

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 Frazer Township shall be the "Frazer Township Code of Ordinances."

(Ord. 137, 7/5/2005)

§1-102. Citation of Code of Ordinances.

The Frazer 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. 137, 7/5/2005)

§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 lower case 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. Subitem, identified by small Roman numerals.

(Ord. 137, 7/5/2005)

§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. 137, 7/5/2005)

§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. 137, 7/5/2005)

§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.*, as amended, shall be applied in construing this Code. In particular, §1937 of the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1937, shall be applied such that a reference in this Code to a statute or to a regulation issued by a public body or by a public officer includes the statute or regulation with all amendments and supplements thereto and any new statute or regulation substituted for such statute or regulation, as in force at the time of application of the provision of this Code in which such reference is made, unless the specific language or the context of the reference in the provision clearly includes only the statute or regulation as in force on the effective date of the provision of this Code in which such reference is made.

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 Frazer 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 Frazer 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.*, as amended, 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. 137, 7/5/2005)

§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. 137, 7/5/2005)

§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 5.A 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 5.A and Sections in that Part would be numbered, for instance, "§5-5A01." A new Section introduced between existing Sections 5 and 6 would be "§5-105.A." 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. 137, 7/5/2005)

§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.

§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. 137, 7/5/2005)

§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, or fails to comply therewith, or with any of the requirements thereof, 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 Procedures, shall be sentenced to pay a fine of not more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist or for each Section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer.

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.*, as amended), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, and earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, as amended, should provide, generally:

(1) Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, 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 Procedures, shall be sentenced to pay a fine of not more than \$600 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist or for each Section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer.

C. *Notice of Violation.* Whenever in this Code or any ordinance of the

Township service of notice of violation is required then the following sentence shall be deemed inserted into the penalty provision:

(1) The initial determination of ordinance violation and the service of any required notice of violation are hereby delegated to the Township Secretary, the Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Township Secretary or the Board of Supervisors shall deem appropriate.

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. 137, 7/5/2005)

§1-112. Definitions.

For purposes of this Code, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the context:

Board of Supervisors - the Board of Supervisors of Frazer Township.

Code - Frazer Township Code of Ordinances, as amended.

Person - any natural person, partnership, corporation, association or organization.

Police Department - same as Responsible Police Department.

Responsible Police Department - the Police Department authorized by Part 4 of Chapter 1 to provide police protection and law enforcement services within the Township.

Township - Frazer Township.

Township Code Official/Building Inspector - the Code Official/Building Inspector, Code Enforcement Officer, Zoning Officer, and/or Building Code Official duly appointed by the Board of Supervisors, his authorized designee and/or the authorized designee of the Board of Supervisors.

Township Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania duly appointed by the Board of Supervisors to serve as the engineer of the Township, and/or his authorized designee.

Township Planning Commission - the Planning Commission of Frazer Township.

Township Secretary - the Secretary of Frazer Township, his authorized designee and/or the authorized designee of the Board of Supervisors.

Township Roadmaster - the Township official or employee appointed by the Board of Supervisors to be in charge of the Township Road Department and the highway operations in the Township, his authorized designee and/or the authorized designee of the Board of Supervisors.

Township Treasurer - the Treasurer of Frazer Township, his authorized designee and/or the authorized designee of the Board of Supervisors.

Zoning Hearing Board - the Zoning Hearing Board of Frazer Township.
(Ord. 137, 7/5/2005)

Part 2**Board of Supervisors****§1-201. Compensation.**

Township Supervisors shall receive compensation in the amount of \$100 per meeting attended, payable out of the Township's general fund. In no event shall total compensation exceed the amount set forth in the Second Class Township Code, 53 P.S. §65101 *et seq.*, as amended.

(*Ord. 106, 12/29/1999*)

§1-202. Responsibilities of Chairperson of Board of Supervisors.

1. The Chairperson of the Board of Supervisors, and during his absence or incapacity, the Vice Chairperson, shall preside over the meetings of the Board of Supervisors and shall perform such other duties as are prescribed by the Pennsylvania Second Class Township Code, 53 P.S. §65101 *et seq.*, as amended, or by ordinance.

2. Whenever any action of the Board of Supervisors shall result in the enactment of an ordinance or resolution, the Chairperson shall be responsible for executing the same along with an attestation by the Township Secretary.

3. Whenever any action of the Board of Supervisors shall result in a specific written contract or agreement, such contract or agreement shall be executed on behalf of the Township by the Chairperson of the Board of Supervisors along with an attestation by the Township Secretary.

(*Ord. 137, 7/5/2005*)

Part 3**Financial Security****§1-301. Applicability.**

All financial security [Chapter 1, Part 3] required by this Code including, but not limited to, surety bonds, corporate bonds and letters of credit shall comply with the regulations of this Part.

(Ord. 137, 7/5/2005)

§1-302. Surety Bonds.

The following requirements shall apply to any surety bond provided to the Township under the requirements of this Code:

A. The bond shall be obtained from a surety incorporated in the United States and authorized to do business in the Commonwealth of Pennsylvania.

B. The surety shall have a current A.M. Best's rating of no less than "A" and an underwriting capacity as stated in Best's equal to or greater than the amount of the bond written by that surety or, in the alternative, be listed on the current United States Department of the Treasury's annual list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in the Federal Register and have an underwriting capacity in said list equal to or greater than the amount of the bond written by that surety.

(Ord. 137, 7/5/2005)

§1-303. Letters of Credit.

The following requirements shall apply to any letter of credit provided to the Township under the requirements of this Code:

A. The letter of credit shall be issued by a Federal or Commonwealth chartered lending institution having an office located within 30 miles of the boundaries of Frazer Township at which a draft on site can be presented during regular business hours.

B. The letter of credit shall have an expiration date of no earlier than 90 days after the required completion date of any improvements or other secured work, function, permit or matter. The Township, at its discretion, may accept a letter of credit having an earlier expiration date, provided the letter of credit states that it will automatically be renewed for a period of at least one year from any present or future expiration date unless the Township receives notice in writing from the issuer at least 60 days prior to the expiration date that the issuer elects to not further extend the letter of credit, and that if such notices are given the Township may draw on the letter of credit up to the amount of its unused balance on or before the relevant expiration date.

C. Multiple draws on the letter of credit shall be permitted.

D. Draws shall be permitted at sight at the issuer's office in a location as set

forth in paragraph .A, or by overnight mail.

(Ord. 137, 7/5/2005)

§1-304. Review and Approval by Township Solicitor.

All financial security [Chapter 1, Part 3] provided to the Township by an applicant or other person pursuant to the requirements of this Code shall be subject to review and approval by the Township Solicitor with respect to the form, source and sufficiency of the same.

(Ord. 137, 7/5/2005)

Part 4**Police Department****§1-401. Creation of Police Department.**

The Frazer Township Police Department (the "Police Department") is hereby created and established in order to provide police protection and law enforcement services for the Township and to preserve and protect the health, safety and welfare of the Township's residents and the public at large. The Police Department may also be known as and referred to as the "Responsible Police Department," for purposes of this Code of Ordinances.

(Ord. 148, 6/3/2008, §1)

§1-402. Powers and Authority of Police Department.

Pursuant to §1903 of the Second Class Township Code, 53 P.S. §66903, as amended, the police officers of the Police Department shall have all the powers, duties and authority conferred by law on police officers in the Township.

(Ord. 148, 6/3/2008, §1)

§1-403. Police Chief.

1. The Board of Supervisors shall appoint and employ a Police Chief who shall be responsible for supervising the day-to-day operations and activities of the Police Department and shall have direct supervision of the police officers in the Police Department, subject to the direction and supervision of the Board of Supervisors. During a vacancy in the Police Chief position, the Police Board may delegate all or a portion of the duties and responsibilities of the Police Chief to a police officer of the Police Department.

2. The Police Chief shall be responsible for promulgating, revising and maintaining standard operating procedures for the Police Department, subject to the prior approval of the Board of Supervisors.

(Ord. 148, 6/3/2008, §1)

§1-404. Police Officers.

1. The Board of Supervisors shall appoint and employ police officers of the Police Department.

2. The conduct of all police officers of the Police Department shall be in accordance with the Police Department's standard operating procedures referenced in §1-403.2 of this Part, and all other ordinances, resolutions, policies, rules and regulations established by the Board of Supervisors.

3. No police officer of the Police Department, including the Police Chief, shall engage or participate in any political or election campaign other than to exercise his own right of suffrage.

(Ord. 148, 6/3/2008, §1)

§1-405. Warrantless Arrests.

The police officers of the Police Department are authorized to arrest without a warrant in the Township pursuant to 42 Pa.C.S. §8902, as amended, and as follows:

A. The police officers of the Police Department are authorized to arrest without a warrant in the Township for any of the offenses set forth in 42 Pa.C.S. §8902(a)(1), as amended, including, but limited to:

- (1) 18 Pa.C.S. §5503, as amended (relating to disorderly conduct).
- (2) 18 Pa.C.S. §5505, as amended (relating to public drunkenness).
- (3) 18 Pa.C.S. §5507, as amended (relating to obstructing highways and other public passages).
- (4) 18 Pa.C.S. §6308, as amended (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

B. When a police officer of the Police Department makes a warrantless arrest under 42 Pa.C.S. §8902, as amended, the police officer shall consult, and follow the procedures in Rule 441 of the Pennsylvania Rules of Criminal Procedure, Pa.R.Crim.P. 441, as amended.

C. Prior to making a warrantless arrest under 42 Pa.C.S. §8902, as amended, the police officer of the Police Department shall ensure that the following requirements contained in the statute are satisfied:

- (1) That probable cause exists that the arrestee has committed one of the listed summary offenses.
- (2) That the arrestee's conduct is ongoing.
- (3) That the conduct constituting the summary offense is upon the police officer's view.
- (4) That the conduct imperils the personal security of any person (including the arrestee) or endangers public or private property.

(Ord. 148, 6/3/2008, §1)

Part 5**Fees for Township Services****§1-501. Establishment.**

The Board of Supervisors may, by resolution adopted from time to time, establish a schedule of fees as shall be necessary to cover the costs associated with Township services and the collection of Township accounts and expenditures.

(Ord. 137, 7/5/2005)

