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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 Borough of Carroll Valley shall be the "Borough of Carroll Valley Code of Ordinances."

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§1-102. Citation of Code of Ordinances.

The Borough of Carroll Valley 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.

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§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 identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified by small Roman numerals.

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§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.

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§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.

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§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 Borough of Carroll Valley, it is the intention of the Borough Council that no ordinance or regulation of the Borough be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Borough Council of the Borough of Carroll Valley (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Borough Code, 53 P.S. §45101 *et seq.*, at the time of their passage by the Borough Council. Such "resolutions" are included herein for ease of reference and the Borough Council 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 Borough Council that such actions of the Borough Council 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.

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§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

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§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].”

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§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 Borough Council.

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 Borough Council 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 Borough Council 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 Borough Council 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.

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§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 Borough Council.

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§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Borough 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, shall be sentenced to 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 30 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 ordinance adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 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.

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 Borough 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.

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Part 2**Elected Officials****§1-201. Salary of Mayor.**

The compensation of the Mayor of the Borough of Carroll Valley shall be \$2,100 per annum, payable quarterly, from the general funds of the Borough.

(*Ord. 12-87*, 12/22/1987, §2-1001; as amended by *Ord. 1-96*, 1/22/1996; and by *Ord. 1-01*, 5/14/2001)

§1-202. Compensation of Council Members.

The compensation of the Council President of the Borough of Carroll Valley shall be \$900 per annum, and the compensation of each of the other Council members of the Borough of Carroll Valley shall be \$800 per annum, payable quarterly, from the general funds of the Borough.

(*Ord. 12-87*, 12/22/1987, §2-1002; as amended by *Ord. 1-01*, 5/14/2001)

§1-203. Tax Collector.

1. *Compensation.* The compensation of the Tax Collector shall be as fixed from time to time by the Borough Council.

2. *Powers and Duties.* The powers and duties of the Tax Collector shall be as provided for in the applicable laws of the Commonwealth of Pennsylvania.

(*Ord. 6*, 6/14/1975, §§3-1001, 1002)

Part 3**Appointed Officers and Employees****A. Auditor****§1-301. Appointment of Auditor.**

Pursuant to the provisions and restrictions of Article X, 53 P.S. §45101 *et seq.*, of the Commonwealth of Pennsylvania, the Borough Council hereby ordains the annual appointment of an independent auditor who shall be a certified public accountant registered in the Commonwealth of Pennsylvania to make an independent examination of the accounting records of the Borough for such fiscal year and to perform the other duties and exercise the powers as conferred upon him by §1005(7) The Borough Code, 53 P.S. §46005(7).

(*Ord. 6, 6/14/1975, §2-2002*)

B. Borough Manager**§1-311. Creation of Office of Borough Manager.**

The office of Borough Manager is hereby created by the Carroll Valley Borough Council.

(Ord. 5-92, 6/8/1992)

§1-312. Appointment and Removal.

The Manager shall be appointed for an indefinite term by a majority of all members of the Borough Council. The Manager shall serve at the pleasure of the Borough Council, and may be removed at any time by a majority vote of all its members. At least 30 days before such removal is to become effective, the Borough Council shall furnish the Manager with a written statement setting forth its intention to remove him/her.

(Ord. 5-92, 6/8/1992)

§1-313. Qualifications.

The Manager shall be chosen solely on the basis of his/her executive and administrative abilities with special reference to the duties of the office as herein outlined. The Manager need not be a resident of the Borough or of the Commonwealth of Pennsylvania at the time of appointment but during the tenure of office he/she may reside outside the Borough only with the approval of the Borough Council. If the Borough Council fails within a reasonable time, not to exceed 60 days after the appointment, to approve the Manager's residence outside the Borough he must immediately become, and during his tenure remain, a resident of the Borough.

(Ord. 5-92, 6/8/1992)

§1-314. Bond.

Before entering upon his/her duties, the Manager shall give a bond in the sum established annually pursuant to a resolution of the Borough Council, with a bonding company as surety, to be approved by the Borough Council, conditioned upon the faithful performance of his/her duties, the premium for said bond to be paid by the Borough.

(Ord. 5-92, 6/8/1992)

§1-315. Manager's Compensation.

The salary of the Borough Manager shall be fixed from time to time by the Borough Council.

(Ord. 5-92, 6/8/1992)

§1-316. Powers and Duties.

1. The Manager shall be the chief administrative officer of the Borough and shall be responsible to the Borough Council as a whole for the proper and efficient administration of the affairs of the Borough placed in his/her charge. The powers and duties for administration of all Borough business shall be vested in the Manager, unless expressly imposed or conferred by statute or ordinance upon other Borough officers.

2. Subject to recall by ordinance, the powers and duties of the Borough Manager shall include the following:

A. Supervise and be responsible for the activities of all municipal departments.

B. Hire and, when necessary for the good of the Borough, suspend or discharge any employee under his/her supervision, provided that persons covered by the civil service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions and provided further that all such actions shall be subject to the approval of the Borough Council.

C. Make recommendations regarding the wages and salaries of all personnel under his/her supervision, within a range previously determined by the Borough Council.

D. Prepare and submit to the Borough Council a budget for the next fiscal year and an explanatory budget message in such timely fashion as will enable the Borough Council to consider and adopt the budget and related tax ordinances according to the requirements of law. In preparing the budget, the Manager, or an officer designated by him/her, shall obtain from the head of each department, agency or board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as is required. The Manager shall review such estimates and may revise them before submitting the budget to the Borough Council.

E. Be responsible for the administration of the budget after its adoption by the Borough Council.

F. Develop, in conjunction with the preparation of the budget, long-range fiscal plans for the Borough, such plans to be presented annually to the Borough Council for its review and adoption.

G. Hold such other Borough offices and head such Borough departments as the Borough Council may from time to time direct.

H. Attend all meetings of the Borough Council and its committees with the right to take part in the discussions without a vote. The Manager shall receive notice of all special meetings of the Borough Council and its committees.

I. Prepare the agenda for each meeting of the Borough Council and supply facts pertinent thereto.

J. Keep the Borough Council informed as to the conduct of Borough affairs; submit periodic reports on the condition of the Borough finances and such other reports as the Borough Council requests; and make such recommendations to the Borough Council as deemed advisable.

K. Submit to the Borough Council, as soon as possible after the close of the fiscal year, a complete report on the finances and administrative activities of the Borough for the preceding year.

L. See that the provisions of all franchises, leases, permits and privileges granted by the Borough Council are observed.

M. Employ, by and with the approval of the Borough Council, experts and consultants to perform work and to advise.

N. Attend to the letting of contracts in due form of law. The Manager shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed by statute upon some other Borough officer.

O. Be responsible for all accounts payable and receivable.

P. Serve as purchasing officer of the Borough and purchase, in accordance with the provisions of the Borough Code and as permitted by the current year's budget, all supplies and equipment for the agencies, boards, departments, and other offices of the Borough. The Manager shall keep an account of all purchases and shall, from time to time or when directed by the Borough Council, make a full written report thereof. He/she shall also issue rules and regulations, subject to the approval of the Borough Council, governing the procurement of all municipal supplies and equipment.

Q. Investigate and dispose of, or designate an officer to investigate and dispose of, all complaints regarding Borough services and personnel, and to report to the Borough Council thereon. All complaints regarding Borough services shall be referred to the office of Manager.

R. Enforce the ordinances and regulations of the Borough.

(Ord. 5-92, 6/8/1992)

§1-317. Disability or Absence of the Manager.

If the Manager becomes ill or needs to be absent from the Borough he/she shall designate one qualified member of his/her staff to perform the duties of the Manager during his/her absence or disability. The person so designated shall not perform these duties for a period longer than 2 weeks without the approval of the Borough Council.

(Ord. 5-92, 6/8/1992)

C. Other Officers**§1-321. Establishment of Offices.**

The following offices of the Borough of Carroll Valley, which are not otherwise required by statute, are hereby established:

- A. Municipal Services Superintendent.
- B. Code Enforcement Officer.
- C. Fire Marshal.

and such other offices as the Borough Council, from time to time, deems necessary.

(*Ord. 6*, 6/14/1975, §2-2001; as amended by *Ord. 5-92*, 6/8/1992)

Part 4**Boards, Commissions and Councils****A. Planning Commission****§1-401. Borough Planning Commission Established.**

A Borough Planning Commission, composed of nine members, appointed in the manner provided by law, 53 P.S. §10202, is hereby created and established in and for the Borough of Carroll Valley. The Borough Planning Commission shall perform all of the duties and may exercise any and all of the powers vested by law in planning agencies in boroughs. Provided, the persons constituting the Borough Planning Commission and now functioning in the Borough shall constitute the Planning Commission hereby created, and nothing in this Section shall affect the tenure of the said present Borough Planning Commission. All vacancies hereafter occurring in the said Planning Commission, regardless of the cause thereof, shall be filled in accordance with the provisions of the law governing planning agencies in boroughs at the time of the occurrence of said vacancy.

(Ord. 6, 6/14/1975, §2-3001)

B. Environmental Advisory Council**§1-411. Council Established.**

An Environmental Advisory Council of three members, appointed in the manner provided by law, is hereby created and established in and for the Borough. The Environmental Advisory Council shall perform all the duties and advisory functions vested in it by law, the Act of December 21, 1973, P.L. 425, No. 148, 53 P.S. §11501 *et seq.*, an act authorizing the establishment of environmental advisory councils by certain political subdivisions.¹

(Ord. 6, 6/14/1975, §2-3041)

¹Editor's Note: The Borough's Environmental Advisory Council was created under the Act of Assembly cited. Act 148-1973 has since been repealed and repealed by the Act of December 19, 1996, P.S. 1158, No. 177, §1, 53 Pa.C.S.A. §2322.

C. Civil Service Commission**§1-421. Commission Established.**

The Borough of Carroll Valley hereby creates a Civil Service Commission consisting of three members, whose duty it shall be to pass upon applicants for appointment to the Police Department of the Borough of Carroll Valley, their promotion and removal, and to perform all other duties required by the Act of Assembly of May 4, 1927, P.L. 519, 53 P.S. §46171 *et seq.*, and amendments and supplements thereto.

(*Ord. 15-90, 6/11/1990*)

§1-422. Appointment of Members.

The Civil Service Commission shall consist of three Commissioners who shall be qualified electors of the Borough of Carroll Valley. As the term of the first members shall expire, the Borough Council shall appoint Commissioners who shall be appointed for terms of 6 years.

(*Ord. 15-90, 6/11/1990; as amended by Ord. 5-92, 6/8/1992*)

Part 5**Police Department****§1-501. Police Department Established.**

A Police Department is hereby established for the Borough of Carroll Valley. The Police Department shall be composed of a Chief of Police or officer in charge, and such other officers and members as may be provided for by the Council.

(*Ord. 6, 6/14/1975, §2-2001; as amended by Ord. 5-92, 6/8/1992*)

§1-502. Authority of the Mayor.

The Mayor shall have full charge and control of the Chief of Police or officer in charge and the police force, and he shall direct the time during which, the place where, and the manner in which the Chief of Police or officer in charge and the police force shall perform their duties, and he may make or prescribe such other rules and regulations as he shall deem advisable. The Mayor may, however, delegate to the Chief of Police, officer in charge and/or the Borough Manager supervision over and instruction to subordinate officers in the manner of performing their duties.

(*Ord. 6, 6/14/1975, §2-2002; as amended by Ord. 5-92, 6/8/1992*)

§1-503. Authority of the Chief of Police or Officer in Charge.

The Chief of Police or officer in charge shall keep such records and make such reports concerning the activities of his department as may be required by statute or ordinance, or by the Mayor or Council; he shall be responsible for the performance by the Police Department of its function, and all persons who are members of the Police Department shall serve subject to his orders and/or the orders of the Mayor.

(*Ord. 6, 6/14/1975, §2-2003; as amended by Ord. 5-92, 6/8/1992*)

§1-504. Appointments, Removal, Supervision or Reduction in Rank.

Subject to the Civil Service Provisions of the Act of May 24, 1927, P.L. 519, Article XI 53 P.S. §46171 *et seq.*, as amended and supplemented, if they be in effect at the time, the Council may appoint and designate the Chief of Police or officer in charge and make other appointments to or promotions within the Department, and may remove, suspend, or reduce in rank, members of the Department. All such members of the department shall be citizens of the Commonwealth of Pennsylvania.

(*Ord. 6, 6/14/1975, §2-2004; as amended by Ord. 5-92, 6/8/1992*)

§1-505. Suspension by the Mayor.

The Mayor may, for cause and without pay, suspend any police officer until the succeeding regular meeting of the Council, at which time or thereafter the Council may, subject to the Civil Service provisions aforesaid, if they be in effect at the time, suspend, discharge, remove, reduce in rank, or reinstate such police officer.

(*Ord. 6, 6/14/1975, §2-2005; as amended by Ord. 5-92, 6/8/1992*)

§1-506. Service and Execution of Process; Ex-Officio Constables; Fees and Costs.

Police officers shall have the authority to serve and execute all criminal process for the violation of Borough ordinances which may be issued and shall be ex-officio constables of the Borough and shall charge the same fees and costs as constables of a borough, but such fees and costs shall be collected and paid into the Borough treasury. (*Ord. 6*, 6/14/1975, §2-2006; as amended by *Ord. 5-92*, 6/8/1992)

§1-507. Enforcement of Laws and Ordinances; Arrests.

The members of the Police Department shall see to the enforcement of all the ordinances and all statutes applicable herein; they shall preserve order and prevent infractions of the law and arrest violators thereof; they shall and may within the Borough arrest and commit for hearing any and all persons who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens or other persons.

(*Ord. 6*, 6/14/1975, §2-2007; as amended by *Ord. 5-92*, 6/8/1992)

Part 6**Fire Protection****A. Fire Marshal****§1-601. Appointment by Borough Council.**

The Borough Council shall designate a Borough Fire Marshal to perform duties consistent with the office and as presented in this Code.

(Ord. 6, 6/14/1975, §10-1001)

§1-602. Authority at Fires.

The Fire Marshal shall have the authority to enforce the requirements of the volunteer fire companies attending any fires, for sufficient ground or space necessary for the operation of said fire companies at said fire, and for the protection of life and property, and the Fire Marshal and said fire companies shall be protected in the discharge of their duties by the police officers of the Borough.

(Ord. 6, 6/14/1975, §10-1002)

§1-603. Unlawful Entrance to Buildings Where Fire is Being Fought.

No person, not actually engaged in the extinguishment of a fire, or the saving of life or property endangered thereby, shall enter any building in which a fire is being fought by a fire company, either during or after such fire, without the express consent of the owner or occupant of such building.

(Ord. 6, 6/14/1975, §10-1003)

§1-604. Certain Acts Interfering with Firefighting Activities.

No person, except an active member of a fire company, shall at any time enter within the territory in the vicinity of any fire, when the same may be roped off, or access within said limits denied by the Borough Police, or interfere with, or attempt to operate any of the apparatus or equipment of said fire companies, or interfere by giving orders to any individual, unless requested so to do by the Fire Marshal or Fire Chief or the person acting as such. Provided, however, that the Mayor or any member of Borough Council or any policeman of the Borough, or any other law enforcement officer, or the owner or occupant of said property within said limits, and such other persons as may be specifically authorized by the Fire Marshal or Fire Chief or the person acting as such, may enter such restricted lines.

(Ord. 6, 6/14/1975, §10-1004)

§1-605. Obstruction of Fire Marshal Prohibited.

No person shall, in any way, obstruct, prevent or attempt to obstruct or prevent, the Fire Marshal in the discharge of his duties, by denying or attempting to deny him access to any premises owned or occupied by said person, or by failing or refusing to furnish correct information requested by the Fire Marshall in the investigation into the

cause, origin or circumstances of any fire.

(*Ord. 6, 6/14/1975, §10-1005*)

§1-606. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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 30 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.

(*Ord. 6, 6/14/1975, §10-1006; as amended by Ord. 5-92, 6/8/1992; and by A.O.*

B. Volunteer Firefighters' Relief Association**§1-621. Recognition of Volunteer Firefighters' Relief Association.**

1. The following associations are hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough of Carroll Valley:

- A. Fountaindale Volunteer Fire Department.
- B. Fairfield Fire and EMS. [A.O.]

The above-named associations have been formed for the benefit of their members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above-named associations of the Borough are designated the proper associations to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(Ord. 5-92, 6/8/1992; as amended by A.O.)

§1-622. Certification to Auditor General.

The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General.

(Ord. 5-92, 6/8/1992)

§1-623. Annual Appropriation.

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §701 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(Ord. 5-92, 6/8/1992)

Part 7**Attorney's Fees****§1-701. Adoption of Fee Schedule.**

The Borough of Carroll Valley hereby adopts the following schedule of attorney's fees for actions involving the collection of municipal claims, taxes and liens:

- A. The hourly rate per hour of time expended as established, from time to time, by resolution of Borough Council.

(A.O.

§1-702. Notice of Intention to Assess Attorney's Fees.

1. In all actions in which attorney's fees are incurred and claimed by the Borough in the collection of any delinquent municipal claim, tax or lien, the Borough, through its Solicitor or Manager, shall notify the person responsible for the payment of the claim, tax or lien by United States certified mail, return receipt requested, postage prepaid of the Borough's intention to assess attorney's fees in connection with the collection of the delinquent account to the person's last known post office address as shown on the Borough's tax records and records of the Assessment Office for Adams County, Pennsylvania.

2. If, within 30 days of mailing the notice in accordance with subsection .1 above, the certified mail is refused or unclaimed or the return receipt is not received, then the Borough, through its Solicitor or Manager, shall mail to the person the notice by United States first class mail at least 10 days prior to assessing or imposing attorney's fees in connection with the collection of the delinquent account.

3. The notice required shall state the Borough's intention to impose or assess attorney's fees within 30 days of mailing the notice pursuant to subsection .1 hereof or with 10 days of the mailing of the notice pursuant to subsection .2 hereof and the manner in which the imposition or assessment of attorney's fees may be avoided pursuant to the Municipal Claim and Tax Lien Law.

(A.O.

§1-703. Applicability.

The provisions of this Part shall be applicable to all claims filed on the behalf of the Borough on or after December 9, 1990.

(A.O.

