

Chapter 1

Administration and Government

Part 1

Preliminary Provisions

- §1-101. Short Title
- §1-102. Citation of Code of Ordinances
- §1-103. Arrangement of Code
- §1-104. Headings
- §1-105. Tenses, Gender and Number
- §1-106. Construction
- §1-107. Normal Numbering
- §1-108. Special Numbering Problems
- §1-109. Amending Code
- §1-110. Altering Code
- §1-111. Penalties

Part 2

Appointed Officials

A. Township Manager

- §1-201. Creation
- §1-202. Appointment
- §1-203. At-Will Appointee
- §1-204. Time of Service
- §1-205. Service
- §1-206. Compensation
- §1-207. Reimbursement for Services to West Cocalico Township Authority
- §1-208. Compensation Paid Out of the General Fund
- §1-209. Legislative Functions
- §1-210. Administrator of the Township
- §1-211. Duties and Powers
- §1-212. Bond

Part 3

Boards and Commissions

A. Recreation Board

- §1-301. Creation of Board
- §1-302. Number of Members
- §1-303. General Authority
- §1-304. Rules and Regulations for Township Parks
- §1-305. Removal of Member
- §1-306. Compensation

§1-307. Establishment of Rules and Regulations

§1-308. Annual Report

B. Planning Commission

§1-311. Creation of Commission

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

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

(Ord. 125B, 9/16/2014)

§1-102. Citation of Code of Ordinances.

The Township of West Cocalico 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. 125B, 9/16/2014)

§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. 125B, 9/16/2014)

§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. , 9/16/2014)

§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. 125B, 9/16/2014)

§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, 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 (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. 125B, 9/16/2014)

§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. 125B, 9/16/2014)

§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 units, 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. 125B, 9/16/2014)

§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. 125B, 9/16/2014)

§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. 125B, 9/16/2014)

§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. 125B, 9/16/2014)

Part 2**Appointed Officials****A. Township Manager****§1-201. Creation.**

The Board of Supervisors of West Cocalico Township hereby creates the office of Township Manager.

(*Ord. 99, 12/16/2002, §1*)

§1-202. Appointment.

The individual to fill such position shall be appointed by a majority vote of the Board of Supervisors after consultation with the members of the West Cocalico Township Authority.

(*Ord. 99, 12/16/2002, §2*)

§1-203. At-Will Appointee.

The Township Manager appointed as aforesaid shall be an at-will appointee serving for an indefinite term at the discretion of the Board of Supervisors.

(*Ord. 99, 12/16/2002, §3*)

§1-204. Time of Service.

The person appointed to the position of Township Manager as aforesaid shall serve until terminated by the Board of Supervisors, a resignation is submitted, or death or disability shall occur.

(*Ord. 99, 12/16/2002, §4*)

§1-205. Service.

The Township Manager shall devote his or her best efforts and full-time service to West Cocalico Township, but it is understood that such full-time service shall include services provided by such person to the West Cocalico Township Authority pursuant to an agreement between the Township and the Authority.

(*Ord. 99, 12/16/2002, §5*)

§1-206. Compensation.

The compensation for the Township Manager shall be set forth in a resolution adopted from time to time by the majority of the Board of Supervisors of West Cocalico Township.

(*Ord. 99, 12/16/2002, §6*)

§1-207. Reimbursement for Services to West Cocalico Township Authority.

The West Cocalico Township Authority shall reimburse the Township for services

provided by the Township's appointed Manager at a rate to be established at the reorganization meeting for both entities annually or as modified from time to time by agreement and a resolution by both.

(*Ord. 99, 12/16/2002, §7*)

§1-208. Compensation Paid Out of the General Fund.

The compensation for the Township Manager shall be paid out of the general fund of the Township.

(*Ord. 99, 12/16/2002, §8*)

§1-209. Legislative Functions.

The Township Manager shall not perform any legislative functions, particularly the enactment of any legislation affecting the Township.

(*Ord. 99, 12/16/2002, §9*)

§1-210. Administrator of the Township.

The Township Manager shall be the administrator of the Township and shall be responsible for carrying out the policies and directives of the Board of Supervisors.

(*Ord. 99, 12/16/2002, §10*)

§1-211. Duties and Powers.

Further, the Township Manager shall have the following duties and commensurate powers to perform the following duties:

A. Supervise and be responsible for the activities of all Township departments except as authorized by ordinance or law.

B. Appoint, suspend or remove with the advice and consent of the Board of Supervisors all department heads on the basis of merit system principles. Any employee so removed shall have the right to appeal to the Board of Supervisors.

C. Appoint, suspend or remove, with the advice and consent of the Board, all other Township employees on the basis of the merit system principles. This shall not apply to the Township Solicitor, Engineer, Sewage Enforcement Officer, Zoning Officer, or Code Enforcement Officer. The Manager may authorize any department head to exercise such policies or power with his or her subordinates, provided that any such authorized exercise shall ultimately be subject to the Manager's supervision, review, and modification. Any employee so removed shall have the right to appeal to the Board of Supervisors.

D. Prepare and submit to the Board, before the close of each fiscal year, proposed preliminary budgets for the next fiscal year and an explanatory budget message. In preparing the budgets, the Manager, or the Manager's designee, shall obtain from the head of each department, agency, or board estimates of revenues and expenditures and such other supporting data as is required to make a proposed budget. The Manager shall review such estimates any may revise them before submitting the budgets to the Board.

E. Exercise control over the administration of the budget after its adoption

by the Board of Supervisors.

F. Hold other Township offices and head such Township departments as the Board may from time to time direct.

G. Attend all meetings of the Board and Township committees, with the right to participate in the discussions, but not to vote. The Manager shall be notified of all special meetings of the Board and all Township committees.

H. Prepare the agenda for each meeting of the Board of Supervisors and any committee as designated and supply facts pertinent thereto.

I. Inform the Board as to the conduct of Township affairs, submitting periodic reports on the condition of the Township finances and such other reports as the Board requests and make such other recommendations to the Board as the Manager deems advisable.

J. Prepare and submit to the Board, as soon as possible after the close of the fiscal year, a complete report on the finances and administrative activities of the Township for the preceding year.

K. Ensure that the provisions of all ordinances, leases, permits, and privileges granted by the Township are observed.

L. Employ, by and with the approval of the Board, experts and consultants to perform work and to advise in connection with any of the functions of the Township.

M. Attend the letting of contracts in due form of law, and supervise the performance and faithful execution of the same, insofar as such duties are expressly imposed by statute upon some other Township officer.

N. Supervise, with the concurrence of the Township Engineer and Solicitor, as needed, the letting of contracts, as well as performance and faithful execution of same.

O. Ensure that all monies owed to the Township are promptly paid and that proper proceedings are taken for the security and collection of all Township claims.

P. Be responsible for the enforcement of all ordinances and regulations of the Township.

Q. Be responsible for the general supervision of the activities of any Code Enforcement, Zoning, Building Code, or Sewage Enforcement Officer in regard to enforcement of Township ordinances, including, but not limited to, building, zoning, subdivision ordinances of the Township. The Township Manager, in addition to the applicable Code Enforcement Officer or Zoning Officer, shall be empowered to report and enforce any violation of any code or ordinance other than that which must be initiated by a summons, warrant of arrest, or warrantless arrest by the police department.

R. Participate in intergovernmental programs, monitor legislative activity and keep abreast of current advances in management and technology.

S. Maintain a high level of public relations for all elements of the Township, including periodic reports and other information that may be directed by the Board from time to time.

T. Be able to join any association related to the office of Township Manager,

and such dues and expenses for membership or participation therein shall be paid by the Township.

U. Handle all press releases and be responsible for all public information releases and communications with the media.

V. To be available at all times by cell phone to receive telephone calls related to Township matters, particularly emergency calls.

W. To request opinions from the Township Solicitor and Township Engineer as may be necessary from time to time.

(Ord. 99, 12/16/2002, §11)

§1-212. Bond.

The Township Manager shall post bond with a corporate surety acceptable to the Board of Supervisors in the amount of \$100,000. The fee for the bond shall be paid by the Township.

(Ord. 99, 12/16/2002, §12)

Part 3**Boards and Commissions****A. Recreation Board****§1-301. Creation of Board.**

Upon the effective date hereinafter provided, there is hereby created a board, which shall be known as the “West Cocalico Township Parks and Recreation Board,” which shall operate pursuant to the terms and conditions of this Part.

(*Ord. 87, 7/14/1997, §1*)

§1-302. Number of Members.

The Board created hereby shall consist of five members, each such position having a term of 5 years, except for the initial members. The Board of Supervisors shall have the authority, by duly adopted resolution, to appoint the initial members to the Board created herein, to determine the date of the expiration of such appointees’ original terms, and to appoint persons to fill expired terms as they occur from time to time.

(*Ord. 87, 7/14/1997, §2*)

§1-303. General Authority.

The Board created hereby shall have the general authority to supervise, regulate, equip, and maintain Township-funded recreation programs and facilities. It shall have the authority to expend only such sums as may be provided to it by the Board of Supervisors from time to time in the Township’s annual budget or by duly adopted resolution. It shall not have the authority to obligate the Township to any expense or contract, beyond such budget or specific appropriation as provided above, nor shall it have the authority to borrow money either in its name or in the name of the Township.

(*Ord. 87, 7/14/1997, §3*)

§1-304. Rules and Regulations for Township Parks.

Nothing in this Part shall be deemed to negate, modify or repeal West Cocalico Township *Ord. 75* [Chapter 16, Part 1], which established rules and regulations for persons using Township parks.

(*Ord. 87, 7/14/1997, §4*)

§1-305. Removal of Member.

The Supervisors shall have the authority, by a duly adopted resolution, to remove any member of the Board created hereby for a dereliction or neglect of duty. Any such vacancy shall be filled for the unexpired term by a duly adopted resolution of the Board of Supervisors.

(*Ord. 87, 7/14/1997, §5*)

§1-306. Compensation.

The members of the Board created hereby shall serve without compensation, but may be reimbursed for expenses incurred in performing the duties set forth herein, upon a duly adopted resolution of the Board of Supervisors.

(Ord. 87, 7/14/1997, §6)

§1-307. Establishment of Rules and Regulations.

The Board created hereby shall have the authority to establish its own rules and regulations for the operation of the Board, pursuant to the requirements of law as set forth in Title 53 P.S. §67204.

(Ord. 87, 7/14/1997, §7)

§1-308. Annual Report.

The Board created hereby shall submit an annual report to the Board of Supervisors, including an analysis of the adequacy and effectiveness of community recreation areas, facilities and leadership.

(Ord. 87, 7/14/1997, §8)

B. Planning Commission**§1-311. Creation of Commission.**

A Township Planning Commission, to be composed of five members, appointed as provided by law (53 P.S. §10202), is hereby created in and for the Township. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Township planning agencies; provided, the Planning Commission previously created in and for the said Township shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission hereafter occurring shall be filled in the manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy.

(Ord. 125B, 9/16/2014)

