

Code of Ordinances of the Borough of Lewisberry

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Code of Ordinances
of the
Borough of Lewisberry
York County, Pennsylvania

Published by Authority of the Borough

Adopted by *Ord. 2007-2*, 12/17/2007

Revised and Supplemented through:
Supplement II; December 6, 2010

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Supplement I; September 8, 2009

Supplement II; December 6, 2010

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Officials
of the
Borough of Lewisberry
County of York
Pennsylvania

ELECTED OFFICIALS

Mayor - Matthew Kiner

Borough Council

President	-	David Raugh
Vice-President	-	Sandra Griffith
	-	Ed Farr
	-	Nora Sowers
	-	Dan Soltis
	-	Mary R. Pelton
	-	Mark Keener
Tax Collector	-	Patricia Gordon

APPOINTED OFFICIALS

Manager	-	Mary Ellen Banks
Zoning Officer	-	Jerrith Shultz
Solicitor	-	Daley, Zucker, Meilton, Miner & Gingrich
Engineer	-	Gordon L. Brown & Associates
Auditors	-	Waggoner, Fruitiger & Daub

FOREWORD

*History*¹

Early Settlers

The Bennetts Run Valley was settled by Irish and German Quakers in the 1730's, and the name of the original Quaker settler is preserved in the name of Bennetts Run. Bennetts Run is a major stream that drains this valley bottom. When the Quakers first entered this area, it was still occupied by Indians with whom the early settlers remained on peaceful terms. Other English-speaking people soon followed the Quakers, and the Borough of Lewisberry became the focal point of the valley.

Eli Lewis, born in the valley in 1750, opened a store on the present site of the Borough just before the Revolution. After the war, Major Lewis continued his mercantile business, and the store became the center of interest in the valley. By 1783, he owned 850 acres of land, six houses, and a store. In 1798, Major Eli Lewis obtained the services of a surveyor who surveyed 12 acres of Lewis's land and laid it out into lots for purposes of building a town that would be called "Lewisberry." The six houses belonging to Major Lewis were included in the plans of the town. A number of lots were immediately sold and houses were built. Local carpenters, masons, and plasterers constructed the buildings of local lumber, brick, and sandstone. In 1815, another survey was conducted and 128 lots that were 50 feet wide and 198 feet deep became available for sale. Streets running east and west on the plot were named Front, Second, Third, Fourth, and Fifth. Market Street extended north and south through the center of the plot. Two streets ran parallel to Market Street and were named North Street and South Street. A Market Square was planned at the intersection of Market Street and Third Street, but this area of the town developed slowly and unevenly and the Square was never constructed.

There were 32 blocks in the original town and each was divided into four lots. Lewisberry lots were sold for 6 pounds, English, or about \$36 each. The town with a population of about 200 persons was incorporated as Lewisberry Borough in 1832 and became the third oldest borough in York County. Now, it is the second oldest in the County as York Borough is now a city. By 1860, more than 50 homes and business places had been built and the Borough had a population of 243 persons. Businesses included two physicians, a wagon maker, a hotel, a teacher, a surveyor, and two stores.

Although the Borough never increased rapidly in population, the stores did a considerable amount of business. However, when the Northern Central Railroad was constructed from York to Harrisburg, towns along that line attracted trade as they could transport their manufactured goods cheaper and easier than the more isolated areas. Lewisberry had thus reached the height of its prosperity between 1830 and 1860.

Commerce and Industry

The central place functions of Lewisberry were basically the services that it offered to the agricultural hinterland, the most important being a large flour mill built in 1785 and operated by John Harmon on the west end of the Borough. At the flour mill business, which was trade and barter, prospered.

¹Editor's Note: Adapted from "Lewisberry History" as found at <http://www.lewisberryborough.org>. Used with permission.

In addition to the agricultural services, several home industries that produced such things as pottery, clocks, coffee grinders, kitchen implements, matches, and window sash springs catered to the local trade. As early as 1760, flintlock guns, muskets, and rifles were made by gunsmiths in small shops along Bennetts Run. When the Revolution came along, the Committee of Safety for York County engaged these gunsmiths to manufacture old flintlocks for the American Army. Military analysts say these guns played a big part in helping the Americans win their independence as they could fire a ball of lead farther and more accurately than the British guns.

There were quite a few men in the Lewisberry area that manufactured coffee mills or grinders as they are commonly called. During the 1800s, some of the makers signed their grinders and others did not. The most notable makers were: William Hammond, H. R. Kreiger, Andrew Shetter, George Shetter, John and Isaac Frazer, and Joseph Potts. All of the signed mills were printed in gold leaf until the Shetter's (who where the most prolific makers) obtained a patent in 1881 for their adjustable grinding mechanism. It was then that the Shetter's started applying paper labels on the front of their mills above the drawer. The most common was the S&B No. 4. Others were signed S&B, A. No. 1. and S&B No. 2. As of now, there are no known labels signed S&B No. 3. The S&B on the labels signify Shetter and Brothers. Why the different labels? It is a mystery because the mills are all basically the same. All of the wooden mills made in Lewisberry with the exception of the Potts mill, which is the earliest, have the distinctive groove cut into the top part of the drawer front. This was done starting with the early Kreiger and Hammond mills and continued with the Shettters through the last quarter of the 19th century. The Frazer mills of course did not have any wooden parts as they were made of cast and pounded iron.

Another important business was the manufacture of block brimstone matches that began about 1835. The matches were known as "barn burners" and were formed on a block of pine wood. An 1860 map of Lewisberry shows two such businesses; one on the Bennetts Run side of Front Street across from South Street and another along North Street.

Also manufactured in the 1800's were window sash springs. Harvey Hammond obtained a patent for his window springs in 1837. In 1838, they were installed in the White House in Washington, D.C. By 1844, Hammond was producing 30,000 – 40,000 window springs annually. W. S. Hammond took over the business in later years and continued producing window springs through the 1890's. These springs are still in use in many of the older homes in the Lewisberry area and elsewhere.

Other items of interest in the history of Lewisberry include the establishment of the Methodist Church. In 1781, a traveling Methodist missionary visited the area. He preached at a home in the Borough, and the first congregation then organized in a stone building at the corner of Front and Market Streets. Eli Lewis later donated land to the congregation, and a stone church was built in 1811. The church which was used until 1856 was located where the Red Land Community Center is now located. A new facility was then constructed, on the present day site of the Lewisberry United Methodist Church in 1860. The original one and one half story brick church still in use has had several additions.

The first post office was established on November 29, 1815, with Jacob Kirk as postmaster. The facility was named the Lewisberry Post Office on May 16, 1821. A newspaper was started in the Borough in 1835. The paper was devoted to printing agricultural news and items of interest. The paper was short lived. The first Sunday school was established in the Borough's village schoolhouse in 1818. The school

operated for 10 years then was discontinued. It reorganized in 1832 and was attended by teachers and scholars of various denominations until 1853. Much of the town's social life centered around the school. Shortly after Lewisberry Borough was founded, it was said that a schoolhouse was built a short distance above the Borough. Lewisberry became the center of educational interest in the northern portion of York County. Library societies for the intellectual improvement of the young people of Lewisberry and the local vicinity were organized as early as 1800. These societies played an important role in the intellectual development of the Borough. Lewisberry along with Fairview and Newberry Townships were among the first municipalities to accept provisions of a law which established the present day free school system by act of the Pennsylvania Legislature passed in 1834. The first village schoolhouse continued to be used until a brick school building was constructed in 1856. It was built on the north end of what is known as the Lewisberry Commons. This building housed the elementary school on the first floor and a 3-year high school on the second floor. Today, this facility houses the Annie E. Sterline Library.

Presently, the population of Lewisberry Borough is approximately 380. The Borough is primarily residential with a few small businesses in operation. There are approximately 8-10 undeveloped building lots left in the Borough.

The Code of Ordinances of the Borough of Lewisberry was prepared by Keystate Publishers, Inc., and adopted by the Borough of Lewisberry Borough Council on December 17, 2007, by *Ord. 2007-2*.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough of Lewisberry 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 to the disposition of each ordinance ever enacted by the Borough of Lewisberry, 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 to disposition indicates what action has been taken by the Borough of Lewisberry 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. The Table is a cross reference to the original ordinance books of the Borough of Lewisberry, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 2007-2

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF LEWISBERRY, YORK 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 Lewisberry hereby ordains:

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

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Chapter 2 Animals
Chapter 3 [Reserved]
Chapter 4 [Reserved]
Chapter 5 Code Enforcement
Chapter 6 Conduct
Chapter 7 Fire Prevention and Fire Protection
Chapter 8 Floodplains
Chapter 9 [Reserved]
Chapter 10 Health and Safety
Chapter 11 Housing
Chapter 12 [Reserved]
Chapter 13 Licenses, Permits and General Business Regulations
Chapter 14 Mobile Homes and Mobile Home Parks
Chapter 15 Motor Vehicles and Traffic
Chapter 16 [Reserved]
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 [Reserved]
Chapter 24 [Reserved]
Chapter 25 [Reserved]
Chapter 26 [Reserved]
Chapter 27 Zoning

APPENDIX

A Annexation of Territory

- B Debt and Bond Issues
- 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 to the Disposition of All Ordinances
 Table to the Disposition of Significant Resolutions

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 Lewisberry 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 Lewisberry 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 Lewisberry 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 Lewisberry 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
15, Entire Chapter	Motor Vehicles and Traffic	1943-1, 1957-1, 1986-5, 1990-2, 1996-1, 1999-3, 2000-1, 2001-2

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
§§1-501–1-506	Fire Loss Insurance Proceeds Escrow
15, Entire Chapter	Motor Vehicles and Traffic

B. *Amendments.*

Section	Subject	Ordinance No., Section
§1-301	Title	2002-1, §1
§1-303	Purpose and Findings	2002-1, §3
§1-304	Authority for Tax Collector to Charge \$10 per Tax Certification and/or Duplicate Tax Bill Issued	2002-1, §4
§2-104	Penalties	1985-3, §4
§5-205	Rates for Zoning/Use Permit Applications	2004-2, §5
§6-102	Penalties	1974-4, §2
§6-203	Violator to Be Taken Into Custody; Penalty	1974-5, §3
§6-205	Proof of Age	1974-5, §5
§7-104	Smoke Detector Requirement	1998-3, §4
§7-106	Enforcement	1998-3, §6
§8-102	Applicability	4-82, §1.01
§8-201	Zoning/Use Permits Required	4-82, §2.00
§8-202	Issuance of Zoning/Use Permit	4-82, §2.01
§8-203	Application Procedures and Requirements	4-82, §2.02
§8-204	Review by County Conservation District	4-82, §2.03
§8-205	Review of Application by Others	4-82, §2.04
§8-206	Changes	4-82, §2.05
§8-207	Placards	4-82, §2.06
§8-208	Start of Construction	4-82, §2.07
§8-209	Inspection and Revocation	4-82, §2.08
§8-210	Fees	4-82, §2.09
§8-211	Enforcement	4-82, §2.10

Section	Subject	Ordinance No., Section
§8-212	Appeals	4-82, §2.011
§8-401	Special Floodway and Stream Setback Requirements	4-82, §4.02
§8-402	Design and Construction Standards	4-82, §4.03
§8-403	Development Which May Endanger Human Life	4-82, §4.04
§10-106	Penalty	1989-2, §6
§10-204	Abatement of Nuisances	1986-6, §4
§10-205	Penalty for Violation	1986-6, §5
§10-306	Penalties	1969-1, §VI
§10-403	Penalties	2006-2, §3
§11-105	Penalties	1987-2, §5
§11-203	Numbers of Buildings	1982-1, §3
§11-204	Violation; Fine	1982-1, §4
§13-105	Business License	2000-4, §5
§13-106	Adoption of a Minimum Plumbing Code	2000-4, §7
§13-111	Penalties	2000-4, §12
§13-204	Violation; Notice and Penalty	1985-2, §4
§14-107	Establishing or Operating Any Trailer Park	1967-1, §7
§14-108	Application for a Permit	1967-1, §8
§14-109	Investigation Required	1967-1, §9
§14-110	Change of Ownership or Management	1967-1, §10
§14-111	Permit Shall Not Be Transferable to a Different Location	1967-1, §11
§14-112	Renewal of Permit	1967-1, §12
§14-127	Duty of the Mayor	1967-1, §27
§14-128	Penalties	1967-1, §28
§18-111	Issuance of Certificate of Availability of Sewer	1986-2, §11
§18-113	Penalty for Violation	1986-2, §13
§20-104	Collection Practices	1972-1, §4
§20-105	Authorization of Refuse Collectors	1972-1, §5
§20-107	Disposal of Refuse	1972-1, §7

Section	Subject	Ordinance No., Section
§20-108	Penalties	1972-1, §8; 1986-4, §1
§20-109	Charges Imposed; Billing and Collection Thereof	1972-1; 1974-1, §10; 1986-4, §1
§21-107	Application Fee	1990-3; 1992-2, §8
§21-108	Penalties	1990-3; 1992-2, §9

C. *Repeals.*

Ord./Res.	Subject
	[Reserved]

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 Lewisberry 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:

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
§22-103	Required Improvements	1979-1, §3
§22-104	Design and Construction Standards	1979-1, §4
§22-105	Plans to be Filed; Fee and Deposit	1979-1, §5
§27-203	Specific Words and Phrases	6/6/1988, §203; 2005-1, §1
§27-305	Historic Zone (H)	6/6/1988, §305
§27-306	Floodplain Zones; Floodway (FW), Flood Fringe (FF), General Floodplain (FA)	6/6/1988 §306

Section	Subject	Ordinance No., Section
§27-413	Drainage	6/6/1988, §413
§27-503	Variances	6/6/1988, §503
§27-504	Special Exceptions	6/6/1988, §504
§27-607	Convalescent Home, Nursing Home or Hospital	6/6/1988, §607
§27-620	Laundry, Dry Cleaning Establishment	6/6/1988, §620
§27-621	Light Industry	6/6/1988, §621
§27-622	Medical Clinic	6/6/1988, §622
§27-624	Mobile Home Park	6/6/1988, §624
§27-630	Personal Care Boarding Home	6/6/1988, §630
§27-637	Vehicle Washing Facility	6/6/1988, §637
§27-701	Permits	6/6/1988, §701
§27-702	Erroneous Permit	6/6/1988, §702
§27-703	Enforcement; Zoning Officer	6/6/1988, §703
§27-707	Appeals	6/6/1988, §707
§27-710	Enforcement Notice	6/6/1988
§27-711	Enforcement Remedies	6/6/1988

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 Lewisberry 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 Lewisberry 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 Lewisberry 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 Lewisberry. 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 Lewisberry 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 17 day of December, 2007.

ATTEST:

Borough of Lewisberry

/s/ Cathy M. Hughes
Secretary

/s/ Robert E. Griffith
President, Borough Council

APPROVED this 17 day of December, 2007.

/s/ Matthew A. Kine
Mayor

Fee Resolution

A resolution establishing fees for the filing of applications, permits and licenses for the Borough of Lewisberry.

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

WHEREAS, it is the desire of the Borough Council of the Borough of Lewisberry 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 Lewisberry that all fees are hereby fixed as follows:

Subject	Fees
Administrative	
Copies	
8 X 11	\$.25/page
8 X 14	\$.25/page
oversized plans and other documents	Actual cost
Certifying a document	\$3/certification
Converting an electronic document to paper	\$.25/page
Electronically transferring or faxing a document	\$2
Postage	Actual cost
If the estimated cost of fulfilling a request is more \$100, Borough may require prepayment.	
If the request takes the staff longer than 1 hour to complete, then Borough will bill the requester at a rate of \$15 per hour for each additional hour.	
Borough Park	
Pavilion rental	\$15/resident
	\$25/nonresident
Building rental	\$50/resident + \$100 deposit
	\$100/nonresident + \$100 deposit
Business License Fee	\$20/year
Nuisances, Abatement of	§10-204
Administrative expenses	\$25

Subject	Fees	
Trailers and Trailer Park		
Establishing and operating	§14-107	
application fee to cover costs of the services		\$20
Expiration date of permit	§14-112	
application renewal fee		\$5
Refuse		
Refuse collection service (effective December 1, 2009)	§20-109	\$14 per month [Res. 2009-5]
Street Excavation		
	§21-107	
Application Fee		\$40
Tax Collector		
Tax certification		\$10
Duplicate tax bill issued		\$10 for each
Zoning		
Hearing application fee		\$500
Use permit	§§5-205, 8-210	
application rate		\$35
proposed projects		
each additional \$1,000 or part thereof		\$1 increments
Example for fee calculation:		
Estimated cost	\$5,000	
Initial fee	\$35	
Additional assessment	\$4	
Applicant to file, Total	\$39	

(Res. 12/17/2007; as amended by Res. 2009-5, 11/2/2009)