

# The Code of Ordinances of the Borough of Emmaus

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CODE OF ORDINANCES

of the

BOROUGH OF EMMAUS

Published by Authority of the Borough

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OFFICIALS  
of the  
BOROUGH OF EMMAUS  
  
County of Lehigh  
  
Pennsylvania

ELECTED OFFICIALS

- Mayor - Winfield Iobst
- Council
- President - Lee Ann Gilbert  
Vice President - Brian Holtzhafer  
Members - Brent Labenberg  
- Wesley Barrett  
- Nathan Brown  
- R. Erick Renihard  
- Michael Waddell  
Tax Collector - Dennis Gouldy

APPOINTED OFFICIALS

- Manager/Secretary - Craig Neely  
Public Works Director - Jeff Clapper  
Assistant Public Works  
Director - John Dychala  
  
Public Works Inspector/  
Code Enforcement Officer - James L. Farnsworth  
Fire Chief - James Reiss  
Solicitor - Frank Procyk, Esquire



## FOREWORD

### History

This comprises the codification of the Ordinances of the Borough of Emmaus. The Borough of Emmaus was originally settled in December 1758 and was incorporated as a Borough on August 1, 1859 from parts of Whitehall Township.

The Code of Ordinances of the Borough was prepared by Penns Valley Publishers and adopted by the Borough Council on November 7, 1986 by Ordinance number 675.

### Organization

The code contains four parts which are (1) the valid current ordinances of the Borough of Emmaus contained in chapters 1 through 27, (2) the appendix which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the key to the disposition of each ordinance ever enacted by the Borough, and (4) the index which is an alphabetical arrangement of subjects.

In the code, each chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each chapter. The index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which chapter the subject might be found. The appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment if known.

The key to disposition indicates what action has been taken by the codifiers and the Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a chapter of the code book, or (4) is located in the appendix. Annual tax rate and budget ordinances are located only in the key. The key is a cross reference to the original ordinance books of the Borough, and to the location within the code of each ordinance by number.



ORDINANCE NO. 675

An Ordinance adopting the Code of Ordinances of the Borough of Emmaus.

The Borough of Emmaus hereby ordains:

Section 1. Adoption. The "Code of Ordinances, Borough of Emmaus," as prepared and published for the said Borough by Penns Valley Publishers, Harrisburg, Pennsylvania, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough. Chapters 1 through 27 thereof contain the text of the body of all general administrative and penal ordinances of the Borough organized as follows:

- Chapter 1. . . . . Administration and Government
- Chapter 2. . . . . Animals
- Chapter 5. . . . . Code Enforcement
- Chapter 6. . . . . Conduct
- Chapter 7. . . . . Fire Prevention and Fire Protection
- Chapter 10. . . . . Health and Safety
- Chapter 11. . . . . Housing
- Chapter 12. . . . . Libraries
- Chapter 13. . . . . Licenses, Permits and General Business Regulations
- Chapter 15. . . . . Motor Vehicles and Traffic
- Chapter 16. . . . . Parks and Recreation
- Chapter 18. . . . . Sewers and Sewage Disposal
- Chapter 20. . . . . Solid Waste
- Chapter 21. . . . . Streets and Sidewalks
- Chapter 22. . . . . Subdivision and Land Development
- Chapter 24. . . . . Taxation, Special
- Chapter 25. . . . . Trees
- Chapter 26. . . . . Water

Appendix:

- A. . . . . Annexation of Territory
- B. . . . . Bond Issues and Loans
- C. . . . . Franchises and Services
- D. . . . . Governmental and Intergovernmental Affairs
- E. . . . . Plan Approval
- F. . . . . Public Property
- G. . . . . Sewers
- H. . . . . Streets and Sidewalks
- I. . . . . Water

Key to the Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Borough shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in section 1 of this ordinance shall be known and cited officially as the "Borough of Emmaus Code of Ordinances", and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause. The provisions of the Borough Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Borough Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation, Codification and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
15, Complete	Motor Vehicles	513, 519, 546, 559, 634

B. Revisions

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
2, §§101-107	Dogs at Large	480
5, §§101-105	Building Code	444
5, §§201-205	Fire Prevention Code	640
6, §§101, 102	Disorderly Conduct	234
13, §§401-409	Transient Retail Merchants	497
21, §§101-120	Street Excavations	467, 604
22, §§101-1103	Subdivision and Land Development	551, 564
24, §§401-409	Occupational Privilege Tax	407, 426

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

<u>Chapter, Part, Section</u>	<u>Short Title</u>
1, §§331-333	Firemen's Relief Association.
1, §§421-425	Establish Board of Health.
15, Complete	Regulating traffic and parking and prescribing penalties for violation.
16, §§101-108	Park and Recreation area regulations.

B. Amendments

<u>Chapter, Part, Section</u>	<u>Short Title</u>	<u>Ordinance No.</u>
1, §103	Office of Borough Manager	659
1, §§401, 402, 404-407	Committees of Council	508
1, §701	Social Security, Admin.	308
1, §§722-724	Employee Pension Plan	652
1, §§743, 744, 746, 747	Police Pension Plan	656
5, §§301-304	Housing Code, Enforcement Officer	560, 627
5, §§403, 405, 406, 409-411, 413- 415, 417, 418, 427, 438, 447, 449, 452-454	Plumbing Code, Enforcement/ Appeals/Fees	587
5, §501	Code Enforcement, Board of Appeals	572
7, §102	Outdoor Fires; Enforcement, Fees	423
7, §§202, 204, 207, 210, 213, 215- 218	Fire Control Measures; Administration	589
10, §§101-105	Smoking Prohibitions; Enforcement	542
11, §303	Moving Permit Fee	425
13, §204	Garage Sales/Auctions/Fees	493
18, §104	Sewer Connections-Pipe Stands	367, 371
18, §105	Sewer Connec.-Permit Reqmts.	367
18, §203	Sewer Rentals/Changes	368, 540
20, §102	Solid Waste Collections	408, 413, 642
20, §104	Solid Waste Collection Fees	408, 443
21, §203	Right-of-Way Obstruction; Enforcement	451
21, §§402, 409, 404-407	Sidewalk/Curb Construction; Enforcement; Additional Regs.	650
24, §§602, 603	Sign Tax; Fee, Enforcement	290, 381
25, §102	Shade Tree Regulations; Enforcement	596
26, §§105(9), 113, 117	Water Service; Rate Schedule Meter Testing; Termination of Service	474

C. Repeals

<u>Ord. No.</u>	<u>Short Title</u>	<u>Ord. No.</u>	<u>Short Title</u>
2	Confirmatory Ordinance	100	Spitting
7	Streets	111	Pole/Wire Regulations
10	Sidewalks	113	Street Cars
14	Building Lines	117	Health
31	Cemeteries	129	Gas Stopcocks
34	Financial Statement	171	Building Lines
50	Diseases	220	Coal/Coke
51	Diseases	249	Diseases
52	Diseases	288	Amusement Admissions
55	Building Lines		Tax
56	Building Lines	293	Mobile Homes
57	Building Lines	445	Air Pollution
65	Railroad Crossings	458	Dangerous Structures
76	Diseases	631	Engineering Services
80	Disorderly Houses		Department
88	Building Lines		
91	Street Cars		
92	Pole Tax		
96	Officer's Bonds		

Section 6. Procedural Changes. The following minor procedural changes have been made to existing Borough ordinances:

- A. grammatical and spelling errors have been corrected where necessary;
- B. minor changes have been made to correct obsolete terms and usages;
- C. the penalty sections have been revised where necessary to comply with the Crimes Code or the Motor Vehicle Code.

Section 7. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision - "Chapter \_\_\_\_\_, Part \_\_\_\_\_, Section \_\_\_\_\_, Subsection \_\_\_\_\_ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter \_\_\_\_\_, Part \_\_\_\_\_, Section \_\_\_\_\_, Subsection \_\_\_\_\_ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter \_\_\_\_\_, Part \_\_\_\_\_, Section \_\_\_\_\_, Subsection \_\_\_\_\_ is hereby repealed in its entirety."

Section 8. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough Manager to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Borough's Code of Ordinances and shall be available for public inspection.

Section 9. Penalties. It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Borough. Whosoever shall violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days.

Section 10. Severability of Parts of Codification. It is hereby declared to be the intention of the Borough Council that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any section, paragraph, sentence, clause or phrase of this code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 17th day of  
November, 1986

BOROUGH OF EMMAUS

By: /s/ Pierre E. Randall  
President of Council

ATTEST:

/s/ Bruce E. Fosselman  
Secretary

APPROVED this 17th day of November,  
1986.

By: /s/ Linwood D. Nestor

Mayor

