

Chapter 1

Administration and Government

Part 1 Preliminary Provisions

- §1-101. Short Title
- §1-102. Citation of Code of Ordinances
- §1-103. Arrangement of Code
- §1-104. Headings
- §1-105. Tenses, Gender, and Number
- §1-106. Construction
- §1-107. Normal Numbering
- §1-108. Special Numbering Problems
- §1-109. Amending Code
- §1-110. Altering Code
- §1-111. Penalties

Part 2 Borough Officials

A. Compensation of Council Persons and Mayor

- §1-201. Applicability
- §1-202. Permissible Salary Based on Population
- §1-203. Term of Office
- §1-204. Special Provisions

B. Tax Collector

- §1-211. Compensation
- §1-212. Effective Date

C. Independent Auditor

- §1-221. Appointment of Independent Auditor
- §1-222. Requirements of Independent Auditors
- §1-223. Powers and Duties
- §1-224. Office of Auditor Abolished

Part 3 Commission, Boards, and Agencies

A. Planning Commission

- §1-301. Short Title
- §1-302. Creation of Commission

- §1-303. Membership of Commission
- §1-304. Residency Requirement; Restrictions
- §1-305. Powers and Duties

Part 4
Firefighters' Relief Association

- §1-401. Recognition of Chalfant Volunteer Fire Company Relief Association
- §1-402. Foreign Fire Insurance Tax Monies Received
- §1-403. Annual Appropriation

Part 5
Attorney's Fees on Municipal Claims

- §1-501. Short Title
- §1-502. Attorney's Fees
- §1-503. Fees Established
- §1-504. Collection of Fees
- §1-505. Notification to Taxpayer
- §1-506. Utilization of Services of the Borough Solicitor
- §1-507. Effective Date
- Appendix 1-A Mailing of Notices

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

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

(Ord. 408, 8/11/2011)

§1-102. Citation of Code of Ordinances.

The Borough of Chalfant 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. 408, 8/11/2011)

§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 identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified by small Roman numerals.

(Ord. 408, 8/11/2011)

§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. 408, 8/11/2011)

§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. 408, 8/11/2011)

§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 of the Borough of Chalfant, 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 of the Borough of Chalfant (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. 408, 8/11/2011)

§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. 408, 8/11/2011)

§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. 408, 8/11/2011)

§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. 408, 8/11/2011)

§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. 408, 8/11/2011)

§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, shall be sentenced to 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.

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 ordinance adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 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.

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. 408, 8/11/2011)

Part 2**Borough Officials****A. Compensation of Council Persons and Mayor****§1-201. Applicability.**

This Part relating to compensation of Borough Councilmen and Mayor shall be applicable to all persons elected to such offices who may be elected or who may serve with terms commencing following the date of the enactment of this Part.

(*Ord. 332, 12/11/1985, §1*)

§1-202. Permissible Salary Based on Population.

It has been established that the population of the Borough of Chalfant at the present time is 1,119 and that salaries are therefore permissible in the amount of \$1,500 per year. Therefore, it is hereby established that the salary of each Borough Councilman and the Mayor to be elected or whose term commences after the passage of this Part shall be in the amount of \$1,500 per year.

(*Ord. 332, 12/11/1985, §2; as amended by Ord. 408, 8/11/2011*)

§1-203. Term of Office.

It is declared that this Part shall govern those persons elected to the office of Borough Councilman and Mayor as of January 1, 1986, and thereafter, and to those who commence to serve a term of office which term commences after January 1, 1986.

(*Ord. 332, 12/11/1985, §3*)

§1-204. Special Provisions.

For those persons who have been elected prior to the passage of this Part, but who shall not take office or commence their terms until after this Part, the following provisions shall apply. The increment in salary over the present rate shall be placed by the Borough in a separate interest bearing escrow account until the rendition of a judicial or Pennsylvania Attorney General opinion approving the applicability of this Part to such persons.

(*Ord. 332, 12/11/1985, §4*)

B. Tax Collector**§1-211. Compensation.**

The total annual compensation for the Borough Real Estate Tax Collector is hereby set at \$2,500 per year. This shall be the total compensation to the real estate tax collector for all duties and services performed for collecting the tax for each calendar year. The real estate tax collector shall not receive any reimbursement for expenses of any nature.

(Ord. 341, 11/9/1988, §1)

§1-212. Effective Date.

This Part shall take effect commencing with the term of the next elected Borough Real Estate Tax Collector commencing January 1, 1990.

(Ord. 341, 11/9/1988, §2)

C. Independent Auditor**§1-221. Appointment of Independent Auditor.**

The Borough Council shall annually, by resolution, before the close of each fiscal year, name and appoint independent auditors for the purpose of conducting an audit of all books and records of the Borough of Chalfant, commencing with the fiscal year 1972 and to continue each year thereafter until this Part be repealed.

(Ord. 276, 8/10/1972, §1)

§1-222. Requirements of Independent Auditors.

Any independent auditors named by the Borough Council of the Borough of Chalfant must be registered certified public accountants or firm of certified public accountants so registered in Pennsylvania, or a competent public accountant or a firm or competent public accountants.

(Ord. 276, 8/10/1972, §2)

§1-223. Powers and Duties.

Said independent auditors shall have the same powers, authorities, and duties as set forth for auditors by the Borough Code.

(Ord. 276, 8/10/1972, §3)

§1-224. Office of Auditor Abolished.

The elected office of Auditor is hereby abolished. It is declared that the Auditors presently elected shall continue in office until their terms shall respectively expire. However, the said Auditors shall not settle, adjust, examine any Borough accounts, but shall only perform any other duties of that particular office.

(Ord. 276, 8/10/1972, §4)

Part 3**Commission, Boards, and Agencies****A. Planning Commission****§1-301. Short Title.**

This Part shall be known as the “Borough Planning Commission Ordinance.”
(*Ord. 252, 12/11/1969, §1*)

§1-302. Creation of Commission.

Pursuant to the authority of the Act of July 31, 1968, P.L. 805, No. 247, Article II, §201 *et seq.*, 53 P.S. §10201 *et seq.*, there is hereby created a Borough Planning Commission consisting of seven members.
(*Ord. 252, 12/11/1969, §2*)

§1-303. Membership of Commission.

All members shall serve without compensation, but shall and may be reimbursed for all reasonable expenses which Council may from time to time authorize. All members shall be appointed by Borough Council for a term of 4 years, or until a successor is appointed and qualified. However, on the first Planning Commission two members shall be named who shall have a 4-year term, two members shall be named who shall have a 3-year term, two members shall be named who shall serve a 2-year term and one member shall be named who shall have a 1 year term.
(*Ord. 252, 12/11/1969, §3*)

§1-304. Residency Requirement; Restrictions.

All members shall be residents of the Borough of Chalfant, and no more than two members of said Commission may at any time be officers, employees, or Councilmen of the Borough of Chalfant.
(*Ord. 252, 12/11/1969, §4*)

§1-305. Powers and Duties.

The duties and powers of said Commission and the control over said Commission by Borough Council shall be in conformance with the laws of the Commonwealth of Pennsylvania as referred to herein as though the same were set forth fully herein.
(*Ord. 252, 12/11/1969, §5*)

Part 4**Firefighters' Relief Association****§1-401. Recognition of Chalfant Volunteer Fire Company Relief Association.**

The Chalfant Volunteer Fire Company Relief Association is recognized as an organization formed for the purpose of maintaining an association for beneficial and protective purposes for its members and their families in case of death, sickness, temporary or permanent disability, or accident from the funds collected therein.

(*Ord. 328, 12/12/1984, §1-301; as amended by Ord. 408, 8/11/2011*)

§1-402. Foreign Fire Insurance Tax Monies Received.

The Chalfant Volunteer Fire Company Relief Association is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(*Ord. 328, 12/12/1984, §1-302; as amended by Ord. 408, 8/11/2011*)

§1-403. Annual Appropriation.

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 72 P.S. §2262 as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

(*Ord. 328, 12/12/1984, §1-303*)

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

This Part shall be known as the "Municipal Claim Collection Ordinance."
(*Ord. 366, 5/8/1996, §1*)

§1-502. Attorney's Fees.

Hereinafter, for every delinquent claim, charge, tax, assessment, levy, or obligation owed to the Borough of Chalfant, there shall be added to such claim, charge, tax, assessment, levy, or obligation such attorney's fees, charges, and expenses incurred in the collection process subsequent to proper notification to taxpayers of the intent to impose attorney's fees on delinquent obligations. Such additional charges shall be collected in addition to such interest and penalties as are allowed by law. They shall further be collected in the same manner and with the full authority as other municipal claims of any nature, and shall be deemed to be a municipal claim and collectible and lienable as such.

(*Ord. 366, 5/8/1996, §2*)

§1-503. Fees Established.

Such fees shall be reasonable and the same are hereby established in a fee rate as shall be established from time to time by resolution of Borough Council. Said schedule of fees is hereby deemed to be reasonable, fair and necessary in order to allow the Borough to collect such sums due it.

(*Ord. 366, 5/8/1996, §3; as amended by Ord. 408, 8/11/2011*)

§1-504. Collection of Fees.

Any person or entity empowered to collect sums on behalf of the Borough is directed to add such fees as are incurred to the extent allowed and set forth, from time to time, by resolution of Borough Council.

(*Ord. 366, 5/8/1996, §4; as amended by Ord. 408, 8/11/2011*)

§1-505. Notification to Taxpayer.

Attorney fees incurred to the extent set forth, from time to time, by resolution of Borough Council, shall be added to all unpaid municipal claims of any nature arising or imposed subsequent to April 15, 1996, or which become delinquent or are redetermined to be delinquent subsequent to April 15, 1996. Prior to the time when such fees are added to any underlying claim, the tax collector shall first give the tax payer such notice as required by law. The tax collector or other collector shall so notify the tax payer by sending such notice to the tax payer's last known address by mailing notices in substantially the forms of notice as are attached as Appendix 1-A in accordance with the Statutes cited herein above.

(*Ord. 366, 5/8/1996, §5; as amended by Ord. 408, 8/11/2011*)

§1-506. Utilization of Services of the Borough Solicitor.

Every collector of taxes or claims on behalf of the Borough is directed and ordered to utilize the services of the Borough solicitor for all legal services required in the prosecution of all taxes or other claims.

(Ord. 366, 5/8/1996, §6)

§1-507. Effective Date.

This Part shall become effective on April 15, 1996.

(Ord. 366, 5/8/1996, §7)

Appendix 1-A

Mailing of Notices

Instructions on Mailing of Notices

The form must be completed in full. All information, including the date of mailing, names, last known addresses, taxing entity, type of tax, years claimed and the sums claimed must be accurate. The 30-day notice must be sent by certified mail. Attach the receipt to our copy of the notice. When the green card is returned, attach it to our copy. If the green card is not returned, or if the notice is returned undelivered for any reason, then send the 10-day notice. It need not be sent by certified mail. Again the person who sends the notice must sign it to verify that it was properly addressed, mailed, and the date of mailing. Our copies of the notices must be retained as proof of the mailing of the notices.

30-DAY NOTICE

Certified Mail, Return Receipt Requested, Postage Prepaid

TO: [Full name of each taxpayer with address.]

FROM THE MUNICIPALITY OF: _____

TYPE(S) OF TAX/CLAIM: _____

YEARS INVOLVED: _____

The purpose of this notice is to apprise the taxpayer(s) named above that the taxes of municipal claims identified herein are now delinquent. It is the intent of the Municipality named above to impose attorney’s fees on you which are incurred in the collection of the above tax. These attorney’s fees will begin to accrue after 30 days have expired from the date of this Notice. You can avoid the imposition of such fees by paying the delinquent account which is identified above. To do so remit payment to the Tax Collector identified at the foot of this Notice. A statement of your account is attached to this Notice.

NAME AND ADDRESS OF TAX COLLECTOR:

DATE OF THIS NOTICE: _____

Signature

10-DAY NOTICE

First Class Mail, Postage Prepaid

TO: [Full name of each taxpayer with address.]

FROM THE MUNICIPALITY OF: _____

TYPE(S) OF TAX/CLAIM: _____

YEARS INVOLVED: _____

The purpose of this notice is to apprise the taxpayer(s) named above that the taxes of municipal claims identified herein are now delinquent. It is the intent of the Municipality named above to impose attorney’s fees on you which are incurred in the collection of the above tax. These attorney’s fees will begin to accrue after 10 days have expired from the date of this Notice. You can avoid the imposition of such fees by paying the delinquent account which is identified above. To do so remit payment to the Tax Collector identified at the foot of this Notice. A statement of your account is attached to this Notice.

NAME AND ADDRESS OF TAX COLLECTOR:

DATE OF THIS NOTICE: _____

Signature

