

The Code of Ordinances of the Borough of Montgomery

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CODE OF ORDINANCES
of the
BOROUGH OF MONTGOMERY
PENNSYLVANIA

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FOREWORD

This volume, The Code of Ordinances of the Borough of Montgomery, takes into account all ordinances enacted by the Borough through December 12, 1995. It supersedes the first Code of Ordinances, that published in 1963, and successively updated approximately every two years, the final update, that of October 21, 1968.

The Codification of 1963

The Borough of Montgomery was incorporated March 21, 1887. Ordinance No. 1 was enacted on May 23 of that year. As required by law, it was recorded by the Borough Secretary in what became known as the first Ordinance Book. Ordinances continued to be numbered, generally in consecutive order, through Ordinance 198, which was approved February 6, 1956. With the recording of that ordinance, the capacity of Ordinance Book No. 1 was exhausted and a new Ordinance Book was required.

The second Ordinance Book was designated Volume 2, and ordinances were numbered consecutively, beginning with Ordinance No. 1, Volume 2, and ending with Ordinance 40, Volume 2, enacted and approved December 19, 1962.

Preparation of the first Code of Ordinances was the responsibility of Elizabeth Smedley, who found that there were gaps in the first Ordinance Book for certain years. Accordingly, in preparing the original Code of Ordinances, all of the Minutes of Council were read, so as to be certain that no ordinance of permanent importance had been enacted but not recorded. Had that been the case, such ordinances would have been reenacted in connection with the codification. It was found, however, that some numbers had never been assigned to any ordinance; that certain ordinances had been enacted without having been given a number; and that a few numbered ordinances had never been recorded; hence, were legally null and void. All of the latter, however, were ordinances that were not of permanent interest of effect. Therefore, there was no need to reenact any of them at that time. All told, between May 23, 1887 and December 19, 1962, the Borough had enacted a total of 232 properly recorded and valid ordinances.

In the preparation of the original Code of Ordinances, all of those 232 ordinances were considered. Each was carefully analyzed and compared with State law, court decisions, and later enactments on the same subject. Each was further considered in the light of modern needs and conditions.

Following the completion of the research, a meeting was held on November 19, 1962, attended by all the members of Council, the Mayor, the Solicitor, and the Borough Secretary. At that meeting, all of the recommendations of the codifier as to amendment, repeal or revision of existing ordinances and further changes were decided upon by the Borough officials. These changes were incorporated into the suggestions of the codifier. As a result, it was recommended that 56 ordinances be repealed in full and two in part. Nine ordinances were recommended for amendment and twelve new ordinances were drawn up to cover subjects not adequately covered in existing ordinances. Among these was a complete new ordinance on traffic and parking. In addition, the National Building Code, Abbreviated Edition, and the Fire Prevention Code, Abbreviated Edition, as recommended by the National Board of Fire Underwriters, were adopted by reference.

chapters or sections. Meanwhile, the Borough was enacting additional new ordinances that had to be fit into the Code.

All of this was pointed out to the Borough Officials who authorized the codifier to proceed with further recommendations. It resulted in a 125-page document, prepared by the codifier, dealing with the explaining changes and additions that were needed. It included sixteen new ordinances to be enacted by the Borough.

This material was studied by Borough officials over the years, finally enacted by the Borough on December 12, 1995. The concluding one was Ordinance 1995-21. Ordinance 1995-22, previously enacted, is the final ordinance in this Code. Altogether, from the date of original incorporation, the Borough had enacted a total of almost 500 valid ordinances.

How to Use the Code of Ordinances

The codification is arranged in chapters, according to subject. At the beginning of each chapter is a table of contents, facilitating a quick examination of the material in the chapter. Following the codification of all the active, general ordinances is the Appendix, in which are listed, generally by title only, those ordinances that are no longer of general interest, but are of historical or special interest. Many of these have had a permanent effect on the Borough. These include ordinances on agreements and contracts, annexation of territory, bond issues, particular streets and sidewalks, and the annual tax levy.

A Key to the Disposition of All Ordinances, following the Appendix, lists in chronological order all ordinances enacted by the Borough, and all resolutions and detailed rules and regulations considered in the preparation of this Code. The Key indicates for each its location in the Code, or accounts for its omission by the fact of its repeal.

A particularly useful feature of this work is the detailed Index at the end of the volume. In a matter of seconds, any provision of any ordinance can be located. Each Borough officer can quickly find all ordinances pertaining to his office, merely by referring to the Index under the name of his office.

Another advantage of the codification is that it is designed to be kept up to date for many years to come. At the end of each chapter and subdivision, section numbers have been reserved for new ordinances. Since the volume is in loose-leaf form, with blank spaces reserved to correspond to the reserved sections, new provisions can be inserted without difficulty. Since ordinances are affected, however, not only by later ordinances but also by changes in the law, by later court decisions, and by changes in everyday life in the Borough, it is recommended that the Borough regularly authorize updating this Code, preferably at one-year or two-year intervals.

During the progress of the work, the Borough officials, particularly Robert C. Wise, Borough Solicitor, and the successive managers, Fred G. Pfeiffer, and John D. Lynch, Sr., Members of Council showed interest in the work, and spent many hours studying the material prepared by the codifier prior to action by the entire body.

All references to Department of Environmental Resources in this book now refer to the Department of Environmental Protection (DEP) which was established while work on this book was under way.

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