

Chapter 1

Administration and Government

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

(Ord. 427, 4/4/2006)

§1-102. Citation of Code of Ordinances.

The Township of Baldwin 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. 427, 4/4/2006)

§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 by small Roman numerals.

(Ord. 427, 4/4/2006)

§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. 427, 4/4/2006)

§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. 427, 4/4/2006)

§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 this Chapter 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 of the Township of Baldwin, it is the intention of the Board of Commissioners 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 Commissioners of the Township of Baldwin (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the First Class Township Code, 53 P.S. §55101 *et seq.*, at the time of their passage by the Board of Commissioners. Such "resolutions" are included herein for ease of reference and the Board of Commissioners 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 Commissioners that such actions of the Board of Commissioners 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. 427, 4/4/2006)

§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. 427, 4/4/2006)

§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. 427, 4/4/2006)

§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 Commissioners.

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 Commissioners 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 Commissioners 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 Commissioners 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. 427, 4/4/2006)

§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 Commissioners.

(Ord. 427, 4/4/2006)

§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, 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 30 days. Each day that a violation of this Part continues 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.*, and earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, should provide, generally:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

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. 427, 4/4/2006)

Part 2**Planning Commission****§1-201. Planning Commission Established.**

A Planning Commission, to be composed of five members, appointed as provided by law, is hereby created in and for the Township of Baldwin. The Township Planning Commission shall perform all duties and may exercise all the powers conferred by law upon township planning agencies. Provided; the Planning Commission previously created in and for the Township shall constitute the Township Planning Commission hereby created, and nothing herein shall affect the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing township planning commissions in effect at the time of the happening of such vacancy.

(Ord. 456, 3/11/1946)

Part 3**Numbering of Ordinances****§1-301. Numbering System for Ordinances.**

Hereafter all ordinances enacted by the Board of Commissioners of the Township of Baldwin shall be numbered consecutively starting with the number "169."

(Ord. 169, 5/2/1966, §1)

§1-302. Prior Numbering System for Ordinances.

All ordinances previously enacted shall retain the numbering system heretofore in effect in this Township and shall not be affected by the terms of this Part 5.

(Ord. 169, 5/2/1966, §2)

Part 4**Fire Marshal****§1-401. Creation of Office.**

The office of Fire Marshal is hereby created in the Township of Baldwin, such officer to be appointed by the Board of Commissioners. The Fire Marshal shall report to the Commissioner in charge of Public Safety and to the Board of Commissioners.

(Ord. 178, 12/5/1966, §1)

§1-402. Tenure of Appointment; Compensation.

The first person to be appointed to the office of Fire Marshal shall be appointed immediately, and shall serve until the first Monday of January, 1967. Subsequent appointments shall be made on the first Monday of January of each year, such appointees to serve until their respective successors have been duly appointed and qualified. Vacancies shall be filled in the same manner as the original appointment was made, for the unexpired portion of the term. The compensation of the Fire Marshal shall be fixed from time to time by the Board of Commissioners.

(Ord. 178, 12/5/1966, §2)

§1-403. Duties.

The Fire Marshal shall inspect all constructions or buildings-within the Township, whether public, private, or business, and shall enforce all laws of the Commonwealth, and all ordinances of the Township relating to such constructions or buildings, for the prevention, containment, or investigation of fire and fire hazards, both as to the construction of buildings, and as to the contents or occupancies thereof. The Fire Marshal shall report to the Commissioner in charge of Public Safety or to the Board of Commissioners any faulty or dangerous construction or building, or like condition in any building, that may constitute a fire hazard, or any proposed use or occupation of any construction, building, or premises, which would create or increase a hazard of fire. He shall investigate and keep a permanent record of the cause, origin, and circumstances of every fire, and the damage resulting therefrom, occurring within his jurisdiction, and immediately after the occurrence of such fire. The said records of the Fire Marshal shall be open to public inspection. The Fire Marshal shall submit to the Board of Commissioners an annual report consolidating the information contained in said records at the first stated meeting in January of each year.

(Ord. 178, 12/5/1966, §2)

§1-404. Interference with Duties of Fire Marshal; Penalties.

1. No person shall in any way obstruct or prevent, or attempt to obstruct or prevent the Fire Marshal in the discharge of his duties, by denying or attempting to deny him access to any premises owned or occupied by such person, or by failing or refusing to furnish correct information requested by the Fire Marshal in the investigation into the cause, origin, or circumstances of any fire.

2. Any person, firm or corporation who shall violate any provision of this Part,

upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [*Ord. 427*]

(*Ord. 178*, 12/5/1966, §3; as amended by *Ord. 427*, 4/4/2006)

Part 5**Tax Claims and Liens, Fees and Charges****§1-501. Short Title.**

This Part shall be known as the “Tax, Tax Claim, Tax Lien, Municipal Claim and Municipal Lien Attorney Fees and Servicing Charges, Expenses and Fees Ordinance.” (Ord. 410, 11/5/2003, Art. I)

§1-502. Expenses Approved.

1. *Title Search.* In any enforcement proceeding, the actual cost of a title search in an amount not to exceed \$250 shall constitute a reasonable expense for each title search necessary for the initiation of each proceeding and compliance with Pa.R.C.P. 3129. The sum not to exceed \$50 shall constitute a reasonable expense for each bringdown or update of the title search in connection with entry of judgment, issuance of execution, listing for sale, or other action.

2. Actual out-of-pocket expenses in connection with any enforcement action, such as for postage, non-Sheriff's service of process, investigation of the whereabouts of interested parties and other necessary expenses shall constitute reimbursable expenses as part of each claim recovered.

(Ord. 410, 11/5/2003, Art. II)

§1-503. Attorney Fees Approved.

1. *Flat Fee Matters.* The following schedule of attorney fees is hereby adopted and approved as reasonable attorney fees pursuant to Act 1 and Act 20 for all matters described, which fees shall be awarded to the Township, its agents, counsel or assigns in each action initiated pursuant to the Act for the collection of unpaid claims. The property owner's obligation to pay the full amount of the flat fee for each phase of each action shall accrue upon the initiation of any aspect of each phase. The full amount of each flat fee for each prior phase of the proceeding shall carry over and be due on a cumulative basis together with the flat fee for each subsequent phase.

A. *Filing or Municipal Claim.* The sum of \$150 shall constitute reasonable attorney fees for the preparation and filing of a municipal claim as defined under the Act.

B. *Title Search.* The actual cost of a title search in an amount not to exceed \$250 shall constitute a reasonable expense for the title search necessary for the initiation of each proceeding and compliance with Pa.R.C.P. 3129. The sum not to exceed \$40 shall constitute a reasonable expense for each bringdown or update of the title search.

C. *Preparation and Service of Writ of Scire Facias or Complaint in Assumpsit as Provided in this Part.* The sum of \$450 shall constitute reasonable attorney fees for the initiation of each proceeding and shall include preparation and filing of the praecipe for writ of scire facias or complaint in civil action, Sheriff's direction for service, notice pursuant to Pa.R.C.P. 237.1 and the preparation and filing of the

praecipe to settle and discontinue the proceeding. The above does not include:

(1) *Federal Tax Liens, Judgments and Mortgages*. Where there are Federal tax liens, Federal judgments, Federal mortgages or other record Federal interests, the sum of \$200 shall constitute reasonable attorney fees for all matters necessary to properly notify and serve the United States with all required additional notice and the presentation of related motions to court.

(2) *Alternative Service of Legal Pleadings*. In the event that a special order of court is necessary to serve original process or any other pleading, notice, court order or other document, the following amounts shall constitute reasonable attorney fees as follows:

(a) Investigation of defendant(s) whereabouts and preparation of affidavit of diligent search - \$100.

(b) Preparation and presentation of motion for alternative service, and delivery of the order of court, along with appropriate directions to the Sheriff for service - \$200.

D. *Entry of Judgment*. The sum of \$225 shall constitute reasonable attorney fees in connection with entry of judgment which shall include preparation and filing of the praecipe to enter judgment, notices of judgment, affidavit of non-military status, and the praecipe to satisfy judgment.

E. *Writ of Execution - Sheriff's Sale of Property or Execution Upon Assumpsit Judgment*. The sum of \$700 shall constitute reasonable attorney fees for preparation of all documents necessary for each execution upon any judgment pursuant to the Act. This sum shall include the preparation and filing of the praecipe for writ of execution, all Sheriff's documents, preparation and service of notices of Sheriff's sale, staying the writ of execution, and attendance at one (1) Sheriff's sale.

(a) *Postponements*. The sum of \$100 shall constitute reasonable attorney fees for each continuance of Sheriff's sale at the request of the defendant.

F. *Sale Pursuant to §31 of the Act, 53 P.S. §7281*. The sum of \$700 shall constitute reasonable attorney fees for the sale of property pursuant to §31 of the Act, 53 P.S. §7281 including preparation and service of necessary documents, court appearances, attendance at sale and preparation of proposed schedule of distribution of the proceeds realized from such sale.

G. *Sale Pursuant to §31.1 of the Act, 53 P.S. §7282*. The sum of \$500 shall constitute reasonable attorney fees for a sale of property pursuant to §31.1 of the Act, 53 P.S. §7282, including the preparation of necessary documents, service, court appearances, and the preparation of proposed Sheriff's schedule of distribution.

H. *Installment Payment Agreement*. The sum of \$150 shall constitute reasonable attorney fees for the preparation of each written installment payment agreement.

I. *Motions*. The sum of \$200 shall constitute reasonable attorney fees for the preparation, filing, and presentation of motions, other than for alternative service, which shall include, but are not limited to, motions to reassess damages, motions to amend caption, motions to continue the Sheriff's sale.

2. *Hourly Rate Matters*. The following schedule of attorney fees is hereby adopted

and approved as reasonable attorney fees pursuant to Act 1 and Act 20, which fees shall be awarded to the Township, its agents, counsel or assigns as compensation in all contested matters, and in all other matters not specifically referenced in §1-503.1, above, undertaken in connection with the collection of claims:

- A. Senior Attorneys (practicing law for 10 years or more) \$185 per hour.
- B. Junior Attorneys (practicing law for less than 10 years) \$160 per hour.
- C. Paralegals \$100 per hour.
- D. Law Clerks \$65 per hour.

each as recorded and charged in units of 1/10th of an hour for all time devoted to enforcement and collection of the Township's claims. Counsel, whether duly employed or duly appointed by the Township, its agents or assigns, shall not deviate from this fee schedule absent a subsequent ordinance amending the same. Hourly rate matters include, but are not limited to, any matters where any defense, objection, motion, petition or appearance is entered in any phase of any proceeding by or on behalf of any defendant or other interested party.

(Ord. 410, 11/5/2003, Art. III)

§1-504. Procedure.

1. *Required Notice.* The notice required by the Act, as amended, 53 P.S. §7106, shall be provided in accordance therewith and shall be incorporated into an appropriate delinquency notice or notices sent by the Township, its agent, counsel or assigns.

2. *Fees to be Accrued and Claims to be Filed.* Fees shall accrue for all efforts in collection after the 30th day after the notice, or after the 10th day of any required second notice under the Act, as amended, 53 P.S. §7106, on all accounts referred to counsel for enforcement. Fees accumulated as a result of enforced collection shall be certified by duly appointed counsel for the Township authorized to pursue collection of claims pursuant to the Act, or by counsel for the Township's agents or assigns and, if not collected in due course with the debt as by voluntary payment, shall be included in any claims filed on behalf of the Township or by its agents or assigns in the course of enforcement including any claims originally filed with the Prothonotary, any claims filed with the Sheriff or in any other claims filed or statements provided where attorney fees are due.

3. The amount of fees determined as set forth above shall be added to and become part of the claim or claims in each proceeding as provided by the Act and as provided herein.

(Ord. 410, 11/5/2003, Art. IV)

§1-505. Servicing Charges, Expenses and Fees Approved.

1. The following schedule of charges, expenses and fees (hereinafter collectively referred to as "servicing fees") is hereby approved and adopted by the Township pursuant to §§1, 2, and 3 of the Act of May 16, 1923, as amended, 53 P.S. §§7101, 7103 and 7106, which amounts are the direct result of each person's or property's failure to pay claims promptly. The servicing fees established, assessed, and collected hereunder shall be in addition to the record costs, §1-503, "Attorney Fees," and §1-502, "Expenses," associated with legal proceedings initiated by or on behalf of the township to collect its

claims.

2. Servicing of a claim or claims may result in voluntary payment without the initiation of enforcement proceedings. It is the intent of this Section to pass the cost of servicing on to the delinquent person or property as part of each claim. The recovery of servicing fees established herein shall not be contingent upon the initiation of enforcement proceedings. However, such servicing fees are due even where enforcement proceedings are initiated. The purpose of this Section is to pass the cost and expense associated with delinquent collection on to the delinquent person or property and to make the Township whole on all claims collected.

3. *Schedule.* The following schedule of fees shall constitute reasonable and appropriate servicing fees for each indicated service. The servicing fees shall be added to and become part of the Township's claims, together with the face, penalties, interest, costs and attorney fees and shall be payable in full before the discharge or satisfaction of any claim. The schedule of fees is separate and distinct from any amounts imposed by the Sheriff, Prothonotary, Court or any other public office in connection with the collection of the Township's claims.

- A. Assignments \$5 per claim.
- B. Filing tax liens \$5 per item.
- C. Satisfactions \$5 per claim.
- D. Tax claim revivals (i.e. S&A) \$10 per claim.
- E. Municipal claim revivals \$15 per claim.
- F. Municipal claim/short title examination \$35 per claim.
- G. Docket service fees \$1.75 per item.
- H. Sheriff sale claim certificates \$50 per case.
- I. Claim certifications \$10 per year.
- J. Postage actual cost
- K. Servicing including staffing, computers, office space, telephones, equipment, and materials
 - 5 percent of gross collections \$100.01 & over
 - 10 percent of gross collections \$100 & under

(Ord. 410, 11/5/2003, Art. V)