

# EXHIBIT 4

## Chapter 1-201

### ORDINANCES AND RESOLUTIONS

#### § 1-201.1. Legislative process.

[HISTORY: Adopted by the City Council of the City of Harrisburg 7-9-1996 by Ord. No. 9-1996. Amendments noted where applicable.]

#### CROSS-REFERENCES

Adoption of codes by reference: see Optional Charter Law § 608(a) [53 P.S. § 41608(a)]; 3rd Class Code § 2403(67) [53 P.S. § 37403(67)].  
Codification: see Optional Charter Law § 609 (53 P.S. § 41609); 3rd Class Code § 1014.1 (53 P.S. § 36014.1).  
Effective date: see Optional Charter Law § 608(b) [53 P.S. § 41608(b)].  
Enforcement: see Optional Charter Law § 412 (53 P.S. § 41412); 3rd Class Code § 1017 (53 P.S. § 36017).  
Fines: see Optional Charter Law § 303(2) [53 P.S. § 41303(2)].

Form, introduction and reading: see Optional Charter Law § 607(b) [53 P.S. § 41607(b)]; 3rd Class Code §§ 1011 and 1012 (53 P.S. §§ 36011 and 36012).  
Legislative power vested in Council: see Optional Charter Law § 470 (53 P.S. § 41407).  
Publication: see Optional Charter Law § 608(a) (53 P.S. § 41608); 3rd Class Code § 1014 (53 P.S. § 36014).  
Veto; passage over veto: see Optional Charter Law § 413(a) [53 P.S. § 41413(a)].  
Voting procedure and passage: see Optional Charter Law § 607 (53 P.S. § 41607).

#### § 1-201.1. Legislative process.

- A. A separate bill must be presented for each subject of legislation, although different chapters of these Codified Ordinances may be amended by one bill if the same deals with one subject.
- B. The summary of the bill which precedes the text is descriptive only for the convenience of the City Clerk who shall read such summary upon each consideration by Council. It is not a title and is not part of any legislation.
- C. Amendments to existing legislation are to be underlined; deletions are to be indicated by [bracketing]. Additions to proposed legislation which amends existing legislation shall be CAPITALIZED; deletions shall be indicated by striking.
- D. All proposed bills or resolutions shall be presented to the City Solicitor for approval as to form and legality prior to introduction.

with the decimal numbering system. The numbering of all sections except the penalty sections shall be consecutive within each chapter, commencing with the first section of Title One, which shall be numbered 1-101.1, the first "1" signifying Title 1; the next three figures, "101," before the decimal signifying the part and chapter within the title; and the figure after the decimal signifying the section of the chapter. Penalty sections shall be designated "99" after the decimal and shall be the last section of the chapter.

- C. Copies of the Codified Ordinances are on file for public examination during regular business hours in the offices of the City Clerk at City Hall, 10 North Market Square, Harrisburg.

**§ 1-301.2. Amendments and supplements; numbering. [Ord. No. 9-1996]**

- A. These Codified Ordinances 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 the City of Harrisburg, Pennsylvania, 1996, 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 § 1-301.1B.

**§ 1-301.3. Statutory construction. [Ord. No. 80-1960]**

In the construction of the Codified Ordinances and any amendment thereto, the following rules shall control, except those inconsistent with the manifest intent of Council as disclosed in a particular title, chapter or section:

- A. 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 provision.
- B. 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.
- C. The terms "month" and "year" shall be deemed the calendar month or year unless otherwise clearly stated. The time expressed in days within which an act is to be done, or a period to expire, shall be computed by excluding the first and including the last day, unless the last day is Sunday or a legal holiday, in which event the next day shall be included. If time is expressed in hours, the whole of Sunday shall be excluded. [Ord. No. 10-1971]
- D. "And" includes "or" and "or" includes "and," if the sense so requires.

- E. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- F. Except as otherwise provided, words and phrases shall be construed according to the common usage of language; provided, however, that technical words and phrases and others which may have acquired a special meaning shall be construed according to such technical or special meaning. Ordinance references denoting the legislative history will generally appear at the end of each section or more frequently, if amendments have been made to subsections. Wherever an ordinance reference appears at the end of a section or subsection, it may be presumed that all of the text since the last ordinance referenced was taken from the cited ordinance.
- G. Words in the plural shall include the singular and in the singular shall include the plural number.
- H. 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.
- I. 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.
- J. A resolution is an expression of opinion of Council. It does not have the force and effect of law, and violation of a resolution does not subject the violator to penalties.
- K. When used in an ordinance, "street" includes alleys, avenues, boulevards, lanes, roads, streets, and other public ways in the City.
- L. The use of any verb in the present tense shall include the future tense.
- M. The preamble to legislation, i.e., the "Whereas Clauses," shall not be considered part of the body of any bill, ordinance or resolution.

**§ 1-301.4. Severability of provisions. [Ord. No. 80-1960]**

Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that, if any such section or part of a section, or any provisions 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 hereby 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.

**MUNICIPAL CLAIM** — Means all monetary obligations recorded or unrecorded due the City of Harrisburg as City property taxes or for services rendered or utilities delivered to the property. [Ord. No. 51-1979]

**NIGHTCLUB** — Means a use which is a place of amusement, similar to such uses as a bar, cocktail lounge, or restaurant, in the serving of food or drink, but distinguished from such uses by the provision of live entertainment and/or dancing facilities. Nightclubs include, but are not limited to, discotheques and bars with live entertainment. [Ord. No. 26-1977]

**NONCONFORMING LOT** — Means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of the Zoning Code or any amendment thereto, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district. [Ord. No. 9-1996]

**NONCONFORMING SIGN** — Means any sign lawfully existing on the effective date of any ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance. [Ord. No. 9-1996]

**NONCONFORMING STRUCTURE** — Means a structure or portion thereof manifestly not designed to comply with the applicable building envelope provisions of the Zoning Code or any amendment thereto, where such structure lawfully existed prior to the enactment of the Zoning Code or its amendment. Nonconforming structures include, but are not limited to, those with nonconforming signs. [Ord. No. 26-1977]

**NONCONFORMING USE** — Means a use of land or of a structure which does not comply in whole or in part with the applicable use provisions of the Zoning Code or any amendment thereto, where such use lawfully existed prior to the enactment of the Zoning Code or any amendment thereto. [Ord. No. 26-1997]

**OATH** — Means a solemn, formal declaration or promise to fulfill a pledge, often calling upon God to witness 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. [Ord. No. 16-1972]

**OPTIONAL CHARTER LAW** — Means the Optional Third Class City Charter Law, Act of July 15, 1957, P.L. 901, as amended, 53 P.S. §§ 41101 to 41625 (1996 Supp.). [Ord. No. 9-1996]

**ORDINANCE** — Means a law of the City duly enacted by the City Council which prescribes general, uniform and permanent rules of conduct relating to the corporate affairs of the City or prohibiting certain conduct. [Ord. No. 9-1996]

**PARK** — Means a park, reservation, playground, recreation center or any other area in the City owned or used by the City and devoted to active or passive recreation or leisure activity. [Ord. No. 22-1973]

**PARKING LOT** — Means the use of a lot or portion thereof for the purpose of temporary or permanent storage of vehicles. The term includes any land used principally for storage of automobiles which does not qualify as a "parking structure" as defined herein, regardless of

**Chapter 2-303**  
**CITY SOLICITOR**

**§ 2-303.1. Appointment.**

**§ 2-303.3. Assistants.**

**§ 2-303.2. Duties.**

[HISTORY: Adopted by the City Council of the City of Harrisburg by Ord. No. 10-1971. Amendments noted where applicable.]

**CROSS-REFERENCES**

Appointment: see Optional Charter Law § 410(b) [53 P.S. § 41410(b)].

Assistant Solicitor: see 3rd Class Code § 1609 (53 P.S. § 36609).

Bond: see Chapter 2-703.

Direction of legal matters: see 3rd Class Code § 1602 (53 P.S. § 36602).

Duties: see 3rd Class Code § 1603 (53 P.S. § 36603).

Procedure regarding claims: see 3rd Class Code § 1606 et seq. (53 P.S. § 36606 et seq.).

Retention of special counsel: see 3rd Class Code § 1610 (53 P.S. § 36610).

**§ 2-303.1. Appointment.**

The City Solicitor shall be appointed by the Mayor with the advice and consent of Council.

**§ 2-303.2. Duties.**

The City Solicitor shall have such duties and responsibilities as are set forth in general law.

**§ 2-303.3. Assistants.**

One or more assistant City Solicitors may be appointed by the Mayor with the advice and consent of Council.