

Difference between an Ordinance and a Resolution?

In Pennsylvania, ordinances and resolutions are part of a municipality's legislative power under state laws, such as the Borough Code.

- **Ordinance:** Permanent law
- **Resolution:** Temporary or administrative action

ORDINANCE	RESOLUTION
<p>An ordinance is a permanent local law or regulation enacted by a municipality to govern local affairs. These laws regulate persons or property, covering matters like zoning, noise, and safety, and remain in effect until amended or repealed. An ordinance is a legislative act, often considered a "municipal statute," that holds higher authority than a resolution.</p> <ul style="list-style-type: none"> • Purpose: They create general, uniform, and permanent rules for the municipality. • Enforcement: Violations of ordinances can lead to fines, penalties, or civil proceedings. • Examples: Common examples include zoning regulations, building codes, traffic rules, and noise restrictions. 	<p>A resolution is a formal, written motion adopted by a legislative body that expresses an opinion, intent, or internal decision. Unlike an ordinance, most resolutions do not become law and typically lack legal binding force.</p> <ul style="list-style-type: none"> • Purpose: Resolutions are used for matters concerning the internal operations and outlining official positions on policy. • Structure: Resolutions typically use a formal structure featuring "Whereas" clauses (listing background facts and reasons) followed by "Resolved" clauses (stating the action or position). • Examples: A resolution approving a grant application or hiring of municipal employees.
<p>Adopting an <u>ordinance</u> involves a structured process: drafting by a solicitor, public advertising, a public hearing, and a final vote by the governing body. Mandatory advertising of the proposal occurs in a local newspaper 7 to 60 days before the public meeting.</p> <ul style="list-style-type: none"> • Authorization: The governing body discusses the need for the ordinance and passes a motion to have the solicitor draft it. • Drafting & Review: The solicitor prepares the ordinance. For land use or zoning matters, it must be submitted to the local and county planning commissions at least 30 days prior to the public hearing. • Public Notice/Advertising: A summary of the proposed ordinance and the date of the public meeting for consideration must be published in a newspaper of general circulation. This must occur no more than 60 days and no less than 7 days before the vote. • Public Hearing & Vote: The governing body holds a public meeting to allow for public comment, followed by a vote to adopt. • Recording & Finalization: The approved ordinance is recorded in the ordinance book, filed with the county law library, codified in the Borough Code and made available for public inspection. 	<p>Approving a <u>resolution</u> is through majority vote of the Borough Council during an advertised and public meeting, such as an agenda item at the Monthly Council Meeting.</p> <ul style="list-style-type: none"> • Approving: The process of approving a Resolution can be completed at a single meeting

Legal requirements for the introduction and adoption of an ordinance:

- **Sunshine Act (Public Meetings):** The agenda must be posted 24 hours in advance at the meeting location, on the municipality's website, and at the office, listing the items to be considered.
- **Zoning Rezonings:** Notices must be posted on the affected tract of land and sent via first-class mail to property owners within the rezoned area 30 days prior to the hearing.
- **Borough Codes:** Specific procedures for consolidation or revision require introducing the ordinance 30 days before enactment and advertising it 15 days prior.
- **Effective Date:** The ordinance becomes effective upon final publication or according to the specific date mentioned in the ordinance text.
- Complaints regarding the legality of an ordinance must be made to the Court of Common Pleas.

Legal formalities of a resolution:

Signature: For local boards, a resolution requires the presiding officer's signature and the date to be legally complete.

Legal Standing: Unlike ordinances, which create permanent laws, resolutions are often used for administrative, temporary, or advisory actions.