

Code of Ordinances of the Borough of Cleona

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CODE OF ORDINANCES
of the
BOROUGH OF CLEONA
Lebanon County, Pennsylvania

Published by Authority of the Borough

PENNS VALLEY PUBLISHERS

(A Division of Fry Communications, Inc.)

Mechanicsburg, Pennsylvania

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OFFICIALS
of the
BOROUGH OF CLEONA

County of Lebanon

Pennsylvania

ELECTED OFFICIALS

Mayor - John H. Hartman

BOROUGH COUNCIL

President - Larry Minnich
Vice-President - William O'Connor
- Ellen Burke
- Donald Hopple
- William Bechtel
- Elizabeth Lindsay
- Samuel Wengert, Jr.

Tax Collector - Eleanor Snavelly

APPOINTED OFFICIALS

Manager - Kerry Rohland
Secretary - Kerry Rohland
Treasurer - Kerry Rohland
Solicitor - Colleen Gallo, Esquire
Engineer - Steckbeck Engineering Associates
Auditor - Stanilla, Siegel & Maser, LLC

FOREWORD

History

This comprises the codification of the ordinances of the Borough of Cleona. The Borough of Cleona was incorporated as a Borough on March 25, 1929, from parts of North Cornwall and North Lebanon Townships.

The Code of Ordinances of the Borough of Cleona was prepared by Penns Valley Publishers, a division of Fry Communications, Inc., and adopted by the Borough Council on July 1, 2002 by Ordinance Number 261.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough 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 Key to the disposition of each ordinance ever enacted by the Borough, 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 Key to disposition indicates what action has been taken by the 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 An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix.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 Key. The Key is a cross reference to the original ordinance books of the Borough, and to the location within the Code of each ordinance by number.

ORDINANCE NO 261

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF CLEONA, LEBANON 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 Council hereby ordains:

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

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Chapter 1 Administration and Government
Chapter 2 Animals
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Chapter 5 Code Enforcement [Reserved]
Chapter 6 Conduct
Chapter 7 Fire Prevention and Fire Protection
Chapter 8 Floodplains [Reserved]
Chapter 9 Grading and Excavating [Reserved]
Chapter 10 Health and Safety
Chapter 11 Housing
Chapter 12 Libraries [Reserved]
Chapter 13 Licenses, Permits and General Business Regulations
Chapter 14 Mobile Homes and Mobile Home Parks [Reserved]
Chapter 15 Motor Vehicles and Traffic
Chapter 16 Parks and Recreation
Chapter 17 Planned Residential Development [Reserved]
Chapter 18 Sewers and Sewage Disposal
Chapter 19 Signs [Reserved]
Chapter 20 Solid Waste
Chapter 21 Streets and Sidewalks
Chapter 22 Subdivision and Land Development [Reserved]
Chapter 23 Swimming Pools [Reserved]
Chapter 24 Taxation; Special
Chapter 25 Trees
Chapter 26 Water [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

Key to the 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 Cleona 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 Cleona 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 Cleona 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 Cleona 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

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ord./Res.</u>
Chapter 15, Entire Chapter	Motor Vehicles and Traffic	Res. 12/6/1937; Res. 2/6/1939; Res. 7/1/1946; Res. 12/2/1946; Res. 7/25/1949; Res. 3/10/1952-A; Res. 3/14/1955-B; Res. 6/13/1955-A; Res. 3/12/1956-B; Res. 10/14/1957; Res. 11/11/1957; Res. 110959; Res. 050960; Ord. 17; Ord. 55; Ord. 66; Ord. 71; Ord. 73; Ord. 126; Ord. 130; Ord. 153; Ord. 158; Ord. 159; Ord. 163; Ord. 164;

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ord./Res.</u>
		Ord. 176; Ord. 182; Ord. 185; Ord. 191; Ord. 192; Ord. 201; Ord. 217; Ord. 219; Ord. 221; Ord. 222; Ord. 226; Ord. 237, §§1, 2; Ord. 247, Exh. C(2)

B. Revisions

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ord./Res.</u>
1, Part 1, §101	Planning Commission	68
6, Part 2, §§201-208	Curfew	149
6, Part 3, §§301-304	Discharge of Firearms	165
13, Part 3, §§301-311	Charitable Solicitation	Res. 12390
13, Part 4, §§401-409	Transient Retail Merchants	143
24, Part 1, §§101-105	Per Capita Tax	Res. 080486

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

<u>Chapter,Part,Section</u>	<u>Subject</u>
1, Part 3A, §§301, 302	Volunteer Firemen's Relief Association
3, Part 1, §§101-127	Regulating and Licensing of Bicycles
13, Part 6, §§601-607	Garage and Yard Sales
16, Part 1, §§101, 102	Rules and Regulations for Borough Parks
21, Part 3, §§301-312	Curb and Sidewalk Construction/Reconstruction Specifications
21, Part 5, §§501-510	Prohibiting Street Obstructions

B. Amendments

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ord./Res.</u>
1, Part 6, §602	Police Department; Membership	93, §2
1, Part 6, §603	Police Department; Salaries of Police-men	93, §4
1, Part 6 §604	Police Department; Direction of Mayor	93, §5
1, Part 6, §605	Police Department; Other Rights and Powers of Council	93, §8
4, Part 1, §102	Numbering of Buildings; Specifications	18, §2
4, Part 1, §103	Numbering of Buildings; Designation of North, South, East and West	18, §3
4, Part 1, §105	Numbering of Buildings; Designation of Numbering	18, §5
7, Part 1, §111	Smoke Detectors; Rules and Regulations	Res. 10/5/1992
7, Part 2, §201	Open Burning; Definitions	175, §1
7, Part 2, §203	Open Burning; Regulations	175, §3; 240
11, Part 1, §101	Property Maintenance; Regulations	150, §1
13, Part 1A, §102	Cable Television Ordinance; Definitions	243, §2
13, Part 1A, §103	Cable Television Ordinance; Require a Franchise to Operate	243, §3
13, Part 1A, §107	Cable Television Ordinance; Conditions on Street Occupancy	243, §7
13, Part 1A, §109	Cable Television Ordinance; Payment to Borough	243, §9
13, Part 1A, §111	Cable Television Ordinance; Terms of Franchise	243, §11
13, Part 2, §201	Drop-Off Sites; License Required; Fees	247, Exhibit B
13, Part 5, §501	Utility Poles; Permit to Erect, Move or Replace	166, §1
18, Part 1, §104	Sewer Connections; Rules and Regulations Governing Building Sewers and Connections to Sewers	199-A, Art. IV
18, Part 2, §203	Sewer Rentals and Charges; Computation of Sewer Rentals or Charge	198, §3; 220
18, Part 2, §204	Sewer Rentals and Charges; Time and Method of Payment	198, §4

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ord./Res.</u>
18, Part 2, §205	Sewer Rentals and Charges; Liens for Sewer Rentals; Filing and Collection of Liens	198, §5
18, Part 2, §206	Sewer Rentals and Charges; Access	198, §8
18, Part 2, §208	Sewer Rentals and Charges; Additions to and Changes of Sewer Rentals or Charges; Adoption of Additional Rules and Regulations	198, §10
18, Part 3, §307	Holding Tanks; Exclusiveness of Rights and Privileges	190, §7
20, Part 1, §106	Collection and Disposal of Refuse; Storage Practices	108, §6
20, Part 1, §107	Collection; Disposal of Refuse; Collection Practices	108, §7
21, Part 4, §403	Street Openings; Resurfacing	174, §3
21, Part 4, §404	Street Openings; Maintenance	174, §4
21, Part 4, §405	Street Openings; Permit Fee	174, §5
24, Part 2, §201	Occupational Privilege Tax; Definitions	186, §1
24, Part 2, §202	Occupational Privilege Tax; Levy; Amount of Tax and Exemption	186, §2
24, Part 3, §317	Realty Transfer Tax; Regulations	232, §17

C. Repeals

<u>Chapter,Part,Section</u>	<u>Subject</u>
Res. --/--/----	Dedication of Streets
4	Department of Health
5	Utility Poles
18, §§6, 9	Numbering of Buildings
56, §3	Repair and Construction of Sidewalks and Curbs
75	Subdivision and Land Development
92	Recreation Board
93, §§3, 6, 7	Police Department
94	Department of Health
Res. 4/13/1959	Department of Health

<u>Chapter,Part,Section</u>	<u>Subject</u>
160	Littering
172	Recycling Collection Tax
177	Compensation of Borough Officials
189	Recycling Collection Tax
200	Sewer Connections
212	Sewer Connections
233, §4	Storage of Motor Vehicles
236	Recycling Collection Tax

Section 6. Land Use Amendments. The Borough of Cleona Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapter 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:

<u>Chapter,Part,Section</u>	<u>Subject</u>
27, 16, §1603	Zoning; Jurisdiction
27, 18, §1606	Zoning; Time Limitations
27, 21, §2102	Zoning; Procedure for Landowner Curative Amendments
27, 21, §2103	Zoning; Procedure for Borough Curative Amendments
27, 24, §2401	Zoning; Enforcement Notice
27, 24, §2402	Zoning; Causes of Action

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

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ord./Res.</u>
27, 1, §101	Zoning; Definitions	206, Art. 1
27, 5, §503	Zoning; Special Exceptions	206, §5.03
27, 10, §1015	Zoning; Floodplains; Definitions	206; 208, Art. 3
27, 11, §1110	Zoning; Water Supply and Sewage Facilities Required	206, §10.09

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ord./Res.</u>
27, 15, §1501	Zoning; Appointment and Powers of Zoning Officer	206, §14.01
27, 16, §1601	Zoning; Zoning Hearing Board	206, §15.01
27, 16, §1602	Zoning; Hearings	206, §15.02
27, 16, §1604	Zoning; Parties Appellant Before the Board	206, Art. 17
27, 16, §1605	Zoning; Stay of Proceedings	206, §15.03
27, 17, §1701	Zoning; Special Exceptions	206, §16.02
27, 17, §1702	Zoning; Variances	206, §16.03
27, 21, §2101	Zoning; Enactment of Zoning Ordinance Amendments	206, Art. 20
27, 24, §2403	Zoning; Enforcement Remedies	206, Art. 23

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

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ord./Res.</u>
None		

Section 7. 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:

<u>Chapter,Part,Section</u>	<u>Short Title</u>
None	

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Borough 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 ____, Part ____, Section ____, Subsection ____ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter ____, Part ____, Section ____, Subsection ____ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter ____, Part ____, Section ____, Subsection ____ is hereby repealed in its entirety."

Section 10. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough 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 Cleona 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. Whosoever shall violate this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs or, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of the Borough Council 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 1st day of July, 2002.

BOROUGH OF CLEONA

By /s/ Alan Graves
Council President

ATTEST:

/s/ Cara Fisher
Borough Secretary

APPROVED THIS 1st day of July, 2002.

By /s/ John H. Hartman
Mayor

CLEONA BOROUGH

FEE RESOLUTION NO. 7-1-02

A resolution establishing fees for the filing of applications, permits and licenses for the Borough of Cleona;

WHEREAS, the Borough Council of the Borough of Cleona has adopted a codification, consolidation and revision of the ordinances of the Borough; and,

WHEREAS, it is the desire of the Borough Council of the Borough of Cleona to eliminate all filing fees, permit fees and license fees from the Code of Ordinances and enact them instead by resolution; and,

NOW, THEREFORE BE IT RESOLVED THAT and it is hereby resolved by the Borough Council of the Borough of Cleona that all fees are hereby fixed as follows:

SUBJECT	FEES
BICYCLE LICENSE	\$1.00
CAT LICENSE	\$3.00/neutered/spayed \$5.00 all others \$1.75 senior citizens (must be 65 years of age) neutered/spayed \$2.75 senior citizens all others
DROP-OFF SITE LICENSE FEE	\$100.00
GARBAGE COLLECTORS LICENSING	\$50.00
OFFICE FEES	
-- Bad checks	\$20.00
-- Police reports (insurance)	\$15.00
-- Fingerprinting (Borough residents free, except as part of criminal court costs)	\$10.00
-- Borough maps	\$1.00
-- Xerox copies	\$0.50/page
-- Fax transmissions	
-- Send	\$3.50 long distance first page \$2.50 local first page \$1.00 additional pages

--	Receive	\$2.00 first page \$1.00 additional pages
	OPEN BURNING PERMIT	\$5.00
	SANITATION PERMIT	\$50.00 per year
	SEWAGE ADMINISTRATION	
--	The Borough of Cleona has approved the Sewage Administration Fees, and the same are on file at the Lebanon County Planning Department and are administered by Lebanon County Planning.	
	SEWAGE PERMIT	\$35.00 plus \$400.00 per EDU (Cleona Borough) plus \$600.00 per EDU (City of Lebanon) plus Legal fees
	SEWERS	
-	Tapping fees	\$400.00
-	Inspection of connection	\$60.00
-	City of Lebanon capacity fee	\$600.00
-	Pumping station capacity fee	\$750.00
	SHADE TREE REMOVAL	\$5.00 each
	SIDEWALK/CURB CONSTRUCTION PERMIT	\$10.00 plus \$15.00 (one inspection) plus engineer costs (if new construction)
--	Curb area street excavation	\$10.00 plus \$30.00 for 2 inspections
--	All additional inspections (Sidewalk/curb/street)	\$15.00
	SIDEWALK/GARAGE SALES, ETC.	2 free per year \$10.00 each additional
	STREET EXCAVATION PERMIT	
--	Utilities	\$10.00
--	Private and Business	\$100.00 (includes 2

inspections and bonding)

TRANSIENT RETAIL MERCHANTS; PEDDLER'S PERMIT

\$2.00 per day
\$15.00 per month
\$50.00 per year

UTILITY POLES

-- Adding or moving utility pole

\$10.00

ZONING

-- The Borough of Cleona has approved the Zoning Fees, and the same are on file at the Lebanon County Planning Department and are administered by Lebanon County Planning.

RESOLVED THIS 1st day of July, 2002.

BOROUGH OF CLEONA

By: /s/ Alan E. Graves
President of Council

ATTEST:

/s/ Cara Fisher
Borough Secretary

