

# **Chapter 1**

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

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

*(Ord. 8.5.2008, 8/5/2008)*

**§1-102. Citation of Code of Ordinances.**

The Township of Hepburn 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. 8.5.2008, 8/5/2008)*

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

*(Ord. 8.5.2008, 8/5/2008)*

**§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. 8.5.2008, 8/5/2008)*

**§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. 8.5.2008, 8/5/2008)

**§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 the Township of Hepburn, 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 the Township of Hepburn (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. 8.5.2008, 8/5/2008)

**§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. 8.5.2008, 8/5/2008)

### **§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. 8.5.2008, 8/5/2008)

**§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. 8.5.2008, 8/5/2008)

**§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. 8.5.2008, 8/5/2008)

**§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 than \$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. 8.5.2008, 8/5/2008)



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

Pursuant to the provisions contained in the Pennsylvania Municipalities Planning Code, 53 P.S. §10201 *et seq.*, and in order to carry the said provisions into effect, there is hereby created in the said Hepburn Township a Planning Commission which shall have all the powers and duties conferred upon it by law and any other powers vested in it by law or ordinance.

(*Ord. 65-1, 9/7/1965*)

**§1-202. Membership and Term.**

The Township Planning Commission shall consist of five members who shall be appointed by the Board of Supervisors and shall serve without compensation, except that they shall be reimbursed for expenses incurred in carrying out their Commission duties. Their terms of office shall be as established in accordance with the Pennsylvania Municipalities Planning Code as set forth in 53 P.S. §10201 *et seq.*

(*Ord. 65-1, 9/7/1965; as amended by Ord. 8.5.2008, 8/5/2008*)

**§1-203. Report to Board of Supervisors.**

The Township Planning Commission shall make an annual report to the Board of Supervisors showing their transactions and recommendations. This report will be submitted each year at the Supervisors' regular monthly meeting in December. They may employ planning technicians and other persons whose salaries and wages together with other necessary expenses of the Commission shall be provided for, at the discretion of the Board of Supervisors, by proper appropriations and resolutions. The Commission may also receive and expend for the purposes of its planning work, any gifts, grants and appropriations of money from any other source, including Commonwealth, Federal or local funds, and may contract with governmental or private agencies or individuals with respect thereto, at the discretion of the Board of Supervisors, by proper resolution.

(*Ord. 65-1, 9/7/1965*)

**§1-204. Power and Authority.**

The Planning Commission shall have the authority to make, adopt and maintain a comprehensive plan for the physical development of the Township. Said comprehensive plan shall include among other things a land use plan, a thoroughfare plan, a community facilities plan and a public improvements program. In the preparation of the comprehensive plan the Commission should study population trends, existing land use, the economic base, traffic, existing thoroughfare system and other factors related to the development of the Township. The purpose of the comprehensive plan should be to accomplish a coordinated and harmonious development of the Township in accordance with present and future needs. The Commission would have the continuing

responsibility for maintaining the comprehensive plan in an up-to-date condition, and in so doing would review and make recommendations to the Board of Supervisors on all ordinances which pertain to the physical development of the Township.

*(Ord. 65-1, 9/7/1965)*

**§1-205. Administration.**

As one of its primary initial duties, the Planning Commission shall prepare and present to the Board of Supervisors a set of practical land subdivision regulations. The Commission shall assist the Board of Supervisors in the administration of said regulations by reviewing, and recommending to the Board of Supervisors the action to be taken on subdivisions submitted in accordance to established procedures.

*(Ord. 65-1, 9/7/1965)*

**B. Recreation Board****§1-211. Creation.**

A five member Recreation Board shall be established. This Board shall be called the "Hepburn Township Recreation Board."

(*Ord. 96-4, --/1996, §1*)

**§1-212. Authorization.**

The authorization for the establishment of this Board is set forth in the Second Class Township Code, §2204, 53 P.S. §67204.

(*Ord. 96-4, --/1996, §2*)

**§1-213. Purpose.**

The purpose of the establishment of this Board is to be an advisory Board which provides input to the Hepburn Township Supervisors regarding the regulation, supervision, equipment and maintenance of Township funded recreation programs and facilities. The Board shall also perform such related tasks as the Hepburn Township Board of Supervisors may, from time to time, direct.

(*Ord. 96-4, --/1996, §3*)

**§1-214. Membership; Term of Office.**

1. Membership of the Board shall consist of five persons to be appointed by the Hepburn Township Board of Supervisors.

2. All members shall reside in Hepburn Township, Lycoming County, Pennsylvania.

3. Each member shall serve a term of 5 years, except that the members first appointed shall be appointed so that the terms of not more than two members expire annually. Any other appointment or replacement terms shall have a term length which is consistent with the requirements of §2204 of the Second Class Township Code, 53 P.S. §67204.

4. Each member shall be entitled to one vote.

5. All members appointed shall serve their full term unless voluntarily resigned or removed by the Hepburn Township Board of Supervisors for dereliction or neglect of duty.

(*Ord. 96-4, --/1996, §4*)

**§1-215. Officers.**

1. The officers of the Board shall consist of a Chairman, a Vice-Chairman and a Secretary.

2. The Chairman shall preside at all meetings and hearings of the Board, and shall have the parliamentary duties normally given to a chairman of similar advisory boards.

3. The Vice-Chairmen shall sit for the Chairman in his absence.

4. The Secretary shall be responsible for keeping minutes, financial statements

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and records of the Board, and shall prepare the agenda of regular and special meetings, provide notice of all meetings and hearings, attend to correspondence of the Board, and shall have other such duties as are normally carried out by a Secretary.

*(Ord. 96-4, --/1996, §5)*

**§1-216. By-laws.**

The Recreation Board may adopt by-laws addressing the place, manner, and conduct of its business.

*(Ord. 96-4, --/1996, §6)*

**Part 3****Fire Department****A. Authorized Activities of Hepburn Township Volunteer Fire Company****§1-301. Definitions.**

The following definitions shall apply for the purposes of this Part 3A:

*Activities* - include not only the activity described, but also the preparation for the activity, the clean up after the activity, travel and efforts necessary to obtain materials and supplies to carry on the activity, and traveling to or returning from any such activities.

*Fire company* - the Hepburn Township Volunteer Fire Company, a duly organized incorporated fire company headquartered on Route 973 in Hepburn Township.

*Members* -

(1) Volunteer firepersons, volunteer fire police, volunteer junior firepersons, volunteer associate members, volunteer auxiliary members and any and all future designations or categories of persons associated with the fire company according to its rules, charters and bylaws.

(2) Any person not a member of the fire company as defined above, who is deputized or authorized by the person in charge of the fire company to render aid or assistance at or during an emergency in which the company is rendering services. To be eligible for benefits, a person must be specifically requested or authorized to participate by the Fire Chief or other officer in charge at the scene of an emergency. Authorization under this category shall cease upon completion of the aid or assistance requested and authorized.

*Township* - the Township of Hepburn, Lycoming County, Pennsylvania.

(Ord. 1988-2, 5/19/1988)

**§1-302. Authority to Respond.**

The Hepburn Township Volunteer Fire Company and its respective members are hereby specifically authorized to respond to all fire, ambulance, emergency and other civil disaster emergency calls within the Township of Hepburn.

(Ord. 1988-2, 5/19/1988)

**§1-303. Authority to Respond Outside Township.**

The fire company and its respective members are hereby specifically authorized to respond to any and all requests for emergency aid and for the activities specified under §1-302, in any municipality where the governing body of the municipality has authorized such response by the Hepburn Township Volunteer Fire Company and which municipality has by appropriate resolution or ordinance agreed to pay their proportionate share of insurance expenses, as from time to time is agreeable to the Township of Hepburn.

(*Ord. 1988-2, 5/19/1988*)

**§1-304. Authority to Respond to Requests for Aid.**

The fire company and its respective members are hereby specifically authorized to respond to any and all requests for emergency aid for the activities specified under §1-302, received from other organized firefighting, ambulance associations, police or other emergency response organizations outside the Township when such response is specifically authorized by the Fire Chief or other duly designated officer of the fire company acting in place of the Fire Chief or by a mutual aid agreement entered into by official action of the fire company.

(*Ord. 1988-2, 5/19/1988*)

**§1-305. Authorized Activities.**

The fire company and its members are hereby specifically authorized to engage in the following activities, when directed by either the President or Fire Chief, or other duly designated officer of the fire company in charge of the activity from time to time: drills, education, training, maintenance of equipment, building and grounds, fundraising activities or other activities aimed at securing memberships and procuring equipment or informing the public and improving public relations or community activities; attendance at official meetings of associations, boards and conventions; attendance at regular and special meetings of the fire company; attendance at funerals of fellow firefighters, when done as a group representing their respective fire department; attendance at civic functions and/or parades; fire prevention inspection and pre-planning activities; fire hydrant inspection, maintenance and placement planning activities; and, any and all other activities and/or functions which are of a type normally engaged in by volunteer fire departments and their members.

(*Ord. 1988-2, 5/19/1988*)

**§1-306. Report of Activities.**

Either the President, Fire Chief or other officer designated by the President or Fire Chief shall report to the Hepburn Township Supervisors all emergency responses for the preceding month and all activities planned by the fire department for the following month at the regular meeting of the Board of Supervisors in each month. Failure of the designated representative to notify the Township of Supervisors in advance shall not vitiate the authorization set forth in §§1-302, 1-303, 1-304 hereinabove, except in those cases where the functions or activity must be specifically requested or authorized on each occasion by the Supervisors pursuant to present or future resolution or notice to the fire company.

(*Ord. 1988-2, 5/19/1988*)

**§1-307. Revocation of Authority.**

Any member of the fire company is hereby authorized to engage in the performance of any duty authorized by an officer of the fire company duly authorized to so act in performance of the activities authorized by this Part 3A, unless the authorization to perform a specific duty has been withdrawn by the Township Supervisors in writing, or is contrary to their present or future written policies concerning the fire company

activities. Any such limitation or revocation of authority or resolution restricting activities shall become effective upon receipt of a copy thereof by the fire company President, Fire Chief or other officer in charge, from time to time.

*(Ord. 1988-2, 5/19/1988)*



**B. Authority to Seek Reimbursement for Hazardous Abatement Material, Environmental Incidents and Fire Safety and Rescue Responses****§1-311. Authority to Seek Reimbursement for Hazardous Abatement Material, Environmental Incidents and Fire Safety and Rescue Responses.**

1. The Board of Supervisors of Hepburn Township, by and through its authority and relationship with the aforementioned volunteer fire company, hereby recognizes the authority and authorizes the volunteer fire company to recover the reasonable costs of firefighting materials, equipment, personnel hours and hazardous abatement materials, involving any hazardous material incident, or fire, safety and rescue incident or operation, including vehicular accidents.

2. Said reasonable costs may be recovered directly by the said volunteer fire company, through the Township with consent of the Board of Supervisors, by third party billing service known as Financial Invoicing Resources Engaged, Inc., as an authorized agent for the collection of said reasonable costs. The utilization of Financial Invoicing Resources Engaged, Inc., shall be for those situations deemed by Fire Invoicing Resources Engaged, Inc., as appropriate for collections through the agency, principally those incidents involving the use of hazardous abatement materials and/or incidents directly involving the Lycoming County Emergency Management Agency.

3. In addition to the aforementioned reasonable costs, the volunteer fire company, Township of Hepburn, or Fire Invoicing Resources Engaged, Inc., shall be authorized to collect reasonable interest, as well as a reasonable administrative fee as may be authorized by the Hazardous Material and Emergency Planning and Response Act, 35 P.S. §6022.101 *et seq.*, or authorized by any other statute, case law or common law.

*(Res. 6.03.03, 6/3/2003)*

