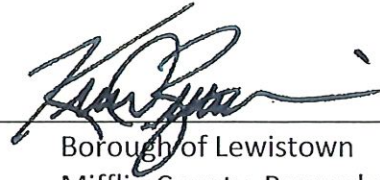


CERTIFICATE AND ATTESTATION

I hereby certify and attest that I have custody of the official Minute Book of the said Borough and the official Ordinance Book of the said Borough; and I hereby certify and attest that the annexed Ordinance No. 2022- 7 was duly adopted at a meeting of the Borough Council of said Borough held on December 27, 2022, of which notice of said meeting was duly given as required by law and a quorum of the Council Members was present; and that the said Ordinance was duly recorded among the official minutes of the Borough of Lewistown and in the official Ordinance Book of the Borough of Lewistown and that the same has not been altered, amended or rescinded but remains in full force and effect.

Certified this 27th day of December, 2022.

A handwritten signature in black ink, appearing to be "John P. ...", written over a horizontal line.

Borough of Lewistown
Mifflin County, Pennsylvania

{Seal}

ORDINANCE NO. 2022 - 1

AN OMNIBUS ORDINANCE AMENDMENT OF THE BOROUGH OF LEWISTOWN, MIFFLIN COUNTY, PENNSYLVANIA, CONTAINING SEVERABILITY, REPEALER AND SAVINGS CLAUSES.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, as follows:

SECTION 1: Amendment to the Code of Ordinances, Chapter 87, Animals, Article I, Control of Animals, Section 87-6, Violations and Penalties. Chapter 87, Animals, Article I, Control of Animals, Section 87-6, Violations and Penalties, Subsection A(1), of the Code of Ordinances of the Borough of Lewistown is hereby amended to read as follows:

(1) Any person who violates the provisions of § 87-2, 87-3, 87-4 or 87-5 shall, upon conviction of the offense, be sentenced to pay a fine of not less than \$100 nor more than \$300, together in each case with the costs of prosecution and, upon failure to pay such fine and costs, to imprisonment for not more than 10 days.

SECTION 2: Amendment to the Code of Ordinances, Chapter 131, Grass, Brush and Weeds, Section 131-6, Violations and Penalties. Chapter 131, Grass, Brush and Weeds, Section 131-6, Violations and Penalties, Subsection A, of the Code of Ordinances of the Borough of Lewistown is hereby amended to read as follows:

A. Any person who fails to carry out or comply with a notice and order of the Borough, shall, upon conviction of the offense, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus the amount of any unpaid violation tickets issued pursuant to the Code of Ordinances of the Borough of Lewistown, Chapter 110, Codes, Article I, Building, Plumbing, Electrical and Property Maintenance Codes, § 110-8, Notices and orders, Subsection G, Violation tickets, and the costs of prosecution and, upon failure to pay such fine and costs, to imprisonment for not more than 10 days. For the purposes of the imposition of the fine and costs prescribed by this Subsection A, the word "person," when applied to partnerships, firms or associations, shall mean the partners or members thereof; when applied to organizations or corporations, the officers thereof; and when applied to other entities, the officers, officials or other individuals responsible for managing the business or affairs of the entity.

SECTION 3: Amendment to the Code of Ordinances, Chapter 200, Solid Waste, Article I, Refuse Collection, Section 200-14, Violations and Penalties. Chapter 200, Solid Waste, Article I, Refuse Collection, Section 200-14, Violations and Penalties, Subsection A, of the Code of Ordinances of the Borough of Lewistown is hereby amended to read as follows:

A. Any person who violates any requirement or provision of this article, or who violates any regulation made by the Borough Manager, or who fails to carry out an order of the Borough Manager or his authorized representative shall, upon conviction of the offense, be sentenced to

pay a fine of not less than \$300 nor more than \$1,000 and the costs of prosecution and, upon failure to pay such fine and costs, to imprisonment for not more than 30 days. For the purpose of the imposition of the fine and costs prescribed by this § 200-14A, the word "person," when applied to partnerships, firms or associations, shall mean the partners or members thereof; when applied to organizations or corporations, the officers thereof; and when applied to other entities, the officers, officials or other individuals responsible for managing the business or affairs of the entity.

SECTION 4: Amendment to the Code of Ordinances, Chapter 212, Streets and Sidewalks, Article IV, Snow and Ice Removal, Section 212-41, Violations and Penalties. Chapter 212, Streets and Sidewalks, Article IV, Snow and Ice Removal, Section 212-41, Violations and Penalties, Subsection B, of the Code of Ordinances of the Borough of Lewistown is hereby amended to read as follows:

B. An owner who does not pay the penalty cost set forth in Subsection A within the seven-day period set forth in § 212-42B shall be subject to prosecution and upon conviction to payment of not less than \$300 nor more than \$1,000 plus the amount of any unpaid violation tickets issued pursuant to Subsection A of this section, plus the costs of prosecution.

SECTION 5: Amendment to the Code of Ordinances, Chapter 83, Amusements, Article II, Mechanical Amusement Devices Permits and Tax, Section 83-11, Levy of Mechanical Amusement Device Tax. Chapter 83, Amusements, Article II, Mechanical Amusement Devices Permits and Tax, Section 83-11, Levy of Mechanical Amusement Device Tax, of the Code of Ordinances of the Borough of Lewistown is hereby amended to read as follows:

§ 83-11. Levy of mechanical amusement device tax.

A. Effective January 1, 2023, and thereafter, and in order to provide revenue for the general purposes of the Borough, there is hereby levied on the privilege of exposing a mechanical amusement device for operation in the Borough a tax as follows:

1. \$150 per year per casino-style or skill game that accepts cash payment for the chance of a cash reward which is not otherwise regulated by the Commonwealth of Pennsylvania exposed for operation at any of the locations covered by a locations permit issued to a permittee under § 83-10, or such amount as shall be prescribed by the separate Borough Costs and Fees Schedule adopted by Council from time to time.
2. \$75 per year per other mechanical amusement device exposed for operation at any of the locations covered by a locations permit issued to a permittee under § 83-10, or such amount as shall be prescribed by the separate Borough Costs and Fees Schedule adopted by Council from time to time.

B. The total amount of the taxes due the Borough shall be paid in full to the Borough before a locations permit is issued under § 83-10 and shall be calculated on the total number of mechanical amusement devices to be exposed for operation at all the locations covered by the locations permit.

C. As set forth in § 83-10, a locations permit issued by the Borough shall expire on December 31 of each year. Accordingly, in order to avoid an inequitable tax result if a locations permit is issued for a period of less than one year, the following principles shall apply in calculating the total amount of the taxes due the Borough on the total number of mechanical amusement devices to be exposed for operation at all the locations covered by the permit:

(1) If the locations permit is issued during the period January 1 to March 31, the total amount of the taxes shall be calculated on the basis of 100% of the amount set forth in Subsection A, above, per device.

(2) If the locations permit is issued during the period April 1 to June 30, the total amount of the taxes shall be calculated on the basis of 75% of the amount set forth in Subsection A, above per device.

(3) If the locations permit is issued during the period July 1 to September 30, the total amount of the taxes shall be calculated on the basis of 50% of the amount set forth in Subsection A, above per device.

(4) If the locations permit is issued during the period October 1 to December 31, the total amount of the taxes shall be calculated on the basis of 25% of the amount set forth in Subsection A, above per device.

D. In the event that, after a locations permit has been issued, the permittee exposes more mechanical amusement devices for operation with the result that the total number of devices exposed for operation at all the locations covered by the permit exceeds the total number of devices shown in the permit, and therefore exceeds the number of devices on which the total amount of the taxes due the Borough was calculated when the locations permit was issued, that fact shall be reported to the Borough within five calendar days after the event. Thereupon, the Borough staff, using the principles set forth in Subsection C of this section, shall promptly calculate the additional taxes due the Borough for the additional devices and, upon payment of the additional taxes to the Borough, shall promptly amend the locations permit (and all the duplicates or counterparts thereof) to show the additional devices.

SECTION 6: Amendment to the Code of Ordinances, Chapter 83, Amusements, Article II, Mechanical Amusement Devices Permits and Tax, Section 83-13, Violations and Penalties.

Chapter 83, Amusements, Article II, Mechanical Amusement Devices Permits and Tax, Section 83-13, Violations and Penalties, of the Code of Ordinances of the Borough of Lewistown is hereby amended to read as follows:

§ 83-13. Violations and penalties.

A. Fines; definition.

(1) Any person who fails to comply with any provision of this article, who violates any provision of this article, or who makes any false statement or misrepresentation of fact in an application for a locations permit under § 83-10 or in a fact to be reported to the Borough under § 83-12A, shall, upon conviction of the offense, be sentenced to pay a fine of not less than \$100 nor more than \$300 and the costs of prosecution and any mechanical amusement device tax then due and owing and, upon failure to pay such fine and costs, to imprisonment for not more than 30 days

(2) For the purposes of the imposition of the fine and costs prescribed by this subsection, the word "person," when applied to partnerships, firms or associations, shall mean the partners or members thereof; when applied to organizations or corporation, the officers thereof; and when applied to other entities, the officers, officials or other individuals responsible for managing the business or affairs of the entity.

B. Each day that a person fails to comply with a provision of this article or each day that a person violates a provision of this article shall be deemed to constitute a new or separate offense under Subsection A of this section and subject in all respects to the same penalty as is provided in Subsection A, and a separate prosecution may be instituted and a separate fine imposed for each offense committed after the first offense.

C. The imposition of a penalty under this § 83-13 shall not preclude the Borough from revoking a location's permit for cause; refusing to issue any further locations permit or an amendment thereto; or instituting an appropriate action or proceeding to prevent, restrain, correct or abate a violation or any act, conduct, use or condition which is prohibited by this article.

D. In addition to the imposition of a penalty under this § 83-13, any person convicted of a violation of this article resulting from exposing a mechanical amusement device for operation in the Borough without first paying the mechanical amusement device tax levied under Section 83-11 shall pay any mechanical amusement device taxes then due and owing before further exposing a mechanical amusement device for operation.

SECTION 7: Amendment to the Code of Ordinances, Chapter 110, Codes, Section 110-2, Adoption of Standard Codes by Reference. Chapter 110, Codes, Section 110-2, Adoption of Standard Codes by Reference, Subsections A and B, of the Code of Ordinances of the Borough of Lewistown is hereby amended to read as follows:

A. Building Code. For the purpose of establishing minimum standards, performance objectives and regulations governing the design, location, construction, installation, expansion, addition, alteration, repair, maintenance, replacement, structural use and occupancy, demolition or removal of buildings and structures in the Borough and the facilities, systems and equipment

required for, or incident to, the operation, service or use of buildings and structures (including but not limited to mechanical equipment and systems, fire protection systems, equipment for use during building operations, elevator and conveyor equipment and energy conservation equipment and systems), there is hereby adopted the 2009 International Residential Code by the International Code Council, or the newest version thereof as the Code is updated from time to time, (the "Building Code") but excepting therefrom, however, such portions of the Building Code as are deleted, modified or amended as next set forth below:

The words "Borough of Lewistown" are inserted in the Building Code for the bracketed words "[name of jurisdiction]." The words "Borough Solicitor" are substituted in the Building Code for the words "legal counsel of the municipality," "legal officer of the jurisdiction" or words of similar import. The term "Building Codes, Property Codes and Zoning Code Department" is substituted in the Building Code for the term "Building Official."

B. Plumbing Code. For the purpose of establishing minimum standards, performance objectives and regulations governing the design, location, construction, installation, extension, expansion, addition, alteration, modification, repair, maintenance, replacement, relocation or removal of plumbing systems and equipment in or on buildings, structures or premises in the Borough (including but not limited to sanitary and stormwater building drain systems and building sewers, sanitary equipment and facilities, and water supply equipment and facilities), there is hereby adopted the 2009 International Plumbing Code by the International Code Council, or the newest version thereof as the Code is updated from time to time, (the "Plumbing Code"), but excepting therefrom, however, such portions of the Plumbing Code as are deleted, modified or amended as next set forth below:

The words "Borough of Lewistown" are inserted in the Plumbing Code for the bracketed words "[name of jurisdiction]." The words "Borough Solicitor" are substituted in the Plumbing Code for the words "legal counsel of the jurisdiction" or words of similar import. The term "Building Codes, Property Codes and Zoning Code Department" is substituted in the Plumbing Code for the term "plumbing official."

SECTION 8: Severability. If any sentence, clause or section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted if such unconstitutional, illegal and invalid sentence, clause, section or part thereof had not been included therein.


SECTION 9: Repealer and Savings. Any Ordinance or part of any Ordinance, or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance; otherwise, those provisions of Ordinances, Resolutions or Motions not hereby repealed or amended and not conflicting or not inconsistent herewith are confirmed and incorporated herein by reference as if fully set forth.


SECTION 10: Effective Date. This Ordinance shall take effect immediately.

ORDAINED AND ENACTED by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, in public session assembled, this 27th day of December, 2022.

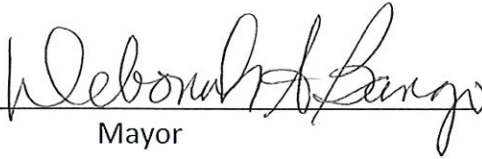
BOROUGH OF LEWISTOWN,
Pennsylvania

Attest:


Borough Secretary
(SEAL)

By 
(Vice) President of
Borough Council

This Ordinance was read and is hereby approved by me this 27th day of December, 2022.


Mayor
(SEAL)

