

PART I

**ADMINISTRATIVE
LEGISLATION**

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code

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| <p>§ 1-1. Approval, adoption and enactment of Code.</p> <p>§ 1-2. Effect of Code on previous provisions.</p> <p>§ 1-3. Repeal of ordinances not contained in Code.</p> <p>§ 1-4. Ordinances saved from repeal; matters not affected by repeal.</p> <p>§ 1-5. Inclusion of new legislation prior to adoption of Code.</p> <p>§ 1-6. Changes and revisions in previously adopted ordinances.</p> <p>§ 1-7. Interpretation of provisions.</p> | <p>§ 1-8. Titles and headings; editor's notes.</p> <p>§ 1-9. Filing of copies of Code.</p> <p>§ 1-10. Amendments to Code.</p> <p>§ 1-11. Code books to be kept up-to-date.</p> <p>§ 1-12. Publication of notices.</p> <p>§ 1-13. Altering or tampering with Code; penalties for violation.</p> <p>§ 1-14. Severability.</p> <p>§ 1-15. Effective date.</p> |
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ARTICLE II
General Penalty

- § 1-16. Violations and Penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville: Art. I, 3-3-1997 by Ord. No. 370; Art. II, at time of adoption of Code 3-3-1997 by Ord. No. 370 (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 3-3-1997 by Ord. No. 370]

Be it enacted and ordained by the Borough Council of the Borough of Montoursville, County of Lycoming, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1008(b) of the Borough Code [53 P.S. § 46008(b)], the codification of a complete body of ordinances and resolutions for the Borough of Montoursville, County of Lycoming, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, Articles and sections by General Code Publishers Corp., and consisting of Chapters 1 through 158, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Montoursville, which shall be known and is hereby designated as the "Code of the Borough of Montoursville," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Montoursville, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of ordinances not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Borough of Montoursville and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to January 15, 1996.
- B. Any right or liability established, accrued or incurred under any legislative provision of the borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the borough or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the borough.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the borough or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the borough or other instruments or evidence of the borough's indebtedness.

- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the borough.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the borough or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance relating to vehicles and traffic.
- S. Any ordinance relating to parks and recreation areas.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted ordinances.

- A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Borough Council that all such changes be adopted as

part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

- B. Substantive changes and revisions. In addition to the changes and revisions described above, the changes and revisions of a substantive nature as set forth in Schedule A attached hereto and made a part hereof are hereby made to various ordinances and resolutions included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.¹

§ 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copies of Code.

Three copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Borough Secretary, as provided by law,

¹ Editor's Note: In accordance with § 1-6B, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) March 3, 1997." Schedule A, which contains a complete description of all changes, is on file in the borough offices.

and such certified copies shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all ordinances and resolutions adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances or resolutions are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the borough. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the borough to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$600, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 30 days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after March 3, 1997.

ARTICLE II**General Penalty**

[Adopted 3-3-1997 by Ord. No. 370]

§ 1-16. Violations and penalties.

- A. For a violation of any provision of any chapter of Part II of this Code, or any other ordinance of the borough where no specific penalty is provided regarding the section violated, the maximum penalty shall, upon conviction, be a fine not exceeding \$600, plus costs of prosecution and, in default of payment of such fines and costs, imprisonment for a period not exceeding 30 days.
- B. Except as otherwise provided, each and every day in which a violation of any provision of any chapter of Part II of this Code or of any other ordinance of the borough exists shall constitute a separate violation.

Chapter 4

AUDITOR

§ 4-1. Appointment.

§ 4-3. Compensation.

§ 4-2. Office abolished.

§ 4-4. Right to abolish office reserved.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 12-30-1993 as Ord. No. 353. Amendments noted where applicable.]

§ 4-1. Appointment.

The Borough Council of the Borough of Montoursville shall, by resolution adopted annually before the commencement of a fiscal year, appoint an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or competent firm of public accountants to audit, for such fiscal year, the accounts, records and all other evidences of financial transactions of the Borough of Montoursville and file a report thereof with the Borough Council. The independent auditor shall perform all other duties and exercise such powers as required of, or conferred upon him, by law.

§ 4-2. Office abolished.

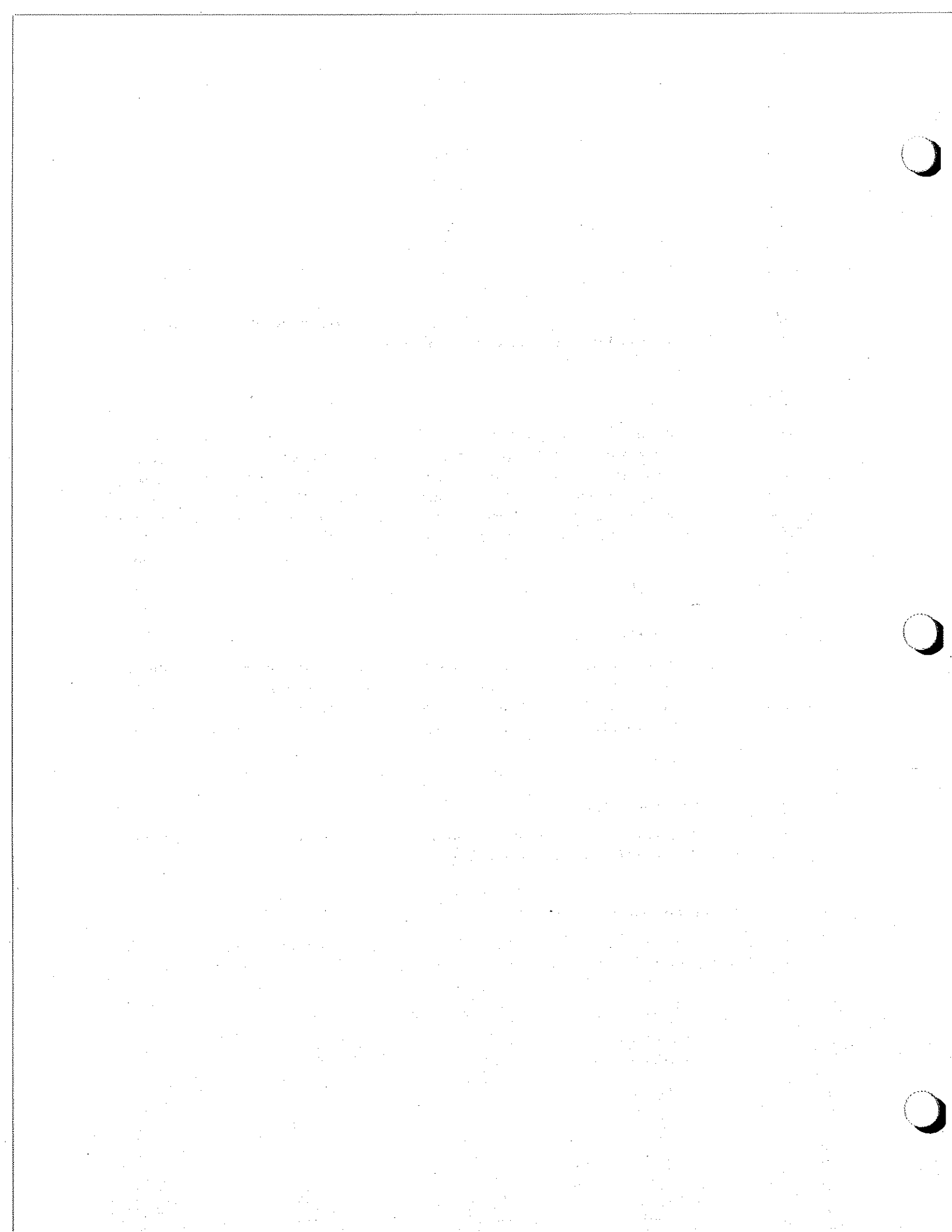
Upon appointment of an independent auditor as provided for in § 4-1 of this chapter, the office of elected auditor is hereby abolished; however, the elected auditors now in office shall continue to hold such office for the term for which elected, and shall perform all duties of their office, except that they shall not audit, settle or adjust accounts audited by such independent auditor.

§ 4-3. Compensation.

The resolution appointing an independent auditor shall state the compensation, if any, to be paid from the Borough of Montoursville's funds for said services.

§ 4-4. Right to abolish office reserved.

The Borough Council hereby reserves the right at any time to repeal this chapter, thereupon abolishing the office of appointed auditor, and to reestablish the office of elected auditor.



Chapter 10
CIVIL SERVICE COMMISSION

§ 10-1. Creation.

§ 10-2. Composition.

§ 10-3. Appointment and term of Commissioners.

§ 10-4. Powers and duties.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 1-6-1975 as Ord. No. 240. Amendments noted where applicable.]

§ 10-1. Creation.

There is hereby created in the Borough of Montoursville the Montoursville Civil Service Commission.

§ 10-2. Composition.

The Commission shall consist of three (3) Commissioners who shall be qualified electors of the borough.

§ 10-3. Appointment and term of Commissioners.

The Commissioners shall be appointed by the Borough Council to serve, initially, for the terms of two (2), four (4) and six (6) years, and as terms thereafter expire, to serve for terms of six (6) years.

§ 10-4. Powers and duties.

The Commission shall exercise the powers and be subject to the duties as set forth in the provisions of the Borough Code relating to Civil Service Commissions.¹

¹ Editor's Note: See 53 P.S. §46172.



Chapter 15
DRUG TASK FORCE

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| § 15-1. Intent to participate. | § 15-6. Purpose; objectives. |
| § 15-2. Intergovernmental activities. | § 15-7. Financing of agreement. |
| § 15-3. Utilization of police services. | § 15-8. Organizational structure. |
| § 15-4. Establishment of procedures. | § 15-9. Disposition of property. |
| § 15-5. Duration of agreement. | § 15-10. Responsibility for employees. |

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 1-21-1991 as Ord. No. 341. Amendments noted where applicable.]

§ 15-1. Intent to participate.

The Borough of Montoursville has evidenced its intent to participate in the Municipal Drug Task Force activities in cooperation with the Commonwealth's Office of Attorney General, designed to interdict the illegal use and trafficking of narcotics and other illegal drugs within its municipal boundaries, as well as within the boundaries of nearby communities.

§ 15-2. Intergovernmental activities.

This agreement may include intergovernmental cooperative activities with adjacent and nearby municipal governments as part of a regional effort to interdict illegal drug activities.

§ 15-3. Utilization of police services.

The Borough of Montoursville shall utilize the services of its police force, both full-time as well as part-time, under the conditions set forth in the agreement and in compliance with the Municipal Police Jurisdiction Act, 42 Pa.C.S.A. § 8953.

§ 15-4. Establishment of procedures.

The Borough of Montoursville shall establish, pursuant to the terms of the agreement which is attached hereto and incorporated as a part of this chapter, appropriate procedures to comply with all relevant provisions of the agreement and relevant regulations, direction and guidance from the Office of the Attorney General.

§ 15-5. Duration of agreement.

The terms of the agreement shall commence immediately, and may be terminated at any time upon thirty (30) days written notice.

§ 15-6. Purpose; objectives.

The purpose and objectives of the agreement include region-wide coordination of municipal police activities in an effort to combat illegal narcotics and drug trafficking.

§ 15-7. Financing of agreement.

The agreement shall be financed with the assistance of funds supplied by the Office of the Attorney General of the Commonwealth of Pennsylvania.

§ 15-8. Organizational structure.

The organizational structure necessary to implement the terms of this agreement shall be covered by directives, procedures and guidance from the Office of the Attorney General and other area police departments.

§ 15-9. Disposition of property.

All property, real or personal, acquired, managed or disposed of pursuant to this agreement shall be in accordance with both the terms of the agreement as well as the directives, procedures and guidance of the Office of the Attorney General.

§ 15-10. Responsibility for employees.

The municipality shall retain responsibility for the management, control and direction of its employees with assistance, financial or otherwise, from the Office of the Attorney General.

Chapter 17

EMERGENCY OPERATIONS PLAN

§ 17-1. Adoption of plan.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 8-2-2010 by Res. No. 2010-07. Amendments noted where applicable.]

§ 17-1. Adoption of plan.

The Council of Montoursville Borough does hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Montoursville Borough.¹ This plan shall be reviewed every two years to make certain that it conforms with the requirements of the Lycoming County Emergency Operations Guidelines.

1. Editor's Note: Said plan is on file in the Borough offices.



Chapter 23

ATTORNEY FEES

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| § 23-1. Establishment of procedures. | § 23-4. Authority. |
| § 23-2. Schedule of fees. | § 23-5. When effective. |
| § 23-3. Collection procedures; notices. | |

[HISTORY: Adopted by the Borough of Montoursville 6-16-1997 by Ord. No. 371. Amendments noted where applicable.]

§ 23-1. Establishment of procedures.

The borough hereby approves the statement of collection procedures for delinquent unpaid taxes, user charges and other items covered by the Municipal Claims Act ("accounts").¹

§ 23-2. Schedule of fees.

- A. The borough hereby approves attorney fees in an amount equal to the Solicitor's regular hourly charge for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for services provided in accordance with the principles set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act").²
- B. There shall be added to the attorney fees the reasonable out-of-pocket expenses of counsel in connection with each of these services, as itemized in the applicable counsel bills, which shall be deemed to be part of the fees.
- C. The amount of fees determined as set forth above shall be added to the borough's claim in each account.

§ 23-3. Collection procedures; notices.

The following collection procedures are hereby established in accordance with Act No. 1:

- A. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of an account, the borough shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the "account debtor").
- B. If, within 30 days after mailing the notice in accordance with Subsection A, the certified mail to any account debtor is refused or unclaimed or the return receipt is not received,

¹ Editor's Note: See 53 P.S. § 7101 et seq.

² Editor's Note: See 53 P.S. § 7101 et seq.

then at least 10 days prior to the assessing or imposing such attorney fees, the borough shall mail or cause to be mailed, by first class mail, a second notice to such account debtor.

- C. All notices required by this chapter shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the borough, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.
- D. Each notice as described above shall include the following:
- (1) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;
 - (2) A statement of the borough's intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within 10 days after the mailing of the second notice;
 - (3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and
 - (4) The place of payment for accounts and the name and telephone number of the borough official designated as responsible for collection matters.

§ 23-4. Authority.

The proper officials of the borough are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this chapter.

§ 23-5. When effective.

This chapter shall be effective immediately.

Chapter 25
PENSIONS

ARTICLE I
Police Pension Plan

§ 25-2. Enactment of plan.

§ 25-1. Repealer.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Police Pension Plan
[Adopted 1-21-2002 by Ord. No. 389]

§ 25-1. Repealer.

Sections 25-1 through 25-21 of Article I of Chapter 25¹ are hereby repealed with respect to benefits accruing on or after this amendment and restatement effective date, and all previous ordinances or resolutions relating to the plan's trust funds with an effective date prior to the adoption date of this amendment and restatement of the trust are hereby repealed.

§ 25-2. Enactment of plan.

The Borough of Montoursville hereby enacts the attached Amendment and Restatement of the Borough of Montoursville Police Pension Plan.² The President of the Borough Council is hereby appointed as the Chief Administrative Officer of the Plan. The First Union National Bank, is the agent of the employer and is authorized and directed to execute the attached amendment and restatement of the plan and the attached amendment and restatement of the trust. The First Union National Bank is hereby confirmed as the trustee of the trust.

¹ Editor's Note: Sections 25-1 through 25-21 of Art. I of Ch. 25 were adopted 6-18-1973 by Ord. No. 234, as amended.

² Editor's Note: Said Amendment and Restatement of the Borough of Montoursville Police Pension Plan is on file in the Borough offices.



Chapter 29

PLANNING COMMISSION

§ 29-1. Planning Commission recreated.

§ 29-3. Method of conducting business.

§ 29-2. Membership.

§ 29-4. Powers and duties.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 5-7-1973 by Ord. No. 233. Amendments noted where applicable.]

§ 29-1. Planning Commission recreated.

The Montoursville Planning Commission is hereby recreated pursuant to the provisions of the Pennsylvania Municipalities Planning Code.¹

§ 29-2. Membership. [Amended 3-3-1997 by Ord. No. 370; 8-21-2003 by Ord. No. 396]

The Commission shall be composed of five members, at least three of which shall not be officers or employees of the Borough. The members of the Commission, to be appointed by the Council, shall be appointed for a term of four years, or until the member's successor is appointed and qualified, and terms of office shall be fixed so that the terms of no more than two members shall expire in any given calendar year. The Chairman of the Commission shall promptly notify Council of any vacancies, and such vacancy shall be filled for the unexpired term.

§ 29-3. Method of conducting business.

The Commission shall conduct its business pursuant to the provisions of the Pennsylvania Municipalities Planning Code.²

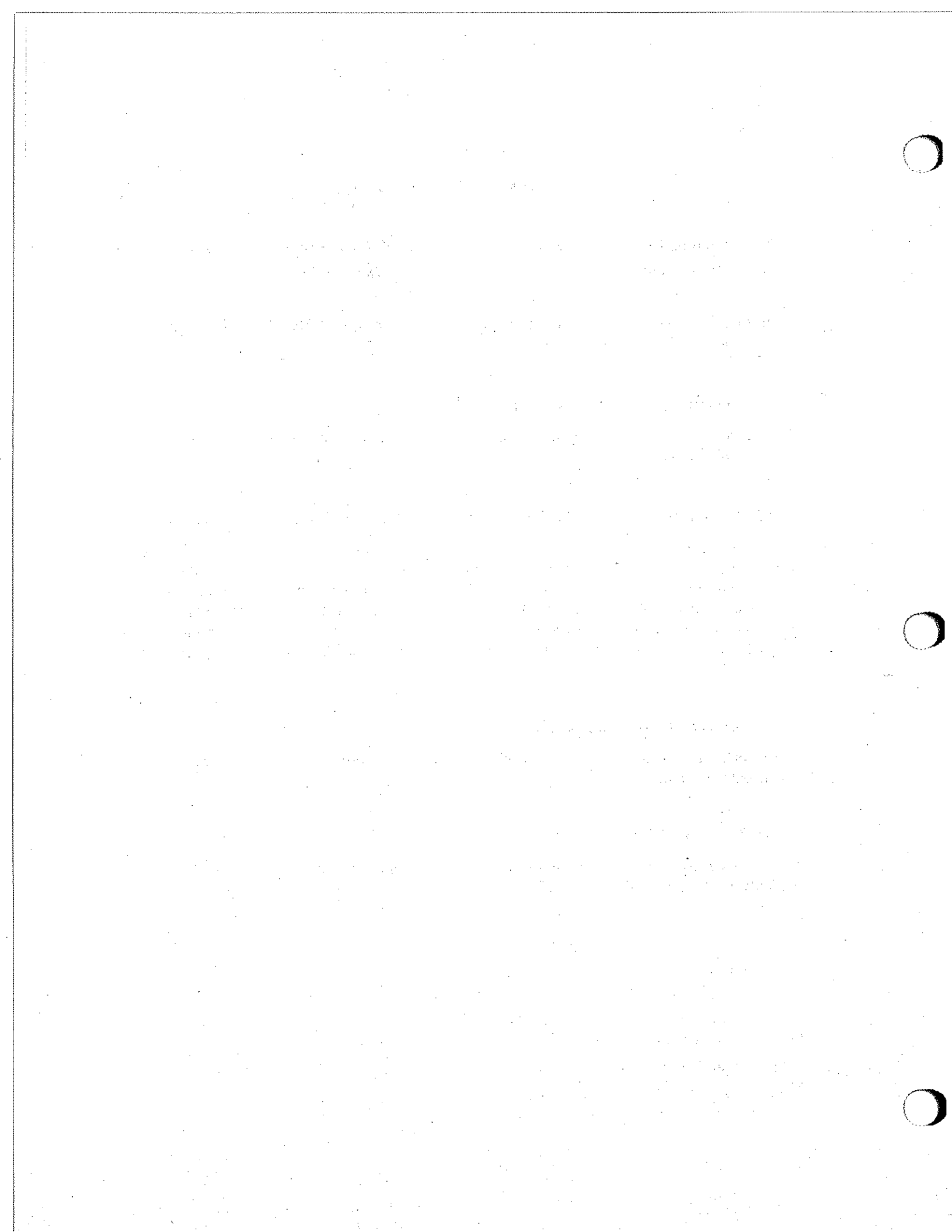
§ 29-4. Powers and duties.

The powers and duties of the Montoursville Planning Commission shall be as set forth in the Pennsylvania Municipalities Planning Code.³

¹ Editor's Note: See 53 P.S. § 10101 et seq.

² Editor's Note: See 53 P.S. § 10101 et seq.

³ Editor's Note: See 53 P.S. § 10101 et seq.



Chapter 32
POLICE DEPARTMENT

ARTICLE I
Establishment

- § 32-1. Reestablishment.
- § 32-2. Personnel designated.
- § 32-3. Special police may be appointed.

ARTICLE II
Police Support Services

- § 32-4. Participating municipalities.
- § 32-5. Services to be provided.
- § 32-6. Procedure upon request for assistance.
- § 32-7. Responsibility for failure to respond.
- § 32-8. Powers of police officers.
- § 32-9. Equipment; compensation.

- § 32-10. Responsibility for employees.
- § 32-11. Claims.
- § 32-12. Discontinuation of participation.

ARTICLE III
School Crossing Guards

- § 32-13. Statutory authority; request to assume duties.
- § 32-14. Hiring and oversight authorized.
- § 32-15. Employees of School District.
- § 32-16. Compensation.
- § 32-17. Authority of school crossing guards.
- § 31-18. Training.
- § 31-19. Assistance to Crossing Guards.
- § 31-20. When effective.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Establishment

[Adopted 12-12-1960 by Ord. No. 177]

§ 32-1. Reestablishment.

The existing Police Department is hereby recognized and reestablished in and for the Borough of Montoursville. The Chief of Police shall be the Chief Executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.

§ 32-2. Personnel designated.

Subordinate to the Chief of Police, in the Police Department, the following classifications are hereby established: Sergeant, Corporal and Patrolman. The priority of authority among such subordinate classifications shall be in the order above listed. The number of persons to serve in

each of such subordinate classifications, on a full-time or part-time basis, and the compensation of each shall be as determined by the Borough Council from time to time.

§ 32-3. Special police may be appointed.

Nothing herein contained shall affect the authority of the Mayor to appoint special policemen.

ARTICLE II

Police Support Services

[Adopted 3-21-1977 by Ord. No. 256]

§ 32-4. Participating municipalities.

A. The participating municipalities are:

- (1) Borough of Duboistown.
- (2) Borough of Hughesville.
- (3) Borough of Montgomery.
- (4) Borough of Montoursville.
- (5) Borough of Muncy.
- (6) Borough of South Williamsport.
- (7) Township of Clinton.
- (8) Township of Lycoming.
- (9) Township of Muncy.
- (10) Township of Old Lycoming.

B. All are political subdivisions in the County of Lycoming, Commonwealth of Pennsylvania.

§ 32-5. Services to be provided.

All municipalities shall, on a voluntary basis, provide to each other such support police services as may be requested. The services to be provided shall include all services normally provided by police.

§ 32-6. Procedure upon request for assistance.

Upon receipt of a request for assistance, the municipality's senior police officer on duty shall exercise his discretion as to the response to be made to such request in a manner determined by each respective municipality. The furnishing of police aid or support shall be voluntary and not compulsory on the part of the municipality furnishing such aid.

§ 32-7. Responsibility for failure to respond.

No municipality shall be held responsible to any other municipality for failure to respond to a request for aid or support.

§ 32-8. Powers of police officers.

The police officers of all of the municipalities named herein are hereby authorized and empowered to exercise peace officer powers within this municipality when acting pursuant to a request for aid or support. The senior police officer on duty in the municipality requesting aid or support shall be in charge of all officers who are rendering such aid or support.

§ 32-9. Equipment; compensation.

Each municipality shall maintain its own police force and provide the equipment therefor. No charges or expenses shall be assessable for aid or support furnished hereunder. However, periodically, compensation on the basis of the cost of personnel, supplies and rental for equipment supplied may be mutually determined.

§ 32-10. Responsibility for employees.

Each municipality shall retain its own boundaries. Each police officer employed by a municipality furnishing aid or support hereunder shall, at all times, remain the employee of the municipality originally hiring such employee. The municipality originally hiring a police officer shall be responsible for paying all wages of such police officer, providing workmen's compensation and for all matters pertaining to the employment of such police officer.

§ 32-11. Claims.

Each municipality shall be responsible for any claim resulting from its or its employee's improper or allegedly improper action.

§ 32-12. Discontinuation of participation.

Any municipality may discontinue its participation in mutual aid and support police services by giving unto each of the other participating municipalities at least thirty (30) days' notice, in writing, of its intent to do so.

ARTICLE III
School Crossing Guards
[Adopted 9-18-2000 by Ord. No. 387]

§ 32-13. Statutory authority; request to assume duties.

A. Act No. 34 of 2000 permits school districts located in boroughs to assume the hiring and oversight of school crossing guards. Such action may only take place after the School

Board adopts a resolution requesting the authority to assume those duties, and the Borough Council approves an ordinance authorizing the School Board to assume those duties.

- B. On August 8, 2000, the Board of Directors of the Montoursville Area School District adopted a resolution requesting that the Borough of Montoursville enact an ordinance pursuant to Act No. 34 of 2000.

§ 32-14. Hiring and oversight authorized.

The Board of School Directors of the Montoursville Area School District is hereby authorized to assume the hiring and oversight of school crossing guards.

§ 32-15. Employees of School District.

The school crossing guards hired by the Montoursville Area School District shall be employees of the Montoursville Area School District and not of the Montoursville Borough.

§ 32-16. Compensation.

The Montoursville Area School District shall assume the full costs of compensation, if any, and shall be responsible for workers' compensation insurance, unemployment insurance and liability insurance for the school crossing guards.

§ 32-17. Authority of school crossing guards.

- A. The school crossing guards shall be authorized to manage traffic and pedestrians in and around areas identified jointly by the Montoursville Borough Police Department and the Montoursville Area School District Superintendent. The school crossing guards shall not have the power of arrest or the authority to issue citations.
- B. Prior to the beginning of each school year, and at such other times as agreed upon, the Chief of Police and the Superintendent of Schools shall meet to identify areas where the school crossing guards will be authorized to manage traffic and pedestrians.

§ 31-18. Training.

The Montoursville Borough Police Department shall provide a training program for all school crossing guards in accordance with the Department's policies and procedures as set forth in the Montoursville Police Department Operational Manual. The cost of any training materials and police officer time to conduct the training shall be paid for by the School District.

§ 31-19. Assistance to Crossing Guards.

The Montoursville Borough Police Department shall provide assistance to the crossing guards on an as-needed basis as defined in the Department's policies and procedures set forth in the

Montoursville Police Department Operational Manual and in accordance with the directives of the Chief of Police.

§ 31-20. When effective.

This article shall be effective immediately.

Chapter 37
REAL ESTATE REGISTRY

§ 37-1. Registry established.

§ 37-2. Records to be kept by Secretary.

**§ 37-3. Where records to be kept;
contents.**

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 6-1-1959 as Ord. No. 168; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 37-1. Registry established.

A real estate registry is established in the Borough of Montoursville for the purpose of procuring accurate information in reference to the ownership of real estate in said borough.

§ 37-2. Records to be kept by Secretary.

The Secretary of said borough shall, under the direction of the Council, cause to be made all necessary books, maps and plans as will show the situation and dimensions of each property therein; which books, maps or plans shall be so prepared as to show the location and the name of the owner or owners thereof, with blank spaces for the name of the owner of each lot, and with provisions for the names of future owners and the dates of future transfers of title.

§ 37-3. Where records to be kept; contents.

The registry, books, maps and plans shall be carefully preserved by the Borough Secretary in the Borough Office, or by such other persons or at such other places as the Council may from time to time designate, and shall be so kept by additions from time to time as to show the ownership of every lot or piece of real estate or subdivision thereof within the limits of the borough, with the succeeding transmissions of title from the time of the commencement of such plans; but nothing contained therein shall at any time invalidate any municipal or tax claim by reason of the fact that the same is not assessed or levied against the registered owner.



Chapter 41
TRUSTS

ARTICLE I
Local Government Investment Trust

§ 41-1. Election to join.

§ 41-2. Authority.

§ 41-3. Custody of funds.

§ 41-4. Statutory requirements.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville: Art. I, 9-14-1981 as Ord. No. 274. Amendments noted where applicable.]

ARTICLE I
Local Government Investment Trust
[Adopted 9-14-1981 as Ord. No. 274]

§ 41-1. Election to join.

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act¹ by becoming a settlor of the Pennsylvania Local Government Investment Trust (the Trust) and entering into the Declaration of Trust, which is adopted by reference with the same effect as if it had been set out verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which this Article was adopted.²

§ 41-2. Authority.

This municipality is authorized to purchase shares in the Trust from time to time with available municipal funds and to redeem some or all of those shares from time to time as funds are needed for municipal purposes. These actions are to be taken by the officers designated for this purpose, pursuant to general or specific instructions by the governing body adopting this Article.

§ 41-3. Custody of funds.

The Trustees of the Trust are designated as having official custody of this municipality's funds which are invested by the purchase of shares in the Trust.

¹ Editor's Note: See 53 P.S. § 481 et seq.

² Editor's Note: Said Declaration of Trust is on file in the borough offices.

§ 41-4. Statutory requirements.

As required by the Intergovernmental Cooperation Act,³ the following matters are specifically found and determined:

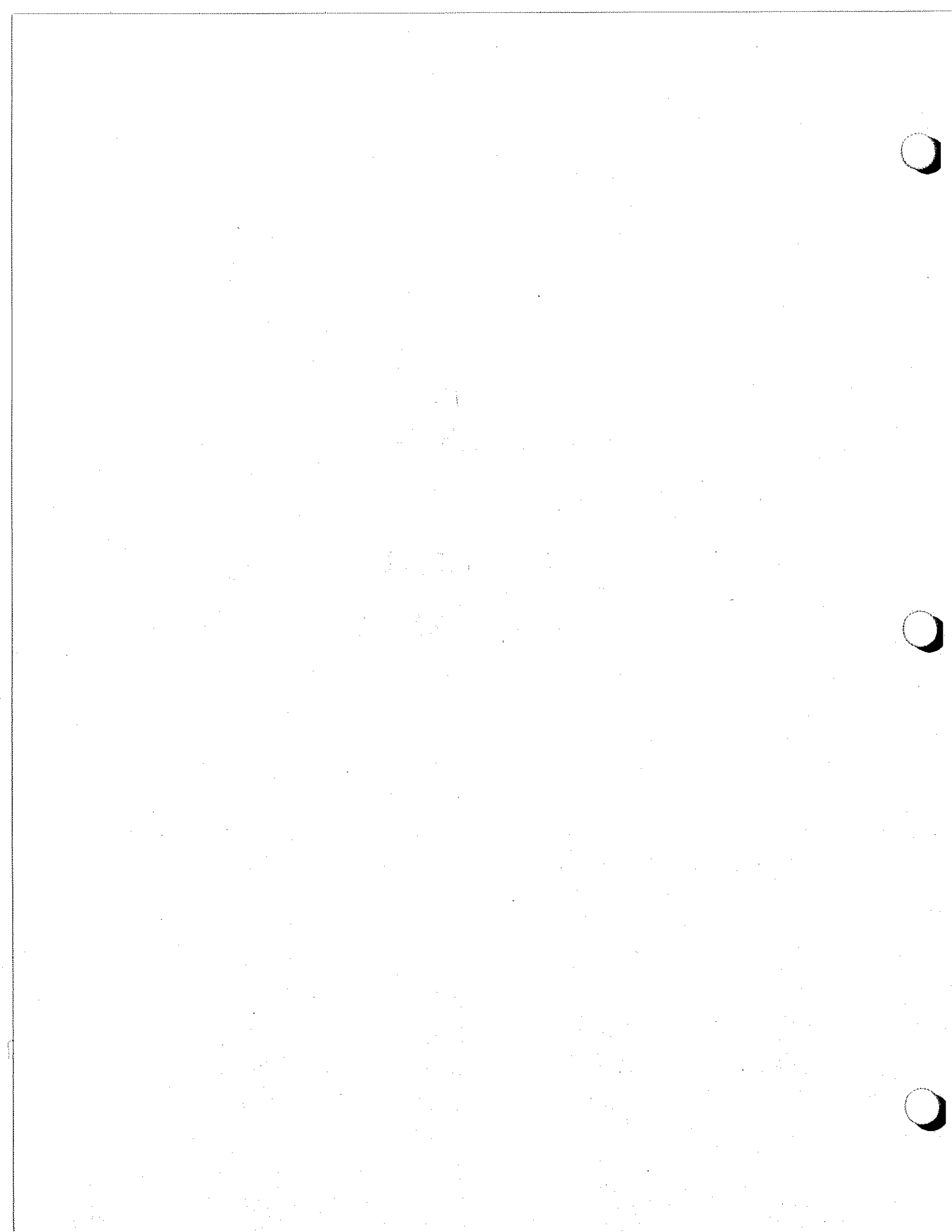
- A. The conditions of the agreement are set forth in the Declaration of Trust referred to in § 41-1.⁴
- B. This municipality's participation in the Trust shall be terminable at any time by ordinance.
- C. The Declaration of Trust and the purchase of its shares are for the purpose of investing this municipality's funds in obligations which are otherwise legal investments as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of pooled investments.
- D. It is not necessary to finance the agreement authorized herein from municipal funds except through the purchase of shares in the Trust.
- E. The Trust shall be managed by a Board of Trustees as set forth in the Declaration of Trust and the bylaws provided for therein.
- F. Shares may be purchased and redeemed from time to time as this municipality may determine to be necessary or appropriate to meet its cash investment requirements.

³ Editor's Note: See 53 P.S. § 481 et seq.

⁴ Editor's Note: The Declaration of Trust is on file in the borough offices.

PART II

**GENERAL
LEGISLATION**



Chapter 43

WEST BRANCH COUNCIL OF GOVERNMENTS

§ 43-1. Authorization.

§ 43-2. Reason for formation; purpose.

§ 43-3. Participation desired and authorized.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 11-18-2002 by Ord. No. 391. Amendments noted where applicable.]

§ 43-1. Authorization.

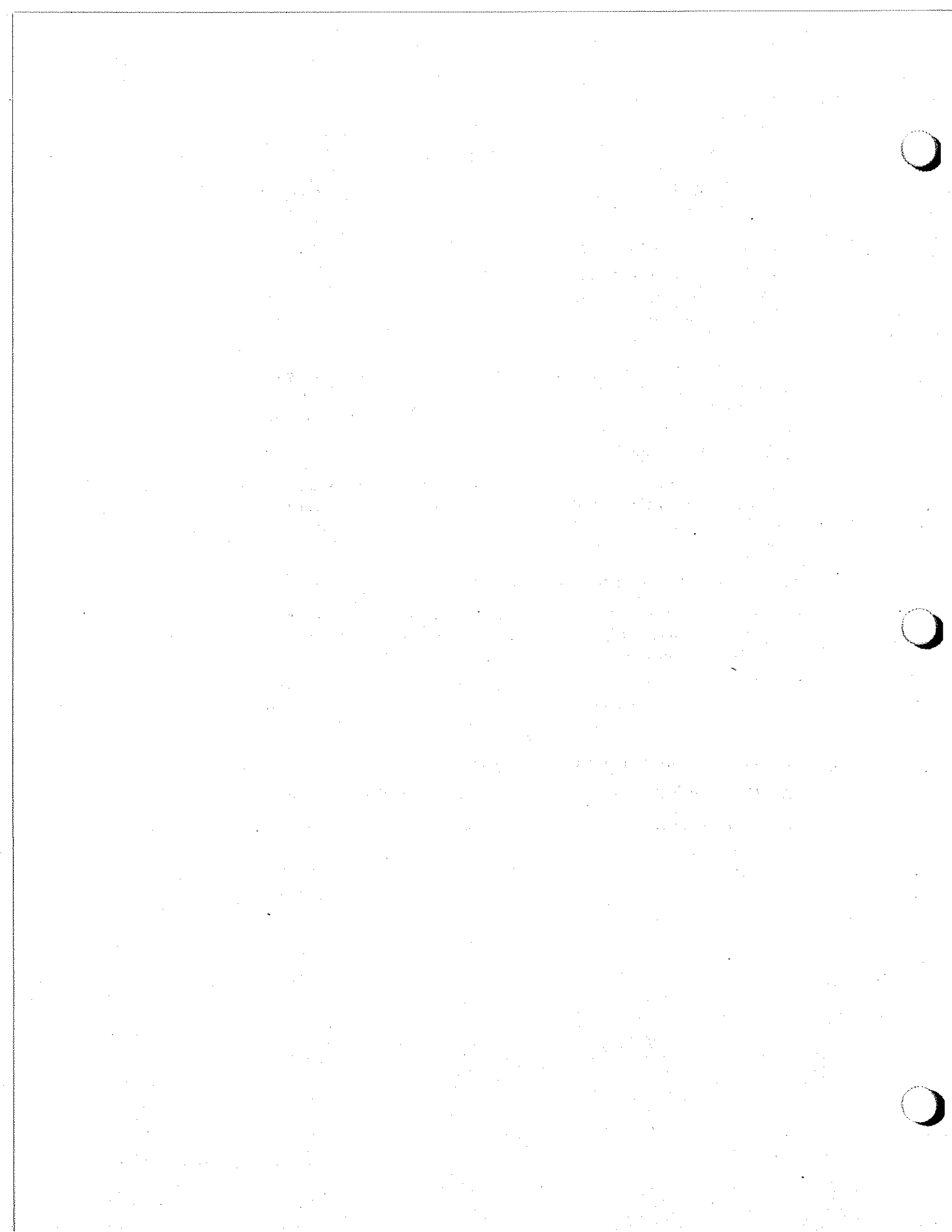
The West Branch Council of Governments, hereinafter referred to as the COG, is a voluntary association of local government units operating under a written agreement as authorized by the State Constitution and the act of the General Assembly (Act 180 of 1972).

§ 43-2. Reason for formation; purpose.

- A. The COG was formed to discuss and study items of mutual municipal interest and concern and to develop policy and action recommendations and implementation by the separate local government units.
- B. The purpose of the COG is to strengthen local government by becoming a useful tool for dealing with local problems.

§ 43-3. Participation desired and authorized.

- A. The Borough of Montoursville desires to become a participating member in said COG.
- B. The Borough of Montoursville hereby authorizes the joining of the Borough into the COG.



Chapter 47
ADULT ENTERTAINMENT

- | | |
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| § 47-1. Purpose. | § 47-7. Contents of application. |
| § 47-2. Definitions. | § 47-8. Investigation by borough. |
| § 47-3. Location. | § 47-9. Display of license. |
| § 47-4. Compliance with existing ordinances. | § 47-10. Transfer of license. |
| § 47-5. License required. | § 47-11. Violations and penalties. |
| § 47-6. License term, renewal and fee. | § 47-12. Additional actions and civil remedies. |

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 11-17-1986 as Ord. No. 311. Amendments noted where applicable.]

§ 47-1. Purpose.

The Borough Council of the Borough of Montoursville finds that buildings and establishments operated as adult bookstores, adult movie houses, adult minitheaters and massage parlors are detrimental and harmful to the health, safety, morals and general welfare of a community in that they engender adverse effects which contribute to the blighting or downgrading of the surrounding neighborhood. In order to promote the health, safety, morals and general welfare of the residents of the Borough of Montoursville, this section is intended to regulate adult bookstores, adult movie houses, adult minitheaters and massage parlors by restricting such establishments to nonresidential areas of the borough and otherwise regulate their operation.

§ 47-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADULT BOOKSTORE — An establishment which has a substantial or significant portion of its stock in trade, books, magazines or other periodicals and which excludes minors by virtue of age.

ADULT MINITHEATER — An establishment with a capacity of less than fifty (50) persons used for presenting motion pictures, films, movies, videotapes, slides or similar photographic reproductions for observation by persons therein, and which excludes minors by virtue of age.

ADULT MOVIE HOUSE — An establishment with a capacity of fifty (50) or more persons used for presenting motion pictures, films, movies, videotapes, slides or similar photographic reproductions for observation by persons therein, and which excludes minors by virtue of age.

MASSAGE PARLOR — An establishment in which is conducted any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such items, by a member of the opposite sex.

§ 47-3. Location.

The structure of any adult bookstore, adult movie house, adult minitheater or massage parlor shall be at least five hundred (500) yards from the nearest property line of any public, private or parochial school, church, synagogue or similar place of worship, library, park, playground or other recreational facility or areas where large numbers of minors regularly travel or congregate.

§ 47-4. Compliance with existing ordinances.

Any adult bookstore, adult movie house, adult minitheater or massage parlor to be located within the Borough of Montoursville shall comply with all existing borough codes, ordinances and requirements.

§ 47-5. License required.

Anyone seeking to operate an adult bookstore, adult movie house, adult minitheater or massage parlor prior to the establishment of such business shall apply to the Codes Enforcement Officer of the Borough of Montoursville for a license.

§ 47-6. License term, renewal and fee.

- A. Any license issued hereunder shall be issued for a twelve (12) month period beginning from the date of application.
- B. Any license issued hereunder may be renewed annually upon the submission of an application.
- C. The license fee shall be as set forth from time to time by resolution of the Borough Council.¹

§ 47-7. Contents of application.

An application for a license hereunder shall be submitted to the Codes Enforcement Officer of the Borough of Montoursville, setting forth the following:

- A. The name and address of the applicant, applicant's employees, applicant's employer, principals, agents, officers and shareholders.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- B. The name and address of each officer and shareholder of the applicant if the applicant is a corporation.
- C. The premises from which the licensed business, operation or activity is to be conducted.
- D. The nature of the proposed business, operation or activity.
- E. Any previous criminal record of the applicant, applicant's employees, applicant's employer, principals, agents, officers and shareholders.
- F. If applicable, names and addresses of persons by whom applicant is employed, organization on whose behalf applicant is engaging in business, operation or activity of principals or agents of applicant.
- G. Written proof that applicant, applicant's employees, applicant's employer, principals, agents, officers and shareholders are at least eighteen (18) years of age.
- H. All residential addresses for the past three (3) years for the applicant and applicant's employees, applicant's employer, principals, agents, officers or shareholders.
- I. The business, occupation or employment of the applicant and applicant's employees, applicant's employer, principals, agents, officers and shareholders for three (3) years immediately preceding the date of application.

§ 47-8. Investigation by borough.

- A. Upon receipt of a license application form and payment of the required license fee, the borough may cause an investigation to be made, which investigation may include, but is not limited to the nature of the proposed business operation or activity, the condition of the premises, the character and reputation of the applicant, applicant's employer, applicant's employees, principals, agents, shareholders and officers of applicant and any other factors which may be deemed necessary for ascertaining whether the same can be conducted lawfully and without endangering the health and safety of prospective patrons.
- B. When, upon such investigation, the borough determines that the proposed business, operation or activity may be conducted lawfully and without endangering the health or safety of prospective patrons, and if it is found that the information set forth on the application is true and correct, that the applicant, applicant's employees, applicant's employers, principals, agents, shareholders or officers are of good character and reputation, and provided that no adverse findings or comments have been made, the borough may issue a license within forty-five (45) days of the date of application.

§ 47-9. Display of license.

Every license issued hereunder shall be conspicuously posted upon the premises so licensed.

§ 47-10. Transfer of license.

No license issued hereunder shall be transferable from one (1) person or entity to another. When the ownership of the licensed premises shall change, the new owner shall apply for a new license and pay the license fee.

§ 47-11. Violations and penalties.²

- A. Any person, firm, corporation or association violating any of the provisions of this chapter shall, upon summary conviction before a District Justice, be sentenced to the penalty as provided in Chapter 1, General Penalty, Art. II.
- B. The borough may revoke any license issued hereunder for any violation of this chapter.

§ 47-12. Additional actions and civil remedies.

In addition to the other penalties for violation as above provided, should the Council determine that a violation of this chapter exists, or that a public nuisance exists in the municipality, the Council may provide for the following by resolution:

- A. Declare the fact that such nuisance or violation exists.
- B. Set forth the description or legal description and street address of the place which constitutes the nuisance or the notice of said violation.
- C. Institute proceedings in any court of equity for the purpose of enjoining the continued operation of the particular establishment.
- D. In any such proceeding, the borough shall be entitled to collect all costs associated with any court proceedings, including the following:
 - (1) Investigative costs.
 - (2) Court costs.
 - (3) Reasonable attorney's fees arising out of the preparation for and trial of the cause and appeals therefrom, and other costs allowed on appeal.
 - (4) Printing costs of trial and appellate briefs and all other papers filed in such proceeding.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.