

ARTICLE 101
Codified Ordinances

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CROSS REFERENCES

Codification of ordinances - see 3rd Class Charter Law §609 (53 P. S. §41609); 3rd Class §1014.1 (53 P. S. §36014.1)
Introduction and enactment of legislation in Council - see ADM. 115.01 et seq.

101.01 CODIFICATION ADOPTED; PROCEDURE.

(a) The ordinances of the City of York, Pennsylvania of a general and permanent nature, consolidated and codified with minor nonsubstantive changes as attached hereto and made a part hereof are hereby ordained as the general ordinances of the City, and are hereby approved, adopted and enacted as the "Codified Ordinances of York, Pennsylvania, 1977. "

(b) This ordinance shall be introduced in Council, notice of introduction shall be published, and legal advertisement of the contents of the Codified Ordinances shall be made in conformity with the Third Class City Code subsections 1014.1(b) and (c) of 1951 P. L. 662 as amended by 1957 P.L. 631.

101.02 COMPONENT CODES; SHORT TITLE; CITATION.

The Codified Ordinances of York, Pennsylvania, shall be comprised of the following component parts:

Part One - Administrative Code

Part Three - Business Regulation and Taxation Code

Part Five - Traffic Code

Part Seven - General Offenses Code

Part Nine - Streets, Utilities and Public Services Code

Part Eleven - Health and Sanitation Code

Part Thirteen - Planning and Zoning Code

Part Fifteen - Fire Prevention Code

Part Seventeen - Building and Housing Code

The Codified Ordinances of York, Pennsylvania, may be referred to as the "Codified Ordinances"; any component Code of the Codified Ordinances may be referred to by its name, such as the "Traffic Code", and sections of the Codified Ordinances may be cited by their number, such as Section 101.01.

101.03 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Codified Ordinances of York, Pennsylvania, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances, shall be understood and construed as including the Codified Ordinances of York, Pennsylvania, and any and all such amendments and supplements. Failure of an ordinance to refer to the codification shall not render such ordinance invalid or ineffective.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each code shall be subdivided into titles; each title shall be subdivided into articles; and each article shall be subdivided into sections which shall be numbered in accordance with the decimal numbering system. The numbering of all sections except the penalty sections shall be consecutive within each article commencing with the first section of Article 101, which shall be numbered 101.01, the first "1" signifying Code 1, the two figures "01" before the decimal signifying the article within the Code, and the two figures "01" after the decimal signifying the first section in Article 101 of the Code. Penalty sections shall be designated "99" and shall be the last section of the article.

101.04 INTERPRETATION.

In the construction of the Codified Ordinances the following rules shall control, except those inconsistent with the manifest intent of Council as disclosed in a particular provision, section or article:

(a) "Adopting Ordinance" means the ordinance of the City adopting the Codified Ordinances of York, Pennsylvania, in conformity with The Third Class City Code of Pennsylvania, and this Article 101.

- (b) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate unless contrary to law or to the clear intent of any such particular provision.
- (c) Calendar-Computation of Time. The terms "month" and "year" shall mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day except if the last be Sunday or holiday it shall be excluded. If time is expressed in hours the whole of Sunday shall be excluded.
- (d) "City" and "Municipality" mean the City of York, Pennsylvania.
- (e) Conjunctions. "And" includes "or" and "or" includes "and" if the sense so requires.
- (f) "Council" means Council of the City of York, Pennsylvania.
- (g) "County" means the County of York, Pennsylvania.
- (h) "Fire Department" means the Bureau of Fire of the City.
- (i) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- (j) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of language. However, technical words and phrases and such others as may have acquired a special meaning in the law, shall be construed according to such technical or special meaning.
- (k) Joint Authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof unless otherwise specifically provided.
- (l) "Keeper" or "proprietor" include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- (m) "Land" or "real estate" include rights and easements of incorporeal nature.
- (n) Number. Words in the plural include the singular and the singular includes the plural number.
- (o) "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath.
- (p) "Owner" when applied to property includes a part owner, joint owner or tenant in common, of the whole or any part of such property.
- (q) "Person" extends to and includes associations, clubs, corporations, firms, partnerships and bodies politic, as well as to individuals.
- (r) "Police Department" means the Bureau of Police of the City.
- (s) "Premises" when used as applicable to property extends to and includes land and buildings.
- (t) "Property" includes real and personal, and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property. "Real property" includes lands, tenements and hereditaments.
- (u) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a "reasonable time", it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or giving of such notice.

- (v) "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- (w) "State" or "Commonwealth" means the Commonwealth of Pennsylvania.
- (x) "Street" includes highways, alleys, avenues, boulevards, lanes, roads, streets and other public ways in the City.
- (y) "Tenant" or "occupant" as applied to building or land extends and includes any person holding a written or oral lease or who occupies the whole or any part of a building or land, alone or with others.
- (z) **Tenses.** The use of any verb in the present tense shall include the future.
- (aa) "Third Class City Code" means the Pennsylvania Act of June 28, 1951, P. L. 662, as amended. The sections of the Third Class City Code may be cited herein as "3rd Class Section."
- (bb) "Written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.
- (cc) "Municipal election" means that election required by the Constitution of Pennsylvania to be held in odd-numbered years.
- (dd) "Charter Law" means the Optional Third Class City Charter Law, Act of July 15, 1957, P.L. 901 (53 P.S. §41101 et seq.)

101.05 TIME EXPIRATION FOR ACTION.

Whenever any time established by the Codified Ordinances for the taking of any action expires on a Sunday or any legal holiday, such time shall not expire on such day but shall expire on the next work day.

101.06 SEPARABILITY OF PROVISIONS.

(a) Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections or parts of a section so held to be invalid.

(b) Should any decision by a court of competent jurisdiction render this codification or the Act of 1957, July 10, P. L. 631, Section 1 (the enabling legislation by the authority of which this codification has been compiled and adopted) invalid or unconstitutional, it is hereby declared to be the legislative intent of Council that the body of the ordinances of the City of York as originally adopted shall be and remain in full force and effect to the same extent as they would be had this codification not been adopted.

101.07 REPEALS AND ORDINANCES NOT REPEALED.

All ordinances or parts of ordinances in conflict with the Codified Ordinances of York, Pennsylvania, are hereby repealed, provided, however, that such repeal shall not affect:

- (a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the Codified Ordinances.
- (b) Any ordinance promising or guaranteeing the payment of money by or to the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness, or any contract or obligation assumed by the City.
- (c) The administrative ordinances or resolutions of Council not in conflict or inconsistent with the provisions of the Codified Ordinances.
- (d) Any right, license or franchise conferred by any ordinance of Council on any person, firm or corporation.
- (e) Any ordinance establishing, naming, relocating or vacating any street or alley.
- (f) Any ordinance or part thereof providing for salaries or compensation.
- (g) Any ordinance levying or imposing taxes or assessments.
- (h) All ordinances in the process of adoption or subsequently adopted after the effective date of the Codified Ordinances.

101.08 CLASSIFICATION OF OFFENSES.

Unless stated otherwise, the violation of any ordinance provision shall be classified a summary offense if the violation of the offense provides a maximum ninety days imprisonment, maximum three hundred dollar (\$300.00) fine or both such maximums.

101.99 GENERAL PENALTY.

(a) Whenever in the Codified Ordinances an act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances the doing of any act is required or the failure to do any act is declared to be unlawful, and where no specific penalty is provided for such act or failure to act, the violator may be proceeded against under this section.

(b) Such violator shall, upon conviction in a summary proceeding, be fined not more than one thousand dollars (\$1,000) for each and every offense, together with costs of prosecution, to be collected as other fines and costs are by law collectible, and, in default of payment thereof, shall be imprisoned for not more than ninety days, or both.

(c) This section and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to equitable or other remedies as may otherwise be available, with or without process of law.
(Ord. 1-2009. Passed 1-6-09.)