

**Chapter 1**  
**GENERAL PROVISIONS**

**ARTICLE I**  
**Adoption of Code**

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

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**ARTICLE I**  
**Adoption of Code**

**[Adopted 2-13-2001 by Ord. No. 2001-1]**

**§ 1-1. Code adopted.**

This codification of a complete body of ordinances for the Borough of Delmont, County of Westmoreland, Commonwealth of Pennsylvania, codified and consolidated into titles, chapters and sections, together with an Appendix and Index, when available, is hereby approved, adopted, ordained and enacted as the "Code of the Borough of Delmont," hereinafter known and referred to as the "Code," pursuant to the appropriate provisions of the Borough Code.

**§ 1-2. Effective date.**

All provisions of this Code shall be in full force and effect on and after March 1, 2001. Until such time, all existing codes and ordinances shall remain in full force and effect as previously adopted.

**§ 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 Delmont and in force on the date of the adoption of this ordinance, and not

contained in this Code, are hereby repealed as of the effective date of this ordinance, except as hereinafter provided.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 hereof shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to January 1, 2000.
- 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.
- 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.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place.
- G. Any ordinance or resolution 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.
- H. Any ordinance authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. Any ordinance annexing land to the borough.
- J. Any ordinance designating the boundaries of water districts.
- K. Any ordinance establishing the levy or imposition of taxes, special assessments or charges.
- L. Any ordinance accepting or dedicating property.
- M. Any ordinance amending the Zoning Map, which shows the boundaries of zones created by the Zoning Ordinance.

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

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-2 hereof and/or the date of adoption of this ordinance are hereby deemed to be a part of this Code

and shall, upon being printed, be included therein. Attested copies of all such legislation shall be temporarily placed in the Code until printed supplements are included.

**§ 1-6. Changes in previously adopted ordinances.**

- A. In compiling and preparing the ordinances of the Borough of Delmont for adoption and revision as part of the Code, certain grammatical changes and other minor 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 so changed had been previously formally amended to read as such.
- B. Certain changes of a substantive nature were made to various ordinances found within the Code and certain new materials have been added to the Code. These changes and additions were made to bring the provisions into conformity with the desired policies of the Borough Council and it is the intent of said Council that all such changes and additions be adopted as part of the Code as if the ordinances so changed or added had been previously formally amended to read as such.

**§ 1-7. Copy of Code on file.**

A copy of the Code in a bound volume has been filed in the office of the Borough of Delmont and shall remain there for use and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified by the Secretary to the Borough Council, as provided by law, and such certified copy shall remain on file in the office of the Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-8. 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 bound volume containing said Code, as amendments and supplements thereto.

**§ 1-9. Code book to be kept up-to-date.**

It shall be the duty of the Secretary of the Borough Council, or someone authorized and directed by the Secretary, to keep up-to-date the certified copy of the book containing the Code required to be filed in the office of the Secretary for the use of the public. All changes in said Code and all ordinances 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

are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-10. Sale of Code book; supplements provided.**

Copies of the book containing the Code may be purchased from the Secretary of the Borough Council upon the payment of a fee to be set by resolution of the Borough Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

**§ 1-11. Publication; filing.**

The Secretary of the Borough Council, pursuant to law, shall cause to be published, in the manner required, a notice of the adoption of this ordinance adopting the Code in a newspaper of general circulation in the Borough of Delmont. Sufficient copies of the Code shall be maintained in the office of the Secretary for inspection by the public at all times during regular office hours. The enactment and application of this ordinance adopting the Code, coupled with 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.

**§ 1-12. Severability of Code provisions.**

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or parts thereof

**§ 1-13. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or parts thereof

**§ 1-14. Altering or tampering with code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Borough of Delmont to be misrepresented thereby. Anyone found by the District Justice to have violated this ordinance shall be subject to a penalty in the form of a fine not to exceed \$600, plus all court costs and reasonable attorney's fees incurred by the Borough of Delmont in the enforcement of this ordinance in a summary criminal proceeding.