

## ORDINANCE 2010-1

### AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING DILLSBURG BOROUGH ORDINANCE 2009-3, GARBAGE DISPOSAL

**WHEREAS**, the Borough of Dillsburg, York County, presently has in force Ordinance 2009-3, Garbage Disposal; and

**WHEREAS**, over 20% of households in the Borough do not participate in the Borough's contracted quarterly program, but sign up for "pay per bag" option ; and

**WHEREAS**, this has created quite a problem in the Borough since many of these households do not actually purchase bags. This creates a situation in which the other residents of the Borough are subsidizing the households that choose not to purchase bags and are not on the quarterly program; and

**WHEREAS**, in order to alleviate this situation, Dillsburg Borough will require that a minimum of 26 bags per year must be purchased for each dwelling unit that is not on the Borough's contracted Trash Hauler's quarterly program or does not use an onsite commercial trash container provided by the property owner.

**NOW THEREFORE**, be it ordained and enacted by Dillsburg Borough that the Section 3.A. and Sections 8-10 of Ordinance 2009-3 shall now read:

#### **3. Refuse Collection.**

A. All municipal solid waste and recycling generated at any dwelling, excluding residential rental properties containing two (2) or more dwelling units, shall be collected exclusively by a licensed Pennsylvania hauler, contracted by the Borough through the public bidding process and it shall be deemed as mandatory. It shall also be mandatory that each dwelling unit that is not on the Borough's contracted Trash Hauler's quarterly program or that does not use an onsite commercial trash container provided by the property owner must purchase a minimum of 26 "pay per bags".

#### **8. Penalties:**

Any individual, group, 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, 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.

9. Repealer:

All ordinances or any parts thereof which are inconsistent herewith are hereby repealed.

10. 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 AMENDMENT** shall become effective April 1, 2010.

**DULY ENACTED AND ORDAINED** this 9<sup>th</sup> day of February, 2010.

ATTEST:

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Debbi Beitzel – Secretary/Treasurer

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Jeffrey Griffin – Council President

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Henry Snyder – Mayor

# ORDINANCE 2010-2

## AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 10, PART 1, PROPERTY MAINTENANCE, OF THE BOROUGH CODE

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

**NOW, THEREFORE**, the following amendments and revisions to Chapter 10, Section 1 of the Dillsburg Borough Code shall be ordained and enacted as follows:

### **§10-102. Requirement to Cut and Trim Weeds.**

The owner of any tract or lot of land situated in the Borough shall be required to cut or trim and keep cut or trimmed all grass, weeds or other vegetation growing thereon that is not planted or used for agricultural purposes; provided, however, that no owner shall at any time permit grass, weeds or other vegetation to grow on his property to a height in excess of 8 inches, so that the lot shall conform generally in appearance to surrounding areas. Methods other than cutting or trimming may be utilized so long as there is no interference with or damage to adjoining land. Undeveloped lots of record greater than one acre in size are excluded from this section and these provisions on the condition that a twenty-foot-wide buffer area be provided adjacent to all abutting developed properties and public streets or sidewalks within which no weeds or plant growth in excess of 8 inches shall be permitted.

(Ord. 144, 3/1/1979, Art. LX, §6022; as amended by A.O.)

### **§10-103. Notification.**

Whenever the owner shall fail, neglect or refuse to comply with §10-101 or 10-102, The Borough may, but shall not be obliged to, proceed to notify the responsible person to correct any violation within 48 hours. If the violation is not corrected within the specified times, the Borough may proceed to remedy and correct the violation and charge the cost thereof to the owner of the property.

(Ord. 144, 3/1/1979, Art. LX, §6023; as amended by A.O.)

## HEALTH AND SAFETY

### **§10-104. Municipal Assessment.**

Whenever the Borough shall take action to remedy and correct a violation of §10-101 or 10-102,

the owner shall be liable for the cost thereof plus a penalty of 10% of such cost, which shall be considered a municipal assessment and be collected as such or as other debts due Boroughs are collectible; if payment shall not be made within 30 days after notice of such cost, an additional 5% shall be added for attorney's fee for collection and costs of collection.  
(Ord. 144, 3/1/1979, Art. LX, §6024; as amended by A.O.)

**§10-105. Penalty.**

Any person, firm, corporation or other entity who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.  
(Ord. 144, 3/1/1979, Art. LX, §6025; as amended by A.O.)

Chapter 10, Part 4 of the Dillsburg Borough Code as previously enacted is hereby readopted in all other respects.

**THIS ORDINANCE** shall become effective July 14, 2010.

**DULY ENACTED AND ORDAINED** this 13<sup>th</sup> day of July, 2010.

ATTEST:

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Debbi Beitzel – Secretary/Treasurer

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Jeffrey Griffin – Council President

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Henry Snyder – Mayor

## **ORDINANCE NO. 2010-3**

### **AN ORDINANCE OF DILLSBURG BOROUGH AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC**

**WHEREAS**, pursuant to the Cable Communications Policy Act of 1984, 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 (hereinafter the "Borough") 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**, Comcast of Colorado/Pennsylvania/West Virginia, LLC ("Comcast") currently holds a cable franchise from the Borough originally granted to Comcast or a predecessor of Comcast; and

**WHEREAS**, the aforesaid cable franchise authorizes Comcast to maintain, construct, operate, and upgrade its cable system over, under and along the public rights-of-way for use by the Borough's residents; and

**WHEREAS**, the aforesaid rights-of-way used by Comcast are public properties acquired and maintained by the Borough and held in trust on behalf of citizens of the Borough and the right to use said rights-of-way is a valuable property right; and

**WHEREAS**, the Borough desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, ensure future technical improvements to maintain a technologically-advanced cable system, establish certain reporting requirements, obtain certain complimentary services, receive franchise fees for Comcast's use of the Borough's rights-of-way as provided by federal law, establish certain reporting requirements and provide for the current and future cable-related needs of its residents; and

**WHEREAS**, the Borough has determined that Comcast has the financial, legal and technical ability to provide cable services to subscribers located in the Borough; and

**WHEREAS**, the Borough, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Comcast's

franchise according to the terms and conditions contained in the cable franchise agreement negotiated between the Borough and Comcast.

**NOW THEREFORE, BE IT ORDAINED** that the Borough Council does hereby approve the cable franchise agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

**ENACTED AND ORDAINED** this 12 day of October, 2010.

ATTEST:

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Debbi Beitzel – Secretary/Treasurer

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Jeffrey Griffin – Council President

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Henry Snyder – Mayor

Exhibit A

**Comcast Franchise Agreement**

The complete agreement can be viewed at the Dillsburg Borough Office located at 151 S. Baltimore Street, Dillsburg, PA 17019.

# ORDINANCE 2010-4

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

**WHEREAS**, it is of the utmost importance that all streets in the Borough are accessible to emergency vehicles, and;

**WHEREAS**, all Borough Streets must be safely accessible to normal traffic, and;

**WHEREAS**, parking on both sides of West Hanover Street during the winter months can create a hazardous condition for all traffic and impedes emergency vehicle access;

**NOW, THEREFORE**, the following amendments and revisions to Chapter 15, Section 402 of the Dillsburg Borough Code shall be ordained and enacted as follows:

Section 15-402 is hereby amended to read as follows:

### §15-402. Parking Prohibited in Certain Locations.

A) 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

West Franklin St    South    From the intersection with Baltimore Street to Bomar Alley

*B) Parking shall be prohibited at all times during certain periods in the following locations:*

<i>Street</i>	<i>Side</i>	<i>Between</i>	<i>Periods</i>
<i>West Hanover St</i>	<i>South</i>	<i>From South Baltimore Street to South Second Street</i>	<i>From December 15<sup>th</sup> until March 15<sup>th</sup></i>

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

**THIS ORDINANCE** shall become effective December 22, 2010.

**DULY ENACTED AND ORDAINED** this 14<sup>th</sup> day of December 2010.

ATTEST:

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(Secretary)

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(President)

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(Mayor)



**ORDINANCE NO. 2010-5  
TAX ORDINANCE 2011**

**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 2011**

**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 2011, 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 2011, 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 2011, 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, 2011

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 14th day of December, 2010.

ATTEST:

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(Secretary)

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(President)

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(Mayor)

# ORDINANCE 2010-6

## 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; and

**WHEREAS**, district boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads and to lot or property lines as they exist on plans of record at the time of the adoption of this Chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map; and

**WHEREAS**, in subdivided land where a district boundary line divided a lot held in single ownership the regulations of a district may extend over either portion of the lot a distance of not more than fifty (50) feet beyond the district boundary line providing such extension does not extend the district boundary along a street or road; and

**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 the Zoning Map of the Borough of Dillsburg be amended as follows:

A portion of tax parcel number 58-02-49E will be changed from residential Urban (R-U) to Commercial Highway (C-H) enabling the complete parcel to be within the same zoning district.

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

**DULY ENACTED AND ORDAINED** this 14<sup>th</sup> day of December, 2010.

ATTEST:

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(Secretary)

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(President)

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(Mayor)

