

ARTICLE 101

Codified Ordinances

- 101.01 Codification Adopted; Procedure.
- 101.02 Component Codes; Short Title; Citation.
- 101.03 Amendments And Supplements; Numbering.
- 101.04 Interpretation And Definitions.
- 101.05 References And Prior Ordinances.
- 101.06 Separability Of Provisions.
- 101.99 General Penalty.

CROSS REFERENCE

Codification of ordinances - See 3rd Class §1014 (53 P.S. §36014)

101.01 CODIFICATION ADOPTED; PROCEDURE.

(a) Certain provisions of the 1946 Code and ordinances of the City of Bethlehem, Pennsylvania, of a general and permanent nature, consolidated and codified with minor nonsubstantive changes, as attached hereto and made a part hereof (Exhibit A), are ordained as the general ordinances of the City of Bethlehem, Pennsylvania, 1963.

(b) This ordinance shall be introduced in the Council, notice of introduction shall be published and legal advertisement of the contents of the Codified Ordinances shall be made in conformity with subsections 1014.1(b) and (c) of 1951 P.L. 662, as amended by 1957 P.L. 631. (Adopting Ordinance)

101.02 COMPONENT CODES: SHORT TITLE: CITATION.

The Codified Ordinances of Bethlehem, Pennsylvania, 1963, hereby adopted, shall be comprised of the following component parts:

- Part One - Administrative Code
- Part Three - Business Regulation and Taxation Code
- Part Five - Traffic Code
- Part Seven - General Offenses Code
- Part Nine - Streets, Utilities and Public Services Code
- Part Eleven - Public Health Code
- Part Thirteen - Zoning Code
- Part Fifteen - Fire Prevention Code
- Part Seventeen - Building Code

The Codified Ordinances of Bethlehem, Pennsylvania, 1963, may be referred to as the "Codified Ordinances;" any component code of the Codified Ordinances may be referred to by its name, such as the "Traffic Code." Sections of the Codified Ordinances may be cited by their number, such as Section 101.01. (Adopting Ordinance)

101.03 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Codified Ordinances of Bethlehem, Pennsylvania, 1963, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of Bethlehem, Pennsylvania, 1963, and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each Code shall be subdivided into titles, each title shall be subdivided into articles, and each article shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except the penalty sections, shall be consecutive within each article commencing with the first section of Article 101, which

shall be numbered 101.01, the first "1" signifying Code 1, the two figures "01" before the decimal signifying the article within the Code, and the two figures "01" after the decimal signifying the first section in Article 101 of the Code. Penalty sections shall be designated "99" and shall be the last section of the article. (Adopting Ordinance)

101.04 INTERPRETATION AND DEFINITIONS.

In the construction of the Codified Ordinances the following rules shall control, excepting those inconsistent with the manifest intent of Council as disclosed in a particular provisions, section or article:

- (a) Adopting Ordinance. "Adopting Ordinance" shall mean the ordinance of the City adopting the Codified Ordinances of Bethlehem, Pennsylvania, 1963, in conformity with the Third Class City Code of Pennsylvania, and this Article 101.
- (b) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.
- (c) Calendar-Computation of Time. "Month" and "year" shall mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, except if the last be Sunday it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.
- (d) City and Municipality. "City" and "Municipality" shall mean the City of Bethlehem, Pennsylvania.
- (e) Conjunctions. "And" shall include "or" and "or" shall include "and" if the sense so requires.
- (f) Council. "Council" shall mean the Council of the City of Bethlehem, Pennsylvania.

- (g) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- (h) General Rule. Excepting as otherwise provided in this section, words and phrases shall be construed according to the common usage of language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.
- (i) Joint Authority. Words giving authority to a Board, Commission, Authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (j) Keeper or Proprietor. "Keeper" or "proprietor" shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.
- (k) Land or Real Estate. "Land" or "real estate" shall include rights and easements of incorporeal nature. (Adopting Ordinance)
- (l) Municipal Election. "Municipal election" shall mean that election required by the Constitution of Pennsylvania to be held in odd-numbered years. (Ord. 1730 §2. Passed 2/13/62.)
- (m) Number. Words in the plural shall include the singular and in the singular shall include the plural number.
- (n) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath.
- (o) Owner. "Owner" when applied to property shall include a part owner, joint owner or tenant in common of the whole or any part of such property.

- (p) Person. "Person" shall extend to and be applied to associations, clubs, corporations, firms, partnerships and bodies politic, as well as to individuals.
- (q) Premises. "Premises" when used as applicable to property shall extend to and include land and buildings.
- (r) Property. "Property" shall include real and personal, and any mixed and lesser estates or interests therein. "Personal property" shall include every kind of property except real property. "Real property" shall include lands, tenements and hereditaments.
- (s) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a "reasonable time," it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or giving of such notice.
- (t) Sidewalk. "Sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- (u) State or Commonwealth. "State" or "Commonwealth" shall mean the Commonwealth of Pennsylvania.
- (v) Street. "Street" shall be construed to include alleys, avenues, boulevards, lanes, roads, streets and other public ways in the City.
- (w) Tenant or Occupant. "Tenant" or "occupant" as applied to building or land shall extend and be applied to any person holding a written or oral lease of or who occupies the whole or any part of a building or land, alone or with others.
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- (x) Tenses. The use of any verb in the present tense shall include the future.
- (y) Third Class City Code. "The Third Class City Code" shall mean the Act of June 28, 1951, P.L. 662, as amended. The sections of the Third Class City Code may be cited herein as "3rd Class
- (z) Optional Third Class City Charter Law. "The Optional Third Class City Charter Law" shall mean the Act of July 15, 1957, P.L. 901, as amended. The sections of the Third Class City Charter Law may be cited herein as "3rd Class Charter Law". (Adopting Ordinance)
- (aa) Time. Whenever any time established in the Codified Ordinances for the taking of any action expires on a Sunday or on a legal holiday, such time shall not expire on such day but shall expire on the next weekday. (Ord 1730 §501. Passed 2/13/62.)

101.05 REFERENCES AND PRIOR ORDINANCES.

(a) Wherever in any statute of the Commonwealth, or resolution or ordinance of the City there is a reference to the Department of Accounts and Finance or to the Director of the Department of Accounts and Finance, the reference shall be construed to mean the Department of Administration or the Business Administrator. Where there is a reference to the Department of Streets and Public Improvements or to the Director of the Department of Streets and Public Improvements, the reference shall be construed to mean the Department of Public Works or the Director of the Department of Public Works.

(b) All references in any other ordinance to Council or any other board, body or office shall be construed to mean such body, board or office to which the respective functions, powers or duties are assigned by this Code. (Ord. 1730 §601. Passed 2/13/62.)

101.06 SEPARABILITY OF PROVISIONS.

Each section and each part of each section of the Codified Ordinances is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections or parts of a section so held to be invalid. (Adopting Ordinance)

101.99 GENERAL PENALTY.

Whenever in the Codified Ordinances or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violator of any such provision or any ordinance shall be fined six hundred dollars (\$600.00) or imprisoned not more than ninety days, or both. (Adopting Ordinance; Ord. 3242-Passed 2/7/89)