

# **Chapter 1**

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**Part 1****Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Borough of Dauphin shall be the “Borough of Dauphin Code of Ordinances.”

*(Ord. 2012-03, 12/4/2012)*

**§1-102. Citation of Code of Ordinances.**

The Borough of Dauphin Code of Ordinances may be cited by Section number. The approved short form is “Code.” Thus, “Code, §27-101” refers to §101 of Chapter 27 of this Code of Ordinances.

*(Ord. 2012-03, 12/4/2012)*

**§1-103. Arrangement of Code.**

1. This Code is divided into Chapters which are subdivided as follows:
  - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
  - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
  - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
  - A. Subsections, identified by Arabic numerals.
  - B. Paragraphs, identified by capital letters.
  - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
  - D. Clauses, identified by lower case letters enclosed within parentheses.
  - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
  - F. Items, identified by lower case letters followed by a parenthesis.
  - G. Subitems, identified by small Roman numerals.

*(Ord. 2012-03, 12/4/2012)*

**§1-104. Headings.**

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

*(Ord. 2012-03, 12/4/2012)*

**§1-105. Tenses, Gender and Number.**

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 2012-03, 12/4/2012)

**§1-106. Construction.**

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations, it is the intention of the Borough Council that no ordinance or regulation of the Borough be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Borough Council (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Borough Code, 53 P.S. §45101 *et seq.*, at the time of their passage by the Borough Council. Such "resolutions" are included herein for ease of reference and the Borough Council does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Borough Council that such actions of the Borough Council that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 2012-03, 12/4/2012)

**§1-107. Normal Numbering.**

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, “§1-101” designates Chapter 1, Part 1, Section 1. Similarly, “§27-305” designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:

1. Subsection.
  - A. Paragraph.
    - (1) Subparagraph.
      - (a) Clause.
        - 1) Subclause.
          - a) Item.
            - i. Subitem.

(Ord. 2012-03, 12/4/2012)

#### **§1-108. Special Numbering Problems.**

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, “§5A-101.” If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, “§5-5A01.” A new Section introduced between existing Sections 5 and 6 would be “§5-105A.” When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.
2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.
3. If it becomes necessary to introduce a unit smaller than a Subsection between existing units, the entire Subsection shall be revised and renumbered.
4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: “[Reserved].”

(Ord. 2012-03, 12/4/2012)

**§1-109. Amending Code.**

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Borough Council.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended (revised) to read as follows . . . ." The amended or revised provisions may then be set out in full as desired.

B. *Addition.* "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended by the addition of the following . . . ." The new provision shall then be set out in full as desired.

C. *Repeal.* "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby repealed in its entirety."

3. It is the intention of the Borough Council that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Borough Council that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Borough Council hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(Ord. 2012-03, 12/4/2012)

**§1-110. Altering Code.**

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Borough Council.

(Ord. 2012-03, 12/4/2012)

**§1-111. Penalties.**

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Borough any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of



ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, "Motor Vehicles and Traffic" (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not more than \$600 plus all court costs and reasonable attorney fees. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Borough may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 2012-03, 12/4/2012)



**Part 2**

**Authorities and Agencies**

**A. Municipal Authority of the Borough of Dauphin**

**§1-201. Creation of Municipal Authority.**

It is the desire and intention of the municipal authorities of the Borough of Dauphin, Dauphin County, Commonwealth of Pennsylvania, to organize an authority under the “Municipality Authorities Act of 1945,” approved May 2, 1945, its supplements and amendments, for the purpose of exercising any and all powers conferred by said Act.<sup>1</sup>

(*Ord. 11/5/1959, 11/5/1959, §1*)

**§1-202. Naming of Authority.**

The name of the proposed authority is the “Municipal Authority of the Borough of Dauphin, Dauphin County.”

(*Ord. 11/5/1959, 11/5/1959, §2*)

**§1-203. Articles of Incorporation.**

The proposed Articles of Incorporation of said authority are as follows:

**Municipal Authority  
Articles of Incorporation**

To the Secretary of the Commonwealth,  
Commonwealth of Pennsylvania

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, known as the “Municipality Authorities Act of 1945,” the Borough of Dauphin, Dauphin County, Commonwealth of Pennsylvania, desiring to incorporate an authority thereunder, does hereby certify:

1. The name of the authority is the “Municipal Authority of the Borough of Dauphin, Dauphin County.”

2. Said Authority is formed by the Borough of Dauphin under the provisions of the Act of May 2, 1945, P.L. 382.

3. No other authorities organized under this Act, or under the Act approved the 28<sup>th</sup> day of June, 1935, P.L. 163, is in existence in or for the incorporating municipality.

4. The name of the incorporating municipality is the Borough of Dauphin.

5. The names and addresses of its Municipal Authorities are as follows:

A. Burgess: G.E. Megorwell, 208 Canal Street, Dauphin, Pennsylvania.

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<sup>1</sup>Editor’s Note: The term of existence of the Municipal Authority of the Borough of Dauphin was extended to July 1, 2021, by *Ord. 91-1, 2/28/1991*.

B. President of Council: C.B. Wymer, 203 Schuylkill Street, Dauphin, Pennsylvania.

C. Secretary of Council: C.B. Urich, 510 Erie Street, Dauphin, Pennsylvania.

D. Borough of Treasurer: H.D. Louker, 403 High Street, Dauphin, Pennsylvania.

E. Councilmen:

(1) C.B. Wyron, 203 Schuylkill Street, Dauphin, Pennsylvania.

(2) F.L. Taylor, 201 Schuylkill Street, Dauphin, Pennsylvania.

(3) J.E. Marasco, 206 Allegheny Street, Dauphin, Pennsylvania.

(4) H.A. Singer, 605 Allegheny Street, Dauphin, Pennsylvania.

(5) Mrs. R.W. Green, 512 Erie Street, Dauphin, Pennsylvania.

(6) J.W. Buffington, 412 Juniata Street, Dauphin, Pennsylvania.

6. The names, addresses and terms of office of the first members of the Board of said Authority to be formed hereby are as follows:

Name	Address	Expiration Date of Term of Office
R.H. Boyd, Sr.	303 Swatara Street, Dauphin, Pennsylvania	December 31, 1961
A.H. Townsend	Hillside, Dauphin, Pennsylvania	December 31, 1962
R.E. McHose	307 Market Street, Dauphin, Pennsylvania	December 31, 1963
Jack U. Rudy	701 Erie Street, Dauphin, Pennsylvania	December 31, 1964
C.Y. Serbell, Jr.	Hillside, Dauphin, Pennsylvania	December 31, 1965

7. Whenever a vacancy shall for any reason exist on the Board of the Authority, the vacancy shall be filled by the Municipal Authorities of the Borough of Dauphin, Dauphin County, Pennsylvania.

8. The ordinance authorizing the creation of said Authority, certified from the records of the Borough of Dauphin, together with advertisement of notice of filing these Articles of Incorporation, are each submitted herewith.

In witness thereof, the undersigned have executed these Articles on behalf of the Borough of Dauphin and have caused to be affixed the seal thereof this 5<sup>th</sup> day of November, 1959.

Attest: /s/ C.B. Urich  
Secretary

Burgess: /s/ G.E. Megorwell

(Ord. 11/5/1959, 11/5/1959, §3)

**§1-204. Appointed Members.**

The following persons are hereby appointed members of the Board of the Authority with the following terms of office:

Name	Address	Expiration Date of Term of Office
R.H. Boyd, Sr.	303 Swatara Street, Dauphin, Pennsylvania	December 31, 1961
A.H. Townsend	Hillside, Dauphin, Pennsylvania	December 31, 1962
R.E. McHose	307 Market Street, Dauphin, Pennsylvania	December 31, 1963
Jack U. Rudy	701 Erie Street, Dauphin, Pennsylvania	December 31, 1964
C.Y. Serbell, Jr.	Hillside, Dauphin, Pennsylvania	December 31, 1965

*(Ord. 11/5/1959, 11/5/1959, §4)*

**§1-205. Duties of Members.**

The Articles of Incorporation of said Authority, in substantially the form set forth in §1-203 of this Part, shall be executed on behalf of the Borough of Dauphin by the Burgess, President of Council, and under its municipal seal attested by the Secretary of said Borough and said officers are hereby authorized, empowered and directed to do all things necessary and appropriate to effect and establish the said Authority in conformity with the "Municipality Authorities Act of 1945," its amendments and supplements.

*(Ord. 11/5/1959, 11/5/1959, §5)*

**§1-206. General Welfare.**

The adoption of this Part is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare, and will increase the prosperity of the people of the Borough of Dauphin.

*(Ord. 11/5/1959, 11/5/1959, §6)*



## **B. Dauphin-Middle Paxton Joint Park Authority**

### **§1-211. Joint Authority.**

It is the joint desire and intention of the municipal authorities of the Borough of Dauphin and the Township of Middle Paxton, both municipalities of the Commonwealth of Pennsylvania, and both situated in Dauphin County, to organize an Authority under the “Municipality Authorities Act of 1945,” designated as Act No. 164, approved May 2, 1945; together with all supplements thereof, and amendments thereto for the purpose of exercising and enjoying all the powers of the Act, its supplements or amendments. (Ord. 79-5, --/1979, §1)

### **§1-212. Name of Authority.**

The name of the proposed Authority is the “Dauphin-Middle Paxton Joint Park Authority.”

(Ord. 79-5, --/1979, §2)

### **§1-213. Articles of Incorporation.**

The proposed Articles of Incorporation of the Authority are as follows:

**Municipal Authority  
Articles of Incorporation**

To the Secretary of the Commonwealth of Pennsylvania

In compliance with the Municipality Authorities Act of 1945, its supplements and amendments, the Borough of Dauphin and the Township of Middle Paxton, both situated in dauphin County, and both municipalities of the Commonwealth of Pennsylvania, pursuant to identical ordinances daily adopted by the representative municipal authorities of both municipalities signifying their joint desire and intention to form an Authority, hereby certify.

1. The name of the authority shall be the “Dauphin-Middle Paxton Joint Park Authority.”

2. This Authority is formed under the Municipality Authorities Act of 1945, its supplements and amendments.

3. No other joint authority organized under the Municipality Authorities Act of 1945, its supplements or amendments, the Act approved June 28, 1935, P.L. 463, as amended is in existence in or for the incorporating municipalities named herein.

4. The purpose of the Authority is to improve, maintain and operate a recreational park located immediately adjacent to Route 225 in the Borough of Dauphin, to provide facilities for the individual and organized group recreation for the citizens of the Borough of Dauphin and the Township of Middle Paxton.

5. The respective names of the incorporating municipalities are:

The Borough of Dauphin  
and  
The Township of Middle Paxton

6. The names and addresses of the Mayor and the members of Council of the

Borough of Dauphin, such persons being the municipal authorities of the municipality, are as follows:

- A. Clyde R. Kurtz, Jr.
- B. Ralph E. Feaser, Jr.
- C. Robert H. Olewing.
- D. John J. Powley II.
- E. Francis V. Tracey.
- F. Gayle B. Larson.
- G. Leonard J. Bendrick.
- H. Lee O. Beaston.
- I.

(To be inserted later)

The names and addresses of the Supervisors of the Township of Middle Paxton, such persons being the municipal authorities are as follows:

- A. Daniel Ludwig, R.D. 2, Dauphin, Pennsylvania.
- B. Marlin Seace, R.D. 2, Dauphin, Pennsylvania.
- C. Mary Farrell, R.D. 2, Dauphin, Pennsylvania.

7. The membership of the Board of the Authority to be formed hereby shall be apportioned so that the Borough of Dauphin shall have two members and the Township of Middle Paxton shall have five members.

8. The names and addresses of the first Board of the Authority to be formed hereby are as follows:

- A. Gerald West.
- B. Ray Adams.
- C. William Drake-Shirk.
- D.
- E.
- F.
- G.

In witness whereof the incorporating municipalities have executed these articles, each by its proper officers thereunto duly authorized and under its municipal seal, this \_\_\_\_\_ day of \_\_\_\_\_, 1979.

Township of Middle Paxton by /s/ Daniel Ludwig

Attest: /s/ Geo. Van Wagner

(seal)

Borough of Dauphin by /s/ Ralph E. Feaser, Jr.

Attest: /s/ Jean A. Kruleski

(seal)

(Ord. 79-5, --/1979, §3)



**§1-214. Appointment of Board.**

The following persons, respectively hereinafter designated as appointees of either the Township of Middle Paxton or the Borough of Dauphin, are hereby appointed members of the Board of the Authority, with the following terms of office:

[ Here followed the names, addresses and terms of office of the first members of the Board of the Authority.]

(Ord. 79-5, --/1979, §4)

**§1-215. Salaries.**

The members of the Authority shall serve without salary.

(Ord. 79-5, --/1979, §5)

**§1-216. Execution of Articles of Incorporation.**

The Articles of Incorporation of the Authority, in substantially the form set forth in §1-213 of this Part, shall be executed on behalf of the Borough of Dauphin by the Mayor and under its municipal seal, attested by the Secretary and on behalf of the Township of Middle Paxton by the president of the Board of Supervisors under its municipal seal, attested by the Secretary of the Township and such officers are hereby authorized, empowered and directed to do all things necessary and appropriate to effect and establish the said Authority in conformity with the "Municipal Authorities Act of 1945," its supplements and amendments.

(Ord. 79-5, --/1979, §6)

**§1-217. General Welfare.**

The adoption of this Part is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare and will increase the prosperity of the people of the Borough of Dauphin and the Township of Middle Paxton.

(Ord. 79-5, --/1979, §7)



**C. Dauphin-Middle Paxton Joint Public Safety Authority****§1-221. Creation of Joint Public Safety Authority.**

1. The Council for the Borough of Dauphin hereby authorizes the President and Secretary of the Council to execute articles of incorporation for the creation of the "Dauphin–Middle Paxton Joint Public Safety Authority," the terms of which are set forth in Exhibit A<sup>2</sup> attached hereto and incorporated by reference.

2. The Council for the Borough of Dauphin hereby authorizes the President and Secretary of the Council to execute an intermunicipal agreement creating the Dauphin–Middle Paxton Joint Public Safety Authority, the terms of which are set forth in Exhibit B,<sup>3</sup> attached hereto and incorporated by reference.

3. The Authority shall have the ability to engage in projects generally for the provision of public safety services to the residents of Dauphin Borough and Middle Paxton Township.

4. The Authority shall be governed by the Municipality Authorities Act of 1945, as amended.

*(Ord. 10-01, 9/7/2010)*

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<sup>2</sup>Editor's Note: Exhibit A is on file in the Borough office.

<sup>3</sup>Editor's Note: Exhibit B is on file in the Borough office.



**D. Middle Paxton Township-Dauphin Borough Emergency Management Agency****§1-231. Creation of Emergency Management Agency.**

The Borough of Dauphin does hereby join with Middle Paxton Township in the creation of the Middle Paxton Township-Dauphin Borough Emergency Management Agency.

(*Ord. 91-3, 3/26/1991, §1*)

**§1-232. Duties of the Emergency Management Agency.**

The Emergency Management Agency shall perform, subject to ratification of its actions by its municipality, the duties imposed upon the separate emergency agencies in each of the municipalities by the Emergency Management Services Code, as amended, 35 Pa.C.S.A. §7101 *et seq.*

(*Ord. 91-3, 3/26/1991, §2*)

**§1-233. Intergovernmental Cooperation Agreement.**

The Borough of Dauphin shall enter into an intergovernmental cooperation agreement with Middle Paxton Township, upon terms to be agreed upon, which agreement shall remain in force until notified of its cancellation by the party by a 30-day written notice.

(*Ord. 91-3, 3/26/1991, §3*)

**§1-234. Financing.**

Financing shall be provided by each municipality by a per capita basis, or any other basis which may be agreed upon.

(*Ord. 91-3, 3/26/1991, §4*)

**§1-235. Appointment of Individual by Each Municipality.**

Each municipality shall appoint one individual to serve as the council of said agency. The person appointed by Middle Paxton Township shall be designated as the Zone Emergency Management Coordinator, and the person appointed by the Borough of Dauphin shall be designated as the Zone Emergency Management Deputy Coordinator.

(*Ord. 91-3, 3/26/1991, §5*)

**§1-236. Property, Supplies and Equipment.**

Property, supplies and equipment shall be purchased as needed and, in the event of dissolution, said assets shall become the property of the respective municipalities in proportion to their respective contributions.

(*Ord. 91-3, 3/26/1991, §6*)

**§1-237. Approval for Contracts.**

If necessary, and upon the prior approval of both of the governing bodies of the

Borough of Dauphin and Middle Paxton Township, the said agency is hereby empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for its employees.

*(Ord. 91-3, 3/26/1991, §7)*

**Part 3****Officers and Officials****A. Compensation of Council Members and Mayor****§1-301. Compensation.**

The compensation for each member of the Dauphin Borough Council shall be set at \$50 per monthly meeting and the compensation for the Mayor of Dauphin shall be set at \$50 per monthly meeting.

*(Ord. 01-04, 12/4/2001)*





**B. Borough Manager****§1-311. Establishing the Office of Borough Manager.**

The Borough Manager is the chief administrative officer of the Borough, responsible to the Borough Council as a whole for the proper and efficient administration of the affairs of the Borough. Powers and duties relate to the general management of all Borough business not expressly by statute imposed or conferred upon other Borough officers.

*(Ord. 95-1, 2/7/1995)*



**C. Independent Auditor****§1-321. Office of Independent Auditor Created.**

1. *Office of Elected Borough Auditor Abolished.* The office of elected Borough Auditor is hereby abolished pursuant to authority set forth in §1005 of the Borough Code, 53 P.S. §46005(7). Any persons holding the office of elected Borough Auditor as of the effective date of this Part 3C shall continue to hold said office during the term for which such individual was elected. During the remainder of the elected Borough Auditor's term, said Auditor shall not audit, settle, or adjust the accounts audited by any independent auditor appointed by the Borough, but shall perform the other duties of said office.

2. *Appointment of Independent Auditor.* The Council shall appoint on an annual basis by resolution before the close of the fiscal year, an independent auditor to make an independent examination of the accounting records of the Borough for such fiscal year. The appointed independent auditor shall also perform the other duties and exercise the powers as conferred upon the independent auditor as set forth in Subpart (k) of Article XI of the Borough Code, 53 P.S. §§46196–46199.

3. *Repeal.* Pursuant to provisions set forth in §1005 of the Borough Code, 53 P.S. §46005, Council shall have the right to repeal this Part at any time and thereupon the office of appointed independent auditor shall be abolished, as of the date set in such ordinance, and the Borough shall have the further right at the next municipal election following the repeal of said ordinance to elect three Borough Auditors as provided for therein.

(Ord. 09-02, -/-/----)



**Part 4****Police Department****§1-401. Creation.**

There is hereby created a Police Department for Dauphin Borough which shall consist of the Chief of Police, superior officers and patrolmen.

(*Ord. 06-03, 4/19/2006, §1*)

**§1-402. Word Usage.**

All terms herein used in the masculine shall be deemed to include the feminine.

(*Ord. 06-03, 4/19/2006, §2*)

**§1-403. Superior Officers.**

All members of the Police Department shall be termed "patrolmen," except those who may be designated by the Council as superior officers, of which the following may be appointed to hold such rank or designation and assignment during the pleasure of the Council: Sergeants.

(*Ord. 06-03, 4/19/2006, §3*)

**§1-404. Rank.**

The Chief of Police shall be the head of the Department and have supervision over all officers and members thereof. Following him in rank shall be the Sergeants and then patrolmen, in order of seniority in each group.

(*Ord. 06-03, 4/19/2006, §4*)

**§1-405. Appointment; Promotion; Removal; Suspension; Demotion.**

The Borough Council may, subject to the civil service provisions of the Borough Code, 53 P.S. §45101 *et seq.*, appoint, promote, remove, suspend or reduce in rank suitable persons as Borough policemen.

(*Ord. 06-03, 4/19/2006, §5*)

**§1-406. Duties of Chief.**

The Chief of Police shall be the keeper of the Borough jail and shall have custody of all persons incarcerated therein. He shall keep such records and make such reports concerning the activities of his Department as may be required by statute or by the Borough Council. The Chief shall be responsible for the performance by the Police Department of its functions, and all persons who are members of the Police Department shall serve subject to the orders of the Chief of Police.

(*Ord. 06-03, 4/19/2006, §6*)

**§1-407. Duties of Members.**

It shall be the duty of all members of the Police Department to see to the

enforcement of all of the ordinances of the Borough and all statutes applicable therein, and to preserve order and prevent infractions of the law and arrest violators thereof.  
(*Ord. 06-03, 4/19/2006, §7*)

#### **§1-408. Establishment of Divisions.**

With the approval of the Borough Council, the Chief of Police may establish a traffic division or detective division or other special division within the Police Department, assigning such policemen to such division and designating such duties therefore as may be deemed necessary.

(*Ord. 06-03, 4/19/2006, §8*)

#### **§1-409. Conduct of Members.**

It shall be the duty of every member of the Police Department to conduct himself or herself in a proper and law-abiding manner at all times and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his superior.

(*Ord. 06-03, 4/19/2006, §9*)

#### **§1-410. Fees and Compensation.**

1. It shall be unlawful for any Borough policeman to charge or accept any fee or other compensation in addition to his salary for any service performed pertaining to the duties of his office as policeman, except as provided herein.

2. With the approval of the Borough Council, members of the Police Department may be allowed court pay for attendance at court proceedings and hearings.

3. With the approval of the Borough Council, members of the Police Department may receive payment for mileage for attendance at approved training programs, court or hearing appearances or otherwise, as specified by the Borough Council.

4. For meritorious service rendered by any member of the Police Department in the due discharge of his duty, the Borough Council may permit such member to retain for his own benefit, so far as he may be permitted by law, any reward or present tendered him therefore.

(*Ord. 06-03, 4/19/2006, §10*)

#### **§1-411. Rules and Regulations.**

The Chief of Police may make or prescribe such rules and regulations as he shall deem advisable, and such rules, when approved by the Borough Council, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the Department. Such rules and regulations must be consistent with the ordinances of the Borough and the laws of the State of Pennsylvania, and must be posted.

(*Ord. 06-03, 4/19/2006, §11*)

#### **§1-412. Special Policemen.**

The Borough Council may appoint any suitable person as a special policeman to

serve for such term and on such conditions as may be designated by the terms of such appointment. No such special policeman shall be entitled to any compensation from the Borough unless such compensation is ordered by the Council, nor shall such special policeman be considered an employee of the Borough by reason of such appointment. Appointments may be revoked at any time by the Council.

*(Ord. 06-03, 4/19/2006, §12)*

**§1-413. Vehicles.**

The Committee on Public Safety is hereby empowered to secure such vehicles for the use of the Borough Police Department as they deem necessary for the proper functioning of said Department.

*(Ord. 06-03, 4/19/2006, §13)*

**§1-414. Temporary or Acting Chief.**

1. A temporary or acting Chief of Police may be appointed by the Borough Council under any of the following circumstances:

A. Should incapacity, illness or other involuntary cause render the Chief of Police unable to fulfill his duties for a period of time expected to be in excess of 30 days.

B. Should the Chief of Police voluntarily absent himself from active duty for a period of time in excess of 30 days.

C. Should the Chief of Police resign or have his employment terminated by Borough Council.

2. Such temporary or acting Chief of Police shall be charged with the duties of the Chief of Police and shall exercise the complete authority of the Chief of Police under this Chapter.

3. Such appointment may be terminated at any time by the Borough Council and is not a provisional appointment or promotion for purposes of the civil service provisions of the Borough Code.

*(Ord. 06-03, 4/19/2006, §14)*





**Part 5****Attorney's Fees****§1-501. Short Title.**

This Part shall be known as the "Tax, Tax Claim, Tax Lien, Municipal Claim and Municipal Lien Attorney Fees and Servicing Charges, Expenses and Fees Ordinance."  
(Ord. 2012-03, 12/4/2012)

**§1-502. Expenses Approved.**

1. *Title Search.* In any enforcement proceeding, the actual cost of a title search in an amount not to exceed \$250 shall constitute a reasonable expense for each title search necessary for the initiation of each proceeding and compliance with Pa.R.C.P. §3129. The sum not to exceed \$50 shall constitute a reasonable expense for each bringdown or update of the title search in connection with entry of judgment, issuance of execution, listing for sale, or other action.

2. Actual out-of-pocket expenses in connection with any enforcement action, such as for postage, non-sheriff's service of process, investigation of the whereabouts of interested parties and other necessary expenses shall constitute reimbursable expenses as part of each claim recovered.

(Ord. 2012-03, 12/4/2012)

**§1-503. Attorney Fees Approved.**

1. *Flat Fee Matters.* The following schedule of attorney fees is hereby adopted and approved as reasonable attorney fees pursuant to Act 1 and Act 20 for all matters described, which fees shall be awarded to the Borough, its agents, counsel or assigns in each action initiated pursuant to the Act for the collection of unpaid claims. The property owner's obligation to pay the full amount of the flat fee for each phase of each action shall accrue upon the initiation of any aspect of each phase. The full amount of each flat fee for each prior phase of the proceeding shall carry over and be due on a cumulative basis together with the flat fee for each subsequent phase.

A. *Filing or Municipal Claim.* Reasonable attorney fees for the preparation and filing of a municipal claims as defined under the Act shall be in such amounts as established from time to time by resolution of Borough Council.

B. *Preparation and Service of Writ of Scire Facias or Complaint in Assumpsit as Provided in the Act.* Reasonable attorney fees for the initiation of each proceeding shall be established from time to time by resolution of Borough Council and shall include preparation and filing of the praecipe for writ of scire facias or complaint in civil action, Sheriff's direction for service, notice pursuant to Pa.R.C.P. §237.1 and the preparation and filing of the praecipe to settle and discontinue the proceeding. The above does not include:

(1) *Federal Tax Liens, Judgments and Mortgages.* Where there are Federal tax liens, Federal judgments, Federal mortgages or other record Federal interests, reasonable attorney fees for all matters necessary to properly notify and serve the United States with all required additional notice

and the presentation of related motions to court shall be in such amounts as established from time to time by resolution of Borough Council.

(2) *Alternative Service of Legal Pleadings.* In the event that a special order of court is necessary to serve original process or any other pleading, notice, court order or other document, reasonable attorney fees shall be in such amounts as established, from time to time, by resolution of Borough Council for such services including, but not limited to:

(a) Investigation of defendant(s) whereabouts and preparation of affidavit of diligent search.

(b) Preparation and presentation of motion for alternative service, and delivery of the order of court, along with appropriate directions to the Sheriff for service.

C. *Amicable Scire Facias.* Reasonable attorney fees for the preparation, filing, monitoring and conclusion of an amicable scire facias, including negotiation, preparation and filing of the pleading, acceptance of service, installment payment and/or forbearance agreement and satisfaction shall be in such amount as established, from time to time, by resolution of Borough Council. See 53 P.S. §7185. The Borough may, in its sole and absolute discretion, hold the amicable scire facias and file only in the event of a default in the terms and conditions of the amicable scire facias or any related installment or forbearance agreement.

D. *Entry of Judgment.* Reasonable attorney fees in connection with entry of judgment, which shall include preparation and filing of the praecipe to enter judgment, notices of judgment, affidavit of non-military status, and the praecipe to satisfy judgment, shall be in such amounts as may be established from time to time by resolution of Borough Council.

E. *Writ of Execution, Sheriff's Sale of Property or Execution upon Assumpsit Judgment.* The sum, in an amount as established, from time to time, by resolution of the Borough Council, shall constitute reasonable attorney fees for preparation of all documents necessary for each execution upon any judgment pursuant to the Act. This sum shall include the preparation and filing of the praecipe for writ of execution, all Sheriff's documents, preparation and service of notices of Sheriff's sale, staying the writ of execution, and attendance at one Sheriff's sale.

(1) *Postponements.* Reasonable attorney fees for each continuance of Sheriff's sale at the request of the defendant shall be in an amount as established, from time to time, by resolution of Borough Council.

F. *Sale Pursuant to §31 of the Act, 53 P.S. §7281.* The sum, in an amount as established, from time to time, by resolution of the Borough Council, shall constitute reasonable attorney fees for the sale of property pursuant to §31 of the Act, 53 P.S. §7281 including preparation and service of necessary documents, court appearances, attendance at sale and preparation of proposed schedule of distribution of the proceeds realized from such sale.

G. *Sale Pursuant to §31.1 of the Act, 53 P.S. §7282.* The sum, in an amount as established, from time to time, by resolution of the Borough Council, shall constitute reasonable attorney fees for a sale of property pursuant to §31.1 of the Act, 53 P.S. §7282, including the preparation of necessary documents, service, court

appearances, and the preparation of proposed Sheriff's schedule of distribution.

H. *Installment Payment Agreement.* The sum, in an amount as established, from time to time, by resolution of the Borough Council, shall constitute reasonable attorney fees for the preparation of each written installment payment agreement.

I. *Motions.* The sum, in an amount as established, from time to time, by resolution of the Borough Council, shall constitute reasonable attorney fees for the preparation, filing, and presentation of motions, other than for alternative service, which shall include, but are not limited to, motions to reassess damages, motions to amend caption, motions to continue the Sheriff's sale.

2. *Hourly Rate Matters.* Reasonable attorney fees pursuant to Act 1 and Act 20 shall be in such amounts, as established or approved from time to time by resolution of Borough Council, which fees shall be awarded to the Borough, its agents, counsel or assigns as compensation in all contested matters, and in all other matters not specifically referenced in subsection .1, above, undertaken in connection with the collection of claims, each as recorded and charged in units of  $\frac{1}{10}$  of an hour for all time devoted to enforcement and collection of the municipality's claims. Counsel, whether duly employed or duly appointed by the Borough, its agents or assigns, shall not deviate from this fee schedule absent a subsequent ordinance amending the same. Hourly rate matters include, but are not limited to, any matters where any defense, objection, motion, petition or appearance is entered in any phase of any proceeding by or on behalf of any defendant or other interested party.

(Ord. 2012-03, 12/4/2012)

#### **§1-504. Procedure.**

1. *Required Notice.* The notice required by the Act, as amended, 53 P.S. §7106, shall be provided in accordance therewith and shall be incorporated into an appropriate delinquency notice or notices sent by the Borough, its agent, counsel or assigns.

2. *Fees to be Accrued and Claims to be Filed.* Fees shall accrue for all efforts in collection after the thirtieth day after the notice, or after the tenth day of any required second notice under the Act, as amended, 53 P.S. §7106, on all accounts referred to counsel for enforcement. Fees accumulated as a result of enforced collection shall be certified by duly appointed counsel for the Borough authorized to pursue collection of claims pursuant to the Act, or by counsel for the Borough's agents or assigns and, if not collected in due course with the debt as by voluntary payment, shall be included in any claims filed on behalf of the Borough or by its agents or assigns in the course of enforcement including any claims originally filed with the Prothonotary, any claims filed with the Sheriff or in any other claims filed or statements provided where attorney fees are due.

3. The amount of fees determined as set forth above shall be added to and become part of the claim or claims in each proceeding as provided by the Act and as provided herein.

(Ord. 2012-03, 12/4/2012)

#### **§1-505. Servicing Charges, Expenses and Fees Approved.**

1. The following schedule of charges, expenses and fees (hereinafter collectively referred to as "servicing fees") is hereby approved and adopted by the Borough pursuant

to §§1, 2, and 3 of the Act of May 16, 1923, as amended, 53 P.S. §§7101, 7103 and 7106, which amounts are the direct result of each person's or property's failure to pay claims promptly. The servicing fees established, assessed, and collected hereunder shall be in addition to the record costs, §1-503 attorney fees and §1-502. Expenses associated with legal proceedings initiated by or on behalf of the Borough to collect its claims.

2. Servicing of a claim or claims may result in voluntary payment without the initiation of enforcement proceedings. It is the intent of this Section to pass the cost of servicing on to the delinquent person or property as part of each claim. The recovery of servicing fees established herein shall not be contingent upon the initiation of enforcement proceedings. However, such servicing fees are due even where enforcement proceedings are initiated. The purpose of this Section is to pass the cost and expense associated with delinquent collection on to the delinquent person or property and to make the Borough whole on all claims collected.

3. *Schedule.* The following schedule of fees shall constitute reasonable and appropriate servicing fees for each indicated service. The servicing fees shall be added to and become part of the Borough's claims, together with the face, penalties, interest, costs and attorney fees and shall be payable in full before the discharge or satisfaction of any claim. The schedule of fees is separate and distinct from any amounts imposed by the Sheriff, Prothonotary, court or any other public office in connection with the collection of the Borough's claims and may be amended from time to time by resolution of Borough Council.

- A. Assignments—\$5 per claim.
- B. Filing tax liens—\$5 per item.
- C. Satisfactions—\$5 per claim
- D. Tax claim revivals (i.e. S&A)—\$10 per claim.
- E. Act 1/Act 20 compliance—\$35 per case.
- F. Filing municipal claim and filing municipal claim revivals—\$15 per claim.
- G. Municipal claim/short title examination—\$35 per claim.
- H. Sheriff sale claim certificates—\$50 per case.
- I. Claim certifications—\$10 per year
- J. Servicing including staffing, computers, office space, telephones, equipment, and materials: For all delinquent and liened taxes, tax liens, municipal claims (filed or unfiled) and municipal liens—10 percent of gross collections.

(Ord. 2012-03, 12/4/2012)

### **§1-506. Effective Date and Retroactivity.**

1. This Part shall take effect on the date of enactment set forth below and with respect to attorney fees pursuant to §§1-503 and 1-504 shall apply to all taxes, tax claims, tax liens, municipal claims, municipal liens, writs of scire facias, judgments, or executions filed on or after December 19, 1990, or as otherwise provided by law.

2. In no event shall the Borough's right to charge and collect reasonable attorney fees pursuant to §1-503 of this Part be impaired by the fact that any claim may also include an attorney commission of 5 percent for claims filed prior to December 19, 1990. Any attorney fees assessed and collected under this or any prior ordinances pursuant

to Act 1 shall be in addition to any 5 percent commission previously included in any claim or judgment thereon.

3. Attorney fees and expenses incurred in pending enforcement proceedings prior to the effective date of this Part, pursuant to a prior ordinances adopted under Act 1, but not collected, shall remain due and owing in accordance therewith, and shall be incorporated in any future statement, claim, pleading, judgment, or execution. Attorney fees and expenses in any pending or new action incurred after the effective date of this Part shall be incurred, charged, and collected in accordance with the schedules and procedures set forth in this Part.

4. The charges, expenses and fees set forth in §1-505 of this Part relate to all unpaid claims in favor of the Borough, its agents and assigns, and shall be retroactive to the date of each claim.

*(Ord. 2012-03, 12/4/2012)*

**§1-507. Assignment.**

The Borough assigns the provisions of this Part to any assignee of its claims unless the assignment limits the assignee's ability to collect such amounts. The Borough and its duly authorized agents and their counsel shall retain all rights to charge reasonable attorney fees, charges, expenses, and fees in accordance with the provisions of this Part in actions commenced under the Act and for servicing any claims retained by the Borough.

*(Ord. 2012-03, 12/4/2012)*

