

Code of Ordinances of the Borough of Dauphin

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Code of Ordinances
of the
Borough of Dauphin
Dauphin County, Pennsylvania

Published by Authority of the Borough

Adopted by *Ord. 2012-03, 12/4/2012*

KEYSTATE PUBLISHERS, INC.
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Officials
of the
Borough of Dauphin
County of
Dauphin, Pennsylvania

ELECTED OFFICIALS

Mayor - Terry Searight

Borough Council

President - Stephen Bomgardner

Tax Collector - Virginia Wynn

Auditor - Robert W. Morris & Company, PC

APPOINTED OFFICIALS

Secretary - Michelle E. McBurney

Treasurer - Tracy Klinger

Code Officer - Light-Heigel & Associates, Inc.

Solicitor - Michael J. Cassidy, Esquire

Engineer - Light-Heigel & Associates, Inc.

FOREWORD

History

This comprises the codification of the ordinances of the Borough of Dauphin. The Borough of Dauphin was originally settled in the mid 1700's and laid out by Judge Innis Green in 1826. It was, at that time, known as Port Lyon. The streets were named after Pennsylvania rivers and creeks. Dauphin was incorporated as a Borough by an Act of Assembly in 1845.

The Code of Ordinances of the Borough of Dauphin was prepared by Keystate Publishers, Inc., and adopted by the Borough of Dauphin Borough Council on December 4, 2012, by *Ord. 2012-03*.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough of Dauphin contained in Chapters 1 through 27, (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Table of the disposition of each ordinance ever enacted by the Borough of Dauphin, and (4) the Index, which is an alphabetical arrangement of subjects.

In the Code each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment, if known.

The Table of disposition indicates what action has been taken by the Borough of Dauphin Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Table of Disposition. The Table of Disposition is a cross reference to the original ordinance books of the Borough of Dauphin, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 2012-03

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF DAUPHIN, DAUPHIN COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Borough of Dauphin hereby ordains:

Section 1. Adoption. The *Borough of Dauphin Code of Ordinances* as prepared and published for the said Borough of Dauphin, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough of Dauphin. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Borough of Dauphin organized as follows:

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Chapter 1 Administration and Government
Chapter 2 Animals
Chapter 3 [Reserved]
Chapter 4 [Reserved]
Chapter 5 Code Enforcement
Chapter 6 Conduct
Chapter 7 [Reserved]
Chapter 8 [Reserved]
Chapter 9 [Reserved]
Chapter 10 Health and Safety
Chapter 11 Housing
Chapter 12 [Reserved]
Chapter 13 Licenses, Permits and General Business Regulations
Chapter 14 [Reserved]
Chapter 15 Motor Vehicles and Traffic
Chapter 16 Parks and Recreation
Chapter 17 [Reserved]
Chapter 18 Sewers and Sewage Disposal
Chapter 19 [Reserved]
Chapter 20 Solid Waste
Chapter 21 Streets and Sidewalks
Chapter 22 Subdivision and Land Development
Chapter 23 Stormwater Management
Chapter 24 Taxation; Special
Chapter 25 [Reserved]
Chapter 26 [Reserved]
Chapter 27 Zoning

APPENDIX

A Annexation of Territory

- B Bond Issues and Loans
- C Franchises and Services
- D Governmental and Intergovernmental Affairs
- E Plan Approval
- F Public Property
- G Sewers
- H Streets and Sidewalks
- I Water
- J Zoning; Prior Ordinances

Table of Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Borough of Dauphin shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in Section 1 of this ordinance shall be known and cited officially as the “Borough of Dauphin Code of Ordinances,” and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause. The provisions of the Borough of Dauphin Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Borough of Dauphin Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. *Consolidations.*

Section	Subject	Ordinance No., Section
		[Reserved]

B. *Revisions.*

Section	Subject	Ordinance No., Section
		[Reserved]

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. *New Enactments.*

Section	Subject
§§1-101–1-111	Preliminary Provisions
§§1-501–1-507	Attorney’s Fees
§§2-201–2-204	Animal Noise
§§6-501–6-504	Discharge of Firearms
§§10-301–10-305	Recreational Vehicle Nuisance
§§11-201–11-224	Rental Properties

B. Amendments.

Section	Subject	Ordinance No., Section
§2-102	Seizure of Dogs	74-8, §2
§2-104	Penalties	74-8, §4
§6-108	Penalties	79-6, §8
§6-206	Penalties	81-2, §5
§6-303	Penalties	81-3, §3
§6-405	Penalties	95-3, §5
§10-103	Acts of Nuisance	91-5, §3; 93-2, §§1 and 2; 93-11, §1; 97-2; 99-3, §§1–4
§10-104	Notice to Abate	91-5, §4
§10-105	Penalty	91-5, §5
§10-207	Criminal Penalties	07-08, §VII
§11-105	Penalty	87-2, §5
§13-101	Definitions	88-2, §301
§13-105	License Fee	88-2, §305; 89-3, §1
§13-106	Thirty-Day License	88-2, §306
§13-114	Penalties	88-2, §314
§13-205	Penalties	88-2, §105
§15-201	Maximum Speed Limits Established on Certain Streets	84-2, §1; 03-02, §1
§15-202	Maximum Speed Limits Established on Certain Bridges and Elevated Structures	84-2, §2
§15-207	One-Way Streets Established	84-2, §7
§15-210	Right Turns Only Permitted at Certain Intersections	84-2, §10
§15-301	Vehicle Weight Limits Established on Certain Streets and Bridges	84-2, §1

Section	Subject	Ordinance No., Section
§15-302	Restrictions on Size of Vehicles on Certain Streets and Bridges	84-2, §2
§15-402	Angle Parking Required on Parts of Certain Streets	84-2, §2
§15-403	Parking Prohibited at All Times in Certain Locations	84-2, §3; 08-04, §§1, 2
§15-405	Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations.	84-2, §5
§16-101	Park Hours	64-4, §5
§16-102	Penalty	64-4
§18-102	Definitions	91-4, §1.02
§18-138	Rules and Regulations Governing Service Termination	91-4, §3.08; 92-2, §§1-2
§18-139	Penalties for Late Payment of Sewer Bills	91-4, §3.09; 92-2, §2; 07-02, §3
§18-141	Enforcement	91-4; 07-07, §5
§18-153	Notices and Bills	91-4, §4.03; 92-2, §2
§18-165	House Connection	91-4, §5.05; 92-2, §2
§18-207	Inspections	02-06, §307
§18-209	Maintenance	02-06, §309
§18-212	Disposal of Septage	02-06, §312
§18-213	Discontinuance of Individual Sewage System	02-06, §312.1
§18-216	Penalties	02-06, §315
§20-105	Fees	74-2, §5; 79-4; 81-4; 87-4, §1; 88-5, §1; 89-2, §1; 05-02, §1; 07-04, §2
§20-107	Penalties	74-2, §7; 92-1
§21-102	Application for Permit	83-1, §2
§21-104	Penalties	83-1, §4
§21-206	Penalties	1931-2
§21-304	Penalties	74-4, §4
§23-104	Statutory Authority	11-01, §104
§23-1205	Penalties	11-01, §1205

C. Repeals.

Ord./Res.	Subject
<i>Ord. 78-1</i>	Taxation; Special

Section 6. Adoption of Standard Codes by Reference. As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

Section	Short Title
	[Reserved]

Section 7. Land Use Amendments. The Borough of Dauphin Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

A. *New Provisions.* The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

Section	Subject
	[Reserved]

B. *Revised Provisions.* The following provisions of the Code are revised, the text of which indicates deletions by ~~strike-through~~ and additions shown by underline, and are summarized as follows:

Section	Subject	Ordinance No., Section
§22-201	Definitions	6/6/1977, Art. II
§22-301	Pre-application Procedures	6/6/1977, §301
§22-303	Preliminary Plan Procedures	6/6/1977, §303
§22-306	Preliminary Plan Specifications	6/6/1977, §306
§22-404	Lots	6/6/1977, §404
§22-503	Sewers and Waters	6/6/1977, §503
§22-601	Fees	6/6/1977, §601
§22-802	Enforcement Remedies	6/6/1977; §803
§22-803	Preventive Remedies	6/6/1977
§22-903	Permits for Mobile Home Park Construction, Alteration or Extension	6/6/1977, §902
§22-904	Registration and Licensing	6/6/1977, §903
§22-916	Penalties	6/6/1977, §916
§27-103	Miscellaneous Legal Provisions	77-5, §102
§27-606	Density Bonus Provisions	77-5, §605
§27-904	Lot Requirements	77-5, §903
§27-1001	Statutory Authorization	77-5; 12-01
§27-1002	General Provisions	77-5; 12-01

Section	Subject	Ordinance No., Section
§27-1003	Administration	77-5; 12-01
§27-1004	Identification of Floodplain Areas	77-5; 12-01
§27-1005	Technical Provisions	77-5; 12-01
§27-1006	Activities Requiring Special Exception	77-5; 12-01
§27-1007	Existing Structures in Identified Floodplain Areas	77-5; 12-01
§27-1008	Variances	77-5; 12-01
§27-1009	Definitions	77-5; 12-01
§27-1010	Enactment	77-5; 12-01
§27-1102	Conversion Apartments	77-5, 2/28/1977, §1101
§27-1103	Accessory Building and Structures	77-5, §1102; 95-4, §1; 04-03
§27-1503	Zoning Permits	77-5, §1502; 84-1, §§1 and 2
§27-1504	Signs	77-5; 93-3, §1
§27-1505	Certificate of Occupancy	77-5, §1503; 93-3, §§2, 3
§27-1506	Enforcement Remedies	77-5
§27-1507	Preventive Remedies	77-5
§27-1602	Hearings	77-5, §1601; 86-1, §2

C. *Repealed Provisions.* The following provisions of the Code are repealed, the text of which indicates deletions by ~~strike-through~~, and are as follows:

Section	Subject	Ordinance No., Section
	[Reserved]	

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Borough of Dauphin ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 9. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

- A. *Amendment or Revision.* “Chapter ___, Article ___, Section ___, Subsection ___ is hereby amended [revised] to read as follows...”
- B. *Additions.* “Chapter ___, Article ___, Section ___, Subsection ___ is hereby amended by the addition of the following...”
- C. *Repeal.* “Chapter ___, Article ___, Section ___, Subsection ___ is hereby repealed in its entirety.”

Section 10. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough of Dauphin Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Borough of Dauphin Code of Ordinances and shall be available for public inspection.

Section 11. Penalties. It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Borough of Dauphin. Whosoever shall violate this Section shall be guilty of an offense under §4911, “Tampering with Public Records or Information,” of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of the Borough of Dauphin that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 4th day of December, 2012.

ATTEST:

Borough of Dauphin

/s/ Michelle McBurney
Secretary

/s/ Stephen Bomgardner
President, Borough Council

APPROVED this 4th day of December, 2012.

/s/ Terry Searight
Mayor

Fee Schedule

Subject	Fees	
ADMINISTRATION AND GOVERNMENT		
Attorney Fees Approved	§1-503	
Amicable Scire Facias		\$400
Entry of Judgement		\$225
Federal Tax Liens, Judgements and Mortgages		\$200
Filing or Municipal Claim		\$150
Hourly Rate Matters		
Senior Attorneys (practicing law for 10 years or more)		\$185/hr
Junior Attorneys (practicing law for less than 10 years)		\$160/hr
Paralegals		\$100/hr
Law Clerks		\$65/hr
Installment Payment Agreement		\$150
Motion		\$200
Postponements		\$100
Preparation and Service of Writ of Scire Facias or Complaint in Assumpsit as provided in the Act		\$450
Sale Pursuant to §31 of the Act, 53 P.S. §7281		\$700
Sale Pursuant to §31.1 of the Act, 53 P.S. §7282		\$500
Writ of Execution, Sheriffs Sale of Property or Execution upon Assumpsit Judgment		\$700
LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS		
Soliciting and Peddling		
30-day license fee	§13-106	\$2.50 for 30 days or \$10 per year
license fee	§13-105	\$25
SEWERS AND SEWAGE DISPOSAL		
Drainage Plan		
Construction Inspection Fee—estimated amount needs to be included in improvement guarantee		
Residential and nonresidential		actual cost incurred
Deposit Amounts*		
Residential		
1-3 lots or less than 10 acres		\$500
4-10 lots or less than 20 acres		\$1,000
11+ lots or more than 20 acres		\$1,500 plus \$50 per acre or lot

Subject	Fees
Nonresidential	
1-3 lots or less than 10 acres	\$1,000
4-10 lots or less than 20 acres	\$1,500
11+ lots or more than 20 acres	\$2,000 plus \$50 per acre or lot
Filing Fee—non-refundable	
Residential	\$50
Nonresidential	\$100
Modification Requests (per request)	
Residential	\$25
Nonresidential	\$50
Post-construction Inspection Fee—5-year review period, posted at completion of work before occupancy permit issued, and must be noted on approved plan with responsible person noted.	
Residential and nonresidential	
1-4 lot subdivision with combined BMPs	\$300 per lot or \$500
4-10 lots	\$750
Greater than 10 lots	\$1,000 plus \$100 per BMP
Sketch Plan Concept Reviews	
Residential	\$200
Nonresidential	\$500
*if cost incurred is less than deposit, a refund will be issued. If the deposit balance falls below \$200, and additional \$500 will be requested to cover any future engineering review fee. If the deposit account has a negative balance, no extension of time request will be granted, or permits issued until the account is paid in full.	
Penalties for Late Payments of Sewer Bills	
Total accrued penalty, together with the total accrued penalty under the General Trash Collection Ordinance [Chapter 20, Part 1], shall not exceed:	
Residential Account	\$500 per dwelling
Commercial, industrial and school accounts	\$3,000 per account
Sewer Rentals (User Fees)	
Residential	
Minimum sewer rental	\$60 per month
Annual sewer rental	\$720
Commercial, Industrial and School	
Minimum sewer rental (up to 4,333 gallons per month)	\$180 per quarter

Subject	Fees
Fee over 4,333 gallons	\$13.39 per 1,000 gallons (or part thereof)
SOLID WASTE	
Fees for the collection of trash and garbage	\$10.20 per month
Delinquent Accounts	
Total accrued penalty, together with the total accrued penalty under the Borough's General Sewer Ordinance (the "Sewer Ordinance") [Chapter 18], shall not exceed:	
Dwelling Unit	\$500 per unit
Commercial, industrial an school accounts	\$3,000 per account
STREETS AND SIDEWALKS	
Application for Permit	\$7.50 per square yard (or any portion thereof) with a minimum of \$25
SUBDIVISION AND LAND DEVELOPMENT	
Filing fee, preliminary application	\$20 plus \$2 per lot
Mobile home park license application fee	\$25
Mobile home removal permit fee	\$2
ZONING	
Sign Permits	
Sign permit application fee	\$15
Certificate of Occupancy	
Application fee	\$5
Fees	
Application fee for special exception, variance, other appeal or curative amendment	\$650 per application

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

