pennsylvania, as follows:

#### **SECTION 1 - ADOPTION OF AGREEMENT:**

The Intergovernmental Cooperation Implementation Agreement, a true and correct copy of which is attached hereto as Exhibit "A", shall be, by appropriate action taken, adopted by the Borough Council of the Borough of Dillsburg.

#### **SECTION 2 - AMENDMENTS TO THE AGREEMENT:**

Any and all amendments or modifications to the Agreement, including the termination of the Agreement, shall not require passage of another Ordinance, but shall be authorized and confirmed by the adoption of a resolution of the Borough Council of the Borough of Dillsburg.

**SECTION 3 – DISCLAIMER:**

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes or action existing under the Ordinances of the Borough prior to the enactment of the Ordinance.

**SECTION 4 - FAILURE TO ENFORCE A WAIVER:**

The failure of the Dillsburg Borough to enforce any provision of this Ordinance shall not constitute a waiver by Dillsburg Borough of any of its rights of future enforcement hereunder.

**SECTION 5 - CONTINUATION:**

The provisions of this Ordinance, so far as they are the same as those Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

**SECTION 6 – EFFECTIVE DATE:**

This Ordinance shall become effective five days after adoption by all participating municipalities.

**SECTION 7 – SEVERABILITY:**

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of the Dillsburg Borough that such remainder shall be and shall remain in full force and effect.

**SECTION 8 – REALTIONSHIP TO OTHER ORDINANCES:**

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

**DULY ENACTED AND ORDAINED** this 9th day of June, 2008.

**ATTEST:**

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Mayor)

**NORTHERN YORK COUNTY REGIONAL COMPREHENSIVE PLAN -  
INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION  
AGREEMENT**

THIS INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT is hereby made this \_ day of \_\_\_\_\_, 20\_\_\_, by and between the BOROUGHs of DILLSBURG and FRANKLINTOWN and the TOWNSHIPS of FRANKLIN and CARROLL (each a "Participant" and collectively, the "Participants") to address the implementation of the Northern York County Regional Comprehensive Plan ("NYCRCP" or the "Plan"). This Agreement is adopted pursuant to the authority set forth in the Intergovernmental Cooperation Act of December 19, 1966, 53 Pa.C.S.A. and Article XI of the Municipalities Planning Code, as amended.

WHEREAS, the goal of this Cooperative Implementation Agreement is to assist in implementing a multimunicipal comprehensive plan (the "Plan") that will meet the requirements of the Pennsylvania Municipalities Planning Code ("MPC"), and take advantage of opportunities provided in the MPC to municipalities that create a Plan;

WHEREAS, the Participants desire to conform with the provisions for a Multimunicipal Comprehensive Plan Cooperative Implementation Agreement, as provided in Article XI of the MPC and to utilize authority of the Pennsylvania Intergovernmental Cooperation Authority Act.

NOW, THEREFORE, it is agreed among the parties hereto that:

1. The Participants have adopted the Northern York County Regional Comprehensive Plan as a Multimunicipal Comprehensive Plan.
2. Final adoption of any amendments to the Plan shall be the province of the governing bodies of each Participant in accordance with Section 302 of the MPC. The public meetings and public hearings required in Section 302 shall be held jointly with all four municipalities. Adoption may take place at a joint meeting or at each Participant's meeting.
3. This Agreement recognizes provisions of the MPC that require a municipal

zoning amendment to be generally consistent with the Plan, unless the Plan is amended to be consistent with that zoning amendment.

4. For the purposes of this agreement a “Development of Regional Significance and Impact” shall be defined as:

A. A residential land development or subdivision that results in the creation of 50 lots or dwelling units or more; or,

B. Within 300 feet of a municipal boundary, any portion of a subdivision of 10 or more lots or land development of 10,000 square feet or more of floor area, or more than one acre of earth disturbance; or,

C. Any non-residential commercial, retail, office, service, institutional, industrial, sports complex or recreational land development in which the floor area of the building(s) or building addition(s) equals or exceeds 50,000 square feet.

D. A Subdivision or Land Development that will generate five hundred (500) average daily vehicle trips or more per day or a Subdivision or Land Development that will generate either one hundred (100) or more new trips entering the facility or one hundred (100) or more new trips exiting the facility during any one hour period. The number of vehicle trips generated shall be determined using the latest edition of the Institute of Transportation Engineers Trip Generation Manual.

5. Provisions of Notice and Review:

A. In an effort to assure that uses are reasonably provided for throughout the region, the Participants agree to provide any draft zoning amendment or proposed new zoning ordinance to all of the other Participants for review if that zoning amendment or new zoning ordinance would result in a zoning map change, a change in the allowed residential densities, or a change in the land uses allowed in certain locations. This provision shall not apply for routine matters of purely local concern, such as signs, parking, access drives, landscaping, building heights, administrative provisions, accessory uses, setbacks and similar matters. The Participants

shall be provided with the same minimum time to provide any review comments as is provided to the York County Planning Commission for a new zoning ordinance (Section 607 of MPC) or zoning amendment (Section 609 of MPC) review under the MPC.

B. If any portion of a proposed subdivision or land development is within 500 feet from the boundaries of any adjacent Participant, the Participant in which the subdivision or land development is located is asked to provide a copy of the layout plan for the subdivision or land development to the adjacent Participant within 14 calendar days after receipt of such subdivision or land development plan. This provision shall not apply to minor subdivisions (those with 5 or less potential lots), lot line adjustments or lot mergers.

C. Municipalities, in which a sketch, preliminary, or final plan meeting the definition of Development of Regional Significance and Impact is filed, shall require the developer to distribute copies of the plan to the other participating municipalities within 14 calendar days of submission. Copies of professional reviews or accompanying materials shall be made available for review upon request of the participating municipalities. Municipalities in which a traffic study for a Development of Regional Significance and Impact is proposed shall notify the other participating municipalities.

6. If other Participants fail to comment, the host municipality is under no obligation to seek their input. Comments made by Participants are recommendations only and are not binding but shall be considered by the host municipality.

7. The Participants agree to give due consideration to any amendment to the NYCRCPP that is proposed by a Participant. The Participants are not required to consider an amendment to the Plan unless such consideration is requested in writing by the governing body of a Participant. If requested by such an entity, each Participant agrees to conduct a joint planning commission review within 60 calendar days. Per section 2 above, a public meeting, governing body hearings, and a decision will occur within 180 calendar days after receiving a formal request from a Participant to consider such Amendment unless extended by mutual

consent of the Participants. A Participant that is requesting a Plan Amendment shall provide the proposed Amendment in a form that is ready for adoption by the Participants.

8. Within two years after adoption of the Plan, each Municipality agrees to implement the Plan by amending or otherwise conforming its relevant and current zoning and subdivision and land development ordinances as necessary so that they are generally consistent with the Plan, in accordance with Section 1104(b)(3) of the MPC.

9. Subdivision and land development approval powers shall continue to only be exercised by the Participant in which the property is located.

10. Participating Municipalities have addressed and implemented provisions for public infrastructure services, affordable housing, and purchase of real property, including rights-of-way and easements with the exception of motor vehicle transportation infrastructure. Further it is recognized that the traffic and transportation element of the Plan provides a valuable basis for future planning efforts and ordinances for each Participant, and that traffic has been increasing at a substantial pace within the region. Therefore, the traffic and transportation element of the Plan will need to be reviewed and updated before other elements of the Plan.

11. Participating Municipalities shall prepare a yearly report, by March 1 of the following year, to the York County Planning Commission in accordance with Section 1104(b)(4) of the MPC.

12. If any Participant wishes to withdraw from the Plan, or from this Cooperative Implementation Agreement, such Participant shall provide a minimum of one year's written advance notice thereof to the other Participants.

13. Each participating municipality shall retain its individual Zoning Ordinance and Map, and its individual Zoning Hearing Board, and if applicable its individual Planning Commission.

14. A dispute over interpretation of the Plan, an amendment to the Plan, or consistency of ordinances with the Plan may be resolved as follows:

A. The disputing parties agree to first discuss and negotiate in good faith in an attempt to resolve the dispute amicably and informally as it arises.

B. If the dispute cannot be settled through direct discussions and good faith negotiations, the disputing parties may utilize the mediation provisions of Sections 602.1 and 908.1 of the MPC as may be relevant.

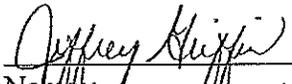
15. This Agreement may be amended by consent of all the Participants, other than those Participants who have withdrawn from the Agreement under paragraph 12, indicated via approval action of the Participants' governing bodies. Such amendment shall not become effective until the last Participant under this Agreement has adopted such amendment.

16. This Agreement shall become effective after each of the Participants have adopted it by Ordinance.

17. The unenforceability or invalidity of any provision of this Implementation Agreement shall not affect the enforceability or validity of any other provision.

IN WITNESS WHEREOF and intending to be legally bound hereby, the parties hereto have set their hands and seals as indicated below.

BOROUGH OF DILLSBURG

  
\_\_\_\_\_  
Name: Jeffrey Huffer  
Title: President of Borough Council

Date: June 9, 2008

  
\_\_\_\_\_  
Attest

BOROUGH OF FRANKLINTOWN

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest

FRANKLIN TOWNSHIP

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest

CARROLL TOWNSHIP

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest

**ORDINANCE NO. 2008-8**

**ORDINANCE OF DILLSBURG BOROUGH AUTHORIZING THE EXECUTION  
OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND  
VERIZON PENNSYLVANIA, INC.**

**WHEREAS**, pursuant to Title VI of the Communications Act (see 47 U.S.C. § 601 *et seq.*), the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, Dillsburg Borough in York County is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

**WHEREAS**, Verizon of Pennsylvania, Inc. ("Verizon") is upgrading its existing telecommunications system under Title II of the Communications Act (*see* 47 U.S.C. § 201 *et seq.*) and has applied for a non-exclusive cable franchise from the Borough to operate a cable system under Title VI of the Communications Act (*see* 47 U.S.C. § 521 *et seq.*); and

**WHEREAS**, Verizon is in the process of installing a Fiber to the Premise Telecommunications Network ("FTTP Network") in the Borough for the transmission of non-cable services pursuant to authority granted by the Commonwealth of Pennsylvania; and

**WHEREAS**, the FTTP Network will occupy the public rights-of-way within the Borough, and Verizon desires to use portions of the FTTP Network once installed to provide cable services in the Borough; and

**WHEREAS**, the Borough desires to protect and manage the public rights-of-way, require high standards of customer service, receive financial compensation for Verizon's use of the public rights-of-way as provided by federal law, obtain complimentary services for its public buildings, obtain educational and governmental channels, establish certain reporting requirements, and provide for the future cable-related needs of its residents; and

**WHEREAS**, the Borough has determined Verizon to be financially, technically and legally qualified to operate the cable system to provide cable services; and

**WHEREAS**, the Borough has determined that the public interest would be served by granting a franchise to Verizon according to the terms and conditions contained in the Cable Franchise Agreement (the "Agreement") negotiated with representatives of Verizon.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Dillsburg Borough Council as follows:

**SECTION 1. Grant of Franchise; Execution of Franchise Agreement.**

The Borough hereby grants Verizon a non-exclusive cable franchise subject to and in accordance with the terms and conditions of the Agreement. A copy of the Agreement is attached hereto and made a part hereof as Exhibit A.

**SECTION 2. Other Franchises Unaffected.**

Nothing in this Ordinance, including the Agreement, shall alter the terms of any other franchise(s) previously granted by the Borough. Such other franchise(s) shall remain in effect according to their particular terms and conditions.

**SECTION 3. Authority of the Capital Region Council of Governments.**

Pursuant to 53 Pa.C.S. § 2305, the Borough hereby authorizes the Capital Region Council of Governments to undertake those responsibilities that it is specifically permitted to undertake pursuant to the Agreement.

**SECTION 4. Severability.**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

**SECTION 5. Enactment.**

**ENACTED AND ORDAINED** this 3<sup>rd</sup> day of November, 2008.

DILLSBURG BOROUGH COUNCIL

ATTEST:

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Mayor)

**ORDINANCE NO. 2008-9  
TAX ORDINANCE 2009**

**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 2009.**

**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 2009, 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 2009, 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 2009, 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, 2009

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 9<sup>th</sup> day of December, 2008.

ATTEST:

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

\_\_\_\_\_  
(Mayor)