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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 Northampton shall be the "Township of Northampton Code of Ordinances."

(Ord. 561, 4/25/2012)

§1-102. Citation of Code of Ordinances.

The Township of Northampton 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. 561, 4/25/2012)

§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. 561, 4/25/2012)

§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. 561, 4/25/2012)

§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. 561, 4/25/2012)

§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. 561, 4/25/2012)

§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. 561, 4/25/2012)

§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. 561, 4/25/2012)

§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. 561, 4/25/2012)

§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. 561, 4/25/2012)

§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. 561, 4/25/2012)

Part 2**Boards, Commissions and Councils****A. Northampton Township Emergency Services Board (NORTEMS)****§1-201. Establishment.**

There is hereby established the Northampton Township Emergency Services Board (hereinafter referred to as "NORTEMS"), whose membership shall consist of representation from volunteer emergency service agencies, municipal public safety departments and the Board of Supervisors.

(Ord. 256, 5/27/1987)

§1-202. Purpose; Authority.

1. The purpose of NORTEMS is to develop procedures and techniques to coordinate the delivery of emergency services in the Township and to serve in an advisory capacity to the Board of Supervisors for the purpose of recommending policymaking decisions to improve, wherever possible, emergency services for the protection to persons and property in Northampton Township.

2. NORTEMS shall have the authority to adopt rules, regulations and plans of action governing emergency services. However, such rules, regulations and plans of action shall not become effective until submitted to and approved by the Board of Supervisors.

(Ord. 256, 5/27/1987)

§1-203. Meetings.

NORTEMS shall hold meetings on a regular basis at the Northampton Township Administration Building at a time to be determined by the Emergency Services Board or its Chairman and shall render to the Board of Supervisors current reports and/or policymaking recommendations through its Secretary.

(Ord. 256, 5/27/1987)

§1-204. Membership.

Membership in NORTEMS shall consist of a representative from each of the following volunteer emergency service agencies or officials within the Township government or any other agency or official Township office as may from time to time be authorized by resolution of the Board of Supervisors:

A. Ambulance Services.

(1) Trevoise Heights Rescue Squad.

(2) The Newtown American Legion Ambulance Squad as an ex officio member. [*Res. R-95-22*]

B. Fire Services.

(1) Northampton Township Volunteer Fire Company.

(2) Fire Marshal.

C. *Police Services*. Chief of Police.

D. *Emergency Management*. Emergency Management Director.

E. *Board of Supervisors*. A member who shall be a full member of NORTEMS.

[*Res. R-95-22*]

(*Ord. 256, 5/27/1987; as amended by Res. R-95-22, 8/16/1995*)

§1-205. Terms.

All members of NORTEMS shall serve for an indefinite term of office at the pleasure of the agency that they represent or, in the case of elected or appointed Township officials, until such time as their successors shall qualify.

(*Ord. 256, 5/27/1987*)

B. Northampton Township Park and Recreation Board**§1-211. Board Established; Composition.**

1. There is hereby established the Northampton Township Park and Recreation Board consisting of five members, who shall serve without compensation.

2. Effective January 1, 1978, there shall be created two additional positions on the Northampton Township Park and Recreation Board, bringing the total to seven members. [Res. R-77-17]

(Res. R-75-13, 3/26/1975; as amended by Res. R-77-17, 12/28/1977)

§1-212. Appointments; Terms.

1. The members of said Park and Recreation Board shall be appointed by the Board of Supervisors from among the residents of the Township. The initial appointees shall serve for staggered terms, one of which shall expire at the organization meeting of the Board of Supervisors in January 1976, and one on each of the succeeding four organization meetings. Subsequent appointments under this Section shall be for terms of 5 years, expiring at the organization meeting of the Board of Supervisors in January of the fifth year following their appointment, or until their successors are appointed.

2. The terms of these two new positions shall expire at the organization meetings in 1980 and 1982 and after that term shall expire each 5 years. [Res. R-77-17]

(Res. R-75-13, 3/26/1975; as amended by Res. R-77-17, 12/28/1977)

§1-213. Service for Full Terms; Vacancies.

All persons appointed to the Park and Recreation Board shall serve their respective terms in full unless they shall voluntarily resign, be removed by the Board of Supervisors for dereliction or neglect of duty, become unable to serve or become a nonresident of the Township. A vacancy in said Park and Recreation Board occurring otherwise than by expiration of term shall be filled for the unexpired term by the Board of Supervisors.

(Res. R-75-13, 3/26/1975)

§1-214. Organization; Officers; Rules of Procedure.

The members of said Park and Recreation Board, annually in January subsequent to the appointment dates set forth in §1-212 hereof, shall elect their own Chairman and Secretary and select all other necessary officers, to serve until the election of such officers in January of the following year, except in case of a vacancy, which shall thereupon be filled for the unexpired term. Said Park and Recreation Board shall have power to adopt rules and regulations for the conduct of all business, within its jurisdiction.

(Res. R-75-13, 3/26/1975)

§1-215. Powers and Duties of Board; Audit of Accounts; Reports.

1. It shall be the responsibility of the Park and Recreation Board to maintain all parks within the Township; to control and regulate any and all activities within said parks; to plan for the preservation, continuance and, if desirable, expansion of said

parks; to provide for any recreational activities without said parks; and, to the aforesaid ends, to expend the moneys appropriated or given to said Board or, upon request, to supervise the expenditure of funds of others designated for specific park and recreational projects.

2. Annually, the Park and Recreation Board shall submit its accounting records for audit at the time and in the manner applicable to other Township accounting records. The Park and Recreation Board shall also submit an annual report to the Board of Supervisors, setting forth its recreational activities, the condition of the parks, the use thereof and any recommendations for their improvement, which report shall include an analysis of the extent and adequacy of the program in view of the public expenditure involved and the public needs to be met. Interim reports shall be furnished to the Board of Supervisors upon the request of that body.

3. The Park and Recreation Board shall adopt Facility and Field Use Policies, Rules and Regulations governing the use of all recreation facilities and fields owned by the Township. [*Ord. 552*]

(*Res. R-75-13, 3/26/1975; as amended by Ord. 552, 8/25/2010, §1*)

§1-216. Use of Recreation Facilities and Fields.

Use of Township owned recreation facilities and fields for any purpose is restricted. All use of Northampton Township facilities and fields must be in compliance with the Field and Facility Use Policies, Rules and Regulations, and the Policy on Accreditation of User Groups adopted by the Park and Recreation Board.

(*Res. R-75-13, 3/26/1975; as added by Ord. 552, 8/25/2010, §2*)

§1-217. Enforcement.

The Policies, Rules and Regulations for Facility and Field Use as adopted by the Park and Recreation Board shall be enforced by the Northampton Township Police Department.

(*Res. R-75-13, 3/26/1975; as added by Ord. 552, 8/25/2010, §2*)

§1-218. Violations and Penalties.

Any person or persons, partnership or other entity whatsoever in violation any of the provisions of §1-216 shall, 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.

(*Res. R-75-13, 3/26/1975; as added by Ord. 552, 8/25/2010, §2*)

C. Northampton Township Telecommunications Advisory Board**§1-221. Board Created.**

There is hereby created an advisory Board in Northampton Township which shall be known as the “Northampton Township Telecommunications Advisory Board.”

(Ord. 516, 10/10/2007)

§1-222. Membership; Compensation.

The Telecommunications Advisory Board shall consist of five members who shall be appointed by the Board of Supervisors. Members of the Board shall serve staggered terms of not more than 3 years. The members of the Board shall serve without compensation.

(Ord. 516, 10/10/2007)

§1-223. Organization.

The Telecommunications Advisory Board shall elect from its own membership its own officers and shall make, alter and rescind rules and forms for its procedure, consistent with the ordinances of Northampton Township, the laws of the Commonwealth of Pennsylvania and the United States of America. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as shall be required by the Board of Supervisors.

(Ord. 516, 10/10/2007)

§1-224. Purpose.

The purposes of the Board shall be to:

A. Make recommendations to the Board of Supervisors on applications for franchises and franchise renewals.

B. Advise the Board of Supervisors on matters which might be grounds for revocation of franchise or imposition of penalties for noncompliance with franchise provisions.

C. Advise the Board of Supervisors with respect to cable rates, policies relating to the services provided to subscribers, and the operation and use of public and institutional cable channels.

D. Advise the Board of Supervisors on the operation of other systems and, where possible, the interconnection of systems.

E. Review any proposed telecommunication services.

F. At the request of the Board of Supervisors, conduct an evaluation of the cable system in consultation with cable operators, utilizing technical consultants if necessary.

G. Advise the Board of Supervisors on emerging telecommunications standards and new technologies to address new community needs and provide maximum service and reasonable cost via the promotion of competition.

H. Strive to improve service and address problems with local telephone, cable/wireless television and broadband/wireless Internet services.

(*Ord. 516, 10/10/2007*)

§1-225. Meetings; Announcing Time and Place.

The Telecommunications Advisory Board shall meet on a monthly basis and shall announce the time and place of the meeting pursuant to the requirements of the Second Class Township Code, as amended, 53 P.S. §65101 *et seq.*

(*Ord. 516, 10/10/2007*)

§1-226. Reports to Board of Supervisors.

The Telecommunications Advisory Board shall make periodic reports to the Board of Supervisors concerning the use of public access channels, including recommendations for local programming, proposed expenses and purchases of equipment.

(*Ord. 516, 10/10/2007*)

§1-227. Expenditures.

The Board shall make no expenditures without the prior approval of the Board of Supervisors. When authorized by the Board of Supervisors, the Board may contract for experts and other consultants for such technical services as it may require.

(*Ord. 516, 10/10/2007*)

D. Zoning Hearing Board

§1-231. Establishment; Continuation.

The Zoning Hearing Board presently in existence shall continue and be constituted as the Zoning Hearing Board under this Part. Matters pending before the Zoning Hearing Board (hereinafter referred to as the “Board”) at the time this Part becomes effective shall continue and be completed under the law in effect at the time such Board took jurisdiction of them.

(*Ord. 327, 4/10/1991, §I*)

§1-232. Administration and Procedure.

1. *Members; Qualifications; Terms.* The membership of the Board shall consist of three residents of the Township of Northampton appointed by resolution of the Board of Supervisors. The terms of office of a three-member Board shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township of Northampton. Further regulation of membership and organization shall be as provided in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as now in effect or as hereafter amended.

2. *Alternate Member.* The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. Duties, rules and procedures of the alternate members include:

A. When seated, pursuant to the provisions of the Pennsylvania Municipalities Planning Code (MPC), an alternate member shall be entitled to participate in all proceedings and discussions of the Board, to the same and full extent as provided by law for Board members. Specifically, alternate members shall have the right to cast a vote as a voting member during the proceedings and shall have all the powers and duties set forth in this Part, and as otherwise provided in the MPC, as now in effect or as hereafter amended.

B. An alternate member shall continue to serve on the Board in all proceedings involving the matter or case for which he or she was initially seated until the Board has made a final determination of that matter or case.

C. An alternate member shall hold no other office in the Township of Northampton, including, but not limited to, an exclusion from membership on the Planning Commission or service as Zoning/Code Enforcement Officer, during his/her term of office.

D. When designated to sit by the Chairman of the Board due to the absence of a quorum by reason of disqualification or absence of a regular Board member, the alternate member shall receive the same rate of compensation as a regular Board member for each meeting in which he or she participates, as fixed under this Part.

E. When not designated by the Board Chairman to sit, the alternate member may not vote and shall not be compensated but may, at the discretion of the Chairman, participate in any proceeding or discussion of the Board.

[*Ord. 406*]

3. *Rules and Regulations.* The Zoning Hearing Board may make, alter and rescind rules and forms for its procedures such as are consistent with the ordinances of the Township and the laws of the Commonwealth. The Board shall keep full public records of the rules, regulations and forms it adopts. Such records shall be the property of the Township and shall be made available for inspection by any interested person in the Township Building.

4. *Compensation.* Regular and/or alternate members of the Zoning Hearing Board shall be compensated at a rate to be established by resolution of the Board of Supervisors.¹

(*Ord. 327, 4/10/1991, §I; as amended by Ord. 406, 3/13/1996*)

¹Rules of procedure for the Zoning Hearing Board, originally attached to the chapter, are on file in the Township office.

E. Northampton Township Historic Commission**§1-241. Establishment of Commission.**

There is hereby re-created and re-established the Northampton Township Historic Commission, which shall be an advisory commission to the Board of Supervisors.

(Ord. 541, 2/25/2009, §I)

§1-242. Membership.

The Northampton Township Historic Commission shall consist of seven members who shall be appointed by the Board of Supervisors of Northampton Township for staggered terms of 5 years. The Historic Commission members presently serving in their respective terms shall continue and be constituted as the Northampton Township Historic Commission.

(Ord. 541, 2/25/2009, §I)

§1-243. Residency and Compensation.

All members of the Northampton Township Historic Commission shall be residents of Northampton Township and serve without compensation other than for such expenses in connection with their duties on said Commission as the Board of Supervisors of Northampton Township shall approve in advance.

(Ord. 541, 2/25/2009, §I)

§1-244. Quorum; Taking Action.

A quorum shall consist of four members. Actions may only be taken by affirmative vote of a quorum of the Commission.

(Ord. 541, 2/25/2009, §I)

§1-245. Election of Officers.

The Northampton Township Historic Commission shall elect from its members, at the first meeting thereof, and at the annual meeting in January of each and every year thereafter, a Chairman, Secretary and such other officers as the said Commission may deem necessary, by a majority vote of the members present at such meeting constituting a quorum. Written notice of the annual meeting shall be mailed to each member by the Secretary at least 5 days prior to said meeting. Regular or special meetings shall convene at the call of the Chairman, or in such other manner as the members may, by a majority vote, designate.

(Ord. 541, 2/25/2009, §I)

§1-246. Duties and Responsibilities.

The Northampton Township Historic Commission shall undertake the following duties and responsibilities in connection with advising the Board of Supervisors of Northampton Township in identifying and preserving historical sites, buildings, papers, documents and relics of historical significance to Northampton Township:

- A. Conduct investigations and collect and disseminate data and information

on matters of historical significance to Northampton Township.

B. Publish pamphlets or reports designating the historical sites or buildings of significant value to the history of Northampton Township.

C. Make recommendations for suitable plaques or markers to distinguish the historical sites and buildings of Northampton Township.

D. Cooperate with any qualified historical society in investigations of historical matters relating to Northampton Township.

E. Recommend to the Board of Supervisors a suitable depository and display of historical papers, documents and relics, and coordinate the preservation and display of historically significant items for public view.

F. Maintain a survey of historic sites or buildings of significant value to the history of Northampton Township.

G. When requested by the Board of Supervisors, conduct investigations into the historical significance of any structures or historically significant features shown or affected by any plan of subdivision or land development filed with the Township.

H. When requested by the Township Zoning Officer, assess the historical significance of any structure proposed to be demolished, and render a preliminary report within 30 days of the date the permit application for demolition which shall include whether the subject property, building, or structure is on or eligible for registration on the National, State, or Local Register of Historic Places. If the property, building, or structure is eligible for such registration, the Commission shall assess the subject property, building, or structure to determine the existence of any historically significant features, and shall render a final report to the Board of Supervisors within 60 days of the date the permit application for demolition is made on ways the property, buildings, or structures may be preserved.

(Ord. 541, 2/25/2009, §I)

§1-247. Reports.

The Northampton Township Historic Commission shall make such reports from time to time to the Board of Supervisors of Northampton Township as requested by the Board of Supervisors or as the Commission shall deem advisable.

(Ord. 541, 2/25/2009, §I)

F. Planning Commission**§1-251. Commission Recreated.**

There is hereby recreated and reestablished the Northampton Township Planning Commission by authority of and in compliance with Article II of the Pennsylvania Municipalities Planning Code, as amended (53 P.S. §10201 *et seq.*).

(*Ord. 195, 9/9/1981*)

§1-252. Membership.

Said Planning Commission shall consist of seven members, residents of Northampton Township, who shall serve without compensation but may be reimbursed for necessary and reasonable expenses.

(*Ord. 195, 9/9/1981; as amended by Ord. 200, 7/14/1982*)

§1-253. Composition; Rights of Officer or Employee Members.

At least three members of said Planning Commission shall be citizen members and shall not be officers or employees of Northampton Township. Elected or appointed officers or employees of the Township shall not, by reason of membership therein, forfeit the right to exercise the powers, perform the duties or receive the compensation of the Township offices held by them during such membership.

(*Ord. 195, 9/9/1981*)

§1-254. Appointments; Terms; Vacancies.

All members of the Planning Commission shall be appointed by the Board of Supervisors. The term of each of the members of the Commission shall be 4 years or until his successor is appointed and qualified, except that the term of the members first appointed pursuant to this Part shall be so fixed that not more than two members shall be reappointed or replaced during any future calendar year. The Chairman of the Planning Commission shall promptly notify the Board of Supervisors concerning vacancies in the Commission, and such vacancy shall be filled for the unexpired term.

(*Ord. 195, 9/9/1981*)

§1-255. Removal from Office.

Any member of a Planning Commission once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

(*Ord. 195, 9/9/1981*)

§1-256. Officers; Bylaws; Reports to Supervisors.

The Commission shall elect its own Chairman and Vice Chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter bylaws and rules and

regulations to govern its procedures, consistent with the ordinances of the Township and the laws of the commonwealth. The Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Board of Supervisors. Interim reports may be made as often as may be necessary or as requested by the Board of Supervisors.

(*Ord. 195, 9/9/1981*)

§1-257. Powers and Duties.

1. The Planning Commission shall, at the request of the Board of Supervisors, have the power and shall be required to:

A. Prepare the Comprehensive Plan for the development of the Township as set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and present it for the consideration of the Board of Supervisors.

B. Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.

2. The Planning Commission, at the request of the Board of Supervisors, may:

A. Make recommendations to the Board of Supervisors concerning the adoption or amendment of an official map.

B. Prepare and present to the Board of Supervisors a zoning ordinance and make recommendations to the Board on proposed amendments to it as set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

C. Prepare, recommend and administer the subdivision and land development ordinance.

D. Prepare and present to the Board of Supervisors a building code and a housing code and make recommendations concerning proposed amendments thereto.

E. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, or the ordinances of the Township.

F. Prepare and present to the Board of Supervisors an environmental study.

G. Submit to the Board of Supervisors a recommended capital improvements program.

H. Prepare and present to the Board of Supervisors a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed. [*Ord. 296*]

I. Promote public interest in and understanding of the Comprehensive Plan and planning.

J. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

K. Hold public hearings and meetings.

L. Present testimony before any board. [*Ord. 296*]

M. Require from other departments and agencies of the Township such

available information as relates to the work of the Planning Commission.

N. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

O. Prepare and present to the Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township. [*Ord. 296*]

P. Review the zoning ordinance, subdivision and land development ordinance, official map, and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan. [*Ord. 296*]

(*Ord. 195, 9/9/1981; as amended by Ord. 296, 8/9/1989*)

§1-258. Funds and Assistance from Governmental and Private Sources.

The Planning Commission may, with the consent of the Board of Supervisors, accept and utilize any funds, personnel or other assistance made available by the County, the Commonwealth or the Federal government or any of their agencies or from private sources.

(*Ord. 195, 9/9/1981*)

G. Blighted Property Review Committee**§1-261. Creation of Committee.**

There is hereby created a Blighted Property Review Committee of Northampton Township.

(Ord. 557, 5/25/2011)

§1-262. Membership; Compensation.

1. The Blighted Property Review Committee shall consist of five individuals as follows:

- A. One member of the Board of Supervisors of Northampton Township.
- B. One member representing the Redevelopment Authority of the County of Bucks as designated by the Redevelopment Authority.
- C. One member of the Northampton Township Planning Commission.
- D. One member of the community appointed by Board of Supervisors of Northampton Township.
- E. One member of the community appointed by the Chairperson of the Board of Supervisors of Northampton Township.

2. Members of the Committee shall serve without compensation.

(Ord. 557, 5/25/2011)

§1-263. Term of Office.

The term of each member of the Committee shall be 1 year expiring on December 31 or until a successor is appointed.

(Ord. 557, 5/25/2011)

§1-264. Officers.

The Committee shall elect its own Chairman, Vice Chairman, and Secretary, and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves.

(Ord. 557, 5/25/2011)

§1-265. Powers and Duties.

1. The Blighted Property Review Committee shall have the authority to examine properties located within the Township of Northampton and make a determination that a property is blighted if said property has one or more of the following conditions:

- A. Any premises which because of the physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire and related codes.
- B. Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children including, but not limited to, abandoned wells, shafts, basement, excavations, and unsafe fences or structures.
- C. Any structure which is a fire hazard, or is otherwise dangerous to the

safety of persons or property.

D. Any structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

E. Any vacant or unimproved lot or parcel of ground in a predominately built up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

F. Any unoccupied property which has been tax delinquent for a period of 2 years prior to the effective date of this subpart, and those in the future having a 2-year tax delinquency.

G. Any property which is vacant but not tax delinquent, which has not been rehabilitated within 1 year of receipt of notice to rehabilitate from the appropriate code enforcement agency.

H. Any property that is abandoned as is defined in the law.

2. The Committee shall act in conformance with the Pennsylvania Urban Redevelopment Law, 35 P.S. §1701 *et seq.*

(Ord. 557, 5/25/2011)

Part 3**Elected and Appointed Officials****A. Township Manager****§1-301. Office Created.**

The office of Township Manager is hereby created.

(*Ord. 140, 9/11/1974*)

§1-302. Appointment; Term; Qualifications.

1. The Township Manager shall be appointed by majority vote of the Board of Supervisors for an indefinite term. He shall be chosen by the Board solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office hereinafter set forth. The Manager need not be a resident at the time of his employment, but he shall become a resident of the Township within 12 months after his employment commences.

2. No Supervisor shall receive such appointment during the term for which he shall have been elected nor within 1 year after the expiration of his term.

(*Ord. 140, 9/11/1974; as amended by Ord. 181, 4/9/1980*)

§1-303. Removal from Office.

The Board of Supervisors may remove the Township Manager at any time by a majority vote of its members. Notice of removal of the Township Manager shall be given 30 days before the effective date of removal. Upon removal, the Board of Supervisors shall pay his salary under the provisions stated in the contract with the Manager; provided, however, that if the Manager is removed for conviction of an illegal act, or further provided that if the Manager voluntarily resigns, the Township shall have no duty to pay any salary after the removal date or the voluntary resignation, as the case may be.

(*Ord. 140, 9/11/1974; as amended by Ord. 181, 4/9/1980*)

§1-304. Powers and Duties.

1. The Township Manager shall be the chief administrative officer of the Township, and he shall be responsible to the Board of Supervisors for the proper and efficient administration of all affairs of the Township. The powers and duties of administration of all Township business shall be vested in the Manager, unless expressly imposed or conferred by statute upon other Township officers.

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

A. He shall supervise and be responsible for the activities of all Township departments.

B. He shall hire and, when necessary for the good of the service, shall

suspend or discharge any employee under his supervision with the exception of department heads, who shall be appointed, suspended or discharged with the advice and consent of the Board of Supervisors, provided that persons covered by the civil service statutes shall be hired, suspended or discharged in accordance with such provisions, and provided further that the Manager shall report, at the next meeting thereafter of the Board of Supervisors, any action taken by authority of this subsection.

C. He shall have the power to establish a standard schedule of pay for each appointive office and position in the Township service, including minimum, intermediate and maximum rates of pay, within a range previously determined by the Board.

D. He shall prepare and submit to the Board of Supervisors as of the end of the fiscal year a complete report on the finances and administrative activities of the Township for the preceding year.

E. He shall prepare and submit to the Board of Supervisors an annual budget, together with a message describing its important features, and be responsible for its administration after adoption.

F. He shall keep the Board of Supervisors advised of the financial condition and future needs of the Township and make such recommendations as he may deem desirable. He shall prepare, periodically, recommendations as to a capital expense budget, and he shall also prepare a quarterly report on current budget expenditures.

G. He shall recommend to the Board of Supervisors, from time to time, adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.

H. He shall consolidate or combine offices, positions, departments or units under his jurisdiction, with the advice and consent of the Board of Supervisors. The Manager may be the head of one or more departments.

I. He shall attend all meetings of the Board of Supervisors unless excused therefrom and take part in the discussion of all matters coming before the Board of Supervisors. He shall receive notice of all subsidiary meetings of the Board and its committees and also attend such subsidiary Board meetings as the Board of Supervisors shall from time to time direct.

J. He shall attend to the letting of contracts in due form of law, and he shall supervise the performance and faithful execution of the same, except insofar as such duties are expressly imposed by statute upon some other Township officer.

K. He shall see that all money owed the Township is promptly paid and that proper proceedings are taken for the security and collection of all the Township's claims.

L. He shall be the purchasing officer of the Township and he shall purchase, in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, all supplies and equipment for the agencies, boards, departments and other offices of the Township. He shall keep an account of all purchases and shall, from time to time or when directed by the Board, make a full written report

thereof. He shall also issue rules and regulations, subject to the approval of the Board, governing the procurement of all municipal supplies and equipment.

M. He shall see that the provisions of all laws, ordinances, contracts, franchises, leases, permits and privileges granted by the Township are observed and duly enforced.

N. He shall investigate the affairs of the Township or any department or division thereof. The Manager shall investigate all complaints in relations to matters concerning the administration of the government of the Township. All complaints regarding Township services shall be referred to the office of the Manager. He or an officer designated by him shall dispose of such complaints, and the Manager shall report thereon to the Board.

O. He shall supervise the routing of all reports and correspondence.

P. He shall perform such other duties as may be required by the Board of Supervisors, not inconsistent with the law or ordinances.

(*Ord. 140, 9/11/1974; as amended by Ord. 181, 4/9/1980*)

§1-305. Disability or Absence.

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

(*Ord. 140, 9/11/1974; as amended by Ord. 181, 4/9/1980*)

§1-306. Bond.

The Township Manager shall furnish a surety bond, to be approved by the Board of Supervisors, said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the Township.

(*Ord. 140, 9/11/1974*)

§1-307. Compensation.

The Township Manager shall receive such compensation as the Board of Supervisors shall fix from time to time by motion or resolution.

(*Ord. 140, 9/11/1974*)

§1-308. Vacancy in Office.

Any vacancy in the office of the Township Manager shall be filled within 60 days after the effective date of such vacancy.

(*Ord. 140, 9/11/1974*)

B. Tax Collector**§1-311. Powers and Duties.**

1. The Tax Collector shall be the collector of all taxes levied within the Township by the authorities empowered to levy taxes. He/she shall, in addition to the powers, perform all the duties and be subject to all the obligations and responsibilities for the collection of such taxes as are now vested in, conferred upon or imposed upon tax collectors by law.

2. The Tax Collector shall deposit all taxes collected to the municipal savings account established for this purpose within 24 hours of the close of each day's business and provide the Treasurer of the taxing district with a written monthly statement of said deposits.

3. The Tax Collector shall on or before the tenth day of each month make a true, verified statement, in writing, to the Secretary of the taxing district for all taxes collected during the previous month, giving the total amount of taxes received, discounts granted and penalties applied. [*Ord. 561*]

4. The Tax Collector shall be the collector of fees for refuse collection for each eligible residential unit within Northampton Township. In the performance of this duty, the Tax Collector shall comply with the following:

A. Said fee(s) shall be included on the tax bill and shall be designated as "refuse collection fee" or "refuse collection" under the current taxes.

B. A discount shall be provided to all those residential householders who pay their refuse collection fee prior to the expiration of the discount period for real estate taxes, and if payment is delinquent a penalty shall be assessed against the property owner. The discount and penalty shall be the same percentages as those for real estate taxes.

C. The Tax Collector shall provide a delinquency list for refuse collection fees to the Township Manager at the same time that a delinquency list is provided to the Bucks Court Tax Claim Bureau for real estate taxes so that the Township can institute measures for the collection of those delinquent refuse collection fees.

D. The Tax Collector shall work with and be guided by the Township Manager in effectuating the program for the collection of fees for refuse collection service within Northampton Township.

[*Ord. 359*]

(*Ord. 314, 7/11/1990; as amended by Ord. 359, 2/10/1993; and by Ord. 561, 4/25/2012*)

§1-312. Compensation.

1. The compensation of the Tax Collector of the Township of Northampton, commencing in 1998, for taxes collected shall be equal to the level of compensation provided in the preceding year plus an increase equal to that percentage increase approved for the position classification and pay plan for Township employees for the calendar year 1998; to wit, in 1999 the compensation for taxes collected shall be similarly calculated based upon the compensation provided in 1998 and the percentage increase to the position classification and pay plan for Township employees for the calendar year 1999; to wit, in 2000 the compensation for taxes collected shall be

likewise calculated based upon the compensation provided in 1999 and the percentage increase to the position classification and pay plan for Township employees for the calendar year 2000; to wit, in 2001, the compensation for taxes collected shall be likewise calculated based upon the compensation provided in 2000 and the percentage increase to the position classification and pay plan for Township employees for the calendar year 2001. All adjustments to the Northampton Township pay plan shall be approved by resolution of the Board of Supervisors. A substantiated expense account shall be furnished to the Township of Northampton by the Tax Collector in each tax year, and the Tax Collector shall receive those expenses from the Township of Northampton authorized by law.

2. The compensation of the Tax Collector for collection of the fees for refuse collection service shall be \$5,500 commencing in 1998 with any subsequent annual change to be equal to the change in compensation provided by the position classification and pay Plan for Township employees.

(Ord. 314, 7/11/1990; as amended by Ord. 359, 2/10/1993; and by Ord. 416, 2/12/1997)

§1-313. Tax Certifications.

The Tax Collector shall be the municipal officer authorized to provide tax certifications upon request by the public. The Tax Collector is further authorized to assess, collect and retain as compensation for providing such additional service a fee as established by resolution of the Board of Supervisors.

(Ord. 314, 7/11/1990; as amended by Ord. 359, 2/10/1993)

Part 4**Policies and Procedures****A. Open Records Policy****§1-401. Information Request Form.**

A requester of records shall state the records being requested with sufficient specificity and shall, if the requester intends to preserve the right to appeal a decision by the Open Records Officer, complete an information request form provided by the Office of Open Records and/or the Township.

(Res. R-08-15, 10/15/2008; as amended by Ord. 561, 4/25/2012)

§1-402. Open Records Officer.

The Township hereby designates the Township Manager of the Township as the Open Records Officer in accordance with the Pennsylvania Right-to-Know Law, 65 P.S. §67.101 *et seq.*, and said Open Records Officer shall receive requests submitted to the Township under the Right-to-Know Law, direct requests to other appropriate persons within the Township or to another agency, if applicable, track the Township's progress in responding to requests and issue responses, as required by the Right-to-Know Law.

(Res. R-08-15, 10/15/2008; as amended by Ord. 561, 4/25/2012)

§1-403. Access Requests.

If a requested record contains both public record information as well as nonpublic record information, the Township may redact the nonpublic information from the record.

(Res. R-08-15, 10/15/2008)

§1-404. Access; Time for Response; Exceptions.

1. Upon receipt of a written request for access to a public record, the Township shall make a good faith effort to respond as promptly as possible under the circumstances existing at the time of the request. The response shall not exceed 5 business days from the date of written request. The failure of the Township to respond in the designated time frame is equivalent to the denial of the request with the following exceptions:

- A. The request requires the redaction of information within a public record.
- B. The request requires the retrieval of the document from a remote location.
- C. A timely response cannot be accomplished due to legitimate staffing limitations.
- D. A legal review is necessary.
- E. The requester did not comply with the Township's policies regarding public access.
- F. The requester refuses to pay fees.

G. The extent or nature of the request precludes a response within the required time period.

2. If one or more of the above exceptions apply, the Township shall send written notice to the requester within 5 business days of the request stating the request is being reviewed, the reason for review and the exception that applies, the expected response date and an estimate of applicable fees owed when the record becomes available. If a response is expected more than 30 days after the 5-day period, the request is deemed denied unless otherwise agreed to by the requester in writing.

(Res. R-08-15, 10/15/2008)

§1-405. Denial of Access.

If the request is denied, the following will be included with the denial:

- A. Description of the record requested.
- B. Specific reasons for the denial, including a citation of supporting legal authority.
- C. Typed or printed name, title, business address, business telephone number and signature of the open records officer on whose authority the denial was issued.
- D. Date of response.
- E. Appeal procedure.

(Res. R-08-15, 10/15/2008)

§1-406. Appeal Procedure.

If the request is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under the Pennsylvania Right-to-Know Law, 65 P.S. §67.101 *et seq.*, within 15 business days of the mailing date of the Township's response or deemed denial. The appeal shall proceed in accordance with the Pennsylvania Right-to-Know Act. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the Township for denying or delaying the request.

(Res. R-08-15, 10/15/2008)

§1-407. Fees.

Paper copies will be in an amount as established, from time to time, by resolution of the Board of Supervisors, per page. If mailing is requested, the cost of postage will be charged. If the record is available on a disk, it will be provided by the Township at the cost in an amount as established, from time to time, by resolution of the Board of Supervisors, per disk. A new disk will be necessary each time records are provided. If the Township determines that the total fees will exceed \$100, the Township will require prepayment. In the event of a conflict between this Section and the fee structure established by the Office of Open Records, the Office of Open Records' fee structure shall control.

(Res. R-08-15, 10/15/2008; as amended by Ord. 561, 4/25/2012)

B. Warrantless Arrests**§1-411. Warrantless Arrests Permitted.**

In addition to any other statutorily permitted warrantless arrest, officers of the Northampton Township Police Department shall be permitted to effect a warrantless arrest of a person violating the following provisions of the Crimes Code, 18 Pa.C.S.A. §101 *et seq.*

- A. Section 5503 (relating to disorderly conduct).
- B. Section 5505 (relating to public drunkenness).
- C. Section 5507 (relating to obstructing highways and other public passages).
- D. Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

(*Res. R-96-25, 10/9/1996*)

§1-412. Requirements for Warrantless Arrests.

Local police officers shall be governed by:

- A. Rule 71, Pennsylvania Rules of Criminal Procedure (Procedure Following Arrest Without Warrant).
- B. All of the following requirements. The officer has probable cause to believe that:
 - (1) One of the specified crimes is involved.
 - (2) The defendant's conduct is ongoing.
 - (3) The conduct constituting the crime is upon the officer's view.
 - (4) The conduct imperils the personal security of any person, or endangers public or private property.

(*Res. R-96-25, 10/9/1996*)

§1-413. Procedure Following Arrest.

Following any such warrantless arrest, the arresting officer(s) shall:

- A. Immediately transport the defendant to the Township Police Department for processing and issuance of a citation.
- B. Process the defendant without unnecessary delay and furnish a copy of the citation.
- C. Release the defendant, provided that he is no longer in a position to imperil his personal security or the personal security of another.
- D. In the case of juvenile defendants:
 - (1) Make timely attempts to contact a parent, guardian or other responsible adult who shall have an interest in such juvenile.
 - (2) Release the juvenile to a parent, guardian or other responsible adult promptly after completion of processing and the issuance of a citation.
 - (3) Contact the Juvenile Probation Department to arrange shelter for such juvenile if, after a period of 6 hours, a parent, guardian or other

responsible adult cannot be contacted or shall refuse to accept custody of the juvenile.

(Res. R-96-25, 10/9/1996)

Part 5**Fire Insurance Proceeds Escrow****§1-501. Designated Officer.**

The Township Manager or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

(*Ord. 369, 9/22/1993*)

§1-502. Restrictions on Claim Payments.

No insurance company, association, exchange, agent or broker (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within Northampton Township (hereinafter the "Township") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the named insured or insurer is furnished by the Township Treasurer with a municipal certificate pursuant to §508(b) of Act 98 of 1992 and unless there is compliance with §508(c) and (d) of Act 98 of 1992 and the provisions of this Part, 40 P.S. §638(b), (c) and (d).

(*Ord. 369, 9/22/1993; as amended by Ord. 394, 4/26/1995*)

§1-503. Payment Procedures.

Where, pursuant to §508(b)(1)(i) of Act 98 of 1992, 40 P.S. §638(b)(1)(i), the Township Treasurer, upon receipt of any administrative fee established by the Township, issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon between the named insured and the insurer equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the designated officer of the Township an amount equal to \$2,000 for each \$15,000 or fraction thereof of the agreed claim; if the claim is \$15,000 or less, the amount transferred to the Township shall be \$2,000. [*Ord. 394*]

B. If at the time of a proof of loss agreed to between the named insured and the insurer the named insured has submitted a contractor's signed estimate of the costs of removing and/or securing the building or other structure, the insurer shall transfer to the Township from the insurance proceeds the amount specified in the estimate.

C. The transfer of proceeds shall be on pro rata basis by all insurers insuring the building or other structure.

D. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing and/or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Township in excess of the estimate to the named insured, if the Township has not

commenced to remove and/or secure the building or other structure.

(*Ord. 369, 9/22/1993; as amended by Ord. 394, 4/26/1995*)

§1-504. Responsibilities of Township.

Upon receipt of proceeds under §1-503, the municipality shall do the following:

A. The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing and/or securing the building or structure which are incurred by the Township. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the municipality in connection with such removal and/or securing of the building or any proceedings related thereto.

B. It is the obligation of the insurer when transferring the proceeds to provide the Township with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Township and notify the named insured that the procedures under this subsection shall be followed.

C. When removal and/or securing of the building or other structure has been completed in accordance with all applicable regulations and orders of the Township and the required proof of such completion received by the designated officer and if the Township has not incurred any costs for removal and/or securing, the fund shall be returned to the named insured. If the Township has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the municipality shall transfer the remaining funds to the named insured.

D. To the extent that interest is earned on proceeds held by the Township pursuant to this Section and not returned to the named insured, such interest shall belong to the Township. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

(*Ord. 369, 9/22/1993*)

§1-505. Construal of Provisions.

Nothing in this Part shall be construed to limit the ability of the Township to recover any deficiency. Furthermore, nothing in this Section shall be construed to prohibit the Township and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

(*Ord. 369, 9/22/1993*)

§1-506. Establishment of Regulations and Fees.

The Board of Supervisors may by resolution adopt procedures and regulations to implement Act 98 of 1992, 40 P.S. §§636.1 and 638, and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 and this Part, including, but not limited to, issuance of certificates and

bills, performance of inspections and opening separate fund accounts.

(Ord. 369, 9/22/1993)

§1-507. Violations and Penalties.

Any owner of property or any insurer who violates 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.

(Ord. 369, 9/22/1993; as amended by Ord. 561, 4/25/2012)

Part 6**Free Public Library****§1-601. Library Established.**

The Township of Northampton, under the provisions of the Library Code, the Act approved June 14, 1961, PL. 324, 24 P.S. §4101, hereby establishes a free, public, nonsectarian library, to be known as the "Free Library of Northampton Township," which shall operate under the provisions of this Part and of the Library Code of the Commonwealth of Pennsylvania.

(Ord. 109, 2/27/1969)

§1-602. Control by Board of Directors; Composition; Terms.

The affairs of said library shall be under the exclusive control of a Board of Library Directors composed of seven members who shall be appointed by the Board of Supervisors; said Board of Supervisors shall have the right to fill any vacancies occurring from any cause. During the first year, two members of the Board shall be appointed for 1-year terms; two members of the Board shall be appointed for 2-year terms; and three members of said Board shall be appointed for 3-year terms. All appointments to fill the places of those whose terms expire shall be for a term of 3 years. Any vacancies shall be filled for the unexpired portion of the term.

(Ord. 109, 2/27/1969)

§1-603. Organization of Board; Officers; Bonding; Nonsalaried.

The Board of Library Directors shall organize as soon as may be after appointment and shall elect from its membership a President, a Secretary, a Treasurer and such other officers and agents as the Board may deem necessary. The Treasurer shall give bond to the Township of Northampton with satisfactory surety in such amount as the Library Board may direct. No member of the Board of Library Directors shall receive any salary for his services as a member of said Board.

(Ord. 109, 2/27/1969)

§1-604. Promulgation of Bylaws and Regulations by Board.

The Board of Library Directors shall be authorized to prepare and adopt its own bylaws, rules and regulations, subject, however, to the prior approval by the Board of Supervisors of the Township of Northampton before any such bylaws, rules and regulations or amendments thereto shall become effective.

(Ord. 109, 2/27/1969)

§1-605. Annual Reports of Receipts and Expenditures; Auditing of Accounts.

The management and control of said free, public, nonsectarian library shall be vested in the Board of Library Directors; provided, however, that said Board of Library Directors shall report annually to the Board of Supervisors of the Township of Northampton on its receipts and expenditures and the accounts of said library, and the accounts of the Treasurer thereof shall be audited as in the case of other municipal

expenditures.

(Ord. 109, 2/27/1969)

§1-606. Free Use by Residents; Use by Nonresidents.

The Free Library of Northampton Township shall be free to the use of all the residents of the Township, subject to such reasonable rules and regulations as the Board of Library Directors may adopt. Said Board may exclude from the use of the library a person who has willfully violated such rules and regulations. The Board may extend the privileges of such library to persons residing outside the limits of the Township of Northampton upon such terms and conditions as the Board may prescribe.

(Ord. 109, 2/27/1969)

§1-607. Funding of Library.

The Board of Library Directors is hereby authorized to accept any funds raised by popular subscription, any appropriations made from time to time by the Board of Supervisors of Northampton Township, either from current revenues or from special taxes levied in accordance with Acts of Assembly in such cases made, gifts, devises, grants, endowments or benefit performances and fund-raising activities as may from time to time be sponsored by said Board of Directors.

(Ord. 109, 2/27/1969)

§1-608. Location; Authority to Lease, Renovate, Maintain and Equip.

The Free Library of Northampton Township shall occupy such portion of the building and site owned by the Township of Northampton, being a portion of the former Nib Launcher area, acquired by the township for library purposes, as the Board of Supervisors shall from time to time deem appropriate and sufficient for library purposes. The Board of Supervisors of the Township and the Board of Library Directors are authorized to execute and deliver leases for such portions of said building for a rental not to exceed \$1 per year. The Board of Supervisors is further authorized to expend funds or to appropriate funds to renovate, maintain and equip the portion of the building leased, in amounts not to exceed those permitted by said Library Code, 24 P.S. §4101 *et seq.*

(Ord. 109, 2/27/1969)