

**Code  
of the  
Borough of Montoursville**

COUNTY OF LYCOMING  
COMMONWEALTH OF PENNSYLVANIA

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**2010**

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**CERTIFICATION**

**BOROUGH OF MONTOURSVILLE**

**Office of the Borough Secretary**

I, **EUGENE E. BOYLES**, Borough Secretary of the Borough of Montoursville, hereby certify that the chapters contained in this volume are based upon the original ordinances and resolutions of the Borough Council of the Borough of Montoursville and that said ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Borough of Montoursville, County of Lycoming, Commonwealth of Pennsylvania, as adopted by ordinance of the Borough Council on March 3, 1997.

Given under my hand and the Seal of the Borough of Montoursville, County of Lycoming, Commonwealth of Pennsylvania, this 3rd day of March, 1997, at Montoursville, Pennsylvania

s/**EUGENE E. BOYLES**

  
Borough Secretary

## PREFACE

Conrad Weiser was the first white man to settle in the area that is now Montoursville. He came here in 1710 from Nuremberg.

Weiser lived with the Indians for some time and learned their language and customs. He was well respected by the Indians and became an interpreter and peacemaker between white settlers and the Indians. He is credited with saving many lives.

The second white man to arrive in this area was Count Nicholas Louise Zinzendorf. He settled here in 1742 and brought his daughter with him.

His daughter is said to have been the first white woman on the frontier.

On October 29, 1768, Andrew Montour was granted a parcel of land that contained 880 acres. The land was in payment for services rendered to the government. It was on both sides of Loyalsock Creek. Montour was the son of Madam Montour who was the daughter of a French nobleman. She was captured by the Indians when she was ten years old. Madam Montour ruled the Village of Ostuagy, which is near the present day Montoursville, until her death. Andrew Henry Montour, sometimes known as "Half Indian" served as interpreter to the Delaware Indians for Conrad Weiser at Shikellamy's house in Shamokin (now Sunbury).

Montour sold his 880 acres between 1770 and 1785. John Burrow, an express rider for General George Washington, was one of the purchasers. He and Thomas Lloyd laid out the town and sold one-acre lots for \$50. On February 2, 1853 a borough government was formed and the town was named in honor of Madam Montour.

The Borough of Montoursville has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the borough, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the borough. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Borough Council ordered the following codification of the borough's legislation.

### Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Borough Council of the Borough of Montoursville, including revisions or amendments to existing legislation deemed necessary by the Borough Council in the course of the codification.

## **Division of Code**

The Code is divided into parts. Part I, Administrative Legislation, contains all borough legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other borough legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

## **Grouping of Legislation and Arrangement of Chapters**

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

## **Table of Contents**

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

## **Reserved Chapters**

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

## **Pagination**

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

## **Numbering of Sections**

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the

first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

### **Scheme**

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

### **Histories**

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of legislation, the source of each Part or Article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

### **Codification Amendments and Revisions**

New chapters adopted during the process of codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code and making such revisions will appear after final enactment. Sections amended or revised are indicated in the text by means of Editor's Notes referring to the chapter cited above.

### **General References; Editor's Notes**

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

### **Appendix**

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

## **Disposition List**

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

## **Index**

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

## **Instructions for Amending the Code**

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated § 45-5.1). New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" Articles (e.g., a new Article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

## **Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

### **Acknowledgment**

The assistance of the borough officials is gratefully acknowledged by the editor. The codification of the legislation of the Borough of Montoursville reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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