

Chapter 1

Administration and Government

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

The short title of this Code of Ordinances prepared and published for Shrewsbury Township shall be the "Shrewsbury Township Code of Ordinances."

(Ord. 2008-02, 8/6/2008)

§1-102. Citation of Code of Ordinances.

The Shrewsbury Township 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. 2008-02, 8/6/2008)

§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 lowercase letters enclosed within parentheses.
 - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
 - F. Items, identified by lowercase letters followed by a parenthesis.
 - G. Subitems, identified small Roman numerals.

(Ord. 2008-02, 8/6/2008)

§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. 2008-02, 8/6/2008)

§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. 2008-02, 8/6/2008)

§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 Shrewsbury Township, it is the intention of the Board of Supervisors that no ordinance or regulation of the Township be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Board of Supervisors of Shrewsbury Township (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Board of Supervisors. Such "resolutions" are included herein for ease of reference and the Board of Supervisors 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 Board of Supervisors that such actions of the Board of Supervisors 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. 2008-02, 8/6/2008)

§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. 2008-02, 8/6/2008)

§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 unites, 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. 2008-02, 8/6/2008)

§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 Board of Supervisors.

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 Board of Supervisors 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 Board of Supervisors 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 Board of Supervisors 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. 2008-02, 8/6/2008)

§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 Board of Supervisors.

(Ord. 2008-02, 8/6/2008)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Township 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 in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated 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 ordinances adopted under the authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more that \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

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 Township 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. 2008-02, 8/6/2008)

Part 2**Commissions and Boards****A. Planning Commission****§1-201. Creation of Planning Commission.**

There is hereby created and established a Township Planning Commission to consist of five members to be appointed by the Board of Supervisors of Shrewsbury Township, York County, Pennsylvania. The terms of said members of the commission shall be for 4 years except that the terms of members first appointed following this amendment shall be so fixed that two members shall be appointed for a term of 1 year, two members shall be appointed for a term of 2 years, two members shall be appointed for a term of 3 years, and one member shall be appointed for a term of 4 years. Following the expiration of any term, the member shall be reappointed or someone else appointed in his place for a term of 4 years.

(Ord. 00-05, 4/5/2000, §1; as amended by Ord. 02-12, 5/1/2002)

§1-202. Powers and Duties.

The Planning Commission shall have the powers and duties as set forth in Section §209.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10209.1.

(Ord. 00-05, 4/5/2000, §2)

§1-203. Election.

The Planning Commission shall annually elect its own chairman and vice-chairman and fill such other offices as it may determine.

(Ord. 00-05, 4/5/2000, §3)

§1-204. Rules and Regulations.

The Planning Commission may make and alter bylaws and rules and regulations to govern its procedures as may be consistent with the ordinances of the Township and the laws of the Commonwealth of Pennsylvania.

(Ord. 00-05, 4/5/2000, §4)

B. Environmental Advisory Council**§1-211. Environmental Advisory Council.**

1. An advisory council, to be known as the “Shrewsbury Township Environmental Advisory Council” is hereby created and shall continue to function until this Part is repealed.

2. The Environmental Advisory Council shall comprise a maximum of seven residents of Shrewsbury Township, one of whom shall also be a member of the Shrewsbury Township Planning Commission.

3. Members of the Environmental Advisory Council (henceforth “Council”) shall serve for a term of 3 years except that the initial appointments shall be so staggered that approximately one-third of the membership shall expire each year, and the terms of their successors shall be 3 years each. For the initial appointments, three terms shall expire on December 31, 2005, two terms shall expire on December 31, 2006, and two terms shall expire on December 31, 2007. Members may resign at any time with written notice to the Shrewsbury Township Board of Supervisors (henceforth “Board”).

4. The Board shall make all appointments to the Council. Members of the Council shall serve at the pleasure of the Board. The Board may remove a member with or without a recommendation of the other members for malfeasance, misfeasance or nonfeasance. Failure to attend either three consecutive regularly scheduled meetings or five regularly scheduled meetings during a 12-month period shall constitute nonfeasance.

5. Members of the Council shall receive no compensation for their services but they may be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties as permitted by law, provided that the expenses have the prior approval of the Board. Members shall be subject to Township’s ethics policy.

6. The Environmental Advisory Council shall have the following specific powers:

A. To identify environmental problems and recommend plans and programs to the Board for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within Shrewsbury Township, consistent with the Township Comprehensive Plan.

B. At the request of the Board of Supervisors, to make recommendations as to the possible use or preservation of open land areas within Shrewsbury Township by creating and carrying out an open-space plan in coordination with the York County Planning Commission and York County’s open-space plan.

C. To develop community environmental education awareness programs for Township residents.

D. To work with schools and environmental groups such as the Southern York County School District and the Pennsylvania Environmental Advisory Council, in enhancing community environmental education programs.

E. To maintain an index of all open space and environmentally sensitive areas, publicly or privately owned including, but not limited to, flood-prone areas, swamps and other unique natural areas and, as directed by the Board, review plans, conduct site visits and prepare reports for Township officials.

F. To consult with the Pennsylvania Department of Environmental

Protection, the Department of Conservation and Natural Resources, the United States Environmental Protection Agency, environmental advisory councils in neighboring municipalities and any other appropriate County, State and Federal agencies and non-governmental organizations on environmental issues affecting Shrewsbury Township.

G. Seek funds for its projects through grants, gifts or approved fund-raising activities.

H. Maintain representation to multi-municipal environmental advisory councils or similar groups at the direction of the Board.

I. To perform any other duties assigned to it by the Board.

7. The Board shall select the Council chairperson and the Council shall select its own vice-chairperson, treasurer and secretary annually.

8. The Council shall meet as directed by the Board.

9. A majority of the Council shall constitute a quorum (50 percent in the case of an even number of members). An affirmative vote of a majority of the entire Council at a public meeting is necessary in order to transact any business.

10. The Council shall keep written minutes of its meetings and records of its activities and shall make an annual report to the Board, which shall be made available to the public. Minutes of each meeting shall be forwarded to the Township office, Supervisors and Planning Commissioners.

11. The Board may appropriate funds for the expenses incurred by the Council in accordance with an annual budget. Appropriations may be expended for such administrative, clerical, printing, engineering, planning and legal services as may from time to time be required and approved by the Board and shall be within the limits of the annual budget.

12. The Council shall maintain membership in the EAC Network.

(Ord. 2005-04, 1/12/2005)

Part 3**Fees and Charges****A. Tax Certification Fees****§1-301. Fees Established.**

The Township hereby appoints the Tax Collector elected to collect the taxes for the Township as the Township officer authorized to provide tax certifications upon request by the public, and further authorizes said Tax Collector to assess, collect, and retain as compensation for such additional services a fee of \$10 per certification.

(Ord. 92-5, 4/1/1992; as amended by Ord. 01-17, 12/5/2001)

B. Attorneys Fees**§1-311. Collection.**

Attorney's fees incurred on behalf of Shrewsbury Township in the collection or enforcement of any delinquent account or other charge or obligation due to the Township shall be charged to the owner, occupant or user of the property or service giving rise to the tax or obligation forming the basis of the delinquent account, and shall be assessed as part of the municipal claim or lien for the same, at the rate of \$130 dollars per hour.

(Ord. 2003-04, 2/15/2003, §1)

Part 4**Fire Insurance Proceeds****§1-401. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter “insurer”) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within Shrewsbury Township, York County, Pennsylvania where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Treasurer of Shrewsbury Township with a certificate pursuant to §508(b) of the Insurance Company Law of 1921 as amended by Act 98 of 1992 and Act 93 of 1994 (collectively the “Act”) and unless there is compliance with the procedures set forth in §508(c) and 508(d) of the Act, 40 P.S. §638.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property (“municipal claims”), or there are expenses which the Township has incurred as costs for removal, repair or securing of a building or other structure on the property (collectively “municipal expenses”), the Secretary of the Township shall immediately render a bill for such work, if not already done. Upon written request of the named insured specifying the description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer of the Township shall furnish a certificate within 14 days after the request to the insurer either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

C. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to paragraph .A of this subsection, the insurer shall transfer to the Secretary of the Township an amount from the insurance proceeds sufficient to pay said sums prior to making payment to the named insured, subject to the provisions of subsection .3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection .2 of this Section or when the Township Treasurer has issued a certificate described in subsection .2.A, indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Township Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.

B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Township, a contractor’s signed

estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Secretary of Shrewsbury Township from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro-rated basis by all insurers insuring the building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds the Secretary of Shrewsbury Township, York County, Pennsylvania, shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Township to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Township in connection with such removal, repair or securing or any proceedings related thereto.

(2) Mail to the named insured at the address received from the insurer a notice that the proceeds have been received by the Township and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to Shrewsbury Township a contractor signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Township Secretary shall, if such estimates are deemed by the Township Secretary to be reasonable, return to the insured the amount of the funds transferred to Shrewsbury Township in excess of that amount required to pay the municipal expenses; provided, however, that the Township has not commenced to remove, repair or secure the building or other structure, in which case the Township will complete the work.

(4) Pay to the Secretary of the Township for reimbursement to the Township General Fund, the amount of the municipal expenses paid by the Township.

(5) Pay the remaining balance in the fund without interest to the named insured upon receipt of a certificate issued by the Township Secretary that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Township.

(6) Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the Township codes or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Township may deem responsible.

(Ord. 2005-06, 6/1/2005, §1)

§1-402. Limits of Liability.

Nothing in this Part shall be construed to make an insurance company, association

or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make the Township or any public official of the Township an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

(Ord. 2005-06, 6/1/2005, §2)

§1-403. Insurance Company Rights Reserved.

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structural removal liens or removal expenses incurred by Shrewsbury Township shall have full benefit of such payment including all rights of subrogation and of assignment.

(Ord. 2005-06, 6/1/2005, §3)

§1-404. Construction.

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

(Ord. 2005-06, 6/1/2005, §4)

§1-405. Notification of Pennsylvania Department of Community and Economic Development.

The Secretary of Shrewsbury Township shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

(Ord. 2005-06, 6/1/2005, §5)

§1-406. Penalty.

Any owner of property, any named insured or insurer who violates the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay 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 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2005-06, 6/1/2005, §6; as amended by Ord. 2008-02, 8/6/2008)

