

NORTH BRADDOCK BOROUGH,

PENNSYLVANIA

CODE OF ORDINANCES

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TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 APPROVAL, ADOPTION AND TITLE OF CODE.

(A) Pursuant to 8 Pa.C.S. § 3301.5, the codification of all ordinances of a permanent and general nature for the Borough of North Braddock, Commonwealth of Pennsylvania, as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections, are approved, adopted, ordained and enacted as a single ordinance of the Borough of North Braddock and shall be known and designated as the Borough of North Braddock Code, for which designation "code of ordinances", "codified ordinances" or "code" may be substituted.

(B) Code title, chapter and section headings do not constitute any part of the law as contained in the code.

§ 10.02 RULES OF INTERPRETATION AND DEFINITIONS.

(A) *Rules of interpretation.*

(1) Words and phrases shall be taken in their plain, ordinary and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of the persons unless otherwise declared in the section giving the authority.

(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE SERVICE. All departments and the personnel thereof established by the Borough Code or ordinance.

ADOPTING ORDINANCE. The ordinance of the Borough of North Braddock adopting the Codified Ordinances of North Braddock Borough, Pennsylvania, in accordance with the Borough Code of Pennsylvania.

AND. May be read **OR**, and **OR** may be read **AND**, if the sense requires it.

AUTHORITY. Whenever in this code, authority is given to an officer or an act is required to be performed, the authority may be exercised and the act may be performed, at the instance of the officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any particular provision.

BOROUGH and **MUNICIPALITY.** The Borough of North Braddock, Pennsylvania.

BOROUGH CODE. Public Law 432, of 2014, No. 37, effective June 17, 2014, being 8 Pa.C.S. §§ 101 et seq., as amended.

BUDGET. The annual budget of the borough.

CALENDAR/COMPUTATION OF TIME. The terms **MONTH** and **YEAR** 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, unless the last day is a Sunday, in which case it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.

CONTRACT ADMINISTRATION. The management of the execution of contracts between the borough and any individual, partnership, association, corporation or governmental body.

COUNCIL. The Council of the Borough of North Braddock, Pennsylvania.

COUNTY. The County of Allegheny, Pennsylvania.

ENGINEER. The Engineer of the borough.

KEEPER and **PROPRIETOR.** Persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

LAND/REAL ESTATE. Includes rights and easements of an incorporeal nature.

LAW. All applicable laws and ordinances of the United States of America, the Commonwealth of Pennsylvania and the County of Allegheny.

MANAGER and **BOROUGH MANAGER.** The chief administrative officer as appointed by the Borough Council.

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 about taking an **OATH.** An **AFFIRMATION** shall have the same effect as an **OATH.**

ORDINANCE. Any ordinance of the Borough of North Braddock, including this code.

OWNER. When applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of the property.

PERSON. An individual, association, club, corporation, firm, partnership, body politic or any other legal entity.

PREMISES. When used as applicable to property, extends to and includes land and buildings.

PROPERTY. Includes real and personal property and any mixed and lesser estates or interests therein. **PERSONAL PROPERTY** includes every kind of property except **REAL PROPERTY.** **REAL PROPERTY** includes lands, tenements and hereditaments.

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 the time only as may be necessary for the prompt performance of the act or the giving of the notice.

SECRETARY/TREASURER and **BOROUGH SECRETARY/TREASURER.** An appointed position charged with the responsibility for taking meeting minutes; recording and certifying ordinances; attesting to the execution of documents; and is the custodian of borough records and the borough seal. The **BOROUGH SECRETARY/TREASURER** shall not be a member of the Borough Council and serves an indefinite term at the pleasure of the Borough Council.

SIDEWALK. Any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

SOLICITOR. The Solicitor of the borough.

STATE and **COMMONWEALTH.** The Commonwealth of Pennsylvania.

STREET. Alleys, avenues, boulevards, lanes, roads, streets, state highways and other public ways in the borough.

TENANT and **OCCUPANT.** As applied to buildings 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.

TIME. Whenever any time established in the codified ordinances for the taking of any action expires on a Sunday or legal holiday, the time shall not expire on the day but shall expire on the next week day.

§ 10.03 EFFECT OF CODE ON PREVIOUS PROVISIONS.

The provisions of this code, insofar as they are substantially the same as those of ordinances and resolutions in force immediately prior to the enactment of this code, are intended as a continuation of the ordinances and resolutions, and not as new enactments, and the effectiveness of the provisions shall date from the date of adoption of the prior ordinance or resolution. All the provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council, and it is the intention of the Borough Council that each provision contained within the code is hereby reenacted and reaffirmed as it appears in the code.

§ 10.04 SECTIONS AND ORDINANCES REPEALED.

All ordinances and parts of ordinances in conflict with the provisions of this code are hereby repealed.

§ 10.05 EXEMPTIONS FROM REPEAL.

The repeal provided for in § 10.04 shall not affect the following ordinances, resolutions, rights and obligations which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances or parts thereof in § 10.04, or the saving from repeal of ordinances or parts thereof pursuant to this section, shall not be construed so as to revive an ordinance or part thereof previously repealed, superseded or no longer of any effect:

- (A) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the adoption of these codified ordinances;
- (B) Any ordinance or resolution promising or guaranteeing the payment of money by or to the borough, or authorizing the issuance of any bonds of the borough, or any evidence of the borough's indebtedness, or any contract or obligation assumed by the borough;
- (C) Any ordinance or resolution of Council not in conflict or inconsistent with the provisions of these codified ordinances;
- (D) Any right, license or franchise conferred by any ordinance or resolution of Council or any other person or corporation;
- (E) Any ordinance establishing, naming, relocating or vacating any street or other public way;
- (F) Any ordinance or part thereof providing for the establishment of positions, for salaries or compensation;
- (G) Any prosecution, suit or other proceeding pending, or any judgment rendered, on or prior to the adoption of these codified ordinances;
- (H) Any ordinance levying or imposing taxes or assessments;
- (I) Any ordinance establishing or changing the boundaries of the borough; or
- (J) Any ordinance or resolution adopted by Council after the adoption of the codified ordinances.

§ 10.06 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically

provided.

§ 10.07 CHANGES AND REVISIONS IN PREVIOUSLY ADOPTED ORDINANCES.

(A) *Nonsubstantive grammatical changes.* In compiling and preparing the ordinances and resolutions of the borough for adoption and revision as part of the code, certain nonsubstantive grammatical and style changes were made in one or more of the ordinances. It is the intention of the Borough Council that all the changes be adopted as part of the code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

(B) *Substantive changes and revisions.* In addition to the changes and revisions in division (A) above, changes and revisions of a substantive nature are hereby made to various ordinances and resolutions included in the code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all the changes be adopted as part of the code as if the ordinances and resolutions so changed have been previously formally amended to read as such. All changes and revisions shall be deemed to be in effect as of the effective date of this code.

§ 10.08 INTERPRETATION OF PROVISIONS.

In interpreting and applying the provision of the code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the code impose greater restrictions or requirements than those of any state statute, other ordinance, resolution or regulation, the provisions of the code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of the statute, other ordinance, resolution or regulation shall control.

§ 10.09 HEADINGS, EDITOR'S NOTES, STATUTORY REFERENCES.

(A) Headings of titles, chapters, sections and divisions in the code, or in supplements to the code, are inserted into the code, and may be inserted into the supplements to the code, for the convenience of persons using the code and are not part of the legislation.

(B) Editors's notes and/or statutory references indicating sources of sections, giving other information or referring the statutes or to other parts of the code are inserted in the code, and may be inserted in supplements to the code, for the convenience of persons using the code and are not part of the legislation.

§ 10.10 FILING COPIES OF CODE.

Copies of the code in a bound volume shall be filed with the ordinance books in the office of the Borough Manager and shall remain there for use and examination by the public. Upon adoption, the copies shall be certified to by the Borough Manager, as provided by law, and the certified copies shall remain on file in the office of the Borough Manager, available to persons desiring to examine the same during all times while the code is in effect.

§ 10.11 AMENDMENTS TO THE CODE; CODE BOOKS TO BE KEPT UP-TO-DATE.

(A) Any and all additions, deletions, amendments or supplements to the code, when passed and adopted so as to indicate the intention of Borough Council to be a part thereof, shall be deemed to be incorporated into the code so that the references in the code shall be understood and intended to include the changes. When any and all additions, deletions, amendments or supplements to the code shall be adopted, they shall be printed and inserted in the bound code book as amendments and supplements to it.

(B) The Borough Manager or someone authorized or directed by him or her shall keep the certified copies of the code book, which are required to be kept in the Borough Manager's office for public use, up-to-date. All changes in the code, and all ordinances and resolutions adopted subsequent to the effective date of this code, which the Borough Council specifically adopts as part of the code, shall be included in the code book by reference until the changes or new ordinances or resolutions are printed as supplements to the code book and inserted into the code book.

§ 10.12 SEVERABILITY.

(A) If any title, chapter, section, division or part thereof of this code now enacted or subsequently amended or its application to any person or circumstances is held to be illegal, invalid or unconstitutional by a court of competent jurisdiction, that determination shall not affect, impair or invalidate the remainder thereof, but is confined in its operation and application to the title, chapter, section, division or part thereof determined illegal, invalid or unconstitutional.

(B) It is the intent of the Borough Council to declare that this code would have been adopted if the illegal, invalid or unconstitutional title, chapter, section, division or part thereof would not have been included.

§ 10.13 REFERENCE TO OTHER SECTIONS.

Whenever in one section, reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.14 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) (1) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section.

(2) Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (65 P.S. § 67.101) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This code book consists of all ordinances and resolutions of the borough and shall be known as the codified ordinances of the borough.

Statutory reference:

Authority to codify ordinances, see 65 P.S. §§ 67.101 et seq.

§ 10.16 ALTERING OR TAMPERING WITH THE CODE; PENALTIES FOR VIOLATION.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the code or any part or portion thereof, in any manner which will cause the law of the borough to be misrepresented thereby.

Penalty, see § 10.99

§ 10.99 GENERAL PENALTY.

(A) Whoever violates or fails to comply with any of the provisions of these codified ordinances, including a provision of any technical or other code adopted in these codified ordinances by reference, and including a rule or regulation promulgated pursuant to any provision of these codified ordinances or of any technical or other code adopted in these codified ordinances by reference, and including any order made under authority, express or implied, of any provision of these codified ordinances or of any technical or other code adopted in these codified ordinances by reference, having to do with building, housing, property maintenance, health, fire or public safety codes or ordinances, or with water, air or noise pollution violations, for which no penalty is otherwise provided, shall be fined not more than \$1,000 or imprisoned for not

more than 90 days, or both for each offense. Unless otherwise stated, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(B) Whoever violates or fails to comply with any of the provisions of these codified ordinances, including a provision of any technical or other code adopted in these codified ordinances by reference, and including a rule or regulation promulgated pursuant to any provision of these codified ordinances or of any technical or other code adopted in these codified ordinances by reference, and including any order made under authority, express or implied, of any provision of these codified ordinances or of any technical or other code adopted in these codified ordinances by reference, for which no penalty is otherwise provided, shall be fined not more than \$600 or imprisoned not more than 90 days, or both, for each offense. Unless otherwise stated, a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(C) The penalty provided for herein shall be in addition to any fee, deposit, charge, surcharge, interest, insurance or bond requirement or equitable remedy provided in these codified ordinances, or in any standard, technical or other code adopted by reference in these codified ordinances, or in any rule or regulation promulgated under authority of the standard, technical or other code adopted by reference in these codified ordinance, or under authority of any other provision of these codified ordinances, or under authority of state law.

Statutory reference:

Collection of penalties, amounts, prosecution of violators, disposition of fines, see 8 Pa.C.S. §§ 3321 to 3324

TITLE III: ADMINISTRATION

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- 31. ELECTED OFFICIALS
- 32. APPOINTED OFFICIALS
- 33. POLICE DEPARTMENT
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CHAPTER 30: GENERAL PROVISIONS

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- 30.26 Fees to be added to the unpaid municipal claims
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GENERAL PROVISIONS

§ 30.01 AUTHORIZING THE BOROUGH TO MODIFY FEES, CHARGES AND COSTS BY RESOLUTION.

- (A) The borough may by resolution establish and modify any fees, charges or costs imposed by any borough ordinance or resolution.
- (B) This section shall not apply to fines for violation of borough ordinances.
- (C) This section shall not apply to any fee, charge or cost over which another governmental authority has exclusive jurisdiction.

(Ord. 1094, passed 8-16-2016)

ATTORNEY'S FEES FOR COLLECTION OF MUNICIPAL LIENS

§ 30.15 ATTORNEY'S FEES.

Attorney fees for the collection of delinquent real estate tax accounts shall be added to all delinquent real estate tax imposed or assessed on the value of any real property within the borough at the rates set forth below:

- (A) The rate of 5% of any and all delinquent tax collections made on the most recent years tax duplicates within the attorney's delinquent tax system, such rate to continue until such time as the current tax year shall also become delinquent; and
- (B) The rate of 20% of all delinquent tax collections other than set forth in division (A) above.

(Ord. 1005, passed 11-19-1996)

§ 30.16 SEWAGE OR SANITATION FEES.

- (A) In accordance with § 1 of the Municipal Claims and Tax Liens Act, being 53 P.S. §§ 7101 et seq., the borough hereby approves that the collection of delinquent

trash and sewer claims shall be compensated for attorney fees in accordance with the fee schedule set forth below.

<i>Legal Services</i>	<i>Fee for Services</i>
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400
Bookkeeping fee for payment plan of more than 3 payments	\$50
Continue Sheriff sale	\$50
File lien and mail second demand letter	\$175
Handling fee for returned check	\$30
Handling fee to issue refund check	\$20
Initial review and sending first demand letter	\$160
Obtain re-issued writ	\$30
Petition to assess damages	\$50
Petition for free and clear sale	\$400
Prepare and mail letter under Pa. R.C.P. § 237.1	\$30
Prepare bankruptcy proof of claim	\$100
Prepare motion for alternate service	\$175
Prepare default judgment	\$175
Prepare writ of execution	\$800
Prepare writ of scire facias	\$175
Services not covered above	At an hourly rate between \$60 to \$225 per hour

(B) The amount of fees determined as set forth above are fair and reasonable for the services provided and shall be added to the borough's claim in each account.

(C) There shall be added to the above amounts the reasonable out-of-pocket charges, costs, expenses, commissions and fees such as, but not limited to, postage, title searches, Prothonotary fees and Sheriff fees.

(D) Each notice as described above shall include the following:

- (1) The type of municipal claim or other charge, the date it became due and the amount owed, including interest;
- (2) A statement of the borough's intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within ten days after the mailing of the second notice;
- (3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and
- (4) The place of payment for accounts and the name and telephone number of the borough representative designated as responsible for collection matters.

(Ord. 1005, passed 11-19-1996; Ord. 1017, passed 10-20-1998; Ord. 1042, passed 12-21-2004)

§ 30.17 ALL CHARGES ADDED.

All charges, expenses, costs and fees incurred in the collection of any delinquent account shall be added thereto.

(Ord. 1005, passed 11-19-1996)

§ 30.18 ADMINISTRATIVE CHARGE.

The \$40 cost to mail the notice of delinquency, as required by 53 P.S. § 7106, plus the cost of the postage, will be added to the borough's claim for each account as an administrative charge.

(Ord. 1042, passed 12-21-2004)

§ 30.19 INTEREST.

Interest will be assessed upon all delinquent trash and sewer claims at a rate of 10% per annum.

(Ord. 1042, passed 12-21-2004)

§ 30.20 NOTICE REQUIRED.

At least 30 days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the borough or its representative shall, by United States certified mail, return receipt requested, postage prepaid, mail to the owner the notice required by this subchapter.

(Ord. 1005, passed 11-19-1996)

§ 30.21 MAIL THE OWNER NOTICE.

If within 30 days of mailing the notice in accordance with §30.20, the certified mail is refused or unclaimed or the return receipt is not received, then at least ten days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the borough or its representative shall, by United States first class mail, mail to the owner the notice required by this subchapter.

(Ord. 1005, passed 11-19-1996)

§ 30.22 OWNER'S ADDRESS.

The notice required by this subchapter shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the borough and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the borough or its representative to determine the owner's last post office address known to said Collector and county assessment office. It shall be the duty of all persons owning real property in the borough to keep both the appropriate county office and borough apprized of his or her current mailing address.

(Ord. 1005, passed 11-19-1996)

§ 30.23 NOTICE TO THE OWNER.

The notice to the owner shall include the following:

- (A) A statement of the borough's intent to impose or assess attorney fees within 30 days of mailing the notice pursuant to §30.20 or within ten days of the mailing of the notice pursuant to § 30.21; and
- (B) The manner in which the imposition or assessment of attorney fees may be avoided by payment of the delinquent account.

(Ord. 1005, passed 11-19-1996)

§ 30.24 OTHER FEES.

This subchapter is not intended to impose or authorize attorney fees or costs to be charged to a delinquent property or taxpayer in addition to fees and costs that may be authorized by any other ordinance or statute. Any attorney fees or costs which are paid by pursuant to any other ordinance or statute shall be credited against any fees or costs which are imposed by this subchapter.

(Ord. 1005, passed 11-19-1996)

§ 30.25 RELATED ACTION.

The proper officials of the borough are hereby authorized and empowered to take such additional action as they deem necessary or appropriate to implement this subchapter.

(Ord. 1042, passed 12-21-2004)

§ 30.26 FEES TO BE ADDED TO THE UNPAID MUNICIPAL CLAIMS.

The borough hereby approves the following additions to the fee schedule for the collection of unpaid municipal claims, which fees shall be added to the unpaid claim.

(A) *Notice expense.* A charge, not to exceed \$40 plus postage, shall be added to the unpaid claim for providing notice of delinquency pursuant to 53 P.S. § 7106 of the Municipal Claims and Tax Liens Act. The borough may hire a private company to perform this service and add the amount of this charge to the unpaid claim.

(B) *Bookkeeping and payoff fees.*

Bookkeeping fee for payment plan of more than 3 months	\$50
Bookkeeping fee for payment plan of 3 months or less	\$25
Guaranteed payoff fee	\$25

(Ord. 1068, passed 9-21-2010)

§ 30.27 UTILIZATION OF CREDIT OR DEBIT CARDS.

(A) The borough and any attorney or private collector collecting delinquent municipal claims on behalf of the borough are hereby authorized to accept payment of delinquent municipal claims by credit card or debit card.

(B) Where payment is by credit card or debit card, any charges or fees charged by the credit card or debit card company and/or the credit card or debit card servicing agent shall become part of the delinquent municipal claim and be charged immediately to the credit card or debit card used to make payment.

(C) Divisions (A) and (B) above apply to credit card or debit card payments made by mail, telephone, the internet or in person.

(Ord. 1095.1, passed 6-20-2017)

§ 30.28 APPOINTMENT OF SOLICITOR FOR DELINQUENT MUNICIPAL CLAIM COLLECTION.

The borough will appoint a borough's Solicitor for the limited purpose of collecting delinquent municipal claims and hereby authorizes him or her, and attorneys under him or her supervision, to sign liens together with any and all documents related to the collection of delinquent, penalties, interest, fees and costs.

(Ord. 1068, passed 9-21-2010)

CHAPTER 31: ELECTED OFFICIALS

Section

Compensation of Mayor and Council Members

31.01 Compensation

31.02 Mayor

Compensation of Tax Collector

31.15 Salary for Tax Collector

COMPENSATION OF MAYOR AND COUNCIL MEMBERS

§ 31.01 COMPENSATION.

The compensation of each member of Council of the borough is hereby fixed at \$100 per month, the borough having at the current time a population of more than 5,000 but less than 10,000.

(Ord. 956, passed 1-17-1989)

§ 31.02 MAYOR.

The salary of Mayor of the borough is hereby fixed at \$1,700 per annum, payable monthly in 12 equal installments. This salary does not exceed the limits fixed by the Act of Assembly.

(Ord. 956, passed 1-17-1989)

COMPENSATION OF TAX COLLECTOR

§ 31.15 SALARY FOR TAX COLLECTOR.

(A) The Council of the borough herewith fixes the salary of the elected Tax Collector of the borough at \$4,000 per year.

(B) Said salary to be applicable to taxes collected for the year 1974 and thereafter.

(Ord. 894, passed 2-1-1973)

CHAPTER 32: APPOINTED OFFICIALS

Section

Borough Manager

32.01 Office of Borough Manager office created

32.02 Duties of Borough Manager

32.03 Compensation

Independent Auditor

32.15 Appointment of Auditor

32.16 Qualifications and duties

32.17 Compensation

32.18 Abolished office

BOROUGH MANAGER

§ 32.01 OFFICE OF BOROUGH MANAGER OFFICE CREATED.

The office of Borough Manager is herewith created.

(Ord. 822, passed 4-28-1962)

§ 32.02 DUTIES OF BOROUGH MANAGER.

(A) The powers and duties of said Borough Manager are as follows:

- (1) To keep accurate records of all borough business including, but not limited to, the minutes, ledgers, accounts payable and accounts receivable;
- (2) Prepare financial statements, supervise and authorize the payment of all obligations and bills subject to the provisions of the Borough Code;
- (3) Supervise and control all purchases subject to the provisions of the Borough Code;
- (4) Prepare and control payroll records;
- (5) Receive, expedite and complete all committee reports; and
- (6) Generally control and supervise all the official records and business of the borough.

(B) Herewith is delegated all nonlegislative and nonjudicial powers to the Borough Manager and when called upon he or she shall make reports of all the forgoing functions and duties.

(Ord. 822, passed 4-28-1962)

§ 32.03 COMPENSATION.

The compensation of the Borough Manager shall be \$600 per month.

(Ord. 822, passed 4-28-1962)

INDEPENDENT AUDITOR

§ 32.15 APPOINTMENT OF AUDITOR.

(A) The audit of the borough accounts for the fiscal year commencing January 1, 1986, and terminating December 31, 1986, shall be conducted and performed by an Auditor appointed by resolution of the Borough Council before the close of the fiscal year in accordance with the provisions of 8 Pa.C.S. § 1005.

(B) Thereafter, said Borough Council, annually, before the close of subsequent fiscal years, shall likewise pass a resolution for the appointment of an Auditor as herein defined, for the purpose of auditing the accounts of the borough for the fiscal year then closing.

(Ord. 943, passed 2-18-1986)

§ 32.16 QUALIFICATIONS AND DUTIES.

The Auditor appointed by resolution of Council shall be a person or persons licensed as a certified public accountant in the commonwealth, said person so appointed to have all the powers and perform all the duties provided in the Act of Assembly pertaining to elected auditors.

(Ord. 943, passed 2-18-1986)

§ 32.17 COMPENSATION.

The compensation to be paid any Auditor shall be established and fixed by the Borough Council at the time of appointment or thereafter.

(Ord. 943, passed 2-18-1986)

§ 32.18 ABOLISHED OFFICE.

The office of elected Auditor in the borough is hereby abolished, in accordance with the provisions of the Act of Assembly herein referred to.

(Ord. 943, passed 2-18-1986)

CHAPTER 33: POLICE DEPARTMENT

Section

33.01 Police force established

33.02 Offices created

33.03 Duties

33.04 Compensation

33.05 Discretion

33.06 Guidelines for making warrantless arrests

§ 33.01 POLICE FORCE ESTABLISHED.

There is herewith established a police force in accordance with 8 Pa.C.S. §§ 1121 et seq., and its various amendments and supplements.

(Ord. 807, passed 1-12-1961)

§ 33.02 OFFICES CREATED.

Herewith, in accordance with 8 Pa.C.S. §§ 1121 et seq., are created the offices of Chief, Assistant Chief, lieutenants, sergeants, police systems operator and patrol officers; that the number of lieutenants, sergeants and patrol officers shall be determined by Council by resolution, and in the event that further offices shall be deemed necessary, Council by resolution is herewith authorized to create such other offices.

(Ord. 807, passed 1-12-1961)

§ 33.03 DUTIES.

The duties of the various offices herewith created shall be defined by Council by resolution.

(Ord. 807, passed 1-12-1961)

§ 33.04 COMPENSATION.

The compensation for the offices herewith created shall be determined by Council by resolution.

(Ord. 807, passed 1-12-1961)

§ 33.05 DISCRETION.

Council in its discretion may at any time change the duties or compensation of the various offices as shall be in the best interests of the borough.

(Ord. 807, passed 1-12-1961)

§ 33.06 GUIDELINES FOR MAKING WARRANTLESS ARRESTS.

(A) For any of the offenses listed in division (B) below, officers shall institute criminal actions by citation or by summons rather than by making a warrantless arrest when such offense constitutes a summary offense unless the officer shall determines that:

- (1) The defendant's conduct is ongoing;
- (2) The conduct constituting the offense was viewed by the officer; and
- (3) The conduct imperils the personal security of any person or endangers public or private property; or
- (4) The defendant has failed or refused to provide evidence of his or her identity.

(B) Division (A) above shall apply to the following offenses:

- (1) 18 Pa.C.S. § 5503 (relating to disorderly conduct);
- (2) 18 Pa.C.S. § 5505 (relating to public drunkenness);
- (3) 18 Pa.C.S. § 5507 (relating to obstructing highways and other public passages); and
- (4) 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

(Ord. 1069, passed 9-21-2010)

CHAPTER 34: FIRE DEPARTMENT

Section

Firemen's Relief Association

- 34.01 Recognition of Firemen's Relief Association
- 34.02 Certification to Auditor General
- 34.03 Annual appropriation

FIREMEN'S RELIEF ASSOCIATION

§ 34.01 RECOGNITION OF FIREMEN'S RELIEF ASSOCIATION.

(A) (1) The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the borough: North Braddock Volunteer Firemen's Relief Association.

(2) The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

(B) The above-named association of the borough is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the state from the tax on premiums from foreign fire insurance companies.

§ 34.02 CERTIFICATION TO AUDITOR GENERAL.

(A) The Borough Council shall annually certify to the Auditor General of the commonwealth the name(s) of the active associations and the percentage of service they contribute to the protection of the borough.

(B) Such certification shall be on forms prescribed by the Auditor General.

§ 34.03 ANNUAL APPROPRIATION.

There is annually appropriated from the borough treasury all such sums of money that may hereafter be paid into the borough treasury by the Treasurer of the state on account of taxes paid on premiums of foreign fire insurance companies pursuant to the Municipal Pension Plan Funding Standard Recovery Act, the Act of December 18, 1984, P.L. 1005, No. 205, 53 P.S. §§ 895.101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of the state. Such moneys received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

CHAPTER 35: BOROUGH ORGANIZATIONS

Section

Zoning Hearing Board

- 35.01 Board created
- 35.02 Membership
- 35.03 Removal from office
- 35.04 Election of officers
- 35.05 Compensation
- 35.06 Hearings

- 35.07 Appeals
- 35.08 Challenges
- 35.09 Variances
- 35.10 Exceptions

Vacant Property Review Committee

- 35.25 Creation of Committee
- 35.26 Representation
- 35.27 Term of office
- 35.28 Power and authority
- 35.29 Notice of determination

ZONING HEARING BOARD

§ 35.01 BOARD CREATED.

Be it ordained and it is hereby so ordained by the Council of the borough that herewith is created a Zoning Hearing Board as provided for in the Act of July 31, 1968, Article IX, §§ 901 et seq., and its amendments, 53 P.S. §§ 10901 et seq.

(Ord. 905, passed 8-17-1976)

§ 35.02 MEMBERSHIP.

The membership of said Board shall consist of three residents of the borough appointed by the Council and their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year; and members shall hold no other office in the borough.

(Ord. 905, passed 8-17-1976)

§ 35.03 REMOVAL FROM OFFICE.

Any Board member may be removed by malfeasance, misfeasance or nonfeasance in office or by a majority vote of the Council taken after the member has received 15-days' advance notice of the intent to take such a vote; a hearing shall be held in connection with a vote if the members shall request it in writing.

(Ord. 905, passed 8-17-1976)

§ 35.04 ELECTION OF OFFICERS.

The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves; the Board may appoint a hearing officer from its own membership to conduct any hearing and the Board may alter and rescind rules and forms for its procedure; the Board shall keep full public records of its business and shall make a written report to Council once a year.

(Ord. 905, passed 8-17-1976)

§ 35.05 COMPENSATION.

The Board may employ secretaries, clerks, Council consultants and other technical personnel within the limits of funds appropriated by the Council; members of the Board may receive compensation as may be fixed by the Council but in no case shall exceed the rate of compensation paid to the members of the Council.

(Ord. 905, passed 8-17-1976)

§ 35.06 HEARINGS.

The Board shall conduct hearings and make decisions as provided for in § 908 of the Act of July 31, 1968, P.L. 805, Article IX, 53 P.S. § 10906. Said hearings will be consistent with such other rules as has been promulgated by the Board.

(Ord. 905, passed 8-17-1976)

§ 35.07 APPEALS.

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow a prescribed procedure or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer; appeals from the decision of this Board in these matters may be taken to the appropriate court.

(Ord. 905, passed 8-17-1976)

§ 35.08 CHALLENGES.

The Board shall hear challenges to the validity of a zoning ordinance or map except as indicated in the cited July 31, 1968 Act, and this Hearing Board shall take evidence and make a record and decide the contested questions and shall make findings on all relevant issues a fact which shall become part of the record on appeal to the court.

(Ord. 905, passed 8-17-1976)

§ 35.09 VARIANCES.

The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance (as codified in Chapter 155) inflict unnecessary hardship upon the applicant and the Board may grant a variance provided the findings made were relevant in the given case as provided for in 53 P.S. § 10910.2.

(Ord. 905, passed 8-17-1976)

§ 35.10 EXCEPTIONS.

The said Board, where the zoning ordinance (as codified in Chapter 155) has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria which herein decide requests for such special exceptions in accordance therewith, may attach reasonable conditions and safeguards thereto.

(Ord. 905, passed 8-17-1976)

VACANT PROPERTY REVIEW COMMITTEE

§ 35.25 CREATION OF COMMITTEE.

There is hereby created, effective immediately, a Committee pursuant to the Urban Redevelopment Law, Act of May 24, 1945, P.L. 991, 35 P.S. §§ 1701 et seq., providing for blighted vacant property removal, consisting of at least four member as specified by the Act, and known as the Vacant Property Review Committee.

(Ord. 968, passed 3-19-1991)

§ 35.26 REPRESENTATION.

One member shall be a member of a governing body of the borough designated by resolution of Borough Council. One member shall be a representative of the

Redevelopment Authority of the county as designated by said Authority. One member shall be a representative of the Borough Planning Commission, or appropriate similar entity, as designated by said Commission. One member shall be designated by the chief executive officer of the borough. One member shall be a representative of the County Department of Development as designated by said agency.

(Ord. 968, passed 3-19-1991)

§ 35.27 TERM OF OFFICE.

The initial members of the Vacant Property Review Committee shall serve for a term ending two years from the date of enactment of this subchapter. Thereafter, successors shall be appointed for terms of two years. Vacancies shall be filled by the appointment of a member by the respective body or officer authorized by the Act of this subchapter to make appointments, and members appointed to fill vacancies shall serve until the expiration of the then remaining unexpired term.

(Ord. 968, passed 3-19-1991)

§ 35.28 POWER AND AUTHORITY.

The Vacant Property Review Committee shall have power and authority to operate under the Act to provide for the designation, certification and removal of blighted property as defined in the Act, to operate in conjunction with and cooperate with the Redevelopment Authority of the county in bringing about the acquisition, by the exercise of eminent domain or otherwise, as authorized by the Act, and elimination of blighted property within the borough; and, to this end, said Committee shall have all power and authority to do such acts and deeds as are necessary and appropriate to carry out the goals of the Act and of this subchapter.

(Ord. 968, passed 3-19-1991)

§ 35.29 NOTICE OF DETERMINATION.

Notice of the determination by the Committee that a property is blighted property, within the meaning of the Act, shall be given to the owner of the property or his or her agent, together with or including an order from the Committee to the owner directing the elimination of the conditions, by personal service of the Committee's notification upon the owner or by certified mail, return receipt requested, or by posting a copy of the Committee's resolution in a conspicuous place on the property. The owner or his or her agent shall have the right of appeal from the Committee's determination by filing a written notice of appeal with the Committee within 30 days after giving of such notice, in which event a hearing before the Committee shall be scheduled.

(Ord. 968, passed 3-19-1991)

CHAPTER 36: TAXATION

Section

Earned Income and Net Profits Tax

- 36.001 Incorporation by reference
- 36.002 Definitions
- 36.003 Imposition of tax
- 36.004 Administration; powers and duties of officer
- 36.005 Exemptions and credit
- 36.006 Declaration and payment of tax
- 36.007 Collection at source
- 36.008 Suit for collection of tax
- 36.009 Interest and penalties
- 36.010 Non-applicability

Realty Transfer Tax

- 36.025 Short title
- 36.026 Authority
- 36.027 Definitions
- 36.028 Imposition of tax; interest
- 36.029 Exempt parties
- 36.030 Excluded transactions
- 36.031 Documents relating to associations or corporations and members, partners, stockholders or shareholders thereof
- 36.032 Acquired company
- 36.033 Credits against tax
- 36.034 Extension of lease
- 36.035 Proceeds of judicial sale
- 36.036 Duties of Recorder of Deeds
- 36.037 Statement of value
- 36.038 Lien
- 36.039 Enforcement
- 36.040 Regulations

Amusement Tax

- 36.055 Short title
- 36.056 Definitions
- 36.057 Permit needed
- 36.058 Tax imposed
- 36.059 Payment of tax
- 36.060 Ascertaining tax
- 36.061 Recoverable

- 36.062 Use and benefit
- 36.063 Duty of Secretary
- 36.064 Authority

Occupational Privilege Tax

- 36.075 Short title
- 36.076 Definitions
- 36.077 Levy
- 36.078 Collection through employers
- 36.079 Direct payment by taxpayers
- 36.080 Nonresident taxpayers
- 36.081 Administration and enforcement
- 36.082 Collection

Penalty on Real Estate Tax

- 36.095 Penalty percentage

Tax Assessment Limitation Program

- 36.110 Definitions
- 36.111 Limitation of assessment for eligible taxpayers
- 36.112 Participation in limitation of tax assessment program
- 36.113 Rules and regulations

Local Services Tax

- 36.125 Definitions
 - 36.126 Levy of tax
 - 36.127 Exemptions and refunds
 - 36.128 Duty of employers to collect
 - 36.129 Returns
 - 36.130 Dates for determining tax liability and payment
 - 36.131 Self-employed individuals
 - 36.132 Individuals engaged in more than one or employed in more than one political subdivision
 - 36.133 Nonresidents subject to tax
 - 36.134 Administration of tax
 - 36.135 Suits for collection
 - 36.136 Interpretation
 - 36.137 Effective date
-
- 36.999 Penalty

EARNED INCOME AND NET PROFITS TAX

§ 36.001 INCORPORATION BY REFERENCE.

Act 32 (53 P.S. §§ 6924.101 through 6924.901) and its definitions, duties, directives, rules, regulations, powers and penalties is hereby adopted by reference as if the same had been set forth fully herein.

(Ord. 1074, passed 10-18-2011)

§ 36.002 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOMICILE. The place where a person lives and has a permanent home and to which the person has the intention of returning whenever absent. Actual residence is not necessarily **DOMICILE**, for **DOMICILE** is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. **DOMICILE** is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce the person to adopt some other permanent home. In the case of a business, **DOMICILE** is that place considered as the center of business affairs and the place where its functions are discharged.

EARNED INCOME. The compensation as required to be reported to or as determined by the Department of Revenue under 72 P.S. § 7303, and rules and regulations promulgated under that section. Employee business expenses as reported to or determined by the Department of Revenue under 72 P.S. §§ 7301 to 7361 shall constitute allowable deductions in determining **EARNED INCOME**. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

NET PROFITS. The net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Department of Revenue under 72 P.S. § 7303, and rules and regulations promulgated under that section.

NONRESIDENT. A person or business domiciled outside the political subdivision levying the tax.

RESIDENT. A person or business domiciled in the political subdivision levying the tax.

TAX COLLECTION COMMITTEE (TCC). The Southeast Tax Collection Committee established to govern this tax collection district for the purpose of income tax collection.

TAX COLLECTION DISTRICT (TCD). The Southeast Tax Collection District is established under § 504 of Act 32.

TAX OFFICER/TAX COLLECTOR. The agency engaged to administer and collect earned income taxes for this tax collection district. Unless otherwise specifically provided, for purposes of the obligations of an employer, the term shall mean the **TAX OFFICER** for the tax collection district within which the employer is located, or, if an employer maintains workplaces in more than one district, the **TAX OFFICER** for each such district with respect to employees principally employed therein.

(B) In addition to the above definitions, this section incorporates by reference those words, phrases and definitions as listed in Act 32 (53 P.S. §§ 6924.101 through

6924.901).

(Ord. 1074, passed 10-18-2011)

§ 36.003 IMPOSITION OF TAX.

(A) *Resident tax.* A tax at the rate of 1% is hereby levied on all earned income and net profits, as defined by Act 32, on residents of the borough.

(B) *Nonresident tax.* A tax at the rate of 1% is hereby levied on all earned income and net profits earned by nonresidents for work done or services performed or rendered in the borough.

(C) *Generally.* All changes shall remain in effect on a calendar year basis without annual reenactment unless the rate of tax is subsequently changed.

(Ord. 1074, passed 10-18-2011)

§ 36.004 ADMINISTRATION; POWERS AND DUTIES OF OFFICER.

The collection and administration of the tax provided for in this subchapter shall be performed by the Tax Officer appointed by the Tax Collection Committee. Said Tax Officer shall receive compensation for services and expenses as determined by agreement between the TCC and the Tax Officer. The Tax Officer shall have the powers as provided for by the Local Tax Enabling Act.

(Ord. 1074, passed 10-18-2011)

§ 36.005 EXEMPTIONS AND CREDIT.

No exemptions or credits based on age or income, or any other conditions are granted by this subchapter. Nothing in this subchapter is intended to preclude or inhibit any credit or exemption imposed by act of law or regulation.

(Ord. 1074, passed 10-18-2011)

§ 36.006 DECLARATION AND PAYMENT OF TAX.

(A) *Net profits.*

(1) Every taxpayer making net profits shall on or before April 15, of the current year, make and file with the Collector on a form prescribed or approved by the Collector, a declaration of his or her estimated net profits during the period beginning January 1 and ending December 31, of the current year, and pay to the Collector in four equal quarterly installments the tax due thereon as follows: the first installment at the time of filing the declaration, and the other installments on or before June 15 of the current year, September 15 of the current year and January 15 of the succeeding year, respectively.

(2) Any taxpayer who first anticipates any net profit after April 15 of the current year, shall make and file the declaration hereinabove required on or before June 15 of the current year, September 15 of the current year or December 31 of the current year, whichever of these dates next follows the date on which the taxpayer first anticipates such net profit, and pay to the Collector in equal installments the tax due thereon on or before the quarterly payment dates which remain after the filing of the declaration.

(3) Every taxpayer required to file a declaration of estimated net profits and quarterly payments of tax due on such profits shall, on or before April 15, of the succeeding year, make and file with the Collector on a form prescribed or approved by the Collector a final return showing the amount of net profits earned during the period beginning January 1 of the current year and ending December 31, of the current year, the total amount of tax due thereon and the total amount of tax paid thereon. At the time of filing the final return, the taxpayer shall pay to the Collector the balance of tax due or shall make demand for refund or credit in the case of overpayment.

(4) Any taxpayer may, in lieu of paying the fourth quarterly installment of his or her estimated tax, elect to make and file with the Collector on or before January 31 of the succeeding year, the final return as hereinabove required.

(5) The Collector is authorized to provide by regulation for the making and filing of adjusted declarations of estimated net profits, and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required anticipates additional net profits not previously declared or finds that he or she has overestimated his or her anticipated net profits.

(6) Every taxpayer who discontinues business prior to December 31, of the current year, shall, within 30 days after the discontinuance of business, file his or her final return as hereinabove required and pay the tax due.

(B) *Earned income.*

(1) *Annual earned income tax return.* Every taxpayer shall, on or before April 15, of the succeeding year, make and file with the Collector on a form prescribed or approved by the Collector a final return showing the amount of earned income received during the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of tax due thereon, the amount of tax paid thereon, the amount of tax thereon that has been withheld pursuant to the provisions relating to the collection at source and the balance of tax due. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

(2) *Earned income not subject to withholding.* Every taxpayer who is employed for a salary, wage, commission or other compensation and who received any earned income not subject to the provisions relating to collection at source, shall make and file with the Collector on a form prescribed or approved by the Collector, a quarterly return on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31, of the succeeding year, setting forth the aggregate amount of earned income not subject to withholding by him or her during the three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively, and subject to the tax, together with such other information as the Collector may require. Every taxpayer making such return shall, at the time of filing thereof, pay to the Collector the amount of tax shown as due thereon.

(Ord. 1002, passed 4-23-1996)

§ 36.007 COLLECTION AT SOURCE.

(A) Every employer having an office, factory, workshop, branch, warehouse or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, who has not previously registered, shall, within 15 days after becoming an employer, register with the Collector his or her name and address and such other information as the Collector may require.

(B) Every employer having an office, factory, workshop, branch, warehouse or other place of business within the borough who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall deduct at the time of payment thereof, the tax imposed by this subchapter on the earned income due to his or her employee or employs, and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31, of the succeeding year, file a return and pay to the Collector the amount of taxes deducted during the preceding three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. Such return unless otherwise agreed upon between the Collector and employer shall show the name and Social Security number of each such employee, the earned income of such employee during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total earned income of all such employees during such preceding three-month period and the total tax deducted therefrom and paid with the return. Any employer who for two of the preceding four quarterly periods has failed to deduct the proper tax, or any part thereof, or has failed to pay over the proper amount of tax to the borough, may be required by the Collector to file his or her return and pay the tax monthly. In such cases, payments of tax shall be made to the Collector on or before the last day of the month succeeding the month for which the tax was withheld.

(C) On or before February 28, of the succeeding year, every employer shall file with the Collector:

(1) An annual return showing the total amount of earned income paid, the total amount of tax deducted, and the total amount of tax paid to the Collector for the period beginning January 1 of the current year and ending December 31, of the current year; and

(2) A return withholding statement for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the employee name, address and Social Security number, the amount of earned income paid to the employee during said period, the amount of tax deducted, the political subdivisions imposing the tax upon such employee, the amount of tax paid to the Collector. Every employer shall furnish two copies of

the individual return to the employee for whom it is filed.

(D) Every employer who discontinues business prior to December 31, of the current year, shall, within 30 days after the discontinuance of business, file the returns and withholding statements hereinabove required and pay the tax due.

(E) Except as otherwise provided in § 9 of The Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for payment of the taxes which he or she was required to withhold to the extent that such taxes have not been recovered from the employee.

(F) The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this subchapter relating to the filing of declarations and returns.

(Ord. 1002, passed 4-23-1996)

§ 36.008 SUIT FOR COLLECTION OF TAX.

(A) The Collector may sue in the name of the borough for the recovery of taxes due and unpaid under this subchapter.

(B) Any suit brought to recover the tax imposed by this subchapter shall be begun within three years after such tax is due, or within three years after the declaration or return has been filed, whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

(1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him or her under provisions of this subchapter, there shall be no limitation;

(2) Where an examination of the declaration or return filed by any person, or of other evidence relating to such declaration or return in the possession of the Collector, reveals a fraudulent evasion of taxes, there shall be no limitation;

(3) In the case of substantial understatement of tax liability of 25% or more and no fraud, suit shall be begun within six years;

(4) Where any person has deducted taxes under the provisions of this subchapter, and has failed to pay the amounts so deducted to the Collector, or where any person has willfully failed or omitted to make the deductions required by this section, there shall be no limitation; and

(5) This section shall not be construed to limit the Borough Council from recovering delinquent taxes by any other means provided by this Act.

(C) The Collector may sue for recovery of an erroneous refund provided such suit is begun two years after making such refund, except that the suit may be brought within five years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

(Ord. 1002, passed 4-23-1996)

§ 36.009 INTEREST AND PENALTIES.

If for any reason the tax is not paid when due, interest at the rate of 6% per annum on the amount of said tax, and an additional penalty of 0.5% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection including attorney fees and the interest and penalties herein imposed.

(Ord. 1002, passed 4-23-1996)

§ 36.010 NON-APPLICABILITY.

This subchapter shall not apply:

(A) To any person or property as to whom or which it is beyond the legal power of Council of the borough to impose the tax or duties herein provided for; and

(B) To institutions or organizations operated for public, religious, educational or charitable purposes, to institutions or organizations not organized or operated for private profit, or to trusts and foundations established for any of the said purposes.

(Ord. 1002, passed 4-23-1996)

REALTY TRANSFER TAX

§ 36.025 SHORT TITLE.

This subchapter shall be known as the "Realty Transfer Tax Ordinance" of the borough.

§ 36.026 AUTHORITY.

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the borough, regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place, as authorized by Article XI-D, Local Real Estate Transfer Tax, 72 P.S. §§ 8101-D et seq.

§ 36.027 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSOCIATION. A partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent's estate.

CORPORATION. A corporation, joint-stock association, business trust or banking institution which is organized under the laws of this commonwealth, the United States or any other state, territory, foreign country or dependency.

DOCUMENT. Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title of real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 30 years, or instruments which solely grant, vest or confirm a public utility easement. **DOCUMENT** shall also include a declaration of acquisition required to be presented for recording under § 36.026.

FAMILY FARM CORPORATION. A corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

(1) Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;

(2) The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;

(3) Fur farming;

(4) Stockyard and slaughterhouse operations; and

(5) Manufacturing or processing operations of any kind.

MEMBERS OF THE SAME FAMILY. Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

MUNICIPALITY. The Borough of North Braddock

PERSON. Every natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term **PERSON**

as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

REAL ESTATE.

(1) All lands, tenements or hereditaments within this borough, including without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant;

(2) A condominium unit; and

(3) A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY. A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, 90% or more of the ownership interest in which is held by 35 or fewer persons and which:

(1) Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; and

(2) Holds real estate, the value of which comprises 90% or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

TITLE TO REAL ESTATE.

(1) Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation an estate in fee simple, life estate or perpetual leasehold.

(2) Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consist of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION. The making, executing, delivering, accepting or presenting for recording of a document.

VALUE.

(1) In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against real estate; provided, that where such documents shall set forth a nominal consideration, the **VALUE** thereof shall be determined from the price set forth in or actual consideration for the contract of sale.

(2) In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for state realty transfer tax base calculations;

(3) In the case of an easement or other interest in real estate, the value of which is not determinable under divisions (1) or (2) above, the actual monetary worth of such interest; and

(4) The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 36.028 IMPOSITION OF TAX; INTEREST.

(A) Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording shall be subject to pay for and in respect to the transaction or any part thereof, a tax at the rate of 1% of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.

(B) The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

(C) It is the intent of this subchapter that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, 53 P.S. §§ 6924.101 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Borough Council under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate and such one-half shall become effective without any action on the part of the Borough Council provided, however, that the borough and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.

(D) If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due, shall be added and collected.

§ 36.029 EXEMPT PARTIES.

The United States, the commonwealth or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this subchapter. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

§ 36.030 EXCLUDED TRANSACTIONS.

(A) The tax imposed by § 36.028 shall not be imposed upon:

(1) A transfer to the commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed or confirmation in connection with condemnation proceedings, or are a conveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation;

(2) A document which the borough is prohibited from taxing under the Constitution or statutes of the United States;

(3) A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at Sheriff sale or tax claim bureau sale;

(4) A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest;

(5) A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than his or her undivided interest, tax is due on the excess;

(6) A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer;

(7) A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir;

(8) A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries;

- (9) A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust;
- (10) A transfer for no or nominal actual consideration from trustee to successor trustee;
- (11) (a) A transfer:
1. For no or nominal actual consideration between principal and agent or straw party; or
 2. From or to an agent or straw party where, if the agent or straw party were his or her principal, no tax would be imposed under this subchapter.
- (b) Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his or her principal, there is a rebuttable presumption that the property is the property of the grantee in his or her individual capacity if the grantee claims an exemption from taxation under this division (A)(11).
- (12) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this subchapter;
- (13) A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his or her interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years;
- (14) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority;
- (15) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:
- (a) The grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and
 - (b) The agency or authority has the full ownership interest in the real estate transferred;
- (16) A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person;
- (17) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes;
- (18) A transfer to a conservancy which possesses a tax exempt status pursuant to § 501(c)(3) of the Internal Revenue Code of 1986, (68 Pa.Stat. 3, 26 U.S.C. § 501(c)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities;
- (19) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least 75% of each class of the stock thereof;
- (20) A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation;
- (21) A transaction wherein the tax is \$1 or less; and
- (22) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

(B) In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the state realty transfer tax statement of value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this subchapter.

§ 36.031 DOCUMENTS RELATING TO ASSOCIATIONS OR CORPORATIONS AND MEMBERS, PARTNERS, STOCKHOLDERS OR SHAREHOLDERS THEREOF.

Except as otherwise provided in §36.030, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this section, corporations and associations are entities separate from their members, partners, stockholders and shareholders.

§ 36.032 ACQUIRED COMPANY.

(A) A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90% or more of the total ownership interest in the company within a period of three years.

(B) With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this subchapter.

(C) Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the Recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the state realty transfer tax declaration of acquisition may be submitted for this purpose.

§ 36.033 CREDITS AGAINST TAX.

(A) Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him or her within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him or her shall be given to him or her toward the amount of the tax due upon the transfer.

(B) Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as a consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

(C) Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.

(D) Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of the tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

(E) If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

§ 36.034 EXTENSION OF LEASE.

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

§ 36.035 PROCEEDS OF JUDICIAL SALE.

The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made except the state realty transfer tax, and the Sheriff or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him or her in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

§ 36.036 DUTIES OF RECORDER OF DEEDS.

(A) As provided in 16 P.S. § 11011(6), as amended by Act of July 7, 1983, (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to borough based on a redetermination of the amount of tax due by the commonwealth of the state realty transfer tax, without compensation from the borough.

(B) In order to ascertain the amount of the taxes due when the property is located in more than one political subdivision, the Recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

(C) On or before the tenth of each month, the Recorder shall pay over to the borough all local realty transfer taxes collected, less 2% for use of the county, together with a report containing the information as is required by the commonwealth in reporting collections of the state realty transfer tax. The 2% commission shall be paid to the county.

(D) Upon a redetermination of the amount of realty transfer tax due by the commonwealth, the Recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee has been tendered.

§ 36.037 STATEMENT OF VALUE.

Every document lodged with or presented to the Recorder of Deeds for recording, shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this subchapter. A copy of the state realty transfer tax statement of value may be submitted for this purpose. The provisions of this section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this subchapter.

§ 36.038 LIEN.

The tax imposed by this subchapter shall become a lien upon the lands, tenements or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of the borough, which lands, tenements, hereditaments or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this subchapter, said lien to begin at the time when the tax under this subchapter is due and payable, and continue until discharged by payment, or in accordance with the law, and the Solicitor is authorized to file a municipal or tax claim in the court of common pleas of the county, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §§ 7101 et seq., its supplements and amendments.

§ 36.039 ENFORCEMENT.

All taxes imposed by this subchapter, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§ 36.040 REGULATIONS.

The Recorder of Deeds of the county is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. §§ 8101(C) et seq. are incorporated into and made a part of this subchapter.

AMUSEMENT TAX

§ 36.055 SHORT TITLE.

This subchapter shall be known as the "North Braddock Borough Amusement Tax Ordinance".

(Ord. 1003, passed 7-16-1996)

§ 36.056 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMUSEMENT. All manner and form of entertainment, diversion, sport, recreation or pastime conducted for profit, including, but not limited to, vaudeville, circus, carnival and/or sideshows, all forms of entertainment at fairgrounds, amusement parks, athletic contests, including, but not limited to, wrestling matches, boxing and sparring shows or exhibitions, football, baseball, basketball, hockey, skating, golfing, tennis, bathing, swimming, archery, shooting, riding, all dancing, comedy shows, all singing, orchestra, band or any other musical performances of any kind, all dancing performances, shows or exhibitions and any other type or form of diversion, sport, pastime, recreation, show, performance, entertainment, exhibition, contest, display or game, and whether or not the same be only part of, or incidental to any other activity, conduct or business then and there occurring, and including, but not limited to, any other method, direct or indirect, of obtaining any charges, fee, price, donation, money, consideration or any thing of value whatsoever, from the general public, or a limited or selected number thereof, or any person or number of persons, directly or indirectly, in return for other than tangible property or specific personal or professional services.

ASSOCIATION. Any partnership, limited partnership or other forms or unincorporated enterprise, owned by two or more persons.

ESTABLISHED PRICE. Regular charge in money or money worth, of any character whatsoever, including donations, contributions, dues and membership fees, periodical or otherwise, fixed and enacted, or in any manner received by producers, as herein defined, from the general public, or a limited or selected number thereof, or any person or number of persons, directly or indirectly, for the privilege of admission, attending or engaging in any entertainment, amusement, sport, recreation, pastime, show, performance, exhibition, contest, display or game. The term **ESTABLISHED PRICES** membership, membership dues, fees or assessments, donations, contributions or monetary charges of any character whatsoever paid by the general public, or a limited or selected number thereof, for such persons to enter into any place, indoors or outdoors, shall not apply to persons engaged in any activities, the predominant purpose or nature of which is exercise, fitness, health maintenance, improvement or rehabilitation, health or nutrition education, or weight control or to the regular established dues or membership fees of private clubs, lodges or fraternal organizations.

GOLF COURSE. A golf course with a minimum of 2,800 yards of play in nine holes.

GREENS FEE. Includes all costs of admissions to a golf course, or privilege to use or to attend a golf course.

MAYOR. The Mayor of the Borough of North Braddock.

PERSON.

(a) Every natural person, co-partnership, association or corporation or quasi-municipal corporation.

(b) Whenever used in any clause prescribing and imposing a penalty, or both, the term **PERSON** as applied to co-partnerships or associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

PLACE OF AMUSEMENT. Any place, indoors or outdoors within the borough, where the general public, or a limited or selected number thereof, or any person or number of persons, may attend or engage in any amusement as herein defined.

PRODUCER. Any person as herein defined, conducting any place of amusement for profit, as herein defined, where the general public, or a limited or selected number thereof, or any person or number of persons, may attend or engage in any amusement as herein defined.

SECRETARY. The Secretary of the Borough of North Braddock or his or her authorized representative.

(B) The singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 1003, passed 7-16-1996)

§ 36.057 PERMIT NEEDED.

(A) On and after the effective date of this subchapter, it shall be unlawful for any producer to continue to conduct, or thereafter to begin to conduct, any form of amusement, or any itinerant form of amusement, within the borough, unless an amusement permit or permits shall have been issued to him or her, and the tax herein imposed paid in accordance with the provisions herein made.

(B) Every producer desiring to continue to conduct or hereafter to begin to conduct any amusement within the borough shall file an application for a permanent, temporary or itinerant amusement permit or permits, as the case may be, with the Secretary. Every application for such permit or permits shall be made upon a form prescribed, prepared and furnished by and procured from the Secretary. Upon approval of the application, the Secretary shall grant and issue to each applicant an amusement permit for each place of amusement within the borough set forth in his or her application. Amusement permits shall not be assignable, and shall be valid only for the persons in whose names issued and for the conduct of amusements at the places designated therein, and shall at all times be conspicuously displayed at the places for which issued. The producer of an itinerant form of amusement shall notify the Secretary promptly of any change in the originally contemplated itinerary, either as to date or time of the conduct of the amusement at each place.

(C) The Secretary may, after hearing, suspend or revoke an amusement permit whenever he or she finds that the holder thereof has failed to comply with any of the provisions of this subchapter. Upon suspending or revoking any amusement permit, the holder thereof shall surrender to the Secretary immediately all permits or duplicates thereof issued to the holder, and the holder shall. Whenever the Secretary desires to suspend or revoke an amusement permit, he or she shall notify the holder immediately of the date, place and time fixed for hearing thereon.

(D) The permits heretofore referred to shall be issued according to the following criteria.

(1) Permits for permanent places of amusement shall be procured yearly on or before January 1 of each year, and the applicant shall be required to apply for the same annually.

(2) Permits for temporary places of amusement shall be procured at least five days in advance of the date upon which the initial conduct of the place of amusement is scheduled to occur, and said permit, upon application, may be renewed for one period of 30 days.

(3) Permits for itinerant places of amusement shall be procured at least five days in advance of the date upon which the initial conduct of the place of amusement is scheduled to occur, and said permit shall be valid only for a period of 15 days from the date of issuance. The said permit may, upon application, be renewed for one period of seven days.

(4) All producers conducting temporary or itinerant places of amusement shall be required, upon order of the Secretary, to pay in advance an amount determined by the Secretary to equal one-third of the tax estimated to be due from such producer hereunder, said amount not to exceed \$3,500, which amount shall be credited to the actual tax due hereunder by such producer, and any overpayment shall be promptly refunded to such producer, without interest.

(Ord. 1003, passed 7-16-1996)

§ 36.058 TAX IMPOSED.

(A) A tax is hereby imposed for the period commencing upon the effective date hereof and continuing for each succeeding tax year thereafter upon the admission fee or privilege to attend or engage in any amusement, except for a golf course, at the rate of 10% of the established price charged the general public, or a limited or selected group thereof, or any person or number of persons, by any producer for such privilege, which shall be paid by the person acquiring such privilege.

(B) A tax is hereby imposed for the period commencing upon the effective date hereof and continuing for each succeeding tax year thereafter upon greens fee paid for the right or privilege to use a golf course, at the rate of 5% of 40% of the greens fees under \$35, which shall be paid by the person acquiring such privilege.

(C) In the case of persons admitted free or at reduced rates to any place of amusement, at a time when and under circumstances under which an established price is charged to other persons, the tax imposed by this subchapter shall be computed on the established price charged to such other persons of the same class for the same or similar accommodations, to be paid by the person so admitted.

(D) In the case of persons having permanent use of boxes or seats in any place of amusement, or a lease for the use of such box or seat in such place of amusement, the tax imposed by this subchapter shall be computed on the established price for which a particular box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder, such tax to be paid by the lessee or holder.

(Ord. 1003, passed 7-16-1996; Ord. 1054, passed 6-19-2007)

§ 36.059 PAYMENT OF TAX.

(A) The borough, as agents thereof, for the payment of the same to the borough, as hereinafter provided in this subchapter; and

(B) Where permits are obtained for conducting temporary amusements by persons who are not the owners, lessees or custodians of the places where the amusements are to be conducted or where the temporary amusement is permitted by the owner, lessee or custodian of any place to be conducted without the procurement of a permit or permits required by this subchapter, the tax imposed by this subchapter shall be paid by the owner, lessee or custodian of such place where such temporary amusement is held or conducted unless paid by the producer conducting the amusement.

(Ord. 1003, passed 7-16-1996)

§ 36.060 ASCERTAINING TAX.

For the purpose of ascertaining the amount of tax payable by producers to the borough, it shall be the duty of:

(A) Every producer, except as hereinafter provided, conducting a place of amusement, on or before the twenty-fifth day of each calendar month shall file with the Secretary a report, under oath or affirmation, of the amount of tax collected by said producer during the preceding month;

(B) Every producer, except as hereinafter provided, conducting a place of temporary amusement or itinerant form of amusement shall file such report with the Secretary promptly after each performance. All reports required under this section shall show such information as the Secretary shall prescribe;

(C) Every producer, at the time of making every report required by this section, shall compute and pay to the Secretary the taxes collected by him or her and due to the borough during the period for which the report is made; provided, however, that such producer may deduct therefrom 2% of said taxes, providing payment is made on or before the due date thereof. The amount of all taxes imposed for each calendar month under the provisions of this subchapter shall in the case of places of permanent amusement be due and payable on or before the last day of next month, and in the case of temporary or itinerant forms of the amusement shall be due and payable on the day the reports are required to be made under this section, and all such taxes shall bear interest at the rate of 0.5% per month or fractional part of a month from the date they are due and payable until paid;

(D) If any producer shall neglect or refuse to make any report and payment as herein required, a penalty of 1% per month of the amount of the tax shall be imposed; and

(E) Every producer conducting any permanent or temporary place of amusement shall be required to submit to the Secretary all schedules of all federal and state income tax returns and all schedules of any other state, federal or local tax returns required to be filed by such producer, upon which schedules there is required to be shown all or any part of the established price upon which the within tax is based. Such schedules shall be submitted to the Secretary on or before the one hundred-twentieth day following the close of said producer's fiscal year. In addition thereto, every producer shall be required to make available to the Secretary or his or her authorized representatives all of said producer's books, records, ledgers or account statements, all tax returns, cash register tapes, vouchers, receipts, bills, deposit slips and statements, canceled checks, bank statements or any other matter, thing, document or writing required by the Secretary and reasonably necessary to enable the Secretary to audit, verify, compute, determine, check, investigate or otherwise inquire into the tax paid or required to be paid hereunder, or relative to any return filed or required to be filed hereunder. Each producer shall be required, upon demand of the Secretary and incident to any audit, verification, computation, determination, check, investigation or inquiry conducted hereunder, to execute an authorization permitting, authorizing and requiring the government of the United States or of any state or political subdivision thereof, or any board, commission, department or agency of any of the above, to furnish to the Secretary any tax return in which there is included any schedule upon which there is required to be shown all or any part of the established price upon which the within tax is based. It shall be the express duty of each and every producer to maintain his or her books, records, ledgers and accounts in accordance with reasonably accepted accounting practice and in form and manner reasonable calculated to enable the Secretary to audit, verify, compute, determine, check, investigate or otherwise inquire into the tax paid or required to be paid hereunder, or relative to any return filed or required to be filed hereunder, and to keep the same for a period of at least seven years after the due date of such tax for the return period to which the records related, and to keep the same at producer's usual place of business in the county, or at producer's registered office or principal place of business, if said registered office or principal place of business is located within the county.

(Ord. 1003, passed 7-16-1996)

§ 36.061 RECOVERABLE.

All such taxes, shall be recoverable by the Borough Solicitor as other debts of like amount and now by law recoverable or by such other actions as may be necessary for recovery of the same.

(Ord. 1003, passed 7-16-1996)

§ 36.062 USE AND BENEFIT.

All taxes, interest and penalties received, collected or recovered under the provisions of this subchapter shall be paid into the treasury of the borough for the use and benefit of said borough.

(Ord. 1003, passed 7-16-1996)

§ 36.063 DUTY OF SECRETARY.

The Secretary is hereby charged with the administration and enforcement of the provisions of this subchapter and is hereby empowered to prescribe, adopt, promulgate, enforce reasonable rules and regulations relating to any matter pertaining to the administration and enforcement of this subchapter, to audit, verify, compute, to re-examine, determine, check, investigate or inquire into returns, and payments alleged or found to be incorrect, or as to which an overpayment is claimed, or found to have occurred. The Secretary is authorized to make all inquiries relative to the determination and assessment of all taxes required to be paid hereunder and to determine and assess all deficiencies in taxes required to be paid hereunder. The term **TAXES** as used herein includes all penalties and interest.

(Ord. 1003, passed 7-16-1996)

§ 36.064 AUTHORITY.

This subchapter has been passed under the authority vested in Council of the borough by 53 P.S. §§ 6924.101 et seq., and its amendments, commonly known and called the Local Tax Enabling Act, the terms and provisions of which are hereby accepted and adopted, and in accordance with the provisions thereof, the Secretary is hereby duly constituted and appointed by the Council of the borough as the agent of said Council for the assessment and collection of the tax imposed under said Act and amendments thereto and the provisions of this subchapter.

(Ord. 1003, passed 7-16-1996)

OCCUPATIONAL PRIVILEGE TAX

§ 36.075 SHORT TITLE.

This subchapter shall be known and may be cited as the "Occupation Privilege Tax Ordinance".

(Ord. 865, passed 11-20-1968)

§ 36.076 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOROUGH. The Borough of North Braddock.

COMPENSATION. Salaries, wages, commissions, tips, bonuses, fees, gross receipts or any other income.

EMPLOYER. Any person, partnership, limited partnership, unincorporated association, institution, trust, corporation, governmental agency or any other body engaged in business or situated in the borough, employing one or more employees engaged in any occupation other than domestic servants.

OCCUPATION. Any livelihood, job, trade, profession, business or enterprise of any kind, including services, domestic or other, for which any compensation is received.

TAX. The tax imposed by this subchapter.

TAXPAYER. Any natural person liable for the tax levied by this subchapter.

(Ord. 865, passed 11-20-1968)

§ 36.077 LEVY.

For general revenue purposes, a tax is hereby levied upon the privilege of engaging in an occupation within the borough in 1969, from the effective date of this subchapter, and for each year thereafter until repealed or amended. Each natural person who exercises such privilege for any length of time shall pay tax in the amount of \$10 in accordance with the provisions of this subchapter.

(Ord. 865, passed 11-20-1968)

§ 36.078 COLLECTION THROUGH EMPLOYERS.

(A) Every employer shall, within 15 days after the effective date of this subchapter or within 15 days after first becoming an employer, register with the Occupation Tax Collector the employer's name, address and such other information as the Occupation Tax Collector may require.

(B) As to each taxpayer employed for any length of time on or before March 31, 1969, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the Occupation Tax Collector and pay the Occupation Tax Collector the full amount of all such taxes on or before April 30 of current years. Thereafter, as to each taxpayer for whom no prior deduction has been made, who is employed for any length of time in any of the three-month periods ending June 30, September 30 and December 31 of current years, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the Occupation Tax Collector and pay to the Occupation Tax Collector in full amount of all taxes deducted for each three-month period on or before July 31, October 31 and January 31 of current years, respectively.

(C) Any employer who discontinues business or ceases operation before December 31 shall, within 15 days after discontinuing business or ceasing operation, file the return hereinabove required and pay the tax to the Occupation Tax Collector.

(D) The failure of any employer to deduct tax shall not relieve the employee from the duty to file a return and pay the tax. Any employer who fails to deduct the tax as required by this section, or who fails to pay such tax to the Occupation Tax Collector, shall be liable for such tax in full as though the tax had originally been levied against such employer.

(E) As to employees who present official receipts evidencing prior payment of the tax either directly or by collection through other employers, the employer shall not deduct the tax but shall maintain adequate records concerning such employees.

(Ord. 865, passed 11-20-1968)

§ 36.079 DIRECT PAYMENT BY TAXPAYERS.

Every taxpayer who is self-employed, or whose tax for any other reason is not collected under §36.078, shall file a return on a form prescribed by the Occupation Tax Collector and shall pay the tax directly to the Occupation Tax Collector. Each such taxpayer who first becomes subject to the tax on or before April 30 shall file the return and pay the tax on or before July 31, October 31 and January 31 of current years, whichever of such payment dates first occurs at least 30 days after the taxpayer first becomes subject to the tax.

(Ord. 865, passed 11-20-1968)

§ 36.080 NONRESIDENT TAXPAYERS.

Both resident and nonresident taxpayers shall, by virtue of engaging in an occupation within the borough, be subject to the tax and the provisions of this subchapter.

(Ord. 865, passed 11-20-1968)

§ 36.081 ADMINISTRATION AND ENFORCEMENT.

The Occupation Tax Collector, on behalf of the borough, shall collect and receive the taxes, interest, fines and penalties imposed by this subchapter and shall maintain records showing the amounts received and the dates such amounts were received. The Occupation Tax Collector shall prescribe and issue all forms necessary for the administration of the tax and may adopt and enforce regulations relating to any matter pertaining to the administration of this subchapter including, but not limited to, requirements for collection through employers, requirements for evidence and records, and provisions for the examination and correction of returns. The Occupation Tax Collector and agents designated by him or her may examine the records of any employer or supposed employer or of any taxpayer or supposed taxpayer in order to ascertain the tax due or verify the accuracy of any return. Every employer or supposed employer and every taxpayer or supposed taxpayer shall give the Occupation Tax Collector and any agent designated by him or her all means, facilities and opportunity for the examinations hereby authorized.

(Ord. 865, passed 11-20-1968)

§ 36.082 COLLECTION.

The Occupation Tax Collector shall collect, by suit or otherwise, all taxes, interest, costs, fines and penalties due under this subchapter and unpaid. If for any reason, any tax is not paid when due, interest at the rate of 6% per year on the amount of unpaid tax and an additional penalty of 0.5% of the amount of unpaid tax, for each month or fraction of month during which the tax remains unpaid, shall be added and collected. Whenever suit is brought for the recovery of unpaid tax, the taxpayer shall, in addition, be liable for the costs of collection as well as for interest and penalties. The Occupation Tax Collector may accept payment under protest of the tax claimed by the borough in any case where any person disputes the borough's claim for the tax. If a court of competent jurisdiction thereafter decides that there has been overpayment to the Occupation Tax Collector, the Occupation Tax Collector shall refund the amount of the overpayment to the person who paid under protest.

(Ord. 865, passed 11-20-1968)

PENALTY ON REAL ESTATE TAX

§ 36.095 PENALTY PERCENTAGE.

A penalty of 10% of the face amount of any tax upon real estate shall be imposed if the tax is not paid on or before the due date.

(Ord. 973, passed 12-17-1991)

TAX ASSESSMENT LIMITATION PROGRAM

§ 36.110 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT 77. The Act of December 22, 1993, P.L. 529, No. 77, codified, as the Allegheny Regional Asset District Law, 16 P.S. §§ 6101-B et seq.

ALLEGHENY REGIONAL ASSET DISTRICT LAW. See the definition of **ACT 77**.

ASSESSMENT. The fair market value of property as determined by the Board of Property Assessment, Appeals and Review of the county.

DEPARTMENT OF PROPERTY ASSESSMENT. The Department of Property Assessment, Appeals, Review and Registry of the county.

ELIGIBLE TAXPAYER. A longtime owner/occupant of a principal residence in the borough who is:

- (1) A single person aged 65 or older during a calendar year in which county real property taxes are due and assessed;
- (2) Married persons if either spouse is 65 or older during a calendar year in which borough real property taxes are due and assessed.

HOUSEHOLD INCOME. All income received by an eligible taxpayer while residing in his or her principal residence during a calendar year.

INCOME. All income from whatever source derived, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under state unemployment insurance laws and veteran's disability payments, all interest received from the federal or any state government or any instrumentality or political subdivision hereof, realized capital gains, rentals, worker's compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first \$5,000 of the total of death benefit payments) and gifts of cash or property, other than transfers by gift between members of a household in excess of a total value of \$300, but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax or rent rebate of inflation dividend.

LONGTIME OWNER/OCCUPANT. Any person who for at least ten continuous years has owned or has occupied the same dwelling place as a principal residence and domicile, or any person who for at least five years has owned and occupied the same dwelling as a principal residence and domicile if that person received assistance in the acquisition of the property as part of a government or nonprofit housing program.

PERSON. A natural person.

PRINCIPAL RESIDENCE. The dwelling place of a person, including the principal house and lot, and such lots as are used in connection therewith which contribute to its enjoyment, comfort and convenience; or a building with a maximum of one commercial establishment and a maximum of three residential units of which one residential unit must be a principal residence of the longtime owner/occupant.

SENIOR CITIZENS AND RENT REBATE ACT. 53 P.S. §§ 6926-1303 et seq.

(Ord. 989, passed 12-13-1994)

§ 36.111 LIMITATION OF ASSESSMENT FOR ELIGIBLE TAXPAYERS.

All eligible taxpayers in the borough who are longtime owner/occupants shall be entitled to have the assessment on his or her principal residence maintained at or limited to the amount determined by the Department of Property Assessment for the calendar year 1993 if the eligible taxpayer meets the household income limits for qualification for any amount of property tax rebate under the Senior Citizens and Rent Rebate Act.

(Ord. 989, passed 12-13-1994)

§ 36.112 PARTICIPATION IN LIMITATION OF TAX ASSESSMENT PROGRAM.

- (A) Any person paying property taxes in the borough may apply to participate in the assessment limitation program authorized under this subchapter.
- (B) In order to be eligible to participate in the program, the person must meet the following conditions:
 - (1) The person must be a single person aged 65 or older; or be married persons with either spouse being 65 years of age or older;
 - (2) The person must be a longtime owner/occupant;
 - (3) The property owned by the person must be the principal residence and domicile of the resident; and
 - (4) The person's household income must qualify him or her to receive any amount of property tax rebate under the Senior Citizens and Rent Rebate Act.

(Ord. 989, passed 12-13-1994)

§ 36.113 RULES AND REGULATIONS.

The Department of Property Assessment and the borough's Borough Manager shall have the authority to issue rules and regulations with respect to the administration of the limitation of tax assessment program established under this subchapter. Such rules and regulations shall include, but not be limited to, reasonable proof of household income, proof of residence, proof of qualification for or receipt of a property tax rebate under the Senior Citizens and Rent Rebate Act and any other reasonable requirements and conditions as may be necessary to operate the tax assessment limitation program.

(Ord. 989, passed 12-13-1994)

LOCAL SERVICES TAX

§ 36.125 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COLLECTOR. The person, public employee or private agency designated by the borough to collect and administer the tax herein imposed.

DCED. The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME. Compensation as this term is defined in § 13 (relating to earned income taxes) of the Local Tax Enabling Act, 53 P.S. §§ 6924.101 et seq., as amended.

EMPLOYER. An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM. Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL. Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the borough.

NET PROFITS. The net income from the operation of a business, profession or other activity, as this term is defined in § 13 (relating to earned income taxes) of the Local Tax Enabling Act, 53 P.S. §§ 6924.101 et seq., as amended.

OCCUPATION. Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the borough for which compensation is charged or received, whether by means of salary, wages, commission or fees for services rendered.

POLITICAL SUBDIVISION. The area within the corporate limits of the borough.

TAX. The local services tax at the rate fixed in §36.126.

TAX YEAR. The period from January 1 until December 31 in any year, a calendar year.

(Ord. 1056, passed 12-18-2007)

§ 36.126 LEVY OF TAX.

(A) For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008, upon the privilege of engaging in an occupation with the primary place of employment with the borough during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro rata basis, in accordance with the provisions of this section.

(B) This tax may be used solely for the following purposes as the same may be allocated by the Borough Council from time to time:

- (1) Emergency services, which, shall include emergency medical services, police services and/or fire services;
- (2) Road construction and/or maintenance; and

(3) Reduction of property taxes or property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion).

(C) The borough shall use no less than 25% of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the borough. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

(Ord. 1056, passed 12-18-2007)

§ 36.127 EXEMPTIONS AND REFUNDS.

(A) *Exemption.* Any person whose total earned income and net profits from all sources within the borough is less than \$12,000 for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

(1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total 100% disability; or

(2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this division (A)(2), **RESERVE COMPONENT OF THE ARMED FORCES** shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

(B) *Procedure to claim exemption.*

(1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the borough and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the borough of less than \$12,000 in the calendar year for which the exemption certificate is filed. In the event the borough utilizes a Tax Collection Officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the borough for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the borough, or except as required by division (B)(2) below, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the borough.

(2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the borough that the person has received earned income and net profits from all sources within the borough equal to or in excess of \$12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the borough in an amount equal to or in excess of \$12,000 in that calendar year, an employer shall withhold the local services tax from the person under division (B)(3) below.

(3) If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under division (B)(2) above, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under division (B)(2) above, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this division (B), plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this division (B)(3) is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the borough may pursue collection under this subchapter.

(4) Except as provided in division (B)(2) above, it is the intent of this division (B) that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

(C) *Refunds.* The Borough Manager, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within 75 days of a refund request or 75 days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed \$1. The Borough Manager or the Collector shall determine eligibility for exemption and provide refunds to exempt persons.

(Ord. 1056, passed 12-18-2007)

§ 36.128 DUTY OF EMPLOYERS TO COLLECT.

(A) Each employer within the borough, as well as those employers situated outside the borough, but who engage in business within the borough, is hereby charged with the duty of collecting the tax from each of his or her employees engaged by him or her or performing for him or her within the borough and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the borough.

(B) A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in division (D) below. For purposes of this division (B), **COMBINED RATE** shall mean the aggregate annual rate of the tax levied by the school district and the borough.

(C) No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

(D) In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

(E) The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

(F) No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of § 36.127(B), and this section, and remits the amount so withheld in accordance with this subchapter.

(G) Employers shall be required to remit the local services taxes 30 days after the end of each quarter of a calendar year.

(Ord. 1056, passed 12-18-2007)

§ 36.129 RETURNS.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this subchapter, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

(Ord. 1056, passed 12-18-2007)

§ 36.130 DATES FOR DETERMINING TAX LIABILITY AND PAYMENT.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

(Ord. 1056, passed 12-18-2007)

§ 36.131 SELF-EMPLOYED INDIVIDUALS.

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the borough shall be required to comply with this subchapter and pay the pro rata portion of the tax due to the Collector on or before the thirtieth day following the end of each quarter.

(Ord. 1056, passed 12-18-2007)

§ 36.132 INDIVIDUALS ENGAGED IN MORE THAN ONE OR EMPLOYED IN MORE THAN ONE POLITICAL SUBDIVISION.

(A) The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll periods. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

- (1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;
- (2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision; and
- (3) Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

(B) In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

(Ord. 1056, passed 12-18-2007)

§ 36.133 NONRESIDENTS SUBJECT TO TAX.

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the borough do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this subchapter with the same force and effect as though they were residents of the borough. Further, any individual engaged in an occupation within the borough and an employee of a nonresidential employer may, for the purpose of this subchapter, be considered a self-employed person, and in the event his or her tax is not paid, the borough shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

(Ord. 1056, passed 12-18-2007)

§ 36.134 ADMINISTRATION OF TAX.

(A) The Collector shall be appointed by resolution of the Borough Council. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him or her from each employer of self-employed person, together with the date the tax was received.

(B) The Collector is hereby charged with the administration and enforcement of this subchapter and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this subchapter, including provisions for the examination of payroll records of any employer subject to this subchapter, the examination and correction of any return made in compliance with this subchapter and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998.

(C) The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer, or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

(Ord. 1056, passed 12-18-2007)

§ 36.135 SUITS FOR COLLECTION.

(A) In the event that any tax under this subchapter remains due or unpaid 30 days after the due dates set forth above, the Collector may sue for the recovery of any such tax due or unpaid under this subchapter, together with interest and penalty.

(B) If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax and a

penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

(Ord. 1056, passed 12-18-2007)

§ 36.136 INTERPRETATION.

(A) Nothing contained in this subchapter shall be construed to empower the borough to levy and collect the tax hereby imposed on any occupation not within the taxing power of the borough under the Constitution of the United States and the laws of the commonwealth.

(B) If the tax hereby imposed under the provisions of this subchapter shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the commonwealth to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

(Ord. 1056, passed 12-18-2007)

§ 36.137 EFFECTIVE DATE.

This tax imposed by this subchapter shall be effective on January 1, 2008 and all calendar years thereafter unless repealed or modified by ordinance of the borough.

(Ord. 1056, passed 12-18-2007)

§ 36.999 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) (1) Any person who fails, neglects or refuses to make any declaration or return required by §§36.001 through 36.010, any employer who fails, neglects or refuses to register or to pay the tax deducted from his or her employees, or fails, neglects or refuses to deduct or withhold the tax from his or her employees, any person who refuses to permit the officer or any agent designated by him or her to examine his or her books, records and papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his or her net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by §§ 36.001 through 36.010, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 for each offense, and costs, and in default of payment, to be imprisoned for a period not exceeding 30 days.

(2) Any person who divulges any information which is confidential under the provisions of §§36.001 through 36.010, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 for each offense, and costs, and in default of payment, to be imprisoned for a period not exceeding 30 days.

(3) The penalties imposed under this division (B) shall be in addition to any other penalty imposed by any other section of §§6.001 through 36.010.

(4) The failure of any person to receive or procure forms required for making the declaration or returns required by §§36.001 through 36.010 shall not excuse him or her from making such declaration or return.

(C) (1) If any part of any underpayment of taxes imposed by §§36.025 through 36.040 is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.

(2) In the case of failure to record a declaration required under §§36.025 through 36.040 on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

(D) (1) If any part of any underpayment of taxes imposed by §§36.055 through 36.064 is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.

(2) In the case of failure to record a declaration required under §§36.055 through 36.064 on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

(E) (1) If any part of any underpayment of taxes imposed by §§36.075 through 36.082 is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.

(2) In the case of failure to record a declaration required under §§36.075 through 36.082 on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

(F) Whoever makes any false or untrue statement on any return required by §§36.125 through 36.137, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by §§ 36.125 through 36.137 shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by §§ 36.125 through 36.137.

(Ord. 865, passed 11-20-1968; Ord. 1002, passed 4-23-1996; Ord. 1003, passed 7-16-1996; Ord. 1056, passed 12-18-2007)

CHAPTER 37: FEE SCHEDULE

Section

37.01 Fee schedule

§ 37.01 FEE SCHEDULE.

<i>Subject</i>	<i>Fees</i>
Building Inspector	
Building alteration application	
Estimated cost of alteration	
Less than \$500	\$1
Excess of \$500 and less than \$1,000	\$2
Additional \$1,000 or part thereof over \$5,000	\$0.50
Permit construction application	
Estimated cost of said construction	
Less than \$1,000	\$2
Excess of \$1,000 and less than \$2,500	\$5
Additional \$1,000 or part thereof over \$5,000	\$0.50
Coin Operated Music Boxes	
License	\$500
Grading, Excavating and Filling	

Permit applications	
\$0 to \$200	\$0
\$201 to \$1,000	\$5
Each additional \$1,000 or part thereof beyond the first \$1,000	\$1
Junk Dealers	
License	\$50
Sewage Rates	
Sewage rates for water used per quarter	
January 1, 2018 through December 31, 2018	\$7.42 per 1,000 gallons, plus a customer service charge of \$15.60 per bill
January 1, 2019 through December 31, 2019	\$7.94 per 1,000 gallons, plus a customer service charge of \$16.69 per bill
January 1, 2020 through December 31, 2020	\$8.50 per 1,000 gallons, plus a customer service charge of \$17.86 per bill
January 1, 2021 through December 31, 2021	\$9.10 per 1,000 gallons, plus a customer service charge of \$19.11 per bill
Water used per quarter	\$4.32 per 1,000 gallons of water used, plus a customer service charge of \$9.07 per bill
Sexually Oriented Business Regulations	
Annual permit	\$500
Solid Waste	
Annual fee	\$120 per dwelling unit
Collection and removal	\$120 per dwelling unit
Street Cuts and Excavations	
Inspection permit	
Paved street - opening of 9 square feet or less	\$50
Paved street - greater than an opening of 9 square feet	\$2 per square feet
Unpaved street - opening of 9 square feet or less	\$25
Unpaved street - greater than an opening of 9 square feet	\$1 per square feet
Yard Sales	
Permit issued to a household within any 12-month period	
First	\$10
Second	\$10

(Ord. 1001, passed 4-23-1996; Ord. 1004, passed 9-17-1996; Ord. 1013, passed 3-17-1998; Ord. 1028, passed 2-18-2003; Ord. 1033, passed 1-20-2004; Ord. 1039, passed 12-21-2004; Ord. 1040, passed 12-21-2004; Ord. 1047, passed 12-20-2005; Ord. 1052, passed 12-19-2006; Ord. 1053-A, passed 2-20-2007; Ord. 1058, passed 12-18-2007; Ord. 1065, passed 12-15-2009; Ord. 1066, passed 12- -2009; Ord. 1072, passed 12-21-2010; Ord. 1076, passed 12-20-2011; Ord. 1077, passed 12-20-2011; Ord. 1084, passed 12-17-2013; Ord. 1086, passed 12-17-2013; Ord. 1092, passed 12-16-2014; Ord. 1093, passed 12-16-2014; Ord. 1097, passed 12-19-2017)

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

51. SEWERS AND SEWAGE DISPOSAL

CHAPTER 50: SOLID WASTE

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COLLECTION OF MUNICIPAL WASTE

§ 50.01 SHORT TITLE.

This subchapter shall be known and referred to as the "Solid Waste Ordinance".

(Ord. 970, passed 8-20-1991)

§ 50.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or **ACT 97**. The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980), 35 P.S. §§ 6018.101 et seq.

AGRICULTURAL WASTE. Poultry and livestock manure, or residual materials in liquid or solid form, generated in the production, and marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests or other agricultural lands.

BULKY WASTE. Solid waste items that are too large to fit in a closed 35-gallon container or plastic bag or more than three bundles containing branches, bushes, stumps or other cuttings of vegetative matter in a length and width greater than three feet and stoves, refrigerators, dishwashers, washing machines, dryers, sofas, stuffed chairs, mattresses, box springs, auto parts and construction debris and any individual bag, bundle or item weighing more than 75 pounds or which cannot be loaded into a normal refuse collection truck by one person because of its size.

COMMERCIAL ESTABLISHMENT. Any establishment engaged in non-manufacturing or non-processing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

CONSTRUCTION DEMOLITION WASTE. All municipal and residual waste building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

DEPARTMENT. The Pennsylvania Department of Environmental Protection.

DISPOSAL. The incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste, or a constituent of the solid waste, enters the environment, is emitted into the air or is discharged to the waters of the commonwealth.

DOMESTIC WASTE or **HOUSEHOLD WASTE**. Solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

GARBAGE. Any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

HAULER or **PRIVATE COLLECTOR**. Any person, firm, co-partnership, association or corporation who has been licensed by the borough or its designated representative to collect, transport and dispose of refuse for a fee as herein prescribed.

HAZARDOUS WASTE. Any solid waste or combination of solid wastes, as defined in the Act, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

INDUSTRIAL ESTABLISHMENT. Any establishment engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT. Any establishment engaged in service including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

MUNICIPAL WASTE. Garbage, refuse, industrial lunchroom or office waste, and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 (35 P.S. §§ 6018.101 et seq.) from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPALITY. The Borough of North Braddock, Allegheny County, Pennsylvania.

PERSON. Any individual, partnership, corporation, association, institution, cooperative enterprise, state institution and agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this subchapter prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term **PERSON** shall include the officers and directors of any corporation or other legal entity having officers and directors.

PROCESSING. Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part of all of such waste materials for off-site reuse. **PROCESSING FACILITIES** include, but are not limited to, transfer facilities, composing facilities and resource recovery facilities.

REFUSE. All solid waste materials which are discarded as useless.

RESIDUAL WASTE. Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term **RESIDUAL WASTE** shall not include coal refuse as defined in the Coal Refuse Disposal Control Act

(52 P.S. §§ 30.51 et seq.) **RESIDUAL WASTE** shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law (35 P.S. §§ 691.1 to 691.1001).

RUBBISH. All non-putrescible municipal waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

SCAVENGING. The unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

SEWAGE TREATMENT RESIDUES. Any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act...*[missing material]*

(Ord. 1083, passed 10-15-2013)

§ 50.03 MISSING.

[Missing material]

§ 50.04 MISSING.

[Missing material]

- (3) All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.
 - (4) Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more than four feet in length, not more than two feet in diameter and not more than 40 pounds in weight.
 - (5) Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more than 40 pounds in weight.
 - (6) When specified by the borough or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.
- (D) All municipal waste shall be stored in containers approved by the borough or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards.
- (1) Reusable containers shall be constructed of durable, water-tight, rust and corrosion resistant material, such as plastic, metal or fiberglass, in such a manner as to be leak-proof, weather-proof, insect-proof and rodent-proof.
 - (2) Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.
 - (3) Reusable containers for individual residences shall have a capacity of not less than ten gallons nor more than 40 gallons, and a loaded weight of not more than 40 pounds.
 - (4) Disposable plastic bags or sacks are acceptable containers provided the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when, lifted by the top, shall be securely tied at the top for collection, and shall have a capacity of not more than 30 gallons and a loaded weight of not more than 35 pounds.
 - (5) All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.
- (E) Any person storing municipal waste for collection shall comply with the following storage standards.
- (1) Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the containers.
 - (2) Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.
 - (3) Containers shall be used and maintained so as to prevent public nuisances.
 - (4) Containers that do not conform to the standard of this subchapter or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the borough or its designated representative.
 - (5) Containers shall be placed by the owner or customer at a collection point specified by the borough or its designated representative.
 - (6) With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner or customer premises at all times.
 - (7) Bulk waste items such as furniture, automobile parts, machinery, appliances and tires shall be stored in a manner that will prevent the accumulation of collection of water, the harborage of rodents, safety hazards and fire hazards.
 - (8) Containers shall not be placed by the owner or customer at the collection point specified by the borough or its designated representative before 7:00 p.m. on the day preceding a customer's pick-up day and the containers shall be returned to the storage area on the customer's premises by 7:00 p.m. on the customer's pick-up day, unless the collector fails to pick up the customer's municipal waste which the customer has properly placed at the collection point on the pick-up day, then the customer shall return the container to the storage area on the customer's property by 7:00 p.m. on the day following the customer's pick-up day.
- (F) The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this subchapter. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the borough.

(Ord. 970, passed 8-20-1991; Ord. 1022, passed 3-27-2001) Penalty, see §50.99

§ 50.05 STANDARDS AND REGULATIONS FOR COLLECTION.

- (A) The borough shall provide for the collection of all garbage, rubbish and bulky wastes from individual residences and multi-family residential sources with less than four units, or it may contract with a private collector or collectors to provide this essential residential collection service.
- (B) All households and homeowners shall utilize the residential collection service provided by the borough unless they can demonstrate that they have made alternate arrangements that are consistent with this subchapter and approved by the borough.
- (C) All multi-family residential sources (with more than four units), commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the borough's collector or any other properly licensed waste hauler of their choice.
- (D) All residential garbage and rubbish shall be collected at least once a week. Bulky wastes shall be collected following prior arrangement with the municipality's collector and payment of any required special fees.
- (E) All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The borough reserves the right to require more frequent collection when deemed necessary.
- (F) Residential collection schedules shall be published regularly by the borough or its contracted hauler.
- (G) All solid waste collection activity shall be conducted from Monday through Friday between the hours of 6:00 a.m. and 7:00 p.m. or on Saturdays between the hours of 6:00 a.m. and 1:00 p.m. unless prior approval or any exception has been granted by the borough. No collection, hauling or transporting of solid waste shall be permitted on Sunday.
- (H) All licensed haulers and haulers under contract with the borough shall comply with the following standards and regulations.
 - (1) All municipal waste collected within the borough shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan - 1990, or on subsequent revisions thereto.

(2) Any truck or other vehicle used for the collection and transportation of municipal waste must comply with the requirements of Act 97 (35 P.S. §§ 6018.101 et seq.), and any department regulations adopted pursuant to Act 97 (35 P.S. §§ 6018.101 et seq.) and must be licensed by the County Health Department.

(3) All collection vehicles conveying domestic waste and garbage shall be water-tight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.

(4) Collection vehicles for rubbish and other nonputrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

(5) All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

(6) All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

(l) Owners of residential property whether owner occupied or rented are responsible for scheduling and liable for paying for the collection of bulky waste as defined in § 50.01. Three-days' notice to the Borough Code Enforcement Office or the Borough Police Department that a bulky waste collection is scheduled, the date and the location of the collection and the name and address and phone number of the waste hauler.

(Ord. 970, passed 8-20-1991; Ord. 1083, passed 10-15-2013) Penalty, see §50.99

§ 50.06 COLLECTION AND DISPOSAL CHARGES.

(A) The Borough Council shall be authorized to make funds available, in accordance with the laws and procedures of the borough, for the establishment, maintenance and operation of a municipal solid waste collection and disposal system; or, for the contracting of such service to a private collector.

(B) Annual fee schedules (if appropriate) shall be published by the borough on any competitively bid residential collection service contract that may be awarded by the borough.

(C) (Option A) The borough shall be responsible for the collection of any fees for solid waste collection and disposal from residential customers. Licensed haulers shall be responsible for the collection of any collection and disposal fees from commercial, institutional and industrial customers.

(D) (Option B) The borough's contracted hauler and other licensed haulers shall be responsible for the collection of any fees for solid waste collection and disposal services provided to residential, commercial, institutional or industrial sources within the borough.

(Ord. 970, passed 8-20-1991)

§ 50.07 ADMINISTRATIVE APPEALS.

(A) All appeals shall be made in writing to the Borough Council.

(B) Pending a reversal of modification, all decisions of the borough shall remain effective and enforceable.

(C) Appeals may be made by the following persons: any person who is aggrieved by a new standard or regulation issued by the borough may appeal within ten days after the borough gives notice of its intention to issue the new standard or regulation.

(D) The notice of appeal shall be served in writing and sent by certified mail with return receipt requested. Within 20 days after receipt of the notice of appeal, the borough shall hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately prepare for the hearing. Notice shall be sent to the parties by certified mail with return receipt requested at the last known address in addition to publication in the local newspaper.

(Ord. 970, passed 8-20-1991)

§ 50.08 INJUNCTION POWERS.

The borough may petition the court of common pleas for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this subchapter.

(Ord. 970, passed 8-20-1991)

RECYCLING

§ 50.20 SHORT TITLE.

The short title of this subchapter shall be the "Borough of North Braddock Recycling Ordinance", and the same may be cited in that manner.

(Ord. 971, passed 8-20-1991)

§ 50.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT 101. The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (53 P.S. §§ 4000.101 et seq.)

ALUMINUM. All empty aluminum beverage or food cans.

BIMETAL CONTAINERS. Empty food or beverage containers consisting of steel and aluminum.

COLLECTOR. The entity or entities authorized by the borough to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the borough to collect recyclable materials from those properties.

COMMERCIAL ESTABLISHMENTS. Those properties used primarily for commercial or industrial purposes, and those multiple dwelling residential buildings containing more than four dwelling units.

COMMUNITY ACTIVITIES. Events that are sponsored by public or private agencies or individuals that include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

CORRUGATED PAPER. Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

FERROUS CONTAINERS. Empty steel or tin-coated food or beverage containers.

GLASS CONTAINERS. Bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

HIGH GRADE OFFICE PAPER. All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

INSTITUTIONAL ESTABLISHMENT. Those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities.

LEAD ACID BATTERIES. Includes, but not be limited to, automotive, truck and industrial batteries that contain lead.

LEAF WASTE. Leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

MAGAZINES AND PERIODICALS. Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

MULTI-FAMILY HOUSING PROPERTIES. Any properties having four or more dwelling units per structure.

MUNICIPAL ESTABLISHMENT. Public facilities operated by the borough and other governmental and quasi-governmental authorities.

MUNICIPAL WASTE. Any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act, 35 P.S. §§ 6018.101 et seq. from a municipal, commercial or institutional water supply treatment plant, wastewater

treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPALITY. The Borough of North Braddock.

NEWSPAPERS. Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are **NEWSPAPERS** which have been soiled, color comics, glossy advertising inserts and advertising inserts printed in colors other than black and white often included in newspapers.

PERSON(S). Owners, lessees and occupants of residences and commercial, municipal and institutional establishments.

PLASTIC CONTAINERS. Empty plastic food and beverage containers. Due to the wide variety of types of plastics, the borough may stipulate specific types of plastic which may be recycled.

RECYCLABLE MATERIALS. Materials generated by residences and commercial, municipal and institutional establishments which are specified by the borough and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. **RECYCLABLE MATERIALS** may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics and any other items selected by the borough or specified in future revisions to Act 101 (53 P.S. §§ 4000.101 et seq.) The **RECYCLABLE MATERIALS** selected by the borough may be revised from time to time as deemed necessary by the borough.

RECYCLING. The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials.

RESIDENCES. Any occupied single- or multi-family dwellings having up to four dwelling units per structure for which the borough provides municipal waste collection service.

SOURCE-SEPARATED RECYCLABLE MATERIALS. Those materials separated at the point of origin for the purpose of being recycled.

WASTE. A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source-separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection for beneficial use.

(Ord. 971, passed 8-20-1991)

§ 50.22 MANDATORY RECYCLING PROGRAM.

(A) The borough hereby establishes a recycling program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf wastes from all residences and all commercial, municipal and institutional establishments located in the borough for which waste collection is provided by the borough or any other collector. Collection of the recyclable materials shall be made at least once per month by the borough, its designated agent or any other solid waste collectors operating in the borough and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The recycling program shall also contain a sustained public information and education program.

(B) Specific program regulations are provided as an attachment to the ordinance codified in this subchapter and are adopted by reference as if set out length herein. The Borough Council is empowered to make changes to program regulations as necessary, as described in § 50.29. Subsequent changes in the program may be made through approval of the Borough Council and public notice and notification of all affected parties.

(C) This subchapter is ordained pursuant to the Borough Code.

(Ord. 971, passed 8-20-1991) Penalty, see §50.99

§ 50.23 DISPOSAL OF BATTERIES PROHIBITED.

Disposal by persons of lead acid batteries with other municipal wastes is prohibited and shall be a violation of this subchapter.

(Ord. 971, passed 8-20-1991) Penalty, see §50.99

§ 50.24 RESIDENTS TO RECYCLE.

(A) All persons who are residents of the borough shall separate all of those recyclable materials designated by the borough from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection and place same for collection in accordance with the guidelines established hereunder.

(1) Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the borough and shall be used only for the collection of recyclable materials. Any resident who moves within or from the borough shall be responsible for returning the allocated container(s) to the borough or shall pay the replacement cost of said container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this subchapter.

(2) An owner, landlord or agent of an owner or landlord of a multi-family rental housing property with more than four units may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this subchapter shall not be liable for noncompliance of occupants of their buildings, as long as the hauler reports aggregate amounts of recyclables from these properties. If recyclable materials are collected by a collector other than the borough or its authorized agents, owners, landlords and agents of owners or landlords shall submit an annual report to the borough reporting the tonnage of materials recycled during the previous year.

(3) All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection unless those persons have otherwise provided for composting of leaf waste.

(4) Persons must separate high grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the borough generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. A person may be exempted from this division (A)(4) if that person submits documentation to the borough annually indicating that the designated recyclable materials are being recycled in an appropriate manner.

(B) If recyclable materials are collected by a collector other than the borough or its authorized agent, occupants of said establishments shall submit an annual report to the borough reporting the tonnage of materials recycled during the previous year.

(Ord. 971, passed 8-20-1991)

§ 50.25 PROPERTY OF THE BOROUGH.

All recyclable materials placed by persons for collection by the borough or authorized collector pursuant to this subchapter shall, from time of placement at the curb, become the property of the borough or the authorized collector, except as otherwise provided by § 50.26. Nothing in this subchapter shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

(Ord. 971, passed 8-20-1991)

§ 50.26 VIOLATION.

It shall be a violation of this subchapter for any person, firm or corporation, other than the borough or other entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the borough or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 971, passed 8-20-1991) Penalty, see §50.99

§ 50.27 PERMISSION NEEDED FOR DONATION OR SALE.

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment without prior written permission from the Borough Council or other entity responsible for authorizing collection of recyclable materials to make such a collection.

(Ord. 971, passed 8-20-1991)

§ 50.28 DISPOSAL PROHIBITED.

Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this subchapter. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source separated recyclable materials in landfills or to be burned in incinerators is prohibited.

(Ord. 971, passed 8-20-1991) Penalty, see §50.99

§ 50.29 OPERATION AND ENFORCEMENT.

(A) The borough is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this subchapter as deemed necessary, including, but not limited to:

(1) Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments;

(2) Establishing collection procedures for recyclable materials;

(3) Establishing reporting procedures for amounts of materials recycles;

(4) Establishing procedures for the distribution, monitoring and collection of recyclable containers; and

(5) Establishing procedures and rules for the collection of leaf waste.

(B) Any person, firm or corporation who shall violate the provisions of this subchapter shall receive an official written warning of noncompliance for the first and second offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

(C) The borough reserves the right not to collect municipal waste containing recyclable materials in combination with non-recyclable materials.

(Ord. 971, passed 8-20-1991) Penalty, see §50.99

§ 50.30 AGREEMENT FOR COLLECTION.

The borough may enter into an agreement with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

(Ord. 971, passed 8-20-1991)

WASTE COLLECTION FEES

§ 50.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOROUGH. The Borough of North Braddock, Allegheny County, Pennsylvania.

COUNCIL. The Council of the Borough of North Braddock.

DWELLING UNIT. A building, apartment or portion of any building, including any apartment building, boarding home or condominium development, that is designed or used as the principal place of residence of one person or family and which contains a facility for cooking.

FAMILY. One or more persons occupying a dwelling unit living as a single housekeeping unit.

OCCUPANT. Any adult having possession or control or the right to possession and control of a dwelling unit, excluding visitors and temporary guests of an occupant.

OWNER. The owner of real estate of record by deed or document recorded in the office of the Recorder of Deeds of the county.

PERSON. Every natural person, firm, copartnership, association or corporation.

(Ord. 1001, passed 4-23-1996)

§ 50.46 COLLECTION FEE.

Effective January 1, 2015, and thereafter, the borough hereby sets a fee for the collection and removal of trash, garbage, litter, debris and other unhealthy and detrimental conditions within the borough in an amount as established from time to time by resolution of Borough Council.

(Ord. 1001, passed 4-23-1996; Ord. 1028, passed 2-18-2003; Ord. 1040, passed 12-21-2004; Ord. 1093, passed 12-16-2014)

Cross-reference:

Fee schedule, see § 37.01

§ 50.47 APPLICABLE.

The annual fee shall be applicable and due for each dwelling unit, as defined in §50.45, except that any multi-family residential building that was responsible for its own garbage and rubbish collection prior to January 1, 1996, shall be exempt from this subchapter; provided that the owner files with the Borough Manager or his or her designated agent, evidence, in a form satisfactory to the borough, that the owner has in place a contract for a period of at least one year providing for the removal of garbage and trash from the dwelling unit not fewer than one time per week by a contractor authorized to collect and remove solid waste to a licensed solid waste disposal location.

(Ord. 1001, passed 4-23-1996; Ord. 1028, passed 2-18-2003; Ord. 1040, passed 12-21-2004; Ord. 1093, passed 12-16-2014)

Cross-reference:

Fee schedule, see § 37.01

§ 50.48 OWNER/OCCUPANT RESPONSIBLE.

The owner and the occupant of each dwelling unit shall be responsible for payment of the sanitation fee required by this subchapter. The borough, or any designated agent of the borough, shall collect the unpaid or delinquent fees from any owner or occupant by any means permitted by state law. Any unpaid fee, penalties, interest or other charges due and owing under this subchapter shall become a lien against the real property of the property owner and shall be recovered through either in rem or in personam proceedings.

(Ord. 1001, passed 4-23-1996)

§ 50.49 DUTY TO COOPERATE.

It shall be the duty of every property owner and occupant to cooperate in the administration of this subchapter in order that the collection and removal of trash, garbage, litter, debris and other unhealthy and detrimental conditions within the borough and the collection of the charges imposed therefore shall be economically and efficiently performed. Any property owner occupant or person residing in or occupying property within the borough shall answer inquiries by the proper agents of the borough

pertaining to facts relating to administration of this subchapter. Willful concealment, failure to supply facts or misrepresentation of facts pertinent to the administration and enforcement of this subchapter shall constitute a violation hereof and violators will be subject to summary prosecution as hereinafter provided.

(Ord. 1001, passed 4-23-1996) Penalty, see §50.99

§ 50.50 COLLECTION OF FEE.

Council may, by resolution or ordinance, designate one or more agents to collect the sanitation fee, and any interest, penalties or other damages required by this subchapter. Said resolution or ordinance shall also set the amount of payment to be received by the agent for these collection services, including attorney fees and costs in accordance with Act 1 of 1996, 53 P.S. § 7106.

(Ord. 1001, passed 4-23-1996; Ord. 1028, passed 2-18-2003; Ord. 1040, passed 12-21-2004)

§ 50.51 FEES PAYABLE YEARLY.

All fees assessed by this subchapter shall be due without demand at such times and upon such terms as Council shall establish by resolution. Fees that are unpaid more than 30 days after the due date shall be assessed a penalty of 10% and shall bear interest at the rate of 0.8333% for each month or each fraction of a month for which charges required by this subchapter remain unpaid.

(Ord. 1001, passed 4-23-1996; Ord. 1028, passed 2-18-2003)

§ 50.52 VIOLATION.

Any person who willfully fails to pay any charge due under this subchapter, or who willfully conceals or fails to disclose or misrepresents facts pertinent to the administration and enforcement hereof, shall, by such conduct, violate the provisions of this subchapter.

(Ord. 1001, passed 4-23-1996) Penalty, see §50.99

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) Any person, firm or corporation who shall violate any provision of §§50.01 through 50.08, 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 §§ 50.01 through 50.08 continues shall constitute a separate offense.

(C) Any person, firm or corporation who shall violate any provision of §§50.20 through 50.30, 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 §§ 50.20 through 50.30 continues shall constitute a separate offense.

(D) Any person, firm or corporation who shall violate any provision of §§50.45 through 50.52, 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 §§ 50.45 through 50.52 continues shall constitute a separate offense.

(Ord. 970, passed 8-20-1991; Ord. 1001, passed 4-23-1996; Ord. 1028, passed 2-18-2003)

CHAPTER 51: SEWERS AND SEWAGE DISPOSAL

Section

Mandatory Connection

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MANDATORY CONNECTION

§ 51.01 CONNECTION REQUIRED.

The owners of land respectively bounding or abutting on any public street, alley or highway of the borough in which a public sewer is laid, be and the same are hereby required to connect their respective properties with such public sewer, in accordance with the regulations and requirements of the borough in regard to sewer connections, upon the expiration of three-months' notice from the Mayor so to do; and the Mayor shall cause the same to be done on failure of the owner or owners thereof within the time prescribed herein and collect the cost of the work and materials together with the regulation tappage cargo of \$1 per front foot, for every foot of frontage on the street, alley or highway, on which said property bounds or abuts, and for which connection is made, from said owner or owners according to law.

(Ord. 334, passed 6-6-1911) Penalty, see §51.99

SEWAGE DISCHARGE REGULATIONS

§ 51.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

INTERFERENCE. Any inhibition or disruption of the ALCOSAN facilities, its treatment processes or operations, its sludge processes, use or disposal of or any sewer, pipe or other conveyance located in the borough and transmitting substances into the ALCOSAN facilities, which is a cause of and significantly contributes to either a violation of any requirement of ALCOSAN's national pollution discharge elimination system permit (hereinafter called "NPDES permit") including an increase in the magnitude or duration of a violation or to the prevention of sewage sludge use or disposal by ALCOSAN in accordance with the following statutory provisions and rules, regulations or permits issued thereunder: Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1 et seq.), Pennsylvania Clean Streams Act (35 P.S. §§ 691.1 et seq.), Pennsylvania Solid Waste Management Act (35 P.S. §§ 6018.101); Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. §§ 6901 et seq.), including Title 11, more commonly referred to as the Resource Conservation and Recovery Act and including all state statutes and Pennsylvania Department of Environmental Protection regulations prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act (42 U.S.C. §§ 16901 et seq.) and the Toxic Substances Control Act (15 U.S.C. §§ 2601 et seq.), County Health Code and the pollution control standards of the Ohio River Valley Water Sanitation Commission. (All such statutory provisions, rules, regulations or permits are hereinafter collectively called "laws".) A user significantly contributes to such a permit violation or prevention or sludge use or disposal in accordance with the above-cited laws whenever such user:

- (1) Discharges daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by federal, commonwealth, county, ALCOSAN or borough laws, ordinances, rules or regulations;
- (2) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; and
- (3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in violation of ALCOSAN's NPDES permit or prevent sewage sludge use or disposal in accordance with the above-cited laws as they apply to ALCOSAN's selected method of sludge management.

PASS THROUGH.

(1) Any discharge of pollutant through the facilities of ALCOSAN into navigable waters or any stream in the commonwealth in quantities or concentrations which are a cause of and significantly contribute to a violation of any requirement of ALCOSAN's NPDES permit (including an increase in the magnitude or duration of a violation).

(2) A user significantly contributes to such a permit violation where it:

- (a) Discharges a daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by federal, commonwealth, county, ALCOSAN or the borough laws, ordinances, rules or regulations;
- (b) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge;
- (c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; and
- (d) Knows or has reason to know that ALCOSAN is, for any reason, violating its final effluent limitations in its permit and that such user's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of ALCOSAN's violations.

(Ord. 936, passed 9-18-1984)

§ 51.16 INTERFERENCE PROHIBITED.

No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the borough and transmitting substances into the facilities of ALCOSAN, any toxic substance, pollutant or other wastewater which will:

- (A) Cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities; or
- (B) Pass through ALCOSAN's treatment plant or other facilities.

(Ord. 936, passed 9-18-1984) Penalty, see §51.99

§ 51.17 HAZARDOUS WASTE.

No person, firm, association or corporation shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the borough and transmitting substances into the facilities of ALCOSAN any of the following:

- (A) Any pollutant or wastewater which will interfere with or substantially adversely affect the operation or performance of the ALCOSAN treatment plant, or pass through said plant into navigable waters or streams of the commonwealth in quantities or concentrations which are a cause of and significantly contributes to a violation of any requirement of the above-cited laws or the ALCOSAN NPDES permit, or adversely affect the use or disposal of ALCOSAN sludge or other residues;
- (B) Any substance which will endanger the life, health or safety of the treatment plant, sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant;
- (C) Any ignitable, reactive, explosive or corrosive waste;
- (D) All wastes that are defined or listed as hazardous under the regulations enacted by agencies of the federal government or the commonwealth;
- (E) Any wastewater with a temperature great enough to inhibit biological activity in the ALCOSAN treatment plant;
- (F) Any waste which exceeds the naturally occurring background levels for either alpha, beta or gamma radiation, and/or any wastewater containing any radioactive wastes or isotopes of such half-life or concentration not in compliance with applicable state or federal regulations;
- (G) Any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of ALCOSAN's facilities or facilities discharging into the ALCOSAN's system;
- (H) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety;
- (I) Pathological wastes from a hospital or other medical establishment;
- (J) Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer of a type approved by ALCOSAN and maintained in good operating condition;
- (K) Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants; unless the

discharge of such sludges and other materials is specifically approved by ALCOSAN; and

(L) Any substance which violates discharge regulations as established by authorized agencies of the federal government, the commonwealth, the Ohio River Valley Water Sanitation Commission, the county or ALCOSAN.

(Ord. 936, passed 9-18-1984) Penalty, see §51.99

§ 51.18 GENERAL PRETREATMENT STANDARDS.

No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the borough and transmitting substances into the facilities of the sanitary authority, any toxic substance, pollutant or other wastewater, in violation of a national categorical or general pretreatment standard promulgated by the U.S. Environmental Protection Agency pursuant to § 307(b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. § 317(b) and (c)).

(Ord. 936, passed 9-18-1984) Penalty, see §51.99

§ 51.19 FEDERAL WATER POLLUTION CONTROL ACT.

No person, firm, association or corporation shall take any action or do or cause to be done any thing in violation of any provision of the Federal Water Pollution Control Act or of any regulation promulgated by the U.S. Environmental Protection Agency pursuant thereto.

(Ord. 936, passed 9-18-1984) Penalty, see §51.99

§ 51.20 REGULATION.

No person, firm, association or corporation shall take any action or do or cause to be done any thing in violation of any rule or regulation of ALCOSAN or of laws, ordinances, rules or regulations of the commonwealth, the county, the Ohio River Valley Water Sanitation Commission or the borough pertaining to sewage discharge, introduction or treatment.

(Ord. 936, passed 9-18-1984) Penalty, see §51.99

SEWER SERVICE CHARGES

§ 51.35 RATES.

There is hereby imposed and established rates or charges for the use of, and services provided by, the sanitary sewer system in the borough, said rates or charges being based upon the quantity of water used. The rates or charges shall be assessed to each user of the sanitary sewer system on a quarterly basis in an amount as established from time to time by resolution of Borough Council.

(Ord. 1004, passed 9-17-1996; Ord. 1013, passed 3-17-1998; Ord. 1033, passed 1-20-2004; Ord. 1039, passed 12-21-2004; Ord. 1047, passed 12-20-2005; Ord. 1053-A, passed 2-20-2007; Ord. 1058, passed 12-18-2007; Ord. 1065, passed 12-15-2009; Ord. 1066, passed 12--2009; Ord. 1072, passed 12-21-2010; Ord. 1076, passed 12-20-2011; Ord. 1077, passed 12-20-2011; Ord. 1084, passed 12-17-2013; Ord. 1086, passed 12-17-2013; Ord. 1092, passed 12-16-2014; Ord. 1097, passed 12-19-2017)

Cross-reference:

Fee schedule, see § 37.01

§ 51.36 BILLING.

Charges for said sanitary sewage service shall be billed quarterly and all bills shall be rendered as of the first day of the month following the quarter for which charges are made and shall be due and payable at the net amount within 30 days from the due date of the statement, and the gross amount within 30 days from the due date of the net amount, with the difference between the net sewage due and the gross sewage due in the amount of 10%. The period between the gross due date at 60 days and the next billing cycle will be a grace period.

(Ord. 1004, passed 9-17-1996)

§ 51.37 DELINQUENT ACCOUNTS.

(A) For each delinquent sanitary sewage account remaining unpaid 90 days after the date of said statement, a service charge of 3% of the gross delinquent charge shall be added.

(B) For each succeeding 90 days or part thereof that the account remains delinquent, an additional service charge of 3% shall be assessed, based upon the gross delinquent charge, or outstanding portion thereof.

(Ord. 1004, passed 9-17-1996)

§ 51.38 COLLECTION OF DELINQUENT ACCOUNTS.

The borough shall pursue the collection of delinquent sanitary sewer accounts by all means available pursuant to applicable law.

(Ord. 1004, passed 9-17-1996)

§ 51.39 RESOLUTION OF COUNCIL.

This subchapter shall become effective the ALCOSAN's billing round to be determined by resolution of Council.

(Ord. 1004, passed 9-17-1996)

DYE TESTING

§ 51.50 FINDINGS AND PURPOSE.

(A) The United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection have directed municipalities to take such steps as are necessary to eliminate sanitary sewer overflows or face civil penalties and other sanctions.

(B) The Borough Council has determined that the sanitary sewer facilities of the borough may be receiving stormwater, surface water and other non-sanitary discharges that exceed the hydraulic capacity of the borough's sanitary sewer system and cause or contribute to sanitary sewer overflows.

(C) The Borough Council has determined that inflows of stormwater, surface water and other non-sanitary discharges into the sanitary sewer system result in wasteful expenditures for wastewater treatment.

(D) The Borough Council has determined that it is in the best interest of the residents of the borough to eliminate inflows of stormwater, surface water and other non-sanitary discharges into the borough sanitary sewer system.

(E) The Borough Council has determined that the procedures, fees and penalties provided by this subchapter are necessary to achieve the purposes of this subchapter.

(Ord. 1041, passed 12-21-2004)

§ 51.51 SHORT TITLE.

This subchapter may be known as the "Dye Testing Ordinance".

(Ord. 1041, passed 12-21-2004)

§ 51.52 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOROUGH. The Borough of North Braddock, Allegheny County, Pennsylvania.

BOROUGH LIEN LETTER. A written letter for the borough certifying that the property is free from municipal liens and unpaid municipal taxes.

CERTIFICATE OF COMPLIANCE. An official writing issued by the borough that dye testing has determined that there are no illegal connections in violation of this subchapter.

DYE TEST. Any dye test performed by the borough, or an authorized agent of the borough who must be licensed under permit of the County Department of Plumbing, whereby dye is introduced into the water collection system of a property to determine whether basement seepage, ground water, downspout drainage, roof drainage, driveway drainage or other surface water drainage is entering the sanitary sewer system.

ILLEGAL CONNECTIONS. Any connection or conveyance that allows the discharge of inflammable or volatile liquids, basement seepage, ground water, downspout drainage, roof drainage, driveway drainage or any other surface water drainage into a separate sanitary sewer system.

ORDINANCE COMPLIANCE OFFICER. Those person(s) designated by the borough to enforce this subchapter.

PERSON. Any person, partnership, association, syndicate, firm, corporation, institution, agency, authority or entity recognized by law as the subject of rights and duties. The singular shall include the plural.

PROPERTY. Real property located within the borough upon which a building or improvement exists.

TEMPORARY CERTIFICATE OF COMPLIANCE. A statement issued by the borough pursuant to §51.59.

(Ord. 1041, passed 12-21-2004)

§ 51.53 ILLEGAL CONNECTIONS PROHIBITED.

Illegal connections are prohibited.

(Ord. 1041, passed 12-21-2004) Penalty, see §51.99

§ 51.54 REPAIR OF PRIVATE SEWER FACILITIES.

Persons owning property are required to maintain all private sanitary sewer laterals and sanitary sewer service connections in good repair.

(Ord. 1041, passed 12-21-2004)

§ 51.55 DYE TESTING BY BOROUGH.

The Ordinance Compliance Officer shall immediately initiate dye testing to identify illegal connections. This Ordinance Compliance Officer is authorized to retain the services of a qualified contractor to perform the dye testing, and to cooperate with neighboring municipalities to minimize costs. Persons owning property are required to grant access to the Ordinance Compliance Officer and/or the dye testing contractor and to permit dye testing.

(Ord. 1041, passed 12-21-2004)

§ 51.56 NOTICES TO PROPERTY OWNERS.

In the event that the Ordinance Compliance Officer identifies any illegal connections or leaking, deteriorating or poorly constructed private sanitary sewer lateral and/or sanitary sewer service connections, the Ordinance Compliance Officer shall give written notice of same to the property owner and an order that such illegal connections be eliminated and/or that such leaking, deteriorating or poorly constructed sanitary sewer laterals and/or service connections be, at the property owner's expense, repaired, replaced or rehabilitated within ten consecutive calendar days of the date of the notice and order. If the condition does not create a health hazard, the Ordinance Compliance Officer, upon request of the property owner, may once extend the ten consecutive day deadline to 30 consecutive calendar days from the date of the notice and order.

(Ord. 1041, passed 12-21-2004)

§ 51.57 DYE TESTING UPON SALE OF PROPERTY.

(A) It is unlawful for any person to sell property without first delivering to the purchaser a certificate of compliance or temporary certificate of compliance.

(B) For purposes of this subchapter, a sale of property shall include any conveyance or transfer whereby title is transferred from one person to another, but shall not include:

- (1) Refinancing where the holder of title remains unchanged; or
- (2) A transfer of title by operation of law following the death of owner.

(Ord. 1041, passed 12-21-2004) Penalty, see §51.99

§ 51.58 CERTIFICATE OF COMPLIANCE.

(A) At least 21 days prior to the sale of property, the seller (hereinafter "applicant") shall apply to the borough for a certificate of compliance, by a registered master plumber, at no cost to the borough. The dye testing on the property shall be performed as directed by the owner. If the dye testing identifies illegal connections, then the borough shall notify applicant pursuant to § 51.56. If the dye testing identifies no illegal connections, then the borough shall issue a certificate of compliance to applicant upon payment of a \$20 fee to the borough.

(B) If a certificate of compliance for the property has been issued within three years preceding the date of application, the Ordinance Compliance Officer may waive the dye testing requirement. In this event, the Ordinance Compliance Officer may issue a certificate of compliance upon payment of fee to the borough of \$20.

(Ord. 1041, passed 12-21-2004)

§ 51.59 TEMPORARY CERTIFICATE OF COMPLIANCE.

(A) (1) When an illegal connection is discovered and activities necessary to correct the condition would require such a length of time as to create a practical hardship for the applicant, the applicant may apply to the Ordinance Compliance Officer for a temporary certificate of compliance, which may only be issued when applicant provides the borough with all of the following:

- (a) Written explanation of the practical hardship;
- (b) Security, in the form of a certified check or bond in the amount of \$1,000, which shall be held in escrow at the time of closing;
- (c) An executed agreement by the purchaser/transferee accepting responsibility for all costs in excess of the cash security; and
- (d) An easement or other license executed by the purchaser/transferee allowing the borough to enter upon the property and complete the work in case of default by applicant.

(2) The temporary certificate shall in no event exceed 30 consecutive calendar days.

(B) The Ordinance Compliance Officer shall determine in good faith based upon all the circumstances when such temporary certificate shall expire, and shall advise applicant and the purchaser of the expiration date. If the temporary certificate of compliance should expire without all work having been completed, the cash security shall be forfeited to the borough and the borough may apply the cash security to complete the necessary work. If the remedial work is completed prior to the expiration date, the borough shall authorize the release of the security to the applicant or to his or her designee.

(Ord. 1041, passed 12-21-2004)

§ 51.60 BOROUGH LIEN LETTERS.

A request for a borough lien letter must be accompanied by a valid certificate of compliance and no lien letter fee, all of which shall delivered to the borough at least seven business days prior to the day the lien letter is to be provided.

(Ord. 1041, passed 12-21-2004)

§ 51.61 ADJUSTMENT FEE.

The fees set forth in this subchapter may be changed from time to time by resolution of the Borough Council.

(Ord. 1041, passed 12-21-2004)

§ 51.62 NO CONFLICT WITH GENERAL POLICE POWERS.

Nothing in this subchapter shall limit in any fashion whatsoever the borough's right to enforce its ordinances or the laws of the commonwealth. Nothing in this subchapter shall be a defense to any citation issued by a municipal corporation or the commonwealth pursuant to any law or ordinance.

(Ord. 1041, passed 12-21-2004)

§ 51.63 VIOLATION.

It is unlawful for any person to refuse access to property for purposes of dye testing, to issue or obtain false dye testing results, or to procure a certificate of compliance or temporary certificate of compliance under false pretenses.

(Ord. 1041, passed 12-21-2004) Penalty, see §51.99

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) Any person, firm or corporation who shall violate any provision of §§51.15 through 51.20, 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 §§ 51.15 through 51.20 continues shall constitute a separate offense.

(C) Any person violating these or any other provisions of §§51.50 through 51.63 shall, upon conviction, be subject to a penalty of not more than \$1,000 for each violation or, in the alternative, a penalty of not more than the maximum provided under the borough or state laws that may apply. Once a person is notified of a violation of §§ 51.50 through 51.63, each day that such a violation occurs or continues shall constitute a separate violation. In addition to and not in lieu of the foregoing, the borough may seek equitable and legal relief to compel compliance with §§ 51.50 through 51.63.

(Ord. 936, passed 9-18-1984; Ord. 1041, passed 12-21-2004)

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS
- 71. TRAFFIC REGULATIONS
- 72. PARKING REGULATIONS
- 73. SNOW AND ICE EMERGENCY
- 74. RECREATIONAL VEHICLES
- 75. PEDESTRIANS
- 76. ABANDONED MOTOR VEHICLES
- 77. TRAFFIC SCHEDULES
- 78. PARKING SCHEDULES

CHAPTER 70: GENERAL PROVISIONS

Section

- 70.01 Definitions and interpretation
- 70.02 Manner of adopting permanent traffic and parking regulations
- 70.03 Provisions to be continuation of existing regulations
- 70.04 Temporary and emergency regulations
- 70.05 Experimental regulations
- 70.06 Traffic on streets closed or restricted for construction, maintenance or special events
- 70.07 Use of streets by processions and assemblages
- 70.08 Authority of police officers
- 70.09 Authorization for use of speed timing devices
- 70.10 Unlawful to play in street

- 70.99 Penalty

§ 70.01 DEFINITIONS AND INTERPRETATION.

(A) Words and phrases, when used in this title, except for chapters or sections to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa.C.S.A. §§ 101 et seq., except that in this title the word **STREET** may be used interchangeably with the word **HIGHWAY**, and shall have the same meaning as the word **HIGHWAY** as defined in the Vehicle Code.

(B) The term **LEGAL HOLIDAYS** as used in this title shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(C) In this title, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 70.02 MANNER OF ADOPTING PERMANENT TRAFFIC AND PARKING REGULATIONS.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this chapter, except where the law specifically authorizes less formal action.

§ 70.03 PROVISIONS TO BE CONTINUATION OF EXISTING REGULATIONS.

The provisions of this title, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this title, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this title shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations

§ 70.04 TEMPORARY AND EMERGENCY REGULATIONS.

(A) The Police Chief shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

- (1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and
- (2) In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

(B) Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations.

Penalty, see § 70.99

§ 70.05 EXPERIMENTAL REGULATIONS.

The borough may, from time to time by resolution, designate places upon and along the highways in the borough where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this title.

Penalty, see § 70.99

§ 70.06 TRAFFIC ON STREETS CLOSED OR RESTRICTED FOR CONSTRUCTION, MAINTENANCE OR SPECIAL EVENTS.

(A) The borough shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

(B) The borough shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flaggers at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagger is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.

Penalty, see § 70.99

§ 70.07 USE OF STREETS BY PROCESSIONS AND ASSEMBLAGES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSEMBLAGE. A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

PROCESSION. A group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A **PROCESSION** shall not include a funeral caravan or military convoy.

(B) It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Police Chief, which shall be issued without fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.

(C) It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the Police Chief, which shall be issued without fee. Application for the permit shall be made at least two weeks in advance of the day when the procession is proposed to be held, but in any case where the state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

Penalty, see § 70.99

§ 70.08 AUTHORITY OF POLICE OFFICERS.

The police officers of the borough are hereby authorized to direct traffic on the highways of the borough and at intersections thereof and to otherwise enforce the provisions of this title.

§ 70.09 AUTHORIZATION FOR USE OF SPEED TIMING DEVICES.

(A) The Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the commonwealth, in accordance with 75 Pa.C.S.A. § 3368.

(B) This section authorizes the use of said devices upon all highways within the borough be they borough, county or state highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the commonwealth, 75 Pa.C.S.A. §§ 6101 et seq., as hereafter amended, supplemented, modified or re-enacted by the General Assembly of the state.

§ 70.10 UNLAWFUL TO PLAY IN STREET.

It shall be unlawful for any person to engage in ball playing in the public streets and highways of the borough.

Penalty, see § 70.99

§ 70.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) In § 70.04, any person who shall operate or park a vehicle or tractor in violation of any such regulation, or who shall, move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this title for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this title, to a fine of not more than \$25 together with costs of prosecution.

(C) No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of §70.05. Any person who shall violate any provision of § 70.05 shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this title for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this title, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of § 70.05 is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the borough relative to traffic and parking.

(D) Any person who violates any provision of §70.06 shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(E) Any person who violates any provision of §70.07 shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(F) Any pedestrian who violates any provision of §70.10 shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

CHAPTER 71: TRAFFIC REGULATIONS

Section

71.01 Operation of motor vehicles restricted on public lands

71.99 Penalty

§ 71.01 OPERATION OF MOTOR VEHICLES RESTRICTED ON PUBLIC LANDS.

No motor vehicle including a motorcycle, pedalcycle or minibike shall be operated on any property owned by the borough or any other public agency or instrumentality within the borough without the permission of the property owner and a permit from the Police Chief of the borough.

Penalty, see § 71.99

§ 71.99 PENALTY.

Any person who violates an provision of §71.01 shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

CHAPTER 72: PARKING REGULATIONS

Section

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GENERAL PROVISIONS

§ 72.001 VEHICLES TO BE PARKED WITHIN MARKED SPACES.

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this subchapter for any person to park a vehicle or allow it to remain parked otherwise.

Penalty, see § 72.999

§ 72.002 RESIDENTIAL PERMIT PARKING.

(A) *Findings and purpose.*

(1) The borough finds that:

- (a) Certain residential areas in the borough are subjected to commuter vehicle parking, therefore depriving the residents of those areas of spaces in which to park their own vehicles;
- (b) Those residential streets are also subjected to a high degree of commuter traffic which substantially reduces the quality of the ambient air level;
- (c) The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week.

(2) Therefore, the borough considers it to be in the interest of the people of the borough to provide for the establishment of a residential permit parking program to ensure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMUTER VEHICLE. A motor vehicle parked in a residential area by a person not a resident of that residential area.

PROPRIETOR. A person who owns or leases real estate within a residential area of which he or she is not a resident, but who owns or manages a business enterprise or professional office maintained at that address. For the purpose of this section, a **PROPRIETOR** shall be entitled to one parking permit for that business or professional office address.

RESIDENT. A person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy, or both, at that address.

RESIDENTIAL AREA. A contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, places of worship, hospitals and nursing homes).

(C) *Criteria.*

(1) The residential areas designated in division (D) below are those deemed impacted and hence eligible for residential parking on the basis of the following criteria:

(a) During any period between the hours of 7:00 a.m. and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet; and

(b) During the same period as specified in division (C)(1)(a) above, 10% or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

(2) Provided, in determining that a specific area identified as impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:

- (a) The local and metropolitan needs with respect to clean air and environment;
- (b) The possibility of a reduction in total vehicle miles driven in the borough;
- (c) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards;
- (d) The proximity of public transportation to the residential area;
- (e) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it; and
- (f) The need for parking in excess of the residential permit parking program in proximity to establishments located in the residential permit parking area and used by the general public for religious, health or educational purposes.

(D) *Designation of residential permit parking areas.* Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.

(E) *Application for permit.* Application for a residential parking permit shall be made to the Chief of Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee, in an amount as established by resolution of the borough, which shall be for the use of the borough, to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Chief of Police, the applicant shall be required, at the time of making application, to present his or her driver's license and the vehicle registration card.

(F) *Issuance of permit.* Upon receipt of the application and the permit fee, and determination by him or her that the information upon the application shows that the applicant is entitled to a residential parking permit, the Chief of Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.

(G) *Temporary and exemption parking permits.* Temporary parking permits may be issued by the Chief of Police, upon payment of a fee in an amount as established by resolution of the Borough Council, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.

(H) *Responsibility of permit holder.*

(1) Notwithstanding any provision of this section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him or her in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.

(2) A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.

(3) No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this section by the permit holder and by the person who so used or displayed the parking permit.

(4) It shall constitute a violation of this section for any person falsely to represent himself or herself as eligible for a residential parking permit or to furnish false information in an application to the Chief of Police in order to obtain a residential parking permit.

(l) *Revocation of permits.* The Chief of Police shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this section. Upon written notification to the present holder of the revocation, the permit holder shall surrender the permit to the Chief of Police. Failure to do so, when so requested, shall constitute a violation of this section; provided, any person receiving such a notice may, within ten days after the date of the notice, appeal to the borough for a hearing on the revocation, and the decision of the borough shall be final.

Penalty, see § 72.999

§ 72.003 NO PARKING ON BOROUGH STREETS ON STREET CLEANING DAY.

(A) It shall be unlawful to park any vehicle on any public highway in the borough on the day designated by the Street Commissioner for the cleaning of that particular street or highway.

(B) The Street Commissioner is authorized and directed to post permanent or temporary signs giving notice of the day and time that said street or highway will be cleaned in conspicuous places along the streets or highways of the borough.

(C) Signs required under this section shall be posted at least 24 hours before street cleaning is to occur.

(Ord. 1027, passed 1-21-2003) Penalty, see §72.999

§ 72.004 PARKING RESTRICTIONS.

(A) *Definitions.* Words and phrases when used in this section shall have the meaning ascribed to them in the Vehicle Code of the state as now enacted or reenacted, except those instances where the context clearly indicates a different meaning. The singular shall include the plural and the masculine shall indicate the feminine.

(B) *Parking restrictions.* No motor vehicle of any kind shall be permitted to park at any time in the borough as follows:

(1) In a zone designated as handicapped by Borough Council or its designee as a handicapped parking zone, unless the vehicle parked in that handicapped zone is the vehicle authorized to be parked in that handicapped parking zone by permit for a handicapped parking zone, issued by Borough Council or designee, for that particular handicapped parking zone;

(2) In front of a firehouse door or entrance or opposite a fire house;

(3) Within 20 feet of any intersection street;

(4) Within 30 feet of a stop sign;

(5) Within 15 feet of a fire hydrant;

(6) In the front or side yard of any property, unless the vehicle is parked on a driveway;

(7) In front of a driveway;

(8) In posted no parking zones or in a temporary no parking zone;

(9) Within a crosswalk or in a manner that obstructs a crosswalk or street;

(10) More than 12 inches from a curb;

(11) Facing the wrong direction of traffic or opposite the flow of traffic;

(12) In a manner that constitutes double parking;

(13) On a designated snow emergency route; or

(14) Any other parking restrictions contained in the Pennsylvania Motor Vehicle Code, being 75 Pa.C.S.A. §§ 101 et seq.

(Ord. 1070, passed 9-21-2010)

ON-STREET METERED PARKING

§ 72.015 DAYS AND HOURS PARKING METERS IN OPERATION AND PARKING TIME LIMITS APPLY.

Parking meters shall be operated by the deposit of a coin in the meter as prescribed by §72.018, and the parking rates for specified lengths of time, as well as the maximum parking times, shall apply at all times between the hours of 9:00 a.m. and 6:00 p.m. Monday through Thursday and Saturday, and between the hours of 9:00 a.m. and 9:00 p.m. Friday, in the parking meter zones; provided, however, the requirements of this subchapter as to parking time limits and as to deposit of coins in meters shall not apply on legal holidays.

Penalty, see § 72.999

§ 72.016 PLACEMENT AND CHARACTERISTICS OF PARKING METERS.

Parking meters installed in the parking meter zones shall be placed upon the curb or sidewalk, and immediately adjacent to the individual parking spaces described in § 72.017. Each parking meter shall be placed or set so as to show that the parking space adjacent to that meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the borough and when the adjacent space is occupied by a vehicle, the parking meter shall indicate on and by its dial and pointer the duration of the period of legal parking and, on the expiration of that period, shall indicate illegal parking or over-parking.

§ 72.017 PARKED VEHICLES TO BE WHOLLY WITHIN MARKED SPACES.

Lines and/or markings shall be painted or placed upon the curb, sidewalk or roadway adjacent to each parking meter for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked at any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this subchapter for any person to park a vehicle across any such line or marking, or to park a vehicle in such a position that the vehicle is not wholly within the area designated by those lines or markings.

Penalty, see § 72.999

§ 72.018 COIN DEPOSIT IN METER; OVERTIME PARKING UNLAWFUL.

Whenever a vehicle is to be parked in any space adjacent to a parking meter, at any time in the period of limited parking as prescribed by §2.015, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in that parking meter one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully

occupied by the vehicle for the time indicated on the meter. If any vehicle shall remain in any such parking space for any length of time that the meter shall indicate by proper signal that the lawful parking time has expired, that vehicle shall be considered as having been parked overtime, and the parking of a vehicle overtime shall be a violation of this subchapter.

Penalty, see § 72.999

§ 72.019 UNLAWFUL TO DEPOSIT SUBSTITUTE FOR COIN IN METER.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this subchapter any slug or other substitute for a coin of the United States of America.

Penalty, see § 72.999

§ 72.020 UNLAWFUL TO DEPOSIT COIN IN METER TO EXTEND PARKING TIME BEYOND LEGAL LIMIT.

It shall be unlawful and a violation of this subchapter for any person to deposit or cause to be deposited in any parking meter installed under the provisions of this subchapter any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time established for that parking zone.

Penalty, see § 72.999

§ 72.021 UNLAWFUL TO REMAIN PARKED AT METER SHOWING VIOLATION.

It shall be unlawful, and a violation of this subchapter for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this subchapter when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

Penalty, see § 72.999

§ 72.022 UNLAWFUL TO TAMPER WITH METER.

It shall be unlawful, and a violation of this subchapter, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this subchapter; provided, nothing in this section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the borough under the direction of the Police Chief or borough.

Penalty, see § 72.999

§ 72.023 TICKETING OF VEHICLES PARKED UNLAWFULLY; EFFECT OF PAYMENT WITHIN [] HOURS.

(A) It shall be the duty of the police officers and parking enforcement personnel of the borough, acting in accordance with the directions of the Chief of Police, to report:

(1) The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this subchapter;

(2) The date and hour of the violation;

(3) The license number of the vehicle; and

(4) Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.

(B) The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this subchapter, and instructing the owner or driver that if he or she will report to the office of the Chief of Police and pay, for the use of the borough, the sum of \$_____ within _____ hours after the time of the notice, or will place the sum of \$_____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the borough within the time limit, that act will save the violator from prosecution and from payment of the fine prescribed in § 72.999.

Penalty, see § 72.999

§ 72.024 EXCEPTIONS.

(A) By resolution, the borough may temporarily suspend the provisions of this subchapter requiring coin deposit in meters and establishing a maximum parking time at meters.

(B) The borough shall have authority to establish no parking or special-purpose parking zones within any parking meter zone, and to remove parking meters from those areas as previously installed there, and the provisions of this subchapter shall not apply in those areas where no-parking or special-purpose parking is in effect.

OFF-STREET METERED PARKING

§ 72.035 PLACEMENT AND CHARACTERISTICS OF PARKING METERS.

Parking meters installed in the parking lots shall be placed immediately adjacent to the individual parking spaces that shall be marked off and maintained in the lots. For each parking meter there shall be a clear indication, through use of a directional arrow, or an identification as to number with the parking space, to show which individual parking space it serves. Each parking meter shall indicate by a proper legend the parking rate and the maximum parking time, and, when the parking space is occupied and the parking meter put into operation by the insertion of one or more coins, the parking meter shall indicate on and by its dial and pointer the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or over-parking.

§ 72.036 RESERVED PARKING SPACES FOR HANDICAPPED MAY BE PROVIDED.

The borough, at its discretion, may provide, at convenient and suitable locations in any one or more of the metered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and a violation of this subchapter, for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a "handicapped registration plate", a "handicapped parking placard", a "disabled veteran registration plate" or a "disabled veteran placard".

Penalty, see § 72.999

§ 72.037 PARKED VEHICLES TO BE WHOLLY WITHIN MARKED SPACES.

(A) Lines and/or markings shall be painted or placed upon the surface of the metered parking lots, adjacent to each parking meter, for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked adjacent to any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter.

(B) It shall be unlawful and a violation of this subchapter for any person:

(1) To park a vehicle across any such line or marking;

(2) To park a vehicle in such a position that the vehicle shall not be within the area so delineated by the lines or markings; or

(3) To park a vehicle elsewhere in any such lot that in an individual parking space adjacent to a parking meter.

Penalty, see § 72.999

§ 72.038 MANNER OF PARKING AT METERS.

It shall be unlawful for any person to park a vehicle in any metered parking lot:

(A) Otherwise than with the front of the parked vehicle nearest to the parking meter applicable to that vehicle; or

(B) With any part of the vehicle touching the meter post or head or the raised base or barrier on which meters are erected.

Penalty, see § 72.999

§ 72.039 COIN DEPOSIT IN METER; OVERTIME PARKING UNLAWFUL.

Whenever a vehicle is to be parked in any metered parking lot, at any time when the lot is open for use and the meters are to be in operation, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in the proper parking meter, one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle remains in any such parking space for such length of time that the meter indicates that the lawful parking time has expired, that vehicle shall be considered as being parked overtime, and the parking of a vehicle overtime shall be a violation of this subchapter; provided, every hour that a vehicle remains parked at a meter showing a violation shall constitute a separate violation of this subchapter.

Penalty, see § 72.999

§ 72.040 UNLAWFUL TO DEPOSIT SUBSTITUTE FOR COIN IN METER.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this subchapter any slug or other substitute for a coin of the United States of America.

Penalty, see § 72.999

§ 72.041 UNLAWFUL TO REMAIN PARKED AT A METER SHOWING VIOLATION.

It shall be unlawful and a violation of this subchapter for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this subchapter when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

Penalty, see § 72.999

§ 72.042 UNLAWFUL TO TAMPER WITH METER.

It shall be unlawful and a violation of this subchapter for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this subchapter; provided, nothing in this section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the borough under the direction of the Police Chief or borough.

Penalty, see § 72.999

§ 72.043 METERED PARKING LOTS FOR CERTAIN TYPES OF VEHICLES ONLY.

The metered parking lots established by this subchapter shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other type of vehicle in any of those lots.

Penalty, see § 72.999

§ 72.044 TICKETING OF VEHICLES PARKED UNLAWFULLY; EFFECT OF PAYMENT WITHIN [] HOURS.

(A) It shall be the duty of the police officers and parking enforcement personnel of the borough, acting in accordance with the direction of the Chief of Police, to report:

- (1) The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this subchapter;
- (2) The date and hour of the violation;
- (3) The license number of the vehicle; and
- (4) Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.

(B) The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this subchapter, and instructing the owner or driver that if he or she will report to the office of the Chief of Police and pay, for the use of the borough, the sum of \$_____ within _____ hours after the time of the notice, or will place the sum of \$_____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the borough, within that time limit, that act will save the violator from prosecution and from payment of the fine prescribed in § 72.999.

Penalty, see § 72.999

OFF-STREET UNMETERED PARKING

§ 72.055 RESERVED PARKING SPACES FOR HANDICAPPED MAY BE PROVIDED.

The borough, at its discretion, may provide, at convenient and suitable locations in one or more of the unmetered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful and a violation of this subchapter for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a "handicapped registration plate", a "handicapped parking placard", a "disabled veteran registration plate" or a "disabled veteran placard"; provided, all provisions, requirements and restrictions contained in the other sections of this subchapter shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

Penalty, see § 72.999

§ 72.056 UNLAWFUL TO PARK OVERTIME OR WHEN LOT CLOSED.

It shall be unlawful for any person to park a vehicle or to allow a vehicle to remain parked in any unmetered parking lot:

- (A) For longer than the maximum parking time; and
- (B) At any time when the lot is not in operation and is closed to public use.

Penalty, see § 72.999

§ 72.057 UNMETERED LOTS FOR CERTAIN TYPES OF VEHICLES.

The unmetered parking lots shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other kind or class of vehicle in any such lot.

Penalty, see § 72.999

§ 72.058 MANNER OF PARKING.

(A) Every vehicle parked in an unmetered parking lot shall be parked wholly within the lines bounding or marking the individual parking space assigned to that vehicle, and shall be parked headed into the parking space.

- (B) It shall be unlawful for any person:
- (1) To park a vehicle in a space not rented by him or her;
 - (2) To park a vehicle otherwise than as required by this section; and

(3) To park a vehicle elsewhere than in an individual parking space, the prohibited areas including, but not limited to, the access and exit driveways and turning and maneuvering spaces.

Penalty, see § 72.999

§ 72.059 PARKING ON RENTAL BASIS ONLY.

The parking spaces in the unmetered parking lots shall be available for parking on a monthly rental basis only. The rental fee shall be fixed by the borough by a resolution and shall be for a calendar month or the part of a calendar month remaining after the rental arrangements are made. The rental fee shall be paid in advance to the Police Chief for the use of the borough, and after the first month shall be automatically renewable until the renter notifies the borough that he or she wishes to terminate the rental arrangements. At any time, however, the borough may discontinue provision of a specific unmetered parking lot or a portion of the parking spaces in any such lot, or may change any unmetered parking lot, or part of an unmetered parking lot, to a metered parking lot or to metered parking spaces. The rental parking spaces shall be assigned by the Police Chief. The name of the renter of a parking space and/or the numbers and/or letters on the registration tag of the vehicle entitled to be parked there shall be posted by the borough at the rental space or shall be painted on the surface of that parking space.

REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES

§ 72.070 APPLICABILITY AND SCOPE.

This subchapter is enacted under authority of § 6109(a)(22) of the Vehicle Code, 75 Pa.C.S.A. § 6109(a)(22), and gives authority to the borough to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others may be towed under the provisions of the Pennsylvania Vehicle Code.

§ 72.071 AUTHORITY TO REMOVE AND IMPOUND.

The borough shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally; provided that the circumstances of its parking were within the conditions stated in § 72.070; provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this subchapter or the provisions of the Vehicle Code.

§ 72.072 DESIGNATION OF APPROVED STORAGE GARAGES; BONDING; TOWING AND STORAGE.

Removal and impounding of vehicles under this subchapter shall be done only by "approved storage garages" that shall be designated from time to time by the borough. Every such garage shall submit evidence to the borough that it is bonded or has acquired liability insurance in an amount satisfactory to the borough as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the borough its schedule of charges for towing and storage of vehicles under this subchapter and, when the schedule is approved by the borough, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this subchapter by any approved storage garage. The borough shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this subchapter.

§ 72.073 PAYMENT OF TOWING AND STORAGE CHARGES.

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this subchapter for which the vehicle was removed or impounded.

§ 72.074 RECLAMATION COSTS.

In order to reclaim his or her vehicle, the owner shall pay towing and storage costs plus a \$50 fee, of which \$25 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

§ 72.075 RECORDS OF VEHICLES REMOVED AND IMPOUNDED.

The borough shall cause a record to be kept of all vehicles impounded under this subchapter and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

§ 72.076 RESTRICTIONS UPON REMOVAL OF VEHICLES.

No vehicle shall be removed under the authority of this subchapter or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

§ 72.077 REPORTS AND DISPOSITION OF UNCLAIMED VEHICLES.

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with § 7311 of the Vehicle Code, 75 Pa.C.S.A. § 7311 by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Vehicle Code (75 Pa.C.S.A. §§ 7301 et seq.).

STORAGE OF MOTOR VEHICLES

§ 72.090 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BOROUGH. Borough of North Braddock.

MOTOR VEHICLE. Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, moto-scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PROPERTY. Any street or highway which shall include the between the boundary lines of every way publicly maintained for the purposes of vehicular travel and shall also mean any other publicly owned property or facility.

(Ord. 949, passed 10-20-1987)

§ 72.091 NO PARKING ON PUBLIC PROPERTY.

No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind for the purpose of dismantling, partially dismantling or repairing upon public property within the borough.

(Ord. 949, passed 10-20-1987) Penalty, see §72.999

§ 72.999 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) Any person who violates any provision of §§72.001, 72.002 and Chapter 78, Schedules I and II shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs; provided, it shall be the duty of the police officers and of parking enforcement personnel of the borough to report to the appropriate official all violations of any provision of §§ 72.001, 72.002 and Chapter 78, Schedules I and II indicating, in each case, the section/schedule violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was

parked in violation of §§ 72.001, 72.002 and Chapter 78, Schedules I and II. The notice shall contain instructions to the owner or driver of the vehicle that if he or she will report to the office of the Chief of Police and pay the sum of \$ _____ within _____ hours after the time of the notice, or if he or she will place the sum of \$ _____ enclosed within the envelope provided in any of the special parking fine boxes installed at various locations within the borough, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this division (B).

(C) Any person, firm or corporation violating the provisions of §72.003 shall be subject to a fine of not more than \$15.

(D) Any person violating any portion of §72.004 shall pay a fine of \$25 if paid within ten days of the violation date. Failure to make payment within the ten-day period will result in the issuance of a state citation.

(E) Any person who violates any provision of §§72.015 through 72.024, with the exception of §72.022, and who fails to pay the fine set forth in §72.023, shall be cited within 15 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.

(F) Any person who violates any provision of §72.022 shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(G) Any person who violates any provision of §§72.035 through 72.044, with the exception of §72.042, and who fails to pay the fine set forth in §72.044, shall be cited within 15 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.

(H) Any person who violates any provision of §72.042 shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(I) Any person who violates any provision of §§72.055 through 72.059 shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs; provided, it shall be the duty of the police officers and of parking enforcement personnel of the borough to report to the appropriate official all violations of any provision of §§ 72.055 through 72.059, indicating, in each case, the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and, any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this subchapter. The notice shall contain instructions to the owner or driver of the vehicle that if he or she will report to the office of the Chief of Police and pay the sum of \$ _____ within _____ hours after the time of the notice, or if he or she will place the sum of \$ _____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the borough, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this section.

(J) Any person who shall violate any provision of §§72.070 through 72.077 shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under the provisions of the Vehicle Code, 75 P.S. §§ 7301 et seq.

(K) Any person, firm or corporation who shall violate any provision of §§72.090 and 72.091, 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 §§ 72.090 and 72.091 continues shall constitute a separate offense.

(Ord. 949, passed 10-20-1987; Ord. 1027, passed 1-21-2003; Ord. 1070, passed 9-21-2010)

CHAPTER 73: SNOW AND ICE EMERGENCY

Section

73.01 Declaration of snow and ice emergency

73.02 Parking prohibited, driving motor vehicles restricted on snow emergency routes during emergency

73.99 Penalty

§ 73.01 DECLARATION OF SNOW AND ICE EMERGENCY.

(A) In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes, the Police Chief, in his or her discretion, may declare a snow and ice emergency (designated in this chapter as a "snow emergency").

(B) Information on the existence of a snow emergency shall be given by the borough through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

§ 73.02 PARKING PROHIBITED, DRIVING MOTOR VEHICLES RESTRICTED ON SNOW EMERGENCY ROUTES DURING EMERGENCY.

After any snow emergency is declared, it shall be unlawful at any time during the continuance of the emergency for any person:

(A) To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route; and/or

(B) To drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with snow tires or chains.

Penalty, see § 73.99

§ 73.99 PENALTY.

(A) If, at any time during a period of snow emergency declared under §73.01, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this chapter and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.

(B) If, at any time during a period of snow emergency declared under §73.01, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this subchapter, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

CHAPTER 74: RECREATIONAL VEHICLES

Section

74.01 Restrictions on use of pushcarts

74.02 Skates, skateboards, coasters, sleds and other toy vehicles

74.99 Penalty

§ 74.01 RESTRICTIONS ON USE OF PUSHCARTS.

(A) The word **PUSHCART**, as used in this section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.

(B) It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from the borough as provided in division (C) below.

(C) It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersbys under permit from the borough. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the borough set by the borough by resolution. The permit shall be granted to the applicant, upon payment of the fee, and upon the applicant signing an agreement with the borough that he or she shall be bound by the conditions imposed by borough and made a part of the permit, dealing with the following matters:

- (1) Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location;
- (2) Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on; and
- (3) Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.

Penalty, see § 74.99

§ 74.02 SKATES, SKATEBOARDS, COASTERS, SLEDS AND OTHER TOY VEHICLES.

(A) It shall be unlawful for any person to ride on a sled upon any sidewalk in the borough, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of § 70.05; provided, nothing in this section shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.

(B) It shall be unlawful for any person to engage in rollerskating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:

- (1) Any street except in order to cross the roadway; or
- (2) Any sidewalk located in a business district, except that nothing in this section shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.

(C) It shall be unlawful for any person or persons to skate or slide, coast or ride upon any skates, sled wagon or other vehicles upon any of the sidewalks or boardwalks of the borough of at any time during the day or night.

Penalty, see § 74.99

§ 74.99 PENALTY.

- (A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.
- (B) Any person who violates any provision of § §74.01, or any condition of any permit granted under §74.01, upon conviction, shall be sentenced to pay a fine of \$25 and costs.
- (C) Any person who violates any provision of §74.02 shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

CHAPTER 75: PEDESTRIANS

Section

75.01 Pedestrians to obey traffic-control signs

75.99 Penalty

§ 75.01 PEDESTRIANS TO OBEY TRAFFIC-CONTROL SIGNS.

At all locations in the borough where official traffic-control signals are installed, pedestrians shall obey the directions of those traffic-control signals, as follows:

- (1) When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk;
- (2) When facing a steady yellow signal, a pedestrian shall not start to cross the roadway; and
- (3) When facing a steady red signal, a pedestrian shall not enter the roadway.

Penalty, see § 75.99

§ 75.99 PENALTY.

Any pedestrian who violates any provision of this chapter shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

CHAPTER 76: ABANDONED MOTOR VEHICLES

Section

76.01 Title

76.02 Definitions

76.03 Outdoor storage on private lots

76.04 Outdoor streets, public or private property

76.05 Private property notice

76.06 Exceptions

76.07 Removal by borough

76.08 Costs

76.99 Penalty

§ 76.01 TITLE.

This chapter entitled "Regulation of Abandoned Motor Vehicles Ordinance" is hereby adopted to read as follows.

(Ord. 1048, passed 9-19-2006)

§ 76.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A motor vehicle that is:

- (1) Left upon a public street or highway within the borough in violation of a law or ordinance prohibiting parking;

- (2) In such a state of disrepair as to be incapable of being moved under its own power;
- (3) Missing one or more tires or wheels;
- (4) In a dismantled or partially dismantled condition;
- (5) Does not have a current license plate affixed;
- (6) If applicable, does not have a current inspection sticker affixed; or
- (7) Left on private property within the borough without the consent of the owner, occupant or lessee thereof, for longer than two hours.

ABANDONED MOTOR VEHICLE TRAILER. One that is designed for attachment to motor vehicles for the purpose of transporting persons or goods:

- (1) Is left upon a public street or highway within the borough in violation of a law or ordinance prohibiting parking;
- (2) Is in such a state of disrepair as to be incapable of being moved;
- (3) Is missing one or more tires or wheels;
- (4) Is in a dismantled or partially dismantled condition;
- (5) Does not have a current license plate affixed; or
- (6) Is left on private property within the borough without the consent of the owner, occupant or lessee thereof, for longer than two hours.

AUTHORIZING OFFICIAL. The Public Safety Director, Chief of Police and the Borough Code Enforcement Officer are designated as **AUTHORIZING OFFICIALS** and either may authorize the removal of vehicles under the provisions of this chapter.

BOROUGH. The Borough of North Braddock in Allegheny County, Pennsylvania.

COUNCIL. The Borough Council of the Borough of North Braddock.

NUISANCE IN FACT.

- (1) Any act which poses any public danger, inconvenience or distraction or which constitutes a threat to the public health, welfare and safety.
- (2) A **NUISANCE IN FACT** as it relates to this chapter shall include, but is not limited to, an abandoned motor vehicle or an abandoned motor vehicle trailer that is found to be:
 - (a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
 - (b) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
 - (c) A point of collection of pools or ponds of water;
 - (d) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
 - (e) So situated or located that there is a danger of it falling or turning over;
 - (f) One which is a point of collection of garbage, food waste, animal waste or any other rotten or putrescent matter of any kind;
 - (g) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
 - (h) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Police Chief, Borough Code Enforcement Officer or the Borough Council.

PREMISES or PROPERTY. A lot having a county tax parcel identification number.

(Ord. 1048, passed 9-19-2006)

§ 76.03 OUTDOOR STORAGE ON PRIVATE LOTS.

The outdoor storage or parking of any abandoned motor vehicle or abandoned motor vehicle trailer, or any combination thereof, on any premises where said storage or parking is not a permitted use within the borough for a period of ten consecutive days or longer is prohibited.

(Ord. 1048, passed 9-19-2006) Penalty, see §76.99

§ 76.04 OUTDOOR STREETS, PUBLIC OR PRIVATE PROPERTY.

The outdoor storage or parking of any abandoned motor vehicle or abandoned motor vehicle trailer, or any combination thereof, on any street, public property or private property for a period of more than 24 hours is prohibited.

(Ord. 1048, passed 9-19-2006) Penalty, see §76.99

§ 76.05 PRIVATE PROPERTY NOTICE.

(A) The borough shall notify the owner(s) of the private property where any abandoned motor vehicle(s) and/or abandoned motor vehicle trailer(s) that are unlawfully stored thereby directing that the same be removed within ten days of such notice.

(B) The borough shall also notify the last known registered owner(s) of the abandoned motor vehicle(s) and/or abandoned motor vehicle trailer(s) that are unlawfully stored thereby directing that the same be removed within ten days of such notice.

(C) Notice may be given either by regular first class United States Postal Service mail delivery, by certified or registered United States Postal Service mail delivery, by personal service and by posting the premises.

(Ord. 1048, passed 9-19-2006)

§ 76.06 EXCEPTIONS.

(A) The provisions of §§ 76.03 and 76.05 shall not apply to properties in districts where such storage and parking are otherwise lawful under the zoning ordinance.

(B) The provisions of §§ 76.03 and 76.05 shall not apply where approval is or has been obtained from the authorizing authority for the temporary outdoor storage of damaged vehicles awaiting repair or for vehicles offered for sale.

(Ord. 1048, passed 9-19-2006)

§ 76.07 REMOVAL BY BOROUGH.

(A) If an abandoned motor vehicle(s) or abandoned motor vehicle trailer(s) on private property is/are nuisances in fact and are not removed within the notice period in accordance with § 76.05, the authorizing authority shall remove said abandoned motor vehicle(s) and/or abandoned motor vehicle trailer(s) from said private property.

(B) Any such abandoned motor vehicle(s) or abandoned motor vehicle trailer(s) parked or stored on streets or public property shall be removed forthwith by the authorizing authority or his or her designee.

(Ord. 1048, passed 9-19-2006)

§ 76.08 COSTS.

(A) All costs and expenses incurred by the borough for removal of abandoned motor vehicle(s) and/or abandoned motor vehicle trailer(s), together with an

administrative charge of 15%, shall be charged against the owner of the property from which the abandoned motor vehicle(s) or abandoned motor vehicle trailer(s) were removed.

(B) Should said charges not be paid when due, the Borough Manager shall certify the same to the Borough Solicitor who shall file a municipal lien and claim thereafter in the County Prothonotary's office.

(Ord. 1048, passed 9-19-2006)

§ 76.99 PENALTY.

(A) In addition to the remedies set forth in this chapter, any person or entity violating any provisions of this chapter shall, upon summary conviction thereof before any magistrate, pay a fine in an amount not exceeding \$1,000, together with the costs of prosecution.

(B) In default of the payment of the fine and costs, said person shall be subject to imprisonment in the county jail for a period not exceeding 30 days.

(Ord. 1048, passed 9-19-2006)

CHAPTER 77: TRAFFIC SCHEDULES

Schedule

- I. Maximum speed limits established on certain streets
- II. One-way roadways established
- III. Through highways established
- IV. Stop intersections established
- V. Vehicle weight limits established on certain streets and bridges

SCHEDULE I. MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS.

(A) Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle on any part of a street where a maximum speed limit applies at a higher speed than the maximum prescribed for that part of the street:

<i>Street</i>	<i>Between</i>	<i>Maximum Speed Limit</i>
Bell Avenue	East Pittsburgh Borough line to Jones Avenue	25
Braddock Avenue	Thirteenth Street to O'Connell Boulevard	25
Brinton Avenue	Pallas Street to the East Pittsburgh Borough line	25
Electric Avenue	Chalfant Borough line to the East Pittsburgh Borough line	25
Electric Avenue	North Braddock Borough line to East Pittsburgh Borough line	25
Hawkins Avenue	Tassey Hollow Bridge to Middle Street	15
Jones Avenue	Library Street to Zuerner Way	25
Jones Avenue Extension	Zuerner Way to Sixth Street	15
Locust Street	Zuerner Way to Wolfe Avenue	25
Route 30	Forest Hills Borough line to East Pittsburgh Borough line	45
Sixth Street	Braddock Borough line to Braddock Hills Borough line	25
Wolfe Avenue	Braddock Hills Borough line to Pallas Street	30
Wolfe Avenue	Pallas Street to Weiler Avenue	15

(B) Any person who violates any provision of this schedule shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five mph shall pay an additional fine of \$2 per mile for each mile in excess of five mph over the maximum speed limit.

SCHEDULE II. ONE-WAY ROADWAYS ESTABLISHED.

(A) The following are established as one-way roadways, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Direction of Travel</i>
Ajax Street	Lobingier Avenue	Hawkins Avenue	North
Chestnut Street	Middle Street	Sixth Street	West
Cliff Street	Miller Avenue	Main Street	North
Hawkins Avenue	Jones Avenue	Middle Street	West
Jones Avenue	Zuerner Avenue	Braddock Hills Borough line	North
Kirkpatrick Street	Hutten Street	Lydia Street	East
Kirkpatrick Street	Kirkpatrick Street	Lydia Street	East
Kirkpatrick Street	Lydia Street	Bell Avenue	South
Lindbergh Boulevard	Grandview Avenue	Electric Avenue	North
Lobingier Avenue	Fourth Street	Second Street	West
Lobingier Avenue	Fourth Street	Coalmont Street	East
Middle Street	Hawkins Avenue	Sixth Street	Northeast
North Main Street	Jones Avenue	Sixth Street	South
Rebecca Street	Thirteenth Street	Ann Street	West
Second Street	Lobingier Avenue	Hawkins Avenue	South

Sheridan Avenue	Brinton Avenue	Grandview Avenue	East
Sheridan Avenue	Brinton Avenue	Wolfe Avenue	West
Short Street	Hawkins Avenue	Chestnut Street	North
Terrace Street	Brinton Avenue	Madison Avenue	Southwest
Webster Street	Locust Street	Erma Street	Southeasterly

(B) Any person who violates any provision of this schedule shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 1044, passed 8-16-2005)

SCHEDULE III. THROUGH HIGHWAYS ESTABLISHED.

(A) The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this schedule shall stop the vehicle or yield right-of-way as required by 75 Pa.C.S.A. §§ 3323(b), 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he or she has followed all applicable requirements of that schedule of the law:

<i>Highway</i>	<i>Between</i>
Ardmore Boulevard	In the borough
Electric Avenue	In the borough

(B) Any person who violates any provision of this schedule shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

SCHEDULE IV. STOP INTERSECTIONS ESTABLISHED.

(A) The following intersections (in addition to intersections with the through highways established by Chapter 77, Schedule III) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by of the Vehicle Code, 75 Pa.C.S.A. § 3323(b), and shall not proceed into or across the second-named or intersecting or through street until he or she has followed all applicable requirements of that schedule of the law.

<i>Stop Street</i>	<i>Intersecting or Through Street</i>
Bell Avenue	Ann Street

(B) Any person who violates any provision of this schedule shall be subject to the penalties provided in the Motor Vehicle Code, 75 Pa.C.S. §§ 101 et seq.

(Ord. 1089-1, passed 7-15-2014)

SCHEDULE V. VEHICLE WEIGHT LIMITS ESTABLISHED ON CERTAIN STREETS AND BRIDGES.

(A) On the following bridges and streets or parts of streets, by authority granted by § 4902(a) of the Vehicle Code, 75 Pa.C.S.A. § 4902(a), it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

<i>Street or Bridge</i>	<i>Between</i>	<i>Maximum Gross Weight</i>
All streets	Everywhere	15 tons

(B) Any person who violates any provision of this schedule shall be prosecuted under § 4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. § 4902(a) and 4902(g)(1) and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

CHAPTER 78: PARKING SCHEDULES

Schedule

- I. Parking prohibited at all times in certain locations
- II. Standing or parking on roadway for loading or unloading

SCHEDULE I. PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS.

(A) Parking shall be prohibited at all times in the following locations:

<i>Street</i>	<i>Side</i>	<i>Between</i>
Ajax Street	Both	South of Hawkins Avenue
Braddock Avenue	Southerly	From Thirteenth Street to a point 600 feet east
Braddock Avenue	Both	50 feet east and west of No. 1 gate to the Edgar Thomson Steel Works
Brinton Avenue	Both	From Bowers Street to a point 50 feet south of Ravine Street
Brinton Avenue	East	From Pallas Alley to a point 60 feet past the intersection with Ravine Street
Fourth Street	West	50 south of Hawkins Avenue
Fourth Street	East	South to Hawkins Avenue
General Braddock Drive		From a point at the property line between house numbers 120 and 122 and continuing easterly and southeasterly along General Braddock Drive to a point at the property line between house numbers 136 and 138
Grove Way	North	From Maple Street to Roy Street

Grove Way	South	From a point at the intersection with Maple Street extending east approximately 117 feet
Hawkins Avenue	South	From Jones Avenue to Middle Street
North Penn Street	West	From Hawkins Avenue to Baldrige Avenue
Preston Drive	North	From Turner Street to and around the cul-de-sac
Ravin Street	Both	From Lewis Avenue to the south property line of Lot No. 26

(B) Any violation of this schedule shall be subject to a fine as set forth in the Motor Vehicle Code, being 75 Pa.C.S.A. §§ 101 et seq. of the commonwealth or borough ordinances.

(Ord. 1067, passed 3-16-2010; Ord. 1073, passed 9-20-2011; Ord. 1081, passed 10-16-2012; Ord. 1099, passed 12-19-2017)

SCHEDULE II. STANDING OR PARKING ON ROADWAY FOR LOADING OR UNLOADING.

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted on the following named streets on Monday through Saturday, between the hours of 9:00 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4:00 p.m., and for no longer than necessary for the loading or unloading.

<i>Street</i>	<i>Side</i>	<i>Between</i>
Braddock Avenue	South	From Thirteenth Street to a point 600 feet east and for a distance of 50 feet both east and west of No. 1 Gate to the Edgar Thomas Steel Works
Brinton Avenue	Both	From Bowers Street 50 feet south of Ravine Street
Hawkins Avenue	Both	Third Ward; cars allowed 1 hour
Hawkins Avenue	South	From Jones Avenue to Middle Street
Ravine Street	Both	Lewis Avenue to the south property line of Lot No.26
South Park View Avenue	Both	Second Ward

Penalty, see § 72.999

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS
- 91. HEALTH AND SAFETY; NUISANCES
- 92. FIRE PREVENTION AND PROTECTION
- 93. STREETS AND SIDEWALKS

CHAPTER 90: ANIMALS

Section

Dogs and Cats

- 90.01 Definitions
- 90.02 Licensing
- 90.03 Dogs and cats at large prohibited
- 90.04 Harboring a nuisance, excessive numbers, exceptions
- 90.05 Impounding, notice, redemption and charges
- 90.06 Disposition of unclaimed dogs
- 90.07 Vaccination required
- 90.08 Re-vaccination
- 90.09 Tag and certification of vaccination
- 90.10 Police to receive notice of dangerous dogs in the borough

- 90.99 Penalty

DOGS AND CATS

§ 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAT. A domesticated animal of the feline family.

DOG. Any member of the canine genus.

IMPOUND. To apprehend, catch, trap, net or if necessary, to kill any animal by the local Police Department or authorized local agency.

IMPOUNDING FACILITIES. Any premises for the purpose of impounding and caring for mammals.

MAMMAL. Any of the mammalia class of higher vertebrates comprising animals that nourish their young with milk secreted by mammary glands and have the skin more or less covered with hair. For purposes of this subchapter, humans are excluded from the term **MAMMAL**.

OWNER. Any person, group of persons, firm or corporation owning, keeping or harboring dogs or other animals.

RESTRAINT or RESTRAINED. When a dog or other animal is controlled by leash or chain not exceeding six feet in length.

VETERINARIAN. A doctor of veterinary medicine who is graduated from an accredited or recognized school of veterinary medicine, and possesses a license to practice veterinary medicine as issued by the State Board of Veterinary Medical Examiners or issued by the authorized authorities of the state where the veterinarian is then residing.

(Ord. 954, passed 10-15-1998)

§ 90.02 LICENSING.

(A) No person shall keep, harbor or maintain a dog unless the owner obtains a license from the County Treasurer or his or her authorized agent.

(B) The provision of this section shall not apply to dogs whose owners are temporarily within the borough or to dogs brought into the borough for the purpose of participating in a dog show.

(Ord. 954, passed 10-15-1998) Penalty, see §90.99

§ 90.03 DOGS AND CATS AT LARGE PROHIBITED.

No person, whether as owner or keeper, shall permit a dog to run at large upon the public streets, sidewalks or other public places, or upon the property of another. A dog shall be restrained by the use of a leash, or a chain, not exceeding ten feet in length at all times when upon public places, streets and parks.

(Ord. 954, passed 10-15-1998) Penalty, see §90.99

§ 90.04 HARBORING A NUISANCE, EXCESSIVE NUMBERS, EXCEPTIONS.

(A) No person shall keep or harbor any dog, cat or other animal in the borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.

(B) Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying, or in any manner disturbs the quiet of any person in the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. No owner person having custody of such animal shall harbor or permit it to commit such a nuisance.

(C) No person shall keep or harbor more than a total of five of any combination of cats and dogs and other animals in a single residential, commercial or industrial unit in the borough. Unweaned progeny of adult animals kept or harbored at the residence shall not be included in this number.

(D) No person being the owner or in charge or control of any dog, cat or other animal shall permit such animal to commit a nuisance on any school grounds, borough park or upon the property of another person, other than that of the owner or person in charge or control of such dog, cat or other animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such type of nuisance shall be considered abated.

(E) Persons with defective eyesight or hearing, while relying upon a dog specifically trained for these purposes shall be exempt from compliance with this section, except for division (D) above.

(Ord. 954, passed 10-15-1998) Penalty, see §90.99

§ 90.05 IMPOUNDING, NOTICE, REDEMPTION AND CHARGES.

(A) Every police officer or other authorized agency shall impound every dog at large and any cat at large and creating a nuisance.

(B) After the impounding of any licensed dog, the owner shall be notified and the dog shall be held for ten days. The owner of any impounded dog or cat may reclaim such dog or cat upon payment of all costs and charges incurred by the borough for impounding and maintenance of such dog.

(Ord. 954, passed 10-15-1998) Penalty, see §90.99

§ 90.06 DISPOSITION OF UNCLAIMED DOGS.

(A) *Unlicensed dogs.* Any unlicensed dog or any cat may be euthanized if not redeemed or claimed within three days after impounding.

(B) *Licensed dogs.* Any licensed dog may be euthanized if not redeemed within ten days from the date of an impounding notice to the owner of such licensed dog.

(C) *Medical research.* No licensed or unlicensed dog shall be provided by the borough to any person or institution for the purposes of medical research.

(D) *Identity of owner known.* If the identity of the owner of an impounded animal other than a licensed dog is known, a reasonable effort should be made to notify the owner, but such notice shall not be mandatory and the failure to give notice shall not be a defense to any action under this subchapter, nor shall it form the basis for any civil action.

(Ord. 954, passed 10-15-1998) Penalty, see §90.99

§ 90.07 VACCINATION REQUIRED.

(A) No person shall keep, harbor or own any dog over six months of age in the borough unless such dog has been vaccinated against rabies with an approved vaccine by a veterinarian.

(B) Every person keeping, harboring or having any dog over six months of age in the borough shall cause such dog to be vaccinated with an approved rabies vaccine by a veterinarian on or before the latest of the following dates:

- (1) One year after vaccination with an inactive vaccine;
- (2) Three years after vaccination with an approved modified live virus vaccine;
- (3) Thirty days after first acquiring such dog or the dog coming of age for such vaccination;
- (4) Thirty days after the effective date of this subchapter; and
- (5) Thirty days after bringing such dog into the borough.

(Ord. 954, passed 10-15-1998) Penalty, see §90.99

§ 90.08 RE-VACCINATION.

(A) No person keeping, harboring or having a dog in the borough which has been vaccinated with an approved modified live virus vaccine shall fail to cause such dog to be re-vaccinated within not more than 36 months after such prior vaccination.

(B) No person keeping, harboring or having a dog in the borough which has been vaccinated with inactivated vaccine shall fail to cause such dog to be re-vaccinated within not more than 12 months after such prior vaccination.

(Ord. 954, passed 10-15-1998) Penalty, see §90.99

§ 90.09 TAG AND CERTIFICATION OF VACCINATION.

The owner who has his or her dog vaccinated with an approved rabies vaccine shall have the veterinarian who vaccinates a dog issue to him or her a vaccination tag to

be worn by such dog at all times, and an original certificate signed by the veterinarian stating:

- (A) The name and address of the owner or harborer of the vaccinated dog;
- (B) The kind of vaccine used, name of manufacturer, manufacturer's serial or lot number and the date of vaccination;
- (C) The breed, age, color and sex of the vaccinated dog; and
- (D) The year and serial number of the vaccination tag.

(Ord. 954, passed 10-15-1998)

§ 90.10 POLICE TO RECEIVE NOTICE OF DANGEROUS DOGS IN THE BOROUGH.

(A) Any person who keeps, harbors, possesses or controls any dog required to be registered with the Department of Agriculture of the commonwealth as a dangerous dog pursuant to the Dog Law, Act 225 of 1982, 3 P.S. §§ 459-101 et seq. shall give written notice to Borough Police Department by certified United States mail, return receipt requested, within two days after the dog is adjudicated as a dangerous dog or within two days after a dog, previously adjudicated as dangerous is brought into the borough for more than two hours.

(B) The notice required by this section shall include the name, mailing address and telephone number of the person or persons keeping, harboring or possessing a dangerous dog within the borough and the location where the dog will be kept within the borough, a copy of the bond or insurance policy declarations evidencing compliance with the requirements of § 503A of the Dog Law, 3 P.S. § 459-503-A, evidence that the dog is properly licensed, and vaccinated and a three-inch by five-inch photograph of the dog.

(Ord. 1079, passed 6-19-2012) Penalty, see §90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) Any person, firm or corporation who shall violate any provision of §§90.01 through 90.09, 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 §§ 90.01 through 90.09 continues shall constitute a separate offense.

(C) Any person violating § 90.10 shall, upon conviction, be fined an amount not in excess of \$600 for each day the violation continues.

(Ord. 954, passed 10-15-1998; Ord. 1079, passed 6-19-2012)

CHAPTER 91: HEALTH AND SAFETY; NUISANCES

Section

Jurisdiction of Health Matters

91.01 County Department of Health

General Nuisances

91.15 Unlawful to aid

Litter and Advertising Matter

91.30 Definitions

91.31 Deposit of litter and private advertising matter

91.32 Restrictions on distributing advertising matter

91.33 Deposit in receptacles

91.34 Sweeping litter into public places

91.35 Throwing litter from vehicles

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Graffiti

91.50 Definition

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91.57 Removal of graffiti

91.99 Penalty

JURISDICTION OF HEALTH MATTERS

§ 91.01 COUNTY DEPARTMENT OF HEALTH.

It is hereby declared to be the intention of the borough that upon the establishment of the County Department of Health, the borough will cease to exercise any of the public health functions vested in it by law and become subject to the jurisdiction of said County Department of Health.

(Ord. 781, passed 9-13-1956)

GENERAL NUISANCES

§ 91.15 UNLAWFUL TO AID.

It shall be unlawful for any person, firm or corporation, or any agent thereof, to do, authorize, aid or abet any of the following described actions or matters, such regulations or restrictions being intended to promote the general health of the borough:

(A) To place, or cause to be placed, thrown or maintained, in or near any of the highways of the borough any liquid or solid vegetable or animal matter that will decay or become offensive, or will render offensive any of the drains, streams or sewers within the borough;

(B) To place, or cause to be placed, thrown or maintained in or near any of the highways of the borough any matter or thing that will cause danger or discomfort to the traveling public or to the inhabitants of the borough;

(C) To permit weeds and similar vegetation, not edible or planted for some useful or ornamental purpose, to grow or remain upon the premises owned by them in the borough, or upon the sidewalk, curb or gutter adjoining; and

(D) To keep and maintain outside toilets.

(Ord. 768, passed 7-29-1953) Penalty, see §91.99

LITTER AND ADVERTISING MATTER

§ 91.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED RECEPTACLE. A litter storage and collection receptacle made of a durable material and so constructed so as to prevent litter from being carried from it by the elements.

LITTER. All waste material and sweepings and abandoned personal property of all types.

PRIVATE ADVERTISING MATTER. Flyers, brochures in newspaper or booklet form, and pamphlets, published or printed for the principal purposes of advertising any commercial or noncommercial products or enterprises which are distributed other than through the United States mail, and without payment or subscription thereto or the specific request of the intended recipient.

§ 91.31 DEPOSIT OF LITTER AND PRIVATE ADVERTISING MATTER.

No person shall throw, place, deposit or sweep litter or private advertising matter in any public place such as a street, sidewalk, park or playground, nor in the open entrances to buildings or on open porches or on private sidewalks, entrance ways or doors of public or private buildings including, but not limited to, residences within the borough.

Penalty, see § 91.99

§ 91.32 RESTRICTIONS ON DISTRIBUTING ADVERTISING MATTER.

(A) No person, partnership, firm or corporation shall distribute or cause to be distributed any handbills, advertisements, circulars, wastepapers or other advertising matter whatever in the borough by casting, scattering, placing or handing the same upon any of the streets of the borough or on the pavements, sidewalks, alleys or footways thereof.

(B) However, nothing herein shall prevent any person from handing any noncommercial literature or other printed matter upon any of the streets, pavements, sidewalks, alleys or footways in the borough to any person willing to receive the same, and nothing herein shall prevent any person with permission of the owner from distributing or causing to be distributed handbills, advertisements, circulars or other advertising matter upon private property located within the borough.

Penalty, see § 91.99

§ 91.33 DEPOSIT IN RECEPTACLES.

Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Penalty, see § 91.99

§ 91.34 SWEEPING LITTER INTO PUBLIC PLACES.

No person owning or occupying premises within the borough shall sweep into or deposit in any gutter, street or any other public place an accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying premises within the borough shall keep the sidewalk in front of such premises free of litter.

Penalty, see § 91.99

§ 91.35 THROWING LITTER FROM VEHICLES.

No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the borough or upon private property.

Penalty, see § 91.99

§ 91.36 DEPOSITING LITTER IN STORM SEWER.

No person shall throw or deposit litter in any storm sewer in the borough.

Penalty, see § 91.99

GRAFFITI

§ 91.50 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GRAFFITI. The unauthorized spraying, marking or inscribing of paint, ink, chalk, dye, etching or other similar substances on any permanent surface located on public or private property including, but not limited to, any building, wall, curb, sidewalk, post, pole, lamppost, hydrant, bridge, tree or other permanent surface located on public or private property.

(Ord. 986, passed 7-19-1994)

§ 91.51 PUBLIC NUISANCE.

Graffiti that is visible from a public right-of-way or other public or private property is declared to be a public nuisance.

(Ord. 986, passed 7-19-1994) Penalty, see §91.99

§ 91.52 PERMITTING CONTINUED EXISTENCE.

It shall be unlawful for any person owning or otherwise being in control of any real property within the borough to maintain graffiti upon any wall, structure or other permanent surface located on such property when the graffiti is visible from the street or other public or private property.

(Ord. 986, passed 7-19-1994) Penalty, see §91.99

§ 91.53 NOTICE.

(A) Whenever the Borough Manager or his or her designee determines that graffiti is located on a public or privately owned structure or other permanent surface or public or privately owned real property within the borough so as to be visible from any public right-of-way or other public or private property in the borough, the Borough Manager or his or her designee shall issue a 24-hour written notice of intention to abate and remove the graffiti as a public nuisance and shall serve such notice in any of the following methods:

- (1) By personal service on the owner, occupant or person in charge or control of the property;

- (2) By posting a conspicuous place on the property or abutting public right-of-way; or
- (3) By sending a copy of such notice by registered or certified mail addressed to the owner or person in charge or control of the property, at the address shown on the last available assessment roll, or as otherwise known.
- (B) The notice of intention shall be in substantially the following form.

Notice of Intent to Remove Graffiti
Date: _____
NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti in existence on the property located at _____ (address), which is visible to public view, within 24 hours after the receipt of this notice; if you fail to do so, borough employees or private contractors employed by the borough will enter upon your property and abate the public nuisance by removal or painting over the graffiti and a citation may be issued to you. The cost of the abatement by the borough employees or its private contractors will be assessed upon your property and such costs will constitute a lien upon the land until paid.
All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the Borough Manager or his or her designee within 24 hours from the receipt of this notice. At the conclusion of this 24-hour period, without further notice and at your expense, the borough may proceed with the abatement of the graffiti inscribed on your property.

(Ord. 986, passed 7-19-1994)

§ 91.54 APPEAL.

(A) Within 24 hours or the next regular business day from receipt of the notice, the owner or person occupying or controlling such property affected may appeal the order of abatement to the Borough Manager. Appeals shall be filed with the borough business office and shall be accompanied by a letter stating the reasons for the appeal.

(B) Within five days of receipt of the appeal application, the borough business office shall notify the applicant of the date, time and location at which the Borough Manager shall hear the appeal.

(Ord. 986, passed 7-19-1994)

§ 91.55 REMOVAL BY BOROUGH.

Twenty-four hours after receipt of the notice, or if appealed to the Borough Manager, not less than 24 hours after the decision of the Borough Manager declaring the graffiti to be a public nuisance, the borough is authorized and directed to cause the graffiti to be abated by the borough or private contractor; and the borough or its private contractor is expressly authorized to enter upon the property for such purposes.

(Ord. 986, passed 7-19-1994)

§ 91.56 ASSESSMENT OF COSTS.

(A) The borough personnel or contractor hired by the borough who abate the nuisance under the provisions of §91.55 shall keep an account of the costs of such abatement. Such personnel or contractor shall submit to the Borough Manager for confirmation an itemized report showing such costs. The Borough Manager shall add a fee for administrative costs of 10% and may modify the report as required and give notice to the owner and the occupant. However the failure of the owner of the occupant to receive notice of the Borough Manager's report shall not affect the validity of the charge.

(B) The owner and the occupant of the property shall be jointly and severally liable to the borough for the special assessment for the cost of the abatement as set forth in the report of the Borough Manager and it shall be a lien against the property.

(C) Such special assessment shall be payable to the borough within 30 days of said abatement.

(Ord. 986, passed 7-19-1994)

§ 91.57 REMOVAL OF GRAFFITI.

Whenever the Borough Manager or his or her designee determines that graffiti is located on a public or privately owned structure or other permanent surface on public or privately owned real property within the borough so as to be visible from any public right-of-way or other public or private property in the borough, the Borough Manager or his or her designee is authorized to provide for the removal of graffiti solely at the borough's expense, without reimbursement from the property owner upon whose property the graffiti has been applied, upon the following conditions:

(A) The borough shall not paint or repair a more extensive area than is necessary to remove the graffiti; and

(B) Where the structure or permanent surface is owned by a public entity other than this borough, the removal of the graffiti may be performed only after securing the consent of the public entity having jurisdiction over the structure or permanent surface and only after such entity has executed an appropriate release and right of entry from permitting such graffiti removal.

(Ord. 986, passed 7-19-1994)

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) Any owner of property, any named insured or any insuring agent who violates §91.15, 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 § 91.15 continues shall constitute a separate offense. In addition to the cost of removal, the penalties herein shall be collectible by municipal liens or any other manner authorized by law.

(C) Any person, firm or corporation who shall violate any provision of §§91.30 through 91.36, 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 §§ 91.30 through 91.36 continues shall constitute a separate offense.

(D) Any person convicted of violation of §91.52 more than 24 hours after receipt of the notice required by §91.53, 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 § 91.52 continues shall constitute a separate offense.

(Ord. 768, passed 7-29-1953; Ord. 986, passed 7-19-1994)

CHAPTER 92: FIRE PREVENTION AND PROTECTION

- 92.01 Designated officer
- 92.02 Insuring agent compliance
- 92.03 Claims payment
- 92.04 Fees

Fire Prevention and Fire Protection Fees

- 92.30 Purpose
- 92.31 Collection of fees
- 92.32 Fees
- 92.33 Limitations of billing
- 92.34 Enforcement
- 92.35 Allocation of fees
- 92.36 Non-exclusive remedy

- 92.99 Penalty

FIRE INSURANCE PROCEEDS ESCROW

§ 92.01 DESIGNATED OFFICER.

The Borough Secretary/Manager or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

(Ord. 994, passed 6-20-1995)

§ 92.02 INSURING AGENT COMPLIANCE.

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the commonwealth shall pay a claim of a named insured for fire damage to a structure located within the borough (hereinafter the "municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insuring agent is furnished with a municipal certificate pursuant to § 508(B) of Act 98 of 1992 and unless there is compliance with § 508(C) and (D) of Act 98 of 1992 and the provisions of this subchapter.

(Ord. 994, passed 6-20-1995) Penalty, see §92.99

§ 92.03 CLAIMS PAYMENT.

Where pursuant to § 508(B)(1)(l) of Act 98 of 1992, the Municipal Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured, provided however, that if the loss agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be followed.

(A) The insuring agent shall transfer from the insurance proceeds to the designated officer of the municipality in the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is \$15,000 or less, the amount transferred to the municipality shall be \$2,000.

(B) If at the time of a loss report agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the transfer formula in division (A) above, the insuring agent shall transfer to the municipality from the insurance proceeds the amount specified in the estimate.

(C) The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure.

(D) After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the municipality in excess of the estimate to the named insured, if the municipality has not commenced to remove, repair or secure the building or other structure.

(E) Upon receipt of proceeds under this section, the municipality shall do the following.

(1) (a) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the municipality.

(b) Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the municipality in connection with such removal, repair or securing of the building or any proceedings related thereto.

(2) (a) It is the obligation of the insuring agent when transferring the proceeds to provide the municipality with the name and address of the named insured.

(b) Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the municipality and notify the named insured that the procedures under this division (D) shall be followed.

(3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the municipality and the required proof of such completion received by the designated officer, and if the municipality has not incurred any costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the municipality shall transfer the remaining funds to the named insured.

(4) (a) To the extent that interest is earned on proceeds held by the municipality pursuant to this section, and not returned to the named insured, such interest shall belong to the municipality.

(b) To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

(F) (1) Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency.

(2) Furthermore, nothing in this division (F) shall be construed to prohibit the municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

(G) A tax assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the municipality under applicable law.

(Ord. 994, passed 6-20-1995)

§ 92.04 FEES.

The Borough Council may by resolution adopt procedures and regulations to implement Act 98 of 1992 and this subchapter and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 and this subchapter including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

(Ord. 994, passed 6-20-1995)

FIRE PREVENTION AND FIRE PROTECTION FEES

§ 92.30 PURPOSE.

(A) The Council of the borough has determined that the increase in costs to provide adequate life prevention and protection services, and for other public safety emergency services, including catastrophes that result from extraordinary and dangerous occurrences, both natural and man-made including, but not limited to, hazardous materials spills, explosions, landslides, acts of God and fires, has seriously impaired the borough's ability to provide all necessary municipal services.

(B) The borough contributes substantial funds to amortize some of the cost of the volunteer fire companies, and the borough owns and maintains various firefighting and rescue equipment and incurs the cost for worker's compensation insurance provided to volunteer fire and ambulance members.

(C) In order to protect public health, safety and welfare, and to protect and preserve public funds and tax dollars, the borough hereby adopts a policy of partial reimbursement of the expenses and costs incurred in providing such service.

(Ord. 1024, passed 4-17-2002)

§ 92.31 COLLECTION OF FEES.

(A) The Borough Manager shall establish a procedure to request and collect all fees for fire prevention and safety protection services and for other emergency services. Such fees may include and encompass all costs for manpower, equipment, materials, maintenance and overhead expenses.

(B) Within 30 days of the date of providing fire prevention and protection services or any other public safety and emergency services as enumerated above, the Borough Manager shall submit a claim for the fees hereinafter established as follows:

(1) For residential fire, car rescues or other such service involving the volunteer fire companies, the claim submitted shall be reimbursed solely from insurance coverage, if such coverage exists; and

(2) For commercial realty, three unit or greater residential realty or industrial-use realty, utility service and commercial-use vehicles, the fee request may be billed either to the insurance carrier or to the business owner, utility company or the owner of the multi-residential realty or commercial vehicle.

(Ord. 1024, passed 4-17-2002)

§ 92.32 FEES.

(A) Residential fires may be billed up to a maximum of \$500.

(B) Apartment fires may be billed up to a maximum of \$500.

(C) Commercial fires may be billed up to a maximum of \$1,000.

(D) Industrial fires may be billed up to a maximum of \$5,000.

(E) Other structural fires may be billed up to a maximum of \$1,000.

(F) Vehicle, rubbish, trash and miscellaneous fires may be billed up to a maximum of \$250.

(G) Hazardous material cleanup, landslides or cleanup due to natural or human-made forces may be billed at a maximum of \$500 per hour, plus the cost for the clean-up materials, plus 20% of the cost of materials.

(H) Stand-by response fee for utility service interruptions which include, but are not limited to, service interruption or breaks in electrical lines, telephone lines, cable lines, utility poles, light standards or pipe line breaks or leaks, or any other exigency which requires the fire company to stand-by while the utility company, cable vision company or any other entity that utilizes a pipe line, gas line, electric line, telephone pole or light standard in the borough, shall be \$100 an hour for each hour subsequent to the first hour, and if two or more units are needed, then the fee is \$200 per hour. If the stand-by response occurs at multiple locations, then the aforesaid fee is applicable at each location.

(Ord. 1024, passed 4-17-2002)

§ 92.33 LIMITATIONS OF BILLING.

(A) The Borough Manager shall accept the insurance carrier's payment as payment in full for the residential fire fee. At no time will the residents of the borough be personally responsible for payment of the fee or any portion of the fee for fires involving the residence, a personal vehicle, rubbish or vegetation on residential property. All buildings, including out buildings, that are located on residential property, shall be classified as residential fires.

(B) All such bills shall be expected to be paid in full within 60 days of the receipt thereof, and interest shall accumulate thereafter on any unpaid balance at the rate of 10% per annum until paid.

(C) In addition to any fees due, any fine and penalty that results from said fire shall also be paid, and any fees or expenses that are imposed upon the borough or the volunteer fire company by any local, state or federal agency, which are related to the same incident or occurrence for which the borough has provided its services and assessed a fee, such costs as imposed on the borough or its volunteer fire companies by any local, state or federal agency may be included in the borough's bill or may be billed separately within 30 days of receipt of such local, state or federal cost or bill, and shall be forwarded to the owner of the realty or vehicle who shall have 30 days from receipt to reimburse the borough said cost.

(Ord. 1024, passed 4-17-2002)

§ 92.34 ENFORCEMENT.

The borough may enforce the provisions of this subchapter by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder, plus attorney fees, and may pay for any other relief that may be appropriate, including equitable relief.

(Ord. 1024, passed 4-17-2002)

§ 92.35 ALLOCATION OF FEES.

(A) The fees set forth in this subchapter shall be paid to the volunteer fire companies in equal amounts at least once per year.

(B) No payment will be made to any fire company that has disbanded, consolidated or ceased to actively provide protection services to the borough at the time payment is made by the borough. No fire company shall have any interest in or right to the fees paid pursuant to this subchapter until they are actually paid to the fire company by the borough.

(C) The fees obtained through this subchapter shall used to reimburse an eligible fire company for the purchase fire equipment, hazardous materials equipment or safety equipment, and for the purchase, maintenance, operation and repair of buildings owned or controlled by the Borough Fire Department.

(D) The Borough Manager shall obtain paid invoices prior to dispersing any funds and may require such additional information as he or she deems necessary to verify the proper application of these fees prior to or after the fees are paid to a fire company.

(Ord. 1024, passed 4-17-2002)

§ 92.36 NON-EXCLUSIVE REMEDY.

The fees heretofore set forth are not inclusive of all the remedies that the borough or its volunteer fire companies may pursue. The borough or its volunteer fire companies, their agents, officials, employees or members have the right to pursue any other legal remedy or to recover any other cost against any person regardless of payment of the prescribed fees.

(Ord. 1024, passed 4-17-2002)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) Any owner of property, any named insured or any insuring agent who violates §§92.01 through 92.04 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 §§ 92.01 through 92.04 continues shall constitute a separate offense.

(Ord. 994, passed 6-20-1995)

CHAPTER 93: STREETS AND SIDEWALKS

Section

Street Cuts and Excavations

- 93.01 Applications
- 93.02 Fees
- 93.03 Bond required
- 93.04 Responsibility of permit holder for certain work to restore borough roads
- 93.05 Conformance with borough requirements and standards
- 93.06 Openings parallel to the road or right-of-way
- 93.07 Backfilling
- 93.08 Additional restoration
- 93.09 Revocation of permit

- 93.99 Penalty

STREET CUTS AND EXCAVATIONS

§ 93.01 APPLICATIONS.

Permit applications to the borough shall comply with the following:

(A) Shall be submitted in person or by mail on a form provided by the borough. Additionally, all of the provisions of "Pennsylvania One Call" shall be strictly adhered to, and the applicant shall ensure that the borough is also directly put on notice as to any activity involving its streets, roads and rights-of-way;

(B) Shall be signed by the applicant;

(C) Shall include two sets of plans detailing the location and pertinent dimensions of the opening, the proposed installation and related highway features;

(D) Shall be accompanied by a check or money order payable to the borough in the amount of \$1,500 minimum, or in lieu, any utility, which is regulated by the P.U.C. may post a \$10,000 annual bond with the borough;

(E) Such application shall be submitted to the borough at least 30 days prior to the anticipated start of the work; provided, nevertheless, that in cases of emergency, such application shall be submitted as soon as shall be practicable, but in no event later than five days from the occurrence of the emergency. Permanent restoration work following emergency repairs shall be completed within ten days and shall be inspected by the borough;

(F) The appropriate borough official shall examine and determine the completeness of each application, and may reject any application if said official is not satisfied with the information provided;

(G) Upon approval by the borough, a permit shall be issued, including a permit placard. The placard shall be retained by the permit applicant and shall be posted and displayed in a prominent location at all times at the work site for the entire work period; and

(H) Not more than 200 linear feet shall be opened in any street at any time.

(Ord. 1078, passed 4-17-2012)

§ 93.02 FEES.

Issuance fees in amount necessary to defray the costs incurred by the borough in reviewing and processing applications and plans, including the preliminary review of the site location identified in the application, and issuing and processing the permit shall be as established from time to time by Borough Council.

(Ord. 1078, passed 4-17-2012)

§ 93.03 BOND REQUIRED.

The applicant shall be required to execute and deliver unto the borough an agreement, or its performance and labor and materials payment bond(s) with approved surety, or both, as a prerequisite to the issuance of any such permit, in an amount to be determined by the appropriate issuing borough official, the amount of which shall equal the estimated cost of the work, for the purpose of indemnifying the borough for any costs, damages or expenses incurred or estimated as the result of the restoration of such borough street and right-of-way, which is the subject of said application. Upon completion of restoration, the applicant shall be required to execute and deliver to the borough an agreement or its maintenance bond with an approved surety, or both, as its guarantee and warranty against defects regarding said restoration for a period of two years from the date of acceptance by the borough of said restoration work.

(Ord. 1078, passed 4-17-2012)

§ 93.04 RESPONSIBILITY OF PERMIT HOLDER FOR CERTAIN WORK TO RESTORE BOROUGH ROADS.

Any applicant or permit holder shall be required to restore a borough road or street to the same condition as it was prior to entry thereon by the permit holder in accordance with regulations promulgated by the borough. The applicant/permit holder will provide an estimate of the restoration work. The cost estimate of restoration work shall be included shall be set forth in detail on the permit issued by the borough.

(Ord. 1078, passed 4-17-2012)

§ 93.05 CONFORMANCE WITH BOROUGH REQUIREMENTS AND STANDARDS.

The applicant/permit holder shall be required to repair the excavation by cutting back and resurfacing at least one foot on each side of the street opening in each direction, and the bond referred to herein shall include the cost of such restoration; provided, nevertheless, that the foregoing shall include restoration of borough maintained streets. All work shall be done at such time and in such manner as shall be consistent with the safety of the public, and shall conform to requirements and standards of the borough. If, at any time, it shall be determined by the appropriate official of the borough that the work is not completed as required or has not been properly performed, the permit holder, upon being notified in writing by said official, shall immediately take the necessary steps, at its own expense, to replace and/or repair the work to a condition conforming to the requirements or standards of this subchapter. If a dispute arises between the permit holder and the aforementioned appropriate borough official, the borough shall have the authority to suspend work until the question at issue is resolved.

(Ord. 1078, passed 4-17-2012)

§ 93.06 OPENINGS PARALLEL TO THE ROAD OR RIGHT-OF-WAY.

(A) *Requirements for openings parallel to a roadway or right-of-way.* Requirements for openings parallel to a roadway or right-of-way are as follows.

- (1) A utility facility shall be placed outside the pavement and shoulder when possible, however, when there is no feasible space outside the pavement and shoulder area for placing the facility, installation within the pavement or shoulder may be authorized by the permit.
- (2) The top of a utility facility shall be installed at least three feet beneath the surface.
- (3) On an unpaved road, the near edge of the opening shall be at least 12 feet from the general centerline of the traveled highway or as authorized in division (A)(1) above.
- (4) No opening may be made for more than 200 linear feet at one time, unless authorized by the permit.
- (5) The permit holder shall protect its opening to provide for the safety of the traveling public, including motorists, bicyclists and pedestrians.
- (6) The permit holder shall be required to maintain the flow of traffic within the affected work area at all times, and shall be required to provide all necessary signs, flag personnel and any other items necessary for traffic control in accordance with PennDOT requirements. No road closures shall be permitted at any time without written permission from the borough. The permit holder shall be required to provide acceptable and adequate notification to all affected properties not less than 72 hours prior to the commencement of any construction activities, except in the event of an emergency, at which such notification shall be given as timely as possible and with the full knowledge and concurrence of the borough.
- (7) The permit holder shall store materials and equipment only at location(s) approved and acceptable to the borough. The permit holder shall obtain borough approval not less than five business days prior to the commencement of work and shall not deliver any materials or equipment to the borough without said approval.

(B) *Daily stoppage of work requirements.* Daily stoppage of work requirements including the following.

- (1) Except for emergency repairs of utility facilities, work within the pavement or shoulder shall be stopped prior to peak traffic hours that may exist on a particular roadway on a particular day and as specified in the permit.
- (2) At the end of each workday, an opening in the right-of-way shall be:
 - (a) Covered with steel plates or bridging over openings which are less than six feet either length or width. The plates or bridging shall be extended a minimum of 18 inches from each edge of the opening and shall be secured in a safe manner; and
 - (b) Backfilled to the bottom elevation of the pavement or base course, or to the original surface elevation if outside the pavement and shoulder, and protected under an approved traffic control plan until the surface is restored to its former condition.
- (3) The permit holder shall protect its openings to provide for safety of the traveling public, including motorists, bicyclists and pedestrians.

(Ord. 1078, passed 4-17-2012) Penalty, see §93.99

§ 93.07 BACKFILLING.

(A) Any person who shall open or excavate any improved street in the borough, shall thoroughly and completely backfill the opening or excavation, mechanically compact the opening to prevent any settling thereafter and match the same surface, base materials, line and grade existing before the opening or excavation as restored. The surface and base shall conform to the line and grade and be of the same materials as that of the undisturbed existing adjacent surfaces and bases.

(B) An opening shall be backfilled by the permit holder in accordance with the following.

- (1) The opening may first be backfilled with fine aggregate materials, meeting applicable Pennsylvania Department of Transportation standards, or standards as promulgated by the borough from time to time, and placed to a height not to exceed one foot over the top of the facility, if the material is compacted in not more than four inch(s) loose layers or as authorized by the borough. To help protect its facility from future excavations, the permit holder shall place a permanent ribbon at least one foot above its facility. If the facility is nonmetallic, the permit holder shall place a metallic ribbon at a depth from which the ribbon can be sensed by typical metal locating instruments.
- (2) The opening shall then be backfilled with select granular material, unless the borough authorizes retained suitable materials or other coarse aggregate material specified in the permit. Select granular material or other aggregate material will be required for use as backfill of openings in pavements, paved shoulders and improved shoulders as well as unimproved shoulders within three feet of the edge of pavement. Retained suitable material will normally be authorized for use as backfill of openings outside shoulders and in unimproved shoulders more than three feet outside the edge of pavement and up to within three feet of the surface.

(3) Backfill shall be compacted as follows.

(a) *General rule.* Except as provided in division (B)(3)(b) below, backfill material shall be placed in loose layers not to exceed eight inches if vibratory compaction equipment is used or authorized. Each layer shall be thoroughly compacted to preclude subsidence.

(b) *Compaction outside pavement and shoulders.* At least 15 days prior to the start of work, the applicant may submit its written compaction plan to the borough office requesting backfill in an opening outside the pavement and shoulder to be placed in layers thicker than eight inches prior to compaction. The compaction plan shall include full details of equipment, materials and work methods as well as the permit holder's acknowledgment of its obligation and commitment to regularly monitor the restoration of the permitted work and to promptly correct failure or subsidence of the roadway. The borough may condition its approval of a compaction plan on the execution of a bond if a part of the opening is within the improved area.

(c) *Existing pavement elevation.* Compaction shall be completed to the bottom elevation of the existing pavement.

(4) The borough may require the permit holder to have material proposed for use as backfill and compacted material tested, at the expense of the permit holder.

(Ord. 1078, passed 4-17-2012)

§ 93.08 ADDITIONAL RESTORATION.

(A) *Improved streets.* On improved streets, a temporary pavement consisting of bituminous cold patch material, not less than three-inch compacted depth shall be installed flush with the surface of the existing undisturbed pavement and shall be maintained until permanent restoration has been completed. On unimproved streets, compacted 2-A stone material, not less than three inches compacted depth shall be installed and maintained until permanent restoration has been completed.

(B) *Streets or alleys.* On streets or alleys that have been improved within a period of five years or less from the date of the utility disturbance, the contractor shall be required to mill the existing pavement surface between the outside edges of pavement (curb line to curb line) of the existing pavement and to a point not less than two feet beyond the limits of the opening. Trench restoration shall be the same as that described for bituminous pavement, excepting that the entire area shall receive a one and one-half-inch compacted depth overlay of Superpave 9.5 mm wearing material.

(C) *Permanent restoration.*

(1) Permanent restoration shall be performed and completed as soon thereafter as the utility work has been completed, but in no instance shall permanent restoration be completed any longer than three months from the official date of said completion, except as may be necessitated by winter weather conditions and as approved by the borough. Failure to comply shall result in the penalties as set forth elsewhere herein.

(2) Permanent restoration shall meet the following requirements:

(a) 1. Bituminous pavement restoration shall consist of the following: saw one foot outside the initial excavation and remove temporary paving and base to a depth of seven and one-half inches below the existing finished surface and furnish and install as follows:

- a. Thoroughly compact the sub-grade;
- b. Place three-inch compacted depth of a 2-A modified stone base;
- c. Place three-inch compacted depth of 19.0 mm Superpave binder material;
- d. Place one and one-half inch compact depth of 9.5 mm Superpave wearing material; and
- e. Immediately following paving operations hand mop and seal all edges where new pavement meets existing surfaces with AC-20 sealing material.

2. When four or greater consecutive openings occur at one time (within a 12- consecutive month period) within one-half of any street (from the centerline to the outside edge of pavement (curb line), the contractor shall be required to perform the following additional work:

a. Mill the existing pavement surface from the centerline to the outside edge (curb line) of the existing pavement and to a point not less, than two feet beyond the limits of the farthest openings; and

b. Trench restoration shall be the same as that described for bituminous pavement, excepting that the entire area shall receive a one and one-half inch compacted depth overlay of Superpave 9.5 mm wearing material.

3. When four or greater openings occur within one block between outside edges of pavement (curb line to curb line), (within a 12-consecutive month period), the contractor shall be required to perform the following additional work:

a. Mill the existing pavement surface between the outside edges of pavement (curb line to curb line) of the existing pavement and to a point not less than two feet beyond the limits of the farthest openings; and

b. Trench restoration shall be the same as that described for bituminous pavement, excepting that the entire area shall receive a one and one-half inch compacted depth overlay of Superpave 9.5 mm wearing material.

(b) 1. Where concrete curb is to be restored, the contractor shall saw out and remove affected curb to the next undisturbed expansion or contraction joint, shall place one-half inch pre-molded expansion joint material and install medium depth 18-inch plain cement curb to match width and reveal of the adjacent existing undisturbed curb.

2. Concrete shall be 4,000 p.s.i. air entrained. All new finished concrete surfaces shall be treated with BASF Enviroseal 40 or equivalent.

(c) 1. Where concrete sidewalk is to be restored, the contractor shall excavate and remove existing affected sidewalk to the next undisturbed expansion or contraction joint shall saw cut smooth and replace full slabs. Specifications shall include a three-inch minimum depth of compacted cinders or crushed stone sub-base and five inch thickness of 4,000 p.s.i. air entrained concrete, with No. 6/6 gauge welded wire fabric one-half inch pre-molded expansion joints where new concrete construction meets existing construction and placed at 30-foot center to center, with contraction joints at ten-foot center to center. All new finished concrete surfaces shall be treated with ASF Enviroseal 40 or equivalent.

2. Additional restoration shall be required as follows.

a. If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lanes shall be saw cut or milled to a depth of one and one-half inches or the depth of the existing surface course, whichever is less, for the length of the opening to ensure a smooth joint, with proper elevation and cross-sections. A full width overlay may be authorized on various roadways instead of saw cutting or milling the disturbed land.

b. Restored openings in the pavement or paved shoulder shall be sealed in the case of bituminous concrete or in the case of cement concrete.

(Ord. 1078, passed 4-17-2012)

§ 93.09 REVOCATION OF PERMIT.

In addition, the proper official of the borough may revoke the applicant's permit, provided, nevertheless, that the applicant shall have the right to appeal such revocation within five days of receipt of notice of such revocation to Borough Council.

(Ord. 1078, passed 4-17-2012)

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) Any person, firm or corporation violating any of the provisions of §§93.01 through 93.09, upon conviction thereof before a magisterial district judge, shall be sentenced to pay a fine of \$600, plus the costs of prosecution and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. In addition, the proper authorities of the borough may institute any appropriate action or proceeding to prevent violations of the provisions of §§ 93.01 through 93.09, or of any permit issued by the borough. Upon receipt of oral or written notice of any violations from the proper borough official, the permit holder shall cease to perform any further work in the permitted area, except to restore the area to a safe condition. No further work shall commence in the permitted area until the violations have been remedied. Where the permit holder has received oral notice of the violation, written notice shall be sent to the permit holder within ten days of receipt of the oral notice.

(Ord. 1078, passed 4-17-2012)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. TRANSIENT MERCHANTS

111. YARD SALES

CHAPTER 110: TRANSIENT MERCHANTS

Section

- 110.01 Definitions
- 110.02 License required; conditions of issuance; fee
- 110.03 License application
- 110.04 Issuance of license; custody, display and exhibit
- 110.05 Prohibited acts
- 110.06 Supervision, records and reports
- 110.07 Suspension and revocation of license; appeal

- 110.99 Penalty

§ 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any natural person, partnership, association, corporation or other legal entity.

TEMPORARY BASIS. No more than an aggregate total of 60 days during any one calendar year (i.e., from January 1 through December 31), except for Christmas tree sales which shall be considered on a temporary basis if the sale thereof does not exceed an aggregate total of 60 days during any calendar year.

TRANSIENT RETAIL BUSINESS.

(1) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed outdoor location within the borough, on a temporary basis, at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

(2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed indoor location within the borough on a temporary basis, at any time during the year.

(Ord. 1031, passed 9-16-2003)

§ 110.02 LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.

(A) No person shall engage in any transient retail business within the borough without first having obtained a license for each location from which sales will be conducted, and a fee, as established by resolution of the Borough Council, shall be paid.

(B) Exceptions: no license fee shall be charged:

- (1) To farmers selling their own produce;
- (2) For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose;
- (3) To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations; and
- (4) To any yard sales licensed by the borough.

(C) All persons exempted hereby from the payment of the license fee shall be required to register with the Code Enforcement Office and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this chapter; provided further, the Code Enforcement Officer may similarly exempt from payment of the license fee, but not from registering with him or her, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any charitable organization. Every license issued under the provisions of this chapter shall be issued on an individual basis to any natural person or persons engaging in such business; every person shall obtain a separate license, issued to him or her in his or her name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants therein.

(Ord. 1031, passed 9-16-2003) Penalty, see § 110.99

§ 110.03 LICENSE APPLICATION.

(A) Every person desiring a license under this chapter shall first make application to the Code Enforcement Officer for such license. He or she shall, when making such application, exhibit a valid license from any state or county officer, if such license is also required, including a valid license from the commonwealth for the collection of sales tax on all taxable items. The application shall state:

- (1) Whether he or she has been convicted of a felony or a misdemeanor;
- (2) Name and address of the person by whom he or she is employed;
- (3) Type of goods, wares and merchandise he or she wishes to deal with in such transient retail business;
- (4) Length of time for which license is to be issued; and
- (5) Type and license number of the vehicle to be used, if any.

(B) The applicant shall provide government issued photographic identification.

(Ord. 1031, passed 9-16-2003)

§ 110.04 ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT.

Upon receipt of such application and the prescribed fee, the Code Enforcement Officer, if he or she shall find such application in order, shall issue the license required under this chapter. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his or her person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he or she shall engage in such business if doing so at a fixed location. He or she shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the borough.

(Ord. 1031, passed 9-16-2003)

§ 110.05 PROHIBITED ACTS.

No person in any transient retail business shall:

- (A) Sell any product or type of product not mentioned in his or her license;
- (B) Hawk or cry his or her wares upon any of the streets, alleys, sidewalks or public grounds in the borough;
- (C) Stop or park his or her vehicle upon any of the streets or alleys in the borough to sell therefrom to persons residing or working in the immediate vicinity;
- (D) Park any vehicle upon any of the streets or alleys in the borough for the purpose of sorting, rearranging or cleaning any of his or her goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsaleable through handling, age or otherwise;
- (E) Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 8:00 a.m. or after 8:00 p.m.;
- (F) Sell, display, solicit or take orders for goods, wares, merchandise or services in or on any public right-of-way, street, alley, sidewalk or public grounds; and
- (G) Have an exterior display of goods, wares or merchandise greater than 50 square feet in area.

(Ord. 1031, passed 9-16-2003) Penalty, see § 110.99

§ 110.06 SUPERVISION, RECORDS AND REPORTS.

The Code Enforcement Officer shall supervise the activities of all persons holding licenses under this chapter. He or she shall keep a record of all licenses issued hereunder and shall make a report thereof each month the Mayor.

(Ord. 1031, passed 9-16-2003)

§ 110.07 SUSPENSION AND REVOCATION OF LICENSE; APPEAL.

(A) The Code Enforcement Officer is hereby authorized to suspend or revoke any license issued under this chapter when he or she deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provision of this chapter.

(B) No license shall be suspended or revoked without prior notice and an opportunity for a hearing unless there is an imminent and serious danger to public safety and/or health, and it is not possible or practical to provide prior notice and a hearing.

(C) A hearing shall be provided to any person whose license is suspended or revoked without prior notice within five business days.

(D) Appeals from any suspension or revocation may be made to the Borough Council at any time within 30 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 1031, passed 9-16-2003)

§ 110.99 PENALTY.

Any person, firm or corporation who shall violate any provision of this chapter, 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 chapter continues shall constitute a separate offense.

(Ord. 1031, passed 9-16-2003)

CHAPTER 111: YARD SALES

Section

- 111.01 Definitions
- 111.02 Regulations
- 111.03 Frequency and duration limitations
- 111.04 Fee for permit

- 111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOROUGH. This borough.

HOUSEHOLD. The individual who applies for a permit and anyone who resides in that individual's residence.

PERMIT. The form that must be obtained, completed and submitted, along with the respective fee, to the Borough Secretary prior to conducting a yard sale.

YARD SALE. Any public sale of goods on residential property including, but not limited to, the residential properties, garage, home, lawn or yard.

(Ord. 1030, passed 9-16-2003)

§ 111.02 REGULATIONS.

(A) It shall be unlawful for any individual, group or corporation to conduct within the borough a yard sale or permit a yard sale to be held within the borough on residential property under the individual, group or corporation's control without first obtaining a yard sale permit from the borough.

(B) Any individual, group or corporation conducting a yard sale within the borough or outside the borough limits or any individual, group or corporation posting advertisements within the borough limits for a yard sale to be held inside or outside the borough limits shall remove from within the borough right-of-way all signs, flyers, posters and bulletins no later than one day after the yard sale. Should the yard sale for any reason not be held, all signs, flyers, posters and bulletins advertising the yard sale must be removed no later than the day after the scheduled last day for the yard sale.

(Ord. 1030, passed 9-16-2003) Penalty, see § 111.99

§ 111.03 FREQUENCY AND DURATION LIMITATIONS.

- (A) Two yard sales are permissible per household in any 12-month period.
- (B) The maximum duration of any yard sale shall be two consecutive calendar days.
- (C) The approved yard sale must be held within 15 days of the issuance of the permit for that yard sale.

(Ord. 1030, passed 9-16-2003) Penalty, see § 111.99

§ 111.04 FEE FOR PERMIT.

- (A) The fee for a permit shall be in an amount as established, from time to time, by Borough Council by resolution.
- (B) All permit fees shall be paid to the Borough Secretary prior to issuance of the permit.
- (C) Nonprofit service organizations and charitable organizations may obtain up to two yard sale permits in any 12-month period without payment of a fee.

(Ord. 1030, passed 9-16-2003)

§ 111.99 PENALTY.

Any person, firm or corporation who shall violate any provision of this chapter, 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 chapter continues shall constitute a separate offense.

(Ord. 1030, passed 9-16-2003)

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. OFFENSES AGAINST PERSONS
- 131. OFFENSES AGAINST PROPERTY
- 132. WEAPONS

CHAPTER 130: OFFENSES AGAINST PERSONS

Section

Loitering

- 130.01 No loitering
- 130.02 Curfew
- 130.03 Emergency transit

- 130.99 Penalty

LOITERING

§ 130.01 NO LOITERING.

(A) A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a "no loitering" sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, cross-walk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) For the purpose of this section, **PUBLIC PLACE** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(Ord. 969, passed 3-19-1991) Penalty, see § 130.99

§ 130.02 CURFEW.

(A) From and after the effective date of this section, it shall be unlawful for any person under the age of 18 years to be or remain out of doors on any public way, street, thoroughfare, road, avenue or highway or any public sidewalk between the hours of 10:00 p.m. and 4:30 a.m. prevailing time unless said person is in transit to or from work, school or home or in the company of a parent or a person in loco parentis. As used in this section, the term **IN TRANSIT** shall mean travel from one place to another by a direct route without stopping except for reasonable and necessary stops that may be required for safe travel.

(B) It is a defense to a violation under this chapter that the child engaged in a prohibited conduct while:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with state law.

(Ord. 969, passed 3-19-1991) Penalty, see § 130.99

§ 130.03 EMERGENCY TRANSIT.

Nothing in § 130.02 shall prohibit transit for reasons of medical emergency, weather emergency, fire or disaster or prohibit transit out of the borough.

(Ord. 969, passed 3-19-1991)

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) Any person, firm or corporation who shall violate any provision of §§130.01 through 130.03, 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 §§ 130.01 through 130.03 continues shall constitute a separate offense.

(Ord. 969, passed 3-19-1991)

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

131.01 Tampering with electric, police and fire alarm systems prohibited

131.99 Penalty

§ 131.01 TAMPERING WITH ELECTRIC, POLICE AND FIRE ALARM SYSTEMS PROHIBITED.

It is unlawful for any person or persons to tamper with, deface, injure or destroy any of the apparatus of the electric, police and fire alarm systems of the borough, or willfully create any false alarm or fire or other false alarms by means of any of the fire alarm or police telephone boxes of the borough.

(Ord. 476, passed 9-14-1915) Penalty, see § 131.99

§ 131.99 PENALTY.

Any person, firm or corporation who shall violate any provision of §131.01, 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 § 131.01 continues shall constitute a separate offense.

(Ord. 476, passed 9-14-1915)

CHAPTER 132: WEAPONS

Section

- 132.01 Discharge of firearms prohibited
- 132.02 Use of air rifle, bow and arrow or similar device restricted
- 132.03 Exceptions

- 132.99 Penalty

§ 132.01 DISCHARGE OF FIREARMS PROHIBITED.

Except in necessary defense of person and property and except as provided in §132.03, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the borough.

(Ord. 791, passed 12-12-1957) Penalty, see §132.99

§ 132.02 USE OF AIR RIFLE, BOW AND ARROW OR SIMILAR DEVICE RESTRICTED.

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, BB gun, bow and arrow or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the borough, except as provided in § 132.03, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police or his or her designee in writing.

Penalty, see § 132.99

§ 132.03 EXCEPTIONS.

This chapter shall not apply to:

- (A) Persons licensed to hunt in this commonwealth while actually engaged in hunting where permitted under the laws of the commonwealth;
- (B) Members of any organization incorporated under laws of this commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization; and
- (C) Any law enforcement officer when used in the discharge of his or her official duties.

§ 132.99 PENALTY.

Any person, firm or corporation who shall violate any provision of this chapter, 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 chapter continues or each occasion on which a violation shall occur shall constitute a separate offense.

TITLE XV: LAND USAGE

Chapter

- 150. BUILDINGS AND HOUSING**
- 151. FLOODPLAIN REGULATIONS**
- 152. GRADING AND EXCAVATING**
- 153. STORMWATER MANAGEMENT**
- 154. SIGNS AND BILLBOARDS**
- 155. ZONING**

CHAPTER 150: BUILDINGS AND HOUSING

Section

Building Code

- 150.01 Uniform Construction Code
- 150.02 International Property Maintenance Code

Building Numbering

- 150.15 Buildings to be numbered
- 150.16 Placement of numbers
- 150.17 Correct number
- 150.18 Conflicting numbers

Dangerous Structures

- 150.30 Power to remove
- 150.31 Notice to owner
- 150.32 Proceedings to be stayed
- 150.33 Appeal
- 150.34 Authorized removal

Occupancy Permits

- 150.45 Occupying permit required
- 150.46 Permit disclosure
- 150.47 Deemed livable
- 150.48 Permit fee

Residential Rental Housing

- 150.60 Purposes and findings
- 150.61 Definitions

- 150.62 Owner's duties
- 150.63 Occupant's duties
- 150.64 Licenses and inspections
- 150.65 Non-renewal, suspension or revocation of license
- 150.66 Changes in ownership
- 150.67 Residential rental agreement

- 150.99 Penalty

BUILDING CODE

§ 150.01 UNIFORM CONSTRUCTION CODE.

(A) This borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 through 7210.1103, as amended from time to time, and its regulations.

(B) The Uniform Construction Code, contained in 34 Pa. Code Chapters 401 through 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this borough.

(C) Administration and enforcement of the Code within this borough shall be undertaken in any of the following ways as determined by the governing body of this borough from time to time by resolution:

- (1) By the designation of an employee of the borough to serve as the municipal code official to act on behalf of the borough;
- (2) By the retention of one or more construction code officials or third-party agencies to act on behalf of the borough;
- (3) By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- (4) By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this borough; and
- (5) By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(D) A Board of Appeals shall be established by resolution of the governing body of this borough in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

(E) (1) All building code ordinances or portions of ordinances which were adopted by this borough on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

(2) All building code ordinances or portions of ordinances which are in effect as of the effective date of this subchapter and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

(3) All relevant ordinances, regulations and policies of this borough not governed by the Code shall remain in full force and effect.

(F) Fees assessable by the borough for the administration and enforcement undertaken pursuant to this section and the Code shall be established by the governing body by resolution from time to time.

(G) In addition to all types of construction, placement of structures, repairs and alterations for which the Uniform Construction Code requires a permit, the borough, pursuant to the authority set forth in Act 92 of 2004, shall require persons to obtain building permits for all of the following:

- (1) The construction, erection or placement of any accessory structure which is equal to or greater than 200 square feet, whether or not such accessory structure is connected to any utility;
- (2) The construction, erection or placement of any accessory structure which is less than 200 square feet if such accessory structure is provided with any utility service. The applicant shall obtain a permit only for the purpose of inspection for the utility or utilities being installed or provided to the accessory structure;
- (3) The construction, erection or placement of a deck, porch or stoop at or on any structure or residence; and
- (4) All alterations or repairs to residential buildings which are exempt from the UCC by Act 92 of 2004; provided, however, that the following types of alterations and repairs shall continue to be exempt and no permit will be required:
 - (a) Replacement of windows and doors when there is no change in the size of the existing opening;
 - (b) Re-roofing of less than 25% of the total existing roof square footage;
 - (c) Replacement of hot water heater, boiler or furnace, or the replacement of any part of a hot water heater, boiler or furnace with the same efficiency rating, electrical and plumbing requirements;
 - (d) Addition or replacement of siding on the exterior of the residential structure;
 - (e) Repair or replacement of any nonstructural portion of a deck, porch or stoop;
 - (f) Replacement of an appliance switch or receptacle with a switch or receptacle which is the same or has a like rating;
 - (g) The addition of one appliance switch or receptacle;
 - (h) The repair or replacement of any nonstructural member; or
 - (i) The repair or replacement of any sink, toilet, tub, shower or similar plumbing fixture without relocation of any drain or venting device.

(Ord. 1036, passed 6-15-2004; Ord. 1049, passed 10-17-2006)

§ 150.02 INTERNATIONAL PROPERTY MAINTENANCE CODE.

(A) A certain document, copies of which are on file in the office of the Borough Secretary, being marked and designated as the International Property Maintenance Code, 2003 as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the borough; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) below.

(B) The following sections are hereby revised.

- (1) *Section 101.1.* Insert: Borough of North Braddock.
- (2) *Section 103.6.* Insert: A fee schedule shall be adopted by resolution of the Borough Council and shall be available upon request at the office of the Borough Secretary.
- (3) *Section 111.2.* Delete and replace with: "The membership of the Board of Appeals shall consist of three residents of the Borough of North Braddock, appointed by the President of the Borough Council of the Borough of North Braddock."
- (4) *Section 303.14.* Insert: April to November.

(5) Section 602.3. Insert: January to December.

(6) Section 602.4. Insert: January to December.

(C) Nothing in the section or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired of existing under any act or ordinance hereby repealed; nor shall any equitable or legal right or remedy of any character be lost, impaired or affected by this section.

(Ord. 1037, passed 10-19-2004) Penalty, see § 150.99

BUILDING NUMBERING

§ 150.15 BUILDINGS TO BE NUMBERED.

All buildings in the borough be, and the same are hereby required to be numbered as follows. Each dwelling, store, office or other building within the limits of the said borough shall have posted upon it by the owner, tenant or agent thereof, a number at least four inches in height with a minimum stroke width of one-half inch, which said number shall correspond with the number of said building as designated upon the official numbering plan of the borough, on file in the office of the Borough Engineer.

(Ord. 453, passed 6-19-1914) Penalty, see § 150.99

§ 150.16 PLACEMENT OF NUMBERS.

Said number shall be placed in a conspicuous position on said dwelling, store, office or other building, in plain view from the street, lane or alley on which said building faces or abuts, and said number must be so located as that the same shall at all times present an unobstructed view from said street, lane or alley.

(Ord. 453, passed 6-19-1914) Penalty, see § 150.99

§ 150.17 CORRECT NUMBER.

The Borough Engineer shall, upon application, furnish to each owner, tenant or agent of any building the correct number to be placed upon said building.

(Ord. 453, passed 6-19-1914)

§ 150.18 CONFLICTING NUMBERS.

The displaying of any number upon any dwelling, store, office or other building, conflicting with the number designated upon the official numbering plan of the borough is hereby prohibited.

(Ord. 453, passed 6-19-1914) Penalty, see § 150.99

DANGEROUS STRUCTURES

§ 150.30 POWER TO REMOVE.

In order to avail itself of the power conferred by 8 Pa.C.S. § 1202(5), the borough is hereby authorized and empowered to prohibit and remove any nuisance or dangerous structure on public or private grounds, or to require the removal of the same by the owner or occupier of such ground, in default of which the borough may cause the same to be done, and collect the cost thereof, together with a penalty of 10% of such cost in the manner provided by law for the collection of municipal claims or by action in assumpsit or may seek relief by a bill in equity.

(Ord. 862, passed 4-11-1968)

§ 150.31 NOTICE TO OWNER.

The Building Inspector shall, upon his or her finding that a condition of any premises within the borough constitutes a nuisance or dangerous structure, give notice of such findings to the owner or occupier of such premises requiring such owner or occupier to remove the nuisance or dangerous structure within a period of 15 days and in default thereof may cause the same to be done.

(Ord. 862, passed 4-11-1968)

§ 150.32 PROCEEDINGS TO BE STAYED.

The finding of the Building Inspector that a condition is in fact a nuisance or dangerous structure shall be binding upon the owner or occupier of such premises unless an appeal is made to the Borough Council within said period of 15 days, all proceedings to be stayed pending the action of the Council of the finding of the Building Inspector.

(Ord. 862, passed 4-11-1968)

§ 150.33 APPEAL.

The Borough Council at its next regular meeting shall hear the appeal and make such order in the premises as it considers proper and such decision shall be final.

(Ord. 862, passed 4-11-1968)

§ 150.34 AUTHORIZED REMOVAL.

In the event of default in the removal of such nuisance or dangerous structure by the owner or occupier of the premises upon which it is founded, within the further period of 15 days from the action of the Borough Council in sustaining such finding of nuisance or dangerous structure, the Building Inspector is hereby authorized to proceed with the removal thereof for and on behalf of the borough.

(Ord. 862, passed 4-11-1968)

OCCUPANCY PERMITS

§ 150.45 OCCUPYING PERMIT REQUIRED.

No dwelling house, apartment or other living quarters, or commercial establishment may be occupied when previously vacated until such time until the owner or his or her agent has secured an occupancy permit to be issued by the Borough Secretary.

(Ord. 869, passed 9-11-1969) Penalty, see § 150.99

§ 150.46 PERMIT DISCLOSURE.

The application for the occupancy permit shall disclose the following information:

- (A) Address of the premises;
- (B) Name and address of the owner;
- (C) Name of tenant;
- (D) Number of rooms;
- (E) Bathroom facilities;
- (F) General condition of the premises; and
- (G) The application shall also disclose and occupations of all occupants.

(Ord. 869, passed 9-11-1969)

§ 150.47 DEEMED LIVABLE.

No permit shall be issued until such time as the premises are deemed to be in a livable and habitable condition after an inspection by the Health Officer, Fire Chief, Building Inspector and/or such other persons as the Council may require from time to time.

(Ord. 869, passed 9-11-1969)

§ 150.48 PERMIT FEE.

The fee for the permit for the approval of such occupancy and permit shall be accompanied by a fee in an amount as established from time to time by resolution of Borough Council. If further inspections are required, an additional fee in an amount as established from time to time by resolution of Borough Council will be required before the occupancy permit is granted.

(Ord. 869, passed 9-11-1969; Ord. 963, passed 5-19-1990; Ord. 1026, passed 12-17-2002)

RESIDENTIAL RENTAL HOUSING

§ 150.60 PURPOSES AND FINDINGS.

(A) *Purposes.* This subchapter is intended to serve the following purposes:

- (1) To assist the borough in protecting and promoting the public health, safety and welfare of its citizens;
- (2) To establish rights and obligations of owners and occupants relating to the rental of certain residential units in the borough and to seek that owners and occupants properly maintain rental housing within the borough;
- (3) To ensure that owners, managers and occupants share responsibilities to comply with codes, to prevent over-crowding and to avoid nuisances for neighboring residents; and
- (4) To provide for a system of inspections; issuance and renewal of licenses; and establish penalties for violations.

(B) *Findings.* In considering the adoption of this subchapter, the borough makes the following findings.

- (1) This subchapter is enacted under the authority of the Borough Code of Pennsylvania.
- (2) There is a greater incidence and greater severity of violations of various codes of the borough at rental residential properties than at owner-occupied residential properties.
- (3) There is a greater incidence of problems with the maintenance and upkeep of rental residential properties than at owner-occupied residential properties.
- (4) There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at rental residential properties than at owner-occupied residential properties.
- (5) A systematic inspection process can avoid life-threatening problems, such as a lack of functioning smoke detectors.

(Ord. 1060, passed 4-15-2008)

§ 150.61 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a term is not defined in this section, but is defined in the Borough Existing Structures Code or Construction Code, then that definition shall apply to this subchapter.

BOROUGH. The Borough of North Braddock, Allegheny County, Pennsylvania.

BUSINESS DAYS. Days in which the offices of the borough are open for public business.

CODE. Any code or ordinance adopted, enacted and/or in effect in and for the borough concerning fitness for habitation or the construction, maintenance, operation, occupancy, use, vermin or rodent control, or public health matters of any premises or dwelling unit. This shall include, but not be limited to, the Borough Existing Structures Code, the Electrical Code, the Construction Codes, solid waste ordinances, public health ordinances and noise control ordinances.

CODE ENFORCEMENT OFFICER. The duly appointed Code Enforcement Officer(s) having the duty to enforce this subchapter, the Borough Existing Structures Code and similar codes of the borough, and any assistants or deputies thereof.

COMMON AREA. In multi-unit buildings, space which is not part of an individual regulated rental unit and which is shared among occupants of the dwellings.**COMMON AREAS** shall be considered as part of the premises for purposes of this subchapter.

DISRUPTIVE CONDUCT.

- (1) A form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or guest of a regulated rental unit that is:
 - (a) Is a violation of ordinances of the borough and that is so loud, untimely as to time of the day, offensive and/or nuisance-causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes damage to property that is owned by others;
 - (b) Involves music or noise that is disruptive to persons occupying a different dwelling unit;
 - (c) Involves music that is audible from a street, sidewalk or dwelling from a minimum distance of 50 feet away from the premises where the sound is originating;
 - (d) Is the subject of a criminal citation for disorderly conduct; or
 - (e) Is the subject of a criminal citation under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code.
- (2) In order for such **DISRUPTIVE CONDUCT** to constitute an offense under this subchapter, a written report must be issued by a sworn police officer or a Borough Code Enforcement Officer and notice must be sent to an occupant and the owner or manager.

DISRUPTIVE CONDUCT REPORT. A written report of disruptive conduct that is completed by a police officer or Borough Code Enforcement Officer who investigated the matter.

DWELLING. A building including one or more dwelling units.

DWELLING UNIT. A residential living area for one household that is used for living and sleeping purposes, and that has its own cooking facilities, and a bathroom with a toilet and a bathtub and/or shower.

GUEST. A person on the premises of a regulated rental unit with the actual or implied consent of an occupant.

LANDLORD. This term shall have the same meaning as **OWNER**.

MANAGER. An adult individual designated by the owner of a regulated rental unit under this subchapter. The **MANAGER** shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this subchapter and under rental agreements with occupants.

MULTI-UNIT BUILDING. A building containing two or more dwelling units that are not completely separated from each other by vertical party walls.

OCCUPANT. An individual who resides in a regulated rental unit.

OWNER. One or more person, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including, but not limited to, a mortgage holder who is in possession of a regulated rental unit.

OWNER-OCCUPIED DWELLING UNIT. A dwelling unit in which at least one owner of record of the property resides as his or her primary dwelling.

PERSON. A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

POLICE. Sworn law enforcement officers of the Police Department of the borough, the state police, the County Sheriff, the county police or any other law enforcement officer acting within the scope of his or her authority.

PREMISES. Any parcel of real property in the borough, including the land and all buildings and structures, on which one or more regulated rental units is located.

REGULATED RENTAL UNIT. A dwelling unit or rooming house unit that is occupied for residential purposes and that is not:

- (1) An owner-occupied dwelling unit; and
- (2) Exempted by this subchapter from needing a residential rental license.

RENTAL AGREEMENT. A written agreement or other legally enforceable agreement between owner and tenant, which is required to be supplemented by the addendum provided in § 150.67, embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit.

RESIDENTIAL RENTAL LICENSE. The license issued to the owner of regulated rental units under this subchapter, which is required in order to lawfully rent and occupy regulated rental units.

ROOMING HOUSE UNIT. A living unit that does not meet the definition of a dwelling unit, and that is not within a borough-permitted hotel or bed and breakfast inn.

TENANT. An occupant of a regulated rental unit with whom a legal relationship with the owner is established by a lease or other enforceable agreement under the laws of the commonwealth.

UNRELATED PERSONS. Two or more persons who reside in a dwelling unit and who are not related to each other through blood, adoption, marriage or formal foster relationship. A person who is only related as a cousin shall be considered unrelated for the purposes of this subchapter. The term **RELATED** shall be restricted to the following relationships: spouse; parent; child; sister; brother; grandchild; great-grandchild; grandparent; great-grandparent; aunt; uncle; or any of these same relationships in a "step" or "in-law" situation.

(Ord. 1060, passed 4-15-2008)

§ 150.62 OWNER'S DUTIES.

(A) *General.*

- (1) It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with all applicable borough codes and to keep such property in good and safe condition.
- (2) As provided for in this subchapter, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. Every owner shall be responsible to act to minimize disruptive conduct, through the rental contract and through its enforcement of leases, on the premises by the occupants of regulated rental units.
- (3) A residential rental license is required by § 150.64 for each regulated rental unit. If a valid license has not been issued within the time-frame established by this subchapter, or the license has been suspended or revoked, then the rental unit shall not be rented for residential use. If a regulated rental unit is rented for residential use without a valid residential rental license, such action shall be a violation of this subchapter.
- (4) This subchapter shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this subchapter be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupants conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.
- (5) This subchapter is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the borough against an owner, occupant or guest thereof.

(B) *Designation of manager.*

- (1) If the owner is not a full-time resident of the borough or a 20-mile radius of the borough, then the owner shall designate a person to serve as manager who does reside or work on a daily basis within a 20-mile radius of the borough. If the owner is a corporation, a separate manager shall be appointed unless an officer of the corporation is appointed as the manager and such officer lives within a 20-mile radius of the borough. If the owner is a partnership, a manager shall be required if a partner does not reside within a 20-mile radius of the borough. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this subchapter and under rental agreements with occupants.
- (2) The legal name, mailing address, daytime physical address (not a post office box) and day time and evening telephone number(s) of a person who is designated as the manager shall be provided in writing by the owner to the borough, and such information shall be kept current and updated within five business days after it changes.
- (3) The manager shall be authorized to accept service of process on behalf of the owner.
- (4) In addition, an owner may designate an agent to serve all of the same purposes of the owner. If an agent is designated, then the borough is not required to provide separate notice to the owner.

(C) *Disclosure.* The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy: the name, address and telephone number of the manager; or the name, address and telephone number of the owner of the premises if a manager is not required to be designated.

(D) *Maintenance of premises.*

- (1) The owner shall maintain the premises in compliance with the applicable codes of the borough and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
- (2) However, the owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling if such responsibilities are established in writing. Such an agreement may be entered into between the owner and occupant only if entered into in good faith and not for the purpose of evading the obligations of the owner or occupant.
- (3) The existence of an agreement between owner and occupant shall not relieve an owner of any responsibility under this subchapter or other borough codes for proper repair and maintenance of a building or premises.

(E) *Rental agreement and addendum.*

- (1) *In writing.* All rental agreements for regulated rental units shall be in writing or otherwise legally enforceable.
- (2) *Contrary provisions.* The owner and occupant shall not include text in a rental agreement that is contrary to the provisions of this subchapter.
- (3) *Addendum to rental agreement.* An addendum to each rental agreement for regulated rental units shall be provided by the owner to the occupant before a rental agreement is presented for signing by an occupant, after the effective date of this subchapter. The text of the addendum shall be consistent with § 150.67, unless an alternative version is pre-approved by a Code Enforcement Officer. The owner shall secure a written acknowledgment from occupants that the occupants have received the addendum. Upon oral or written request by the borough, the owner within ten days of the request shall furnish to the borough copies of the acknowledgment that the occupants received the addendum.

(F) *Complaints.* The owner or manager shall respond to and correct problems within 30 days after receiving a valid complaint from an occupant.

(G) *Pennsylvania Landlord-Tenant Act.* The owner and occupants shall comply with all provisions of the Pennsylvania Landlord-Tenant Act.

(H) *Common areas.* The owner shall be responsible to minimize disruptive conduct by occupants and guests in any common area and the premises and to maintain proper physical conditions in such areas. The owner shall be required to ensure that common areas and the outside premises are in compliance with borough codes.

(I) *Eviction.* In the event that an occupant(s) of a regulated rental unit is involved in a third disruptive conduct violation within any three-year period during which a

residential rental license was required, the Code Enforcement Officer shall provide a written statement to the owner or his or her manager to order him or her to evict the occupants of the regulated rental unit. If the disruptive conduct was caused by only one occupant, then the Code Enforcement Officer shall limit the eviction order to that person. Occupants shall be responsible to prevent their guests from engaging in disruptive conduct on the premises. Once an eviction is ordered, those occupant(s) shall not be permitted to occupy any area on the same lot for a minimum period of two years. In addition, once an eviction is ordered, those occupant(s) shall not be permitted to occupy any dwelling unit or boarding/rooming house unit that is owned by the same person or entity within the borough for a minimum period of two years. The owner shall begin eviction proceedings within 15 days after receiving such statement and shall continue such proceedings to completion, without interruption, unless the occupants vacate the premises.

(1) Failure of an owner to carry out an order to evict occupants shall result in suspension or revocation of the residential rental license and shall be a violation of this subchapter.

(2) This subchapter shall not limit the ability of an owner to evict tenants in compliance with state law for reasons other than violations of this subchapter.

(3) A requirement to evict occupants shall not apply if a successful appeal is made to the Property Maintenance Board of Appeals, or if the district magistrate rules in the occupant's favor during eviction proceedings that have been prosecuted by the landlord in good faith, or where a court appeal or other legal action has been filed that would lawfully prevent eviction.

(4) The Code Enforcement Officer shall maintain a list of occupants who were ordered to be evicted and the affected addresses. Such list shall be maintained for a minimum of three years and shall be available for public review.

(J) *Code violations.* Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall take necessary action, or cause such action to be taken, to eliminate the violation within the time limit provided on the notice or citation.

(K) *Borough can make repairs.*

(1) In case the owner of premises shall neglect, fail or refuse to comply with any notice from the borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code within the period of time stated in such notice, the borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus 25% of said costs or \$50 whichever is greater, for each time the borough shall cause a violation to be corrected. The owner of the premises shall be billed after such work has been completed. The owner shall be personally liable for any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of interest, together with interest at the legal rate, attorney fees and court costs.

(2) The remedies provided by this division (K) are not exclusive and the borough and its Code Enforcement Officer may invoke such other remedies available under this subchapter or other applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or non-renewal of the residential rental license.

(L) *Inspections by Code Enforcement Officer.* The owner or manager shall allow and schedule inspections by a Code Enforcement Officer of the premises during borough business hours, after a minimum of seven calendar days' notice have been provided to the owner or manager. The owner or manager shall provide a minimum of three calendar days' advance notice to at least one adult occupant of each rental unit of the time and date of the inspection. These advance notice requirements shall not apply when the Code Enforcement Officer has reason to believe that a imminent threat to public health and safety may exist. See also § 150.64.

(Ord. 1060, passed 4-15-2008)

§ 150.63 OCCUPANT'S DUTIES.

(A) *General.*

(1) The occupant shall comply with all obligations imposed upon occupants by this subchapter, all applicable codes and ordinances of the borough and all applicable provisions of state law.

(2) A regulated rental unit shall also comply with the occupancy limits of other borough codes.

(B) *Health regulations.* Occupants shall collect and dispose of all rubbish, garbage and other waste in a clean and sanitary manner, and comply with borough solid waste and recycling regulations.

(C) *Illegal activities.* Occupants shall not engage in, nor tolerate nor permit guests on the premises to engage in, any conduct declared illegal under any federal criminal statute, and/or under the Pennsylvania Crimes Code (18 Pa.C.S.A. §§ 101 et seq.), Liquor Code (47 P.S. §§ 1-101 et seq.) or the illegal sale or distribution of controlled substances under the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101 et seq.), or their successor laws.

(D) *Disruptive conduct.* (See definition in § 150.61.)

(1) Occupants shall not engage in, nor tolerate nor permit guests on the premises to engage in, disruptive conduct, or other violations of the subchapter.

(2) When police investigate an alleged incident of disruptive conduct, the police officer shall complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute disruptive conduct, as defined in § 150.61. The information provided in this report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and the factual basis for the disruptive conduct.

(3) When a police officer issues a disruptive conduct report concerning a regulated rental unit, a copy shall be provided by the police to the Code Enforcement Officer, who shall maintain records of such reports. The Code Enforcement Officer shall mail a copy of the disruptive conduct report to an occupant and the owner or manager after his or her receipt of the report.

(4) A criminal or civil citation is not required in order for a disruptive conduct report to be issued.

(5) If a citation is issued and successfully prosecuted or a guilty plea entered before a district justice, such citation may automatically be considered a disruptive conduct report. However, if an appeal of a citation is filed from a decision of a district justice, the matter shall not be deemed to constitute disruptive conduct unless a finding of guilty is affirmed by a final decision on appeal.

(E) *Damage to premises.* The occupant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the premises. Conduct which results in damages in excess of \$500 shall be considered disruptive conduct under this subchapter.

(F) *Inspection of premises.* Occupants shall permit inspections by a Code Enforcement Officer of the premises during borough business hours, after receiving notice from the owner, manager or the borough. See also §§ 150.62(L) and 150.64.

(Ord. 1060, passed 4-15-2008)

§ 150.64 LICENSES AND INSPECTIONS.

(A) *License requirement.*

(1) *Generally.*

(a) A residential rental license shall be required for all occupied regulated rental units. Within 60 days after the effective date of this subchapter, the owner or his or her duly authorized agent shall be required to apply for a license for each regulated rental unit. A license is required to be in possession of the owner or manager within 90 days after the effective date of this subchapter for each regulated rental unit. For a rooming house, a single license is allowed for all units within a rooming house building.

(b) A residential rental license shall not be issued or renewed until the owner has provided information concerning a manager if applicable and has provided a list of names of occupants age 18 or older.

(2) *Not regulated rental units.* The following shall not be considered regulated rental units for the purposes of this subchapter:

(a) Owner-occupied dwelling units;

(b) Hotels and motels used for transient visitors to the area, but without units that serve the same purposes as rooming house units;

(c) Hospitals and state-licensed nursing homes and personal care homes;

(d) Bed and breakfast homes; and

(e) One dwelling unit that is on the same lot as a second dwelling unit, provided the two dwellings are only occupied by the owner and persons who are "related" to the owner.

(3) *Housing authority.* Dwelling units that are owned by the housing authority of the county shall be exempted from the requirements of this subchapter for a regularly scheduled borough inspection and for payment of a rental housing licensing fee if the Borough Codes Enforcement Administrator annually determines in writing that the housing authority's inspection program is sufficient for serving the purposes of this subchapter. Dwellings owned by the housing authority shall be required to comply with requirements of this subchapter concerning evictions, disruptive conduct reports or and other provisions of this subchapter, unless such provision is specifically preempted by federal law.

(4) *Form.* The application for the license shall use a form provided by the borough.

(5) *Owner or manager duties.* The owner or manager shall:

(a) Maintain a current list of all occupants age 18 or older in each regulated rental unit, which shall include their name, address and telephone number;

(b) Furnish such list to the borough annually in writing before April 1 of each year; and

(c) Notify the borough in writing of any changes in the number or names of occupants age 18 or older within 30 days after a change.

(B) *Licenses and fees.*

(1) Each residential rental license shall have an annual term and each regulated rental unit shall be subject to not more than one inspection every year, based upon a schedule established by the Code Enforcement Officer in consultation with the Borough Manager. The borough is not obligated to complete all inspections within this schedule if the borough, through no fault of the owner, manager or tenant, was not able to complete an inspection in a regulated rental unit.

(2) The following time extensions shall apply for the requirements to have a rental unit inspection, unless there is evidence of a possible code violation on the property. These time extensions shall only apply if the property has not been subject of any code enforcement actions (other than items that were satisfactorily corrected within 30 days), and has no outstanding taxes, fines or fees due to the borough or a borough authority.

(a) If an owner or manager provides evidence that a rental unit has been occupied by the same occupants for the last three years, then a Code Enforcement Officer may allow an inspection to be delayed to once every three years.

(b) If a regulated rental unit was inspected by the borough for code compliance within the previous one year, then an inspection under this subchapter may be delayed to result in a minimum of one year until the next inspection.

(3) Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay to the borough an annual license and inspection fee.

(a) The annual fee for a residential rental unit shall be \$40 dollars per dwelling unit, \$20 per each rooming house unit and \$10 for each sleeping room in a fraternity or sorority. The fee for a calendar year shall be paid by June 1 of each year. If the annual fee is not paid by June 1, an additional fee of \$20 shall apply for each subsequent month. This fee is intended to cover the borough's actual costs for administering the program and for inspections and related vehicle, office, administrative and overhead expenses.

(b) If a second inspection is needed for a dwelling unit or rooming house unit because the unit was found to be in violation of borough codes during the initial inspection, then an additional fee of \$25 shall apply. For each subsequent inspection that is needed in any within year period from the date of the last inspection, an additional fee of \$75 shall apply.

(c) The fee to reinstate a revoked residential rental license shall be \$100 per dwelling unit or \$100 per rooming house building.

(d) The fees provided in this subchapter may be revised by written resolution of Borough Council.

(e) A residential rental license shall not be issued or renewed if the owner has not paid any fines and costs arising from enforcement of this subchapter or any codes of the borough relating to land use and/or code enforcement or if any licensing fees under this subchapter are past due to the borough.

(f) If a second or subsequent inspection is needed for a dwelling unit or rooming house unit because the Code Enforcement Officer was not able to enter the unit at the time that had been scheduled with the owner or manager, then an additional fee of \$50 shall apply.

(4) A license or inspection by itself shall not warrant that a rental unit is lawful, safe, habitable or in compliance with all borough codes.

(C) *Inspection.*

(1) Each regulated rental unit shall be subject to inspection by the Code Enforcement Officer or another duly authorized agent of the borough under the schedule outlined in this subchapter.

(2) Borough Code Enforcement Officers are the officials authorized to enforce this subchapter and to take appropriate measures to abate violations hereof, for and on behalf of the borough.

(3) This subchapter shall not be construed as to limit the Code Enforcement Officer's authority to conduct inspections or enforcement actions under other borough codes or to require that a property be made available for inspection whenever there is probable cause that a violation of borough codes may be present.

(4) To minimize disruption to occupants, owners and managers are encouraged to ask to attempt to schedule inspections during times when a rental unit is unoccupied between tenants.

(D) *Warrant.* Within the limitations of federal and state law, a Code Enforcement Officer may apply to a district justice having jurisdiction for an administrative search warrant to enter and inspect a regulated rental unit and the premises. Such warrant is only required where access to a regulated rental unit or common areas is denied to the Code Enforcement Officer after a request.

(Ord. 1060, passed 4-15-2008)

§ 150.65 NON-RENEWAL, SUSPENSION OR REVOCATION OF LICENSE.

(A) *General.* A Code Enforcement Officer may initiate the following enforcement actions against an owner for violating any provision of this subchapter that imposes a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided for herein.

(B) *Responses to violations of this subchapter and other borough codes.*

(1) *Notice of violations.* A Code Enforcement Officer shall provide written notification of violations of borough codes and require that they be corrected within a reasonable maximum time period that the Code Enforcement Officer establishes in the enforcement notice.

(a) A Code Enforcement Officer may determine that the rental unit is unfit for human habitation, in which case it shall be vacated and remain vacated until such situation is corrected.

(b) For serious violations that do not require the property to be immediately vacated, a Code Enforcement Officer may require that the violations be corrected within 24 hours, or another time period stated on the notice or citation.

(2) *Non-renewal.* A Code Enforcement Officer shall delay or deny the renewal of a residential rental license if there are outstanding violations of borough codes for that rental unit that have not been corrected at the time of license renewal. If the violations are not a threat to safety of occupants or other members of the public, a Code Enforcement Officer shall permit the current occupants to continue to reside in the premises for a reasonable period of time established by a Code Enforcement Officer in the notice of non-renewal, with the time limit removed when the violations of borough codes are corrected. A Code Enforcement Officer may issue a temporary license that is conditioned upon certain actions being taken within a maximum time period.

(3) *Revocation.* The immediate revocation of the license to rent a regulated rental unit shall occur if a Code Enforcement Officer determines that violations of borough codes present a threat to the safety of occupants or other members of the public. Such revocation shall occur until violations of borough codes are corrected and the property has been re-inspected. Upon revocation, the owner shall take immediate steps to evict the occupants and/or to locate alternative housing for the occupants.

(4) *Suspension.* A Code Enforcement Officer may suspend the license to rent a regulated rental unit if violations of borough codes have not been corrected within a

time limit established by a Code Enforcement Officer. Such suspension shall continue until such time as a violation(s) of borough codes is corrected.

(a) If the violations are not a threat to safety of occupants or other members of the public, a Code Enforcement Officer shall permit the current occupants to continue to reside in the premises for a reasonable period of time established by a Code Enforcement Officer in the notice of suspension.

(b) A Code Enforcement Officer may suspend the license to rent a regulated rental unit if the owner or his or her designated manager are not available or do not respond to contacts by a Code Enforcement Officer, or if the name and contact information for the owner or manager are no longer valid, or if the manager no longer represents the owner.

(5) *Reinstatement.* A residential rental license shall be reinstated if the owner of a regulated rental unit corrects the reason for the revocation of the residential rental license and has paid the residential rental license reinstatement fee.

(C) *Criteria for applying sanctions.* The Code Enforcement Officer, when deciding upon the sanctions provided in division (B) above, shall consider the following:

- (1) The effect of the violation on the health and safety of occupants of the regulated rental unit, other residents of the premises and neighboring residents;
- (2) Whether the owner has prior violations of this code and whether those violations were satisfactorily corrected in a timely manner;
- (3) The effect of sanctions upon the occupants, particularly when the occupants did not cause the violation; and
- (4) The actions taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner and good faith efforts of the owner to bring the property into compliance.

(D) *Reasonable conditions.* In addition to enforcing sanctions set forth above, a Code Enforcement Officer may establish reasonable conditions upon a residential rental license that will fulfill the purposes of this subchapter.

(E) *Grounds for imposing sanctions.* Any of the following may subject an owner to sanctions as provided for in this subchapter:

- (1) Failure to abate a violation of borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer;
- (2) Refusal to permit the inspection of the premises by a Code Enforcement Officer as required by this subchapter;
- (3) Failure to take steps to remedy and prevent violations of this subchapter by occupants of regulated rental units as required by this subchapter; and
- (4) Failure to evict occupants after having been directed to do so by a Code Enforcement Officer as provided for in this subchapter.

(F) *Procedure for non-renewal, suspension or revocation of license.* Following a determination that grounds for non-renewal, suspension or revocation of a license exist, a Code Enforcement Officer shall notify the owner or manager of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner or manager in question, and shall contain the following information:

- (1) The address of the premises in question and identification of the affected regulated rental unit(s);
- (2) A description of the violation which has been found to exist;
- (3) A statement that the license for said regulated rental unit(s) shall be suspended, revoked or will not be renewed for the next license. Time deadlines shall be provided in the notice. In the case of a revocation, the notice shall state the date upon which such revocation will commence;
- (4) A statement that during the license non-renewal or revocation, the property shall not be rented for occupancy, except for any temporary conditional license extension that a Code Enforcement Officer may issue; and
- (5) Information regarding the appeal process.

(G) *Appeals.*

(1) Any person affected by a decision, notice or order of a Code Enforcement Officer under this subchapter or any issuance of a disruptive conduct report or any eviction order under this subchapter shall have the right to appeal to the Borough Council, Borough Property Maintenance Board of Appeals. An application for appeal may be made when it is claimed that the provisions of this subchapter have been improperly applied or administered or that factual errors were made by the Code Enforcement Officer, or for such other grounds under this subchapter as the applicant may allege. A written application for appeal is required to be filed within 20 days after the day the decision, report, notice or order was received or served. A fee of \$200 shall be paid in advance by the person requesting the hearing for each appeal to the Property Maintenance Board of Appeals. If the appeal is found in favor of the applicant, then such fee shall be returned to the person or entity who paid it.

(2) The Property Maintenance Board of Appeals shall also hear all appeals of enforcement matters under the Borough Existing Structures Code. The appeal provisions in such Code are hereby included by reference.

(3) The Property Maintenance Board of Appeals is hereby established and shall consist of three members who are appointed by the Borough Council. No more than one member shall be an employee of the borough. A minimum of one member shall own rental housing in the borough. The members shall serve staggered three-year terms, with at least one term ending each year.

(a) A minimum of two votes shall be needed for any action by the Board, such as to delete a disruptive conduct report or to halt an order for eviction. A one to one vote shall be considered to have been no action, in which case the determination of the Code Enforcement Officer shall stand.

(b) Two alternate members of the Property Maintenance Board of Appeals may also be appointed by the Borough Council, who may be named by the Chairperson of the Board to serve when regular members are unable to serve.

(c) Decisions of the Property Maintenance Board of Appeals may be appealed to the court of common pleas, within 30 days after a party's receipt of the decision of the Property Maintenance Board of Appeals.

(d) The Property Maintenance Board of Appeals shall have the authority to elect its own officers and to establish and revise bylaws for its own procedures, actions and meetings.

(e) Decisions of the Property Maintenance Board of Appeals shall be provided in writing to the Chief Codes Enforcement Administrator and to the last known address of the owner, the manager if applicable and the affected occupant within ten days after the conclusion of a hearing on a matter.

(f) Any compensation for the members of the Property Maintenance Board of Appeals shall require approval by Borough Council.

(g) A stenographic record is not required for meetings of the Property Maintenance Board of Appeals. Minutes shall be maintained and a tape recording of meetings may occur.

(H) *Notices.* Notices of violations and license suspensions, revocations and non-renewals shall be sent to the owner, and manager if applicable, by certified mail.

(1) In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused", then the Code Enforcement Officer shall attempt delivery by personal service on the owner or manager if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.

(2) The borough shall not be responsible for failing to provide notice where the owner has not provided an up-to-date name and address for the owner or the manager for the rental unit.

(3) For purposes of this subchapter, any notice required hereunder to be given to a Manager shall be deemed as notice given to the owner.

(4) There shall be a presumption that any notice required to be given to the owner under this subchapter shall have been received by such owner if the notice was given to the owner in the manner provided by this subchapter.

(5) A claimed lack of knowledge by the owner of any violation hereunder cited shall not be a defense to rental license non-renewal, suspension or revocation or an eviction order as long as all required notices involving such proceedings have been sent to the last known address of the owner.

(Ord. 1060, passed 4-15-2008)

§ 150.66 CHANGES IN OWNERSHIP.

(A) *Changes in ownership/occupancy.*

(1) Each owner of a regulated rental unit shall notify the Code Enforcement Officer in writing within five business days after any change in ownership of the premises or of the number of regulated rental units on the premises, and to submit new contact information.

(2) The owner shall notify the Code Enforcement Officer in writing within a maximum of five business days after the changing of a dwelling unit from owner-occupied to being a regulated rental unit for purposes of this subchapter. Failure to so notify the Code Enforcement Officer shall be considered a violation of this subchapter.

(B) *Owners separately responsible.* If any regulated rental unit is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, each person shall be jointly and separately responsible for the duties imposed under the terms of this subchapter, and shall be separately subject to prosecution for the violation of this subchapter.

(Ord. 1060, passed 4-15-2008)

§ 150.67 RESIDENTIAL RENTAL AGREEMENT.

Required Addendum to Residential Rental Agreement
This addendum to residential rental agreement is made this _____ day of _____, 20____, and is incorporated into and shall be deemed to amend and supplement the residential rental agreement made by the undersigned tenant and owner, their heirs, successors and assigns, dated _____, 20____. The residential rental agreement and this addendum pertain to the premises described in said agreement and located at _____. This addendum is required by the residential rental licensing and inspection ordinance of the Borough of North Braddock.
Additional Covenants and Obligations
In addition to the covenants and obligations set forth in the aforementioned residential rental agreement, tenant and landlord hereby covenant and agree as follows:
A. Landlord's obligations:
1. The landlord shall keep and maintain the leased premises in compliance with all applicable codes and ordinances of the Borough of North Braddock and all applicable state laws and shall keep the leased premises in good and safe condition.
2. The manager for the rental unit shall be as follows: Name: _____ Mailing address: _____ Physical address: _____ Daytime telephone number: _____
3. The landlord shall be responsible for regularly performing all routine maintenance, including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific tasks which the parties hereby agree shall be delegated to the tenant and which are identified as follows.
B. Tenant's obligations:
1. The tenant shall comply with all applicable codes and ordinances of the Borough of North Braddock and all applicable state laws.
2. The tenant agrees that the maximum number of unrelated persons permitted within the regulated rental unit at any time shall be three, unless a more restrictive provision is established in the lease, or unless a higher number has specifically been allowed in a borough zoning permit.
3. The tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean and safe manner, and shall separate and place for collection all recyclable materials in compliance with applicable borough ordinances.
4. a. The tenant recognizes that three or more disruptive conduct reports in any three-year period will result in eviction from the property under the Borough of North Braddock residential rental licensing and inspection ordinance. The tenant recognizes that they are responsible for the behavior of the guests on the property and shall not permit them to engage in disruptive conduct.
b. Disruptive conduct is defined as a form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or guest of a regulated rental unit that:
1) Is a violation of ordinances of the Borough of North Braddock and that is so loud, untimely as to time of the day, offensive and/or nuisance-causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes damage to property that is owned by others;
2) Involves music or noise that is disruptive to persons occupying a different dwelling unit;
3) Involves music that is audible from a street, sidewalk or dwelling from a minimum distance of 50 feet from the premises where the sound is originating;
4) Is the subject of a criminal citation for disorderly conduct; or
5) Is the subject of a criminal citation under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code.
5. The tenant shall not cause, nor permit nor tolerate to be caused, damage to the premises that is beyond standard wear and tear.
6. The tenant agrees to make the rental unit available for a scheduled inspection by Borough Code Enforcement Officers during reasonable hours, after the tenant receives advance notice from the owner or manager of the rental unit that the borough has requested an inspection.
7. The tenant acknowledges and agrees that this tenancy is subject to the provisions of the residential rental license and inspection ordinance of the Borough of North Braddock, and that failure to comply with such ordinance may result in eviction of occupants or suspension or revocation of the owner's privilege to rental a residential unit.

(Ord. 1060, passed 4-15-2008)

§ 150.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of §10.99.

(B) *Section 150.02.* Any person violating § 150.02 shall be fined an amount not in excess of \$1,000 and in default thereof, imprisonment for 30 days. The penalty provided for in this division (B) is in addition to any other remedies provided for by § 150.02 or by law. Each day any person remains in violation of §150.02 shall be a separate offense.

(C) *Sections 150.15 through 150.18.* Any owner or agent of any building in the borough, who shall violate any of the provisions of §§ 150.15 through 150.18 after September 1, 1914, 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 §§ 150.15 through 150.18 continues shall constitute a separate offense.

(D) Sections 150.45 through 150.48. Any person, firm or corporation who shall violate any provision of §§150.45 through 150.48, 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 §§ 150.45 through 150.48 continues shall constitute a separate offense.

(E) Sections 150.60 through 150.67.

(1) *Basis for violation.* It shall be unlawful for any person, as either owner or manager of a regulated rental unit, to operate without a valid, current residential rental license issued by the borough authorizing such operation, or to violate any other provision of §§ 150.60 through 150.67. It shall be unlawful for any owner, manager or occupant to violate §§ 150.60 through 150.67.

(2) *Penalties.*

(a) The penalties and remedies for a violation of Borough Construction Codes or the Borough Existing Structures Code shall be as established in such other code.

(b) Any person who violates a provision of §§150.60 through 150.67 shall upon conviction thereof before a district magistrate be liable to pay the following penalties:

1. First violation on a lot in a calendar year: a fine of \$200;
2. Second violation on a lot in a calendar year: a fine of \$500;
3. Third and each subsequent violation on a lot in a calendar year: a fine of \$1,000;
4. If an owner fails to obtain a residential rental license that is required: a fine of \$1,000 shall apply; and
5. For each week that a violation continues to exist after the time limit established for correction of the violation by a Code Enforcement Officer, a separate violation shall have been deemed to occur, requiring an additional fine.

(c) In addition, an eviction of occupants of a regulated rental unit may be required under provisions of §§150.60 through 150.67, and the residential rental license that grants the privilege to rent a regulated rental unit may be revoked, suspended or withdrawn.

(3) *Non-exclusive remedies.* The penalty provisions of §§ 150.60 through 150.67 and the license non-renewal, suspension and revocation procedures provided in §§ 150.60 through 150.67 shall not limit the ability of the borough to enforce other borough ordinances and to utilize the penalties, remedies and procedures provided under such other borough ordinances and state law.

(Ord. 453, passed 6-19-1914; Ord. 465, passed 1-12-1915; Ord. 869, passed 9-11-1969; Ord. 1037, passed 10-19-2004; Ord. 1060, passed 4-15-2008)

CHAPTER 151: FLOODPLAIN REGULATIONS

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GENERAL PROVISIONS

§ 151.001 STATUTORY AUTHORIZATION.

The legislature of the commonwealth has, by the passage of the Pennsylvania Floodplain Management Act of 1978 (32 P.S. §§ 679.101 et seq.), delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety and the general welfare of its citizenry. Therefore, the Borough Council does hereby order as follows.

(Ord. 1090, passed 9-16-2014)

§ 151.002 INTENT.

The intent of this chapter is to:

- (A) Promote the general health, welfare and safety of the community;
- (B) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- (C) Minimize danger to public health by protecting water supply and natural drainage;
- (D) Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding; and
- (E) Comply with federal and state floodplain management requirements.

(Ord. 1090, passed 9-16-2014)

§ 151.003 APPLICABILITY.

(A) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the borough unless a permit has been obtained from the Floodplain Administrator.

(B) A permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 1090, passed 9-16-2014) Penalty, see § 151.999

§ 151.004 ABROGATION AND GREATER RESTRICTIONS.

This chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter, the more restrictive shall apply.

(Ord. 1090, passed 9-16-2014)

§ 151.005 SEVERABILITY.

If any section, division, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the chapter, which shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

(Ord. 1090, passed 9-16-2014)

§ 151.006 WARNING AND DISCLAIMER OF LIABILITY.

(A) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by human-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

(B) This chapter shall not create liability on the part of the borough or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 1090, passed 9-16-2014)

§ 151.007 ENACTMENT.

This chapter shall be effective on September 26, 2014 and shall remain in force until modified, amended or rescinded by borough.

(Ord. 1090, passed 9-16-2014)

ADMINISTRATION

§ 151.020 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

(A) (1) The Borough Manager is hereby appointed to administer and enforce this chapter and is referred to herein as the Floodplain Administrator.

(2) The Floodplain Administrator may:

- (a) Fulfill the duties and responsibilities set forth in these regulations;
- (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors and other employees; or

(c) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

(3) Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the national flood insurance program as set forth at 44 C.F.R. § 59.22.

(B) In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Borough Council President.

(Ord. 1090, passed 9-16-2014)

§ 151.021 PERMITS REQUIRED.

A permit shall be required before any construction or development is undertaken within any area of the borough.

(Ord. 1090, passed 9-16-2014)

§ 151.022 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

(A) The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(B) Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended), being 35 P.S. §§ 750.1 to 750.20; the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended), being 32 P.S. §§ 693.1 to 693.27; the Pennsylvania Clean Streams Act (Act 1937-394, as amended), being 35 P.S. §§ 691.1 to 691.1001; and the U.S. Clean Water Act, § 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.

(C) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He or she shall make as many inspections during and upon completion of the work as are necessary.

(D) In the discharge of his or her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.

(E) In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Borough Council for whatever action it considers necessary.

(F) The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this chapter including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

(G) The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.

(H) The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the Floodplain Administrator/Manager.

(I) The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

(Ord. 1090, passed 9-16-2014)

§ 151.023 APPLICATION PROCEDURES AND REQUIREMENTS.

(A) Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the borough. Such application shall contain the following:

(1) Name and address of applicant;

(2) Name and address of owner of land on which proposed construction is to occur;

(3) Name and address of contractor;

(4) Site location including address;

(5) Listing of other permits required;

(6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate; and

(7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(B) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards;

(4) Structures will be anchored to prevent floatation, collapse or lateral movement;

(5) Building materials are flood-resistant;

(6) Appropriate practices that minimize flood damage have been used; and

(7) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities have been designed and located to prevent water entry or accumulation.

(C) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

(1) A completed permit application form;

(2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a) North arrow, scale and date;

(b) Topographic contour lines, if available;

(c) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and development;

(d) The location of all existing streets, drives and other accessways; and

(e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

- (a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - (b) The elevation of the base flood; and
 - (c) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC.
- (4) The following data and documentation:
- (a) Detailed information concerning any proposed floodproofing measures and corresponding elevations;
 - (b) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and floodway area (see § 151.046(A)), when combined with all other existing and anticipated development, will not increase the base flood elevation at any point;
 - (c)
 1. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.
 2. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - (d) Detailed information needed to determine compliance with §§151.062(F) and 151.063, including:
 1. The amount, location and purpose of any materials or substances referred to in §§151.062(F) and 151.063 which are intended to be used, produced, stored or otherwise maintained on site; and
 2. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 151.063 during a base flood.
 - (e) The appropriate component of the Department of Environmental Protection's *Planning Module for Land Development*; and
 - (f) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
- (D) Applications for permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

(Ord. 1090, passed 9-16-2014)

§ 151.024 REVIEW BY COUNTY CONSERVATION DISTRICT.

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

(Ord. 1090, passed 9-16-2014)

§ 151.025 REVIEW OF APPLICATION BY OTHERS.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer and the like) for review and comment.

(Ord. 1090, passed 9-16-2014)

§ 151.026 CHANGES.

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

(Ord. 1090, passed 9-16-2014)

§ 151.027 PLACARDS.

In addition to the permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Floodplain Administrator.

(Ord. 1090, passed 9-16-2014)

§ 151.028 START OF CONSTRUCTION.

(A) Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

(B) The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(C) Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with these regulations and FIRM/FIS in effect at the time the extension is granted.

(Ord. 1090, passed 9-16-2014)

§ 151.029 ENFORCEMENT; NOTICES.

(A) Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided.

(B) Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for its issuance;
- (3) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;
- (4) Be served upon the property owner or his or her agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; and
- (5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this chapter.

(Ord. 1090, passed 9-16-2014)

§ 151.030 APPEALS.

(A) Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this chapter, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.

(B) Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code (53 P.S. §§ 10101 et seq.) and any other local ordinance.

(C) Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state including the Pennsylvania Floodplain Management Act (32 P.S. §§ 679.101 et seq.)

(Ord. 1090, passed 9-16-2014)

IDENTIFICATION OF FLOODPLAIN AREAS

§ 151.045 IDENTIFICATION.

The identified floodplain area shall be:

(A) Any areas of borough, classified as special flood hazard areas (SFHAs) in the flood insurance study (FIS) and the accompanying flood insurance rate maps (FIRMs) dated September 26, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the flood insurance study; and

(B) The above referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by borough and declared to be a part of this chapter.

(Ord. 1090, passed 9-16-2014)

§ 151.046 DESCRIPTION AND SPECIAL REQUIREMENTS OF IDENTIFIED FLOODPLAIN AREAS.

The identified floodplain area shall consist of the following specific areas.

(A) The floodway area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.

(1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

(B) (1) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

(2) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

(C) (1) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

(2) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and the like shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

(Ord. 1090, passed 9-16-2014)

§ 151.047 CHANGES IN IDENTIFICATION OF AREA.

The identified floodplain area may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See § 151.060(B) for situations where FEMA notification is required.

(Ord. 1090, passed 9-16-2014)

§ 151.048 BOUNDARY DISPUTES.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the borough and any party aggrieved by this decision or determination may appeal to the Borough Council. The burden of proof shall be on the appellant.

(Ord. 1090, passed 9-16-2014)

§ 151.049 JURISDICTIONAL BOUNDARY CHANGES.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 C.F.R. § 60.3.

(Ord. 1090, passed 9-16-2014)

TECHNICAL PROVISIONS

§ 151.060 GENERAL.

(A) *Alteration or relocation of watercourse.*

(1) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

(2) No encroachment, alteration or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

(3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

(B) *Encroachments.* When a community proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall (as per 44 C.F.R. § 65.12):

(1) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur;

(2) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition; and

(3) Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 C.F.R. part 67.

(C) *New construction, development, uses or activities.* Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.

(Ord. 1090, passed 9-16-2014)

§ 151.061 ELEVATION AND FLOODPROOFING REQUIREMENTS.

(A) *Residential structures.*

(1) In AE, A1-30 and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

(2) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 151.046(C).

(3) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the most recent revisions thereof, and ASCE 24 and 34 Pa. Code Chapters 401 through 405, as amended, shall be utilized, where they are more restrictive.

(B) *Nonresidential structures.*

(1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

(a) Is floodproofed so that the structure is water-tight with walls substantially impermeable to the passage of water; and

(b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(2) In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 151.046(C).

(3) Any nonresidential structure, or part thereof, made water-tight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled *Floodproofing Regulations* published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code Chapters 401 through 405, as amended, shall be utilized, where they are more restrictive.

(C) *Space below the lowest floor.*

(1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(D) *Historic structures.* Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this chapter, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

(Ord. 1090, passed 9-16-2014)

§ 151.062 DESIGN AND CONSTRUCTION STANDARDS.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area.

(A) *Fill.* If fill is used, it shall:

(1) Extend laterally at least 15 feet beyond the building line from all points;

(2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

(4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Floodplain Administrator; and

(5) Be used to the extent to which it does not adversely affect adjacent properties.

(B) *Drainage facilities.* Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(C) *Water and sanitary sewer facilities and systems.*

(1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(4) The design and construction provisions of the UCC and FEMA #348, *Protecting Building Utilities From Flood Damages* and the International Private Sewage Disposal Code shall be utilized.

(D) *Other utilities.* All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(E) *Streets.* The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.

(F) *Storage.* All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, and not listed in §51.063, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.

(G) *Placement of buildings and structures.* All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(H) *Anchoring.*

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

(2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

(I) *Floors, walls and ceilings.*

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

(4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

(J) *Paints and adhesives.*

(1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) All wooden components (doors, trim, cabinets and the like) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(K) *Electrical components.*

(1) Electrical distribution panels shall be at least three feet above the base flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(L) *Equipment.* Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

(M) *Fuel supply systems.* All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(N) *Uniform Construction Code coordination.* The standards and specifications contained 34 Pa. Code Chapters 401 through 405, as amended and not limited to the following provisions shall apply to the above and other sections and divisions of this chapter, to the extent that they are more restrictive and supplement the requirements of this chapter:

(1) International Building Code (IBC) 2009 or the latest edition thereof: §§ 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G; and

(2) International Residential Building Code (IRC) 2009 or the latest edition thereof: §§ R104, R105, R109, R322, Appendix E and Appendix J.

(Ord. 1090, passed 9-16-2014)

§ 151.063 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.

Within any identified floodplain area, any structure of the land described in division (A) below, shall be prohibited. If a variance is obtained in accordance with the criteria in §§ 151.110 and 151.111, then the following provisions apply (divisions (B), (C) and (D) below).

(A) In accordance with the Pennsylvania Floodplain Management Act (32 P.S. §§ 679.101 et seq.), and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

(1) Will be used for the production or storage of any of the following dangerous materials or substances;

(2) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

(3) Will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- (a) Acetone;
- (b) Ammonia;
- (c) Benzene;
- (d) Calcium carbide;
- (e) Carbon disulfide;
- (f) Celluloid;
- (g) Chlorine;
- (h) Hydrochloric acid;
- (i) Hydrocyanic acid;
- (j) Magnesium;
- (k) Nitric acid and oxides of nitrogen;
- (l) Petroleum products (gasoline, fuel oil and the like);
- (m) Phosphorus;
- (n) Potassium;
- (o) Sodium;
- (p) Sulphur and sulphur products;
- (q) Pesticides (including insecticides, fungicides and rodenticides); and
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

(B) Within any identified floodplain area, any new or substantially improved structure of the kind described in division (A) above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

(C) Within any floodway area, any structure of the kind described in division (A) above shall be prohibited. Where permitted within any identified floodplain area, any new or substantially improved residential structure of the kind described in division (A) above shall be elevated to remain completely dry up to at least one and one-half feet above base flood elevation and built in accordance with §§ 151.060, 151.061 and 151.062.

(D) Where permitted within any identified floodplain area, any new or substantially improved nonresidential structure of the kind described in division (A) above shall be built in accordance with §§ 151.060, 151.061 and 151.062 including:

(1) Elevated or designed and constructed to remain completely dry up to at least one and one-half feet above base flood elevation; and

(2) Designed to prevent pollution from the structure or activity during the course of a base flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication *Floodproofing Regulations* (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent water-tight standard.

(Ord. 1090, passed 9-16-2014)

§ 151.064 SPECIAL REQUIREMENTS FOR SUBDIVISIONS AND DEVELOPMENT.

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. 1090, passed 9-16-2014)

§ 151.065 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES.

(A) Within any identified floodplain area manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in §§ 151.110 and 151.111, then the following provisions apply.

(B) Where permitted within any identified floodplain area, all manufactured homes and any improvements thereto, shall be:

(1) Placed on a permanent foundation;

(2) Elevated so that the lowest floor of the manufactured home is at least one and one-half feet above base flood elevation;

(3) Anchored to resist flotation, collapse or lateral movement; and

(4) Have all ductwork and utilities including HVAC/heat pump elevated to the regulatory flood elevation.

(C) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's *Permanent Foundations for Manufactured Housing*, 1984 Edition, draft or latest revision thereto, and 34 Pa. Code Chapters 401 through 405 shall apply.

(D) Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 Pa. Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

(Ord. 1090, passed 9-16-2014)

§ 151.066 SPECIAL REQUIREMENTS FOR RECREATIONAL VEHICLES.

(A) Within any identified floodplain area, recreational vehicles shall be prohibited.

(B) If a variance is obtained in accordance with the criteria in §§ 151.110 and 151.111, then the following provisions apply. Recreational vehicles in Zones A, A1-30, AH and AE must either:

(1) Be on the site for fewer than 180 consecutive days; and

(2) Be fully licensed and ready for highway use; or

(3) Meet the permit requirements for manufactured homes in § 151.065.

(Ord. 1090, passed 9-16-2014)

ACTIVITIES REQUIRING SPECIAL PERMITS

§ 151.080 GENERAL.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act (32 P.S. §§ 679.101 et seq.), the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the borough:

(A) The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals;

(2) Nursing homes; and

(3) Jails or prisons.

(B) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(Ord. 1090, passed 9-16-2014)

§ 151.081 APPLICATION REQUIREMENTS FOR SPECIAL PERMITS.

Applicants for special permits shall provide five copies of the following items:

(A) A written request including a completed permit application form;

(B) A small scale map showing the vicinity in which the proposed site is located;

(C) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(1) North arrow, scale and date;

(2) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet;

(3) All property and lot lines including dimensions and the size of the site expressed in acres or square feet;

(4) The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction and elevations;

(5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and human-made features affecting, or affected by, the proposed activity or development;

(6) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;

- (7) The location of all proposed buildings, structures, utilities and any other improvements; and
 - (8) Any other information which the municipality considers necessary for adequate review of the application.
- (D) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate;
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
 - (4) Detailed information concerning any proposed floodproofing measures;
 - (5) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;
 - (6) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- (E) The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he or she represents;
 - (2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
 - (3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
 - (4) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
 - (5) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
 - (6) The appropriate component of the Department of Environmental Protection's *Planning Module for Land Development*;
 - (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
 - (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under § 302 of Act 1978-166; and
 - (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.
- (Ord. 1090, passed 9-16-2014)

§ 151.082 APPLICATION REVIEW PROCEDURES.

Upon receipt of an application for a special permit by the borough the following procedures shall apply in addition to those of §§ 151.020 through 151.030.

- (A) Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.
- (B) If an application is received that is incomplete, the borough shall notify the applicant in writing, stating in what respect the application is deficient.
- (C) If the borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- (D) If the borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five working days after the date of approval.
- (E) Before issuing the special permit, the borough shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the borough.
- (F) If the borough does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant.
- (G) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the borough and the applicant, in writing, of the reasons for the disapproval, and the borough shall not issue the special permit.

(Ord. 1090, passed 9-16-2014)

§ 151.083 SPECIAL TECHNICAL REQUIREMENTS.

- (A) In addition to the requirements of §§ 151.060 through 151.066, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in §§ 151.060 through 151.066 or in any other code, ordinance or regulation, the more restrictive provision shall apply.
- (B) No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - (a) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE;
 - (b) The lowest floor (including basement) will be elevated to at least one and one-half feet above base flood elevation; and
 - (c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
 - (2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- (C) (1) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts.
- (2) Studies, analyses, computations and the like shall be submitted in sufficient detail to allow a thorough technical review by the borough and the Department of Community and Economic Development.

(Ord. 1090, passed 9-16-2014)

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

§ 151.095 EXISTING STRUCTURES.

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 151.096 shall apply.

(Ord. 1090, passed 9-16-2014)

§ 151.096 IMPROVEMENTS.

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area.

(A) No expansion or enlargement of an existing structure shall be allowed within any identified floodplain area that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in § 151.046(C).

(B) Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.

(C) The above activity shall also address the requirements of 34 Pa. Code, as amended and the 2009 IBC and the 2009 IRC.

(D) Within any Floodway Area/District (see § 151.046(A)), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

(E) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 1090, passed 9-16-2014)

VARIANCES

§ 151.110 GENERAL.

If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the borough may, upon request, grant relief from the strict application of the requirements.

(Ord. 1090, passed 9-16-2014)

§ 151.111 VARIANCE PROCEDURES AND CONDITIONS.

(A) Requests for variances shall be considered by the borough in accordance with the procedures contained in §151.030 and the following.

(1) No variance shall be granted within any identified floodplain area that would cause any increase in BFE. In A Area/District, BFEs are determined using the methodology in § 151.046(C).

(2) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (§§ 151.080 through 151.083) or to development which may endanger human life (§151.063).

(3) If granted, a variance shall involve only the least modification necessary to provide relief.

(4) In granting any variance, the borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this chapter.

(5) Whenever a variance is granted, the borough shall notify the applicant in writing that:

(a) The granting of the variance may result in increased premium rates for flood insurance; and

(b) Such variances may increase the risks to life and property.

(6) In reviewing any request for a variance, the borough shall consider, at a minimum, the following:

(a) There is good and sufficient cause;

(b) Failure to grant the variance would result in exceptional hardship to the applicant; and

(c) The granting of the variance will neither:

1. Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense; nor

2. Create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(7) A complete record of all variance requests and related actions shall be maintained by the borough. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

(B) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% annual chance flood.

(Ord. 1090, passed 9-16-2014)

DEFINITIONS

§ 151.125 GENERAL.

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

(Ord. 1090, passed 9-16-2014)

§ 151.126 SPECIFIC DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD. A flood which has a 1% chance of being equaled or exceeded in any given year. (Also called the **100-YEAR FLOOD** or **1% ANNUAL CHANCE FLOOD**.)

BASE FLOOD DISCHARGE. The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE). The elevation shown on the flood insurance rate map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor below ground level on all sides.

BUILDING. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD. A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS). The official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map and the water surface elevation of the base flood.

FLOODPLAIN AREA. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HISTORIC STRUCTURES. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA. This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the special flood hazard area on the flood insurance rate maps and flood insurance study, but may include additional areas identified by the community. See §§ 151.045 and 151.046 for the specifics on what areas the community has included in the **IDENTIFIED FLOODPLAIN AREA**.

LOWEST FLOOR. The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the **LOWEST FLOOR** of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after September 26, 2014 and includes any subsequent improvements to such structures. Any construction started after February 16, 1979 and before September 26, 2014 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

PERSON. An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

POST-FIRM STRUCTURE. A structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial flood insurance rate map (FIRM) dated February 16, 1979, whichever is later, and, as such, would be required to be compliant with the regulations of the national flood insurance program.

PRE-FIRM STRUCTURE. A structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial flood insurance rate map (FIRM) dated February 16, 1979, whichever is later, and, as such, would not be required to be compliant with the regulations of the national flood insurance program.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Not more than 400 square feet, measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION. The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half feet.

SPECIAL FLOOD HAZARD AREA (SFHA). An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99 or AH.

SPECIAL PERMIT. A special approval which is required for hospitals, nursing homes, jails and new manufactured home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

START OF CONSTRUCTION. Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION. The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions.

UNIFORM CONSTRUCTION CODE (UCC). The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VARIANCE. A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in 44 C.F.R. § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in **VIOLATION** until such time as that documentation is provided.

(Ord. 1090, passed 9-16-2014)

§ 151.999 PENALTY.

Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of an offense and upon conviction shall pay a fine to borough, of not less than \$25 nor more than \$600 plus costs of prosecution. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this chapter may be declared by the Borough Council to be a public nuisance and abatable as such.

(Ord. 1090, passed 9-16-2014)

CHAPTER 152: GRADING AND EXCAVATING

Section

- 152.01 Statement of intent
- 152.02 Definitions
- 152.03 Application procedures
- 152.04 Issuance of permit
- 152.05 Permit changes
- 152.06 Placards
- 152.07 Start of work and expiration of permit
- 152.08 Inspection and revocation
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- 152.99 Penalty

§ 152.01 STATEMENT OF INTENT.

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, the excavation, filling and/or grading of any land within the borough unless an approved permit has been obtained from the Borough Building Permit Officer.

(Ord. 900, passed 5-14-1974) Penalty, see § 152.99

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EARTH MATERIAL. Any rock, natural soil or fill, and/or any combination thereof.

EXCAVATION. The mechanical removal of earth material.

FILLING. The deposition of earth material.

GRADING. Any excavating or filling or combination thereof.

PERSON. Any person, persons, partnership, business or corporation.

(Ord. 900, passed 5-14-1974)

§ 152.03 APPLICATION PROCEDURES.

- (A) Application for such a permit shall be made in writing to the Building Permit Officer on forms supplied by the borough.
- (B) Such application shall contain at least the following:
 - (1) The name and address of:
 - (a) The applicant;
 - (b) The owner of the land on which the work will be performed; and
 - (c) The contractor performing the work.
 - (2) An identification and description of the work to be covered by the permit for which application is made;

(3) A description of the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description which will readily identify and definitely locate the proposed work;

(4) An estimate of the value of the proposed work; and

(5) Such other information as reasonably may be required by the Building Permit Officer.

(Ord. 900, passed 5-14-1974)

§ 152.04 ISSUANCE OF PERMIT.

The Building Permit Officer shall issue a permit only after it has been determined that the proposed work will be in conformance with all applicable requirements and regulations.

(Ord. 900, passed 5-14-1974)

§ 152.05 PERMIT CHANGES.

After the issuance of a permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer.

(Ord. 900, passed 5-14-1974)

§ 152.06 PLACARDS.

In addition to the permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time the work is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Building Permit Officer.

(Ord. 900, passed 5-14-1974)

§ 152.07 START OF WORK AND EXPIRATION OF PERMIT.

(A) The proposed work shall begin within six months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer.

(B) All work shall be completed within one year of the date of issuance of the permit. If any work is to be performed beyond this period a new permit must be obtained under the conditions and requirements cited in §§ 152.03 and 152.04.

(Ord. 900, passed 5-14-1974)

§ 152.08 INSPECTION AND REVOCATION.

During the permitted work period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application of any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the permit and report such fact to the Borough Council for whatever action it considers necessary.

(Ord. 900, passed 5-14-1974)

§ 152.09 FEES.

Applications for a permit shall be accompanied by a fee, payable to the borough, in an amount as established from time to time by resolution of Borough Council.

(Ord. 900, passed 5-14-1974)

§ 152.10 APPEALS.

Any person aggrieved by the Building Permit Officer's estimate of the cost of the proposed work may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Borough Council shall set a time and place not less than ten nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination of the estimated cost by the Borough Council shall be final in all cases.

(Ord. 900, passed 5-14-1974)

§ 152.99 PENALTY.

Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the borough, 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 chapter continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any excavation, filling and/or grading in noncompliance with this chapter may be declared by the Borough Council to be a public nuisance and abatable as such.

(Ord. 900, passed 5-14-1974)

CHAPTER 153: STORMWATER MANAGEMENT

Section

- 153.01 General provisions
- 153.02 Stormwater management performance standards
- 153.03 Design criteria for stormwater management controls
- 153.04 Erosion and sedimentation controls
- 153.05 Maintenance of stormwater management controls
- 153.06 Stormwater plan requirements
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Appendix A: Assigned release rate percentages

§ 153.01 GENERAL PROVISIONS.

(A) *Purpose.* These regulations are adopted and implemented to achieve the following general purposes and objectives:

- (1) To manage and control stormwater runoff resulting from land alteration and disturbance activities in accordance with the watershed stormwater management plans adopted pursuant to the Pennsylvania Stormwater Management Act (Act 167 of 1978, as amended), being 32 P.S. §§ 680.1 et seq.;
- (2) To utilize and preserve the desirable existing natural drainage systems and to preserve the flood-carrying capacity of streams;
- (3) To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows; and
- (4) To provide for adequate maintenance of all permanent stormwater management structures in the borough.

(B) *Applicability.* The provisions of this chapter shall apply to all subdivisions and land development activity within the borough.

(C) *Liability disclaimer.*

(1) Neither the granting of any approval under the stormwater management provisions of this chapter, nor the compliance with the provisions of this chapter, or with any condition imposed by a borough official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the borough for damages to persons or property.

(2) The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee or warranty of any kind by the borough, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.02 STORMWATER MANAGEMENT PERFORMANCE STANDARDS.

(A) *Stormwater management performance districts.*

(1) For purposes of stormwater management, the borough is divided into the following stormwater management districts:

District A	50% runoff	Turtle Creek Watershed
District B	100% runoff	Turtle Creek Watershed

(2) The location and boundaries of the watershed(s) and subareas are shown on the borough stormwater management district map which is hereby adopted as a part of this section.

(B) *General standards.*

(1) The following provisions shall be considered the overriding performance standards against which all proposed stormwater control measures shall be evaluated and shall apply throughout the borough.

(a) Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:

- 1. To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; and
- 2. To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

(2) The stormwater management plan for the development site must consider all the stormwater runoff flowing over the site.

(3) No discharge of toxic materials shall be permitted into any stormwater management system.

(C) *Watershed standards; Turtle Creek Stormwater Management District.*

(1) *Standards.* The stormwater performance standards contained in this section are intended to implement the standards and criteria contained in the Turtle Creek stormwater management plan, adopted and approved in accordance with the Pennsylvania Stormwater Management Act (32 P.S. §§ 680.1 et seq.) If there is any discrepancy between the provisions of this section and the standards and criteria of the plan, or if the watershed plan is subsequently amended, then the standards/criteria of the current watershed plan shall govern.

(2) *Storm frequencies.* Stormwater management facilities on all development sites shall control the peak stormwater discharge for the two-, ten-, 25- and 100-year storm frequencies. The SCS 24-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre- and post-development conditions. The 24-hour total rainfall for these storm frequencies in the watershed are:

Storm Frequency	Rainfall Depth (inches)
2-year	2.50
10-year	3.61
25-year	4.31
100-year	5.71

(3) *Calculation methods.*

(a) *Development sites.* For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: SCS publications; Technical Release (TR) 55 or 20; EEC I; or Penn State Runoff Model.

(b) *Stormwater collection/conveyance facilities.* For the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, any of the above listed calculation methods or the Rational Method may be used. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts.

(c) *Pre-development conditions.* Pre-development conditions shall be assumed to be those which exist on any site at the time of adoption of the Turtle Creek stormwater management plan. Hydrologic conditions for all areas with pervious cover (i.e., fields, woods, lawn areas, pastures, cropland and the like) shall be assumed to be in "good" condition, and the lowest recommended SCS runoff curve number (CN) shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group.

(d) *Routing of hydrographs.* Routing of hydrographs through detention/retention facilities for the purpose of design those facilities shall be accomplished using the Modified-Puls Method or recognized reservoir routing method subject to the approval of the borough and county.

(4) *Release rate percentage.*

(a) *Definition.* The **RELEASE RATE PERCENTAGE** defines the percentage of the pre-development peak rate of runoff that can be discharged from an outfall on the site after development. It applies uniformly to all land development or alterations within a subarea. A listing of the release rate percentage by subarea appears in Appendix A of this chapter; the subareas are delineated on the borough stormwater management district map.

(b) *Procedure for use.*

1. Identify the specific subarea in which the development site is located from the watershed map and obtain the subarea release rate percentage from Appendix A;
2. Compute the pre- and post-development runoff hydrographs for each stormwater outfall on the development site using an acceptable calculation method for the two-, ten-, 25- and 100-year storms. Apply no on-site detention for stormwater management but include any techniques to minimize impervious surfaces and/or increase the time of concentration for stormwater runoff flowing from the development site. If the post-development peak runoff rate and the runoff volume are less than or equal to the predevelopment peak runoff rate and volume, then additional stormwater control shall not be required at that outfall. If the post-development peak runoff rate and volume are greater than the pre-development peak runoff rate and volume, then stormwater detention will be required and the capacity of the detention facility must be calculated in the manner prescribed below;
3. Multiply the subarea release rate percentage by the pre-development rate of runoff from the development site to determine the maximum allowable release rate from any detention facility for the four prescribed storm events; and
4. Design the outlet control facilities and size the volume of the detention facility using the calculated post development hydrograph and accepted hydrograph routing procedures in consideration of the maximum allowable release rate.

(5) *No harm evaluation.*

(a) An applicant may seek to exceed the otherwise applicable subarea release rate percentage by performing the "no harm evaluation". This evaluation requires an independent engineering analysis to demonstrate that other reasonable options exist to prevent the occurrence of increased stormwater runoff discharge rates and/or velocities or that measures can be provided to prevent increased stormwater discharge rates and/or velocities from increasing flood elevations and accelerating erosion at all downstream points in the watershed.

(b) A "no harm evaluation" will be considered only in instances where the discharge to a stream channel from the development occurs directly to the Monongahela River, channelized portion of Turtle Creek, or through a properly sized and designed regional stormwater detention facility.

(c) The analysis for the "no harm evaluation" shall be submitted to the Borough Engineer and County Planning Department (Westmoreland Conservation District) for review and approval.

(d) The "no harm evaluation" shall be prepared by a registered engineer who is experienced in hydrology and hydraulics. The "no harm evaluation" shall be completed using the following procedure: the Penn State Runoff Model (PSRM) is the hydrologic model required in this procedure. Use of this model would produce results from a "no harm evaluation" analysis that could be compared to the results of the watershed study.

1. Develop the runoff hydrograph(s) for the design storms of the site and areas tributary to it using the PSRM and the Turtle Creek Watershed Stormwater Management Plan land use of the development for both pre-development and post-development conditions;
2. Develop the runoff hydrograph(s) for the proposed site using the PSRM. If no management or controls are proposed, this would be equivalent to the runoff hydrograph under post-development conditions. If some management or controls are proposed, then the runoff hydrograph under post-development conditions would be modified to reflect their effect on the rate, volume and timing of discharges;
3. Subtract the runoff hydrograph ordinates under pre-development conditions (division (C)(5)(d)1. above) from the discharge hydrograph ordinates (division (C)(5)(d)2. above), maintaining the time scales of both hydrographs for one-to-one correspondence;
4. Obtain the PSRM for existing conditions for the Monongahela Watershed from the county;
5. Locate the subbasin(s) in which the proposed development is located and into which the discharge hydrograph enters. If more than one subbasin receives this incremental flow, divide the flow accordingly;
6. Add the incremental increase computed in division (C)(5)(d)3. above to the runoff hydrograph for the subbasin(s) identified in division (C)(5)(d)5. above;
7. Route the adjusted runoff hydrograph through the Monongahela Watershed PSRM and note any increase in peak flows which would occur in downstream subbasins. If no increase is noted, then the "no harm evaluation" has been demonstrated. If no increase is observed in peak flows, the increased potential for erosion and/or sedimentation in downstream channels resulting from any change in the flood hydrograph predicted by the model shall be evaluated. If no increased potential can be demonstrated by appropriate technical means, then the "no harm evaluation" exemption may be requested; and
8. If an increase in peak flow is observed in any of the downstream subbasins or increased potential for erosion and/or sedimentation is indicated, the "no harm evaluation" exemption shall not be granted.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.03 DESIGN CRITERIA FOR STORMWATER MANAGEMENT CONTROLS.

(A) *General criteria.*

(1) Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls must be subject to approval of the Borough Engineer. The Borough Engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this chapter.

(2) The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the Borough Engineer may require in-depth studies by a competent geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.

(3) The stormwater management practices to be used in developing a stormwater management plan for a particular site shall be selected according to the following order of preference:

- (a) Infiltration of runoff on-site;
- (b) Flow attenuation by use of open vegetated swales and natural depressions; and
- (c) Stormwater detention/retention structures.

(4) Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.

(B) *Criteria for infiltration systems.*

- (1) Infiltration systems shall be sized and designed based upon local soil and ground water conditions.
- (2) Infiltration systems shall be greater than three feet deep and shall be located at least ten feet from basement walls.
- (3) Infiltration systems shall not be used to handle runoff from commercial or industrial working or parking areas. This prohibition does not extend to roof areas which are demonstrated to be suitably protected from the effects of the commercial/industrial activities.
- (4) Infiltration systems may not receive runoff until the entire drainage area to the system has received final stabilization.
- (5) The stormwater infiltration facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.

(C) *Criteria for stormwater detention facilities.*

(1) If detention facilities are utilized for the development site, the facility(ies) shall be designed such that post-development peak runoff rates from the developed site are controlled to those rates defined by the subarea release rate percentage for the two-, ten-, 25- and 100-year storm frequencies.

(2) All detention facilities shall be equipped with outlet structures to provide discharge control for the four designated storm frequencies. Provisions shall also be made to safely pass, at minimum, the post-development 100-year storm runoff without breaching or otherwise damaging (i.e., impairing the continued function of) the facilities.

(3) Shared-storage facilities, which provide detention of runoff for more than one development site within a single subarea maybe considered and are encouraged. Such facilities shall meet the criteria contained in this section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared-storage facilities.

(4) Where detention facilities will be utilized, multiple use facilities, such as wetlands, lakes, ballfields or similar recreational/open space uses are encouraged wherever feasible, subject to the approval of the borough and 25 Pa. Code Chapter 105 regulations.

(5) Other considerations which should be incorporated into the design of the detention facilities include:

(a) Inflow and outflow structures shall be designed and installed to prevent erosion and bottoms of impoundment type structures should be protected from soil erosion;

(b) Control and removal of debris both in the storage structure and in all inlet or outlet devices shall be a design consideration;

(c) Inflow and outflow structures, pumping stations and other structures shall be designed and protected to minimize safety hazards;

(d) The water depth at the perimeter of a storage pond should be limited to that which is safe for children. This is especially necessary if bank slopes are steep or if ponds are full and recirculating in dry periods. Restriction of access (fence, walls and the like) may be necessary depending on the location of the facility;

(e) Side slope of storage ponds shall not exceed a ratio of two and one-half to one horizontal to vertical dimension;

(f) Landscaping shall be provided for the facility which harmonizes with the surrounding area; and

(g) Facility shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.

(D) *Criteria for collection/conveyance facilities.*

(1) All stormwater runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the following basic standards.

(a) All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.

(b) Lots located on the high side of streets shall extend roof and french drains to the curb line storm sewer (if applicable). Low side lots shall extend roof and french drains to a stormwater collection/conveyance control system or natural watercourse in accordance with the approved stormwater management plan for the development site.

(c) Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility of failing or causing the embankment to fail.

(d) All collection/conveyance facilities shall be designed to convey the 25-year storm peak flow rate from the contributing drainage area and to carry it to the nearest suitable outlet such as a stormwater control facility, curbed street, storm sewer or natural watercourse.

(e) Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.

(2) Wherever storm sewers are proposed to be utilized, they shall comply with the following criteria:

(a) Where practical, designed to traverse under seeded and planted areas. If constructed within ten feet of road paving, walks or other surfaced areas, drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the superimposed surface or development;

(b) Preferably installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground with a minimum of three feet cover and/or adequate protection during the fill construction;

(c) Designed:

1. With cradle when traversing fill areas of indeterminate stability;
2. With anchors when gradient exceeds 20%; and
3. With encasement or special backfill requirements when traversing under a paved area.

(d) Designed to adequately handle the anticipated stormwater flow and be economical to construct and maintain. The minimum pipe size shall be 15 inches in diameter;

(e) Drain pipe, trenching, bedding and backfilling requirements shall conform to the requirements of the borough and/or applicable PennDOT Specifications, Form 408;

(f) All corrugated metal pipe shall be polymer coated and with asbestos bonding and paved inverts where prone to erode. Pipe within a municipal right-of-way shall be reinforced concrete pipe with a minimum diameter of 15 inches;

(g) Storm inlets and structures shall be designed to be adequate, safe, self-cleaning and unobtrusive and consistent with municipal standards;

(h) Appropriate grates shall be designed for all catch basins, stormwater inlets and other entrance appurtenances;

(i) Manholes shall be designed so that the top shall be finished grade and sloped to conform to the slope of the finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling";

(j) Where proposed sewer connects with an existing storm sewer system, the applicant shall demonstrate that sufficient capacity exists in the downstream system to handle the additional flow; and

(k) Storm sewer outfalls shall be equipped with energy dissipation devices to prevent erosion and conform with applicable requirements of the Pennsylvania DEP for stream encroachments (25 Pa. Code Chapter 105).

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.04 EROSION AND SEDIMENTATION CONTROLS.

(A) Erosion/sedimentation plan shall be provided in accordance with the Pennsylvania Erosion/ Sedimentation Regulations (25 Pa. Code Chapter 102) and the standards and guidelines of the County Conservation District. (See Chapter 152 of this code of ordinances.)

(B) Proposed erosion/sedimentation measures shall be submitted with the stormwater management plan as part of the preliminary and final applications.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.05 MAINTENANCE OF STORMWATER MANAGEMENT CONTROLS.

(A) *Maintenance responsibilities.*

(1) The stormwater management plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by the Borough Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the facility(ies).

(2) The stormwater management plan for the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principals.

(a) If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the borough, stormwater control facilities should also be dedicated to and maintained by the borough.

(b) If a development site is to be maintained in single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities should be the responsibility of the owner or private management entity.

(3) The Borough Council, upon recommendation of the Borough Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The Borough Council reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

(B) *Maintenance agreement for privately owned stormwater facilities.*

(1) Prior to final approval of the site's stormwater management plan the property owner shall sign and record a maintenance agreement covering all stormwater control facilities which are to be privately owned. The agreement shall stipulate that:

(a) The owner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities in a safe and attractive manner;

(b) The owner shall convey to the borough easements and/or rights-of-way to assure access for periodic inspections by the borough and maintenance if required;

(c) The owner shall keep on file with the borough the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the borough within ten days of the change; and

(d) If the owner fails to maintain the stormwater control facilities following due notice by the borough to correct the problem(s), the borough may perform the necessary maintenance work or corrective work and the owner shall reimburse the borough for all costs.

(2) Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the Borough Solicitor and Borough Council.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.06 STORMWATER PLAN REQUIREMENTS.

(A) *General requirements.* No final subdivision/land development plan shall be approved, no permit authorizing construction issued, or any earthmoving or land disturbance activity initiated until the final stormwater management plan for the development site is approved in accordance with the provisions of this chapter.

(B) *Exemptions for small developments.*

(1) At the time of application, the borough shall determine if the subdivision/land development qualifies as a small development and, therefore, is eligible for a simplified stormwater plan submission. For the purposes of this chapter, a **SMALL DEVELOPMENT** is any subdivision or land development which results (or will result when fully constructed) in the creation of 5,000 or less square feet of impervious area and one acre or less of any land cover change.

(2) Applications for small developments shall include a plan which describes the type and location of proposed on-site stormwater management techniques or the proposed connection to an existing storm sewer system. The plan should show accurately site boundaries, two-foot interval contours, locations of watershed and/or subarea boundaries on the site (if applicable) and any watercourses, floodplains or existing drainage facilities or structures located on the site. Contingent upon the approval of the Borough Engineer, alternative runoff computational techniques such as the Rational Method may be used where applicable. The borough reserves the right to require that the plan be prepared by a registered professional engineer, surveyor or landscape architect.

(3) The Borough Engineer shall review and approve the proposed provisions for stormwater management in accordance with the standards and requirements of this chapter.

(C) *Stormwater plan contents.*

(1) *General format.* The stormwater plan shall be drawn to a scale of not less than one inch equals 200 feet. All sheets shall contain a title block with name and address of applicant and engineer, scale, north arrow, legend and date of preparation.

(2) *Existing and proposed features.* The plan shall show the following:

(a) *Watershed location.* Provide a key map showing the location of the development site within the watershed(s) and watershed subarea(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify watershed names(s) and subarea number(s);

(b) *Floodplain boundaries.* Identify 100-year floodplains on the development site (as appropriate) based on the borough flood insurance study maps;

(c) *Natural features.* Show all bodies of water (natural or artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site, or which will be affected by runoff from the development;

(d) *Soils.* Provide an overlay showing soil types and boundaries within the development site (consult county, SCS and U.S. geological survey for information);

(e) *Contours.* Show existing and final contours at intervals of two feet; in areas with slopes greater than 15%, five-foot contour intervals may be used;

(f) *Land cover.* Show existing and final, land cover classifications as necessary to support and illustrate the runoff calculations performed;

(g) *Drainage area delineations.* Show the boundaries of the drainage areas employed in the runoff calculations performed; and

(h) *Stormwater management controls.* Show any existing stormwater management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts and the like, which are located on the development site, or which are located off-site but will be affected by runoff from the development.

(3) *Professional certification.* The stormwater management plan (including all calculations) must be prepared and sealed by a registered professional engineer, surveyor or landscape architect with training and expertise in hydrology and hydraulics. Documentation of qualifications may be required by the borough.

(4) *Runoff calculations.* Calculations for determining pre- and post-development discharge rates and for designing proposed stormwater control facilities must be submitted with the stormwater management plan. All calculations shall be prepared using the methods and data prescribed by § 153.02.

(5) *Stormwater controls.* All proposed stormwater runoff control measures must be shown on the plan including methods for collecting, conveying and storing stormwater runoff on-site, which are to be used both during and after construction. Erosion and sedimentation controls shall be shown in accordance with applicable borough and County Conservation District requirements. The plan shall provide information on the exact type, location, siting, design and construction of all proposed facilities and relationship to the existing watershed drainage system.

(a) If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.

(b) A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.

(c) If appropriate, a justification should be submitted as to why any preferred stormwater management techniques, as listed in § 53.03, are not proposed for use.

(6) *Easements, rights-of-way, deed restrictions.* All existing and proposed easements and rights-of-way for drainage and/or access to stormwater control facilities shall be shown and the proposed owner identified. Show any areas subject to special deed restrictions relative to or affecting stormwater management on the development site.

(7) *Other permits/approvals.* A list of any approvals/permits relative to stormwater management required from other governmental agencies (including 25 Pa. Code Chapters 105 and 106) and anticipated dates of submission/receipt should be included with the stormwater plan submission. Copies of permit applications may be requested by the borough where they may be helpful for the plan review.

(8) *Maintenance program.* The application shall contain a proposed maintenance plan for all stormwater control facilities in accordance with the following:

(a) Identify the proposed ownership entity (e.g., municipality, property owner, private corporation, homeowner's association or other entity);

(b) Include a maintenance program for all facilities, outlining the type of maintenance activities, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs;

- (c) Identify method of financing continuing operation and maintenance if the facility is to be owned by other than the borough or governmental agency; and
- (d) Submit any legal agreements required to implement the maintenance program and copies of the maintenance agreement as required by this chapter.
- (9) *Financial guarantees.* Submit financial guarantees in accordance with the provisions of this chapter.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.07 PLAN REVIEW PROCEDURES.

(A) Pre-application phase.

(1) Before submitting the stormwater plan, applicants are urged to consult with the borough, County Planning Department and County Conservation District on the requirements for safely managing from the development site in a manner consistent with the borough ordinances and applicable watershed stormwater management plan. These agencies may also be helpful in providing necessary data for the stormwater management plan.

(2) Applicants are encouraged to submit a sketch plan with a narrative description of the proposed stormwater management controls for general guidance and discussion with the borough and other agencies.

(3) The pre-application phase is not mandatory; any review comments provided by the borough or other agencies are advisory only and do not constitute any legally binding action on the part of the borough or any county agency.

(B) Stormwater plan reviews.

(1) *Submission of plans.* Stormwater plan applications shall be submitted with the preliminary and final subdivision/land development applications.

(2) *Notification of affected municipalities.* The borough shall notify municipalities upstream and downstream of the development site, which may be affected by the stormwater runoff and proposed controls for the site. Copies of the plans will be made available to the municipalities upon request. Comments received from any affected borough will be considered by the Borough Engineer and county agencies in their reviews.

(3) *County Planning review.*

(a) A copy of the stormwater plan, along with all runoff calculations, shall be forwarded to the County Planning Department. A report of the findings will be returned to the borough within 30 days.

(b) If the Planning Department review identifies that the plan fails to comply with the watershed standards and criteria or that a possibility exists for harmful downstream impacts from the development site, the applicant will be advised so that the necessary modifications can be made to the stormwater management controls for the development site. The Borough Engineer shall not approve the development site's stormwater management plan until modifications are made and the plan receives a positive review from the County Planning Department.

(4) *Borough Engineer's review.* The Borough Engineer shall approve or disapprove the stormwater management plan based on the requirements of the borough ordinances, the standards and criteria of the watershed plan and good engineering practice. The Engineer shall submit a written report, along with supporting documentation, stating his or her reasons for approval or disapproval.

(5) *Status of the Engineer's determination.* The approval/disapproval of the site's stormwater management plan by the Borough Engineer shall be considered final. The Borough Council shall not reverse the Engineer's determination by approving or disapproving the site's stormwater management plan or any specific control measure in contradiction to the engineers action. The Borough Council may request modifications or alternative approaches to the stormwater management controls, provided these are agreed to by the Borough Engineer and the applicant's engineer.

(6) *Permits required from other governmental agencies.* Where the proposed development requires an obstruction permit from the Pennsylvania DEP or an erosion/sedimentation permit from the County Conservation District, then final stormwater management plan approval shall be conditional upon receipt of such permits. However, no building permit shall be issued, nor construction started, until the permits are received and copies filed with the borough.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.08 STATUS OF THE STORMWATER PLAN AFTER FINAL APPROVAL.

(A) Upon final stormwater plan approval and receipt of all necessary permits, the applicant may commence to install or implement the approved stormwater management controls.

(B) If site development or building construction does not begin within two years of the date of final approval of the stormwater management plan, then before doing so, the applicant shall resubmit the stormwater management plan to verify that no condition has changed within the watershed that would affect the feasibility or effectiveness of the previously approved stormwater management controls. Further, if for any reason development activities are suspended for two years or more, then the same requirement for resubmission of the stormwater management plan shall apply.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.09 STORMWATER PLAN MODIFICATION.

(A) If the request for a plan modification is initiated before construction begins, the stormwater plan must be resubmitted and reviewed according to the procedures contained in § 153.07.

(B) If the request for a plan modification is initiated after construction is underway, the Borough Engineer shall have the authority to approve or disapprove the modification based on field inspection provided:

(1) The requested changes in stormwater controls do not result in any modifications to other approved borough land use/development requirements (e.g., building setbacks, yards and the like); and

(2) The performance standards in § 153.02 are met. Notification of the Engineer's action shall be sent to the Borough Council which may issue a stay of the plan modification within five days and require the permitted to resubmit the plan modification for full stormwater plan review in accordance with § 153.07.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.10 INSPECTIONS OF STORMWATER MANAGEMENT CONTROLS.

(A) The Borough Engineer or a designated representative shall inspect the construction of the temporary and permanent stormwater management system for the development site. The permittee shall notify the Engineer 48 hours in advance of the completion of the following key development phases:

(1) At the completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities;

(2) At the completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements and ground covers;

(3) During construction of the permanent stormwater facilities at such times as specified by the Borough Engineer;

(4) Completion of permanent stormwater management facilities including established ground covers and plantings; and

(5) Completion of final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and permit.

(B) No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the Borough Engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.

(C) If during construction the contractor or permittee identifies any site condition, such as subsurface soil conditions, alterations in surface, or subsurface drainage which could affect the feasibility of the approved stormwater facilities, he or she shall notify the Borough Engineer within 24 hours of the discovery of such condition and request a field inspection. The Borough Engineer shall determine if the condition requires a stormwater plan modification.

(D) In cases where stormwater facilities are to be installed in areas of landslide-prone soils or other special site conditions exist, the borough may require special precautions such as soil tests and core borings, full-time inspectors and/or similar measures. All costs of any such measures shall be borne by the permittee.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.11 FINANCIAL GUARANTEES AND DEDICATION OF PUBLIC IMPROVEMENTS.

(A) *Guarantee of completion.* A completion guarantee in the form of a bond, cash deposit, certified check or other negotiable securities acceptable to the borough shall be filed. The guarantee shall cover all streets, sanitary sewers, stormwater management facilities, water systems, fire hydrants, sidewalks and other required improvements; it shall be in the amount and form prescribed by the Municipalities Planning Code (53 P.S. § 10509).

(B) *Release of completion guarantee.* The completion guarantee shall be returned or released upon written certification by the Borough Engineer or a designated agent that improvements and facilities have been installed and completed in accordance with the approved plan and specifications. The procedures for requesting and obtaining a release of the completion guarantee shall be in a manner prescribed by the Municipalities Planning Code (53 P.S. § 10510).

(C) *Default of completion guarantee.* If improvements are not installed in accordance with the approved final plan, the Borough Council may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may at its option install part of such improvements in all or part of the development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All proceeds, whether resulting from the security or from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other borough purpose.

(D) *Dedication of public improvements.*

(1) When streets, sanitary sewers, stormwater management facilities, water lines or other required improvements in the development have been completed in accordance with the final approved plan, such improvements shall be deemed private until such time as they have been offered for dedication to the borough and accepted by separate ordinance or resolution or until they have been condemned for use as a public facility.

(2) Prior to acceptance of any improvements or facilities, the Borough Engineer shall inspect it to ensure that it is constructed in accordance with the approved plan and is functioning properly. In the case of any stormwater control facility, it must be free of sediment and debris.

(3) The owner shall submit as-built plans for all facilities proposed for dedication.

(E) *Maintenance guarantee.* Prior to acceptance of any improvements or facilities, the applicant shall provide a financial security to secure the structural integrity and functioning of the improvements. The security shall:

(1) Be in the form of a bond, cash, certified check or other negotiable securities acceptable to the borough;

(2) Be for a term of 18 months; and

(3) Be in an amount equal to 15% of the actual cost of the improvements and facilities so dedicated.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.12 FEE SCHEDULE.

The Borough Council may adopt by resolution from time to time a reasonable schedule of fees to cover the cost of plan reviews, inspections and other activities necessary to administer the provisions of this chapter. All fees shall be set in accordance with the applicable provisions of the Municipalities Planning Code and any dispute over the fee amount shall be resolved in the manner prescribed by the Municipalities Planning Code.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.13 ENFORCEMENT PROCEDURES AND REMEDIES.

(A) *Right of entry.* Upon presentation of proper credentials, duly authorized representatives of the borough may enter at reasonable times upon any property to investigate or ascertain the condition of the subject property in regard to an aspect regulated by this chapter.

(B) *Notification.*

(1) In the event that the applicant, developer, owner or his or her agent fails to comply with the requirements of this chapter or fails to conform to the requirements of any permit, a written notice of violation shall be issued. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s).

(2) Upon failure to comply within the time specified, unless otherwise extended by the borough, the applicant, developer, owner or his or her agent shall be subject to the enforcement remedies of this chapter.

(C) *Preventive remedies.*

(1) In addition to other remedies, the borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate a violation, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building or premises.

(2) In accordance with the Municipalities Planning Code (53 P.S. § 10515.1), the borough may refuse to issue any permit or grant approval to further improve or develop any property which has been developed in violation of this chapter.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.14 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Stormwater Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. §§ 680.1 through 680.17, as amended by Act of May 24, 1984, No. 63).

APPLICANT. A landowner or developer who has filed an application for development including his or her heirs, successors and assigns.

BOROUGH. Borough of North Braddock.

CHANNEL. A perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

CONSERVATION DISTRICT. The Allegheny County Conservation District (Westmoreland County Conservation District).

CULVERT. A closed conduit for the free passage of surface drainage under a highway, railroad, canal or other embankment.

DESIGN CRITERIA.

(1) Engineering guidelines specifying construction details and materials.

(2) Objectives, results or limits which must be met by a facility, structure or process in performance of its intended functions.

DESIGN STORM. See **STORM FREQUENCY.**

DETENTION. The slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

DETENTION POND. A pond or reservoir; usually small, constructed to impound or retard surface runoff temporarily.

DEVELOPER. The person, persons or any corporation, partnership, association or other entity or any responsible person therein or agent therefor that undertakes the activities associated with changes in land use. The term **DEVELOPER** is intended to include, but not necessarily be limited to, the term **SUBDIVIDER, OWNER** and

BUILDER even though the individuals involved in successive stages of a project may vary.

DEVELOPMENT. Any activity, construction, alteration, change in land use or practice that affects stormwater runoff characteristics.

DISCHARGE. The flow or rate of flow from a canal, conduit, channel or other hydraulic structure.

DRAINAGE. In general, the removal of surface water from a given area. Commonly applied to surface water and ground water.

DRAINAGE AREA.

(1) The area of a drainage basin or watershed, expressed in acres, square miles or other unit of area. Also called **CATCHMENT AREA, WATERSHED, RIVER BASIN.**

(2) The area served by a sewer system receiving storm and surface water, or by a watercourse.

ENCROACHMENT. Any structure or activity which in any manner changes, expands or diminishes, the course, current or cross-section of any watercourse, floodway or body of water.

EROSION. Wearing away of the lands by running water, winds and waves.

EROSION CONTROL. The application of measures to reduce erosion of land surfaces.

GROUND COVER. Materials covering the ground surface.

GROUND WATER. Subsurface water occupying the saturation zone, from which wells and springs are fed.

GROUND WATER RECHARGE. Replenishment of ground water naturally by precipitation or runoff or artificially by spreading or injection.

IMPERVIOUS. Not allowing or allowing only with great difficulty the movement of water, impermeable.

INFILTRATION.

(1) The flow or movement of water through the interstices or pores of a soil or other porous medium.

(2) The absorption of liquid by the soil.

LAND DEVELOPMENT. Any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels or land for any purpose involving:

(a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; and/or

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means or, for the purpose of streets, common areas, leaseholds, condominiums, building groups or other feature.

(2) A subdivision of land.

LAND DISTURBANCE. Any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

MAINTENANCE. The upkeep necessary for efficient operation of physical properties.

NATURAL STORMWATER RUNOFF REGIME. A watershed where natural surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

OUTFALL.

(1) The point, location or structure where drainage discharges from a sewer, drain or other conduit.

(2) The conduit leading to the ultimate discharge point.

OUTLET CONTROL STRUCTURE. The means of controlling the relationship between the headwater elevation and the discharge, placed at the outlet or downstream end of any structure through which water may flow.

PEAK FLOW. Maximum flow.

PERFORMANCE STANDARD. A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

PENNSYLVANIA DEP. Pennsylvania Department of Environmental Protection.

RELEASE RATE PERCENTAGE. The watershed factor determined by comparing the maximum rate of runoff from a subbasin to the contributing rate of runoff to the watershed peak rate at specific points of interest.

RETENTION POND. A basin, usually enclosed by artificial dikes, that is used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

RETURN PERIOD. The average interval in years over which an event of a given magnitude can be expected to recur.

RUNOFF. The part of precipitation which flows over the land.

RUNOFF CHARACTERISTICS. The surface components of any watershed which affect the rate, amount and direction of stormwater runoff. These may include but are not limited to: vegetation; soils; slopes; and human-made landscape alterations.

SCS. U.S. Department of Agriculture Soil Conservation Service.

SEDIMENT. Mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

SEDIMENTATION. The process by which mineral or organic matter is accumulated or deposited by moving water, wind or gravity.

STORAGE FACILITY. See **DETENTION POND** and **RETENTION POND.**

STORM FREQUENCY. The average interval in years over which a storm event of a given precipitation volume can be expected to occur.

STORM SEWER. A sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

STORMWATER. The portion of precipitation which runs over the land.

STORMWATER COLLECTION SYSTEM. Natural or human-made structures that collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features; canals; channels; ditches; streams; culverts; streets; and pumping stations.

STORMWATER MANAGEMENT PLAN. The plan for managing stormwater runoff adopted by Allegheny County and Westmoreland County as required by the Stormwater Management Act (32 P.S. §§ 680.1 et seq.)

SWALE. A low-lying stretch of land which gathers or carries surface water runoff.

WATERCOURSE. Any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED. The entire region or area drained by a river or other body of water whether natural or artificial. **DESIGNATED WATERSHED** is an area delineated by the Pennsylvania DEP and approved by the Environmental Quality Board for which counties are required to develop watershed stormwater management plans.

WATERSHED STORMWATER MANAGEMENT PLAN. The plan for managing stormwater runoff throughout a designated watershed adopted by Allegheny County and Westmoreland County as required by the Pennsylvania Stormwater Management Act (32 P.S. §§ 680.1 et seq.)

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

§ 153.99 PENALTY.

(A) *Enforcement remedies.*

(1) Any person, who has violated or knowingly permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the borough, pay a fine of not less than \$50 and not more than \$500 plus court costs, including reasonable attorney fees incurred by the borough. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice.

(2) If the defendant neither pays nor timely appeals the judgment, the borough may enforce the judgment pursuant to applicable rules of civil procedure.

(3) Each day that a violation continues shall constitute a separate violation unless the district justice further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation. In such case there shall be deemed to have been only one such violation until the fifth day following the date of the district justice's determination of a violation; thereafter, each day that a violation continues shall constitute a separate violation.

(4) All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the borough.

(5) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

(6) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the borough the right to commence any action for enforcement pursuant to this section.

(B) *Additional remedies.* In addition to the above remedies, the borough may also seek remedies and penalties under applicable state statutes or regulations adopted pursuant thereto including, but not limited to, the Stormwater Management Act (32 P.S. §§ 693.1 through 693.27) and the Erosion and Sedimentation Regulations (25 Pa. Code Chapter 102). Any activity conducted in violation of this chapter or any state-approved watershed stormwater management plan may be declared a public nuisance by the borough and abatable as such.

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

APPENDIX A: ASSIGNED RELEASE RATE PERCENTAGES

Release Rate Areas	Assigned Release Rate Percentage
1	50%
2	60%
3	80%
4	70%
5	60%
6	50%
7	50%
8	60%
9	50%
10	70%
11	70%
12	50%
13	80%
14	100%
15	50%
16	80%
17	60%
18	90%
19	70%
20	60%
21	70%
22	80%
23	50%
24	90%
25	100%
26	90%
27	60%
28	50%
29	80%
30	70%
31	50%
32	80%
33	60%
34	60%
35	90%
36	70%
37	50%
38	60%
39	60%
40	80%
41	50%
42	90%
43	80%
44	70%
45	60%
46	60%
47	70%

48	100%
49	90%
50	90%
51	70%
52	80%
53	90%
54	80%
55	50%
56	90%
57	70%
58	100%
59	50%
60	60%
61	50%
62	60%
63	50%
64	60%
65	70%
66	90%
67	60%
68	90%
69	70%
70	80%
71	70%
72	90%
73	60%
74	60%
75	50%
76	50%
77	70%
78	50%
79	50%
80	70%
81	80%
82	70%
83	60%
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91	100%
92	90%
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94	60%
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101	50%
102	60%
103	70%
104	80%
105	50%
106	100%
107	70%
108	10%
109	70%
110	90%
111	80%
112	90%
113	90%
114	100%
115	60%
116	70%
117	90%
118	70%

119	100%
120	90%
121	80%
122	60%
123	70%
124	70%
125	90%
126	80%
127	60%
129	100%
129	100%
130	80%
131	50%
132	70%
133	90%

(Ord. 980, passed 3-16-1993; Ord. 991, passed 2-21-1995)

CHAPTER 154: SIGNS AND BILLBOARDS

Section

- 154.01 Permit needed
- 154.02 Application
- 154.03 Necessary removal

- 154.99 Penalty

§ 154.01 PERMIT NEEDED.

It shall be unlawful for any person or persons, firm or corporation to erect any sign or string any banner over and across the public streets or highways of the said borough, without having first applied for and received a permit so to do from the Borough Secretary.

(Ord. 439, passed 8-6-1913) Penalty, see § 154.99

§ 154.02 APPLICATION.

Any person or persons, firm or corporation desiring a permit to erect any sign or string any banner over and across any of the public streets or highways of the borough, shall make application therefor in writing to the Borough Clerk, stating the purpose for which the same is wanted, the length of time the same is to be erected or strung, the location or locations thereof, agree to remove the same at his, her or their expense at the expiration of the time mentioned in the application of or said permit, erect the same in a safe condition and so as not to interfere with and maintain the public travel and reimburse the said borough for any loss or expense sustained by reason of the erection or removal thereof.

(Ord. 439, passed 8-6-1913)

§ 154.03 NECESSARY REMOVAL.

Any person or persons, firm or corporation receiving a permit for any of the above-mentioned signs or banners shall, in addition to the above regulations, agree to the removal or destruction of said signs or banners in case the same may be deemed necessary by any member of the Fire Department when called into action to fight or extinguish any fire or fires without the borough or any of its employees or agents being held in damages, or in any manner liable to said person or persons, firm or corporation erecting said sign or stringing said banner.

(Ord. 439, passed 8-6-1913) Penalty, see § 154.99

§ 154.99 PENALTY.

(A) *Penalty for no permit.* Any person or persons, firm or corporation attempting to erect any sign or string any banner across any of the public streets or highways of the borough as aforesaid without first having applied for and received a permit to do so from the Borough Clerk, 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 continues shall constitute a separate offense.

(B) *Penalty for non-removal.* Any person or persons, firm or corporation having received a permit to erect or string any sign or banner over and across any of the streets and highways of the borough and shall fail to remove the same at the expiration of the time mentioned in the permit, or shall fail to keep the same in a safe condition or violate any of the regulations of the permit, 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 continues shall constitute a separate offense.

(Ord. 439, passed 8-6-1913)

CHAPTER 155: ZONING

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- Appendix A: Zoning map
- Appendix B: Official map

GENERAL PROVISIONS

§ 155.001 TITLE.

This chapter shall be known and cited as the "North Braddock Borough Zoning Ordinance".

(Ord. 1089, passed 5-19-2014)

§ 155.002 DEFINED WORDS.

Words used in a special sense in this chapter are defined in §155.021.

(Ord. 1089, passed 5-19-2014)

§ 155.003 GENERAL PURPOSE.

(A) The general purposes, which are the basis for the provisions of this chapter, are set forth in the borough comprehensive plan.

(B) The zoning regulations and districts set forth in this chapter are made in accordance with the comprehensive plan for the general welfare of the borough and are intended to include, but not be limited to, achieving the following purposes:

- (1) To implement the policy goals and strategies of the comprehensive plan;
- (2) To promote and facilitate coordinated and practical community development phased and located in relation to infrastructure facilities;
- (3) To promote and facilitate provisions for adequate light and air, vehicle parking and loading spaces, transportation and recreational facilities;
- (4) To promote and facilitate preservation of the natural, scenic and historic values in the environment and conservation of wetlands, steep slopes and floodplain areas;
- (5) To prevent danger and congestion in travel and transportation, and loss of health, life or property from fire or flood;
- (6) To provide for various dwelling types including single-family and two-family dwellings, and multi-family dwelling and mobile homes and mobile home parks; and

(7) To accommodate reasonable overall community growth in accordance with the comprehensive plan.

(Ord. 1089, passed 5-19-2014)

§ 155.004 INTERPRETATION.

(A) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements. It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued, pursuant to the use of buildings or premises and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this chapter shall control.

(B) In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the borough, in favor of the property owner and against any implied extension of the restriction.

(Ord. 1089, passed 5-19-2014)

§ 155.005 APPLICATION OF REQUIREMENTS.

(A) The requirements of this chapter shall apply to all zoning districts, lots, structures, land developments and subdivisions in the borough.

(B) No structure or lot shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structural alteration made unless in conformity with this chapter.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.006 SEVERABILITY.

If any of the provisions of the zoning chapter becomes illegal, invalid or unenforceable, that action shall not affect the validity or enforceability in the borough of any other provision of the zoning chapter.

(Ord. 1089, passed 5-19-2014)

DEFINITIONS

§ 155.020 WORD USAGE.

The following rules of construction shall apply to this chapter.

(A) The particular shall control the general.

(B) In case of any difference in meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

(C) The word "shall" is mandatory and not discretionary. The word "may" is permissive.

(D) Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(E) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and/or "occupied for".

(Ord. 1089, passed 5-19-2014)

§ 155.021 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCELERATED EROSION. The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

ACCESSORY STRUCTURE. A subordinate structure detached from but located on the same lot as a principal building. The use of an **ACCESSORY STRUCTURE** must be an accessory to the use of the principal building. **ACCESSORY STRUCTURES** include garages, decks, fences and structures required for urban agriculture.

ACCESSORY USES. A subordinate use which is clearly incidental and related to that of a main structure or main use of land.

ADULT ENTERTAINMENT ESTABLISHMENT.

(1) Any theater, shop, bookstore, model studio, sexual encounter center, massage, massage parlor, escort service, adult cabaret, adult motel or other establishment which at any time displays motion picture films, videotapes, books, magazines, publications or other forms of adult entertainment of a sexual nature or content including, but not limited to, the display of any motion picture, videotape, book, magazine, dancing or any other form of live theater production and entertainment which is X-rated, is pornographic or obscene, depicts any live or simulated sex act or includes exposed male or female genitalia.

(2) Inclusive in this definition of **ADULT ENTERTAINMENT** are the following means of representing activities herein described.

(a) **LIVE THEATER PRODUCTION.** Any dramatic, musical or comedic production performed in the presence of a live audience.

(b) **MASSAGE.** Any method of treating superficial soft parts of the human body, for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading or any similar treatment, accomplished by hand, or any part of the human body, or by the use of any instrument.

(c) **MASSAGE PARLOR.** Any building or structure or portion thereof, located within the district, which is opened to members of the general public, with or without the payment of a fee, at which massage services are offered.

(d) **MODEL STUDIO.**

1. Any place where there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for person who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the place;

2. Any place where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted;

3. Exception: the words **MODEL STUDIO** do not include any studio which is operated by any state college or junior college, public or private school, or any governmental agency wherein the person, firm, association, partnership or corporation so operating has met the requirements established by the commonwealth for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma; or

4. Any place where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in division (2)(d)1. above.

(e) **MOTION PICTURE FILM.** Includes any:

1. Film or plate negative;

2. Film or plate positive;

3. Film designed to be projected on a screen for exhibition;

4. Films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen; and

5. Video tape or any other medium used to electronically reproduce images or a screen.

(f) **NUDE.** Includes:

1. Completely without clothing; and
2. With the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the breast with less than a fully opaque covering of any portion thereof below the top of nipple, or the covered male genital in a discernibly turgid state.

(g) **OBSCENE MATTER.** Any matter:

1. Which the average person, applying contemporary standards, would find, when considered as a whole, appeals to the prurient interest;
2. Masturbation, excretory functions or exhibition of the genitals or genital areas;
3. Ultimate sexual acts, normal or perverted, actual or simulated; and
4. The matter taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

(h) **PUBLICATION.** Includes any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, motion picture film or internet or computer transmissions which is displayed in an area open to the public, offered for sale or exhibited in a coin-operated machine, or for any other type of admission or exhibition fee.

AGRICULTURAL ACTIVITIES. Activities including, but not limited to, livestock and poultry raising; field, row and tree crops; forest and tree products; sale of products produced on the premises; and other customary farm structures. Not included are farm-oriented commercial or industrial activities or operations, such as food or livestock processing plants, holding pens, slaughterhouses or similar uses which handle products not produced on the immediate premises.

APPLICANT. A landowner, or developer, as hereinafter defined, who has filed an application for development including his or her heirs, successors and assigns.

ARRAY. Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

ASSISTED LIVING RESIDENCE. Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

AUTOMOBILE REPAIR. Any building, structure, improvements or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including, but not limited to, body, fender, muffler or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of CB radios, car alarms, stereo equipment or cellular telephones.

AUTOMOBILE SALES. Sales, leasing, rental and related servicing of new and used automobiles, light trucks, vans and sports utility vehicles, boats, off-road vehicles and recreational vehicles limited to a capacity of not more than one and one-half tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers and similar items; excluding, however, commercial wrecking, dismantling or junkyard.

BANK AND FINANCIAL INSTITUTION. A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments and fiduciary activities.

BAR or TAVERN. A licensed business selling alcoholic beverages for consumption on the premises.

BASEMENT. A story partly below ground and having one-half or more of its height below the average level of the adjoining ground.

BASIC GRADE. The average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established the actual existing grade of the traveled roadway shall apply.

BED AND BREAKFAST. A transient lodging establishment, generally in a single-family dwelling or detached guest houses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

BILLBOARDS. A sign, greater than 50 square feet in area, displaying advertising, whether of a stable or changeable copy nature, which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.

BMP (BEST MANAGEMENT PRACTICES). Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet state water quality requirements and to promote groundwater recharge.

BOARD. The Zoning Hearing Board of the borough.

BOROUGH. The Borough of North Braddock, Allegheny County, Pennsylvania.

BUILDING-INTEGRATED SYSTEM. A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surface of walls, window openings and roofing. A **BUILDING-INTEGRATED SYSTEM** may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semi-transparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING-MOUNTED SYSTEM. A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the borough and that is either the principal structure or an accessory structure on a recorded lot or parcel. This system also includes any solar-based architectural elements.

CAR WASH. Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets.

CELL. The smallest basic solar electric device which generates electricity when exposed to light.

CEMETERY. Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales and maintenance facilities. Mortuaries shall be included when operated within the boundary of such **CEMETERY**.

CHILD DAY CARE.

(1) A public, private, non-profit or profit facility regulated and licensed by the Pennsylvania Department of Public Welfare ("DPW"), providing care or supervision to children, excluding:

- (a) Care provided by the operator to his or her relatives (child, step-child, grandchild or foster-child); and
- (b) Care furnished in places of worship during religious services.

(2) The following are the categories of child day care:

(a) **CHILD DAY CARE CENTER.** The premises in which care is provided at any one time for seven or more children unrelated to the operator.

(b) **LARGE FAMILY CHILD DAY CARE HOME/GROUP CHILD DAY CARE HOME.** The premises in which care is provided at one time for more than six but fewer than 16 older than school-age level children or more than six but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises.

(c) **SMALL FAMILY CHILD DAY CARE HOME.** A home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.

CHURCH, PLACE OF WORSHIP. A building or structure, or group of buildings or structures that by design and construction are primarily intended for conducting organized religious services.

CIVIC, SOCIAL AND FRATERNAL CLUB. Buildings and facilities, owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, to which membership is required for participation, and not primarily operated to render a service that is carried on as a business.

CLEAR SIGHT-TRIANGLE. The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or right-of-way line and the curb of a driveway), each point being that distance from the intersection, and the two intersecting right-of-way line(s) (or right-of-way line and a driveway).

COMMON OPEN SPACE. A parcel or parcels of land or an area of water, or combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

COMMONWEALTH. The Commonwealth of Pennsylvania.

COMMUNICATION ANTENNA (CO-LOCATION). The use of a single mount or tower by more than one carrier for the mounting of communications antennas.

COMMUNICATION FACILITIES. A communications tower and all appurtenant communications antennas, communications equipment buildings, accessory buildings and all other structures and devices necessary for the operation of the communications tower and its communications antennas within the required fenced area.

COMMUNICATIONS ANTENNA. Any device used for the transmission or reception of radio, television, wireless telephone, personal communications services (PCS), pager, commercial mobile radio service or any other wireless communication signals, including without limitation omnidirectional antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment, including ham or citizen band radio antennas.

COMMUNICATIONS TOWER. A structure other than a communications equipment building designed and used to solely support communications antennas.

COMMUNITY CENTER. A public, quasi-public or privately maintained institution devoted exclusively to a variety of group activities, civic, social, recreational, educational and/or cultural, and maintaining the premises and facilities appropriate for such activities; provided, however, that the said premises shall not include living quarters for persons other than those engaged in the conduct and/or maintenance of the institution.

COMPREHENSIVE PLAN. The comprehensive plan of the borough.

CONDITIONAL USE. A use permitted in a particular zoning district pursuant to the provisions of this chapter and Pa. Mun. Plan Code, 53 P.S. Article VI 53 P.S. §§ 10601 et seq.

CONTRACTOR'S YARD. Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

CONVERSION DWELLING. A dwelling unit, two or more of which have been created by the subdivision of any structure or any single dwelling unit whether or not structural alterations or additions are entailed.

COUNCIL. The Borough Council of the Borough of North Braddock.

COUNTRY CLUB or GOLF COURSE. A recreational facility operated by a public or private entity which has, as its principal use, facilities for playing golf and which may include one or more of the following accessory uses: a clubhouse and/or restaurant; locker rooms; pro shop; swimming pool; and facilities for racquet sports.

CREMATORIUM. A location containing properly installed, certified apparatus intended for use in the act of cremation.

DEP. The Pennsylvania Department of Environmental Protection.

DEVELOPER. Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN. The provisions for development, including a Planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase **PROVISIONS OF THE DEVELOPMENT PLAN** when used in this chapter shall mean the written and graphic materials referred to in this definition.

DRIP LINE. The outermost edge of a roof including eaves, overhangs and gutters.

DRIVE-THROUGH FACILITY. Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DRY CLEANING PROCESSING FACILITY. A building, portion of a building or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel or articles of any sort using volatile solvents and the processes incidental thereto.

DWELLING UNIT. One or more living or sleeping rooms which are arranged, designed, used or intended for use as living quarters. **DWELLING UNIT** shall have permanent sanitary facilities; permanent facilities for sleeping, cooking and eating, and be served by a heating system capable of providing 68°F throughout the unit when outside temperature is 0°F.

EARTH DISTURBANCE. A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and moving, disposing, stockpiling or storing of rock or earth materials.

EGRESS. A continuous and clear path of travel from any point in a building or structure to a public street.

ELECTRONIC CHANGEABLE COPY BILLBOARDS. A billboard that is capable of changing its content through electronic signals.

ELECTRONIC NOTICE. Notice given by the borough through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

EROSION AND SEDIMENTATION CONTROL PLAN. A plan for the project site which identifies BMPs to minimize accelerated erosion and sedimentation.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance of public utilities or municipal or other governmental agencies, underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communication facilities, communications towers and communications antennas, as defined herein.

FAMILY. One or more individuals living together as the functional equivalent of a **FAMILY** where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A **FAMILY** includes, for example, the residents of residential care facilities and group homes for people with disabilities. A **FAMILY** does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries.

FENCE. A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

FITNESS CLUB or GYM. An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

FLOOR AREA. In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. **GROSS FLOOR AREA** is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

FORESTRY. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONT YARD DEPTH. The prescribed minimum open space extending across the entire width of the lot between the front line of building and street right-of-way.

FUNERAL HOMES and MORTUARIES. A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

GARAGE (PRIVATE). A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

GARDEN CENTER, PLANT NURSERY, LANDSCAPING BUSINESS or GREENHOUSE. A commercial activity devoted to the raising and sale of plants and implements for gardening.

GASOLINE SERVICE STATION. Any premises used for the storage and/or sale at retail of gasoline, petroleum products and automotive accessories and/or the rendering of services in connection with these products including inspection, greasing, washing, polishing, servicing and adjustment of vehicles. Automobile car rental service is permitted provided the number of vehicles, visible on the premises at one time does not exceed three vehicles (trucks, cars or trailers). This definition does not include separate automobile laundering or washing facilities commonly known as a "car wash" or "auto spa".

GOVERNING BODY. The Borough Council of the Borough of North Braddock, Allegheny County, Pennsylvania.

GROUND-MOUNTED SYSTEM. A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

GROUP RESIDENCE. A dwelling unit in a residential area where room and board are provided to six or fewer unrelated persons of any age who are permanent residents, including necessary staff who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents; such services being provided by a governmental agency, its licensed or certified agents or any other responsible nonprofit corporation meeting the minimum requirements of the sponsoring agency. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.

HALFWAY HOUSE. A group residence for those who have completed treatment at a rehabilitation facility, whether criminal in nature or not, but are not yet ready to return to independent living in the community and where residents participate in structured programs designated to ease successful reintegration into society.

HEARING. An administrative proceeding conducted by a board pursuant to Pa. Mun. Plan Code, 53 P.S. § 10909.1.

HEIGHT. The vertical distance from the average contact ground level at the front wall of a structure to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

HOME OCCUPATION. An occupation carried on in a dwelling solely by the dwellers therein as a secondary use which may include the employment of only one assistant. The use of mechanical equipment, noticeable noise, odor or other nuisance, shall be governed by the performance standards of this chapter. The display, storage or sale of goods, signs or advertisement of commodities or services related to the conduct of a retail business is not a home occupation.

HOSPITAL. A building or part thereof used for the medical, psychiatric, obstetrical or surgical care on a 24-hour basis. The term **HOSPITAL** shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals and any such other facilities, which provide in-patient care. A **HOSPITAL** shall be licensed as such by the commonwealth.

HVAC. Equipment used to heat, cool or ventilate a structure.

INTERCONNECTION. The technical and practical link between the solar generator and the grid providing electricity to the greater community.

JUNK. Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal or storage.

JUNKYARD. Any lot or parcel, building or structure used in whole or in part for the storage, collection, processing or disposal of junk.

KENNEL. A facility for the boarding of animals, the breeding of small animals such as dogs and/or cats, or the boarding, grooming, sale or training of small animals such as dogs and/or cats for which a fee is charged.

KILOWATT (kW). A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. **AWATT** is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. One thousand kW is equal to one megawatt (MW).

LANDOWNER. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he or she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LIBRARY. A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

LOADING SPACE. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LONG-TERM NURSING CARE FACILITY. A facility licensed by the Department of Health that provides skilled or intermediate nursing care or both levels of care to two or more patients, who are unrelated to the nursing home administrator, for a period exceeding 24 hours.

LOT. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT, AREA OF. The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

LOT COVERAGE. The area of a lot or parcel which is covered by main and/or accessory buildings or structures.

LOT, DEPTH OF. A mean horizontal distance between the front and rear lot lines.

LOT OF RECORD. Any lot which individually or as a part of a subdivision, has been recorded in the County Department of Real Estate.

LOT, WIDTH OF. The mean width measured at right angles to its depth.

LOT, ZONING. A parcel of land, fronting on a street, which is or may be occupied by a structure with accessory uses and structures and the open spaces required under this chapter, including easement areas if any, but not including any public or private street or alley.

MAILED NOTICE. Notice given by the borough by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURING. The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

MANUFACTURING, LIGHT. The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. **LIGHT MANUFACTURING** includes, but is not limited to, the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light-weight nonferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods and food products; but not animal slaughtering, curing, nor rendering of fats.

MARINA, RECREATIONAL BOAT DOCKING. Any establishment for the launching, mooring, serving and/or storage (wet and dry) of recreational boats and/or other water vessels, including the sale of provisions, supplies and fuel for such boats. Such use may also include a boat and motor sales establishment and live-aboard vessels.

MAXIMUM EXTENT FEASIBLE. No feasible and prudent alternative exists, and all possible planning to minimize potential harm has been undertaken.

MEDICAL FACILITIES. A facility for the examination and treatment of ill and afflicted human outpatients provided, however, that patients are not kept overnight except under emergency conditions and includes doctor and dental offices and clinics.

METHADONE TREATMENT FACILITY. A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

MINERAL EXTRACTION. Includes all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value by means of mechanical excavation necessary to separate the desired material from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position.

MINERALS. Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MOBILE HOME. A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODULE. The smallest protected assembly of interconnected PV cells.

MOTEL, HOTEL or INN. A building, or a group of buildings, having units containing sleeping accommodations which are available for a temporary, rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than four transient occupants not normally quartered on the premises shall be considered as a **MOTEL** facility under the provisions of this chapter.

MULTI-FAMILY DWELLING.

(1) A building containing three or more independent dwelling units.

(a) **GARDEN APARTMENT.** One which is generally located in a structure containing not less than four dwelling units; not exceeding four stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and, frequently exhibiting different facades and design features between structures in a garden apartment complex. Elevators must be provided for all floors above the second floor.

(b) **TOWNHOUSE.** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front or rear wall to be used for access, light and ventilation.

(2) Other structures of three or more independent dwelling units.

MUNICIPAL ENGINEER. The appointed professional engineer of the borough.

NET METERING AGREEMENT. An agreement with a local electrical utility that allows customers to receive credit for surplus electricity generated by certain renewable energy systems.

NO IMPACT HOME BASED BUSINESS. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements.

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(8) The business may not involve any illegal activity.

NONCONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING SIGN. Any lawful sign which does not conform to the applicable sign regulations of the district in which it is located, either on the effective date of this chapter or as a result of subsequent amendments thereto.

NONCONFORMING STRUCTURE. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the zoning chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such chapter or amendment or prior to the application of such chapter or amendment to its location by reason of annexation. Such **NONCONFORMING STRUCTURES** include, but are not limited to, nonconforming signs.

NONCONFORMING USE. A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such chapter or amendment, or prior to the application of such chapter or amendment to its location by reason of annexation.

NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM). The federal government's system for issuance of permits under the Clean Water Act, being 33 U.S.C. §§ 1251 et seq., which is delegated to the DEP in this state.

OCCUPANCY PERMIT. A document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of structure or parcel of land, or change of occupancy of structure, and indicating that the use and structure is in compliance with this chapter, that all conditions attached to the granting of the zoning certificate have been met, and that the structure and land may be occupied and used for the purposes set forth in the zoning certificate.

OFFICES, GENERAL. All offices related to insurance, real estate service, business services, advertising, duplicating, legal services, any professional offices and similar functions requiring the use of the property for general offices or personal services.

OFF-PREMISES SIGN. A sign other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered and it may be either freestanding or attached to a surface of a building or other structure. A structure, building wall or other outdoor surface used by display lettered or pictorial or other matter to publicize and aid the sale of any product, commodity or service.

PENNSYLVANIA MPC. The Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10101 et seq.

PERSONAL CARE HOME.

(1) A premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.

(2) The term includes a premises that has held or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

PERSONAL SERVICES. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel including, but not limited to, barber and beauty shops, dog grooming, tailor, dressmaker, shoe repair, photographer, laundry and the like.

PERSONAL STORAGE FACILITY. A building or group of buildings in a controlled access and usually fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares.

PHOTOVOLTAIC (PV). A semiconductor based device that converts light directly into electricity.

PLANNED RESIDENTIAL DEVELOPMENT. An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the zoning regulations.

PLANNING COMMISSION. The planning agency of the Borough of North Braddock, Allegheny County, Pennsylvania.

PRIVATE GARAGE. An accessory building for the storage of one or more private motor vehicles owned and used by the owner or tenant of the premises provided that no business, occupation or service is conducted nor space therein leased to a nonresident of the premises.

PUBLIC FACILITIES. Any facility, including, but not limited to, buildings, property, recreation areas and roads, which are leased or otherwise operated or funded by a

governmental body or public entity.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the governing body or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania MPC.

PUBLIC MEETING. A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings).

PUBLIC NOTICE. Notice published once each week for two successive weeks in a newspaper of general circulation in the borough. Such **NOTICE** shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC PARKING GARAGE. A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking garage structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

PUBLIC SURFACE PARKING. A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above the parking area.

REAR YARD DEPTH. The prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

RECREATION FACILITY, INDOOR. An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized or franchised sports, including, but not limited to, basketball, hockey, wrestling, soccer, tennis, volleyball, racquetball or handball. Such facility may also provide other regular organized or franchised events, snack bar, restaurant and retail sales of related sports, health or fitness items and other support facilities.

RECREATION FACILITY, OUTDOOR. A recreational land use conducted outside of a building including uses such as athletic fields, miniature golf, skateboard park, swimming, bathing, wading and other therapeutic facilities, tennis, handball, basketball courts, batting cages and trampoline facilities.

RESEARCH AND DEVELOPMENT FACILITY. Any establishment which carried on basic, applied, industrial and/or scientific investigations and/or research, including laboratories and testing facilities, in the natural, physical or social sciences or engineering and development and/or testing as an extension of such research with the objective of creating end products; and which may include pilot manufacturing, as an accessory use. The term also includes medical laboratories where prosthetic devices or medical equipment testing takes place exclusively on written work order of a licensed member of the dental or medical profession, but excludes other medical testing; and further specifically excludes the housing of animals or activities requiring overnight stays by subjects or investigators, biological engineering, gene enhancement and/or biological re-engineering.

RESTAURANT (EATING AND DRINKING ESTABLISHMENT). Any building, structure or facility in which food is prepared or processed for sale to the general public, and where tables, chairs and/or counters are provided for the consumption of prepared foods entirely within the walls of the principal structure.

RETAIL SHOP OR ESTABLISHMENT. An establishment that offers items for sale and includes building materials, hardware, general merchandise, food products, new and used automobile sales (excluding gasoline service stations), clothing, apparel and clothing accessories, furniture, home furnishing and similar equipment, sporting goods, drugs, specialty food shops, paint stores, electrical supplies, variety stores, department stores, bakeries, dairy products, household appliances, and similar retail or general commercial outlets.

ROOMING HOUSE. A residential building with three or more sleeping rooms for lodgers, and wherein no dining facilities are maintained for the lodger.

SCHOOL. Any public, parochial or private place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors or teachers, who are certified by the Pennsylvania Department of Education in accordance with such standards as the State Board of Education may establish, which teach those academic subjects that are fundamental and essential in general education, and which provide kindergarten, elementary or secondary stages of education, or a vocational school, under the supervision of the commonwealth or lawfully constituted ecclesiastical governing body and with standards of instruction meeting the requirements of the commonwealth, including intermediate units established by the public school system of the commonwealth, but excluding any privately operated school of trades, vocations, avocations, business and institutional schools, or drug or alcohol addiction program or foundation.

SCREENING. Relative to this chapter shall mean a fence, evergreen hedge or wall at least six feet high, provided in such a way that it will block a line of sight. The **SCREENING** may consist either of one or several rows of bushes or trees or of a constructed fence or wall.

SEAT. A fixed seat in a theater, auditorium or meeting room, or 24 lineal inches of an installed bench or pew, or in the absence of these, six square feet of floor space in the seating area.

SECURITY ILLUMINATION. Level of illumination in prescribed areas of 0.25 footcandles.

SEDIMENT. Solid material, both mineral and organic, that is in suspension, is being transported or has been removed from its site or origin by air, water, gravity or ice and has come to rest on the earth's surface.

SIDE YARD WIDTH. The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a **SIDE LINE**.

SIGN. Any surface, fabric or device bearing lettered pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboards, poster panels or other graphic displays) designed to carry the above visual information.

SINGLE-FAMILY DWELLING. A detached building designed for or used exclusively for residential purposes by one family.

SITE. A lot, tract or parcel of land or a series of lots, tracts or parcels of land which are adjoining where earth disturbance activities are continuous and performed at the same time.

SITE PLAN. A map of a final development plan to be officially recorded after approval by the borough.

SLAUGHTERHOUSE. A facility for the slaughtering and processing of animals and the refining of their byproducts.

SOLAR-BASED ARCHITECTURAL ELEMENT. Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT. Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR PHOTOVOLTAIC (PV) SYSTEM. A solar collection system consisting of one or more building and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A **SOLAR PV SYSTEM** is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

SPECIAL EXCEPTION. A use permitted in a particular zoning district pursuant to the provisions of Pa. Mun. Plan Code, 53 P.S. Articles VI and IX.

STREET. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicle traffic or pedestrian, whether public or private.

STRUCTURE. Any human-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO). The Allegheny County Subdivision and Land Development Ordinance.

SURETY BOND. An agreement between a landowner or his or her agent or a builder or developer and the borough providing for full payment to the borough for any improvements promised by the landowner builder or developer but not completed within the time prescribed by the promissory agreement.

SURFACE WATERS OF THE COMMONWEALTH. Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface water or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

SWIMMING POOL. A container of water used for swimming or bathing purposes, of any depth or size if wholly or partially sunk beneath adjacent ground level. If erected above ground, the same shall be covered under the terms of this chapter only if it has at least one dimension greater than 15 feet, or is more than 36 inches in depth. As herein defined the term **SWIMMING POOL** shall be deemed to be a structure.

TRACKING SYSTEM. A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production either with a single-axis or dual axis mechanism.

TRANSPORTATION TERMINAL. Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The **TERMINAL** cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The **TERMINAL FACILITY** may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The **TERMINAL** may also serve as a passenger station that is central to an area and serves as a junction at any point with other line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

TWO-FAMILY DWELLING. A detached building designed for or containing two independent dwelling units.

UNREGULATED YARD AREA. Area not within a building and not in a defined setback or yard area.

URBAN AGRICULTURE, ACCESSORY USE. Small scale agricultural activities conducted on a lot or site in conjunction with an authorized principal use and where products raised or produced are primarily intended for consumption or use of the occupants of the premises.

URBAN AGRICULTURE, LIMITED (NO ANIMALS). Agricultural activities intended primarily for the growing of crops and in which no livestock, bees, poultry or other farm animals are kept or raised. Limited agricultural uses are intended to allow for the growing of agricultural products on vacant lots or properties as a permissible principal use.

USE. The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

VARIANCE. Relief granted pursuant to the provisions of this chapter and Pa. Mun. Plan Code, 53 P.S. Articles VI and IX.

WAREHOUSE. A building used primarily for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

WHOLESALE DISTRIBUTION. An establishment primarily engaged in selling merchandise to retailers, institutional, industrial, commercial or professional business customers or other wholesalers, rather than the general public, or acting as a broker for such merchandise sales. **WHOLESALE DISTRIBUTION** includes the warehousing of merchandise and distribution of such merchandise from the site of the principal business to other wholesale or retail businesses or institutional customers.

YARD. An open, unoccupied space, other than a court, not occupied with a building, open and unobstructed from the ground to the sky, except as otherwise provided herein.

(1) **REQUIRED FRONT YARD.** A yard across the full width of the lot extending from the front yard line to a line full parallel therewith and a distance therefrom as prescribed in this chapter.

(2) **REQUIRED REAR YARD.** A yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

(3) **REQUIRED SIDE YARD.** A yard between the required front and rear yards, extending from the side line of the lot to a line parallel therewith and a distance therefrom as prescribed in this chapter.

(4) **REQUIRED YARD.** A yard between the lot line and the buildable area, of the dimensions required by this chapter.

ZONING DISTRICT. A district of the borough into which the borough has been divided for the purposes of zoning as set forth in this chapter.

ZONING HEARING BOARD. The Zoning Hearing Board of the borough.

ZONING OFFICER. The Zoning Officer of the borough with such powers and duties as are conferred in this chapter.

ZONING PERMIT. A document issued to an applicant by the Zoning Officer certifying that the proposed use of land and structures, the characteristics of the uses and the approved site plan are in conformance with all pertinent provisions of this chapter, and authorizing the applicant to proceed with the preparation and development of such land and structure.

(Ord. 1089, passed 5-19-2014)

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

§ 155.035 ZONING DISTRICTS.

The borough is hereby divided into the following zoning districts and shown by the zoning district boundary lines on the "North Braddock Borough Zoning Map":

- (A) UA Urban Agriculture District;
- (B) R-A Low Density Residential District;
- (C) R-B Traditional Residential District;
- (D) R-C High Density Residential District;
- (E) VC Vehicle Oriented Commercial District;
- (F) C General Commercial District;
- (G) NC Neighborhood Mixed Use Commercial District;
- (H) LC Limited Mixed Use Commercial District;
- (I) M Manufacturing District; and
- (J) OU Other Uses District.

(Ord. 1089, passed 5-19-2014)

§ 155.036 ZONING MAP.

The boundaries of the zoning districts are shown upon the borough zoning map. This map shall be known and commonly referred to as the zoning map. The map and all the notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if they were all fully set forth or described herein. The original, properly attested zoning map shall be available for examination at the Borough Office and shall be reviewed and amended as deemed necessary by the Borough Council.

(Ord. 1089, passed 5-19-2014)

§ 155.037 DISTRICT BOUNDARIES.

The district boundaries on the zoning map are intended to follow property lines; centerlines of roads, watercourses or railroads; other identifiable physical features; or measured distances from property lines, centerlines or identifiable physical features. When the Zoning Officer cannot determine the location of a zoning district boundary by reference to the zoning map, the Zoning Officer shall refuse action; and the Board shall interpret the location of the district boundary with reference to the scale of the map, the comprehensive plan and the purposes set forth in all relevant provisions of this chapter.

(Ord. 1089, passed 5-19-2014)

§ 155.038 ZONING DISTRICT REGULATIONS.

The provisions of this part apply to all zoning districts and all lots. Except when stated, all provisions of this part apply to all uses.

(Ord. 1089, passed 5-19-2014)

§ 155.039 SPLIT LOT ZONING.

Where a zoning district boundary splits a lot, resulting in differing and nonuniform requirements for the lot, the following provisions shall apply.

(A) Where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require subdivision.

(B) Where a lot cannot be subdivided in compliance with this chapter and the subdivision and land development ordinance, the authorized use permitted on the lot is limited to those authorized uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the provisions of this chapter where the largest portion of the lot is located. If this section creates an undue hardship, the Board has jurisdiction to grant such relief as the Board deems necessary.

(Ord. 1089, passed 5-19-2014)

GENERAL REGULATIONS

§ 155.050 GENERALLY.

The regulations included in this subchapter shall apply to all uses in all districts.

(Ord. 1089, passed 5-19-2014)

§ 155.051 STEEP SLOPES LIMITATIONS.

The maximum percentage of lot area or site area of a development which may be disturbed, graded and stripped of vegetation during development and construction of the public and private improvements with the exception of incidental grading for structure construction is as follows.

(A) *Residential development.*

(1) If the slope category is 15% to 24.9% slope, 30% of the lot area or site area;

(2) If the slope category is greater than 25% slope, 15% of the lot area or site area; and

(3) This restriction shall not apply if disturbance is for nonresidential developments in Planned residential developments or single-family lot areas, but the restrictions shall apply to general development site areas for residential uses, i.e., streets, stormwater retention areas, utilities and the like.

(B) *Nonresidential development.* If the slope category is greater than 40% slope, 15% of the lot area or site area.

(Ord. 1089, passed 5-19-2014)

§ 155.052 IMPERVIOUS SURFACES REQUIREMENTS.

(A) All redevelopment projects and earth disturbance activities shall evaluate the feasibility of reducing site impervious area by at least 20%.

(B) Where project site conditions prevent the reduction of impervious area, then stormwater BMPs shall be evaluated to provide qualitative controls for at least 20% of the site's impervious area.

(C) Impervious surfaces, including asphalt or concrete paved areas for parking, access driveways, pedestrian access walkways and rock-lined stormwater detention facilities, shall not exceed 85% of the lot area or site area of the lot or parcel upon which said improvements are installed.

(D) Wherever there are conflicting standards in any specific zoning district requirements or express standards and criteria for uses allowed by conditional use approval, the zoning district or conditional use standards shall apply.

(Ord. 1089, passed 5-19-2014)

§ 155.053 SHADE TREE REQUIREMENTS.

All new residential and nonresidential developments shall provide street trees, in accordance with the following standards.

(A) Street trees shall be provided along the entire length of the street right-of-way on both sides of the street if the street lies within the development.

(B) (1) Street trees in residential subdivisions shall be located within five feet of the right-of-way and in nonresidential developments between the right-of-way and the building line.

(B) An easement shall be granted to the borough for the purpose of maintaining the trees and a restrictive covenant shall be placed in the deed for the property prohibiting removal of the trees by the property owner.

(C) Street trees shall be located so as not to interfere with the maintenance of utilities, required sight distances and visibility of street and traffic signs.

(D) (1) The species chosen shall be appropriate to the location.

(2) Factors such as microclimate, soils, habit of growth, salt, air pollution and disease tolerance, proximity of sidewalks and overhead utility lines and social conditions (likelihood of soil compaction, vandalism, damage to by dogs, deer and the like) shall be considered.

(3) Tree species shall be selected that do not have root structures that may damage adjacent sidewalks or utilities.

(E) Street trees shall have the following minimum calipers at the time of planting:

(1) Large trees, defined as those trees whose height will ultimately exceed 40 feet, shall have a minimum caliper of two and one-half to three inches DBH;

(2) Medium trees, defined as those trees with an ultimate height of 25 to 40 feet, shall have a minimum caliper of two to two and one-half inches DBH; and

(3) Small trees, being those trees whose ultimate height will not exceed 25 feet, shall have a minimum caliper of one and one-half to two inches DBH.

(F) Street trees shall be spaced with regard to the ultimate spread of the fully developed canopy. Spacing requirements are as follows.

(1) Large and medium trees shall be spaced at a maximum distance not to exceed the average spread of the fully developed canopy plus five feet.

(2) Small trees shall be spaced a maximum distance of 25 feet on center.

(G) Tree grates and/or permanent fencing maybe required to protect new street trees in areas of dense development or high use.

(H) Mature trees, woodlands or other significant vegetation which remains undisturbed adjacent to the street right-of-way may be used in place of or in conjunction with the requirements of this section.

(I) Pervious pavement shall be utilized where necessary to provide water infiltration to support tree growth.

(Ord. 1089, passed 5-19-2014)

§ 155.054 FENCING.

(A) No fence, wall or other obstruction, whether open or solid, decorative or otherwise shall be erected in any public right-of-way except by special exception.

(B) A fence or wall erected in the required front yard setback areas shall be no taller than four feet in height and be at least 50% open.

(C) No fence or wall or other obstruction shall be over six feet in height if erected within any rear or side yard area in any zoning district.

(D) Any fence in any district shall have its most finished or decorative side facing the adjacent lot or street, with all posts being on the opposite side.

- (E) No person shall connect, construct, attach or maintain or cause to be connected, constructed, attached or maintained any electrical device for the purposes of running a current of electricity through an exposed and uninsulated fence in any zoning districts except UA Urban Agriculture District.
- (F) No person shall connect, construct, attach or maintain, or cause to be connected, constructed, attached or maintained any type of barbed wire fence in any zoning districts.
- (G) Fences shall be submitted to the Building Inspector/Zoning Officer for approval prior to issuance of a zoning permit.
- (H) Fences and walls must be built one foot away from the property line.

(Ord. 1089, passed 5-19-2014)

§ 155.055 OFF-STREET PARKING REQUIREMENTS.

(A) (1) Where conditions include one of the following, lane access to level land or no retaining wall, all buildings and structures erected and all uses of land established after the adoption of this chapter shall be provided with off-street parking spaces as set forth in this chapter.

(2) The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure.

(B) (1) Whenever a building or structure constructed before the effective date of this section is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.

(2) If a building or structure existing prior to the effective date of this section is enlarged to the extent of 50% or more in floor area or number of housing units, it shall then and thereafter comply with the full parking requirements set forth herein.

(C) Off-street parking facilities in existence on the effective date of this section and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this section.

(D) The following regulations shall govern the location of off-street parking spaces and areas.

(1) (a) Where conditions include one of the following: lane access to level land; or no retaining wall.

(b) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

(c) Each required off-street parking area shall have direct access to a public right-of-way.

(2) Parking spaces for apartments, dormitories or similar residential uses shall be located not more than 300 feet from the principal use.

(3) No parking space shall be located in any manner on a public street right-of-way, except where specifically authorized.

(E) A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 18 feet in length, exclusive of driveways, aisles and other circulation areas.

(F) Parking space surface shall be of a slip-resistant, dust-resistant material, graded to drain properly. Developers are encouraged to provide permeable surfaces.

(G) Driveways and traffic aisles serving individual parking spaces shall be not less than 22 feet wide for 90-degree parking, 12 feet wide for parallel parking, 17.5 feet for 60-degree parking and 13 feet for 45-degree parking. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 11 feet in width.

(H) Parking lot layout:

(1) *Sidewalks.* In all parking lots, sidewalks shall be provided to allow safe pedestrian movement.

(a) *Safe access.* The sidewalks shall provide safe access between buildings, parking lots, adjacent properties and sidewalks along streets.

(b) *Crosswalks.* Where a sidewalk crosses a parking lot drive aisle or other paved surface, it must be distinguished from the paved surface through the use of special pavers, bricks, scored concrete, stamped concrete or a like alternative.

(c) *Width.* Sidewalks and crosswalks shall be a minimum of three feet wide.

(2) *Internal streets.* All off-street developments with greater than 200 parking spaces shall include an internal street system to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.

(I) Common shared parking lots: common shared parking lots are preferred and encouraged. The required off-street parking spaces for two or more uses may be provided collectively on one lot if the total number of spaces is not less than one-half the sum of the spaces required for each use individually.

(1) The developer shall provide a parking and access easement agreement between the owners and operators of the facilities generating the need for common shared parking lots.

(2) Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such studies.

(J) When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.

(K) All off-street parking lots required by this section shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than 48 hours.

(L) Every parcel of land hereafter used as a public or private off-street parking lot capable of accommodating five or more vehicles shall be developed and maintained in accordance with the following requirements.

(1) Each off-street parking space shall have direct access to an aisle or driveway, and all off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.

(2) All off-street parking lots including loading areas and service areas shall be paved with asphalt, concrete, pavers or a fixed permeable surface.

(M) (1) For the purposes of this section, the following minimum off-street parking space requirements shall apply. The borough encourages co-use, sharing of parking, public transportation and use of bicycles.

(2) A parking study may be provided that show that the minimum required parking demand for the proposed use is less than what is required by this chapter.

Table of Off-Street Parking Requirements	
Nonresidential Uses	
Adult entertainment establishment	1 space per 300 sq. ft. of floor area
Agriculture	None except 1 per 200 sq. ft. of gross leasable area of building used for sale of products produced on the premises
Assisted living residence	1 space per 2 dwelling units
Automobile repair	1 space per 200 sq. ft. of floor area
Automobile sales	1 space per 500 sq. ft. of floor area of the sales and service building(s)

Bank and financial institution	1 space per 200 sq. ft. of floor area
Bed and breakfast	1 space per guest room plus 2 spaces
Billboards and electronic changeable copy billboards	As determined by Council following a parking needs assessment
Car wash	1 space per each employee, plus 6 spaces per each bay
Cemetery	2 per employee
Child day care center	1 space per employee plus 1 space per 8 children at capacity
Civic, social and fraternal club	1 space per 150 sq. ft. of floor area
College or university	1 per each 4 students based on design capacity of building
Communication antenna (co-location)	None
Communication facilities	As determined by Council following a parking needs assessment
Communications tower	1 space per tower
Community center	1 space per 200 sq. ft. of floor area
Contractor's yard	1 space per employee plus 1 space per 1,000 sq. ft. of floor area
Country club or golf course	1 space per 1.5 members
Drive-through facility	Queue line for 5 vehicles, not blocking any parking spaces, in addition to the other applicable requirements of the use
Dry cleaning processing facility	1 space per 300 sq. ft. of floor area
Essential services	1 space per employee
Fire station	1 space per employee
Fitness club or gym	1 per 300 sq. ft. of floor area
Forestry	None
Funeral homes and mortuaries and crematoriums	4 spaces per viewing room, but not less than 12 spaces
Garden center, plant nursery, landscaping business or greenhouse	1 space per 500 sq. ft. of indoor or outdoor sales or display area
Gasoline service station	1 space per 300 sq. ft. of retail area devoted to sales of non-automobile related goods
Halfway house	2 spaces per house plus 1 per guest room
Hospital	1 space per 2 beds, plus 1 space per staff physician, plus 1 space per 2 other employees
Internet café/video gaming	1 space per 300 sq. ft. of floor area
Junkyard	2 spaces per employee
Kennel	1 space per 400 sq. ft. of floor area
Large family child day care home	1 space per 6 children at capacity plus the spaces required by the residence
Library	1 space per each 600 sq. ft. of floor area open to the public
Long-term nursing care facility	1 space per 3 beds
Manufacturing	1 space per every 2 employees or 1 per every 600 sq. ft. of floor area, whichever is greater; and 1 space per every 30 employees reserved for visitors
Manufacturing, light	1 space per every 2 employees or 1 per every 600 sq. ft. of floor area, whichever is greater; and 1 space per every 30 employees reserved for visitors
Marina, recreational boat docking	1 space per boat slip
Medical facilities	1 space per 200 sq. ft. of floor area
Methadone treatment facility	1 space per 200 sq. ft. of floor area
Mineral extraction	1 space per employee
Motel, hotel or inn	1 space per guest room, plus spaces required per this chapter for uses in conjunction with the hotel, motel or inn
Offices, general	1 space per 500 sq. ft. of floor area
Older adult daily living center	1 space per 300 sq. ft. of floor area and 1 space per each 2 employees
Personal care home	1 space per 2 dwelling units
Personal services	1 space per 200 sq. ft. of floor area
Personal storage facility	1 space per 1,000 sq. ft. of storage area
Place of worship or assembly	1 space per 4 seats
Public facilities	As determined by Council following a parking needs assessment
Public parking garage	As determined by Council following a parking needs assessment
Public surface parking	As determined by Council following a parking needs assessment
Public/private utility building	1 space per 2 employees
Recreation facility indoor	As determined by Council following a parking needs assessment
Recreation facility outdoor	As determined by Council following a parking needs assessment

Research and development facility	1 space per 300 sq. ft. of floor area
Restaurant (eating and drinking establishment)	1 space per 4 seats, plus 1 space per 2 employees
Retail shop or establishment	
If less than 10,000 sq. ft.	1 space per 300 sq. ft. of floor area
If between 10,000 and 20,000 sq. ft.	1 space per 250 sq. ft. of floor area
If greater than 20,000 sq. ft.	1 space per 175 sq. ft. of floor area
School	1 space per 8 classroom seats
Small family child day care home	1 space per 6 children at capacity plus the spaces required by the residence
Transportation terminal	Per parking study
Warehouse	1 space per every 2 employees or 1 per every 600 sq. ft. of floor area, whichever is greater; and 1 space per every 30 employees reserved for visitors
Wholesale distribution	1 space per every 2 employees or 1 per every 600 sq. ft. of floor area, whichever is greater; and 1 space per every 30 employees reserved for visitors
Residential Uses	
Conversion dwelling	1 space per dwelling
Group residence	1 space per dwelling unit
Home occupation	1 space if the area occupied by the home occupation is less than 300 sq. ft. 1 space per 300 sq. ft. if area occupied by home occupation exceeds 300 sq. ft.
Mobile home park	1 space per dwelling
Multi-family dwelling	1 spaces per dwelling unit
No impact home based business	None
Planned residential development	1 space/1 BD unit; 2 spaces/2 BD unit; 3 spaces/3 BD unit
Single-family dwelling	1 space per dwelling
Two-family dwelling	1 space per dwelling unit
Other Uses	
Any principal use not specifically listed	As determined by Council following a parking needs assessment

(Ord. 1089, passed 5-19-2014)

§ 155.056 PERFORMANCE STANDARDS.

- (A) All uses shall comply with the requirements of this section.
- (B) In order to determine whether a proposed use will conform to the requirements of this chapter, the Council having jurisdiction may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.
 - (1) *Fire protection.* Fire prevention and firefighting equipment acceptable to the American Insurance Association shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
 - (2) *Electrical disturbances.* No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
 - (3) *Noise.* Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
 - (4) *Vibrations.* Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
 - (5) *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
 - (6) *Air pollution.* No pollution of air by fly ash, dust, smoke, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property.
 - (7) *Glare.* Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
 - (8) *Erosion.* No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
 - (9) *Water pollution.* Water pollution shall be subject to the standards established by the state and federal governments.

(Ord. 1089, passed 5-19-2014)

DISTRICT REGULATIONS

§ 155.070 CLASSIFICATIONS.

- Four classifications of zoning uses are established in this part which vary in their impact upon the Borough and in the procedures by which the uses are authorized.
- (A) Uses by right are those authorized uses for which a zoning approval will be issued by the Zoning Officer upon the Zoning Officer's review of the application for development if the application for development indicates compliance with this chapter.
 - (B) Conditional uses are those authorized uses which are permitted by approval of the Council in accordance with this chapter and specifically §§ 155.120 through 155.126 and 155.140 through 155.192.
 - (C) Uses by special exception are those authorized uses which are permitted by approval of the Board in accordance with this chapter.
 - (D) Planned residential development uses are those authorized uses which are permitted by approval of the Council as a Planned residential development in accordance with Pa. Mun. Plan Code, 53 P.S. Article VII, 53 P.S. §§ 10701 et seq. and §§ 155.280 through 155.292.
 - (E) Uses not specifically listed: uses which are not specifically listed on the summary Tables of Authorized Uses in § 155.071, shall be permitted in the M or OU District as a conditional use.

(Ord. 1089, passed 5-19-2014)

§ 155.071 TABLE OF AUTHORIZED USES.

	UA Urban Agriculture District	R-A Low Density Residential District	R-B Traditional Residential District	R-C High Density Residential District	VC Vehicle Oriented Commercial District	C General Commercial District	NC Neighborhood Mixed Use Commercial District	LC Limited Mixed Use Commercial District	M Manufacturing District	OU Other Uses District	Notes/Additional Standards
P = Permitted Use C = Conditional Use S = Special Exception N or blank = Not Permitted											
Residential Uses											
Conversion dwelling	P	C	C	N	N	N	N	N	N	N	§ 155.154
Home occupation	N	C	C	C	P	N	P	P	N	N	§ 155.164
Mobile home park	N	N	N	C	N	N	N	N	N	N	§ 155.173
Multi-family dwelling	N	N	N	P	N	P	P	P	N	N	§ 155.175
No impact home based business	P	P	P	P	P	P	P	P	N	N	
Planned residential development	See §§ 155.280 through 155.292				N	N	N	N	N	N	§ 155.180
Single-family dwelling	P	P	P	P	P	P	P	P	N	N	
Two-family dwelling	P	N	C	P	N	P	P	P	N	N	§ 155.187
Nonresidential Uses											
Adult entertainment establishment	N	N	N	N	N	N	N	N	N	S	§ 155.140
Agricultural activities (not listed elsewhere)	P	C	C	N	N	N	N	N	N	N	§ 155.141
Assisted living residence	N	C	C	C	N	C	C	N	N	N	§ 155.142
Automobile repair	N	N	N	N	P	N	N	N	P	N	
Automobile sales	N	N	N	N	P	P	N	N	C	N	§ 155.143
Bank and financial institution	N	N	N	N	P	P	P	N	P	N	
Bed and breakfast	C	C	C	C	C	C	C	C	N	N	§ 155.144
Billboards and electronic changeable copy billboards	N	N	N	N	N	N	N	N	C	N	§ 155.145
Bowling alleys	N	N	N	N	P	P	P	N	N	N	§ 155.146
Car wash	N	N	N	N	P	P	N	N	C	N	§ 155.147
Cemetery	N	C	C	C	N	N	N	N	C	N	§ 155.148
Child day care center (large)	N	N	N	N	N	S	S	N	N	N	§ 155.149
Child day care center (small)	N	S	S	S	N	S	S	S	N	N	§ 155.149
Civic, social and fraternal club	N	N	N	N	P	P	C	N	N	N	§ 155.150
College, university, school or fraternal club	N	C	C	C	P	P	C	C	N	N	§ 155.151
Communication antenna (co-location)	N	N	N	N	P	P	C	N	P	N	§ 155.152
Communication facilities	N	N	N	N	C	C	C	N	C	N	§ 155.152
Communications tower	N	N	N	N	C	C	C	N	C	N	§ 155.152
Community center	N	N	C	C	C	C	C	C	N	N	§ 155.153
Contractor's yard	N	N	N	N	S	N	N	N	S	N	§ 155.155
Country club or golf course	N	C	C	C	C	C	C	C	N	N	§ 155.156
Drive-through facility	N	N	N	N	P	S	S	N	P	N	§ 155.157
Dry cleaning processing facility	N	N	N	N	N	N	N	N	C	N	§ 155.158
Fitness club or gym	N	N	N	N	P	P	P	P	P	N	
Forestry	P	P	P	P	P	P	P	P	P	P	
Funeral homes and mortuaries and crematoriums	N	N	N	N	S	S	N	N	S	N	§ 155.159
Garden center, plant nursery, landscaping business or greenhouse	P	N	N	N	S	N	N	N	P	N	§ 155.160
Gasoline service station	N	N	N	N	S	S	S	N	S	N	§ 155.161
Group residence	C	C	C	C	N	N	C	C	N	N	§ 155.162
Halfway house	C	C	C	C	N	N	C	C	N	N	§ 155.163
Hospital	N	N	N	N	C	C	C	C	N	N	§ 155.165
Internet cafe/video gaming	N	N	N	N	P	P	P	N	N	N	
Junkyard	N	N	N	N	N	N	N	N	C	N	§ 155.166
Kennel	S	N	N	N	N	N	N	N	S	N	§ 155.167
Library	N	P	P	P	P	P	P	P	P	N	
Long-term nursing care facility	N	N	N	S	N	S	S	N	N	N	§ 155.168
Manufacturing	N	N	N	N	C	N	N	N	C	N	§ 155.169
Manufacturing, light	N	N	N	N	C	N	N	N	C	N	§ 155.170
Medical facilities	N	N	N	N	P	P	P	P	N	N	
Methadone treatment facility	C	N	N	N	C	C	C	C	C	C	§ 155.171
Mineral extraction	N	N	N	N	N	N	N	N	C	N	§ 155.172
Motel, hotel or inn	N	N	N	N	P	C	C	N	N	N	§ 155.174
Natural gas compressor station	N	N	N	N	N	N	N	N	C	N	§§ 155.265 through 155.268
Natural gas processing plant	N	N	N	N	N	N	N	N	C	N	§§ 155.265 through 155.268
Offices, general	N	N	N	N	N	P	P	P	N	N	
Oil and gas development	N	N	N	N	N	N	N	N	C	N	§§ 155.265 through 155.268

Older adult daily living center	N	N	C	P	P	P	P	P	N	N	§ 155.176
Personal care home	N	S	S	S	N	S	S	N	N	N	§ 155.177
Personal storage facility	N	N	N	N	P	N	N	N	P	P	§ 155.178
Place of worship or assembly	N	C	C	C	C	C	C	C	C	N	§ 155.179
Public facilities and essential services	N	C	C	C	P	P	P	P	P	N	§ 155.181
Public parking garage	N	N	N	N	P	P	N	N	P	N	
Public surface parking	N	N	N	N	C	C	C	C	N	N	§ 155.182
Recreation facility indoor	N	C	C	C	C	P	C	C	N	N	§ 155.183
Recreation facility outdoor	N	C	C	C	C	P	C	C	N	N	§ 155.184
Research and development facility	N	N	N	N	N	N	N	N	P	N	
Restaurant (eating and drinking establishment)	S	S	S	S	P	P	P	S	N	N	§ 155.185
Retail shop or establishment	N	N	N	N	P	P	P	P	N	N	
Slaughterhouse	N	N	N	N	N	N	N	N	P	N	
Theaters	N	N	N	N	P	P	C	C	N	N	§ 155.186
Transportation terminal	N	N	N	N	N	N	N	N	C	N	§ 155.188
Urban agriculture, accessory use	P	C	C	N	N	N	N	N	N	N	§ 155.190
Urban agriculture, limited	P	C	C	N	N	N	N	N	N	N	§ 155.189
Utility facilities	N	N	N	N	N	C	C	C	P	N	§ 155.191
Warehouse	N	N	N	N	N	N	N	N	P	N	
Wholesale distribution	N	N	N	N	N	P	N	N	P	N	
Other Uses											
Any principal use not specifically listed	N	N	N	N	N	N	N	N	C	C	§ 155.192

(Ord. 1089, passed 5-19-2014)

§ 155.072 TABLE OF DIMENSIONAL REQUIREMENTS.

	<i>Minimum Lot Area (sq. ft.)</i>	<i>Maximum Lot Coverage</i>	<i>Minimum Front Yard (ft.)</i>	<i>Minimum Side Yard (ft.)</i>	<i>Minimum Rear yard (ft.) for Primary Use</i>	<i>Minimum Rear Yard (ft.) for Accessory Use</i>	<i>Maximum Height</i>
UA Urban Agriculture District	4,500	30%	10	10 per side	25	10	2 stories
R-A Low Density Residential District	7,500	40%	15	5 per side	25	5	2 stories
R-B Traditional Residential District	3,000	40%	10	3 per side (6 total)	25	1	3 stories
R-C High Density Residential District	3,000	40%	10	2 per side (5 total)	25	1	3 stories
Planned Residential Development	NA	40%	15	5 per side	25	10	3 stories
VC Vehicle Oriented Commercial	2,500	80%	10	10 per side	25	10	2 stories
C General Commercial District	2,000	50%	10	5 per side	25	5	4 stories
NC Neighborhood Mixed Use Commercial	3,000	40%	10	5 per side	25	5	3 stories
LC Limited Mixed Use Commercial	3,000	40%	5	2 per side (5 total)	25	5	3 stories
M Manufacturing District	2,500	40%	15	10 per side	25	10	4 stories
OU Other Uses	1,500	40%	15	5 per side	25	10	2 stories

(Ord. 1089, passed 5-19-2014)

§ 155.073 UA URBAN AGRICULTURE DISTRICT.

- (A) *Purpose.* The Urban Agriculture District is intended to provide areas for urban farming, agriculture and related activities.
- (B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.
- (C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.
- (D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.
- (E) *Signs.* Signs requirements for uses in the UA Urban Agriculture District are included in §§155.095 through 155.109.
- (F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120

through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.074 R-A LOW DENSITY RESIDENTIAL DISTRICT.

(A) *Purpose.* The purpose of the Low Density Residential District is to preserve the lower density housing areas found in the borough as well as permit limited commercial businesses and parks, recreation and school uses that support these neighborhoods.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the R-A Low Density Residential District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.075 R-B TRADITIONAL RESIDENTIAL DISTRICT.

(A) *Purpose.* The purpose of the Traditional Residential District is to preserve the mixture of housing densities found throughout the borough as well as permit limited commercial businesses and parks, recreation and school uses that support traditional neighborhoods.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the R-B Traditional Residential District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.076 R-C HIGH DENSITY RESIDENTIAL DISTRICT.

(A) *Purpose.* The purpose of the High Density Residential District is to support the widest variety of residential land uses such as multi-family townhomes and apartments that are consistent with current and future housing demand in the borough.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the R-C High Density Residential District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 1155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.077 PLANNED RESIDENTIAL DEVELOPMENT.

(A) *Purpose.* The purpose of the Planned residential development is to encourage design creativity by being more flexible with standards normally required by this chapter.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the R-C High Density Residential District are included in §§155.280 through 155.292.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.280 through 155.292.

(Ord. 1089, passed 5-19-2014)

§ 155.078 VC VEHICLE ORIENTED COMMERCIAL DISTRICT.

(A) *Purpose.* The Vehicle Oriented Commercial District is intended to accommodate commercial uses that cater to patrons arriving by vehicle. The dependence on vehicles necessitates this District being situated along major thoroughfares within the borough.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the VC Vehicle Oriented Commercial District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.079 C GENERAL COMMERCIAL DISTRICT.

(A) *Purpose.* The General Commercial District is intended to accommodate a full range of commercial uses commonly found in traditional main street areas as well as commercial uses that are typically found along more heavily traveled transportation corridors. The District is also intended to accommodate limited residential uses that are compatible with traditional commercial development.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the C General Commercial District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.080 NC NEIGHBORHOOD MIXED USE COMMERCIAL DISTRICT.

(A) *Purpose.* The Neighborhood Mixed Use Commercial District is intended to accommodate commercial uses commonly found in traditional main street areas as well as commercial uses that serve the surrounding neighborhood. The District is also intended to accommodate residential uses that are compatible with traditional commercial development.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the NC Neighborhood Mixed Use Commercial District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.081 LC LIMITED MIXED USE COMMERCIAL DISTRICT.

(A) *Purpose.* The Limited Mixed Use Commercial District is intended to accommodate a limited range of commercial uses that are compatible with traditional residential neighborhoods with narrow transportation corridors and limited vehicular access. The District is also intended to accommodate residential uses that are compatible with the surrounding residential neighborhood.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the LC Limited Mixed Use Commercial District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.082 M MANUFACTURING DISTRICT.

(A) *Purpose.* The Manufacturing District is intended to accommodate a wide range of commercial and industrial uses. The regulations of this District are intended to minimize the impacts, including noise, odor, light and vibration, of these uses.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the M Manufacturing District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 155.140 through 155.192 with the exception of natural gas regulations. Those conditions are described in §§155.265 through 155.268.

(Ord. 1089, passed 5-19-2014)

§ 155.083 OU OTHER USES DISTRICT.

(A) *Purpose.* The Other Uses District is intended to accommodate those land uses within the borough that present the most negative impacts on the surrounding community. The regulations of this District are intended to minimize these impacts, including traffic, noise, odor, light and vibration.

(B) *Authorized uses.* Authorized uses by right, conditional use, special exception and Planned residential development are included in §155.071.

(C) *Dimensional requirements.* Density, area, dimensional, lot coverage and height requirements are included in §155.072.

(D) *Off-street parking.* Off-street parking shall be provided in conformance with §155.055.

(E) *Signs.* Signs requirements for uses in the OU Other Uses District are included in §§155.095 through 155.109.

(F) *Conditional uses or special exceptions.* Express standards and criteria for uses authorized by conditional use or special exception are included in §§155.120 through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

SIGNS

§ 155.095 PURPOSE.

Control of signage associated with various land uses is an essential part of protecting the health, safety and welfare of borough residents. The purpose of the following sections is to establish minimum regulations for the display of signs. The provisions contained herein are not intended to regulate any type of speech and shall be applied to all advertising displays regardless of their content.

(Ord. 1089, passed 5-19-2014)

§ 155.096 SCOPE AND APPLICABILITY.

In all zoning districts within the borough, signs may be erected, altered, maintained, used, removed or moved only when in compliance with the provisions of this subchapter and any and all other ordinances and regulations of the borough relating to the erection, alteration, maintenance, use, removal or moving of signs or similar devices.

(Ord. 1089, passed 5-19-2014)

§ 155.097 PERMIT REQUIRED.

(A) Except as otherwise provided in §§155.099 and 155.100, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this subchapter and in accordance with a sign permit issued by the Borough Zoning Officer. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.

(B) Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.

(C) Unless specifically exempted in this subchapter, a separate permit shall be required for the erection, structural repair or alteration of any sign regulated in this subchapter. Each application for a sign permit shall be accompanied by a drawing to scale showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination, the exact location of the sign in relation to the building and property and details and specifications for construction. A fee in accordance with the borough fee schedule, as amended, and a certificate of insurance shall accompany each application.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.098 PROHIBITED SIGNS.

No sign shall be erected in the borough that:

- (A) Obstructs the sight-triangle distance at an intersection along a public right-of-way;
- (B) Tends by its location, color, shape, message or nature to be confused with or obstruct the view of traffic signs or traffic signals by motorists or pedestrians; and
- (C) Uses admonitions such as stop, go, slow, danger and the like, which might be confused with traffic signals.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.099 EXEMPT SIGNS.

The following signs are exempt from regulation under this subchapter unless more specific provisions in this subchapter indicate otherwise:

- (A) One residential sign not exceeding two square feet in area that is customarily associated with residential use;
- (B) Signs erected on behalf of or pursuant to the authorization of a government body, including legal notices, identification and informational signs and traffic, directional or regulatory signs;
- (C) Official signs of a noncommercial nature erected by public utilities;
- (D) Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device;
- (E) Signs directing and guiding traffic on a public property that do not exceed four square feet in area each;
- (F) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within 15 days following the holiday;
- (G) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
- (H) Any sign inside a structure not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of the lot or site on which such sign is located;
- (I) Works of art that do not include a commercial message;
- (J) Memorial signs or tablets denoting the date of erection of a building;
- (K) Auctions, garage or yard sale signs provided that they do not exceed five square feet and are removed as soon as the event or activity has occurred, and provided that they shall not be permitted to be erected more than seven days prior to the event and only permitted at the site at which the event will take place;
- (L) Signs and banners erected by a governmental body or under the direction of such body;
- (M) Temporary event signs and banners announcing a nonprofit event of a civic organization for noncommercial purposes, where such sign does not exceed 32 square feet in area and for a period not to exceed 30 days prior to the start of the event and removed within three days after the conclusion of the event;
- (N) Political signs announcing candidates seeking public office; and
- (O) No trespassing or no hunting signs, without limitation on number or placement, limited in area to two square feet.

(Ord. 1089, passed 5-19-2014)

§ 155.100 TEMPORARY SIGNS; PERMIT EXEMPTIONS SUBJECT TO ADDITIONAL REGULATIONS.

- (A) The following temporary signs are permitted without a permit.
- (B) However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter:
 - (1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent. Such signs shall be removed immediately after sale, lease or rental.
 - (a) In residential zones, such signs may not exceed 16 square feet in area.
 - (b) In nonresidential zones, such signs may not exceed 32 square feet in area and eight feet in height. There shall not be more than one temporary commercial real estate sign for each lot or site except that where a lot abuts two or more streets, an additional sign oriented to each abutting street shall be permitted. Such signs shall only be located upon the premises for sale, lease or rent or for which they are advertising. Such signs shall be located a minimum of ten feet from any street right-of-way and adjacent property lines.
 - (2) Construction site identification signs not exceeding 32 square feet in area erected on the site during the period of construction which announce the name of the owner or developer, contractor, architect, landscape architect, planner or engineer. Such signs shall not be illuminated and shall be removed upon completion of construction;
 - (3) Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than 35% of the surface area of the transparent portion of the window or door to which they are attached;
 - (4) One bulletin board and sign for a church, school, community or other public or semi-public institution building on the property on which the use is located, provided that the area of such bulletin board or sign shall not exceed 15 square feet in area, nor be located closer than 25 feet to any property line;
 - (5) Temporary sign of mechanics, painters and other artisans, provided that such sign shall be erected only on the property where such work is being performed, shall not exceed four square feet and shall be removed promptly upon completion of the work; and
 - (6) Temporary signs shall be permitted to remain on the lot for no more than three 30-day periods in any calendar year.

(Ord. 1089, passed 5-19-2014)

§ 155.101 DETERMINING NUMBER OF SIGNS.

- (A) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.
- (B) A two-sided or multisided sign shall be regarded as one sign so long as:
 - (1) With respect to a V-type sign, the angle of the V shall not exceed 30 degrees; and
 - (2) With respect to double-faced (back-to-back) signs, the distance between the backs of each face of the sign shall not exceed two feet.

(Ord. 1089, passed 5-19-2014)

§ 155.102 COMPUTATION OF SIGN AREA.

- (A) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- (B) If the sign consists of more than one section or module, all of the area, including that between sections or modules, except air space, shall be included in the computation of the sign area.
- (C) With respect to two-sided, multi-sided or three-dimensional signs, the sign surface area shall be computed as described in divisions (C)(1) and (C)(2) below by

including the total of all sides designed to attract attention or to communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:

- (1) The sign surface of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such sign does not exceed two feet; and
- (2) The sign surface area of a double-faced sign constructed in the form of a V shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the V does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.
- (D) Signage on gas canopies will be computed as part of the allowable freestanding sign area.

(Ord. 1089, passed 5-19-2014)

§ 155.103 GENERAL REQUIREMENTS APPLICABLE IN ALL DISTRICTS.

- (A) Permitted signs associated with a land use shall be situated entirely on the same zoning lot as the land use.
- (B) No sign attached to a building "wall sign" may project outward more than 12 inches from the building wall, except for projecting signs.
- (C) No sign or supporting structure may be located in or over any public right-of-way, except for the following:
 - (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
 - (2) Bus stop signs erected by a public transit company;
 - (3) Informational signs of a public utility regarding its poles, lines, pipes or facilities;
 - (4) Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way;
 - (5) Projecting signs permitted under § 155.104; and
 - (6) Any signs erected in violation of this provision shall be deemed a hazard and shall be removed without notice at cost to the owner.
- (D) No sign which emits smoke, visible vapors or particles, sound or odor shall be permitted.
- (E) No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this chapter in the zoning district in which the property to which the sign relates is located.
- (F) Any sign located along the right-of-way of a state or federal highway shall comply with any more restrictive requirements of the state or federal government relating thereto.
- (G) All distances provided for this subchapter shall be measured along straight lines between signs and from the near edge to near edge of the sign or sign structure.
- (H) Signs, whether permanent or temporary, other than municipal, county or state signs or official traffic-control devices, shall not be erected within or overhang any approved site easements, nor shall any sign be located so as to constitute a traffic hazard.
- (I) Advertising signs, except temporary real estate signs and legally nonconforming business signs, shall not be permitted in any residential district in the borough.
- (J) Signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which it is located.

(Ord. 1089, passed 5-19-2014)

§ 155.104 PERMITTED SIGNS.

Sign requirements are as described on the table that follows:

□	Zoning Districts	UA Urban Agriculture District				R-A Low Density Residential District	R-B Traditional Residential District	R-C High Density Residential District	NC Neighborhood Mixed Use Commercial District	LC Limited Mixed Use Commercial District	VC Vehicle Oriented Commercial District	General Commercial District	M Manufacturing District	OU Other Uses District	Additional Standards
		1	1	1	1	2	2	2	2	2	2				
	Number of signs permitted per principal use (total)														
	Maximum sign area for all signs associated with a principal use (sq. ft.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)				
Freestanding Sign (Ground or Monument Sign)	Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	No	No	Yes	Yes	Yes	Yes			*Only permitted if principal use is a non-residential use	
	Maximum sign area (sq. ft.)	15	15	15	15	-	-	35*	35-	35*	35*			May be increased 20% (max. 42 sq. ft.) if sign is 7 ft. or less in height	
	Maximum sign height (ft.)	6	6	6	6	-	-	20	20	20	20				
	Minimum sign setback (ft.)	20	20	20	20	-	-	Equal to sign height	Equal to sign height	Equal to sign height	Equal to sign height				
Freestanding Sign (Pole or Pylon Sign)	Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	No	No	Yes	Yes	Yes	Yes			*Only permitted if principal use is a non-residential use	
	Additional criteria required to permit this sign type	-	-	-	-	-	-	Frontage >200 ft.	Frontage >200 ft.	Frontage >200 ft.	Frontage >200 ft.				
	Maximum sign area (sq. ft.)	15	15	15	15	-	-	35*	35*	35*	35*			*May be increased 20% (max. 42 sq. ft.) if sign is 7 ft. or less in height	
	Maximum sign height (ft.)	6	6	6	6	-	-	20	20	20	20				
	Minimum sign setback (ft.)	20	20	20	20	-	-	Equal to sign height	Equal to sign height	Equal to sign height	Equal to sign height				

Wall Sign	Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	Yes	Yes	Yes	Yes	Yes	Yes	*Only permitted if principal use is a non-residential use
	Maximum sign area (sq. ft.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	15% of facade area (50 sq. ft. max.)	15% of facade area (50 sq. ft. max.)	15% of facade area (50 sq. ft. max.)	15% of facade area (50 sq. ft. max.)	15% of facade area (50 sq. ft. max.)	15% of facade area (50 sq. ft. max.)	*For corner lots: wall sign(s), may be placed on either facade, both total area of wall sign shall not exceed 70 sq. ft.
	Maximum sign height (ft.)	Main cornice of the building	Main cornice of the building	Main cornice of the building	Main cornice of the building	Main cornice of the building	Main cornice of the building	Main cornice of the building	Main cornice of the building	Main cornice of the building	Main cornice of the building	
Projecting Sign	Sign permitted in this zoning district? (yes or no)	No	No	No	No	Yes	Yes	Yes	Yes	No	No	
	Maximum sign area (sq. ft.)	-	-	-	-	15	15	15	15	-	-	
	Maximum extension from building wall (ft.)	-	-	-	-	6	6	6	6	-	-	Projecting signs shall not extend into adjacent street right-of-way
	Minimum sign height (feet)	-	-	-	-	12	12	12	12	-	-	
	Sign height (ft.)	-	-	-	-	Maximum height: top of first floor or 15 ft., whichever is less	Maximum height: top of first floor or 15 ft., whichever is less	Maximum height: top of first floor or 15 ft., whichever is less	Maximum height: top of first floor or 15 ft., whichever is less	-	-	
Directional sign	Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	Yes	Yes	Yes	Yes	Yes	Yes	*Only permitted if principal use is a non-residential use
	Maximum sign area (sq. ft.)	4	4	4	4	4	4	4	4	4	4	
	Maximum sign height (ft.)	6	6	6	6	6	6	6	6	6	6	
	Minimum sign setback (ft.)	10	10	10	10	10	10	10	10	10	10	
	Number of signs permitted per principal use (total)	1	1	1	1	2	2	2	2	2	2	
Maximum sign area for all signs associated with a principal use (sq. ft.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	10% of facade-area (40 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	1 sq. ft. per foot of frontal width of structure (100 sq. ft. max.)	
Temporary Sign	Sign permitted in this zoning district? (yes or no)	No*	No*	No*	No*	Yes	Yes	Yes	Yes	Yes	Yes	*Only permitted if principal use is a non-residential use
	Maximum sign area (sq. ft.)	24	24	24	24	24	24	24	24	24	24	
	Additional requirements	Temporary signs may be erected a maximum of 2 times during a 12-month period for up to 2 weeks at a time										
A-Frame or Sandwich Board Signs	Sign permitted in this zoning district? (yes or no)	No	No	No	No	Yes	Yes	Yes	Yes	No	No	Allowed on a sidewalk immediately in front of the business during hours of operation; a certificate of insurance naming the borough of Carnegie as an additional insured shall be provided. Permits shall be renewed annually from date of issue.
	Maximum sign area (sq. ft.)	-	-	-	-	10	10	10	10	-	-	
	Additional requirements	-	-	-	-	1 sign allowed per business 5 ft. of clear pedestrian passage on the sidewalk must be maintained					-	
Home Occupation Sign	Sign permitted in this zoning district? (yes or no)	Yes	Yes	Yes	Yes	No	No	No	No	No	No	
	Maximum sign area (sq. ft.)	4	4	4	4	-	-	-	-	-	-	
	Minimum sign setback (ft.)	10	10	10	10	-	-	-	-	-	-	
Off-Premises Advertising Sign	Sign permitted in this zoning district? (yes or no)	No	No	No	No	No	No	No	No	Yes	No	Allowed as a conditional use
	Maximum sign area (sq. ft.)	-	-	-	-	-	-	-	-	-	-	
	Maximum sign height (ft.)	-	-	-	-	-	-	-	-	-	-	
Electronic Off-Premises Advertising Sign (Electronic Billboard)	Sign permitted in this zoning district? (yes or no)	No	No	No	No	No	No	No	No	Yes	No	Allowed as a conditional use
	Maximum sign area (sq. ft.)	-	-	-	-	-	-	-	-	-	-	

(Ord. 1089, passed 5-19-2014)

§ 155.105 SIGN ILLUMINATION; SIGNS CONTAINING LIGHTS.

- (A) Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.
- (B) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential

premises.

(C) Except as herein provided, internally illuminated signs are not permissible in any residential districts, and where permissible, internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. This division (C) shall not apply to the following types of signs:

(1) Signs that constitute an integral part of a vending machine, telephone booth, device that only indicates the time, date or weather conditions or similar device whose principal function is not to convey an advertising message; and

(2) Signs that do not exceed two square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.

(E) Illuminated tubing or strings of lights that outline property lines, sales areas, rooflines, building walls or corners, doors, windows or similar areas are permitted.

(F) Subject to division (G) below, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except those portions of a sign indicating the time, date or weather conditions.

(G) Division (F) above shall not apply to temporary signs erected in connection with the observance of holidays.

(Ord. 1089, passed 5-19-2014)

§ 155.106 MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS.

(A) No sign may be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(B) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. The restriction of this division (B) shall not apply to signs indicating the time, date or weather conditions.

(C) No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(D) Freestanding signs shall be securely fastened to the ground or to some other supportive structure.

(E) Electronic changeable copy signs are permitted, with the following restrictions:

(1) Electronic changeable copy signs are limited to 50% of the total area of the sign, or 25 square feet in area, whichever is more restrictive; and

(2) Messages shall not change at a frequency of more than once every 15 minutes (time, temperature and date signs may change more frequently, but must do so on a separate portion of the changeable copy area of the sign). The time interval used to change from one complete message to another complete message or display shall be a maximum of one second. There shall not be any appearance of a visual dissolve or fading, in which any part of one electronic message or display appears simultaneously with any part of a second message or display.

(F) A-frame or sandwich board signs are permitted to be placed on public sidewalks in the NC, C and VC districts during hours that the business or enterprise advertised by such sign is open for business or in operation. The sign shall not exceed ten square feet in area and shall maintain a three-foot wide, or Americans with Disabilities Act (ADA), being 42 U.S.C. §§ 12101 et seq. compliant, clear pedestrian passage on the sidewalk. The business shall provide a certificate of insurance naming the borough as an additional insured to the borough prior to erecting a sandwich board sign. A-frame or sandwich board signs shall be limited to one per business. Permits shall be renewed annually from the date of issue.

(Ord. 1089, passed 5-19-2014)

§ 155.107 MAINTENANCE OF SIGNS; PERMITS.

(A) All signs and all components thereof, including, without limitation, supports, braces and anchors, shall be kept in a state of good repair.

(B) If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 180 days after such abandonment, be removed.

(C) If the message portion of a sign is removed, leaving only the supporting shell of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 180 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This division (C) shall not be construed to alter the effect of § 155.224, which prohibits the replacement of a nonconforming sign, nor shall this division (C) be construed to prevent the changing of the message of a sign.

(D) A continuing sign permit shall lapse automatically if not renewed or if the business license for the premises lapses, is revoked or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice from the borough to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

(Ord. 1089, passed 5-19-2014)

§ 155.108 REMOVAL OR ABANDONMENT OF SIGNS.

(A) *Removal of sign.*

(1) The Zoning Officer may order the removal of any sign erected or maintained in violation of this subchapter. He or she shall give 30 days' notice, in writing, to the owner of such signs or of the building, structure or premises on which such sign is located to remove the sign or to bring it into compliance.

(2) Upon failure to comply with this notice, the Zoning Officer or duly authorized representative may remove the sign at cost to the owner. The Zoning Officer may remove a sign immediately and without notice, at cost to the owner, if, in his or her opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public.

(B) *Abandoned signs.*

(1) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Zoning Officer shall give the owner 30 days' written notice to remove it. Upon failure to comply with this notice, the Zoning Officer or his or her duly authorized representative may remove the sign at cost to the owner.

(2) Where a successor to a defunct business agrees to maintain the signs as provided in this subchapter, this removal requirement shall not apply.

(Ord. 1089, passed 5-19-2014)

§ 155.109 POLITICAL SIGNS.

(A) Freestanding political signs shall not exceed six square feet in area nor shall these signs exceed six feet in height and shall be setback from the street right-of-way a minimum of ten feet.

(B) Signs shall not be placed in any public right-of-way.

(C) Signs shall be removed within one week following the conclusion of the election.

(Ord. 1089, passed 5-19-2014)

CONDITIONAL USES

§ 155.120 INTENT.

The intent of this subchapter is to allow certain important authorized uses in the borough by conditional use procedure so that the Borough Council can attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this chapter as the Council may deem necessary to implement the purposes of this

chapter.

(Ord. 1089, passed 5-19-2014)

§ 155.121 AUTHORITY.

The Borough Council shall hear and decide requests for conditional uses in accordance with the provisions of this chapter and the procedures, regulations and standards and criteria of this subchapter.

(Ord. 1089, passed 5-19-2014)

§ 155.122 RELATIONSHIP TO SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

All provisions of the county subdivision and land development ordinance which are not specifically modified by the Council in approving a conditional use, shall apply to any conditional use involving subdivision or land development.

(Ord. 1089, passed 5-19-2014)

§ 155.123 APPLICATION PROCEDURE.

(A) An application for conditional use approval shall be filed with the Zoning Officer, on forms prescribed by the borough, at least 30 days prior to the date of the regular meeting of the Planning Commission. A conditional use application shall not be considered to be complete until all items required by this chapter, including the application fee and/or deposit, have been received by the borough.

(B) Within five days of receipt of an application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to: the Borough Solicitor; the Borough Engineer; and any borough professional consultant deemed necessary by the Borough Manager.

(C) The Zoning Officer shall submit one copy of an application and any materials submitted therewith to each member of the Borough Planning Commission by no later than the Friday prior to the date of the regular meeting of the Planning Commission.

(D) The Planning Commission shall review the application and forward its recommendation to the Borough Council.

(E) The Borough Council shall hold a public hearing, pursuant to public notice, mailed notice and electronic notice within the time periods and procedures required by the MPC. The public hearing shall commence within 60 days of the date of the filing of an application unless the applicant has granted an extension. Hearings shall be conducted and held in accordance with the applicable provisions of the MPC.

(F) The Borough Council shall render a written decision on the conditional use application within 45 days of the last public hearing. Where the application is contested or denied, the Borough Council decision shall be accompanied by findings of fact and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this chapter or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

(G) In granting a conditional use pursuant to this chapter, the Borough Council may impose any reasonable conditions it believes are necessary to ensure compliance with this chapter, the borough code of ordinances, as amended, and all other ordinances of the borough, and as it otherwise deems necessary to implement the purposes of this chapter and the MPC.

(H) A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him or her not later than the day following its date.

(I) (1) All development, construction and use shall be in accordance with the approved conditional use decision and plan, unless a revised conditional use application is submitted, approved and filed. The approved conditional use plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Borough Council, and the conditions attached by the Borough Council.

(2) Any development contrary to the approved conditional use decision and plan shall constitute a violation of this chapter.

(J) Deemed decisions: where the Council fails to render the decision within 45 days after the last hearing or fails to commence, conduct or complete the required hearing as provided in the MPC, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. The Council shall give public notice of said decision as required by the MPC.

(Ord. 1089, passed 5-19-2014)

§ 155.124 APPLICATION CONTENT.

(A) All applications for conditional use approval shall demonstrate compliance with: the general standards and criteria of this subchapter; the applicable express standards and criteria of this subchapter; and the applicable lot and yard requirements of the zoning district in which the use is proposed.

(B) All applications for conditional use approval shall be submitted to the Zoning Officer and contain the following items:

- (1) One full scale copy and nine half-scale copies of all required plans, maps and drawings; and
- (2) Ten copies of all other application materials.

(C) An application for conditional use approval shall not be considered administratively complete until all items required by this chapter, including the application fee and/or deposit, have been received by the Zoning Officer.

(D) All applications for conditional use approval shall contain the following:

- (1) A development plan, as defined by this chapter;
- (2) A legal document verifying the applicant's legal interest in the subject property (i.e., deed, sales agreement, lease);
- (3) The application fee and/or deposit in an amount set from time to time by resolution of the Borough Council; and
- (4) Construction plans, where renovations or modifications of an existing building is immediately contemplated, showing the scope, nature and extent of said renovation or modification.

(Ord. 1089, passed 5-19-2014)

§ 155.125 EXPIRATION OF APPROVAL.

(A) The grant of a conditional use shall expire two years after the date of the Borough Council written decision unless:

(1) The applicant has applied for and obtained a building permit and commenced construction; or

(2) In a case where the conditional use does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the conditional use approval.

(B) Expiration of the conditional use approval under this subchapter shall require the applicant to re-apply for conditional use approval.

(Ord. 1089, passed 5-19-2014)

§ 155.126 GENERAL STANDARDS AND CRITERIA.

(A) Before approving a conditional use application, the Borough Council shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this chapter for a specific type of use or development.

- (1) The proposed use shall conform to the district and conditional use provisions and all general regulations of this chapter.

- (2) The proposed use shall meet all special standards which may be applied to its class of conditional use as set forth in this subchapter.
- (3) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with the performance standards set forth in § 155.056.
- (4) The proposed use shall be sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.
- (5) The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood.
- (6) The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.
- (7) The proposed use will not impede the normal and orderly development and improvement of surrounding property as permitted by this chapter.
- (8) The proposed use will be adequately served by existing storm and sanitary drainage facilities, public water, access streets and other necessary facilities.
- (9) The proposed use shall promote the objectives of this chapter and shall be consistent with the comprehensive plan for the borough.

(B) The Borough Council shall grant a conditional use only if it finds adequate evidence presented by the applicant that the proposed conditional use is duly authorized under provisions of this chapter, that the application falls within the terms of the specific provisions allowing for conditional use and that the proposed use complies with all other requirements of this chapter. The Borough Council shall refuse an application for conditional use where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and general welfare of the community at large. The Borough Council, in granting a conditional use, may attach such reasonable conditions and safeguards other than those related to off-site transportation or road improvement, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of the MPC and the zoning ordinance, except that conditions of approval shall not include those related to off-site transportation or road improvements.

(Ord. 1089, passed 5-19-2014)

**EXPRESS STANDARDS AND CRITERIA FOR EACH USE AUTHORIZED
BY CONDITIONAL USE PROCEDURE**

§ 155.140 ADULT ENTERTAINMENT USES.

(A) *Location.*

(1) No permit will be issued for any adult entertainment establishment which intends to be located within the below listed distances of such institutional or residential property lines:

Any other adult oriented establishment whether such use is situated in the borough or otherwise	500 feet
Child day care or nursery school	800 feet
Child-oriented business	800 feet
Commercial recreation uses	600 feet
Place of worship or assembly	600 feet
Public library	600 feet
Public or private pre-elementary, elementary or secondary school property	800 feet
Public playground or park	800 feet
Public transit stop	250 feet
Residential uses or zones	600 feet

- (2) Measurement shall be from the closest point on one lot to the closest point on the other lot.
- (B) No such establishment shall be open for or permit access to by any person under the age of 18 years.
- (C) The establishment shall include a double-door entrance, with inner door area containing a notice of no less than four square feet that those choosing to enter will be potentially exposed to obscene matters or materials.
- (D) An adult oriented establishment may be open for business only Monday through Saturday from 9:00 a.m. to 12:00 midnight prevailing time. No adult oriented establishment shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. § 11.
- (E) No materials or merchandise of any kind offered for sale, rent, lease or loan or for view upon the premises of an adult oriented establishment shall be exhibited or displayed outside of a building or structure.
- (F) Signs shall contain only the name of the business and the words "adult entertainment" or other term of like import.
- (G) This section may be found to apply to any uses not contemplated by this subject and subject to conditional use approval.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.141 AGRICULTURE ACTIVITIES.

- (A) The minimum lots size is 2,000 square feet for keeping five or fewer small farm animals, such as chickens or other birds or mammals weighing less than 20 pounds. No roosters are permitted.
- (B) The minimum lot size is two acres for keeping one medium sized farm animal such as a goat or a pig, and one-half acre for each additional large animal.
- (C) The minimum lot size is three acres for keeping one large farm animal such as a cow or a horse and one-half acre for each additional large animal.
- (D) The minimum lot size is 2,000 square feet for keeping two apiaries and 1,000 square feet for each additional apiary. No apiary shall be kept in a front yard and must be set back ten feet from any side or rear lot line.
- (E) Killing or dressing of animals raised on the premises shall not be permitted.
- (F) Poultry birds, livestock and domestic small farm animals shall be kept within a securely fenced and enclosed area.
- (G) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.
- (H) All seed, fertilizer and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- (I) Primary use and accessory use structures are to be located as required in the table of dimensional requirements in §155.072.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.142 ASSISTED LIVING RESIDENCE.

- (A) The assisted living residence shall meet all licensing requirements of the State Department of Public Welfare.
- (B) The facility shall have direct access to an arterial roadway.
- (C) The assisted living residence shall be the sole occupant of the lot.

- (D) Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- (E) Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.143 AUTOMOBILE SALES.

(A) The use shall not be located on lots of less than 15,000 square feet, shall have yards of not less than 15 feet, and shall place any tank for the storage of flammable or otherwise hazardous material according to the requirements of the County Fire Marshal.

(B) The business shall include a permanent building on the lot for office, display and repair use of not less than 1,000 square feet floor area.

(C) Areas of the lot displaying vehicles for sale and for customer parking shall be paved with an all-weather surface and such areas shall be set back at least 15 feet from adjacent street curbs or edges of road pavements.

(D) Displayed or parked vehicles and sign posts or other posts shall not be located closer than ten feet to the curb or paved edge of an adjacent street or such further distance as may be necessary to create maximum sight distance lines for motorists entering and leaving the lot.

(E) Automobile sales uses shall not employ outdoor loudspeaker paging systems.

(F) All repair work shall be done entirely within an enclosed building, vehicular access to which shall be oriented away from the street across the front of the lot, and screened by a hedge or fence if facing adjacent residential lots.

(G) External lighting shall be reduced in intensity by 50% at the close of each business day. Lighting of the lot using strings of bare bulbs shall not be permitted.

(H) Areas of lot not occupied by buildings or paved shall be landscaped and maintained.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.144 BED AND BREAKFAST.

(A) The facility shall be the primary residence of the owner-operator.

(B) The maximum length of stay for any guest shall be 30 consecutive days.

(C) No cooking facilities shall be permitted in any of the rented rooms.

(D) Breakfast shall be served to overnight guests only from the residential kitchen. No kitchen remodeling for commercial restaurant operation or restaurant operation shall be permitted.

(E) Tandem parking is permitted with the limit of two vehicles per tandem space, subject to §155.055, off-street parking requirements.

(F) The maximum number of rooms which may be rented is four, unless it can be shown that the structure and/or parcel is of sufficient size to contain more rooms while meeting the purpose of this chapter.

(G) One sign shall be permitted, not to exceed 16 square feet in area in residential districts.

(H) Prior to the operation of the facility, approval by the Fire Department must be obtained.

(I) A bed and breakfast facility must comply with all other provisions of the zone in which it is located and must comply with other ordinances of the borough.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.145 BILLBOARDS AND ELECTRONIC CHANGEABLE COPY BILLBOARDS.

(A) A billboard shall be permitted as a use by conditional use or special exception subject to the following express standards and criteria.

(1) *Location.* Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the centerline of the roadway to which the billboard is oriented.

(a) The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.

(b) A billboard shall be considered a structure and shall be included in the calculation of maximum lot coverage. The maximum lot coverage calculation shall be cumulative, including the billboard and any other structures and buildings on the same lot therewith.

(c) No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or nonresidential structure or to limit or reduce the light and ventilation requirements regulated by borough provisions for building construction and fire prevention.

(d) No billboard shall be constructed within the clear sight-triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.

(e) Billboards shall maintain a lateral minimum spacing of 750 feet between billboard structures. Required spacing shall be measured from a point perpendicular to the center most point of the billboard structure along the front lot line parallel to the centerline of the roadway to which the billboard is oriented.

(f) Billboards may not be mounted on the roof, wall or other part of a building or any other structure.

(2) *Size and height.* A billboard shall have a maximum allowable gross surface area of 200 square feet. A billboard shall have a maximum of two sign faces. The height of a billboard shall not exceed 50 feet above the level of the abutting public right-of-way.

(a) The billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single billboard structure.

(b) A billboard face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.

(c) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum 60 mph wind load.

(d) The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three feet placed in such manner as to screen the foundation of the structure.

(e) Landscaping shall be maintained by the billboard owner in an attractive and healthy manner in accordance with accepted conservation practices.

(f) Permanent landscaping shall form a base and/or backdrop to the billboard when practical in the opinion of the Zoning Officer.

(g) No bare earth cuts are permitted on a hillside.

(h) All earth cuts or fills are to be permanently seeded or planted.

(i) An off-premises sign with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of one and one-half upon the adjoining property.

(j) Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time. All lighting shall be in accordance with the provisions of this chapter.

(k) No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.

(l) The use of colored lighting is not permitted.

(3) *Maintenance.*

- (a) Annual inspections of the billboard shall be conducted by the borough to determine compliance with the provisions of this chapter.
- (b) Billboards found to be in violation of this chapter shall be brought into compliance or shall be removed within 30 days upon proper notification by the borough. Failure to comply shall be a violation of this chapter.
- (c) Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure.
- (4) *Permits.* Prior to submission of an application for a building permit, the applicant for a billboard use shall obtain and submit with the application approvals from the county and the Pennsylvania Department of Transportation (PennDOT).
- (5) *Application fees.* Said application shall be accompanied by an application fee in an amount equal to that set by resolution of the Borough Council.
- (B) An electronic changeable copy billboard shall be permitted as a use by conditional use or special exception subject to the following express standardized criteria.
 - (1) Electronic changeable copy billboards shall be programmed so that the message or image on the sign changes no more often than once every five seconds.
 - (2) There shall be no effects of movement, blinking, animation, scrolling, flashing or similar effects in the individual images.
 - (3) Changes of image shall be instantaneous as seen by the human eye, and shall not use blinking, fading, scrolling, shading, dissolving or similar effects as part of the change.
 - (4) Any illumination intensity or contrast of light level shall remain constant.
 - (5) Location: required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the centerline of the roadway to which the electronic changeable copy billboard is oriented.
 - (a) The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the electronic changeable copy billboard is to be located shall apply to each electronic changeable copy billboard structure.
 - (b) An electronic changeable copy billboard shall be considered a structure and shall be included in the calculation of maximum lot coverage. The maximum lot coverage calculation shall be cumulative, including the electronic changeable copy billboard and any other structures and buildings on the same lot therewith.
 - (c) No electronic changeable copy billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or nonresidential structure or to limit or reduce the light and ventilation requirements regulated by borough provisions for building construction and fire prevention.
 - (d) No electronic changeable copy billboard shall be constructed within the clear sight-triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 - (e) Electronic changeable copy billboards shall maintain a lateral minimum spacing of 1,000 feet between electronic changeable copy billboard structures or billboards. Required spacing shall be measured from a point perpendicular to the center most point of the electronic changeable copy billboard structure along the front lot line parallel to the centerline of the roadway to which the electronic changeable copy billboard is oriented.
 - (f) Electronic changeable copy billboards may not be mounted on the roof, wall or other part of a building or any other structure.
- (6) Size and height: an electronic changeable copy billboard shall have a maximum allowable gross surface area of 200 square feet. An electronic changeable copy billboard shall have a maximum of two sign faces. The height of an electronic changeable copy billboard shall not exceed 50 feet above the level of the abutting public right-of-way.
 - (a) The electronic changeable copy billboard structure may have sign faces placed back to back or in a V-shaped configuration.
 - (b) An electronic changeable copy billboard face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
 - (c) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum 60 mph wind load.
 - (d) The entire base of the electronic changeable copy billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three feet placed in such manner as to screen the foundation of the structure.
 - (e) Landscaping shall be maintained by the electronic changeable copy billboard owner in an attractive and healthy manner in accordance with accepted conservation practices.
 - (f) Permanent landscaping shall form a base and/or backdrop to the electronic changeable copy billboard when practical in the opinion of the Zoning Officer.
 - (g) No bare earth cuts are permitted on a hillside.
 - (h) All earth cuts or fills are to be permanently seeded or planted.
- (7) No electronic changeable copy billboard shall be mounted, affixed or attached to any vehicle, motor vehicle or trailer operated, maneuvered or towed on or upon any street, avenue, alley, road or right-of-way with the borough. This prohibition shall include vehicles, motor vehicles or trailers designed, built or used specifically for and as mobile electronic changeable copy billboards.
- (8) Existing conforming billboards may be converted to accommodate electronic changeable copy billboards subject to the provisions of this chapter. The conversion of any existing conforming billboard shall require a permit issued by the Zoning Officer.
- (9) Permitting: all electronic changeable copy billboards, including the conversion of any existing conforming billboard to digital technology, shall require permits as follows.
 - (a) Application for a building permit shall be made to the Zoning Officer, and shall be accompanied by such drawings, plans, specifications and engineering designs as may be necessary to fully advise and acquaint borough personnel with the proposed sign and sign location. The application shall be accompanied with the deed, lease or other agreement by which the applicant has the right to erect, use or maintain the proposed sign at the stated location. Further, said application shall contain the following information: distance from proposed sign to closest billboard on the same side of the street and on the opposite side of the street; distance from proposed sign to closest electronic changeable copy billboard on the same side of the street and on the opposite side of the street; distance from proposed sign to closest residentially zoned (see §§ 155.035 through 155.039) property; location of all other electronic changeable copy billboards within a radius of one mile of the proposed location; and written certification from the sign manufacturer certifying that the light intensity of the sign has been preset to remain constant as established by this chapter, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.
 - (b) The permit shall become null and void unless construction of the sign has been substantially completed within five months from the date on which the permit was issued. In the event a permit becomes null and void after the expiration of five months, the permittee shall be required to reapply for a permit for that site and pay another permit application fee. If, however, the permittee provides evidence that good cause prevented substantial commencement within the five months, and such evidence is accepted by the Zoning Officer, then said permit may be extended one time for an additional three months.
 - (c) A permit application fee as set from time to time by the Borough Council shall be paid by each person or corporation seeking a permit under this section. This fee shall be in addition to, and not in lieu of, any other fees or licenses required.
- (10) Nonconforming billboards may not be converted to electronic changeable copy billboard.
- (11) For each electronic changeable copy billboard erected or for each conversion of a conforming billboard to an electronic changeable copy billboard, the applicant must remove four of its nonconforming billboards within six months of the issuance of the permit for said electronic changeable copy billboard.
- (12) Maintenance.
 - (a) Any electronic changeable copy billboard that malfunctions, fails or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming to the requirements of this chapter within 24 hours.
 - (b) Every ten years, the owner of the electronic changeable copy billboard shall have a structural inspection made of the electronic changeable copy billboard by an

engineer or an architect and shall provide to the borough a certificate from the engineer or architect certifying that the electronic changeable copy billboard is structurally sound.

(c) Annual inspections of the electronic changeable copy billboard shall be conducted by the borough to determine compliance with the provisions of this chapter.

(d) Electronic changeable copy billboard found to be in violation of this chapter shall be brought into compliance or shall be removed within 30 days upon proper notification by the borough. Failure to comply shall be a violation of this chapter.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.146 BOWLING ALLEYS.

(A) All facilities shall have a paved parking area in accordance with this chapter; and it shall not be closer than 25 feet to any residential lot line.

(B) All facilities shall abut a public road and have a permanent access thereto.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.147 CAR WASHES.

(A) All automated washing facilities shall be in a completely enclosed building, as defined by this chapter. All other car washing facilities shall be under a roofed structure which has at least two walls.

(B) Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.

(C) A stacking area shall be required on the lot for automobiles accessible to the end of the washing equipment. Such stacking area shall be able to accommodate the number of vehicles equal to the maximum hourly processing capability of the aforesaid car wash. Such information shall be provided to the borough as part of the application for the conditional use.

(D) The facility shall be connected to public sanitary sewer.

(E) Any car wash which also dispenses gasoline shall meet all applicable requirements of §155.161 governing gasoline stations.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.148 CEMETERIES.

(A) A minimum site of ten acres is required.

(B) A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.

(C) A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.

(D) All maintenance equipment shall be properly stored in an enclosed building when not in use.

(E) Burial sites shall comply with the setbacks required for principal structures in the zoning district and burial structures shall not be located within 100 feet of any property line adjoining residential use or residential zoning district.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.149 CHILD DAY CARE CENTERS, SMALL FAMILY CHILD DAY CARE HOME AND LARGE FAMILY CHILD DAY CARE HOME.

(A) A minimum site of 3,000 square feet is required

(B) Proof of a valid license to operate child day care facilities issued by the State Department of Public Welfare shall be provided to the borough prior to the issuance of an occupancy permit by the borough for the use.

(C) All child day care facilities shall provide a minimum area for indoor play at a ratio of 40 square feet per child.

(D) All child day care facilities shall provide outdoor play space at a minimum ratio of 65 square feet per child using the outdoor play facility or 400 square feet, whichever is larger. Long, linear configurations shall be avoided to assure the functionality of the space as a play area.

(1) The outdoor play area shall adjoin the building where the child day care facility is located.

(2) The outdoor play area shall be no closer than 30 feet to a private/public street right-of-way, or ten feet to any other property lines. Small family child day care homes are excluded from this requirement.

(4) The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four feet in height, unless a greater height is required by the Council. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes or accessways shall be protected by a barrier capable of preventing the vehicle from entering the play area.

(5) Non-yielding surfaces, such as concrete, asphalt, gravel and the like, are prohibited beneath any piece of permanently installed play equipment. Certain rubber padding may be permissible over hard surfaces when approved by the Council. Non-yielding surfaces shall not exceed one quarter of the required outdoor play space.

(E) (1) Safe vehicular access and off-street areas for the discharge and pick-up of children shall be provided.

(2) Discharge and pick-up areas shall be so located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the discharge and pick-up without obstructing or interfering with the use of any public right-of-way, any parking space or parking lot aisle.

(3) Small family child day care homes are excluded from this requirement.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.150 CIVIC, SOCIAL OR FRATERNAL CLUB.

(A) No outdoor active recreation area shall be located nearer to any lot line than 100 feet.

(B) Sufficient screening shall be provided so as to protect the neighborhood from inappropriate noise and other disturbance.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.151 COLLEGE, UNIVERSITY, SCHOOL OR FRATERNAL ORGANIZATION.

(A) The school shall be the sole occupant of the lot and, other than an elementary school, shall have access directly to an arterial or collector street.

(B) Access drives shall be located to take maximum advantage of sight distances for motorists; shall be as remote as possible from street intersections.

(C) Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

(D) Recreational areas shall be located no closer than 30 feet to an abutting street or ten feet to other lot lines.

(E) The school's course of instruction or other activities on the lot shall not create noise, dirt, glare, dust or other nuisances on adjacent properties.

(F) Parking lot lighting shall be shielded so that there is not lighting glare on adjacent residential properties and no footcandle spill off the property being developed.

(G) If a parking lot is adjacent to a residential property, there must be a solid screen wall or evergreen vegetation at least six feet high at time of occupancy that obstructs the parking lot.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.152 COMMUNICATIONS FACILITIES, TOWERS AND CO-LOCATIONS.

(A) Standards applicable to all communications towers.

(1) *Lot; location.* A communications tower may not be located on a lot occupied by other principal buildings and structures but may occupy a leased parcel within a lot meeting bulk and area requirements for the applicable zoning district and the requirements of this section.

(2) *Interference prohibited.* Communications antennas shall not cause radio frequency interference with any other communications facility located in the borough.

(3) *Omnidirectional antennas.* Omnidirectional communications antennas shall not exceed 20 feet in height and seven inches in diameter.

(4) *Directional or panel antennas.* Directional or panel communications antennas shall not exceed five feet in length and three feet in width.

(5) *Front yard; location.* Communications towers are not permitted to be located in any front yard.

(6) *Setbacks.* The foundation and base of any communications tower shall be set back from any abutting residential district at least 150 feet and shall be set back from any other property line, or a lease line, if applicable, at least 50 feet. In the event that a communications antenna located on a communications tower extends further than the foundation and base of the communications tower, the setback shall be measured from the furthest extended edge of the communications antenna. To the extent that a greater setback is required by any other applicable section of this chapter, the greater setback shall apply.

(7) *Maximum height.* The maximum height of any communications tower shall be 150 feet. The height may be increased to no more than 200 feet, provided that the required setbacks from adjoining property lines, or lease lines, if applicable, are increased by one foot per each one foot in height in excess of 150 feet.

(8) *Communications equipment buildings.* Communications equipment buildings associated with the use of a communications tower or with communications antennas mounted on a communications tower shall comply with the required yards and height requirements of the applicable zoning district.

(9) *Access.* Access shall be provided to the communications tower and any associated communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten feet with a dust-free, all-weather surface for its entire length.

(10) *Parking.* Parking shall be provided as required by § 155.055.

(11) *Fencing.* Notwithstanding § 155.054, the site of a communications tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.

(12) *Guy wires.* All guy wires associated with guyed communications towers shall be located within the facility's fenced enclosure.

(13) *Signs and lights.* No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction, other than those needed to identify the property or warn of any danger or for other safety reasons.

(14) *Maintenance.* Communications towers shall be protected and maintained in accordance with the requirements of the borough's Building Code, as well as federal and state regulations.

(15) *Landscaping and screening.* The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.

(16) *Aviation regulations.* Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

(17) *Removal.*

(a) If a communications facility, communications tower, communications equipment building and/or communications antenna remains unused for a period of six consecutive months, the owner or operator shall dismantle and remove it within six months of the expiration of such six-month period. Costs of removal to be paid by the owner or operator.

(b) The owner of the real property on which the communications tower, communications equipment building and/or communications antenna is located shall be responsible for removal in the event that the owner or operator fails to remove in accordance with this chapter.

(c) If an owner or operator or the property owner fails to remove the communications tower, communications equipment building and/or communications antenna in accordance with this chapter, the borough shall have the authority to enter the subject property and remove the communications tower, communications equipment building or communications antenna.

(d) All costs of removal shall be borne by the owner or operator or the property owner, including the event of the borough's removal of the tower.

(B) Additional standards for communications facilities.

(1) *Standards.* Communications facilities proposed or permitted by conditional use shall meet all standards set forth above, and must comply with the following additional requirements.

(2) *Lapse.* Any grant of use by conditional use will automatically lapse if the owner or operator's FCC license ever expires, lapses or is revoked.

(3) *Additional landscaping and camouflage requirements for communications facilities.* Communications facilities as conditional use or special exceptions shall be camouflaged behind an effective year-round landscape buffer that is compatible with the uses of the neighboring properties.

(C) Application procedures for all communications facilities.

(1) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications facilities, communications tower, communications antennas and communications equipment buildings.

(2) The applicant shall submit certification from a state registered professional engineer that the proposed communications tower will be designed and constructed in accordance with the current structural standards for material type antenna towers and antenna supporting structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the borough's Building Code, as well as federal and state law.

(3) The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(D) Additional application procedures for communications facilities.

(1) *Conditional use permit granting authority.* The Borough Council shall have the authority to grant a permit for use as a conditional use for communications facilities, communications towers and communications antennas.

(2) *Pre-application conference.* Prior to submission of an application for use as a special exception, the applicant is strongly recommended to meet with the Zoning Officer to discuss the proposed communications facility, tower or antenna in general terms and to clarify the filing requirements. The applicant is encouraged to prepare sufficient preliminary drawings to inform the Zoning Officer of the location of the proposed facility, as well as its overall design.

(3) *Application filing requirements.* The following shall be included with an application for a use as a conditional use for all communications facilities and communications towers.

(a) General filing requirements to Zoning Officer.

1. Name, address and telephone number of the applicant and any co-applicants as well as any agents for the applicant or co-applicants;
2. Co-applicants may include the landowner of the subject property, licensed carriers and tenants of the communications tower;

3. A licensed carrier shall be either an applicant or co-applicant; and
4. Original signatures of the applicant and all co-applicants applying for the use by special exception.

(b) *Location filing requirements to Zoning Officer.*

1. Identification of the subject property including the property address;
2. Tax map and parcel number of the subject property;
3. Zoning district designation;
4. A borough-wide map showing the other existing communications facilities or communications towers in the borough; and
5. The proposed locations of all existing and future communications towers in the borough for this carrier.

(c) *Filing requirements to the Borough Council.*

1. Any applicant proposing construction of a new communications tower as a use by conditional use shall demonstrate that a good-faith effort has been made to obtain permission to mount the communications antennas on an existing communications tower or other structures (co-locate). A good-faith effort shall require that all owners of potentially suitable existing communications towers within a two-mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such location apply:

- a. The proposed antennas and related equipment would exceed the structural capacity of the existing communications tower and its reinforcement cannot be accomplished at a reasonable cost;
- b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing communications tower, and the interference cannot be prevented at a reasonable cost;
- c. Such existing communications towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function;
- d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such communications tower exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation; and
- e. A commercially reasonable agreement could not be reached with the owners of such or communications tower.

2. In the event that co-location is not feasible, a written statement for the reasons for the unfeasibility shall be submitted to the borough. The borough may retain an RF engineer to verify if co-location at the site is not feasible. The cost for such an engineer will be at the expense of the applicant. The borough may deny a permit if the applicant has not demonstrated a good-faith effort to provide for co-location.

(d) *Site plan filing requirements to be submitted to the Planning Commission.*

1. An applicant proposing construction of a new communications tower as a use by conditional use shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
2. A site plan diagram drawn to scale at one inch equals 40 feet showing the following:
 - a. Property lines for the subject property;
 - b. Property lines for all properties adjacent to the subject property and within 300 feet;
 - c. Zoning district designation of all adjacent properties;
 - d. Tree cover for the subject property and adjacent properties, by dominant species and average height, as measured by or available from a verifiable source;
 - e. Outline of all existing buildings, including those on the subject property and within 300 feet;
 - f. Proposed location of the communications tower and communications equipment buildings;
 - g. Proposed fencing including a description of such fencing and showing the point of entry to the facility;
 - h. Location of all roads, public and private, within 300 feet of the proposed facility, including driveways;
 - i. Distances at grade from the communications tower facility to each building on the site plan;
 - j. Contours at two-foot intervals;
 - k. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways;
 - l. Representations, dimensioned and to scale, of the proposed communications towers, communications antennas, communications equipment buildings, cable runs, parking areas and any other construction on the property; and
 - m. Lines representing the sight line showing the viewpoint and visible point.
3. Sight lines and photographs as described below.
 - a. *Sight line representation.* A sight line representation shall be drawn from any public road within 300 feet and the nearest facade of each residential building within 300 feet to be the highest point of the communications tower. The profiles shall show all intervening trees and buildings.
 - b. *Existing condition photographs.* Each sight line shall be illustrated by one color photograph of what can currently be seen from any public road within 300 feet.
 - c. *Proposed condition photographs.* Each existing condition photograph shall have superimposed on it the proposed facility as seen from any public road.
4. Design filing requirements to be submitted to the Planning Commission.
 - a. Landscape plan including existing trees and shrubs, identified by size and species; and
 - b. A balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the borough at least 14 days prior to the test.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.153 COMMUNITY CENTER.

- (A) Lot coverage, including structures, parking lots and buildings, shall not exceed 50% of the lot.
- (B) The facility area and lot boundaries shall be landscaped as required by the Borough Council to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- (C) All facilities shall have a paved parking area in accordance with this chapter; and it shall not be closer than 25 feet to any residential lot line.
- (D) All facilities shall abut a public road and have a permanent access thereto.
- (E) Alcoholic beverages without a State Liquor Control Board license, amplified music and juke boxes shall be prohibited on the premises.
- (F) No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- (G) All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.

- (H) Tennis courts shall be protected by a permanent fence ten feet in height behind each base line extending ten feet beyond the playing area in each direction.
- (I) The proposal shall be compatible with the neighborhood and will not adversely affect adjoining lots.
- (J) The amount of new traffic generated shall not have a detrimental impact on the neighborhood.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.154 CONVERSION DWELLINGS.

Conversion dwellings shall have side yards of not less than 15 feet, and shall not be approved unless plans for such conversion prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided for, that each dwelling shall have separate kitchen and bath facilities, and that each unit shall be functional, convenient and private.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.155 CONTRACTOR'S YARD.

- (A) All facilities shall have a paved parking area in accordance with this chapter; and it shall not be closer than 25 feet to any residential lot line.
- (B) All facilities shall abut a public road and have a permanent access thereto.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.156 COUNTRY CLUB OR GOLF COURSE.

(A) The course shall be designed so that golf balls will not be driven over or across any building, building lot, road, access drive, driveway or parking lot. In addition, the golf course design shall minimize the cart path crossing of streets.

- (B) (1) A minimum separation distance shall be maintained between the golf course and adjoining properties.
- (2) The following minimum distances shall be measured from the centerline of the golf course to the adjacent property line:
 - (a) Seventy-five feet minimum distance from the centerline of the tee box to the adjacent property line;
 - (b) One hundred-fifty feet minimum distance from the centerline of the landing area to the adjacent property line; and
 - (c) One hundred feet minimum distance from the centerline of the green to the adjacent property line.

(C) The area between the edge of the course and the property line shall be utilized for planting, as appropriate, to preserve and protect adjoining properties and views from and of the golf course. Planting areas shall be delineated on the preliminary land development plan. The planting scheme (size, type and location of landscaping) shall be shown on the landscape plan submitted with the final land development plan.

- (D) All golf course buildings and structures shall be set 250 feet from any exterior lot line.
- (E) Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
- (F) No outdoor storage of golf carts or maintenance equipment shall be permitted.

- (G) A golf course may include the following accessory uses:
 - (1) A clubhouse with a pro shop, offices, restaurant/snack bar, game room and child care room;
 - (2) Golf cart maintenance and equipment storage and service facilities; and
 - (3) Practice putting greens and driving range, without outdoor lighting.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.157 DRIVE-THROUGH FACILITY.

- (A) *Minimum stacking space requirements.*
 - (1) *Required.* All uses which include a drive-up window or which are characterized by patrons remaining in their vehicles to receive service shall provide on-site stacking spaces in order to alleviate traffic congestion.
 - (2) *Size.* Stacking spaces shall be a minimum of 12 feet in width and 20 feet in length.
 - (3) *Separate from aisles and parking spaces.* All stacking areas shall be separate from other vehicular and pedestrian circulation aisles and parking spaces. It is recommended that stacking lanes be separated through the use of landscaped islands bounded by concrete curbing.
 - (4) *Number.* The number of stacking spaces required shall be determined by the following schedule:

Car washes	A minimum of 4 spaces per car wash bay as measured from the bay
Financial institutions	A minimum of 4 spaces for 1 drive-through window, plus 3 spaces for each additional drive-through window or automated teller machines (ATM)
Restaurant, fast food	A minimum of 5 spaces as measured from the drive-through window
Other uses with drive-through windows or similar characteristics	For uses not provided herein, the Planning Commission shall determine the appropriate number of stacking spaces based on a use listed above that most closely approximates the proposed use, or through information provided by the developer or owner of the proposed use, or through consultation with other communities containing uses similar to the one proposed, or through a combination of these methods

- (B) *Use of common access.* Drive-in facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- (C) *Objectionable noise; screening.* Exterior microphone/speaker system shall be arranged or screened to prevent objectionable noise impact on adjoining properties.
- (D) *Automated teller machines.* All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.158 DRY CLEANING PROCESSING FACILITY.

- (A) All materials and equipment shall be stored within a completely enclosed building.
- (B) The use shall comply with all performance standards specified in this chapter.
- (C) The storage or manufacture of hazardous or potentially hazardous materials which are not listed on file with the borough shall not be permitted.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.159 FUNERAL HOME OR MORTUARY OR CREMATORIUM.

- (A) The minimum lot area shall be 40,000 square feet.
- (B) The site shall have direct vehicular access to an arterial or collector street.
- (C) Crematoriums are permitted as an accessory use to these land uses.

(Ord. 1089, passed 5-19-2014)

§ 155.160 GARDEN CENTER, PLANT NURSERY, LANDSCAPING BUSINESS OR GREENHOUSE.

- (A) Commercial greenhouse heating plants shall be at least 100 feet from any property line.
- (B) For commercial greenhouses and garden centers, the retail sales area for a greenhouse shall not exceed 1,200 square feet. The growing area shall not be considered sales area.

(Ord. 1089, passed 5-19-2014)

§ 155.161 GASOLINE STATIONS, AUTOMOBILE REPAIR OR AUTOMOBILE BODY SHOP.

- (A) The minimum lot area shall be 10,000 square feet.
- (B) Minimum side yards shall be ten feet.
- (C) No tank for the storage of flammable or otherwise hazardous material shall be installed except in accordance with the requirements of the County Fire Marshal.
- (D) All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- (E) All accessory car washing areas shall discharge into public sanitary sewers.
- (F) All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence inside of a row of shrubs or evergreens with a minimum height of four feet.

(G) All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.162 GROUP RESIDENCES.

(A) Group residences, group care facilities and institutional facilities shall not be located on lots of less than 8,000 square feet, shall have side yards of not less than 15 feet, shall not be located within one-quarter of a mile from any other such facility, and shall not be approved unless plans prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility.

(B) A license or certification shall be obtained from the commonwealth, or other federal, state or local agency prior to approval; or if there be no appropriate licensing or certifying agency, the applicant shall submit evidence that the proposal satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.

(C) The sponsor shall file annually with the Zoning Officer information that the facility continues to satisfy the conditions of original approval.

(D) The sponsoring agencies shall be notified by mail of the annual filing date 30 days prior to such date. Ten days after the filing date, an advertisement will be placed in the local newspapers for one day listing those agencies that have applied for recertification and requesting comments from residents and community organizations within 30 days of the advertisement. Individuals or organizations wishing to file complaints should do so in writing to the Zoning Officer.

(E) Change of ownership or of any conditions of original approval shall constitute a new use and the full procedure for obtaining approval of the conditional use shall be required.

(Ord. 1089, passed 5-19-2014)

§ 155.163 HALFWAY HOUSE.

(A) Halfway houses must be licensed where required by an appropriate government agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the borough prior to beginning the use.

(B) A halfway house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house.

(C) A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.

(D) The residents of the halfway house shall reside on-premises to benefit from the services provided.

(E) Necessary permits for water supply and sanitary waste disposal must be obtained.

(F) The halfway house shall not be located within 1,000 feet of any the following uses:

- (1) Child care facility;
- (2) Places of worship or assembly;
- (3) Community center;
- (4) Library;
- (5) Museum;
- (6) Park;
- (7) Playground;
- (8) School; and
- (9) Other lands where minors congregate.

(G) The halfway house shall not be located with 1,000 feet of another halfway house.

(H) Each application shall be accompanied by a statement describing the following:

- (1) The character of the halfway house;
- (2) The policies and goals of the halfway house, and the means proposed to accomplish those goals;
- (3) The characteristics of the residents and number of residents to be served;
- (4) The operating methods and procedures to be used; and
- (5) Any other facts relevant to the proposed operation of the halfway house.

(I) Any use permit granted for the halfway house shall be bound to the type and number of offenders listed on the application.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.164 HOME OCCUPATION.

- (A) The employees of a home occupation (other) may include the residents of said dwelling and a maximum of one nonresident.
- (B) A home occupation shall not be permitted to be conducted in any accessory structure.
- (C) The use shall not create any additional environmental impact other than those impacts, including, but not limited to, road infrastructure, traffic, garbage, water and sewage, normally resulting from residential use.
- (D) The use shall not cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for an average residence in the neighborhood.
- (E) The use shall not require internal or external alterations or construction features which change the fire rating of the structure.
- (F) There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- (G) There shall be no storage of materials or equipment outside an enclosed building.
- (H) The conduct of any home occupation, including, but not limited to, the storage of goods or equipment, shall not reduce or render unusable areas required for enclosed parking for the dwelling unit.
- (I) The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- (J) All needs for parking generated by the conduct of a home occupation shall be provided for on the lot.
- (K) The home occupation shall not involve the use of vehicles in excess of one-ton capacity or 9,000 pounds gross vehicle weight for delivery of materials to or from the premises, and such vehicles shall not be parked on the premises.
- (L) There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery. The home occupation shall not involve the use of advertising signs on or off the premises or any other local advertising media which shall call attention to the fact that the home is being used for business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a telephone number.
- (M) The following uses shall not be considered to be home occupations and shall be limited to the districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception:

- (1) Veterinary services;
 - (2) Automobile sales, rental, service and repair shops;
 - (3) Beauty shops and barbershops containing more than one chair;
 - (4) Hospitals, nursing homes, group living facilities;
 - (5) Kennels;
 - (6) Funeral homes;
 - (7) Private clubs;
 - (8) Private instruction to more than three students at a time;
 - (9) Restaurants; and
 - (10) Keeping/boarding of horses for commercial enterprise.
- (N) Small family child day care homes, as defined by this chapter, shall be considered a home occupation, provided that:
- (1) All of the foregoing standards for a small family child day care home (§155.149) are met; and
 - (2) All standards and criteria of this section are met.
- (O) Any approved home occupation which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.
- (P) Normal hours of operation shall be a maximum of 7:00 a.m. to 9:00 p.m. for customer/client traffic.

(Ord. 1089, passed 5-19-2014)

§ 155.165 HOSPITAL.

- (A) The facility operator shall meet all state and federal rules and regulations for hospital facilities.
- (B) Minimum lot area: five acres.
- (C) Minimum street frontage: 300 feet.
- (D) Public/community sewer and public/community water shall be used.
- (E) The subject property shall have frontage along an arterial roadway as defined in the borough comprehensive plan, as amended.
- (F) All height, area, setback and coverage standards within the underlying district shall apply.
- (G) Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties.
- (H) The institution shall submit a copy of its emergency operations plan (EOP) to the borough. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable state or federal agency.

(Ord. 1089, passed 5-19-2014)

§ 155.166 JUNKYARD.

- (A) Maximum lot area shall be five acres.
- (B) The outdoor area devoted to the storage of junk shall be completely enclosed by an eight-foot high opaque fence which shall be set back at least 50 feet from all property lines and 100 feet from residentially-zoned or existing residential properties.
- (C) The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
- (D) All completely-enclosed buildings used to store junk shall be set back at least 50 feet from all property lines.
- (E) No material may be stored or stacked so that it is visible from adjoining properties and roads.
- (F) All additional federal and state laws shall be satisfied. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable state or federal agency.

(G) All junk shall be stored or arranged so as to permit access to firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight feet.

(H) No oil, grease, tires, gasoline or other similar material shall be burned at any time. No hazardous materials as defined by state and federal regulations shall be stored or burned at any time.

(I) Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, and not to cause the breeding or harboring of rats, flies, mosquitoes or other vectors of disease.

(J) No junkyard shall be located on land with a slope in excess of 8%, prime agricultural soils, sinkhole prone soils, wetlands, woodlands or floodplains.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.167 KENNEL.

- (A) All animals shall be confined to the property.
- (B) Adequate methods for sanitation and sewage disposal shall be provided.
- (C) Outdoor runs shall be located a minimum of 200 feet from any dwelling not located on the same lot.
- (D) Outdoor runs shall be screened with a solid fence to reduce the potential for inciting dogs to bark due to external influences.
- (E) A site plan, drawn to scale, shall accompany the application indicating the location of existing and/or proposed parking facilities, buildings, runs and other physical features.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.168 LONG-TERM NURSING CARE FACILITY.

- (A) The long-term nursing care facility shall meet all licensing requirements of the State Department of Health.
- (B) The facility shall have direct access to an arterial or collector street.
- (C) The long-term nursing care facility shall be the sole occupant of the lot.
- (D) Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- (E) Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- (F) Buildings shall be set back from one another and residential occupancy shall be in conformance with this chapter.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.169 MANUFACTURING.

- (A) All materials and equipment shall be stored within a completely enclosed building.
- (B) The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- (C) The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Borough Council to determine the appropriateness of the proposed activity in the location proposed.
- (D) Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.
- (E) Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
- (F) The Borough Council may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as it deems necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- (G) Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.170 MANUFACTURING, LIGHT.

See § 155.169.

(Ord. 1089, passed 5-19-2014)

§ 155.171 METHADONE TREATMENT FACILITY.

Not established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility. Refer to Pa. Mun. Plan Code, 53 P.S. § 10621 for additional requirements and rights of Council to allow methadone treatment facilities within 500 feet of facilities described in this section.

(Ord. 1089, passed 5-19-2014)

§ 155.172 MINERAL EXTRACTION.

Extraction of minerals may be a conditional use by the Borough Council in those areas of the borough where the underlying district permits mining according to the following standards and criteria:

- (A) The applicant for a mining or processing conditional use permit shall submit the following information to the Zoning Officer:
 - (1) Evidence of compliance with all state and federal laws applicable to the process for which the conditional use permit is sought; and
 - (2) A description of the character, timing and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials areas for the deposit of coal waste, and facilities for processing, loading and transportation of minerals.
- (B) The location of all structures, land uses and overlay zoning features which may be affected by the proposed operation and measures which will be taken to protect all structures, land uses and overlay zoning features from adverse impacts from mining;
- (C) Measures which will be taken to ensure that any loss, diminution or pollution of water supplies in areas affected by mining will be corrected or replaced;
- (D) Measures which will be taken to ensure that the performance standards contained in all sections of this chapter shall be met;
- (E) Description of plans for the transportation of the mined product, including routes of travel, number and weight of vehicles and measures which will be taken to maintain all roads within the borough which are used to transport minerals and to repair any damages which may result from the use of roads for loads and volumes of traffic which are in excess of their use by vehicles associated with permitted uses in the concerned district;
- (F) Plans for the restoration and reclamation of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted by right or as conditional uses in the concerned district;
- (G) In deciding upon an initial application for a conditional use permit for extraction or processing, the Borough Council shall evaluate the impact of the proposed activity upon adjacent areas and upon the community at large and shall approve granting of a permit only if it finds that:

(1) The scale, pace and duration of the proposed activity are reasonable in relationship to the ability of other portions of the community to maintain normal patterns of activity while mining activities are ongoing;

(2) Adequate safeguards are provided to ensure that damage will not be done to property elsewhere in the borough or to the natural environment; and

(3) The proposed plan for reclamation and reuse of land is acceptable. If the proposed reclamation plan is for agriculture, forestry or other undeveloped use, grading, drainage and vegetation are compatible with other such use areas in the borough. If the proposed reclamation is for development, the proposed development should be compatible with the comprehensive plan and in conformance with the purposes and regulations of the district in which it is located.

(H) In deciding upon an application for any expansion or change in a mining or processing application, the Borough Council shall consider all of the factors listed above and in addition shall grant a conditional use permit only if the following conditions are met:

(1) The performance of the applicant to date has been in conformance with all of the agreements made at the time of the initial conditional use approval; and

(2) No expansion in area of a mining operation shall be permitted until mining activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.

(I) In no case shall a conditional use permit granted by the Borough Council extend to an area of land or mode of operation which is larger or in any way different from the scope of permits issued concurrently by state and/or federal permitting authorities for the same existing or proposed mining or processing activity; and

(J) Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

(Ord. 1089, passed 5-19-2014)

§ 155.173 MOBILE HOME PARK.

(A) *Mobile homes of single or multiple widths.* A mobile home park shall only include mobile homes of single width or multiple widths, but shall not include travel trailers or motor homes.

(B) *Ownership.* The tract of land to be developed for a mobile home park shall be in single and separate ownership.

(C) *Minimum size.* Any parcel to be used as a mobile home park shall have a minimum size of 25 acres.

(D) *Nuisances.* Any site proposed for a mobile home park shall not be subject to any nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odors or glare.

(E) *Water supply and waste disposal systems.* Every area to be used as a mobile home park must be served exclusively by an approved public or community water supply system and waste disposal system. In the case of community systems, a maintenance and ownership agreement shall be required.

(F) *Density.* The total number of lots in a mobile home park shall not exceed a maximum density of eight lots per acre.

(G) *Yard and area regulations.* The following yard setback and lot area regulations shall apply to all mobile home parks developed pursuant to this section.

(1) *Setback from tract boundary.* No mobile home, auxiliary park buildings and other park structures may be located closer than 75 feet to any boundary of a mobile park regardless of whether that boundary abuts a lot, water body, road or other right-of-way.

(2) *Lot area.* All mobile home lots in a mobile home park, regardless of tenure, shall have a minimum lot size of 5,000 square feet.

(3) *Lot width.* No individual mobile home lot shall be less than 50 feet in width at the building setback line.

(4) *Lot size.* No individual mobile home lot shall be less than 25 feet in width at the right-of-way line or the edge of the pavement of a private street, measured 50 feet from the centerline of a public or private street or right-of-way, as applicable.

(5) *Building area.* The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures, including covered patios or decks, shall not exceed 40%.

(6) *Minimum structure setbacks.*

(a) *Front yard.* In no case shall the long side of a mobile home be located closer than 30 feet from the edge of the street right-of-way; provided, however, that the short side (ends of unit) of a mobile home may be located no closer to the street right-of-way than 25 feet.

(b) *Same setback distance.* No more than six mobile homes in a row shall have the same setback distance; where varied setbacks are implemented, the difference shall be at least four feet.

(c) *Side and rear yards.* No mobile home or accessory building may be located closer than ten feet to any side or rear lot line of an individual mobile home lot.

(7) *Distance between structures.* Mobile homes and roofed structures of areas attached thereto shall be separated from each other, and from other buildings, other than accessory structures, at their closest points by a minimum of 20 feet; provided, however, that whenever two mobile homes have their longer sides parallel or essentially parallel to each other for more than 25% of the length of either the minimum distance between the two mobile homes shall be 30 feet.

(Ord. 1089, passed 5-19-2014)

§ 155.174 MOTEL, HOTEL OR INN.

(A) Developments related to a hotel/motel or hotel-office complex shall not exceed 60 feet in height and a hotel-office complex must be integrated into one contiguous structure. In those cases where the lot or parcel of ground to be developed is irregular in shape and bordered on at least two sides by non-accessible highways, the Council may deviate from otherwise applicable lot area coverage provisions and setback requirements of this chapter.

(B) Parking shall be as required by the Council and shall be based on the single or combined use or uses of the property. Requirements for parking shall take into consideration the established number of parking spaces set forth in § 155.055 but such section shall not be binding on the Council.

(C) Fire safety precautions shall be as finally determined by the Council upon recommendation of the Fire Marshal's office.

(D) All entrances to motel or hotel rooms shall be through an interior hallway. No exterior door access shall be permitted from hotel or motel rooms.

(Ord. 1089, passed 5-19-2014)

§ 155.175 MULTI-FAMILY DWELLING.

(A) *Garden apartment.* A garden apartment is one which is generally located in a structure containing not less than four dwelling units; not exceeding four stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and, frequently exhibiting different facades and design features between structures in a garden apartment complex. Elevators must be provided for all floors above the second floor. Individual apartments shall not be less than 1,600 square feet in area for the first four units and not less than 1,200 square feet for additional units. The primary entrance to the apartment building will be off a public street.

(B) *Townhouse.* A townhouse is a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front or rear wall to be used for access, light and ventilation.

(1) Shall not have a lot size of less than 3,000 square feet per unit for the first two units nor less than 2,500 square feet for the third and each additional unit;

(2) All off-street parking shall be incorporated into the building. One parking space shall be provided per unit for guest parking and shall not be located more than 300 feet from the unit being served;

(3) All dumpsters and/or waste collection areas shall be located a minimum of 50 feet from any residential unit and be enclosed with a solid masonry screen;

(4) The maximum number of contiguous units shall be ten; and

(5) The primary entrance into the townhouse development will be off a public street.

(C) *Other structures.* Other structures of three or more independent dwelling units shall meet the requirements of garden apartments above.

(Ord. 1089, passed 5-19-2014)

§ 155.176 OLDER ADULT DAILY LIVING CENTER.

(A) The older adult daily living center shall meet all requirements of the 6 Pa. Code Part 1 Department of Aging, Chapter 11 Older Adult Daily Living Centers, Subchapter A Licensure and Operation Requirements.

(B) The facility shall have direct access to an arterial or collector street.

(C) The maximum impervious surface ratio shall be 50%.

(D) Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.

(E) Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

(Ord. 1089, passed 5-19-2014)

§ 155.177 PERSONAL CARE HOME.

(A) The personal care home shall meet all licensing requirements of the State Department of Public Welfare.

(B) The personal care home shall be the sole occupant of the lot.

(C) Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.

(D) Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

(E) Buildings shall be set back from one another and residential occupancy shall be in conformance with this chapter.

(Ord. 1089, passed 5-19-2014)

§ 155.178 PERSONAL STORAGE FACILITY.

(A) The storage of hazardous materials such as toxic or explosive substances is prohibited.

(B) Wholesale or retail sales, garage sales, flea market or outside storage is prohibited.

(C) The maximum size of the individual storage units shall be 500 square feet.

(E) Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

(F) The lot shall have direct ingress/egress to a public collector or arterial road, as defined by this chapter, and points of ingress/egress shall not be through a road on which the current use of the majority of lots fronting on the road is one-family dwellings.

(G) Vehicular access to the lot shall be limited to one two-way or two one-way driveways from each arterial or collector road on which the lot has frontage.

(H) All one-way driveways shall have a minimum of one ten-foot parking lane, plus one 15-foot travel lane.

(I) All two-way driveways shall provide a minimum of one ten-foot parking lane, plus two 12-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.

(J) All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.

(K) The minimum distance from the face of any storage building to the face of any adjacent storage building shall be 28 feet for storage units which are less than 15 feet in depth and 42 feet for storage units which are more than 15 feet in depth.

(L) The minimum distance from the end of any storage building to the end of any adjacent storage building shall be 20 feet.

(M) The maximum length of any storage building shall be 200 feet.

(N) Maximum lot coverage by all buildings shall be 40%.

(O) Office space may be provided which shall not exceed 5% of the total floor area devoted to storage.

(P) Storage shall occur completely within enclosed buildings.

(Q) Storage units shall not be equipped with water or sanitary sewer service.

(R) No business activity other than rental of storage units shall be conducted on the premises.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.179 PLACE OF WORSHIP OR ASSEMBLY.

(A) *No minimum lot size.* The lot must be of adequate size to include required off-street parking facilities, access driveways, landscaping and stormwater management facilities.

(B) *Access to public street.* The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

(C) *Access drives.* Access drives shall be located to take maximum advantage of sight distances for motorists; shall be as remote as possible from street intersections.

(D) *Parking areas.* Parking areas shall be screened from view of neighboring houses or those directly across a street from the lot.

(E) *Dwelling.* A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this chapter for single-family dwellings in the zoning district can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.

(F) *Day care.* A day care may be operated in the church on the same lot provided that the conditions provided in §55.149 are met.

(Ord. 1089, passed 5-19-2014)

§ 155.180 PLANNED RESIDENTIAL DEVELOPMENT.

See §§ 155.280 through 155.292.

(Ord. 1089, passed 5-19-2014)

§ 155.181 PUBLIC FACILITIES AND ESSENTIAL SERVICES.

The storage of maintenance and emergency vehicles and related apparatuses shall be within wholly enclosed buildings in all zoning districts.

(Ord. 1089, passed 5-19-2014)

§ 155.182 PUBLIC SURFACE PARKING.

Meet the design standards for nonresidential parking facilities as described in § 780-520 of Article V, Design Standards, of the county SALDO.

(Ord. 1089, passed 5-19-2014)

§ 155.183 RECREATION FACILITY INDOOR (PRIVATE AND SEMI-PRIVATE).

A public, private and semi-private recreation facility shall be permitted as a use by conditional use or special exception subject to the following express standards and criteria.

- (A) Lot coverage, including structures, parking lots and buildings, shall not exceed 50% of the tract.
- (B) The facility area and lot boundaries shall be landscaped as required by the Zoning Hearing Board to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- (C) All structures shall not be less than 100 feet from any lot line, and no less than 200 feet from the nearest house.
- (D) All facilities shall have a paved parking area in accordance with this chapter; and it shall not be closer than 25 feet to any residential lot line.
- (E) All facilities shall abut a public road and have a permanent access thereto.
- (F) Alcoholic beverages without a State Liquor Control Board license, amplified music and juke boxes shall be prohibited on the premises.
- (G) No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- (H) The Zoning Hearing Board may limit hours of operation based on the use and location of the facility in order to minimize negative impacts on surrounding residential neighborhoods. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.
- (I) All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- (J) Fences for other types of facilities shall be as prescribed by the Zoning Hearing Board.
- (K) The developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect the adjoining lot.
- (L) The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
- (M) Any proposal for development on a two-lane highway shall include road widening to provide turning lanes for traffic in both directions.
- (N) Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.

(Ord. 1089, passed 5-19-2014)

§ 155.184 RECREATION FACILITY OUTDOOR (PRIVATE AND SEMI-PRIVATE).

A public, private and semi-private recreation facility shall be permitted as a use by conditional use or special exception subject to the following express standards and criteria.

- (A) All pools, tennis courts or other comparable facilities shall be considered structures for the purpose of this chapter.
- (B) Lot coverage, including structures, parking lots and buildings, shall not exceed 50% of the tract.
- (C) The facility area and lot boundaries shall be landscaped as required by the Zoning Hearing Board to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- (D) All structures shall not be less than 100 feet from any lot line, and no less than 200 feet from the nearest house.
- (E) All facilities shall have a paved parking area in accordance with this chapter; and it shall not be closer than 25 feet to any residential lot line.
- (F) All facilities shall abut a public road and have a permanent access thereto.
- (G) Alcoholic beverages without a State Liquor Control Board license, amplified music and juke boxes shall be prohibited on the premises.
- (H) No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- (I) Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Zoning Hearing Board may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.
- (J) All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- (K) Tennis courts shall be protected by a permanent fence ten feet in height behind each base line extending ten feet beyond the playing area in each direction.
- (L) Fences for other types of facilities shall be as prescribed by the Zoning Hearing Board.
- (M) The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
- (N) Any proposal for development on a two-lane highway shall include road widening to provide turning lanes for traffic in both directions.
- (O) Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.

(Ord. 1089, passed 5-19-2014)

§ 155.185 RESTAURANT.

- (A) Submit screening, hours and appearance of the building(s) for review by Council;
- (B) Provide parking in accordance with §155.055; and
- (C) Provide signs in accordance with §§155.095 through 155.109.

(Ord. 1089, passed 5-19-2014)

§ 155.186 THEATER.

- (A) The proposed use shall have direct access to an arterial or collector street.
- (B) Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.

(Ord. 1089, passed 5-19-2014)

§ 155.187 TWO-FAMILY DWELLING.

- (A) Each unit must have a separate entrance to the outside.
- (B) Each unit must be at least 800 square feet.
- (C) A screened space for garbage collection must be provided.

(Ord. 1089, passed 5-19-2014)

§ 155.188 TRANSPORTATION TERMINAL.

- (A) The proposed use shall have direct access to an arterial street.
- (B) Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- (C) Maximum lot coverage by all building shall be 40%.
- (D) Shall not be located on lots of less than two acres, shall have side yards of not less than 25 feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than 40 feet to any property line.

(Ord. 1089, passed 5-19-2014)

§ 155.189 URBAN AGRICULTURE, LIMITED (NO ANIMALS).

- (A) The sale of agricultural and farm products that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall not be permitted in residential zoning districts.
- (B) The keeping of poultry birds, bees, livestock or other farm animals is not permitted.
- (C) No processing of products grown on the site is permitted.
- (D) All structures shall be subject to any required setbacks of the zoning district, but shall in all cases be a minimum of ten feet from any property line.
- (E) All seed, fertilizer or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- (F) Signage shall not be permitted.

(Ord. 1089, passed 5-19-2014)

§ 155.190 URBAN AGRICULTURE, ACCESSORY USE.

- (A) The sale of agricultural and farm products that are grown, used, produced on-site shall not be permitted.
- (B) All seed, fertilizer and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- (C) Keeping of poultry birds requires a minimum lot size of 2,000 square feet. Lots or properties that meet the minimum lot size are permitted three poultry birds. For every additional 2,000 square feet of property above the minimum requirement, the owner is permitted one additional poultry bird.
- (D) All structures related to the housing of poultry birds shall be at least six square feet in size and a minimum of two square feet per additional poultry bird.
- (E) Roosters are not permitted.
- (F) The hen house and/or pen shall be properly designed and constructed to provide adequate security from rodents and predators. Sufficient ventilation and suitable shelter for hens must be provided. The hen house may not be taller than six feet and must be easily accessible for cleaning and maintenance. Any windows must be screened with chicken wire to protect the hens from predators.
- (G) For property with a minimum of 2,000 square feet in size, the property owner is permitted to keep two beehives. For every additional 2,000 square feet of property, the owner is permitted two additional beehives.
- (H) All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, and shall otherwise be set back at least ten feet from any property line.
- (I) Ground-mounted beehives shall be located no higher than six feet from grade.
- (J) Ground-mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard-area, a flyway may be substituted for perimeter barriers, consisting of six-foot high barriers on both sides of the bee colony, creating a channel extending 20 feet in each direction beyond each bee colony entrance.
- (K) Roof-mounted beehives shall be located on principal and accessory structures no lower than ten feet from grade and shall not be within the required setback.
- (L) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.
- (M) Outdoor roaming areas for poultry birds shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.
- (N) The keeping of poultry birds or honeybees shall be permitted as an accessory use only where there is an occupied residence.
- (O) The keeping of livestock or other farm animals shall not be permitted as an accessory use.

(Ord. 1089, passed 5-19-2014)

§ 155.191 UTILITY FACILITIES.

- (A) A solid fence shall be required to completely screen the structure. A six-foot high row of shrubs or evergreens shall be planted around the exterior of the fence.
- (B) The architectural design, landscaping and site development must be in keeping with the character of the area in which the public utility facilities are to be located, consistent with the nature of the public utility facilities and the public need or convenience in having the public utility facilities.
- (C) Sufficient off-street parking and loading space shall be provided consistent with the requirements of this chapter and the nature of the utility facilities.
- (D) Provision must be made for proper storage of all materials and equipment when not in use.

(Ord. 1089, passed 5-19-2014)

§ 155.192 ANY PRINCIPAL USE NOT SPECIFICALLY LISTED.

- (A) Uses which are not specifically listed as permitted or conditional uses in any zoning district may be authorized in the M or OU District by the Borough Council as conditional uses.
- (B) In order to obtain a conditional use under this section, the applicant bears the burden of establishing the following to the satisfaction of the Council.
 - (1) The proposed use must be fully consistent and in harmony with the purpose of the district in which it will be located.
 - (2) The impact of the use on the environment and adjacent streets is equal to or less than any use specifically permitted as a permitted or conditional use in the subject district.
 - (3) In determining the impact on the environment and adjacent properties, the Council shall consider such development characteristics as the number of employees, the floor area of the proposed building devoted to the proposed use, the type of products involved, the materials, equipment or services involved, the magnitude of walk-in trade, traffic generation, parking demand, environmental impacts and any other information that Council determines will aid in determining the impact of the use.
 - (4) The proposed use shall comply with the expressed standards and criteria of the zoning district in which the use is to be located and all other requirements of this chapter.
 - (5) The proposed use shall be in accordance with the community development objectives of this chapter and the comprehensive plan, as adopted and amended.
- (C) Prior to the hearing before the Borough Council, the applicant shall submit all studies, documents and testimony which the applicant wishes to be considered in connection with the conditional use application, for review and recommendation by the Borough Planning Commission.

(D) When granting a conditional use pursuant to this section, the Council may impose any reasonable conditions it believes are necessary to ensure compliance with this chapter.

(Ord. 1089, passed 5-19-2014)

SPECIAL EXCEPTIONS

§ 155.205 INTENT.

To allow certain authorized uses in the borough to be permitted by special exception procedure so that the borough can provide specific criteria and standards for selected developments.

(Ord. 1089, passed 5-19-2014)

§ 155.206 PROCEDURE.

The Board shall hear and decide requests for special exceptions in accordance with the procedures of §§155.240 through 155.254.

(Ord. 1089, passed 5-19-2014)

§ 155.207 GENERAL STANDARDS AND CRITERIA.

(A) Before approving a special exception application, the Zoning Hearing Board shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this chapter for a specific type of use or development.

- (1) The proposed use shall conform to the district and special exception provisions (§§155.205 through 155.208) and all general regulations of this chapter.
- (2) The proposed use shall meet all special standards which may be applied to its class of special exception use as set forth in this subchapter.
- (3) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with the performance standards set forth in § 155.056.
- (4) The proposed use shall be sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.
- (5) The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood.
- (6) The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.
- (7) The proposed use will not impede the normal and orderly development and improvement of surrounding property as permitted by this chapter.
- (8) The proposed use will be adequately served by existing storm and sanitary drainage facilities, public water, access streets and other necessary facilities.
- (9) The proposed use shall promote the objectives of this chapter and shall be consistent with the comprehensive plan for the borough.

(B) The Board shall grant a special exception only if it finds adequate evidence presented by the applicant that the proposed special exception is duly authorized under provisions of this chapter, that the application falls within the terms of the specific provisions allowing for special exception and that the proposed use complies with all other requirements of this chapter. The Board shall refuse an application for special exception where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and morals or general welfare of the community at large. The Board, in granting a special exception, may attach such reasonable conditions and safeguards other than those related to off-site transportation or road improvement, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of the MPC Act and the zoning regulations, except that conditions of approval shall not include those related to off-site transportation or road improvements.

(Ord. 1089, passed 5-19-2014)

§ 155.208 EXPRESS STANDARDS AND CRITERIA FOR EACH USE AUTHORIZED BY SPECIAL EXCEPTION PROCEDURE.

These shall be the same requirements as §§ 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS

§ 155.220 INTENT AND PURPOSE.

(A) If, within the zoning districts established by this chapter or due to amendments that may later be adopted, there exist lots, structures or uses of lots which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments, it is the intent of this chapter to permit those nonconformities. Such uses are declared by this chapter to be incompatible with authorized uses in the zoning districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other signs, structures or uses prohibited elsewhere in the same zoning district.

(B) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual construction has been diligently commenced. **ACTUAL CONSTRUCTION** is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing structure has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

(Ord. 1089, passed 5-19-2014)

§ 155.221 NONCONFORMING LOTS.

The following regulations shall apply to all nonconforming lots, as defined by this chapter, in any zoning district.

(A) Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this subchapter. No division of any lot shall be made which does not comply with the requirements of this subchapter.

(B) Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards of the adjacent developed nonconforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot. Private garages, storage sheds, swimming pools and similar structures shall be located to the rear of the permitted principal structure and may be permitted in the rear yard, provided that they are no closer than ten feet from the rear property line and are not located on any easements or rights-of-way.

(Ord. 1089, passed 5-19-2014)

§ 155.222 NONCONFORMING USE OF LOTS.

Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions.

(A) No such nonconforming use shall be enlarged or increased or extended to occupy a greater lot area than was occupied at the effective date of adoption or amendment of this chapter, unless the Board shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use.

(B) No such nonconforming use shall be moved in whole or in part to any other portion of the lot not occupied by such use at the effective date of adoption or amendment of this chapter.

(C) If any such nonconforming use of a lot ceases for any reason for a period of more than 12 consecutive months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such lot shall conform to the regulations specified by this chapter for the zoning district in which such lot is located.

(Ord. 1089, passed 5-19-2014)

§ 155.223 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the requirements of this chapter, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions.

(A) Structural alterations of 100 square feet or less are permitted. For those alterations that exceed 100 square feet, the Planning Commission will review and recommend to Council if an undue hardship exists and may authorize a reasonable modification of such structure.

(B) Should such structure be destroyed by any means, repairs or reconstruction may be undertaken, provided that such restoration is started within 12 months of the date of damage.

(C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.

(Ord. 1089, passed 5-19-2014)

§ 155.224 NONCONFORMING USE OF STRUCTURES.

If a lawful use of a structure or of a structure and lot in combination exists at the effective date of adoption or amendment of this chapter that would not be allowed in the zoning district under the terms of this chapter, the lawful use may be continued, subject to the following provisions.

(A) No existing structure devoted to a use not permitted by this chapter in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or otherwise have any structural alterations made to it except in changing the use of the structure to an authorized use in the zoning district in which it is located, unless the Board shall interpret that the enlargement, extension, construction, reconstruction or structural alteration is necessitated by the natural expansion and growth of trade of the nonconforming use.

(B) Any nonconforming use may be extended throughout any part of a structure which was manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any lot or portion of a lot outside such structure, except on a lot or portion of a lot owned at the time the use became nonconforming.

(C) Any structure or structure and lot in combination in or on which a nonconforming use is superseded by an authorized use shall thereafter conform to the regulations for the zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(D) When a nonconforming use of a structure or structure and lot in combination ceases for a period of more than 12 consecutive months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such structure or structure and lot in combination shall conform to the regulations specified by this chapter for the zoning district in which such lot is located.

(E) Where nonconforming status applies to both the use and the structure on the lot, removal or destruction of the nonconforming structure shall eliminate the nonconforming use on the lot.

(F) Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the sign area computed in accordance with § 155.102.

(G) Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that interchange of poster panels shall be permitted.

(Ord. 1089, passed 5-19-2014)

§ 155.225 REPAIRS AND MAINTENANCE.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the populace.

(Ord. 1089, passed 5-19-2014)

ADMINISTRATION AND ENFORCEMENT

§ 155.240 ZONING APPROVAL FOR STRUCTURAL ALTERATION OR ERECTION OF STRUCTURES.

(A) *Compliance required.* No structure shall be erected, added to or otherwise have any structural alterations made to it until zoning approval has been issued by the borough. No zoning approval shall be issued for any structure where said construction, addition, structural alteration or use thereof would be in violation of any of the provisions of this chapter, except after such written order from the Board or the Council as this chapter may require. No zoning approval for structural alteration and erection of structures shall be issued until prior approvals and requirements of this chapter and the subdivision and land development ordinance, have been complied with, including, but not limited to, conditional use, use by special exception, Planned residential development and recording of the final plat of a subdivision or land development. Any zoning approval issued in conflict with the provisions of this chapter shall be null and void.

(B) *Application content.* All applications for development for zoning approval for structural alteration or erection of structures shall be in the form set forth in this chapter; subdivision and land development ordinance if applicable; and in the Building Code. The application for development for zoning approval for structural alteration or erection of structures shall include the following:

- (1) Two copies of application form, provided by the borough and completed by the applicant;
- (2) For authorized uses by right that are not land developments: two copies of site plan of the site clearly and legible drawn at a scale of one inch being equal to not more than 50 feet, or less, showing the following:
 - (a) Name of applicant and landowner;
 - (b) Name of development, if any;
 - (c) Evidence of preparation by an architect, landscape architect, engineer or surveyor;
 - (d) Graphic and written scale;
 - (e) North arrow;
 - (f) Dates of preparation and revisions of site plan;
 - (g) A site location map;
 - (h) Property lines for the entire lot or site and adjacent parcels, and lot width;
 - (i) Site or lot area and net site or net lot area, lot coverage, impervious surfaces and percentage of impervious surfaces;
 - (j) Location and dimensions of existing and proposed public and private streets, driveways, sidewalks and other pedestrian ways, and other impervious surfaces on the lot or site and within 100 feet of the perimeter of the lot or site;
 - (k) Existing and proposed structures with proposed density and approximate height of structures indicated for each proposed type of structure and use, existing and proposed gross floor area and building area;
 - (l) Proposed location and dimensions of all yards and open spaces;
 - (m) Topography, showing existing and proposed contours at vertical intervals of two feet if the general slope is less than 10% and at intervals of five feet if the general slope is 10% or greater and indications of compliance with steep slope limitations set forth in § 155.051;

- (n) General proposals for the disposition of stormwater runoff;
 - (o) Proposals for the disposition of sanitary wastes and the provision of water supplies;
 - (p) Delineation of any portion of the lot or site in mature woodlands or other woodlands showing delineation and percentage of each that will remain uncut and undisturbed during construction or development;
 - (q) Delineation of any portion of the lot or site in identified floodplain areas or wetlands; and
 - (r) If any proposed construction or development is located entirely or partially within any identified floodplain area, the following additional information:
 1. Information pertaining to the floodway;
 2. The flow of water including direction, pressures, velocities, impact and uplift forces, and elevation of the 100-year flood; and
 3. Lowest floor elevation of any existing or proposed structures.
 - (3) For uses authorized by conditional use, special exception or Planned residential development and for uses that are land developments, (two copies) final site development plans containing the information required for a site plan in accordance with division (B)(2) above for uses by right, and in addition, information demonstrating conformity with the conditional use, special exception, planned development or land development approved by the Borough Council;
 - (4) Two copies; construction plans as required by the Building Code; and
 - (5) Such other information as lawfully may be required by the Zoning Officer to determine conformance with this chapter, and the subdivision and land development ordinance, including, but not limited to, the names of all the legal or beneficial owners of the applicant if the applicant is a corporation or a partnership; and
 - (6) Required fee.
- (C) *Approval.* In approving an application for development the Zoning Officer may require such changes in plans for construction, addition, structural alteration or use of such structures or lots as may be necessary to assure compliance with this chapter.
- (D) *Revocation.* Zoning approval for any structure or use may be revoked and withdrawn by the Zoning Officer if the holder of the zoning approval has failed to comply with the requirements of this chapter or with any conditions attached to the issuance of the zoning approval; and the holder of the zoning approval may be subject to penalties as provided by this chapter.

(E) *Expiration and extension.*

(1) *Temporary structures.* Erection of temporary structures shall be completed within 30 days of issuance of zoning approval for structural alteration and erection of structures. Upon written request from the applicant, the Zoning Officer may extend the zoning approval.

(2) *Other structures.* If no application for a grading or building permit to undertake work described in an application for zoning approval for structural alteration or erection of structures other than temporary structures, has been submitted within 12 months of issuance of zoning approval for structural alteration or erection of structures, said zoning approval shall expire automatically without written notice to the developer unless the Borough Council, in its sole discretion, extend the zoning approval upon written request of the developer received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

(Ord. 1089, passed 5-19-2014)

§ 155.241 ZONING APPROVAL FOR OCCUPANCY AND USE.

(A) *Zoning approval required.* It shall be unlawful to use or occupy any structure or lot or part thereof until zoning approval has been issued by the borough. Zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this chapter, as set forth in § 155.071. Any change in use category shall require the requisite approval.

(B) *Nonconforming structure, use or lot.* No nonconforming structure, use or lot shall be maintained, renewed, changed or otherwise have any structural alterations made to it or extended until a zoning approval has been issued by the borough.

(C) *Time frame.* Where zoning approval for occupancy and use is necessary to allow an occupancy permit to be issued pursuant to the Building Code, and where a building permit has been issued, zoning approval for occupancy and use shall be applied for within ten working days after the erection of the structure or structural alteration has been completed.

(D) *Temporary zoning approval.* Temporary zoning approval may be granted by the Zoning Officer upon filing of a written application for development for temporary zoning approval for occupancy and use when a temporary or permanent occupancy permit is authorized and is eligible for approval under the Building Code or when all work described in the application for development is not complete, and subject to the following:

(1) The applicant shall post an acceptable financial security to the borough to guarantee completion of the work described in an application for development for zoning approval and of all conditions attached to zoning approval within a specified time period; and

(2) There shall be no violations of applicable zoning district regulations.

(E) *Zoning approval for occupancy and use.* Where zoning approval for occupancy and use is necessary in order to allow an occupancy permit to be issued pursuant to the Building Code for a new or changed use of a lot and where no building permit is required, zoning approval for occupancy and use shall be made directly to the office of the Zoning Officer.

(F) *Written notice.* Zoning approval under this section shall be issued or a written notice stating why a zoning approval cannot be issued shall be given to the applicant.

(G) *Temporary structures.* During the time of construction of a structure for which zoning approval has been granted and a building permit has been issued, the Zoning Officer may issue zoning approval for occupancy and use of a temporary structure for a period not to exceed 12 months. Zoning approval for a temporary structure may be extended upon re-application at the discretion of the Zoning Officer. Zoning approval for a temporary structure shall be canceled upon written notice by the Zoning Administrator if construction of the permanent structure is not diligently pursued.

(H) *Failure to obtain approval.* Failure to obtain zoning approval shall be a violation of this chapter and may be subject to penalties as provided by this chapter.

(I) *Records.* The Zoning Officer shall maintain a record of all zoning approvals issued.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.242 FINANCIAL SECURITY.

Prior to granting zoning approval for structural alteration and erection of structures or zoning approval for occupancy and use or any other approval required by this chapter wherein the developer is required or has agreed, as a condition of approval, to remove or demolish any structure or to provide certain public and private improvements, the developer shall provide financial security in accordance with the provisions of the subdivision and land development ordinance. Financial security shall not be required for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to § 420 of the Act of June 1, 1945, known as the State Highway Law, 36 P.S. §§ 670-101 et seq.

(Ord. 1089, passed 5-19-2014)

§ 155.243 ZONING OFFICER.

(A) *Appointment.* The Zoning Officer shall be appointed by Borough Council and shall administer and enforce this chapter.

(B) *Duties of the Zoning Officer.* In order to administer and enforce this chapter, the Zoning Officer shall:

(1) Administer and enforce the provisions of this chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter;

(2) Receive all applications for building permits, zoning certificates and occupancy permits and maintain records thereof;

- (3) Receive, file and forward to the Borough Council all applications for conditional uses and maintain records thereof;
- (4) Issue building permits, zoning certificates and occupancy permits for all applications that have been reviewed and approved according to the provisions of this chapter and other applicable ordinances;
- (5) Maintain a permanent file with all zoning certificates, occupancy permits and applications as public records;
- (6) Receive, review and issue permits for fences, accessory uses, signs and temporary uses;
- (7) Receive, file and forward to the Zoning Hearing Board the records in all appeals and all applications for variances and maintain records thereof;
- (8) Inspect buildings, structures and uses of land to determine compliance with the provisions of this chapter;
- (9) Issue enforcement notices for violation of any provision of this chapter;
- (10) Initiate civil enforcement proceedings for failure to comply with enforcement notices unless the Borough Council, after receipt of the enforcement notice, directs to the contrary by motion or resolution;
- (11) Initiate, with approval or at direction of the Borough Council, appropriate equitable enforcement action to prevent, restrain, abate or correct any violation of this chapter;
- (12) Revoke any order or zoning use or occupancy permit issued under a mistake of fact or contrary to the provisions of this chapter;
- (13) The Zoning Officer may make and maintain accurate and current records of all legal nonconformities under this chapter; and
- (14) The Zoning Officer may identify and register all nonconforming uses and structures as required by law. A zoning certificate shall then be issued to the owner of said use or structure.

(Ord. 1089, passed 5-19-2014)

§ 155.244 ZONING HEARING BOARD.

(A) *Membership.* The membership of the Zoning Hearing Board shall consist of three residents appointed by the Borough Council by resolution. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board Chairperson shall promptly notify the Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the borough, nor shall any member be an employee of the borough.

(B) *Alternate members.*

(1) *Appointment of alternate members.* The Borough Council may appoint at least one but no more than three residents of the borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this division (B), an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the borough, nor shall any alternate be an employee of the borough. Any alternate may participate in any proceedings or discussion of the Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to this division (B). Designation of an alternate pursuant to this division (B) shall be made by the Chairperson of the Zoning Hearing Board on a case-by-case basis in rotation according to declining seniority among all alternates.

(2) *Participation by alternate members.* If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairperson of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case.

(C) *Removal of members.* Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the Borough Council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.

(D) *Organization of the Zoning Hearing Board.* The Zoning Hearing Board shall elect its officers from its own membership, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than two members, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearings on its behalf. In such a case, the parties may, prior to the decision, waive a decision by the Zoning Hearing Board and accept the decision of the hearing officer as provided in the MPC, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the borough and the laws of the state. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the borough, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

(E) *Expenditures for services.* Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board and alternates to the Zoning Hearing Board, when designated pursuant to divisions (A) and (B) above may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

(F) *Conduct of hearings.* A hearing shall commence within 60 days of the filing of an administratively complete application. Public notice, mailed notice and electronic notice and as defined herein, of the hearing, shall be advertised and posted as required by the MPC, and in addition thereto the Zoning Hearing Board shall post at least one copy of the notice on the affected property. Hearings shall be conducted in accordance with the applicable provisions of the MPC.

(G) *Zoning Hearing Board decisions.*

(1) The Zoning Hearing Board or the hearing officer, as the case may be, shall render a decision or, when no decision is called for, make written findings on the application in accordance with the requirements of the MPC and within 45 days after the last hearing before the Zoning Hearing Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this chapter, or any other land use ordinance, rule or regulation or any provision of the MPC shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that the hearing officer's decision or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer.

(2) A copy of the final decision or, when no decision is called for, of the findings, shall be delivered personally or mailed to the applicant not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(H) *Deemed decisions.* Where the Council fails to render the decision within 45 days after the last hearing or fails to commence, conduct or complete the required hearing as provided in the MPC, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. The Council shall give public notice of said decision as required by the MPC.

(I) *Jurisdiction of the Zoning Hearing Board.* The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications on the following matters:

- (1) Substantive challenges to the validity of this chapter, except those challenges brought before the Borough Council pursuant to Pa. Mun. Plan Code, 53 P.S. §§ 10609.1 and 10916.1(a)(2);
- (2) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot;
- (3) Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
- (4) Appeals from the Zoning Officer's determination under Pa. Mun. Plan Code, 53 P.S. § 10916.2;

(5) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving a subdivision and land development or Planned residential development application; and

(6) Applications for special exceptions under the zoning ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance must be made pursuant to Pa. Mun. Plan Code, 53 P.S. § 10912.1.

(J) *Variances.*

(1) *Application.* The Board shall hear requests for variances where it is alleged that the strict application of the provisions of this chapter inflict unnecessary hardship upon the applicant. Application for a variance shall be made in writing on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine the time and place of the hearing.

(2) *Who may apply.* The landowner or any tenant with the written permission of such landowner may apply for a variance.

(3) *Standards for variances.* The Board may grant a variance, provided that all the following findings are made where relevant in a given case:

(a) There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district which the property is located;

(b) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter; and that authorization of a variance is therefore necessary to enable the reasonable use of property;

(c) Such unnecessary hardship had not been created by the applicant;

(d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

(e) The variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

(4) *Review by Planning Commission.* The Zoning Hearing Board may request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record.

(5) *Conditions.* In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the MPC.

(6) *Expiration.* The grant of a variance shall expire one year after the date of the Zoning Hearing Board's written decision unless:

(a) The applicant has applied for and obtained a building permit and commenced construction; or

(b) In the case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.

(K) *Time limitation.*

(1) No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he or she had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his or her interest after such approval, he or she shall be bound by the knowledge of his or her predecessor interest.

(2) Any appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within ten days after receipt of the enforcement notice.

(L) *Stay of proceedings.*

(1) Upon filing of any proceeding and subsequent MPC references to Pa. Mun. Plan Code, 53 P.S. § 10909.1 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or the county court of common pleas, on petition, after notice to the Zoning Officer or other appropriate agency or body.

(2) When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the county court of common pleas to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board, pursuant to provisions of the MPC.

(Ord. 1089, passed 5-19-2014)

§ 155.245 SPECIAL EXCEPTIONS.

(A) *Board's function.* Where this chapter, in accordance with the tables of authorized uses in §155.071 for the zoning district in which a property is located, allows uses by special exception granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria and general criteria set forth in §§ 155.120 through 155.126, 155.140 through 155.192 and 155.205 through 155.208.

(B) *Who may apply.* The landowner or any tenant with the permission of such landowner may apply for a special exception.

(C) *Conditions.* In granting any special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter and the purposes of the MPC.

(D) *Issuance.* If the Board determines that the application for special exception meets all the requirements of this chapter and receives assurances that any additional conditions deemed necessary shall be fulfilled and that the application is in conformity with the spirit and intent of this chapter, it shall direct the Zoning Officer to issue zoning approval for such special exception.

(E) *Expiration.* A special exception approval granted by the Board shall expire automatically without written notice to the applicant if no application for a zoning approval, building permit or grading permit to undertake the work described in the decision granting the special exception has been submitted within 12 months of said decision, unless the Board, in its sole discretion extends the special exception upon written request of the applicant received prior to its expiration or unless the Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one 12-month extension. A special exception granted by the Board prior to the adoption of this section shall be subject to the provisions of this section; however, the 12-month period shall begin with the date of adoption of this section.

(F) *Application content.*

(1) All applications for conditional use approval shall demonstrate compliance with the: general standards and criteria of this subchapter; the applicable express standards and criteria of this subchapter; and the applicable lot and yard requirements of the zoning district in which the use is proposed.

(2) All applications for conditional use approval shall be submitted to the Zoning Officer and contain the following items:

(a) One full scale copy and nine half-scale copies of all required plans, maps and drawings; and

(b) Ten copies of all other application materials.

(3) An application for conditional use approval shall not be considered administratively complete until all items required by this chapter, including the application fee and/or deposit, have been received by the Zoning Officer.

(4) All applications for conditional use approval shall contain the following:

(a) A development plan, as defined by this chapter;

- (b) A legal document verifying applicant's legal interest in the subject property (i.e., deed, sales agreement, lease);
- (c) The application fee and/or deposit in an amount set from time to time by resolution of the Borough Council; and
- (d) Construction plans, where renovations or modifications of an existing building is immediately contemplated, showing the scope, nature and extent of said renovation or modification.

(Ord. 1089, passed 5-19-2014)

§ 155.246 CONDITIONAL USES.

See §§ 155.120 through 155.126 and 155.140 through 155.192.

(Ord. 1089, passed 5-19-2014)

§ 155.247 APPEALS.

Appeals may be made to the Board by any aggrieved person, firm or corporation or by any officer or department of the borough affected by any decision of the Zoning Officer or Municipal Engineer relative to the interpretation of this chapter. Such appeal shall be made within 30 days from the date that a notice of violation is delivered to such aggrieved party by the Zoning Officer in accordance with the requirements of the MPC by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds therefor. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record upon which the action was appealed. For time limitations for appeals of variances, see § 155.244(K).

(Ord. 1089, passed 5-19-2014)

§ 155.248 AMENDMENTS.

Amendments of this chapter may be initiated by Borough Council, by the Planning Commission, or by a petition of a landowner within the borough in accordance with the following provisions.

- (A) Petitions for amendment by landowners, other than curative amendments under §155.249, shall be filed in writing with the Zoning Officer, and the petitioner, upon such filing, shall pay a filing fee and/or review deposit in accordance with the schedule fixed by resolution of Borough Council.
- (B) Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission for review at least 45 days before the public hearing. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Borough Council and to the petitioner. These recommendations will include a statement as to whether or not the proposed action is in accordance with the objectives of the formally adopted comprehensive plan as required by Pa. Mun. Plan Code, 53 P.S. § 10303.
- (C) In the event the Planning Commission recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one member of the Borough Council, a public hearing will be scheduled on the proposed amendment and a copy of the same submitted to the County Planning Agency at least 45 days prior to the public hearing in accordance with the requirement of the MPC.
- (D) Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon pursuant to public notice and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within the borough or an owner of the mineral rights in a tract or parcel of land within the borough who has made a timely request in accordance with Pa. Mun. Plan Code, 53 P.S. § 10109.
- (E) If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the borough at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the hearing.
- (F) Notice of any proposed zoning map change shall also be mailed by the borough at least 30 days prior to the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the borough. A good faith effort and substantial compliance shall satisfy the requirements of this division (F). This division (F) shall not apply to a comprehensive rezoning.
- (G) If, after any public hearing held upon an amendment, the proposed amendment is substantially revised or further revised to include land previously not affected by it, then the Borough Council shall hold another public hearing pursuant to public notice, mailed notice and electronic notice, before proceeding to vote on the amendment.
- (H) The Borough Council shall act on a proposed amendment to this chapter within 90 days of the date of the meeting at which the public hearing on the amendment is closed. If the Borough Council fails to so act within the said 90-day period, then the proposed amendment shall be deemed denied.
- (I) Within 30 days after enactment, a certified copy of the amendment to this chapter shall be forwarded to the County Planning Agency.
- (J) The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the MPC.

(Ord. 1089, passed 5-19-2014)

§ 155.249 LANDOWNER CURATIVE AMENDMENTS.

(A) Any landowner who wishes to challenge, on substantive grounds, the validity of this chapter or the zoning map or any provision thereof which prohibits or restricts the use or development of land in which he or she has an interest may prepare and submit a curative amendment to the Borough Council, in the form he or she proposes it be adopted, together with a written request that the challenge and proposed amendment be heard and decided in accordance with the requirements of the MPC. The Borough Council shall hold a public hearing, pursuant to public notice, on the matter within 60 days of receiving an administratively complete curative amendment request. Public notice of the public hearing shall be given by the borough in accordance with the requirements of the MPC. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC.

(B) The Borough Council shall comply with all applicable requirements of the MPC regarding the conduct of hearings and decisions related thereto.

(1) *Referral to Planning Commission and County Planning Agency.* The curative amendment and challenge shall be referred to the Planning Commission and the County Planning Agency or its designee at least 30 days prior to the public hearing for review and comment.

(2) *Declaration of invalidity by the court.* If the borough does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

(3) *Evaluation of merits of curative amendment.* If the Borough Council determines that a valid challenge has merit, then the Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or the zoning map;
- (c) The suitability of the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and natural features for the intensity of the proposed uses;
- (d) The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 1089, passed 5-19-2014)

§ 155.250 MUNICIPAL CURATIVE AMENDMENTS.

If the Borough Council determines that this chapter or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendment provided in Pa. Mun. Plan Code, 53 P.S. § 10609.2.

(Ord. 1089, passed 5-19-2014)

§ 155.251 ENFORCEMENT NOTICE.

(A) If it appears to the borough that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

(B) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

(C) An enforcement notice shall state at least the following:

- (1) The name of the owner of record and any other person against whom the borough intends to take action;
- (2) The location of the property in violation;
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter;
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
- (5) The recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the chapter; and

(6) The failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(D) In any appeal of an enforcement notice to the Zoning Hearing Board, the borough shall have the responsibility of presenting its evidence first.

(E) Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

(Ord. 1089, passed 5-19-2014)

§ 155.252 SCHEDULE OF FEES, CHARGES AND EXPENSES.

(A) The Borough Council shall by ordinance or resolution adopt a schedule of fees, charges and expenses and a collection procedure for zoning approvals, Planned residential development, conditional uses, uses by special exception, special encroachment permits, variances, zoning amendments and other matters pertaining to this chapter. The schedule of fees shall be duly recorded in the ordinance or resolution book of the borough and posted in the office of the Zoning Officer. The schedule of fees and changes may be altered or amended only by ordinance or resolution adopted by the Borough Council.

(B) No application for any zoning approval, planned development, conditional use, special encroachment permit, zoning amendment, use by special exception, variance or other matter shall be considered unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board unless or until the preliminary charges or fees have been paid in full.

(C) The Borough Council may waive or modify fees where unusual circumstances warrant such relief.

(Ord. 1089, passed 5-19-2014)

§ 155.253 JURISDICTION.

District justices shall have initial jurisdiction over proceedings brought under this section.

(Ord. 1089, passed 5-19-2014)

§ 155.254 VARIANCE OF ORDINANCE; SUBSTANTIVE QUESTIONS.

(A) A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he or she has an interest shall submit the challenge either:

- (1) To the Zoning Hearing Board; or
- (2) To the governing body, together with a request for a curative amendment under §155.250.

(B) Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision.

(C) The submissions referred to in divisions (A) and (B) above shall be governed by the following.

(1) In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under § 155.250, his or her application to the governing body shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his or her challenge.

(2) If the submission is made by the landowner to the governing body under division (A)(2) above, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.

(3) If the submission is made to the governing body, the Municipal Solicitor shall represent and advise it at the hearing or hearings.

(4) The governing body may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present witnesses on its behalf.

(5) Based upon the testimony presented at the hearing or hearings, the governing body or the Zoning Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by a governing body is found to have merit, the governing body shall proceed as provided in Pa. Mun. Plan Code, 53 P.S. § 10609.1. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

- (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 - (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- (6) The governing body or the Zoning Hearing Board, as the case may be, shall render its decision within 45 days after the conclusion of the last hearing.

(7) If the governing body or the Zoning Board, as the case may be, fails to act on the landowner's request within the time limits referred to in division (C)(6) above, a denial of the request is deemed to have occurred on the forty-sixth day after the close of the last hearing.

(D) The Zoning Hearing Board or governing body, as the case may be, shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time.

(E) Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

(F) The challenge shall be deemed denied when:

- (1) The Zoning Hearing Board or governing body, as the case may be, fails to commence the hearing within the time limits set forth in division (D) above;
- (2) The governing body notifies the landowner that it will not adopt the curative amendment;
- (3) The governing body adopts another curative amendment which is unacceptable to the landowner; or

(4) The Zoning Hearing Board or governing body, as the case may be, fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and borough.

(G) Where, after the effective date of this act, a curative amendment proposal is approved by the grant of a curative amendment application by the governing body or a validity challenge is sustained by the Zoning Hearing Board or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

(H) Where municipalities have adopted a multi-municipal comprehensive plan but have not adopted a joint municipal ordinance and all municipalities participating in the multi-municipal comprehensive plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multi-municipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating borough involving a proposed use, then the Zoning Hearing Board or governing body, as the case may be, shall consider the availability of uses under zoning ordinances within the municipalities participating in the multi-municipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the borough whose zoning ordinance is being challenged.

(I) A landowner, who has challenged on substantive grounds the validity of a zoning ordinance or map either by submission of a curative amendment to the governing body or to the Zoning Hearing Board, shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn; provided, however, that if after the date of the landowner's original challenge the borough adopts a substantially new or different zoning ordinance or zoning map, the landowner may file a second substantive challenge to the new or different zoning ordinance or zoning map under division (A) above.

(Ord. 1089, passed 5-19-2014)

NATURAL GAS REGULATIONS

§ 155.265 INTENT.

To regulate natural gas exploration and extraction in the borough with the purpose of protecting quality of life, public health, safety and welfare.

(Ord. 1089, passed 5-19-2014)

§ 155.266 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRILLING PAD. The area of surface operations surrounding the surface location of a well or wells.

HYDRAULIC FRACTURING (FRACKING). The process of injecting water, customized fluids, sand, steam or gas into a gas well under pressure to improve gas recovery.

NATURAL GAS COMPRESSOR STATION. A compressor engine facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells for continued delivery of oil and gas to a transmission pipeline, distribution pipeline, processing facility or storage facility or field.

NATURAL GAS PROCESSING PLANT. A facility designed and constructed to remove materials such as ethane, propane, butane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

OIL AND GAS. Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT or DEVELOPMENT. The well site preparation, construction, drilling, redrilling, hydraulic fracturing and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL AND GAS WELL. A bore hole drilled under a permit issued by the Department of Environmental Protection for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable, water to be used as such.

OIL OR GAS WELL SITE. The location of facilities, structures, materials and equipment, whether temporary or permanent, and necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

PAD DRILLING. The drilling of multiple wells from a single location.

STORAGE WELL. A well that is used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

WELL PAD. The area used for development and production of oil and gas including buildings and structures and all activities associated with an oil and gas well after drilling activities are complete.

(Ord. 1089, passed 5-19-2014)

§ 155.267 CONDITIONAL USE.

Oil and gas development activity is a conditional use in M Manufacturing District, and is a non-permitted use in other borough districts.

(Ord. 1089, passed 5-19-2014)

§ 155.268 CONDITIONS.

(A) *Zoning permit required.* No oil or gas well site, natural gas compressor station or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station or natural gas processing plant shall be constructed or located within the borough unless a zoning permit under this chapter has been issued by the borough to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.

- (B) *Fee.* The permit application, or amended permit application, shall be accompanied by a fee as established in the borough fee schedule.
- (C) *Separate permits required.* When multiple wells are located on the same well pad, a separate permit for each well is required.
- (D) *Information needed.* In addition to the other requirements to this chapter, the applicant shall provide to the borough at the time of application the following information:
- (1) A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled, including DEP permit number(s) for all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known;
 - (2) A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants;
 - (3) The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the county 911 addressing program and information needed to gain access in the event of an emergency;
 - (4) The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the borough and all applicable emergency responders as determined by the borough. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the borough and all applicable emergency responders as determined by the borough;
 - (5) A site plan of the oil or gas well site showing the drilling pad, planned access roads, the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the oil or gas well site configured such that the normal flow of traffic on public streets shall be undisturbed;
 - (6) To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the oil or gas well site. The plan will identify, but not be limited to, gathering lines, natural gas compressor stations and other midstream and downstream facilities located within the borough and extending 800 feet beyond the borough boundary;
 - (7) A site plan of the natural gas compressor station or natural gas processing plant including any major equipment and structures and all permanent improvements to the site;
 - (8) A narrative and map describing the planned access routes to the well sites on public roads including the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site;
 - (9) Operators shall comply with any generally applicable bonding and permitting requirements for borough roads that are to be used by vehicles for site construction, drilling activities and site operations;
 - (10) A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that the borough streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage;
 - (11) A statement that the applicant will make the operation's preparedness, prevention and contingency plan available to the borough and all emergency responders at least 30 days prior to drilling of an oil or gas well and at least annually thereafter while drilling activities are taking place at the oil or gas well site; and
 - (12) An appropriate site orientation and training course of the preparedness, prevention and contingency plan for all applicable emergency responders as determined by the borough. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple wells/well pads are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last 12 months shall be accepted. Site orientation for each well/well pad shall still be required for the appropriate emergency responders, as determined by the borough.
- (E) *Access.*
- (1) Vehicular access to a natural gas well, oil well or well pad solely via a residential street is not permitted.
 - (2) Vehicular access to a natural gas well, oil well or well pad via a collector street is encouraged.
 - (3) Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
 - (4) Access directly to state roads shall require Pennsylvania Department of Transportation (PennDOT) highway occupancy permit approval. Prior to initiating any work at a drill site, the borough shall be provided a copy of the highway occupancy permit.
 - (5) Access directly to borough/county roads shall require a driveway permit/highway occupancy permit prior to initiating any work at a well site.
- (F) *Height.*
- (1) Permanent structures associated with an oil and gas well site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
 - (2) Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
 - (3) There shall be an exception to the height restrictions contained in this division (F) for the temporary placement of drilling rigs, drying tanks, pad drilling and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well or pad drilling.
- (G) *Setbacks/location.*
- (1) Drilling rigs and equipment shall be located a minimum setback distance of one foot for every foot of height of equipment from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
 - (2) Natural gas compressor stations and natural gas processing plants shall comply with all general setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.
 - (3) Well pads shall be set back a minimum of 500 feet from any residential property.
 - (4) Well heads shall be located 800 feet from any residential property.
 - (5) Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, the operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with the borough residents' enjoyment of their property and future development activities as authorized by the borough's applicable ordinances.
- (H) *Screening and fencing.*
- (1) Security fencing shall be required at oil or gas well sites during the initial drilling, or redrilling operations.
 - (2) Twenty-four hour on-site supervision and security are required during active drilling operations.
 - (3) Upon completion of drilling or redrilling, security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
 - (4) Security fencing shall be at least six feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access oil and gas well sites by foot may be allowed, as necessary.
 - (5) First responders shall be given means to access oil or gas well sites in case of an emergency. Applicant must provide the county 911 communications center necessary information to access the well pad in the event of an emergency.

(6) Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.

(7) In construction of oil or gas well sites, the natural surroundings should be considered and attempts made to minimize impacts to adjacent properties.

(I) *Lighting.*

(1) Lighting at the oil or gas well site, or other facilities associated with oil and gas development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.

(2) Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

(J) *Noise.* The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development.

(1) Prior to drilling of an oil or gas well, the operator shall establish a continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this chapter, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(2) The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the Zoning Officer within three business days of such a request.

(3) The noise generated during drilling and hydraulic fracturing activities shall not exceed the average ambient noise level (as determined by the 72-hour evaluation as identified in division (J)(1) above) or default level, whichever is higher:

(a) During drilling activities, by more than ten decibels during the hours of 7:00 a.m. to 9:00 p.m.; and

(b) During drilling activities, by more than seven decibels during the hours of 9:00 p.m. and 7:00 a.m. or by more than ten decibels during hydraulic fracturing operations. The operator shall inform the borough of which level (average ambient noise level or default level) is being used.

(4) All permanent facilities associated with oil and gas well sites, including, but not limited to, natural gas compressor stations and natural gas processing plants, shall meet the general noise requirements of this chapter. Where a conflict exists the more stringent requirements shall apply.

(5) Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.

(6) Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.

(7) (a) If a complaint is received by the borough regarding noise generated during construction, drilling or hydraulic fracturing activities, or for natural gas compressor stations, natural gas processing plants or midstream facilities, the operator shall, within 24 hours following receipt of notification, begin continuous monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer.

(b) The applicant shall report the findings to the borough and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

(K) *Providing permits and plans.*

(1) As a condition of approval, the applicant shall provide all permits and plans from the Pennsylvania Department of Environmental Protection and other appropriate regulatory agencies within 30 days of receipt of such permits and plans.

(2) A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the borough.

(L) *Temporary housing.* Temporary housing for well site workers on the site is not permitted.

(Ord. 1089, passed 5-19-2014)

PLANNED RESIDENTIAL DEVELOPMENT

§ 155.280 PURPOSE.

The purpose of the Planned residential development regulations include:

(A) Encourage innovations in residential development to meet the growing demand for housing;

(B) Encourage greater variety in type, design and layout of residential dwellings;

(C) Conserve open space and encourage a more efficient use of land and public services;

(D) Ensure increased flexibility of land development regulations;

(E) Accommodate changes in land development technology; and

(F) Provide a procedure to relate the type, design and layout of residential development to the characteristics of a particular lot.

(Ord. 1089, passed 5-19-2014)

§ 155.281 AUTHORITY.

The provisions of this subchapter are enacted pursuant to Pa. Mun. Plan Code, 53 P.S. Article VII, 53 P.S. §§ 10701 et seq., as amended, the procedures and requirements of which are incorporated herein by reference.

(Ord. 1089, passed 5-19-2014)

§ 155.282 COMPLIANCE.

(A) A Planned residential development shall be permitted within the specific zoning districts specified in §155.077, subject to compliance with the provisions of this subchapter and all applicable borough ordinances.

(B) No Planned residential development may be approved or recorded, no lot shall be sold or any structure built, altered, moved or enlarged in any Planned residential development, unless and until a development plan has been approved and recorded and until the improvements required in connection therewith have either been constructed or guaranteed, as herein provided. In addition to the requirements of this subchapter, applicants and developers must also apply for and obtain any and all permits required by the borough. Failure to comply with the provisions of this subchapter with respect to a recorded development plan shall be deemed to constitute a violation of this chapter.

(Ord. 1089, passed 5-19-2014) Penalty, see §10.99

§ 155.283 PRE-APPLICATION CONFERENCE.

Prior to filing an application for tentative plan approval under this subchapter, a prospective applicant should attend a pre-application conference between the prospective applicant, the Borough Solicitor and the Zoning Officer and/or Borough Engineer to discuss the applicable regulations governing proposed development and the feasibility and timing of the applications for approval. The pre-application conference requires no formal application or fee. This opportunity is afforded to the prospective applicant to obtain information and guidance from the borough staff before entering into binding commitments or incurring substantial expenses for plan preparation.

§ 155.284 TENTATIVE PLAN APPLICATION AND APPROVAL PROCEDURE.

(A) Tentative plan application procedure.

(1) An application for tentative plan approval of a PRD shall be filed with the Zoning Officer, on forms as prescribed by the borough. The tentative plan application shall not be considered complete and properly filed unless or until all items required by division (B) below, including the application fee, have been received.

(2) The Zoning Officer shall review the application to determine whether all materials required by division (B) below and any other relevant borough ordinances have been submitted by the applicant.

(3) Within five days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to the following entities for review: the Borough Solicitor; the Borough Engineer; each member of the Borough Council; the County Planning Agency or its designee; and any other appropriate borough personnel or professional consultants.

(4) The Zoning Officer shall submit one copy of an administratively complete application and any materials submitted therewith to each member of the Borough Planning Commission by no later than the Friday prior to the date of the regular meeting of the Planning Commission.

(B) Tentative plan application content.

(1) The application for tentative plan approval shall be submitted to the Zoning Officer, in the form prescribed from time to time by the borough, with no fewer than:

- (a) Three full scale copies and 15 half-scale copies of all required plans, maps and drawings; and
- (b) Fifteen copies of all other application materials.

(2) The application for tentative plan approval shall contain the following:

- (a) The existing topography of the land prepared by a licensed surveyor at not less than two-foot contour intervals;
- (b) The existing land uses and approximate location of buildings and other structures;
- (c) The character and approximate density of existing dwellings;
- (d) The existing street system and plot lines;
- (e) The location, size and nature of the PRD proposed to be developed;
- (f) The proposed topography of the land;
- (g) The proposed street system, plot lines and plot design;
- (h) The density of land use to be allocated to parts of the site to be developed;
- (i) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public and semi-public uses;
- (j) The location and size of the perimeter buffer yards and common open space, the location, size and type of improvements proposed within the perimeter buffer yards and common open space, and the proposed ownership and maintenance arrangements for the common open space;
- (k) The use and the approximate height, bulk and location of buildings and other structures;
- (l) The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater;
- (m) The substance of covenants, grants of easements, rights-of-way or other restrictions proposed to be imposed upon the use of the land, common open space, buildings and structures including proposed easements or grants for public utilities;
- (n) The provisions for parking of vehicles and the location and width of proposed streets;
- (o) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown;
- (p) The location and design of all screening, buffer yards and landscaping indicating the type, location and height of all plantings;
- (q) Renderings of proposed dwellings;
- (r) A typical elevation and perspective drawing of proposed structures and improvements (except single-family residences) and any unusual accessory buildings. These drawings need not be the result of final architectural decisions and need not be in detail;
- (s) The extent to which the proposed development plan deviates from the otherwise applicable borough land use, zoning and subdivision and land development regulations;
- (t) In the case of development plans which call for development over a period of years, a phasing plan and a schedule showing the proposed times within which applications for final approval of all phases of the development plan will be filed. This schedule must be updated annually, by the anniversary of its previous approval, until the development is completed and accepted; and

(u) A written statement submitted by the developer and/or landowner which sets forth:

- 1. The reasons why the proposed development plan is in the public interest and is consistent with the purposes and requirements of this subchapter, other borough ordinances and the borough comprehensive plan;
- 2. An explanation of the planned development and the manner in which it has been planned to take advantage of the planned development regulations;
- 3. A generalized statement of proposed financing for the entire area;
- 4. A statement of the present ownership of all of the land included within the planned development;
- 5. Any expected development problems which might cause construction delays;
- 6. The disposition of common open space lands and the provisions for their maintenance, ownership and control; and
- 7. The purpose, location and amount of common open space within the development plan, the reliability of the proposal for maintenance and conservation of such common open space, and the adequacy or inadequacy of the amount and purpose of such common open space land as related to the proposed density and type of development.

(C) Staff review.

(1) The Zoning Officer and any other borough personnel or professional consultant, as directed by the Borough Council or its designee, shall review the tentative plan application documents to determine if they are in compliance with this chapter, other applicable borough ordinances, the borough comprehensive plan and the borough planning objectives.

(2) These personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Borough Council or its designee.

(D) Planning Commission review and recommendation.

(1) The Planning Commission shall review the tentative plan application and associated documents and forward its recommendation to the Borough Council.

(2) If the tentative plan is deemed to have outstanding comments or unaddressed concerns, the developer shall resubmit revised drawings, supporting reports, documents and other similar material for review by the borough staff, professional consultants and the Borough Planning Commission.

(3) The Planning Commission shall make a written recommendation to the Borough Council for approval, approval with conditions or disapproval of the tentative plan application.

(E) *Public hearing.*

(1) The Borough Council shall hold a public hearing, pursuant to public notice, on the tentative plan application within the time periods and procedures required by the MPC. The public hearing shall commence within 60 days of the filing of an administratively complete tentative plan application. The public hearing may be continued from time to time; provided, however, that the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

(2) Public hearings shall be conducted in accordance with the requirements of Pa. Mun. Plan Code, 53 P.S. § 10908.

(F) *Tentative plan approval criteria.* The Borough Council shall grant tentative approval to a tentative plan if the applicant establishes that each of the following criteria are met:

(1) The tentative plan complies with all applicable purposes, standards, criteria and conditions of this chapter and preserves the community development objectives;

(2) Where the tentative plan departs from this chapter and other ordinance regulations otherwise applicable to the subject property, such departures are in the public interest and promote the public health, safety and welfare;

(3) The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space are adequate with respect to the purpose, use and type of proposed residential development;

(4) The physical design of the tentative plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment. The tentative plan organizes vehicular ingress, egress and parking to minimize traffic congestion in the surrounding neighborhood;

(5) The total environment of the tentative plan is harmonious and consistent with the neighborhood in which it is located. The tentative plan is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds within the development and to the buildings and grounds of adjacent properties. The tentative plan shall, to the fullest extent possible, preserve the scenic, aesthetic and historic features of the landscape;

(6) The tentative plan affords a greater degree of protection of natural watercourses, topsoil, trees and other features of the natural environment, and the prevention of erosion, landslides, siltation and flooding than if the subject property was developed in accordance with the provisions of this chapter, the county's SALDO and the other ordinances which would otherwise apply;

(7) The tentative plan will be fully served by public utilities, public water systems and a public sewer system without reducing the level of service to the remainder of the borough;

(8) The tentative plan shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other lot or persons;

(9) The relationship of the proposed planned development is not adverse to the neighborhood in which it is proposed to be established; and

(10) In the case of a tentative plan which proposes development over a period of years, the terms and conditions shall be sufficient to protect the interests of the public and of the residents of the Planned residential development in the integrity of the development plan.

(G) *Borough Council action.*

(1) The Borough Council shall render its decision on the tentative plan application, in writing by certified mail, within 60 days following the conclusion of the public hearing provided for in this subchapter or within 180 days after the date of the filing of an administratively complete application, whichever occurs first.

(2) The Borough Council shall either:

(a) Grant tentative approval of the development plan as submitted;

(b) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

(c) Deny tentative approval to the development plan.

(3) The Borough Council shall not act on a tentative plan application unless the borough has received written review of the application by the County Planning Agency or its designee, or unless at least 30 calendar days have passed since the date of referral to the County Planning Agency.

(4) The written decision granting or denying tentative plan approval shall set forth with particularity findings of fact and conclusions of law related to the following:

(a) The manner in which the development plan would or would not be in the public interest;

(b) The manner in which the development plan is or is not consistent with the comprehensive plan;

(c) The extent to which the development plan departs from the requirements of this chapter and the county subdivision and land development ordinance otherwise applicable to the subject property including, but not limited to, density, bulk and use, and the reasons why such departures are not deemed to be in the public interest;

(d) The purpose, location and amount of the common open space in the proposed development plan, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

(e) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

(f) The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established; and

(g) In the case of a tentative plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Planned residential development in the integrity of the development plan.

(5) In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the written decision the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than 12 months.

(6) The applicant shall accept or reject the conditions attached to the tentative plan approval by giving written notice to the Zoning Officer within 30 calendar days of the date of the Borough Council decision. If the applicant fails to give written notice to the Zoning Officer regarding acceptance or rejection of the conditions attached to preliminary approval within the required 30 calendar days, then the conditions shall be deemed accepted by the applicant.

(7) If the Borough Council approves the tentative plan application subject to certain conditions, then the developer shall not file a final plan application until all such conditions are addressed and complied with in a manner acceptable to the borough.

(8) Approval of a tentative plan application shall only constitute authorization to proceed with preparation and filing of a final plan application once all conditions of approval have been addressed and complied with in a manner acceptable to the borough.

(H) *Status of plan after tentative approval.*

(1) The official written communication shall be certified by the Borough Secretary and shall be filed in his or her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.

(2) Approval of a tentative plan shall not qualify a plat of the Planned residential development for recording nor authorize development or the issuance of any building permits.

(3) In the event that a development plan is given tentative approval and thereafter, prior to final approval, the developer and/or landowner elect to abandon the development plan by written notification to the borough, or in the event the developer and/or landowner fail to file application(s) for final approval within the required time period(s), the tentative plan approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been granted shall be subject to the otherwise applicable borough ordinances.

(Ord. 1089, passed 5-19-2014)

§ 155.285 FINAL PLAN APPLICATION AND APPROVAL PROCEDURE.

(A) *Prerequisites for filing final plan application.* An application for final plan approval can be submitted provided that:

- (1) The Borough Council has granted tentative plan approval to the development plan; and
- (2) All conditions imposed by the Borough Council on the tentative plan approval have been complied with in a manner acceptable to the borough.

(B) *Final plan application procedure.*

(1) An application for final plan approval of a PRD shall be filed with the Zoning Officer, on forms as prescribed by the borough. The final plan application shall not be considered complete and properly filed unless or until all items required by division (C) below, including the application fee, have been received.

(2) The Zoning Officer shall review the application to determine whether all materials required by division (C) below and any other relevant borough ordinances have been submitted by the applicant.

(3) Within five days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to the following entities for review: the Borough Solicitor; the Borough Engineer; each member of the Borough Council; the County Planning Agency or its designee; and any other appropriate borough personnel or profession consultants.

(4) The Zoning Officer shall submit one copy of an administratively complete application and any materials submitted therewith to each member of the Planning Commission by no later than the Friday prior to the date of the regular meeting of the Planning Commission.

(5) Any plan revisions, supplements or other amendments to an administratively complete application shall be filed with the Zoning Officer, provided that the borough shall have at least 19 days to review these plan revisions, supplements or other amendments prior to a Planning Commission and/or Borough Council meeting.

(6) The final plan may be submitted in phases or sections as shown on the approved tentative plan and phasing schedule pursuant to §55.284.

(C) *Final plan application content.*

(1) The application for final plan approval shall be submitted to the Zoning Officer, in the form prescribed from time to time by the borough, with no fewer than:

- (a) Three full scale copies and 15 half-scale copies of all required plans, maps and drawings; and
- (b) Fifteen copies of all other application materials.

(2) The application for final plan approval shall contain the following:

- (a) All information and data required for a final plan as specified in county SALDO;
- (b) Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open spaces;
- (c) The use and number of families to be housed in each structure;
- (d) Renderings of proposed dwellings;
- (e) Landscaping plan, including the location of sidewalks, trails and buffer yards;
- (f) The substance of covenants, grants of easements, rights-of-way or other restrictions proposed to be imposed upon the use of the land, common open space, buildings and structures including proposed easements or grants for public utilities; and
- (g) Provisions for the maintenance, ownership and operation of common open spaces and common recreation facilities.

(D) *Staff review.*

(1) The Zoning Officer and any other borough personnel or professional consultant, as directed by the Borough Council or its designee, shall review the final plan application documents to determine if they are in compliance with this chapter, other applicable borough ordinances, the borough comprehensive plan and the borough planning objectives. These personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Borough Council or its designee.

(E) *Planning Commission review and recommendation.*

(1) The Planning Commission shall review the final plan application and associated documents and forward its recommendation to the Borough Council.

(2) If the final plan is deemed to have outstanding comments or unaddressed concerns, the developer shall resubmit revised drawings, supporting reports, documents and other similar material for review by the borough staff, professional consultants and the Borough Planning Commission.

(3) The Planning Commission shall make a written recommendation to the Borough Council for approval, approval with conditions or disapproval of the final plan application.

(F) *Borough Council action.*

(1) In the event an administratively complete application for final plan approval has been filed in accordance with this subchapter and the relevant tentative plan approval decision letter, the Borough Council shall render its decision on the final plan application, in writing by certified mail, within 45 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application; provided, that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said 45-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission minutes containing the report of the Borough Engineer shall be made a part of the record at the said Borough Council meeting.

(2) (a) If the development plan as submitted contains variations from the development plan granted tentative approval, the Borough Council may refuse to grant final approval. The Borough Council must forward written notice of such refusal to the landowner and/or developer within 45 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application; provided that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said 45-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. This written notice of refusal shall set forth the reasons why one or more of the said variations are not in the public interest.

(b) In the event of such refusal, the landowner and/or developer may either:

1. Refile the application for final plan approval without the objected variations; or
2. File a written request with the Borough Council to hold a public hearing on the application for final approval. This public hearing shall be held within 30 days of the borough's receipt of the request and the hearing shall be conducted in accordance with the procedures for hearing on tentative plan applications. Within 30 days after the conclusion of the public hearing, the Borough Council shall issue a written decision either granting or denying final plan approval, said decision shall be in the form required for tentative approval.

(c) Either of these actions shall be taken at any time during which the landowner and/or developer is entitled to apply for final approval or shall be taken within 30 days of receiving the written notice of refusal if the time for filing the final plan application has already passed. In the event that the landowner and/or developer have failed to take any of these actions within the time specified, he or she shall be deemed to have abandoned the development plan.

(Ord. 1089, passed 5-19-2014)

§ 155.286 RECORDING.

A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough Council and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Pa. Mun. Plan Code, 53 P.S. § 10508 of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Pa. Mun. Plan Code, 53 P.S. § 10513(a), and post financial security in accordance with Pa. Mun. Plan Code, 53 P.S. § 10509, and in accordance with the borough's subdivision regulations.

(Ord. 1089, passed 5-19-2014)

§ 155.287 ABANDONMENT AND REVOCATION.

The final approval of a development plan shall be revoked if the landowner and/or developer provides the borough with written notice of his or her intention to abandon the plan, or if the landowner and/or developer fails to commence and carry out the PRD in accordance with the time provisions referenced in Pa. Mun. Plan Code, 53 P.S. § 10508, and/or the final plan approval decision. Upon the occurrence of such a revocation, no further development shall occur on the property that is the subject of the revoked development plan until after the said property is reclassified by enactment of an amendment to the zoning chapter in the manner prescribed for such amendments in Pa. Mun. Plan Code, 53 P.S. Article VI.

(Ord. 1089, passed 5-19-2014)

§ 155.288 FEES.

At the time of filing an application for preliminary development plan approval, the applicant shall make payment to the borough a fee in amount as established from time to time by resolution of Borough Council for filing and review costs, and to cover advertising costs. This fee shall also cover costs of reclassifying the subject area after approval of all final plans, to the Planned residential development (PRD) which shall be recorded on the official zoning map of the borough, within ten days after final approval.

(Ord. 1089, passed 5-19-2014)

§ 155.289 DESIGN STANDARDS.

(A) All improvements within the proposed PRD shall be designed and constructed in accordance with the requirements of this subchapter, and any other applicable borough ordinance. If the provisions of this subchapter are inconsistent with any other provision of a borough ordinance, then the provisions of this subchapter shall govern. Each PRD shall be planned as an entity, and such planning shall include a unified site plan, consideration of land uses and usable open spaces, site related vehicular and pedestrian circulation systems, and preservation of significant natural features. The plan may consider a multiplicity of housing types as well as nonresidential uses when integrated to serve the residents of the PRD.

(B) All PRDs shall comply with the following requirements.

(1) *Use regulations for Planned residential developments.*

(a) In any Planned residential development, land, buildings or premises shall be used only for one or more of the following after review by the Borough Planning Commission and after review and approval by the Borough Council.

(b) 1. In the evaluation of such, the approval of location, the site plan, general and detailed character of the use or development, and such other standards as listed herein or as may be required by the Borough Council, shall be provided before approval:

a. Single-family dwelling (detached), two-family, multi-family or multiple family dwellings, places of worship, public or private schools conducted primarily to serve the educational needs of the borough when not conducted for profit or gain; public parks, playgrounds, municipal recreation areas and open space reservation; private or semi-private recreation areas when not operated for gain or profit; municipal buildings, public libraries and other public buildings; signs when erected and maintained in accordance with provisions of this section; and

b. Retail and service commercial uses designed to serve the planned residential areas, including, but not limited to, those permitted as follows: stores of less than 5,000 square feet for the retailing of food, drugs, confectionery, hardware, bakery products, clothing, household appliances, flowers or house plants; personal service shops, including barbers, beauty parlors, tailors, shoe repair and dry cleaning; banks, business and professional offices; restaurants, tea rooms, cafés and other places serving food and beverages; medical and dental clinics and laboratories; and any public recreation use; only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises, shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with §§ 155.095 through 155.109; and golf course, county club and similar recreation areas. At least 80% of the total planned dwelling units of the total project must be physically constructed prior to any nonresidential use construction.

2. Accessory uses: all accessory uses located on the same lot that are customarily incidental to any of the above permitted uses, including private garages, shall be permitted.

(2) *Area and bulk regulations.* The following regulations shall be observed (all of the following must be served by public sewer and water facilities).

(a) *Minimum size.* The minimum size of a planned development shall be two acres.

(b) *Yard and lot area controls.*

1. *Generally.* The average or overall density for all types of combined dwelling units shall not exceed 18 dwelling units per gross acre for the entire planned residential area. A minimum 5,000 square foot lot area shall be provided for each residential unit. Building and paving coverage shall not exceed 40% of the gross site or partial site being developed.

2. *Yard controls.* Yard controls shall be flexible for all types of dwelling units proposed with the following minimum regulations being observed.

a. *Single-family and two-family dwellings.*

i. Rear yard shall not be less than 20 feet.

ii. Side yard shall not be less than ten feet each or a total of 20 feet per dwelling.

iii. Front yards shall not be less than shown below for various topographic areas and slope areas:

Average Lot Slope	Minimum Front Yard
0—5%	30 feet
5%—10%	25 feet
10%—15%	20 feet
15% and over	15 feet

b. *All dwellings other than one-family.* A total of 30 feet for both front and rear yards with a minimum front or rear yard of ten feet each; side yards for ends of structures shall not be less than the height of structure or in no case less than 35 feet.

(c) *Open space.*

1. The net difference between designated lots for building purposes and net site acreage (gross site area less streets and rights-of-way) shall be proposed for residual open space to be maintained by a homeowners corporation and/or made available for dedication to the borough. In any case, 15% of the gross site area shall be designated for public and/or private recreation and open space area.

2. The amount, location and proposed use of all open space land within the site must be clearly shown. Of the gross area of open space land, 50% must be suitable for active recreational purposes and access to these open space lands must be convenient to all residents. For purposes of calculation, such areas as parking lots

are not considered as open space land. In addition, land lying within 20 feet of any townhouse or apartment dwelling shall not be considered as open space land.

(d) *Nonresidential (supporting commercial) uses.* Supporting commercial uses shall be confined to 5% of the gross PRD site acreage and shall meet all regulations of this chapter.

(e) *Supplemental design standards.*

1. Buildings shall be so designed as to avoid monotonous patterns of construction, or repetitive spaces or modules between buildings.
2. Streets shall be so designed as to discourage through traffic on the site.
3. Signs shall be permitted and are limited by §§ 155.095 through 155.109.
4. The Planning Commission may require such additional standards as are applicable to the proposed site and any development thereon such as grading, parking and landscaping.

(f) *Buffer areas.* If within the planned residential area, a proposal is made to construct single-family dwellings adjacent to multiple-family dwelling of any type, a minimum 100-foot buffer zone, exclusive of streets or rights-of-way, shall be provided between such differing types of dwelling units. Said buffers shall be densely landscaped to differentiate between the differing housing types.

(3) *Height regulations.* No building, shall be erected to a height in excess of 36 feet, except as provided otherwise in this subchapter.

(4) *Off-street parking regulations.* As required by § 155.055.

(5) *Water supply.* If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the Planned residential development, applicants shall present evidence to the Borough Council that the Planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

(Ord. 1089, passed 5-19-2014)

§ 155.290 DEVIATION BY WAIVER PRIOR TO FINAL PLAN APPROVAL.

Prior to final plan approval of the PRD, the Borough Council may approve deviations from the requirements of this subchapter. Requests for deviations from the requirements of this subchapter shall be subject to the application and approval procedures, requirements and standards for waivers under the county subdivision and land development ordinance.

(Ord. 1089, passed 5-19-2014)

§ 155.291 ENFORCEMENT AND MODIFICATION OF PROVISIONS OF A FINAL APPROVED PRD PLAN.

Enforcement and modification of provisions of a final approved PRD plan shall be in accordance with Pa. Mun. Plan Code, 53 P.S. Article VII, 53 P.S. §§ 10701 et seq.

(Ord. 1089, passed 5-19-2014)

§ 155.292 NONSEVERABILITY.

The provisions of this subchapter are not severable. In the event any portion of this subchapter shall be declared invalid and unenforceable, it is the intention of the borough that the PRD planned residential development be eliminated in its entirety, with the zoning classification of property within the PRD reverting to the underlying zoning district.

(Ord. 1089, passed 5-19-2014)

SOLAR SYSTEMS

§ 155.305 PURPOSE.

(A) It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots and parcels.

(B) This subchapter seeks to:

- (1) Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs;
- (2) Reduce overall energy demands within, the community and to promote energy efficiency; and
- (3) Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

(Ord. 1089, passed 5-19-2014)

§ 155.306 APPLICABILITY.

(A) This subchapter applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the subchapter.

(B) Solar PV systems constructed prior to the effective date of this subchapter are not required to meet the requirements of this subchapter.

(C) Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this subchapter.

(Ord. 1089, passed 5-19-2014)

§ 155.307 PERMITTED ZONING DISTRICT.

(A) Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon issuance of the proper permit pursuant to and upon compliance with all requirements of this subchapter and as elsewhere specified in this subchapter.

(B) Building-integrated systems, as defined by this subchapter, are not considered an accessory use and are not subject to the requirements of this subchapter.

(Ord. 1089, passed 5-19-2014)

§ 155.308 LOCATIONS WITHIN A LOT.

(A) Building-mounted systems are permitted to face any rear, side and front yard or an unregulated yard area as defined by this subchapter. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.

(B) Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

(Ord. 1089, passed 5-19-2014)

§ 155.309 DESIGN AND INSTALLATION STANDARDS.

(A) The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.

(B) All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the commonwealth.

(C) The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the commonwealth.

(Ord. 1089, passed 5-19-2014)

§ 155.310 SETBACK REQUIREMENTS.

Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

(Ord. 1089, passed 5-19-2014)

§ 155.311 HEIGHT RESTRICTIONS.

(A) Notwithstanding the height limitations of the zoning district:

(1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance measured perpendicular to the roof of 18 inches between the roof and the highest edge of the system; and

(2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

(B) Notwithstanding the height limitations of the zoning district, for a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.

(C) Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where solar PV system is to be installed.

(D) Any solar installation approved after the date of this subchapter and that exceeds the maximum building height of the zoning district, shall not constitute a nonconformity so long as it complies with other provisions of this subchapter.

(Ord. 1089, passed 5-19-2014)

§ 155.312 SCREENING AND VISIBILITY.

(A) Building-mounted systems on a sloped roof shall not be required to be screened.

(B) Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a 50-foot radius of the property, exclusive of an alley as defined by this chapter, at a level of five feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a 50-foot radius at a level of five feet from the ground.

(Ord. 1089, passed 5-19-2014)

§ 155.313 IMPERVIOUS LOT COVERAGE RESTRICTIONS.

The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

(Ord. 1089, passed 5-19-2014)

§ 155.314 NONCONFORMANCE.

(A) *Building-mounted systems.*

(1) If a building-mounted system is to be installed on any building or structure that is nonconforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system may be granted an administrative approval by the Zoning Officer so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.

(2) If a building-mounted system is to be installed on a building or structure on a nonconforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system may be granted administrative approval by the Zoning Officer so long as there is no expansion of any setback or lot coverage non-conformity.

(B) *Ground-mounted systems.* If a ground-mounted system is to be installed on a lot that is nonconforming because the required minimum setbacks are exceeded, the proposed system may be granted an administrative approval by the Zoning Officer so long as the proposed installation does not increase the setback nonconformance of the lot. If a ground-mounted system is to be installed on a lot that is nonconforming because it violates any other district requirements not mentioned herein, a variance must be obtained for the proposed installation.

(Ord. 1089, passed 5-19-2014) Penalty, see § 10.99

§ 155.315 SIGNAGE OR GRAPHIC CONTENT.

No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.

(Ord. 1089, passed 5-19-2014)

§ 155.316 PERFORMANCE REQUIREMENTS.

All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in this subchapter.

(Ord. 1089, passed 5-19-2014)

§ 155.317 VACATION, ABANDONMENT AND/OR DECOMMISSIONING.

(A) Discontinuation and/or abandonment is presumed when a solar PV system has been disconnected from the net metering grid for a period of six continuous months without being connected to a battery system or has not produced electricity for a period of six months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the municipality.

(B) A solar PV system including its solar PV related equipment must be removed within 12 months of the date of discontinuation and/or abandonment or upon termination of the useful life of the solar PV system.

(C) For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.

(D) If an owner fails to remove or repair the vacated, abandoned or decommissioned solar PV system within six months, the borough reserves the right to enter the property, remove the system and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense.

(E) Any unpaid costs resulting from the borough's removal of a vacated, abandoned or decommissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing the property tax liens.

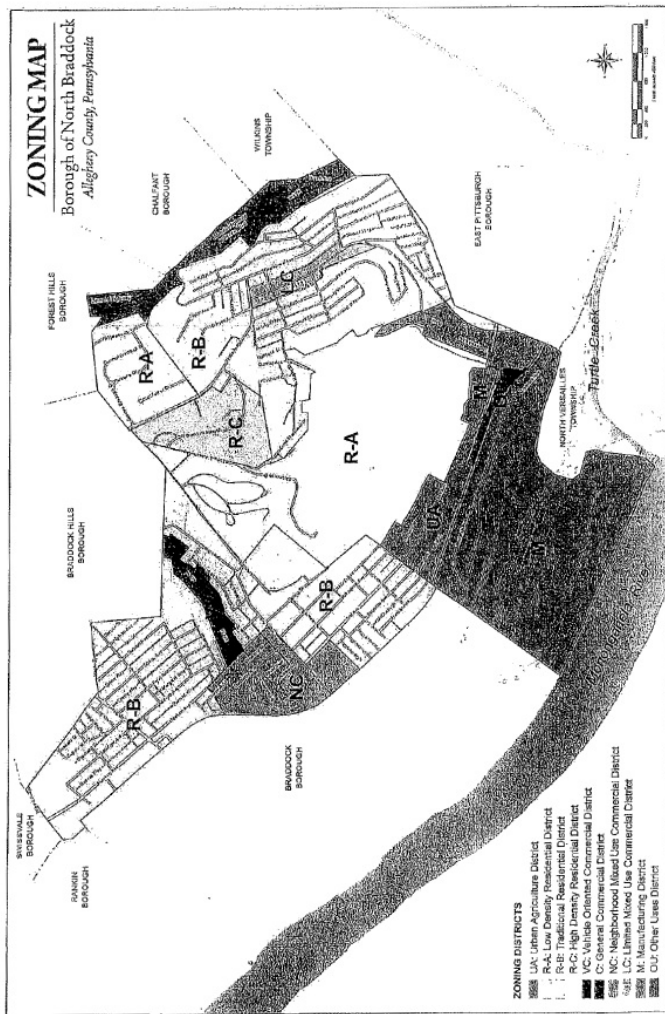
(Ord. 1089, passed 5-19-2014)

§ 155.318 PERMIT REQUIREMENTS.

Before any construction or installation on any solar PV system shall commence, the applicant shall obtain a permit to document compliance with this subchapter, as issued by the borough.

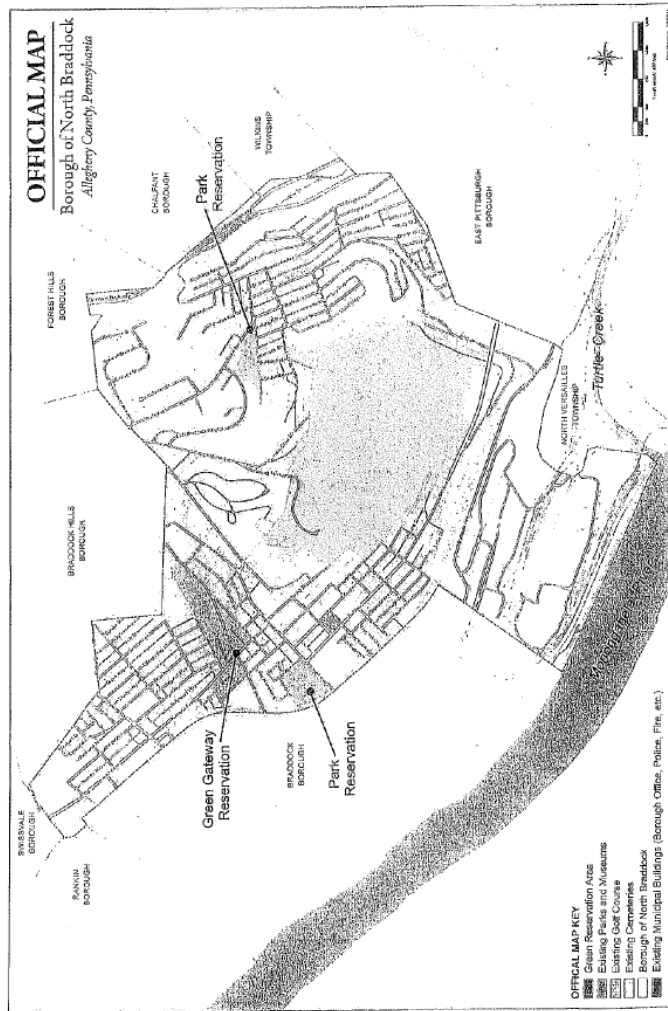
(Ord. 1089, passed 5-19-2014)

APPENDIX A: ZONING MAP



(Ord. 1089, passed 5-19-2014)

APPENDIX B: OFFICIAL MAP



(Ord. 1089, passed 5-19-2014)

TABLE OF SPECIAL ORDINANCES

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TABLE I: ANNEXATIONS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. 9/9/1929	9-9-1929	Joseph Aiello paid \$600 for Lots No. 219 and 220.
681	6-21-1933	Annexing a tract of land in North Versailles Township.
731	8-3-1942	Condemning and appropriating private property for public use (sewer) on O'Connell Boulevard South.
748	3-10-1948	Bid accepted for Lots 270, 271 and 272 from John C. Knapp for \$2,515.
817	3-8-1962	Purchase of land from the School District for \$17,000.

TABLE II: BOND ISSUES AND LOANS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
427	2-11-1913	Creation of bonded debt for \$100,000 for garbage incinerating plant and improvements.
454	6-19-1914	Creating a sinking fund for funded indebtedness.
460	10-12-1914	Creation of a bonded debt for \$140,000.
489	7-11-1916	Creation of a bonded debt for \$170,000 to liquidate floating indebtedness.
492	9-12-1916	Creating a bonded debt for \$170,000 for liquidating the floating indebtedness.
491	9-14-1916	Repealing Ord. 489, creating a bonded debt of \$170,000.
524	7-13-1920	Creation of bonded debt for \$50,000 for constructing a sewer from Ravine Street to Hope Street.
650	4-15-1930	Appropriating \$2,500 for the 175th anniversary celebration of Battle of Braddock's Field (Battle of the Monongahela).
664	12-8-1931	Creation of a bonded debt for \$170,000 for liquidating the floating indebtedness.
668	3-29-1932	Repealing Ord. 664.
669	3-29-1932	Authorizing creation of a bonded debt for \$170,000.
Res. 4/11/1933	4-11-1933	Borough to make a temporary loan not to exceed \$25,000.
697	2-18-1936	Purchase of a fire truck for the First Ward.
-	6-9-1936	Purchase of a radio police automobile.
710	2-10-1938	Purchase of a police radio car for no more than \$1,000.
Res. 4	2-14-1939	Borrow \$80,000 to pay operating expenses.
780	3-8-1956	Increasing bonded indebtedness for \$150,000.
816	2-28-1962	Increasing bonded indebtedness for \$450,000.
873	5-26-1970	Increasing the non- electoral indebtedness \$100,000.
885	3-21-1972	Increasing the non- electoral indebtedness \$65,000.
886	4-18-1972	Increasing the non- electoral indebtedness \$75,000.
916	11-20-1979	Borrow \$26,000 for the purchase of radio base stations.
923	9-15-1981	Borrowing \$30,000 for construction of a sanitary sewer about Preston Drive.
924	11-17-1981	Non-electoral indebtedness up to \$200,000.
925	12-29-1981	Incurring of non- electoral indebtedness up to \$200,000.
930	3-10-1983	Issuance of a general obligation debt for \$350,000.
935	9-18-1984	Increasing indebtedness for \$100,000.
962	3-20-1990	Increasing indebtedness in amount of \$13,000.
981	3-16-1993	Incurring of non-electoral debt in amount of \$450,000.
995	12-12-1995	Authorizing loan agreement for \$700,000.
996	12-29-1995	Amending Ord. 995 correcting repayment schedule.
1008	8-19-1997	Increasing indebtedness in amount of \$75,000.
1055	7-19-2007	Increasing the indebtedness in the amount of \$500,000.

TABLE III: FRANCHISES AND SERVICES

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
9	8-11-1897	Granting Braddock Gas and Light Company to enter the public streets or highways for the purpose of erecting and maintaining its system of distribution of light, heat and power.

Res. 4/24/1898	4-24-1898	Declaring the tracks and system of the Braddock Electric Railway Company a public nuisance and directing removal.
18	6-6-1898	Granting Allegheny County Telephone Company the right to construct its lines.
27	10-17-1898	Consent to Carnegie Steel Company Ltd. to lay pipe line for gas.
31	2-6-1899	Granting Wilkinsburg & East Pittsburgh Street Railway Company the right to operate in the borough.
59	10-26-1899	Amending Ord. 31 written acceptance needed from the company.
93	10-7-1901	Repealing part of Ord. 18 requiring company to furnish borough with telephones and an annual rent.
113	11-3-1902	Granting Central District and Printing Telegraph Co. consent to erect and maintain lines.
128	11-18-1903	Contract with Pennsylvania Railroad Co. (for the company to construct a stone arch).
133	4-6-1904	Requiring the Pennsylvania Railroad Co. to erect and maintain safety gates.
157	8-8-1905	Supplementing Ord. 128 granting time extension to build bridge.
177	5-8-1906	Consent to Electric Avenue Street Railway Co. to construct its street passenger railway.
211	8-7-1907	Monongahela Light Company to provide lighting for the borough.
223	11-5-1907	Amending Ord. 177 extending time for construction to begin.
229	6-5-1908	Amending Ord. 177 Electric Avenue Street Railway Co. consent to construct in part of borough.
272	11-2-1909	Granting Central District & Printing Telegraph Co. consent to erect and maintain is telegraph and telephone systems.
282	8-9-1910	Monongahela Light Co. providing electric arc lighting in the borough.
295	11-8-1910	Additional electric lighting with the Monongahela Light Co.
308	3-6-1911	Amending Ord. 272 extending the limits of three phones from local to county service.
361	4-12-1912	Authorizing contract with Pennsylvania Railroad Co. to eliminate the Fourth Street grade crossing and the like.
363	--1912	Authorizing contract with Pennsylvania Railroad Co.
362	4-26-1912	Authorizing contract with Pennsylvania Railroad Co.
407	9-3-1912	Agreement with Pennsylvania Railroad Co. to make another undergrade rather than an arch on Verona Street.
408	9-18-1912	Agreement with Pennsylvania Railroad Co. to make undergrades.
434	7-8-1913	Agreement with Duquesne Light Company to provide lamp lighting in the borough.
447	11-7-1913	Amending Ord. 434 Duquesne Light Company providing lamp lighting in the borough.
Res. 3/11/1915	3-11-1915	Paying the Gamwell Fire Alarm Telegraph Company to install a fire alarm system (for \$6,157).
Res. 8/10/1915	8-10-1915	Authorizing contract with Duquesne Light Company to supply electric current for operating Police Department signaling system.
Res. 8/16/1915	8-16-1915	Agreement with Pennsylvania Railroad Co. to construct a sewer parallel to their tracks.
Res. 8/21/1915	8-21-1915	Authorizing contract with Duquesne Light Company to supply electric current to operate motors of police and fire alarm systems.
477	9-16-1915	Granting the Equitable Gas Company the right to lay and maintain lines of pipe in the streets and highways.
479	12-18-1915	Authorizing agreement with Pennsylvania Water Company to furnish water for washing streets, sewers, runs, catch basins.
484	3-20-1916	Contract between the Borough of Braddock, the Borough of North Braddock and the Carnegie Steel Company.
498	7-9-1918	Agreement with Duquesne Light Company to furnish street lights.

535	9-15-1922	Authorizing contract with the Pittsburgh Railways Company and the County of Allegheny paving and grading a certain stretch of land.
536	11-14-1922	Authorizing contract between borough, County of Allegheny and the Ardmore Street Railway Company, Consolidated Traction Company, Pittsburgh Railways Company and the receivers of the Pittsburgh Railway Company relocation of tracks.
540	7-12-1923	Authorizing Duquesne Light Company to furnish electric light for the streets and highways of the borough.
550	10-28-1924	Granting consent to the United Electric Light Company to provide electric through the borough.
612	8- -1928	Agreement with Allegheny County Milk Control Unit.
611	8-14-1928	Authorizing Duquesne Light Company to furnish electric light for the streets and highways of the borough.
651	4-15-1930	Authorizing a contract for purchase of a fire truck or fire apparatus (with Harry G. Duprank).
679	3-9-1933	Contract with Duquesne Light Company.
705	9-8-1936	Contract with Duquesne Light Company.
711	3-8-1938	Authorizing contract with Pittsburgh Railways Company providing for reconstruction and rehabilitation of railway tracks.
713	5-9-1939	Authorizing and directing the Duquesne Light Company to furnish electric light for the streets and highways.
722	6-12-1940	Granting Monongahela Street Railway Company right to use certain streets.
728	5-18-1942	Contract with Duquesne Light Company.
734	10-13-1942	Authorizing contract with trustees of the Pittsburgh Railways Company.
743	4-11-1947	Duquesne Light Company contract.
762	4-1-1952	Contract with Duquesne Light Company.
782	5-15-1957	Contract with Duquesne Light Company.
795	5-3-1958	Contract with Francis P. Long for collecting/hauling trash.
809	2-9-1961	Authorizing contract the Borough of North Braddock and Allegheny Planning Associates (contract for planning assistance).
814	12-20-1961	Contract with Duquesne Light Company.
818	3-8-1962	Contract with Bernard E. Rowan, Architect.
819	3-8-1962	Contract with John R. Mellett and Associates for consulting engineers.
820	3-31-1962	Contract with Francis P. Long for trash collection.
823	6-15-1962	Contract with Crown Wrecking Co. for razing and removal of debris of Bell Avenue Elementary school building.
841	5-14-1964	Contract with John R. Mellett, Engineer.
851	11-17-1965	Granting franchise to Suffolk Cable Corporation.
877	3-16-1971	Contract with Long's Hauling Company to collect trash.
882	12-21-1971	Contract with Borough of Braddock Hills pertaining to certain sewer lines.
883	12-21-1971	Contract with Brinton Manor No. 1 Associates to construct a new storm sewer.
881	12-23-1971	Contract with Borough of Braddock Hills pertaining to tap-in and sewer rental agreement.
895	12-4-1973	Contract with Long's Hauling Company for the trash collection.
908	12-27-1976	Authorizing Sovereign Sanitation to collect, haul and dispose garbage.
939	12-27-1984	Granting non-exclusive right to American Television and Communications Corp. for cable television franchise.

TABLE IV: GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
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360	4-10-1912	Contract with the Borough of Braddock for construction of overhead bridge to connect Second Street and Third Street.
Res. 11/12/1929	11-12-1929	Directing Solicitor to publish ordinances in the newspaper.
661	6-29-1931	Contract with Pittsburgh Railway Company to provide for settlement and payment of unpaid claims of the borough against the railways company for poles, wire and car license taxes for 1929 to 1930.
666	2-9-1932	Giving authority to Pennsylvania Department of Highways to issue permits for opening or tearing up streets that continue the state highway routes.
Res. 9/16/1938	9-16-1938	Pittsburgh Railways Co. indebted to the borough for pole taxes and the like and is in bankruptcy.
Res. 9/16/1938	9-16-1938	Resolved that the State Highway Department inspect and repair Route 02103.
727	12-22-1941	Contract with the Federal Works Agency.
744	3-12-1947	Becoming a member of the Wilkinsburg-Penn Joint Water Authority.
783	3-14-1957	Agreement with the Boroughs of Forest Hills, Braddock Hills and East Pittsburgh to connect to sewers.
786	3-27-1957	Designating all courts, alleys and ways as streets in the Borough of North Braddock.
792	12-12-1957	Establishing a Police Pension Fund for the members of the police force.
801	12-10-1959	Joint contract with the Borough of East Pittsburgh, Wilkinsburg and Forest Hills to use the Ardmore sewer line.
810	6-8-1961	Agreement with school district for joint collection of earned income tax.
827	12-13-1962	Establishing a Police Pension Fund for the members of the police force.
879	10-19-1971	The award of arbitrators in the matter of the borough firefighters.
897	1-22-1974	Establishing a pension plan for the employees not covered by the Police Pension Fund.
Res. 8	5-14-1974	Flood insurance.
Res. 9	5-14-1974	Flood insurance program.
903	7-22-1975	Establishing a Police Pension Fund for the members of the police force.
909	7-19-1977	Establishing a Police Pension Fund for the members of the police force.
910	7-19-1977	Establishing a pension plan for the employees not covered by the Police Pension Fund.
913	7-18-1978	Authorizing cooperation in Turtle Creek Valley Council of Governments.
915	7-18-1978	Establishing a Police Pension Fund for the members of the police force.
918	11-20-1979	Establishing a Police Pension Fund for the members of the police force.
920	12-10-1980	Establishing a pension plan for the employees not covered by the Police Pension Fund.
932	10-18-1983	Establishing membership in intergovernmental cooperation in the Turtle Creek Valley Council of Governments.
938	12-27-1984	Establishing a Police Pension Fund for the members of the police force.
964	7-17-1990	Municipal Police Cooperative Agreement.
975	6-16-1992	Authorizing participation in the Municipal Risk Management Workmen's Compensation Pooled Trust.
976	7-21-1992	Municipal police cooperative agreement.
992	4-18-1995	Establishing a pension plan for the employees not covered by the Police Pension Fund.
993	6-20-1995	Establishing a Police Pension Fund for the members of the police force.
998	3-11-1996	Financial Recovery Act.
1007	2-18-1997	Amending the police pension plan ordinance to provide survivors' pension benefits for a widow or minor dependents or participants who die after 12 years of service and prior to normal retirement age.
1009	8-19-1997	Providing for paid hospitalizations for full-time employees hired before 1975, and at the completion of 30 years of continuous service with the borough.
1012	2-17-1998	Intergovernmental agreement to oversee the Falls Run sewer line.

1029	2-18-2003	Adopting PSAB Master Retirement Trust, and joinder agreement, known as the North Braddock Employees' Pension Plan.
1032	9-29-2003	Designating the boundaries of a deteriorated area in accordance with the provisions of the LERTA, and the improvement of deteriorating real property or Areas Tax Exemption Act.
1045	10-18-2005	Adoption of employees' pension plan.
1053	2-20-2007	Establishment and maintenance of employee pension, annuity, insurance and benefit fund or funds, to amend certain provisions of the pension plan or program applicable to police employees of the borough.
1061	7-15-2008	Amending Ord. 1009 providing post retirement health and medical benefits.
1080	10-16-2012	Amending Ord. 1061 providing post retirement health and medical benefits.
1088	1-21-2014	Adopting the PSAB master retirement trust as the borough's employee pension plan effective 1-1-2014.
1087	12-16-2014	Authorizing Council President on behalf of the borough to enter into an intergovernmental cooperation agreement for the purpose of forming, establishing and joining a land bank to be known as the Tri- Cog Land Bank.
1098	12-19-2017	Amending Ord. 1009, as amended by Ord. 1061 and Ord. 1080 providing post retirement health and medical benefits.

TABLE V: PLAN APPROVAL

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. 4/10/1934	4-10-1934	Approving plans for PennDOT's proposed improvements on Pellas Street and East Wolfe Avenue.
826	11-20-1962	Accepting General Braddock Park Plan of Lots.
829	2-14-1963	Accepting General Braddock Park Plan of Lots.
870	11-13-1969	Accepting streets and sewers of the Romarg Plan of Lots.

TABLE VI: PUBLIC PROPERTY

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
461	10-13-1914	Appropriating to public use for street purposes a strip of ground.
464	12-8-1914	Appropriating a portion of Lot No. 72 for street purposes.
511	7-8-1919	Appropriation of private property for the use as a public street.
541	7-12-1923	Appropriation of private property for public use.
549	9-11-1924	Appropriation of private property for public use.
562	7-14-1925	Appropriation of private property for public use.
578	2-8-1927	Dedicating land for public use.
626	1-8-1929	Providing for construction of a stadium
641	6-11-1929	Amending § 5 of Ord. 626 stadium.
652	4-15-1930	Amending Ord. 626 (and 641) permit granted to enlarge stadium.
680	5-17-1933	Amending §§ 1, 3 and 5 of the construction of a stadium ordinance (Ord. 626) permit granted to Joseph Mazer, lessee.
687	4-27-1934	Amending §§ 1, 3 and 5 of Ord. 626 fee for stadium lease permit granted to J. S. Goldstein, licensee.

TABLE VII: SEWERS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>

46	4-17-1899	Construction, maintenance and connection of sewers.
43	6-26-1899	Construction of the main sewer.
174	- -1906	Laying out, adoption and construction of a public sewer in Terrace Street through Lot No. 688 in Joseph Wolf Land Company's Plan.
483	2-8-1916	Land for construction of public sewer.

TABLE VIII: STREETS AND SIDEWALKS

This table contains an alphabetical listing of streets; and, under each street, a listing of all ordained activities.

<i>Ord./Res. No.</i>	<i>Date</i>	<i>Name</i>	<i>Activity</i>	<i>Location</i>
449	4-3-1914	Aites Road	Naming	From Docker's Hollow Bridge to Docker Hollow Road
303	2-7-1911	Ajax Alley	Grading	Between Lobingier Avenue and Price Avenue
342	8-8-1911	Ajax Alley	Grading, curbing and paving	Between Lobingier and Price Avenue
448	4-3-1914	Ajax Street	Naming	From Pennsylvania Railroad Co. to Cherry Alley
448	4-3-1914	Ajax Alley	Renaming	To Ajax Street from Pennsylvania Railroad Co. to Cherry Alley
206	7-2-1907	Ajax Alley	Paving	Between Hawkins Avenue and Lobingier Avenue
138	9-7-1904	Ajax Alley	Grading	From the Pennsylvania Railroad Co. to Lobingier Avenue
343	8-8-1911	Ajax Alley	Paving	Between Lobingier and Price Avenue
75	8-6-1900	Alley	Vacating	A 15-foot alley in R.A. Clay's Plan, located 100 feet west of Roy Street and running from Lobingier Avenue to Price Street
118	3-4-1903	Alleys	Vacating	Between Crescent Street and Martha Street, Martha Curry Plan of Lots (Vol. 18, Pages 188 and 189)
57	9-25-1899	Anderson Street	Paving	Between Bell Avenue and North Avenue
56	9-25-1899	Anderson Street	Accepting, grading, curbing and paving	Extending from Bell Avenue to Spring Street
448	4-3-1914	Anderson Street	Naming	From Spring to Vance
338	8-8-1911	Anderson Street	Paving	Between North Avenue and Spring Street
87	9-2-1901	Anderson Street	Accepting and grading	Extending from Hutzen Alley eastwardly to center of Congress Street
106	6-4-1902	Ann Street	Accepting and grading	From Bell Avenue southwestwardly to the Pennsylvania Rail Road
111	10-10- 1902	Ann Street	Paving	From curb line to curb line
112	10-8-1902	Ann Street	Grading, curbing and paving	Land respectively fronting on Ann Street
90	9-2-1901	Apple Alley	Accepting and grading	Beginning at property line of Kirkpatrick Avenue to the center of Orchard Alley
448	4-3-1914	Apple Alley	Renaming	To Apple Way from Bell to Kirkpatrick
109	9-3-1902	Apple Alley	Paving	From property line to property line
448	4-3-1914	Apple Way	Naming	From Bell to Kirkpatrick
855	10-28- 1966	Ash Alley	Vacating	From Boundary Street to an unnamed alley
448	4-3-1914	Ash Way	Naming	From Maple to Connecting
448	4-3-1914	Ash Alley	Renaming	To Ash Way from Maple to Connecting
528	5-16-1921	Ash Way	Grading and paving	From Maple Street to Elm Way

305	3-6-1911	Ash Alley	Grading	Between Maple Street and Elm Alley
409	10-8-1912	Baldrige Avenue	Changing the grade	Between Penn Street and a point 200 feet eastwardly from East Street
446	10-7-1913	Baldrige Avenue	Grading and paving	Between East and Penn Streets
445	10-7-1913	Baldrige Avenue	Grading, curbing and paving	Between East and Penn Streets
449	4-3-1914	Bank Street	Naming	Between Docker Bridge and Lewis Street from Docker's Street to property line
604	4-10-1928	Beck Avenue	Grading	From South Street to the borough line
-/-1912	--1912	Beech Street Extension	Opening	From an angle north of an alley opposite Willow Street to Ridge Avenue
448	4-3-1914	Beech Alley	Renaming	To Grove Way from Maple to Coalmont
777	9-23-1955	Beech Avenue	Vacating	From Long Way to Ridge Avenue
119	4-8-1903	Beech Street Extension	Locating	From southeasterly terminus of Beech Street in the Packer-Redman Land Company's Plan of Lots
115	1-7-1903	Beech Street	Grading	Beginning at the east property line of south street to the north curb line of Ridge Avenue
207	7-2-1907	Beech Alley	Grading	From Maple Street to Earl Street
209	8-6-1907	Beech Alley	Paving	From Maple Street to Earl Street
210	8-6-1907	Bell Avenue	Grading	Between Thirteenth Street and Vining Street
234	6-2-1908	Bell Avenue	Grading, curbing and paving	Between Thirteenth Street and Marie Street
38	3-27-1899	Bell Avenue	Grading	From intersection of Bell Avenue and Thirteenth Street Extension, south-eastwardly to the easterly line of the borough
797	7-10-1958	Bell Avenue	Vacating	A certain strip beginning at a point on the westerly line of property of Mary Shubock west a distance of 6.5 feet
717	9-14-1939	Bell Avenue	Relocating	Centerline from Fourteenth Street to the new Docker's Hollow Bridge
235	6-2-1908	Bell Avenue	Paving	Between Thirteenth Street and Marie Street
24	8-23-1898	Bell Avenue	Grading, curbing and paving	Land respectively fronting on Bell Avenue
718	9-14-1939	Bell Avenue	Grading	Centerline from Fourteenth Street to the new Docker's Hollow Bridge
19	6-20-1898	Bell Avenue	Accepting and grading	Extending eastwardly from Jones Avenue
23	8-23-1898	Bell Avenue	Paving	From curb line to curb line
435	7-8-1913	Bell Avenue	Paving	Between Vining Street and a point opposite the eastern end of the Edwards and Menges Plan of Lots
260	8-10-1909	Benton Street	Grading, curbing and paving	Between Hawkins Avenue and Pine Alley
350	9-8-1911	Benton Street	Grading	Between Pine Alley and Coalmont Street
261	8-10-1909	Benton Street	Paving	Between Hawkins Avenue and Pine Alley
214	9-3-1907	Benton Street	Grading	From Hawkins Avenue to Pine Alley
448	4-3-1914	Berrie Way	Naming	From Ridge to Turner
448	4-3-1914	Bessemer Street	Renaming	To O'Connell Boulevard from Braddock Avenue to Cemetery Road
448	4-3-1914	Bessemer Street	Renaming	To Bessemer Avenue from Odd Street to eastwardly
448	4-3-1914	Bessemer Avenue	Naming	From Odd Street to eastwardly

193	11-6-1906	Bessemer Grade Crossings	Vacating	Part between the Old Plank Road and the first angle northeastwardly therefrom
332	6-6-1911	Bessie Street	Paving	Between Lobingier and Price Avenues
194	12-4-1906	Bessie Street	Grading	From Lobingier Avenue to Price Avenue
449	4-3-1914	Best Way	Naming	Between Miller and Hickory from Center to Walnut
448	4-3-1914	Birch Alley	Renaming	To Birch Way from Brinton to Preston
448	4-3-1914	Birch Way	Naming	From Brinton to Preston
449	4-3-1914	Black Way	Naming	Between Penn and Seneca from Pennsylvania Railroad Co. to Marys Alley
253	6-8-1909	Bowers Street	Paving	Between Brinton Avenue and Ridge Avenue
140	10-5-1904	Bowers Street	Grading	From Brinton Avenue to Ridge Avenue
252	6-8-1909	Bowers Street	Grading, curbing and paving	Between Brinton Avenue and Ridge Avenue
471	5-11-1915	Braddock Avenue	Grading	Between Thirteenth Street and the westerly boundary line of the Borough of East Pittsburgh
472	5-11-1915	Braddock Avenue	Repaving	From Thirteenth Street to the westerly boundary line of the Borough of East Pittsburgh
444	10-7-1913	Bridge Alley	Grading and paving	Between East and Benton Streets
438	8-5-1913	Bridge Alley	Accepting; grading	Between Benton and East Streets
405	9-3-1912	Brindley Alley	Accepting, naming; grading	Between High Street and White Alley
448	4-3-1914	Brindley Alley	Renaming	To Brindley Way from High to White Alley
448	4-3-1914	Brindley Way	Naming	From High to White Alley
95	10-7-1901	Brinton Avenue	Accepting and grading	Extending from the East Pittsburgh Borough line to Turner Avenue
114	12-5-1902	Brinton Avenue	Grading	Beginning at the borough line of East Pittsburgh to a point tangent at the curb line of Turner Avenue
632	4-9-1929	Brinton Avenue (Braddock Avenue)	Grading	From a point 65 feet northwesterly from the centerline of O'Connell Boulevard to the borough line
122	5-6-1903	Brinton Avenue	Paving	Between Pallas Avenue and East Pittsburgh Borough line
97	2-3-1902	Brinton Avenue	Grading, curbing and paving	Land respectively fronting on Brinton Avenue
448	4-3-1914	Carl Avenue	Naming	From Boundry to Coalmont Street
448	4-3-1914	Carl Street	Renaming	To Carl Avenue from Boundry to Coalmont Street
501	4-8-1919	Cemetery Road	Grading	From Jones Avenue to Locust Street
558	5-12-1925	Cemetery Road	Grading	From Jones Avenue to Locust Street
613	8-14-1928	Cemetery Road	Relocating and opening	From Jones Avenue to Locust Street
616	9-11-1928	Cemetery Road	Relocated	From Jones Avenue to Locust Street
647	11-12- 1929	Cemetery Road	Grading, paving and curbing	From Jones Avenue to Locust Street
448	4-3-1914	Cemetery Road	Renaming	To Locust Street from Locust Street northwardly
628	2-11-1929	Cemetery Road	Vacating	Portion beginning at the intersection with Jones Avenue a distance of 143 feet
276	6-7-1910	Center Street	Paving	Between Corey Street and Hawkins Avenue
379	6-10-1912	Center Street	Grading, curbing and paving	Between Hawkins Avenue and the northern end of Center Street
96	11-14- 1901	Center Street	Grading, curbing and paving	From Corey Street to Hawkins Avenue

380	6-10-1912	Center Street	Paving	Between Hawkins Avenue and the northern end of Center
448	4-3-1914	Center Alley	Renaming	To Morgan Way from Copeland to Monongahela Cemetery
448	4-3-1914	Center Street	Renaming	To Middle Street from Baldrige to North
123	5-20-1903	Center Street	Grading	Northeastwardly from Hawkins Avenue
37	3-20-1899	Charles Street	Accepting, grading and renaming	To Hawkins Avenue extending northwestwardly from Jones Avenue to Center Street
331	6-6-1911	Cherry Alley	Paving	Between Roy and Earl Streets
448	4-3-1914	Cherry Alley	Renaming	To Cherry Way from Fourth Street to Coalmont Street
324	5-2-1911	Cherry Alley or Elm Alley	Accepting, naming and grading	Between Fourth Street and Coalmont Street to be known as Cherry Alley
402	9-3-1912	Cherry Alley	Regrading	Between Roy and Earl Streets
448	4-3-1914	Cherry Alley	Renaming	To Berrie Way from Ridge to Turner
448	4-3-1914	Cherry Way	Naming	From Fourth Street to Coalmont Street
448	4-3-1914	Chestnut Way	Naming	From Walnut to East Street
448	4-3-1914	Chestnut Way	Naming	From Penn Street to property line
448	4-3-1914	Chestnut Street	Renaming	To Miller Avenue from Jones Avenue to Lincoln
181	7-3-1906	Chestnut Alley	Paving	Between Center Street and Walnut Alley
180	7-3-1906	Chestnut Alley	Grading	From Center Street to Walnut Alley
448	4-3-1914	Chestnut Alley	Renaming	To Chestnut Way from Walnut to East Street
580	5-10-1927	Church Alley	Vacating	Portion between Preston Avenue and the dividing line between Lots Nos. 21 and 22
726	11-18- 1941	Church Way	Grading	From Grandview Avenue to Brinton Avenue
448	4-3-1914	Church Alley	Renaming	To Church Way from Turner to Grandview
602	2-14-1928	Church Way	Grading	From Preston Avenue to Turner Avenue
448	4-3-1914	Church Way	Naming	From Turner to Grandview
448	4-3-1914	Cleveland Street	Renaming	To Phillips Avenue from Locust to property line
551	12-9-1924	Cliff Street	Grading	From Main Avenue to the southerly end of Lot No. 9 in Pennsylvania Land and Improvement Company's North Braddock Plan of Lots
448	4-3-1914	Cliff Street	Renaming	To North Avenue from Hutzen to Mellon
219	11-5-1907	Cliff Street	Grading, curbing and paving	Between Miller Street and its northern end
624	11-13- 1928	Cliff Street	Re-establishing	Centerline from Main Avenue to Shirer Bros. Plan of Lots
215	9-3-1907	Cliff Street	Grading	From Miller Street to its northerly end
220	11-5-1907	Cliff Street	Paving	Between Miller Street and its northern end
610	7-10-1928	Cliff Street	Grading, curbing and paving	From the end of the paving to Main Street
448	4-3-1914	Clifford Street	Renaming	To Clifford Avenue from Stebick to Martha
448	4-3-1914	Clifford Avenue	Naming	From Stebick to Martha
266	8-10-1909	Coal Alley	Paving	Between Kirkpatrick Avenue and Bell Avenue
258	6-25-1909	Coal Alley	Grading	Between Bell and Kirkpatrick Avenues
448	4-3-1914	Coal Alley	Renaming	To Robinson Street from Bell to Kirkpatrick
249	6-8-1909	Coalmont Street	Paving	Between Hawkins Avenue and the northerly side of Lobingier Avenue
98	2-28-1902	Coalmont Street	Accepting and grading	From Hawkins Avenue to Stokes Avenue
448	4-3-1914	Coalmont Avenue	Renaming	To Coalmont Street from Hawkins Avenue to East Street

248	6-8-1909	Coalmont Street	Grading, curbing and paving	Between Hawkins Avenue and the northerly side of Lobingier Avenue
341	8-8-1911	Coalmont Street	Paving	Between Lobingier and Stokes Avenues
448	4-3-1914	Coalmont Street	Naming	From Hawkins Avenue to East Street
340	8-8-1911	Coalmont Street	Grading, curbing and paving	Between Lobingier and Stokes Avenues
231	4-24-1908	Congress Street	Paving	Between Bell Avenue and the northerly line of Crosby Street
230	4-24-1908	Congress Street	Grading, curbing and paving	Between Bell Avenue and Crosby Street
225	12-3-1907	Congress Street	Grading	From Bell Avenue to Crosby Street
448	4-3-1914	Connect's Alley	Renaming	To Pike Way from Sedden to Boundry
771	12-18- 1953	Conner Street	Vacating	Between the lines of Lots Nos. 278 to 294 and the lines of Lots Nos. 261 to 277
448	4-3-1914	Conner Avenue	Naming	From McKinney to Division Street
770	12-16- 1953	Conner Street	Vacating	Between the lines of Lots Nos. 263 to 280 and the lines of Lots Nos. 244 to 263
448	4-3-1914	Conner Street	Renaming	To Conner Avenue from McKinney to Division Street
118	3-4-1903	Connor Street	Vacating	Martha Curry Plan of Lots (Vol. 18, Pages 188 and 189)
441	9-2-1913	Copeland Alley	Grading	Between Copeland Avenue and Third Street
448	4-3-1914	Copeland Alley	Renaming	To Copeland Way from Copeland Westward
397	8-6-1912	Copeland Avenue	Paving	From curb line to curb line
588	9-13-1927	Copeland Way	Grading	From Third Street to a point 338 feet westwardly
606	5-8-1928	Copeland Avenue	Grading	From Third Street to a point 360.53 feet northwestwardly
216	10-8-1907	Copeland Avenue	Grading	From Fourth Street to Third Street
448	4-3-1914	Copeland Way	Naming	From Copeland westward
33	2-21-1899	Corey Street	Accepting	Extending north-westwardly from Center Street
54	9-11-1899	Corey Street	Paving	From Jones Avenue northwestwardly to a public road laid out by the Court of Quarter Sessions of Allegheny County at No. 4 September Sessions, 1889
55	9-11-1899	Corey Street	Grading, curbing and paving	From Jones Avenue northwestwardly to a public road laid out by the Court of Quarter Sessions of Allegheny County at No. 4 September Sessions, 1889
448	4-3-1914	Craig Way	Naming	From Josephine to Grandview
770	12-16- 1953	Crescent Street	Vacating	Between the lines of Lots Nos. 140 to 161 and the lines of Lots Nos. 117 to 139
118	3-4-1903	Crescent Street	Vacating	Martha Curry Plan of Lots (Vol. 18, Pages 188 and 189)
771	12-18- 1953	Crescent Street	Vacating	Between the lines of Lots Nos. 139 to 151 and the lines of Lots Nos. 117 to 138
448	4-3-1914	Crescent Avenue	Naming	From Division to McKinney Street
448	4-3-1914	Crescent Street	Renaming	To Crescent Avenue from Division to McKinney Street
92	9-2-1901	Crosby Street	Paving	Between Hutzen Alley and Congress Street
448	4-3-1914	Crosby Avenue	Naming	From Hutzen to Thirteenth Street
88	9-2-1901	Crosby Street	Grading, curbing and paving	The land respectively fronting on Crosby Street
448	4-3-1914	Crosby Street	Renaming	To Crosby Avenue from Hutzen to Thirteenth Street
448	4-3-1914	Daisy Way	Naming	From Turner to Church
449	4-3-1914	Dame Way	Naming	Between Quarry and Juno from Wolf to Morse

770	12-16- 1953	Division Street	Vacating	Portion between the line of property now of George C. Matta and the lines of Lots Nos. 117, 140, 162, 183, 204, 224, 244, 263, 281, 299, 316, 332 and 348
771	12-18- 1953	Division Street	Vacating	Portion between the line of property of George C. Matta on the west and the lines of Lots Nos. 139, 222 to 243, inclusive, 261, 278, 295, 311 and 326
377	6-10-1912	Docker Hollow Street	Paving	Between Braddock Avenue and the Docker Hollow Road
368	5-7-1912	Docker Hollow Street	Accepting; grading	Between Braddock Avenue and the Docker Hollow Road
448	4-3-1914	Docker Hollow Road	Renaming	To O'Connell Boulevard from Braddock Avenue to Cemetery Road
376	6-10-1912	Docker Hollow Street	Grading, curbing and paving	Between Braddock Avenue and the Docker Hollow Road
481	2-8-1916	Duffy Avenue	Grading	From South Street to the northerly end
449	4-3-1914	Duke Way	Naming	Between Menges and Edwards from McKinney to Division Street
706	9-8-1936	Dunbar Avenue	Widening	Intersection of Hope Street and Dunbar Avenue
449	4-3-1914	Eagle Way	Naming	Between Edwards and Crescent from McKinney to Division Street
339	8-8-1911	Earl Alley	Paving	Between Lobingier Avenue and Wood Alley
317	4-6-1911	Earl Street	Paving	Between Stokes and Seddon Avenues
333	6-6-1911	Earl Alley	Grading	Beginning at the intersection of the southerly side line of Lobingier Avenue to the northerly side of Wood Alley
307	3-6-1911	Earl Street	Grading	Between Stokes Avenue and the northerly curb line of Seddon Avenue
316	4-6-1911	Earl Street	Grading, curbing and paving	Between Stokes and Seddon Avenues
283	9-6-1910	Earl Street	Grading, curbing and paving	Between Lobingier and Stokes Avenues
278	7-5-1910	Earl Street	Grading	Between Lobingier and Stokes Avenues
284	9-6-1910	Earl Street	Paving	Between Lobingier and Stokes Avenues
449	4-3-1914	Earl Street	Naming	Between Ajax and Rose Way from Lobingier to Wood Alley
419	12-3-1912	East Street	Grading, curbing and paving	Between the southerly line of the borough and a point opposite the dividing line between Lots No. 296 and 297 in the Coalmont Plan of Lots
448	4-3-1914	East Wolf Avenue	Naming	From Cemetery Road to Lot No. 585
85	6-3-1901	East Street	Grading	Beginning at the southerly line of the borough to the centerline of Corey Street
410	10-8-1912	East Street	Regrading	Between the north right-of-way of the Pennsylvania Railroad Co. and a point 576.6 feet north of the centerline of Baldrige Avenue
420	12-3-1912	East Street	Paving	Between the southerly line of the borough and a point opposite the dividing line between Lots No. 296 and 297 in the Coalmont Plan of Lots
448	4-3-1914	East Street	Renaming	To Sixth Street Pennsylvania Railroad Co. to Jones Avenue
118	3-4-1903	Edwards Street	Vacating	Martha Curry Plan of Lots (Vol. 18, Pages 188 and 189)
770	12-16- 1953	Edwards Street	Vacating	Between the lines of Lots Nos. 183 to 203 and Lots Nos. 162 to 182

771	12-18- 1953	Edwards Street	Vacating	Between the lines of Lots Nos. 149, 201 to 221, inclusive and the lines of Lots Nos. 150, 180 to 200, inclusive
448	4-3-1914	Edwards Street	Renaming	To Edwards Avenue from Division to McKinney Street
448	4-3-1914	Edwards Avenue	Naming	From Division to McKinney Street
127	6-3-1903	Electric Avenue	Grading	Beginning at the borough line for a distance of 1,200 feet
375	5-7-1912	Electric Avenue	Grading, curbing and paving	Land respectively fronting on Electric Avenue
448	4-3-1914	Elliot Way	Naming	From Walnut to Elm Way
448	4-3-1914	Elm Way	Naming	From Maple to Earl Street
448	4-3-1914	Elm Alley	Renaming	To Murry Way from Brinton to Grandview
448	4-3-1914	Elm Alley	Renaming	To Elm Way from Maple to Earl Street
449	4-3-1914	Emmett Way	Naming	Between Brinton and Lewis from Weiler to Terrace Street
448	4-3-1914	Erma Avenue	Renaming	To O'Connell Boulevard from Braddock Avenue to Cemetery Road
448	4-3-1914	Ethel Street	Renaming	To Ethel Avenue from Division to McKinney Street
118	3-4-1903	Ethel Street	Vacating	Martha Curry Plan of Lots (Vol. 18, Pages 188 and 189)
770	12-16- 1953	Ethel Street	Vacating	Between the lines of Lots Nos. 332 to 341 and the lines of Lots Nos. 316 to 331
771	12-18- 1953	Ethel Street	Vacating	Between the lines of Lots Nos. 326 to 338 and the lines of Lots Nos. 311 to 325
448	4-3-1914	Ethel Avenue	Naming	From Division to McKinney Street
448	4-3-1914	Evans Way	Naming	From Pallas to Morse
449	4-3-1914	Fall Way	Naming	Between South and Bowers from Brinton to Grandview
449	4-3-1914	Fern Way	Naming	Between Hope and Quarry from Hancock to Violet
449	4-3-1914	Ford Way	Naming	Between Clifford and property line from Stebick to property line
449	4-3-1914	Ford Way	Naming	Between Martha and Ethel from McKinney to Division Street
704	8-11-1936	Fourteenth Street	Grading	Between Bell Avenue and Besser Avenue
448	4-3-1914	Fourteenth Street	Naming	From Bell Avenue to Bessemer Avenue
25	9-5-1898	Fourth Street	Grading, paving and curbing	Between Hawkins and Lobingier Avenues
385	6-4-1912	Fourth Street	Grading, curbing and paving	Between the first angle therein south of Hawkins Avenue and the southerly borough line, under the right-of-way of the Pennsylvania Railroad Co.
22	7-28-1898	Fourth Street	Grading	From the northerly line of the right-of-way of the Pennsylvania Railroad Co. to the beginning of the Monongahela Cemetery Road
386	6-4-1912	Fourth Street	Paving	Between the first angle therein south of Hawkins Avenue and the southerly borough line, under the right-of-way of the Pennsylvania Railroad Co.
384	6-4-1912	Fourth Street	Locating, naming and opening	Extending eastwardly from Fourth Street along the Pennsylvania Railroad Co. to a point near Ajax Alley and southwardly under the right-of-way of the Pennsylvania Railroad Co. to the southern borough line
364	4-26-1912	Fourth Street	Regrading	Between Hawkins Avenue and a point 97 feet southwardly from the southerly curb line of Hawkins Avenue

12	9-20-1897	Fourth Street	Accepting, grading, curbing and paving	From southern line of the borough to beginning of Monongahela Cemetery road
78	1-7-1901	Fourth Street	Accepting and grading	From beginning of Monongahela Cemetery Road to the northern line of the borough; grading from Price Street to the borough line
383	6-4-1912	Fourth Street	Grading, curbing and paving	Between Hawkins Avenue and the first angle therein south of Hawkins Avenue
83	5-16-1901	Fourth Street	Paving	From curb line to curb line
448	4-3-1914	Franklin Street	Renaming	To Franklin Avenue from Ann Street eastwardly
Res. 7/7/1911	7-7-1911	Franklin Street	Removing	The buildings known as Mellon's Row to be removed by owners or the borough
448	4-3-1914	Franklin Avenue	Renaming	To Murdough Street from Brinton to Plum Alley
108	8-6-1902	Franklin Avenue	Grading	Beginning at the boundary line of Franklin Avenue to the center of an alley
374	5-7-1912	Franklin Avenue	Paving	Between Brinton Avenue and Plum Alley
373	5-7-1912	Franklin Avenue	Grading, curbing and paving	Between Brinton Avenue and Plum Alley
134	8-3-1904	Franklin Street	Grading	From Ann Street to Mellon Street
609	7-10-1928	Franklin Avenue	Grading	From Thirteenth Street to the westerly end of the John E. Stahl Plan of Lots
382	6-10-1912	Franklin Street	Paving	Between Mellon Street and its eastern end
137	9-7-1904	Franklin Street	Paving	Between Ann Street and Mellon Street
448	4-3-1914	Franklin Avenue	Naming	From Ann Street eastwardly
381	6-10-1912	Franklin Street	Grading, curbing and paving	Between Mellon Street and its eastern end
136	9-7-1904	Franklin Street	Grading, curbing and paving	From Ann Street to Mellon Street
6/4/1912	6-4-1912	Franklin Street	Locating, naming and opening	Between Verona and Ann Streets
366	5-7-1912	Franklin Street	Accepting; re-establishing the grad	Between Mellon Street and its eastern end
440	8-12-1913	Frazier Street	Locating, naming, opening	Extending southwardly from Franklin Street to the northerly right-of-way line of the Pennsylvania Railroad Co.
449	4-3-1914	Garden Way	Naming	Between Harriet and Quarry from Wolf to Lewis
448	4-3-1914	Gilbert Street	Naming	From Spring northwardly
145	5-2-1905	Grandview Avenue	Paving	Between Bowers Street and Pallas Avenue
218	10-8-1907	Grandview Avenue	Grading	From the southerly curb line of Bowers Street to a point 633.5 feet southwardly therefrom
147	6-6-1905	Grandview Avenue	Grading, curbing and paving	From Bowers Street to Pallas Avenue
155	7-6-1905	Grandview Avenue	Grading, curbing and paving	Between Pallas Avenue and the northern end of the Packer-Redman Land Company's Plan of Lots
154	7-6-1905	Grandview Avenue	Paving	From Pallas Avenue to the northern end of the Packer-Redman Land Company's Plan of Lots
412	10-22- 1912	Grandview Avenue	Grading, curbing and paving	Between Bowers and South Streets
401	8-20-1912	Grandview Avenue	Regrading	Between Bowers Street and South Street
592	11-15- 1927	Grandview Avenue	Regrading	At the end of the pavement on Grandview Avenue to a distance of 120 feet
151	7-6-1905	Grandview Avenue	Accepting	As shown upon the Plan of Lots laid out by the Packer-Redman Land Co.

413	10-22- 1912	Grandview Avenue	Paving	Between Bowers and South Streets
110	10-8-1902	Grandview Avenue	Grading	Beginning at the line of the Borough of East Pittsburgh to the curb line of Turner Avenue
202	5-7-1907	Grandview Avenue	Grading, curbing and paving	Between Bowers Street and East Pittsburgh Borough line
203	5-7-1907	Grandview Avenue	Paving	Between Bowers Street and East Pittsburgh Borough line
517	10-14- 1919	Grant Avenue	Grading, paving and curbing	From Pallas Street to Sheridan Street
448	4-3-1914	Grant Alley	Renaming	To McDonough Avenue from Ann to Mellon Street
323	5-2-1911	Grant Alley	Accepting; grading	Between Ann and Mellon Streets
564	7-14-1925	Grant Avenue	Grading, curbing and paving	From Sheridan Street to Quarry Street
516	10-14- 1919	Grant Avenue	Grading	From Pallas Street to Quarry Street
269	9-7-1909	Grant Street	Changing the name to Mellon Street	Between Kirkpatrick Avenue and Spring Street
448	4-3-1914	Grant Street	Renaming	To McDonough Avenue from Mellon to Thirteenth Street
568	12-8-1925	Grant Avenue	Grading	From Quarry Street to Shannon Street
448	4-3-1914	Grape Way	Naming	From Spring to Hill
448	4-3-1914	Grape Alley	Renaming	To Grape Way from Spring to Hill
448	4-3-1914	Grove Way	Naming	From Maple to Coalmont
449	4-3-1914	Guidas Way	Naming	Between Hope and property line from Dunbar to Iowa
448	4-3-1914	Hanna Alley	Renaming	To Hanna Street from Pennsylvania Railroad Co. to Lobingier
448	4-3-1914	Hanna Street	Naming	From Pennsylvania Railroad Co. to Lobingier
232	6-2-1908	Hanna Alley	Grading	From Hawkins Avenue to Hollins Street
233	6-2-1908	Hanna Alley	Paving	Between Hawkins Avenue and Hollins Street
197	12-4-1906	Hanna Street	Grading	From Stokes Avenue to the northerly borough line
91	9-2-1901	Hanna Alley	Accepting and grading	Between Third and Fourth Streets And running from Hawkins to Lobingier Avenues
525	9-10-1920	Hanna Street	Grading	From the property line of Copeland Avenue to the southerly curb line of Stokes Avenue
169	4-3-1906	Hanna Alley	Paving	Between Hawkins Avenue and Lobingier Avenue
448	4-3-1914	Harriet Alley	Renaming	To Harriet Way from Weiler to Lewis Street
448	4-3-1914	Harriet Way	Naming	From Weiler to Lewis Street
730	7-2-1942	Hawkins Avenue	Widening	From Middle Street to Tassej Hollow Bridge
733	10-13- 1942	Hawkins Avenue	Grading	A point on the eastern end of the Monongahela Street Railways Co. Bridge to a point on the centerline of Middle Street 37 feet south
732	9-18-1942	Hawkins Avenue	Establishing	Centerline from a point on the eastern end of the Monongahela Street Railway Co. Bridge to a point approximately 37 feet south
37	3-20-1899	Hawkins Avenue	Naming	To extending northwestwardly from Jones Avenue to Center Street
73	7-2-1900	Hawkins Avenue	Paving	Between Jones Avenue and Center Street
51	8-11-1899	Hawkins Avenue	Paving	Between the Tassej Hollow bridge and Center Street
50	8-11-1899	Hawkins Avenue	Grading, curbing and paving	From the Tassej Hollow bridge of Center Street

74	7-5-1900	Hawkins Avenue	Grading, curbing and paving	Between Jones Avenue and Center Street
Res. 7/2/1942	7-2-1942	Hawkins Avenue	Improving	County aid for near Second Street to a point at Middle Street
29	1-10-1899	Hawkins Avenue	Relocating and extending	Portion short distance south-eastwardly from easterly line of Tasseys tract of land, northwestwardly to and across said tract of land of the westerly line of the borough and increasing the width of said road, throughout the portion so relocated and extended, to 60 feet
30	2-6-1899	Hawkins Avenue Extension	Opening	From the easterly line of Tasseys tract of land, northwesterly to and across the land to the westerly line of the borough
449	4-3-1914	Hazel Way	Naming	Between Opal and Erma from Hope to property line
448	4-3-1914	Hemlock Way	Naming	From Josephine to Turner
448	4-3-1914	Hemlock Alley	Renaming	To Hemlock Way from Josephine to Turner
721	3-19-1940	Hickory Street	Vacating	Portion beginning on the easterly line of Hickory Street for a distance of 15.50 feet
146	5-2-1905	Hickory Street	Grading	From Jones Avenue to Center Street
448	4-3-1914	Hickory Alley	Renaming	To Daisy Way from Turner to Church
448	4-3-1914	Hickory Avenue	Naming	From Jones Avenue to Center
581	5-10-1927	Hickory Alley	Vacating	Portion between Church Alley and the dividing line between Lots Nos. 110 and 111
448	4-3-1914	Hickory Street	Renaming	To Hickory Avenue from Jones Avenue to Center
415	10-22- 1912	High Street	Grading, curbing and paving	In front and at the side of their respective properties
416	10-22- 1912	High Street	Paving	Between Jones Avenue and its western end
400	8-6-1912	High Street	Accepting and grading	Beginning at the intersection of the centerline of High Street to the westerly end of High Street
403	9-3-1912	High Street	Accepting and grading	Between Jones Avenue and the western end of High Street
600	1-3-1928	Highland Street	Grading	Beginning at the intersection of Highland Street and Copeland Avenue to the south curb line of Oakland
449	4-3-1914	Hill Way	Naming	Between Vance and Chestnut Street from Locust To Grape
654	10-14- 1930	Hollins Avenue	Grading	From Second Street to Overland Street
448	4-3-1914	Hollins Avenue	Naming	From First Street to Fourth Street
448	4-3-1914	Hollins Street	Renaming	To Hollins Avenue from First Street to Fourth Street
557	5-12-1925	Hope Street	Grading	From Grant Avenue to O'Connell Boulevard
706	9-8-1936	Hope Street	Widening	Intersection of Hope Street and Dunbar Avenue
449	4-3-1914	Hyde Way	Naming	Between Connors and Menges from McKinney to Division Street
448	4-3-1914	Iowa Street	Renaming	To Iowa Avenue from Dunbar to Prop line
448	4-3-1914	Iowa Avenue	Naming	From Dunbar to property line
449	4-3-1914	Ivy Way	Naming	Between Franklin and Terrace from Wilson to Milton
623	11-13- 1928	Johnston Street	Grading	From Grandview Avenue to Brinton Avenue
14	1- -1898	Jones Avenue	Sewering, grading and paving	Between its intersection with Jones Avenue a short distance southeastwardly from the easterly line of Emily E. Tasseys tract of land
543	6-12-1923	Jones Avenue	Grading, paving and curbing	From the end of the present paving to the northerly line

26	9-5-1898	Jones Avenue	Grading and widening	Portion from its intersection with the north side of Charles Street to the northerly line of the borough
32	2-21-1899	Jones Avenue	Grading	A short distance southeastwardly from the easterly line of Emily E. Tasse's tract of land
7	7-19-1897	Jones Avenue	Relocating	From the southerly line of the borough to the northerly line of Charles Street
15	4-5-1897	Jones Avenue	Grading	Beginning at the southerly line of the borough at the center of Library Street
164	11-7-1905	Jones Avenue	Grading, curbing and paving	Between the northerly side of North Avenue to the south side of the Stroup property
646	11-12-1929	Jones Avenue	Grading, paving and curbing	From the southerly side line of Cemetery Road to the northerly side line of Zuerner Way
48	8-11-1899	Jones Avenue	Paving	From southerly line of the borough to the northerly side of North Avenue
28	10-17-1898	Jones Avenue	Opening, straightening and widening	From the southerly line of the borough to the northerly line of the borough
47	8-11-1899	Jones Avenue	Grading, curbing and paving	Between the southerly line of the borough and the northerly side of North Avenue
159	9-5-1905	Jones Avenue	Paving	From a point at an angle at David Bradford's house to the south line of the Stroup property
82	5-6-1901	Jones Avenue	Paving	From the northerly side of North Avenue to a point at an angle therein at David Bradford's house
49	8-11-1899	Jones Avenue	Grading	From southerly line of the borough to the center of Bell Avenue
11	9-20-1897	Jones Avenue	Grading	Between its intersection with Jones Avenue a short distance southeastwardly from the easterly line of Emily E. Tasse's tract of land
448	4-3-1914	July Alley	Renaming	To July Way from Iowa to Opal
448	4-3-1914	July Way	Naming	From Iowa to Opal
448	4-3-1914	June Way	Naming	From Dunbar to property line
448	4-3-1914	June Alley	Renaming	To June Way from Dunbar to property line
224	12-3-1907	Juno Alley	Grading	From Weiler Avenue to Morse Alley
448	4-3-1914	Kirkpatrick Avenue	Naming	East of Thirteenth Street
16	4-4-1898	Kirkpatrick Avenue	Accepting and grading	Extending eastwardly from Jones Avenue
21	7-28-1898	Kirkpatrick Avenue	Grading, curbing and paving	Land respectively fronting on Kirkpatrick Avenue
20	7-11-1898	Kirkpatrick Avenue	Paving	From curb line to curb line
448	4-3-1914	Larkin Way	Naming	From High to White Alley
404	9-3-1912	Larkin Alley	Accepting, naming; grading	Between High Street and White Alley
448	4-3-1914	Larkin Alley	Renaming	To Larkin Way from High to White Alley
449	4-3-1914	Lee Way	Naming	Between Marie and Curry from Bell Avenue to Way
448	4-3-1914	Lewis Avenue	Naming	From Wolf to Terrace
448	4-3-1914	Lewis Street	Renaming	To Lewis Avenue from Wolf to Terrace
448	4-3-1914	Lilly Way	Naming	From Wood to property line
582	6-14-1927	Lilly Way	Grading	From Pallas Street to Shannon Street
448	4-3-1914	Lilly Alley	Renaming	To Lilly Way from Wood to property line
448	4-3-1914	Lincoln Avenue	Renaming	To Lincoln Street from Locust to Quince Alley
448	4-3-1914	Lincoln Street	Naming	From Locust to Quince Alley
587	8-9-1927	Lindbergh Boulevard	Locating and opening	From Grandview Avenue to the Ardmore Boulevard

589	10-11- 1927	Lindbergh Boulevard	Grading	From Grandview Avenue to the Ardmore Boulevard
448	4-3-1914	Line Way	Naming	From Lewis to Brinton to S.
448	4-3-1914	Line Alley	Renaming	To Line Way from Lewis to Brinton to S.
35	3-20-1899	Lloyd Avenue	Accepting and renaming	To Lobingier from Coalmont Street to Second Street
105	5-7-1902	Lobingier Avenue	Requiring grading, curbing and paving	From Fourth Street to Coalmont Street
35	3-20-1899	Lobingier Avenue	Accepting and grading	From Coalmont Street to Second Street
35	3-20-1899	Lobingier Avenue	Naming	Coalmont Street to Second Street
104	5-7-1902	Lobingier Avenue	Paving	From Fourth Street to Coalmont Street
52	8-11-1899	Lobingier Avenue	Grading, curbing and paving	Between Fourth Street and Second Street
53	8-11-1899	Lobingier Avenue	Paving	Between Fourth Street and Second Street
448	4-3-1914	Locust Alley	Renaming	To Elliot Way from Walnut to Elm Way
448	4-3-1914	Locust Street	Renaming	To Gilbert Street from Spring northwardly
448	4-3-1914	Locust Street	Naming	From Locust Street northwardly
617	9-11-1928	Locust Street	Grading	From Locust Street as established in Road 559 to a point on the present grade at an elevation of 1051.80 feet above datum
559	5-12-1925	Locust Street	Grading	From Miller Avenue to a point 784 feet northwardly
674	10-11- 1932	Locust Street	Grading	From a point 370.06 feet from the Northerly side line of Miller Street to Wolf Avenue
448	4-3-1914	Locust Street	Renaming	To Phillips Avenue from Locust to Cleveland
645	11-12- 1929	Locust Street	Grading, paving and curbing	From a point 312.24 feet northwardly from the northerly property line of Miller Street to a point 142.2 feet northwardly
502	4-8-1919	Locust Street	Grading	From Cemetery Road to Sylvis Way
614	8-14-1928	Locust Street	Relocating	Centerline portion of Locust Street where it intersects the southerly property line of Braddock Cemetery Company to a point on the centerline of Locust Street
627	2-11-1929	Locust Street	Vacating	Portion beginning on the northwesterly side of Locust Street for a distance of 30.59 feet
448	4-3-1914	Logan Way	Naming	From Coalmont to Boundry
567	9-8-1925	Long Way	Grading and paving	From Ridge Avenue to the dividing line between Lots No. 540 and 541
449	4-3-1914	Long Way	Naming	Between Ridge and Beech from Beech to property line
547	7-8-1924	Long Way	Grading	From the easterly property line of Ridge Avenue to the dividing line of Lots No. 540 and 541
306	3-6-1911	Lovell Street	Grading	Between Penn Street and its eastern end
327	6-6-1911	Lydia Street	Grading, curbing and paving	Between Bell Avenue and Orchard Alley
395	8-6-1912	Lydia Street	Grading, curbing and paving	Between Orchard Alley and Matlack Street
396	8-6-1912	Lydia Street	Paving	Between Orchard Alley and Matlack Street
328	6-6-1911	Lydia Street	Paving	Between Bell Avenue and Orchard Alley
322	5-2-1911	Lydia Street	Grading	Between Bell Avenue and Matlack Street
449	4-3-1914	Lynn Street	Naming	Between Curry and property line from Bell Avenue to Way

512	8-12-1919	Madison Avenue	Grading, paving and curbing	From Terrace Street to the borough line of East Pittsburgh
506	6-10-1919	Madison Avenue	Grading	From Terrace Street to the East Pittsburgh Borough line
594	11-15- 1927	Main Avenue	Paving	From Sixth Street to Cliff Street
593	11-15- 1927	Main Avenue	Grading	From Sixth Street to Cliff Street
448	4-3-1914	Main Avenue	Naming	From Jones Avenue to East Street
448	4-3-1914	Main Street	Renaming	To Main Avenue from Jones Avenue to East Street
240	9-8-1908	Maple Street	Grading, curbing and paving	Between the northerly line of Beech Alley and the northerly line of Seddon Avenue
241	9-8-1908	Maple Street	Paving	Between the northerly line of Beech Alley and the northerly line of Seddon Avenue
237	8-4-1908	Maple Street	Grading	From Fourth Street to Roy Street
302	2-7-1911	Margaret Alley	Grading	Between Ajax Alley and School Alley west of Roy Street
418	10-22- 1912	Margaret Alley	Paving	Between Earl Street and Coalmont Street
448	4-3-1914	Margaret Alley	Renaming	To Margaret Way from Ajax to Coalmont Street
448	4-3-1914	Margaret Way	Naming	From Ajax to Coalmont Street
958	4-18-1989	Margaret Alley	Vacating	From School Alley to Ajax Alley
195	12-4-1906	Margaret Alley	Grading	From Roy Street to Earl Street
329	6-6-1911	Margaret Alley	Paving	Between Roy and Earl Streets
433	5-6-1913	Margaret Alley	Grading	Between Earl and Coalmont Streets
372	5-7-1912	Margaret Alley	Paving	Between Ajax and School Alleys
448	4-3-1914	Marie Street	Renaming	To Fourteenth Street from Bell Avenue to Bessemer Avenue
448	4-3-1914	Martha Avenue	Naming	From Division to McKinney
448	4-3-1914	Martha Street	Renaming	To Martha Avenue from Division to McKinney
771	12-18- 1953	Martha Street	Vacating	Between the line of the H.M. Preston Plan of Lots and the lines of Lots Nos. 326 to 339
770	12-16- 1953	Martha Street	Vacating	Between the H.M. Preston Plan of Lots on the north and the northerly Lots Nos. 348 to 361
118	3-4-1903	Martha Street	Vacating	Martha Curry Plan of Lots (Vol. 18, Pages 188 and 189)
208	7-2-1907	Mary Alley	Grading	From Penn Street to its eastern end
448	4-3-1914	Marys Alley	Renaming	To Chestnut Way from Penn Street to property line
371	5-7-1912	Matlack Street	Paving	Between Thirteenth and Lydia Streets
448	4-3-1914	Matlack Street	Renaming	To Kikpatrick Avenue East of Thirteenth Street
370	5-7-1912	Matlack Street	Grading, curbing and paving	Between Thirteenth and Lydia Streets
275	4-5-1910	Matlack Street	Grading	Between the easterly side line of Thirteenth Street and the easterly curb line of Lydia Street
118	3-4-1903	McCrary Street	Vacating	Martha Curry Plan of Lots (Vol. 18, Pages 188 and 189)
770	12-16- 1953	McCrary Street	Vacating	Between the lot lines of Lots Nos. 299 to 315 and the lines of Lots Nos. 281 to 298
448	4-3-1914	McCrary Avenue	Naming	From McKinney to Division
448	4-3-1914	McCrary Street	Renaming	To McCrary Avenue from McKinney to Division
771	12-18- 1953	McCrary Street	Vacating	Between the lines of Lots Nos. 311 to 325 and the lines of Lots Nos. 261 to 277
449	4-3-1914	McCrea Way	Naming	Between Bessemer and Bell Avenue from property line west to Odd
563	7-14-1925	McCune Street	Grading, curbing and paving	From Hawkins Avenue to the northerly end of McCune Street
509	6-10-1919	McCune Street	Grading, curbing and paving	From Hawkins Avenue to the northerly end of McCune Street

129	12-9-1903	McCune Street	Grading	Beginning at the northern property line of Hawkins Avenue for a distance of 175 feet
566	9-8-1925	McCune Street	Grading and paving	From Hawkins Avenue to the northerly end of McCune Street
448	4-3-1914	McDonough Avenue	Naming	From Ann to Mellon Street
585	6-14-1927	McDonough Avenue	Grading, curbing and paving	From Robinson Street to Thirteenth Street
448	4-3-1914	McDonough Avenue	Naming	From Mellon to Thirteenth Street
591	10-11- 1927	McDonough Avenue	Grading, curbing and paving	From Ann Street to Robinson Street
603	4-10-1928	McDonough Avenue	Grading	From Ann Street to Robinson Street
526	4-12-1921	McDonough Avenue	Grading	From Thirteenth Street to Robinson Street
770	12-16- 1953	McKinley Street	Vacating	Portion between the lines of property of F.W. Edwards and Jacob Menges and the lines of Lots Nos. 139, 161, 182, 203, 223, 243, 262, 280, 298, 315, 331, 347 and 361
771	12-18- 1953	McKinney Street	Vacating	Portion between the line of property of George C. Matta on the east and the lines of Lots Nos. 138, 158, 159 to 179, inclusive, 260, 277, 294, 310, 325, 338, 339
257	6-25-1909	Mellon Street	Grading	Between Bell Avenue and the southerly side of Franklin Street
262	8-10-1909	Mellon Street	Grading, curbing and paving	Between Franklin Street and Bell Avenue
448	4-3-1914	Mellon Street	Renaming	To Robinson Street from Pennsylvania Railroad Co. to Bell Avenue
263	8-10-1909	Mellon Street	Paving	Between Franklin Street and Bell Avenue
770	12-16- 1953	Menges Street	Vacating	Between the lines of Lots Nos. 224 to 243 and the lines of Lots Nos. 204 to 233
448	4-3-1914	Menges Avenue	Naming	From Division to McKinney
118	3-4-1903	Menges Street	Vacating	Martha Curry Plan of Lots (Vol. 18, Pages 188 and 189)
448	4-3-1914	Menges Street	Renaming	To Menges Avenue from Division to McKinney
771	12-18- 1953	Menges Street	Vacating	Between lines of Lots Nos. 243 to 260 and the lines of Lots Nos. 242, 221, 200 and 179
636	5-14-1929	Middle Street	Vacating	Portion beginning a point on the northerly side line of Middle Street at the intersection with Zuerner Way for a distance of 104.05 feet
638	5-14-1929	Middle Street	Grading	From northerly side line of Middle Street as laid out in the Plan of Phillips and George, to Sixth Street
448	4-3-1914	Middle Street	Naming	From Baldrige to North
637	5-14-1929	Middle Street	Opening and extending	As relocated and opened from Zuerner Alley to Sixth Street
644	7-16-1929	Middle Street	Grading, paving and curbing	As relocated to Sixth Street
648	12-10- 1929	Middle Street	Grading	The southerly 15 feet of Middle Street
448	4-3-1914	Miller Avenue	Naming	From Jones Avenue westward
448	4-3-1914	Miller Street	Renaming	To Miller Avenue from Jones Avenue westward
619	9-25-1928	Miller Street	Relocating	Portion beginning at a point where the northerly side line of Miller Street intersects the easterly line of Cliff Street for a distance of 29.13 feet
676	3-14-1933	Miller Avenue	Grading	Centerline from Locust Street to Lincoln Street
242	9-8-1908	Miller Street	Grading, curbing and paving	Between the westerly line of Jones Avenue and the easterly line of Cliff Street

243	9-8-1908	Miller Street	Paving	Between Jones Avenue and Cliff Street
448	4-3-1914	Miller Avenue	Naming	From Jones Avenue to Lincoln
236	8-4-1908	Miller Street	Grading	From Jones Avenue to Cliff Street
507	6-10-1919	Milton Avenue	Grading	From Terrace Street to Murdough Street
513	8-12-1919	Milton Avenue	Grading, paving and curbing	From Terrace Street to Murdough Street
448	4-3-1914	Milton Street	Renaming	To Milton Avenue from Terrace to Franklin
448	4-3-1914	Milton Avenue	Naming	From Terrace to Franklin
192	11-6-1906	Monongahela Cemetery Road	Relocation, opening, grading, curbing and laying	Description of the central line
22	7-28-1898	Monongahela Cemetery Road	Grading	From its beginning on Fourth Street to the northerly line of the borough
187	9-4-1906	Monongahela Cemetery Road	Relocation, opening, grading, curbing and laying	From Fourth Street to the Cemetery entrance, in the Third Ward
79	3-4-1901	Monongahela Cemetery Road	Grading	From its beginning on Fourth Street to the northerly line of the borough
12	9-20-1897	Monongahela Cemetery Road	Accepting, grading, curbing and paving	From its beginning on Fourth Street to the northern line of the borough
Res. 11/17/1927	11-17-1927	Morgan Way (Center Alley)	Opening	Buildings removed from Center Alley (Morgan Way) to make alley passable
448	4-3-1914	Morgan Way	Naming	From Copeland to Monongahela Cemetery
596	11-15-1927	Morgan Way	Grading	Beginning at the intersection of Morgan Way and Oakland Avenue for a distance of 193 feet
448	4-3-1914	Morse Alley	Renaming	To Morse Way from Brinton to Ravine
448	4-3-1914	Morse Way	Naming	From Brinton to Ravine
448	4-3-1914	Murdough Street	Naming	From Brinton to Plum Alley
448	4-3-1914	Murry Way	Naming	From Brinton to Grandview
449	4-3-1914	Nawn Way	Naming	Between McCrady and Conners from McKinney to Division Street
449	4-3-1914	Nealon Way	Naming	Between Cresent and Matlack from McKinney to Division Street
449	4-3-1914	Noble Way	Naming	Between Ethel and McCrady from McKinney to Division Street
448	4-3-1914	North Avenue	Naming	From Hutzen to Mellon
715	6-20-1939	North Avenue	Opening and extending	At the easterly end and a width of 50 feet through Lots 747 and 748
39	4-3-1899	North Avenue	Accepting and grading	Extending south-eastwardly from Jones Avenue
71	5-24-1900	North Avenue	Paving	Between Jones Avenue and Hutzen Street
72	5-21-1900	North Avenue	Grading, curbing and paving	Between Jones Avenue and Hutzen Street
449	4-3-1914	O'Brien Way	Naming	Between Erma and Clifford from Stebick to Martha Avenue
448	4-3-1914	O'Connell Boulevard	Naming	From Braddock Avenue to Cemetery Road
143	1-4-1905	Oak Street	Grading	Beginning at the intersection of the northerly curb line of South Street to a point at the northerly line of the Packer Redman Lanc Co.'s Plan of Lots
200	2-5-1907	Oak Street	Paving	Between South Street and the first unnamed alley north of South Street
448	4-3-1914	Oak Avenue	Naming	From South to property line
448	4-3-1914	Oak Street	Renaming	To Oak Avenue from South to property line

199	2-5-1907	Oak Street	Grading, curbing and paving	Between South Street and the first unnamed alley north of South Street
448	4-3-1914	Oak Alley	Renaming	To Craig Way from Josephine to Grandview
448	4-3-1914	Oak Alley	Renaming	To Logan Way from Coalmont to Boundry
696	8-10-1935	Oakland Avenue	Regrading	Between the easterly curb line of Third Street and the westerly curb of Highland Street
595	11-15- 1927	Oakland Avenue	Grading	Beginning at the intersection of Oakland Avenue to the centerline of Morgan Way
449	4-3-1914	Odd Street	Naming	Between Thirteenth Street and Marie Street from Bessemer to Quinn Way
448	4-3-1914	Opal Street	Renaming	To Opal Avenue from property line to Hope
701	7-14-1936	Opal Street	Grading	In a northerly direction for a distance of 175 feet from Hope Street
448	4-3-1914	Opal Avenue	Naming	From property line to Hope
448	4-3-1914	Orchard Street	Renaming	To Orchard Avenue from Hope to property line
448	4-3-1914	Orchard Alley	Renaming	To Orchard Way from Apple to Vining Street
267	9-7-1909	Orchard Alley	Paving	Between Thirteenth Street and Lydia Street
448	4-3-1914	Orchard Avenue	Naming	From Hope to property line
244	9-22-1908	Orchard Alley	Grading, curbing and paving	Between Thirteenth and Lydia Streets
448	4-3-1914	Orchard Way	Naming	From Apple to Vining Street
531	2-14-1922	Orchard Way	Grading	From Lydia Street to the easterly end
90	9-2-1901	Orchard Alley	Accepting and grading	Beginning at the property line of Anderson Street, to the center of Apple Alley
311	4-6-1911	Orchard Alley	Paving	Between Apple Alley and Anderson Street
584	6-14-1927	Orchard Way	Grading, curbing and paving	From Over Way to Thirteenth Street
532	2-14-1922	Orchard way	Grading	From Thirteenth Street to Over Way
639	5-14-1929	Orr Street	Grading, paving and curbing	From Grandview Avenue to Ridge Avenue
634	5-14-1929	Orr Street	Grading	From Grandview Avenue to Ridge Avenue
449	4-3-1914	Orr Street	Naming	Alley opposite Orr Street from Ridge to Electric
449	4-3-1914	Over Way	Naming	Between Coal and Thirteenth Street from Kirkpatrick to Orchard
533	2-14-1922	Over Way	Grading	From Orchard Way to Kirkpatrick Avenue
455	7-14-1914	Overland Street	Grading	From Hawkins Avenue to Hollins Street
452	6-19-1914	Overland Street	Dedicated ad fixing the centerline	From Hawkins Avenue to Hollins Street
457	9-8-1914	Overland Street	Grading, paving and curbing	From Hawkins Avenue to the line of the Pennsylvania Railroad Co.
189	11-6-1906	Packer Avenue	Grading	Beginning at the intersection of the easterly curb line of Thirteenth Street for a distance of 198.2 feet to the westerly side of an unnamed alley
285	9-6-1910	Packer Avenue	Grading, curbing and paving	Between Thirteenth Street and its eastern end
286	9-6-1910	Packer Avenue	Paving	Between Thirteenth Street and its eastern end
449	4-3-1914	Page Way	Naming	Between Wolf and Quarry from Hancock to Wolf Avenue
448	4-3-1914	Pallas Street	Naming	From Grandview to Dunbar
398	8-6-1912	Pallas Avenue	Grading	Between Grandview and Brinton Avenues

682	2-7-1934	Pallas Street	Grading	From westerly curb line of Brinton Avenue to the intersection of Pallas Street and Wolf Avenue
347	9-8-1911	Pallas Avenue	Paving	Between Grandview and Brinton Avenues
346	9-8-1911	Pallas Avenue	Grading, curbing and paving	Between Grandview and Brinton Avenues
448	4-3-1914	Pallas Avenue	Renaming	To Pallas Street from Grandview to Dunbar
449	4-3-1914	Palm Way	Naming	Between Brinton and Wilson from Franklin to Terrace
590	10-11- 1927	Palm Way	Grading	From Terrace Street to Murdough Street
448	4-3-1914	Peach Way	Naming	From Lincoln to property line
448	4-3-1914	Peach Alley	Renaming	To Peach Way from Lincoln to property line
449	4-3-1914	Peach Way	Naming	Between Lincoln and Locust Street from Lincoln to Quince
448	4-3-1914	Pear Way	Naming	From Garfield to Peach
448	4-3-1914	Pear Alley	Renaming	To Pear Way from Garfield to Peach
179	7-3-1906	Penn Street	Paving	Between Hawkins Avenue and the Pennsylvania Railroad Co.
173	5-8-1906	Penn Street	Grading	Beginning at the intersection of the southerly curb line of Hawkins Avenue 340 feet to an unnamed alley
178	7-3-1906	Penn Street	Grading, curbing and paving	Between Hawkins Avenue and the Pennsylvania Railroad Co.
268	9-7-1909	Penn Street	Changing name to quarry street	Quarry Street extending from Brinton Avenue to Bessemer Street
448	4-3-1914	Phillips Avenue	Naming	From Locust to property line
448	4-3-1914	Phillips Avenue	Naming	From Locust to Cleveland
448	4-3-1914	Pike Way	Naming	From Sedden to Boundry
448	4-3-1914	Pine Alley	Renaming	To Pine Way from Grandview to McCully
448	4-3-1914	Pine Way	Naming	From Grandview to McCully
448	4-3-1914	Pine Alley	Renaming	To Price Avenue from Coalmont to East Street
449	4-3-1914	Plain Way	Naming	Between Hope and property line from Opal to Way
448	4-3-1914	Plato Alley	Renaming	To Plato Way from June to property line
448	4-3-1914	Plato Way	Naming	From June to property line
448	4-3-1914	Plum Way	Naming	From Terrace to East Pittsburgh Borough line
448	4-3-1914	Plum Alley	Renaming	To Prune Way from Quince to property line
448	4-3-1914	Plum Alley	Renaming	To Plum Way from Terrace to East Pittsburgh Borough line
504	5-13-1919	Poplar Way	Grading, paving and cubing	Between Bowers and South Streets
500	4-8-1919	Poplar Way	Grading	From Bowers Street to South Street
607	5-8-1928	Poplar Way	Grading and paving	From Bowers to Willow Streets
618	9-25-1928	Poplar Way	Grading	From Bowers Street to Willow Way
449	4-3-1914	Poplar Way	Naming	Between Grandview and Ridge from South to Turner Street
406	9-3-1912	Poplar Alley	Accepting, naming	Between Grandview and Ridge Avenues
414	10-22- 1912	Poplar Alley	Paving	Between Willow Street and its northern end
448	4-3-1914	Poplar Way	Naming	From South Street to Turner
597	12-3-1927	Preston Avenue	Grading	Beginning at the intersection of Preston and Wolf Avenues to the curb line of Turner Avenue
633	5-14-1929	Price Avenue	Grading, paving and curbing	From Earl Street to Coalmont Street
166	3-5-1906	Price Avenue	Grading	From Earl Street to Coalmont Avenue
149	6-6-1905	Price Avenue	Paving	Between a point 185 feet west of Roy Street and Earl Street

65	3-5-1900	Price Avenue	Accepting and grading	From Fourth Street to Earl Street
150	6-6-1905	Price Avenue	Grading, curbing and paving	Land respectively fronting on Price Avenue
448	4-3-1914	Price Avenue	Naming	From Coalmont to East Street
314	4-6-1911	Price Avenue	Grading, curbing and paving	Between Fourth Street and the present end of paving of said Price Avenue east of Fourth Street
315	4-6-1911	Price Avenue	Paving	Between Fourth Street and the present end of paving of said Price Avenue east of Fourth Street
358	3-5-1912	Primrose Alley	Accepting, naming	Between Verona and an unnamed alley east of Verona Street running southwardly from Bell Avenue to the right-of-way of the Pennsylvania Railroad Co.
448	4-3-1914	Primrose Alley	Renaming	To Primrose Way from Rebecca to Pennsylvania Railroad Co.
448	4-3-1914	Primrose Way	Naming	From Rebecca to Pennsylvania Railroad Co.
488	7-11-1916	Primrose Way	Grading and paving	Between Rebecca Avenue and the line of the right-of-way of the Pennsylvania Railroad Co.
478	9-14-1915	Primrose Way	Grading	From Rebecca Avenue to the line of the right-of-way of the Pennsylvania Railroad Co.
448	4-3-1914	Prune Way	Naming	From Quince to property line
448	4-3-1914	Quince Alley	Renaming	To Quince Way from Locust to Plum Alley
448	4-3-1914	Quince Way	Naming	From Locust to Plum Alley
448	4-3-1914	Quinn Way	Naming	From Thirteenth to Odd Street
287	9-6-1910	Quinn Alley	Accepting, naming and grading	Between and parallel with Bell and Packer Avenues and extending from Thirteenth Street eastwardly to an unnamed alley
448	4-3-1914	Quinn Alley	Renaming	To Quinn Way from Thirteenth to Odd Street
345	9-8-1911	Quinn Alley	Paving	Between Thirteenth Street and its eastern end
448	4-3-1914	Race Alley	Renaming	To Seddon Avenue from Benton Street to East Street
449	4-3-1914	Race Way	Naming	Between Curry and property line from Bell Avenue to Way
35	3-20-1899	Rachel Avenue	Accepting and renaming	To Lobingier from Coalmont Street to Second Street
448	4-3-1914	Railroad Street	Renaming	To Railroad Avenue from Secena Street to Property line
448	4-3-1914	Railroad Avenue	Naming	From Secena Street to property line
428	2-11-1913	Ravine Street extension	Opening	From Morse Alley to Brinton Avenue
468	4-19-1915	Ravine Street	Grading	From Lewis Street to O'Connell Boulevard
437	7-8-1913	Ravine Street	Paving	From curb line to curb line
429	3-4-1913	Ravine Street	Accepting; grading	Between Lewis Street and Brinton Avenue
473	6-8-1915	Ravine Street	Grading, paving and curbing	From O'Connell Boulevard to Lewis Street
436	7-8-1913	Ravine Street	Grading, curbing and paving	Front and side of their respective properties
421	12-3-1912	Rebecca Street	Grading	Between Ann Street and Verona Street
423	1-7-1913	Rebecca Street	Grading, curbing and paving	Between Ann Street and Verona Street
70	5-21-1900	Rebecca Street	Grading, curbing and paving	Between Ann Street and an alley
69	5-7-1900	Rebecca Street	Paving	Between Ann Street and the alley
448	4-3-1914	Rebecca Street	Renaming	To Rebecca Avenue from Verona to Thirteenth Street
448	4-3-1914	Rebecca Avenue	Naming	From Verona to Thirteenth Street

60	11-6-1899	Rebecca Street	Accepting	130 feet below Bell Avenue and running parallel therewith from Ann Street to an alley
61	12-4-1899	Rebecca Street	Grading	Beginning at the intersection of the Thirteenth Street across Ann Street to the center of a 20-foot alley
424	1-7-1913	Rebecca Street	Paving	Between Ann Street and Verona Street
448	4-3-1914	Reeves Way	Naming	From Second Street to Rose
621	10-9-1928	Ridge Avenue	Grading	From Beech Avenue to the dividing line of Lots Nos. 329 and 657
183	7-3-1906	Ridge Avenue	Paving	Between Beech Street and the first unnamed alley north of South Street
811	3-18-1961	Ridge Avenue	Renaming	To Ridgeview Drive from Turner Avenue to Radnor Avenue
182	7-3-1906	Ridge Avenue	Grading, curbing and paving	Between Beech Street and the first unnamed alley north of South Street
608	7-10-1928	Ridge Avenue	Grading, curbing and paving	From the end of the present paving at Beech Avenue to the westerly dividing line of Lots Nos. 329 and 657
184	8-7-1906	Ridge Avenue	Grading, curbing and paving	Between the first unnamed alley north of South Street and South Street
185	8-7-1906	Ridge Avenue	Paving	Between the first unnamed alley north of South Street and South Street
620	10-9-1928	Ridge Avenue	Relocating and opening	Portion between Beech Avenue and Orr Street
217	10-8-1907	Ridge Avenue	Grading	From a point 657 feet southwardly from the northerly side of Orr Street to a point about 300 feet northwardly from McCully Avenue
89	9-2-1901	Ridge Avenue	Accepting and grading	Between Ridge Avenue and South Street and Bowers Street
107	8-7-1902	Ridge Avenue	Grading	Beginning at the northerly line of South Street to the southerly line of Turner Avenue
583	6-14-1927	Ridge Avenue	Grading, curbing and paving	From Orr Street to the westerly dividing line of Lots Nos. 329 and 657
811	3-18-1961	Ridgeview Drive	Naming	From Turner Avenue to Radnor Avenue
448	4-3-1914	Robinson Street	Naming	From Pennsylvania Railroad Co. to Bell Avenue
448	4-3-1914	Robinson Street	Naming	From Bell to Kirkpatrick
448	4-3-1914	Rose Street	Naming	From Hawkins Avenue to Lobingier Avenue
448	4-3-1914	Rose Alley	Renaming	To Evans Way from Pallas to Morse
448	4-3-1914	Rose Alley	Renaming	To Rose Street from Hawkins Avenue to Lobingier Avenue
246	5-4-1909	Rose Alley	Grading	From Hawkins Avenue to Lobingier Avenue
247	6-8-1909	Rose Alley	Paving	Between Hawkins Avenue and Lobingier Avenue
325	5-2-1911	Roy Street	Grading, curbing and paving	Between Seddon and Sylvan Avenues
337	8-8-1911	Roy Street	Grading	Between Seddon Avenue and the northerly curb line of Sylvan Avenue
326	5-2-1911	Roy Street	Grading, curbing and paving	Between Seddon and Sylvan Avenues
251	6-8-1909	Roy Street	Paving	Between Lobingier Avenue and Price Avenue
66	3-5-1900	Roy Street	Accepting and grading	Extending from Lobingier Avenue to Price Avenue
250	6-8-1909	Roy Street	Grading, curbing and paving	Between Lobingier Avenue and Price Avenue
281	8-9-1910	Roy Street	Paving	Between Price and Seddon Avenues
172	5-8-1906	Roy Street	Grading	From Price Avenue to Stokes Avenue

226	12-3-1907	Roy Street	Grading	From Stokes Avenue to the borough line
280	8-9-1910	Roy Street	Grading, curbing and paving	Between Price and Seddon Avenues
301	2-7-1911	School Alley	Accepting, naming and grading	West of Roy Street and between Lobingier and Price Avenue
310	4-6-1911	School Alley	Paving	Between Lobingier and Price Avenue
448	4-3-1914	School Way	Naming	From Lobingier Avenue to Cherry Alley
448	4-3-1914	School Alley	Renaming	To School Way from Lobingier Avenue to Cherry Alley
Res. 4/13/1921	4-13-1921	Second Street	Accepting	Northerly side of Lobingier Avenue extending east for a distance of 100 feet
552	2-10-1925	Second Street	Grading	From Hawkins Avenue to Hollins Avenue
529	6-14-1921	Second Street	Grading	From the northerly curb line of Lobingier Avenue northwardly a distance of 108 feet
313	4-6-1911	Second Street	Paving	Between Hawkins and Lobingier Avenue
312	4-6-1911	Second Street	Grading, curbing and paving	Between Hawkins and Lobingier Avenue
289	9-6-1910	Second Street	Grading	Between Hawkins and Lobingier Avenues
448	4-3-1914	Seddon Avenue	Naming	From Benton Street to East Street
449	4-3-1914	Seddon Avenue	Naming	Between Pine and Coalmont from Coalmont to Benton
161	9-5-1905	Seddon Avenue	Grading, curbing and paving	Between Maple Street and Earl Street
99	2-28-1902	Seddon Avenue	Accepting and grading	From Maple Street to Coalmont Street
160	9-5-1905	Seddon Avenue	Paving	Between Maple Street and Earl Street
448	4-3-1914	Shannon Street	Naming	From Wood to Wolfe
141	10-5-1904	Shaver Alley	Grading	From Pallas Avenue to South Street
448	4-3-1914	Shaver Way	Naming	From Pallas to Bowers
448	4-3-1914	Shaver Alley	Renaming	To Shaver Way from Pallas to Bowers
510	7-8-1919	Sheridan Street	Grading	From Wolf Avenue to Grant Avenue
448	4-3-1914	Sheridan Street	Naming	From Grant to Electric
518	10-15-1919	Sheridan Street	Grading, paving and curbing	From Wolf Avenue to Grant Avenue
148	6-6-1905	Sherman Avenue	Grading	From Grandview Avenue to Wolf Avenue
255	6-8-1909	Sherman Avenue	Paving	Between Brinton and Grandview Avenues
448	4-3-1914	Sherman Avenue	Renaming	To Sheridan Street from Grant to Electric
448	4-3-1914	Sherman Avenue	Naming	From Sherman to Hancock
448	4-3-1914	Sherman Avenue	Naming	From Hancock to Grant
449	4-3-1914	Sherman Street	Naming	Alley opposite Sherman Street from Grandview to Electric
448	4-3-1914	Sherman Avenue	Renaming	To Sherman Avenue from Hancock to Grant
254	6-8-1909	Sherman Avenue	Grading, curbing and paving	Between Brinton and Grandview Avenues
391	8-6-1912	Sherman Avenue	Grading, curbing and paving	Between Wolf Avenue and Brinton Avenue
448	4-3-1914	Sherman Avenue	Renaming	To Shannon Street from Wood to Wolfe
392	8-6-1912	Sherman Avenue	Paving	Between Wolf Avenue and Brinton Avenue
448	4-3-1914	Short-cut-way	Renaming	To Anderson Street from Spring to Vance
448	4-3-1914	Sixth Street	Naming	Pennsylvania Railroad Co. to Jones Avenue
548	9-12-1924	Sixth Street	Grading	From the northerly borough line to the present end of paving

565	7-24-1925	Sixth Street	Grading, curbing and paving	From the end of the present paving to the northerly borough line
570	3-12-1926	Sixth Street	Fixing	Location of the side lines between certain points
449	4-3-1914	Slim Way	Naming	Between Wilson and Milton from Terrace to Way
448	4-3-1914	South Street	Renaming	To South Avenue from South Street to Electric
296	12-6-1910	South Street	Grading	From the westerly curb line of Electric Avenue to the easterly curb line of Beech Street
299	2-7-1911	South Street	Grading, curbing and paving	Between Electric Avenue and Oak Street
300	2-7-1911	South Street	Paving	Between Electric Avenue and Oak Street
659	5-14-1931	South Street	Grading, paving and curbing	From Brinton Avenue to Grandview Avenue
523	7-13-1920	South Street	Opening	From Grandview Avenue along Shaver Way
482	2-8-1916	South Street	Grading	From Brinton Avenue to Grandview Avenue
448	4-3-1914	South Avenue	Naming	From South Street to Electric
530	11-8-1921	South Street	Grading	From Brinton Avenue to Grandview Avenue
449	4-3-1914	South Street	Naming	Alley opposite South Street from Grandview to Shaver
204	7-2-1907	Spring Street	Grading, curbing and paving	Between the easterly line of Jones Avenue and the easterly line of Locust Street
448	4-3-1914	Spring Avenue	Naming	From Jones Avenue to Thirteenth Street
448	4-3-1914	Spring Street	Renaming	To Spring Avenue from Jones Avenue to Thirteenth Street
36	3-20-1899	Spring Street	Accepting and grading	Southeastwardly from a point on Jones Avenue a short distance above the public high school building
205	7-2-1907	Spring Street	Paving	Between the easterly line of Jones Avenue and the easterly line of Locust Street
448	4-3-1914	Spruce Way	Naming	From Maple Street to Elm Way
449	4-3-1914	Step Way	Naming	Between South and Wilson from Beech to Ridge Avenue
653	8-21-1930	Step Way	Maintaining	Pedestrian underpass under Lincoln Highway
196	12-4-1906	Stokes Avenue	Grading	From Fourth Street to Hanna Street
86	6-3-1901	Stokes Avenue	Accepting and grading	Beginning at the east curb line of Fourth Street to the west curb line of Coalmont Street
103	5-7-1902	Stokes Avenue	Requiring grading, curbing and paving	From Fourth Street to Coalmont Street
101	4-18-1902	Stokes Avenue	Paving	Between Fourth Street and Coalmont Street
708	10-8-1937	Stokes Avenue	Grading and paving	From Fourth Street to Hanna Street
449	4-3-1914	Sylvus Way	Naming	North of Cemetery Road from Cemetery Road to Jones Avenue
238	8-4-1908	Tassey Hollow Road	Vacating	From its intersection with Hawkins Avenue to the northerly line of the borough
170	5-8-1906	Terrace Street	Grading, curbing and paving	From Lewis Street to Brinton Avenue
171	5-8-1906	Terrace Street	Paving	Between Lewis Street and Brinton Avenue
152	7-6-1905	Terrace Street	Grading	Beginning at the intersection of the westerly curb line of Brinton Avenue with the centerline of Terrace Street to the easterly side line of Lewis Street
162	10-3-1905	Terrace Street	Accepting	As shown upon the Plan of Lots laid out by the Joseph Wolf Land Company

574	9-14-1926	Third Street	Constructing	Steps upon and along the easterly sidewalk of Third Street from Copeland Way to Copeland Avenue
175	6-5-1906	Third Street	Grading, curbing and paving	Between Hawkins Avenue and Lobingier Avenue
586	6-14-1927	Third Street	Grading, curbing and paving	From Copeland Avenue to the northerly borough line at the Monongahela Cemetery
176	6-5-1906	Third Street	Paving	Between Hawkins Avenue and Lobingier Avenue
554	3-10-1925	Third Street	Grading, curbing and paving	From the southerly side of Hawkins Avenue to Hollins Avenue
553	2-10-1925	Third Street	Grading	From Hawkins Avenue to Hollins Avenue
62	2-5-1900	Third Street	Accepting and grading	From Hawkins Avenue to Lobingier Avenue
470	4-19-1915	Third Street	Grading	From Lobingier Avenue to the Monongahela Cemetery
348	9-8-1911	Thirteenth Street	Grading	Between the southerly curb line of Grant Street and the northerly end of proposed bridge over the right-of-way of the Pennsylvania Railroad Co.
264	8-10-1909	Thirteenth Street	Grading, curbing and paving	Between Kirkpatrick Avenue and Rebecca Street
265	8-10-1909	Thirteenth Street	Paving	Between Kirkpatrick Avenue and Rebecca Street
344	8-8-1911	Thirteenth Street	Opening and extending by the erection of an overhead bridge	Northwardly and southwardly from the right-of-way of the Pennsylvania Railroad Co.
259	6-25-1909	Thirteenth Street	Grading	Between the northerly side of Kirkpatrick Avenue and the southerly side of Rebecca Street
304	3-6-1911	Thirteenth Street	Grading	Between southerly side of Rebecca Street and the southerly curb line of Grant Street
353	10-10- 1911	Thirteenth Street	Paving	Between the southerly curb line of Grant Street and the northerly side of the right-of-way of the Pennsylvania Railroad Co.
319	4-6-1911	Thirteenth Street	Grading, curbing and paving	Between the south line of Rebecca Street and the south line of Packer Avenue
355	10-10- 1911	Thirteenth Street	Paving	Between Braddock Avenue and the southerly side of the right-of- way of the Pennsylvania Railroad Co.
352	10-10- 1911	Thirteenth Street	Grading, curbing and paving	Between the southerly curb line of Grant Street and the northerly side of the right-of-way of the Pennsylvania Railroad Co.
318	4-6-1911	Thirteenth Street	Grading, curbing and paving	Between the south line of Rebecca Street and the south line of Packer Avenue
354	10-10- 1911	Thirteenth Street	Grading, curbing and paving	Between Braddock Avenue and the southerly side of the right-of- way of the Pennsylvania Railroad Co.
38	3-27-1899	Thirteenth Street Extension	Grading	From intersection of Bell Avenue and Thirteenth Street Extension, southeastwardly to the easterly line of the borough
868	4-10-1969	Thirteenth Street	Vacating	Portion 26,398.80 square feet
367	5-7-1912	Thirteenth Street	Regrading	Between the northerly curb line of Wood Avenue and the southerly side of the right-of-way of the Pennsylvania Railroad Co.
867	2-13-1969	Thirteenth Street	Vacation	A portion from the southwest corner of Braddock Avenue and Thirteenth Street for 40 feet
448	4-3-1914	Turner Street	Naming	From Wolf to Ridge Avenue
448	4-3-1914	Turner Avenue	Renaming	To Turner Street from Wolf to Ridge Avenue

1059	2-19-2008	Unimproved streets	Vacating	H.M. Lyte Plan of Lots as recorded in P.B.V. 17, P. 167
983	5-17-1994	Unimproved streets and alleys	Vacating	In the Martha Curry's Plan of Lots (Matta's Hill) bounded by and including Matlack Street and Martha Street, including that portion of Vining Street between Matlack and McKinney Streets and bounded by and including Division Street and McKinney Street
771	12-18- 1953	Unnamed alley	Vacating	Parallel with Menges Street and Crescent Street
577	12-14- 1926	Unnamed alley	Relocating	Extending from Third Street to the dividing line between Lots Nos. 6 and 7
770	12-16- 1953	Unnamed alley	Vacating	Between and parallel with Menges Street and Edward Street
770	12-16- 1953	Unnamed alley	Vacating	Between Marth Street and Ethel Street
770	12-16- 1953	Unnamed alley	Vacating	Between and parallel with Crescent Street and Matlack Street
844	12-10- 1964	Unnamed alley	Vacating	From Hope Street to Sherman Avenue
771	12-18- 1953	Unnamed alley	Vacating	Between and parallel with McCrady Street and Conner Street
771	12-18- 1953	Unnamed alley	Vacating	Parallel with Conner Street and Menges Street
770	12-16- 1953	Unnamed alley	Vacating	Between and parallel with Edward Street and Crescent Street
771	12-18- 1953	Unnamed alley	Vacating	Parallel with Matlack Street and Crescent Street
770	12-16- 1953	Unnamed alley	Vacating	Between and parallel with Ethel Street and McCrady Street
770	12-16- 1953	Unnamed alley	Vacating	Between and parallel with McCrady Street and Conner Street
770	12-16- 1953	Unnamed alley	Vacating	Between and parallel with Conner Street and Menges Street
34	3-13-1899	Unnamed public road	Relocating and widening	Portion abutting the property of the Carnegie Steel Company, Limited
771	12-18- 1953	Unnamed alley	Vacating	Between and parallel with Edwards Street and McKinley Street
771	12-18- 1953	Unnamed alley	Vacating	Between and parallel with Edwards Street and Division Street
44	7-3-1899	Unnamed public road	Grading	Relocated by O Road 34; beginning at the west end of the bridge over Duker's hollow
212	9-3-1907	Unnamed alley	Grading	Between Grandview Avenue and Ridge Avenue from Bowers Street to the northerly end of the Packer-Redman Land Company's Plan of Lots
359	3-5-1912	Verona Street	Accepting	From Bell Avenue southwardly to the right-of-way of the Pennsylvania Railroad Co.
365	4-26-1912	Verona Street	Grading	Beginning at the intersection of the centerline of Verona Street with the south borough line to the southerly curb line of Bell Avenue
425	1-7-1913	Verona Street	Relocating centerline	From intersection with Bell Avenue to the northerly line of the Pennsylvania Railroad Co.
725	11-18- 1940	Violet Way	Grading	From Shannon Street to Quarry Street
448	4-3-1914	Violet Alley	Renaming	To Violet Way from Pallas to Sherman
448	4-3-1914	Violet Way	Naming	From Pallas to Sherman
351	10-10- 1911	Walnut Alley	Regrading of the centerline	Between Hickory and Miller Streets
448	4-3-1914	Walnut Alley	Renaming	To Walnut Street High to Zuerner Alley
959	7-18-1989	Walnut Alley	Vacating	Portion from Lindbergh Boulevard for 19.42 feet

227	12-4-1907	Walnut Alley	Paving	Between Hawkins Avenue and Hickory Street
330	6-6-1911	Walnut Alley	Paving	Between Hickory and Miller Streets
321	5-2-1911	Walnut Alley	Grading	Between Hickory Street and Zuerner Alley
84	5-16-1901	Walnut Alley	Paving	Between High Street and Hawkins Avenue
135	8-17-1904	Walnut Alley	Accepting and grading	The first alley west and parallel to Jones Avenue extending from Hawkins Avenue to Hickory Street
81	5-6-1901	Walnut Alley	Accepting and grading	The first street or alley west of Jones Avenue and parallel therewith extending from High Street to Hawkins Avenue
417	10-22- 1912	Walnut Alley	Paving	Between Miller Street and Zuerner Alley
448	4-3-1914	Walnut Alley	Renaming	To Poplar Way from South Street to Turner
448	4-3-1914	Walnut Street	Naming	High to Zuerner Alley
448	4-3-1914	Walnut Alley	Renaming	To Spruce Way from Maple Street to Elm Way
692	7-10-1934	Weber Street	Grading	Between Locust Street and O'Connell Boulevard
449	4-3-1914	Weber Avenue	Naming	South side of Furnace from Cemetery Road O'Connell
222	11-5-1907	Weiler Avenue	Paving	Between Wolf Avenue and the easterly side of an unnamed 40- foot street
221	11-5-1907	Weiler Avenue	Grading, curbing and paving	Between Wolf Avenue and the easterly side of an unnamed 40- foot street
703	8-11-1936	Weiler Avenue	Grading	Between Wolf Avenue and Ravine Street
442	10-7-1913	Weiler Avenue	Grading, curbing and paving	Between Wolfe Avenue and Ravine Street
443	10-7-1913	Weiler Avenue	Paving	Between Wolfe Avenue and Ravine Street
698	5-12-1936	Weiler Avenue	Grading, curbing and paving	From Wolf Avenue to Ravine Street
430	5-6-1913	Weller Avenue	Changing and grading	Between Wolf Avenue and Ravine Street
213	9-3-1907	Weller Avenue	Grading	From Wolf Avenue to the easterly curb line of an unnamed 40-foot street
448	4-3-1914	West Wolf Avenue	Naming	From Lot No. 585 to O'Connell Boulevard
448	4-3-1914	White Way	Naming	From Walnut westwardly
378	6-10-1912	White Alley	Paving	From property line to property line
273	3-1-1910	White Alley	Accepting, naming and grading	Between Corey Street and High Street
448	4-3-1914	White Alley	Renaming	To White Way from Walnut westwardly
277	7-5-1910	Wilkins Avenue	Grading	Beginning at a point in the centerline of Wilkins Avenue to a point in the dividing line between the Borough of North Braddock and the Township of Braddock
631	4-9-1929	Willow Street	Grading	From Electric Avenue to a point 63 feet westward
293	10-10- 1910	Willow Street	Paving	Between Grandview and Ridge Avenue
449	4-3-1914	Willow Street	Naming	Alley opposite Willow Street from Grandview to Electric
615	9-11-1928	Willow Street	Grading	From Electric Avenue westwardly
292	10-10- 1910	Willow Street	Grading, curbing and paving	Between Grandview and Ridge Avenue
288	9-6-1910	Willow Street	Grading	Between Grandview and Ridge Avenue
643	7-9-1929	Wilson Avenue	Grading, paving and curbing	From Terrace Street to Murdough Street
642	7-9-1929	Wilson Avenue	Grading	From Murdough Street to Terrace Street

393	8-6-1912	Wolf Avenue	Grading, curbing and paving	Between Sherman Avenue and Pallas Avenue
394	8-6-1912	Wolf Avenue	Paving	Between Sherman Avenue and Pallas Avenue
542	6-12-1923	Wolf Avenue	Grading, paving and curbing	Between Sheridan Street and Weiler Avenue
684	2-7-1934	Wolf Avenue	Grading	From the intersection of Pallas Street and Wolf Avenue to the northerly borough line
689	5-18-1934	Wolf Avenue	Relocating and widening	From Pallas Street north to the borough line
686	4-10-1934	Wolf Avenue	Grading	From the intersection of Pallas Street and Wolf Avenue to the northerly borough line
685	3-13-1934	Wolf Avenue	Relocating and widening	From Pallas Street to the northwesterly side of Locust Street
130	12-9-1903	Wolf Avenue	Grading	Beginning at the centerline of Turner Avenue to the center of the Township road
448	4-3-1914	Wolf Avenue	Renaming	To East Wolf Avenue from Cemetery Road to Lot No. 585
448	4-3-1914	Wolf Avenue	Renaming	To West Wolf Avenue from Lot No. 585 to O'Connell Boulevard
431	5-6-1913	Wolfe Avenue	Changing and grading	Beginning at the intersection of Wolfe Avenue to a point near Weiler Avenue
91	9-2-1901	Wood Alley	Accepting and grading	Between Lobingier and Hawkins Avenues and running parallel therewith
163	11-7-1905	Wood Alley	Grading	From Ajax Alley to its eastern end
165	1-2-1906	Wood Alley	Paving	From Ajax Alley to Rose Alley
448	4-3-1914	Wood Alley	Renaming	To Reeves Way from Second Street to Rose
168	4-3-1906	Wood Alley	Paving	Between Hanna Alley and Second Street
448	4-3-1914	Wood Street	Renaming	To Sherman Avenue from Sherman to Hancock
756	8-16-1950	Zuerner Way	Vacating	Portion between Middle Street and Cliff Street
449	4-3-1914	Zuerner Way	Naming	Between Miller and Main Street from Jones to East Street

TABLE IX: ZONING; PRIOR ORDINANCES

Ord./Res. No.	Date Passed	Description
662	11-8-1928	Superseded by Ord. 1089.
656	12-9-1930	Transferring the property of Elmer Thomas situated at the southwest corner of Bell Avenue and Verona Street from "A" Residence District Classification to "B" Residence District.
663	12-8-1931	Transferring certain property of the McKinney heirs from Manufacturing District and "B" Residence District.
691	6-15-1934	Transferring the property of Philip Ferrere and Christina Ferrere, his wife, from "A" Residence District to "B" Residence District.
695	7-22-1935	Changing building line of Lot No. 128 in the Packer-Redman Land Company Plan on Grandview Avenue.
754	3-15-1950	Changing from "B" Residence District to Commercial the district bounded by Fourteenth Street, Bell Avenue, the East Pittsburgh-North Braddock Borough line and the Pennsylvania Railroad Co.
784	3-27-1957	Amending Ord. 622.
787	4-11-1957	Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in the H.M. Lytle's Plan of Lots be changed from "B" Residential to Manufacturing District.

803	4-14-1960	Zoning commercial a property on Ardmore Boulevard between Westinghouse Electric Manufacturing Co. and General Braddock Park Plan.
836	9-12-1963	Changing the zoning on Erma Street from Residential to Commercial.
837	10-10-1963	Changing the zoning of an area on Locust Street from Commercial to Manufacturing.
846	5-20-1965	Changing the zoning of a piece of ground in the Second Ward from Residential to Commercial.
987	7-21-1994	Amending Ord. 622.
1019	7-27-1999	Amending Ord. 622.

PARALLEL REFERENCES

References to Pennsylvania Statutes

References to Pennsylvania Code

References to Pennsylvania Consolidated Statutes

References to Pennsylvania Consolidated Statutes Annotated

References to Resolutions

References to Ordinances

REFERENCES TO PENNSYLVANIA STATUTES

<i>P.S. Section</i>	<i>Code Section</i>
3 P.S. §§ 459-101 et seq.	90.10
3 P.S. § 459-503-A	90.10
16 P.S. §§ 6101-B et seq.	36.110
16 P.S. § 11011(6)	36.036
32 P.S. §§ 679.101 et seq.	151.001, 151.030, 151.063, 151.080
32 P.S. §§ 680.1 et seq.	153.01, 153.02, 153.14
32 P.S. §§ 680.1 through 680.17	153.14
32 P.S. §§ 693.1 through 693.27	151.022, 153.99
35 P.S. §§ 691.1 et seq.	51.15
35 P.S. §§ 691.1 to 691.1001	50.02, 151.022
35 P.S. §§ 750.1 et seq.	51.15
35 P.S. §§ 750.1 to 750.20	151.022
35 P.S. §§ 780-101 et seq.	150.63
35 P.S. §§ 1701 et seq.	35.25
35 P.S. §§ 6018.101	51.15
35 P.S. §§ 6018.101 et seq.	50.02, 50.05, 50.21
35 P.S. §§ 7210.101 through 7210.1103	150.01
36 P.S. §§ 670-101 et seq.	155.242
44 P.S. § 11	155.140
47 P.S. §§ 1-101 et seq.	150.63
52 P.S. §§ 30.51 et seq.	50.02
53 P.S. Article IV	155.021
53 P.S. Article VI	155.021, 155.287
53 P.S. Article VII	155.070, 155.281, 155.291
53 P.S. Article IX	155.021
53 P.S. §§ 895.101 et seq.	34.03
53 P.S. §§ 4000.101 et seq.	50.21
53 P.S. §§ 6924.101 et seq.	36.028, 36.064, 36.125
53 P.S. §§ 6924.101 through 6924.901	36.001, 36.002
53 P.S. §§ 6926-1303 et seq.	36.110
53 P.S. §§ 7101 et seq.	30.16, 36.038
53 P.S. § 7106	30.18, 30.26, 50.50
53 P.S. §§ 10101 et seq.	151.030, 155.021
53 P.S. § 10303	155.248
53 P.S. § 10309	155.248
53 P.S. § 10508	155.286, 155.287
53 P.S. § 10509	153.11, 155.286
53 P.S. § 10510	153.11
53 P.S. § 10513(a)	155.286
53 P.S. § 10515.1	153.13
53 P.S. §§ 10601 et seq.	155.021
53 P.S. § 10609.1	155.244, 155.254

53 P.S. § 10609.2	155.250
53 P.S. § 10621	155.171
53 P.S. §§ 10701 et seq.	155.070, 155.281, 155.291
53 P.S. § 10901	155.021
53 P.S. §§ 10901 et seq.	35.01
53 P.S. § 10906	35.06
53 P.S. § 10908	155.284
53 P.S. § 10909.1	155.244
53 P.S. § 10910.2	35.09
53 P.S. § 10912.1	155.244
53 P.S. § 10916.1(a)(2)	155.244
53 P.S. § 10916.2	155.244
72 P.S. §§ 7301 to 7361	36.002
72 P.S. § 7303	36.002
72 P.S. §§ 8101-D et seq.	36.026
72 P.S. §§ 8101(C) et seq.	36.040
75 P.S. §§ 7301 et seq.	72.999

REFERENCES TO PENNSYLVANIA CODE

<i>Pa. Code Section</i>	<i>Code Section</i>
6 Pa. Code Part 1, Chapter 11, Subchapter A	155.176
25 Pa. Code Chapter 102	153.04, 153.99
25 Pa. Code Chapter 105	153.03, 153.06
25 Pa. Code Chapter 106	153.06
34 Pa. Code	151.022, 151.023, 151.065, 151.096
34 Pa. Code Chapters 401 through 405	150.01 , 151.061, 151.062, 151.065

REFERENCES TO PENNSYLVANIA CONSOLIDATED STATUTES

<i>Pa.C.S. Section</i>	<i>Code Section</i>
8 Pa.C.S. §§ 101 et seq.	10.02
8 Pa.C.S. §§ 1121 et seq.	33.01, 33.02
8 Pa.C.S. § 1202(5)	150.30
8 Pa.C.S. § 3301.5	10.01
8 Pa.C.S. §§ 3321 to 3324	10.99
18 Pa.C.S. § 5503	33.06
18 Pa.C.S. § 5505	33.06
18 Pa.C.S. § 5507	33.06
18 Pa.C.S. § 6308	33.06
53 Pa.C.S. Ch. 85, Subch. F	36.126
65 Pa.C.S. Ch. 7	155.021
75 Pa.C.S. §§ 101 et seq.	Ch. 77, Sch. IV
75 Pa.C.S. § 1005	32.15

REFERENCES TO PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED

<i>Pa.C.S.A. Section</i>	<i>Code Section</i>
18 Pa.C.S.A. §§ 101 et seq.	150.63
75 Pa.C.S.A. §§ 101 et seq.	70.01, 72.004, Ch. 78, Sch. I
75 Pa.C.S.A. § 3323(b)	Ch. 77, Sch. III, Ch. 77, Sch. IV
75 Pa.C.S.A. § 3323(c)	Ch. 77, Sch. III
75 Pa.C.S.A. § 3368	70.09
75 Pa.C.S.A. § 4902(a)	Ch. 77, Sch. V
75 Pa.C.S.A. § 4902(g)(1)	Ch. 77, Sch. V
75 Pa.C.S.A. §§ 6101 et seq.	70.09
75 Pa.C.S.A. § 6109(a)(22)	72.070
75 Pa.C.S.A. §§ 7301 et seq.	72.077
75 Pa.C.S.A. § 7311	72.077

REFERENCES TO RESOLUTIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
4/24/1898	4-24-1898	TSO III
7/6/1909	7-6-1909	Superseded
6/7/1910	6-7-1910	Superseded by Ord. 456
6/6/1911	6-6-1911	Superseded by Ord. 954
7/7/1911	7-7-1911	TSO VIII
3/11/1915	3-11-1915	TSO III
8/10/1915	8-10-1915	TSO III
8/16/1915	8-16-1915	TSO III
8/21/1915	8-21-1915	TSO III
4/13/1921	4-13-1921	TSO VIII
9/21/1922	9-21-1922	Superseded by Ord. 830
11/17/1927	11-17-1927	TSO VIII
6/3/1929	6-3-1929	Superseded
9/9/1929	9-9-1929	TSO I
11/12/1929	11-12-1929	TSO IV
4/11/1933	4-11-1933	TSO II
4/10/1934	4-10-1934	TSO V
9/16/1938	9-16-1938	TSO IV
9/16/1938	9-16-1938	TSO IV
4	2-14-1939	TSO II
7/2/1942	7-2-1942	TSO VIII
8	5-14-1974	TSO IV
9	5-14-1974	TSO IV

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
6/5/1897	6-5-1897	Expired
2	6-10-1897	Superseded by Ord. 8
3	6-5-1897	Superseded by Ord. 496
4	6-14-1897	Repealed
5	6-14-1897	Superseded by Ord. 677
6	6-28-1897	Superseded
7	7-19-1897	TSO VIII
8	8-2-1897	Repealed by Ord. 102
8/2/1897	8-2-1897	Repealed
9	8-11-1897	TSO III
10	9-6-1897	Superseded by Ord. 677
11	9-20-1897	TSO VIII
12	9-20-1897	TSO VIII
13	12-6-1897	Superseded
14	1- -1898	TSO VIII
14	2-4-1898	Superseded by Ord. 956
15	4-5-1897	TSO VIII
16	4-4-1898	TSO VIII
17	4-18-1898	Tax levy 1898
18	6-6-1898	TSO III
19	6-20-1898	TSO VIII
20	7-11-1898	TSO VIII
21	7-28-1898	TSO VIII
22	7-28-1898	TSO VIII
23	8-23-1898	TSO VIII
24	8-23-1898	TSO VIII
25	9-5-1898	TSO VIII
26	9-5-1898	TSO VIII
27	10-17-1898	TSO III
28	10-17-1898	TSO VIII
29	1-10-1899	TSO VIII
30	2-6-1899	TSO VIII
31	2-6-1899	TSO III
32	2-21-1899	TSO VIII

33	2-21-1899	TSO VIII
34	3-13-1899	TSO VIII
35	3-20-1899	TSO VIII
36	3-20-1899	TSO VIII
37	3-20-1899	TSO VIII
38	3-27-1899	TSO VIII
39	4-3-1899	TSO VIII
40	4-3-1899	Tax rate for 1899
41	--	Superseded by Ord. 906
42	6-5-1899	Superseded by Ord. 768
43	6-26-1899	TSO VII
44	7-3-1899	TSO VIII
45		Missing
46	4-17-1899	TSO VII
47	8-11-1899	TSO VIII
48	8-11-1899	TSO VIII
49	8-11-1899	TSO VIII
50	8-11-1899	TSO VIII
51	8-11-1899	TSO VIII
52	8-11-1899	TSO VIII
53	8-11-1899	TSO VIII
54	9-11-1899	TSO VIII
55	9-11-1899	TSO VIII
56	9-25-1899	TSO VIII
57	9-25-1899	TSO VIII
58	10-26-1899	Superseded by Ord. 334
59	10-26-1899	TSO III
60	11-6-1899	TSO VIII
61	12-4-1899	TSO VIII
62	2-5-1900	TSO VIII
63	3-5-1900	Superseded
64	3-5-1900	Deleted
65	3-5-1900	TSO VIII
66	3-5-1900	TSO VIII
67	3-5-1900	Superseded by Ord. 291
68	4-2-1900	Tax rate for 1900
69	5-7-1900	TSO VIII
70	5-21-1900	TSO VIII
71	5-24-1900	TSO VIII
72	5-21-1900	TSO VIII
73	7-2-1900	TSO VIII
74	7-5-1900	TSO VIII
75	8-6-1900	TSO VIII
76	--	Superseded
77	10-1-1900	Superseded by Ord. 116
78	1-7-1901	TSO VIII
79	3-4-1901	TSO VIII
80	3-4-1901	Tax rate for 1901
81	5-6-1901	TSO VIII
82	5-6-1901	TSO VIII
83	5-16-1901	TSO VIII
84	5-16-1901	TSO VIII
85	6-3-1901	TSO VIII
86	6-3-1901	TSO VIII
87	9-2-1901	TSO VIII
88	9-2-1901	TSO VIII
89	9-2-1901	TSO VIII
90	9-2-1901	TSO VIII
91	9-2-1901	TSO VIII
92	9-2-1901	TSO VIII
93	10-7-1901	TSO III
94	10-11-1901	Superseded by Ord. 456
95	10-7-1901	TSO VIII
96	11-14-1901	TSO VIII
97	2-3-1902	TSO VIII
98	2-28-1902	TSO VIII
99	2-28-1902	TSO VIII
100	4-7-1902	Tax rate for 1902
101	4-18-1902	TSO VIII
102	5-7-1902	Superseded
103	5-7-1902	TSO VIII

104	5-7-1902	TSO VIII
105	5-7-1902	TSO VIII
106	6-4-1902	TSO VIII
107	8-7-1902	TSO VIII
108	8-6-1902	TSO VIII
109	9-3-1902	TSO VIII
110	10-8-1902	TSO VIII
111	10-10-1902	TSO VIII
112	10-8-1902	TSO VIII
113	11-3-1902	TSO III
114	12-5-1902	TSO VIII
115	1-7-1903	TSO VIII
116	1-23-1903	Deleted
117	2-4-1903	Repealed
118	3-4-1903	TSO VIII
119	4-8-1903	TSO VIII
120	4-8-1903	Tax rate for 1903
121	4-8-1903	Superseded by Ord. 956
122	5-6-1903	TSO VIII
123	5-20-1903	TSO VIII
124	5-20-1903	Superseded by Ord. 956
125	5-20-1903	Superseded
126		Missing
127	6-3-1903	TSO VIII
128	11-18-1903	TSO III
129	12-9-1903	TSO VIII
130	12-9-1903	TSO VIII
131	3-9-1904	Superseded by Ord. 298
132	3-9-1904	Tax rate for 1904
133	4-6-1904	TSO III
134	8-3-1904	TSO VIII
135	8-17-1904	TSO VIII
136	9-7-1904	TSO VIII
137	9-7-1904	TSO VIII
138	9-7-1904	TSO VIII
139	10-5-1904	Deleted
140	10-5-1904	TSO VIII
141	10-5-1904	TSO VIII
142	12-9-1904	Superseded by Ord. 954
143	1-4-1905	TSO VIII
144	3-7-1905	Tax rate for 1905
145	5-2-1905	TSO VIII
146	5-2-1905	TSO VIII
147	6-6-1905	TSO VIII
148	6-6-1905	TSO VIII
149	6-6-1905	TSO VIII
150	6-6-1905	TSO VIII
151	7-6-1905	TSO VIII
152	7-6-1905	TSO VIII
153	7-6-1905	Superseded
154	7-6-1905	TSO VIII
155	7-6-1905	TSO VIII
156	8-8-1905	Deleted
157	8-8-1905	TSO III
158	9-5-1905	Superseded
159	9-5-1905	TSO VIII
160	9-5-1905	TSO VIII
161	9-5-1905	TSO VIII
162	10-3-1905	TSO VIII
163	11-7-1905	TSO VIII
164	11-7-1905	TSO VIII
165	1-2-1906	TSO VIII
166	3-5-1906	TSO VIII
167	3-5-1906	Tax rate for 1906
168	4-3-1906	TSO VIII
169	4-3-1906	TSO VIII
170	5-8-1906	TSO VIII
171	5-8-1906	TSO VIII
172	5-8-1906	TSO VIII
173	5-8-1906	TSO VIII
174	--1906	TSO VII

175	6-5-1906	TSO VIII
176	6-5-1906	TSO VIII
177	5-8-1906	TSO III
178	7-3-1906	TSO VIII
179	7-3-1906	TSO VIII
180	7-3-1906	TSO VIII
181	7-3-1906	TSO VIII
182	7-3-1906	TSO VIII
183	7-3-1906	TSO VIII
184	8-7-1906	TSO VIII
185	8-7-1906	TSO VIII
186	8-7-1906	Superseded
187	9-4-1906	TSO VIII
188	9-4-1906	Repealed by Ord. 191
189	11-6-1906	TSO VIII
190	11-6-1906	Deleted
191	11-6-1906	Repealed Ord. 188
192	11-6-1906	TSO VIII
193	11-6-1906	TSO VIII
194	12-4-1906	TSO VIII
195	12-4-1906	TSO VIII
196	12-4-1906	TSO VIII
197	12-4-1906	TSO VIII
198	--1907	Superseded by Ord. 979
199	2-5-1907	TSO VIII
200	2-5-1907	TSO VIII
201	3-4-1907	Tax rate for 1907
202	5-7-1907	TSO VIII
203	5-7-1907	TSO VIII
204	7-2-1907	TSO VIII
205	7-2-1907	TSO VIII
206	7-2-1907	TSO VIII
207	7-2-1907	TSO VIII
208	7-2-1907	TSO VIII
209	8-6-1907	TSO VIII
210	8-6-1907	TSO VIII
211	8-7-1907	TSO III
212	9-3-1907	TSO VIII
213	9-3-1907	TSO VIII
214	9-3-1907	TSO VIII
215	9-3-1907	TSO VIII
216	10-8-1907	TSO VIII
217	10-8-1907	TSO VIII
218	10-8-1907	TSO VIII
219	11-5-1907	TSO VIII
220	11-5-1907	TSO VIII
221	11-5-1907	TSO VIII
222	11-5-1907	TSO VIII
223	11-5-1907	TSO III
224	12-3-1907	TSO VIII
225	12-3-1907	TSO VIII
226	12-3-1907	TSO VIII
227	12-4-1907	TSO VIII
228	4-7-1908	Tax rate for 1908
229	6-5-1908	TSO III
230	4-24-1908	TSO VIII
231	4-24-1908	TSO VIII
232	6-2-1908	TSO VIII
233	6-2-1908	TSO VIII
234	6-2-1908	TSO VIII
235	6-2-1908	TSO VIII
236	8-4-1908	TSO VIII
237	8-4-1908	TSO VIII
238	8-4-1908	TSO VIII
239	8-4-1908	Superseded by Ord. 622
240	9-8-1908	TSO VIII
241	9-8-1908	TSO VIII
242	9-8-1908	TSO VIII
243	9-8-1908	TSO VIII
244	9-22-1908	TSO VIII

245	3-1-1909	Tax rate for 1909
246	5-4-1909	TSO VIII
247	6-8-1909	TSO VIII
248	6-8-1909	TSO VIII
249	6-8-1909	TSO VIII
250	6-8-1909	TSO VIII
251	6-8-1909	TSO VIII
252	6-8-1909	TSO VIII
253	6-8-1909	TSO VIII
254	6-8-1909	TSO VIII
255	6-8-1909	TSO VIII
256	6-8-1909	Superseded by Ord. 486
257	6-25-1909	TSO VIII
258	6-25-1909	TSO VIII
259	6-25-1909	TSO VIII
260	8-10-1909	TSO VIII
261	8-10-1909	TSO VIII
262	8-10-1909	TSO VIII
263	8-10-1909	TSO VIII
264	8-10-1909	TSO VIII
265	8-10-1909	TSO VIII
266	8-10-1909	TSO VIII
267	9-7-1909	TSO VIII
268	9-7-1909	TSO VIII
269	9-7-1909	TSO VIII
270	10-5-1909	Superseded by Ord. 906
271	11-2-1909	Deleted
272	11-2-1909	TSO III
273	3-1-1910	TSO VIII
274	3-7-1910	Tax rate for 1910
275	4-5-1910	TSO VIII
276	6-7-1910	TSO VIII
277	7-5-1910	TSO VIII
278	7-5-1910	TSO VIII
279	7-5-1910	Superseded
280	8-9-1910	TSO VIII
281	8-9-1910	TSO VIII
282	8-9-1910	TSO III
283	9-6-1910	TSO VIII
284	9-6-1910	TSO VIII
285	9-6-1910	TSO VIII
286	9-6-1910	TSO VIII
287	9-6-1910	TSO VIII
288	9-6-1910	TSO VIII
289	9-6-1910	TSO VIII
290	9-6-1910	Repealed
291	9-6-1910	Superseded by Ord. 538
292	10-10-1910	TSO VIII
293	10-10-1910	TSO VIII
294	11-18-1910	Superseded by Ord. 772
295	11-8-1910	TSO III
296	12-6-1910	TSO VIII
297	1-3-1911	Superseded
298	1-5-1911	Superseded
299	2-7-1911	TSO VIII
300	2-7-1911	TSO VIII
301	2-7-1911	TSO VIII
302	2-7-1911	TSO VIII
303	2-7-1911	TSO VIII
304	3-6-1911	TSO VIII
305	3-6-1911	TSO VIII
306	3-6-1911	TSO VIII
307	3-6-1911	TSO VIII
308	3-6-1911	TSO III
309	3-6-1911	Tax rate for 1911
310	4-6-1911	TSO VIII
311	4-6-1911	TSO VIII
312	4-6-1911	TSO VIII
313	4-6-1911	TSO VIII
314	4-6-1911	TSO VIII
315	4-6-1911	TSO VIII

316	4-6-1911	TSO VIII
317	4-6-1911	TSO VIII
318	4-6-1911	TSO VIII
319	4-6-1911	TSO VIII
320	4-13-1911	Superseded by Ord. 487
321	5-2-1911	TSO VIII
322	5-2-1911	TSO VIII
323	5-2-1911	TSO VIII
324	5-2-1911	TSO VIII
325	5-2-1911	TSO VIII
326	5-2-1911	TSO VIII
327	6-6-1911	TSO VIII
328	6-6-1911	TSO VIII
329	6-6-1911	TSO VIII
330	6-6-1911	TSO VIII
331	6-6-1911	TSO VIII
332	6-6-1911	TSO VIII
333	6-6-1911	TSO VIII
334	6-6-1911	51.01
335	7-7-1911	Superseded by Ord. 622
336	7-7-1911	Superseded
337	8-8-1911	TSO VIII
338	8-8-1911	TSO VIII
339	8-8-1911	TSO VIII
340	8-8-1911	TSO VIII
341	8-8-1911	TSO VIII
342	8-8-1911	TSO VIII
343	8-8-1911	TSO VIII
344	8-8-1911	TSO VIII
345	9-8-1911	TSO VIII
346	9-8-1911	TSO VIII
347	9-8-1911	TSO VIII
348	9-8-1911	TSO VIII
349		Missing
350	9-8-1911	TSO VIII
351	10-10-1911	TSO VIII
352	10-10-1911	TSO VIII
353	10-10-1911	TSO VIII
354	10-10-1911	TSO VIII
355	10-10-1911	TSO VIII
-/1912	--1912	TSO VIII
356	2-2-1912	Tax rate for 1912
357	3-5-1912	Superseded by Ord. 640
358	3-5-1912	TSO VIII
359	3-5-1912	TSO VIII
360	4-10-1912	TSO IV
361	4-12-1912	TSO III
362	4-26-1912	TSO III
363	--1912	TSO III
364	4-26-1912	TSO VIII
365	4-26-1912	TSO VIII
366	5-7-1912	TSO VIII
367	5-7-1912	TSO VIII
368	5-7-1912	TSO VIII
369	5-7-1912	Superseded
370	5-7-1912	TSO VIII
371	5-7-1912	TSO VIII
372	5-7-1912	TSO VIII
373	5-7-1912	TSO VIII
374	5-7-1912	TSO VIII
375	5-7-1912	TSO VIII
376	6-10-1912	TSO VIII
377	6-10-1912	TSO VIII
378	6-10-1912	TSO VIII
379	6-10-1912	TSO VIII
380	6-10-1912	TSO VIII
381	6-10-1912	TSO VIII
382	6-10-1912	TSO VIII
383	6-4-1912	TSO VIII
384	6-4-1912	TSO VIII

385	6-4-1912	TSO VIII
386	6-4-1912	TSO VIII
6/4/1912	6-4-1912	TSO VIII
387		Missing
388		Missing
389		Missing
390		Missing
391	8-6-1912	TSO VIII
392	8-6-1912	TSO VIII
393	8-6-1912	TSO VIII
394	8-6-1912	TSO VIII
395	8-6-1912	TSO VIII
396	8-6-1912	TSO VIII
397	8-6-1912	TSO VIII
398	8-6-1912	TSO VIII
399	8-6-1912	Superseded
400	8-6-1912	TSO VIII
401	8-20-1912	TSO VIII
402	9-3-1912	TSO VIII
403	9-3-1912	TSO VIII
404	9-3-1912	TSO VIII
405	9-3-1912	TSO VIII
406	9-3-1912	TSO VIII
407	9-3-1912	TSO III
408	9-18-1912	TSO III
409	10-8-1912	TSO VIII
410	10-8-1912	TSO VIII
411	10-14-1912	Superseded by Ord. 970
412	10-22-1912	TSO VIII
413	10-22-1912	TSO VIII
414	10-22-1912	TSO VIII
415	10-22-1912	TSO VIII
416	10-22-1912	TSO VIII
417	10-22-1912	TSO VIII
418	10-22-1912	TSO VIII
419	12-3-1912	TSO VIII
420	12-3-1912	TSO VIII
421	12-3-1912	TSO VIII
422		Missing
423	1-7-1913	TSO VIII
424	1-7-1913	TSO VIII
425	1-7-1913	TSO VIII
426		Tax rate for 1913
427	2-11-1913	TSO II
428	2-11-1913	TSO VIII
429	3-4-1913	TSO VIII
430	5-6-1913	TSO VIII
431	5-6-1913	TSO VIII
432		Missing
433	5-6-1913	TSO VIII
434	7-8-1913	TSO III
435	7-8-1913	TSO VIII
436	7-8-1913	TSO VIII
437	7-8-1913	TSO VIII
438	8-5-1913	TSO VIII
439	8-6-1913	154.01—154.03, 154.99
440	8-12-1913	TSO VIII
441	9-2-1913	TSO VIII
442	10-7-1913	TSO VIII
443	10-7-1913	TSO VIII
444	10-7-1913	TSO VIII
445	10-7-1913	TSO VIII
446	10-7-1913	TSO VIII
447	11-7-1913	TSO III
448	4-3-1914	TSO VIII
449	4-3-1914	TSO VIII
450	4-7-1914	Tax rate for 1914
451	4-7-1914	Superseded
452	6-19-1914	TSO VIII
453	6-19-1914	150.16
453	6-19-1914	150.15

454	6-19-1914	TSO II
455	7-14-1914	TSO VIII
456	7-14-1914	Superseded by Ord. 480
457	9-8-1914	TSO VIII
458	9-8-1914	Superseded
459	9-8-1914	Superseded by Ord. 791
460	10-12-1914	TSO II
461	10-13-1914	TSO VI
462	10-13-1914	Superseded
463	10-13-1914	Superseded
464	12-8-1914	TSO VI
465	1-12-1915	150.99
466	2-10-1915	Superseded by Ord. 622
467	4-19-1915	Tax rate for 1915
468	4-19-1915	TSO VIII
469	4-19-1915	Superseded
470	4-19-1915	TSO VIII
471	5-11-1915	TSO VIII
472	5-11-1915	TSO VIII
473	6-8-1915	TSO VIII
474	7-13-1915	Superseded by Ord. 956
475		Missing
476	9-14-1915	131.01, 131.99
477	9-16-1915	TSO III
478	9-14-1915	TSO VIII
479	12-18-1915	TSO III
480	1-3-1916	Superseded by Ord. 487
481	2-8-1916	TSO VIII
482	2-8-1916	TSO VIII
483	2-8-1916	TSO VII
484	3-20-1916	TSO III
485	3-15-1916	Tax rate for 1916
486	4-11-1916	Deleted
487	6-1-1916	Deleted
488	7-11-1916	TSO VIII
489	7-11-1916	TSO II
490	7-11-1916	Superseded
491	9-14-1916	TSO II
492	9-12-1916	TSO II
493	4-12-1917	Tax rate for 1917
494	8-14-1917	Superseded by Ord. 622
495	1-7-1918	Superseded by Ord. 956
496	1-7-1918	Superseded
497	5-14-1918	Tax rate for 1918
498	7-9-1918	TSO III
499	4-12-1919	Deleted
500	4-8-1919	TSO VIII
501	4-8-1919	TSO VIII
502	4-8-1919	TSO VIII
503	5-13-1919	Tax rate for 1919
504	5-13-1919	TSO VIII
505	5-13-1919	Superseded by Ord. 522
506	6-10-1919	TSO VIII
507	6-10-1919	TSO VIII
508	6-11-1919	Repealed by Ord. 515
509	6-10-1919	TSO VIII
510	7-8-1919	TSO VIII
511	7-8-1919	TSO VI
512	8-12-1919	TSO VIII
513	8-12-1919	TSO VIII
514	9-12-1919	Deleted
515	10-14-1919	Repealed Ord. 508
516	10-14-1919	TSO VIII
517	10-14-1919	TSO VIII
518	10-15-1919	TSO VIII
519	2-10-1920	Superseded by Ord. 622
520	6-20-1920	Tax rate for 1920
521	6-19-1920	Superseded by Ord. 781
522	6-8-1920	Deleted
523	7-13-1920	TSO VIII

524	7-13-1920	TSO II
525	9-10-1920	TSO VIII
526	4-12-1921	TSO VIII
527	4-20-1921	Tax rate for 1921
528	5-16-1921	TSO VIII
529	6-14-1921	TSO VIII
530	11-8-1921	TSO VIII
531	2-14-1922	TSO VIII
532	2-14-1922	TSO VIII
533	2-14-1922	TSO VIII
534	5-9-1922	Tax rate for 1922
535	9-15-1922	TSO III
536	11-14-1922	TSO III
537	2-13-1923	Superseded by Ord. 906
538	3-13-1923	Superseded by Ord. 979
539	2-8-1923	Tax rate for 1923
540	7-12-1923	TSO III
541	7-12-1923	TSO VI
542	6-12-1923	TSO VIII
543	6-12-1923	TSO VIII
544	4-8-1924	Tax rate for 1924
545	5-13-1924	Superseded
546	7-8-1924	Superseded by Ord. 807
547	7-8-1924	TSO VIII
548	9-12-1924	TSO VIII
549	9-11-1924	TSO VI
550	10-28-1924	TSO III
551	12-9-1924	TSO VIII
552	2-10-1925	TSO VIII
553	2-10-1925	TSO VIII
554	3-10-1925	TSO VIII
555	4-14-1925	Tax rate for 1925
556		Missing
557	5-12-1925	TSO VIII
558	5-12-1925	TSO VIII
559	5-12-1925	TSO VIII
560	5-12-1925	Superseded by Ord. 956
561	6-9-1925	Superseded by Ord. 894
562	7-14-1925	TSO VI
563	7-14-1925	TSO VIII
564	7-14-1925	TSO VIII
565	7-24-1925	TSO VIII
566	9-8-1925	TSO VIII
567	9-8-1925	TSO VIII
568	12-8-1925	TSO VIII
569	12-8-1925	Superseded by Ord. 677
570	3-12-1926	TSO VIII
571	4-13-1926	Tax rate for 1926
572		Missing
573	5-11-1926	Superseded
574	9-14-1926	TSO VIII
575	10-19-1926	Deleted
576	11-16-1926	Superseded
577	12-14-1926	TSO VIII
578	2-8-1927	TSO VI
579	4-11-1927	Tax rate for 1927
580	5-10-1927	TSO VIII
581	5-10-1927	TSO VIII
582	6-14-1927	TSO VIII
583	6-14-1927	TSO VIII
584	6-14-1927	TSO VIII
585	6-14-1927	TSO VIII
586	6-14-1927	TSO VIII
587	8-9-1927	TSO VIII
588	9-13-1927	TSO VIII
589	10-11-1927	TSO VIII
590	10-11-1927	TSO VIII
591	10-11-1927	TSO VIII
592	11-15-1927	TSO VIII
593	11-15-1927	TSO VIII
594	11-15-1927	TSO VIII

595	11-15-1927	TSO VIII
596	11-15-1927	TSO VIII
597	12-3-1927	TSO VIII
598		Missing
599		Missing
600	1-3-1928	TSO VIII
601	2-14-1928	Superseded
602	2-14-1928	TSO VIII
603	4-10-1928	TSO VIII
604	4-10-1928	TSO VIII
605	4-19-1928	Tax rate for 1928
606	5-8-1928	TSO VIII
607	5-8-1928	TSO VIII
608	7-10-1928	TSO VIII
609	7-10-1928	TSO VIII
610	7-10-1928	TSO VIII
611	8-14-1928	TSO III
612	8- -1928	TSO III
613	8-14-1928	TSO VIII
614	8-14-1928	TSO VIII
615	9-11-1928	TSO VIII
616	9-11-1928	TSO VIII
617	9-11-1928	TSO VIII
618	9-25-1928	TSO VIII
619	9-25-1928	TSO VIII
620	10-9-1928	TSO VIII
621	10-9-1928	TSO VIII
622	11-8-1928	Deleted
623	11-13-1928	TSO VIII
624	11-13-1928	TSO VIII
625		Missing
626	1-8-1929	TSO VI
627	2-11-1929	TSO VIII
628	2-11-1929	TSO VIII
629	1-21-1928	Deleted
630	3-12-1929	Tax rate for 1929
631	4-9-1929	TSO VIII
632	4-9-1929	TSO VIII
633	5-14-1929	TSO VIII
634	5-14-1929	TSO VIII
635		Missing
636	5-14-1929	TSO VIII
637	5-14-1929	TSO VIII
638	5-14-1929	TSO VIII
639	5-14-1929	TSO VIII
640	6-11-1929	Repealed
641	6-11-1929	TSO VI
642	7-9-1929	TSO VIII
643	7-9-1929	TSO VIII
644	7-16-1929	TSO VIII
645	11-12-1929	TSO VIII
646	11-12-1929	TSO VIII
647	11-12-1929	TSO VIII
648	12-10-1929	TSO VIII
649	5-13-1930	Tax rate for 1930
650	4-15-1930	TSO II
651	4-15-1930	TSO III
652	4-15-1930	TSO VI
653	8-21-1930	TSO VIII
654	10-14-1930	TSO VIII
655	10-14-1930	Superseded
656	12-9-1930	TSO IX
657	3-10-1931	Superseded
658	4-14-1931	Tax rate for 1931
659	5-14-1931	TSO VIII
660	3-12-1931	Superseded by Ord. 830
661	6-29-1931	TSO IV
662	11-8-1928	TSO IX
663	12-8-1931	TSO IX
664	12-8-1931	TSO II
665	1-29-1932	Superseded by Ord. 956

666	2-9-1932	TSO IV
667	3-8-1932	Superseded by Ord. 956
668	3-29-1932	TSO II
669	3-29-1932	TSO II
670		Missing
671	4-12-1932	Tax rate for 1932
672	--1932	Superseded
673	10-11-1932	Superseded by Ord. 956
674	10-11-1932	TSO VIII
675	1-30-1933	Superseded by Ord. 956
676	3-14-1933	TSO VIII
677	3-14-1933	Superseded by Ord. 1031
678	3-7-1933	Tax rate for 1933
679	3-9-1933	TSO III
680	5-17-1933	TSO VI
681	6-21-1933	TSO I
682	2-7-1934	TSO VIII
683		Missing
684	2-7-1934	TSO VIII
685	3-13-1934	TSO VIII
686	4-10-1934	TSO VIII
687	4-27-1934	TSO VI
688	5-18-1934	Tax rate for 1934
689	5-18-1934	TSO VIII
690	6-15-1934	Superseded by Ord. 956
691	6-15-1934	TSO IX
692	7-10-1934	TSO VIII
-/1935	--1935	Superseded
693	5-14-1935	Tax rate for 1935
694	6-18-1935	Superseded by Ord. 956
695	7-22-1935	TSO IX
696	8-10-1935	TSO VIII
697	2-18-1936	TSO II
698	5-12-1936	TSO VIII
699	5-26-1936	Superseded by Ord. 956
-	6-9-1936	TSO II
700	7-14-1936	Tax rate for 1936
701	7-14-1936	TSO VIII
702	7-14-1936	Superseded by Ord. 956
703	8-11-1936	TSO VIII
704	8-11-1936	TSO VIII
705	9-8-1936	TSO III
706	9-8-1936	TSO VIII
707	4-13-1937	Tax rate for 1937
708	10-8-1937	TSO VIII
709	2-8-1938	Superseded by Ord. 956
710	2-10-1938	TSO II
711	3-8-1938	TSO III
712		Missing
713	5-9-1939	TSO III
714		Missing
715	6-20-1939	TSO VIII
716		Missing
717	9-14-1939	TSO VIII
718	9-14-1939	TSO VIII
719	3-19-1940	Tax rate for 1940
720		Missing
721	3-19-1940	TSO VIII
722	6-12-1940	TSO III
723	6-12-1940	Deleted
724		Missing
725	11-18-1940	TSO VIII
726	11-18-1941	TSO VIII
727	12-22-1941	TSO IV
728	5-18-1942	TSO III
729		Missing
730	7-2-1942	TSO VIII
731	8-3-1942	TSO I
732	9-18-1942	TSO VIII
733	10-13-1942	TSO VIII
734	10-13-1942	TSO III

735		Missing
736		Missing
737		Missing
738		Missing
739		Missing
740		Missing
741		Missing
742	3-12-1947	Tax rate for 1947
743	4-11-1947	TSO III
744	3-12-1947	TSO IV
745		Missing
746	10-22-1947	Superseded by Ord. 956
747		Missing
748	3-10-1948	TSO I
749		Missing
750		Missing
751		Missing
752	12-19-1949	Deleted
753	3-15-1950	Tax rate for 1950
754	3-15-1950	TSO IX
755	7-8-1950	Repealed
756	8-16-1950	TSO VIII
757		Missing
758		Missing
759		Missing
760		Missing
761		Missing
762	4-1-1952	TSO III
763		Missing
764		Missing
765		Missing
766		Missing
767		Missing
768	7-29-1953	91.15, 91.99
769		Missing
770	12-16-1953	TSO VIII
771	12-18-1953	TSO VIII
772	1-8-1954	Superseded by Ord. 969
773		Missing
774	--1954	Superseded
775		Missing
776		Missing
777	9-23-1955	TSO VIII
778	12-9-1955	Superseded by Ord. 956
779	2-9-1956	Tax rate for 1956
780	3-8-1956	TSO II
781	9-13-1956	91.01
782	5-15-1957	TSO III
783	3-14-1957	TSO IV
784	3-27-1957	TSO IX
785	3-27-1957	Superseded
786	3-27-1957	TSO IV
787	4-11-1957	TSO IX
788		Missing
789	8-18-1957	Superseded
790	11-21-1957	Superseded
791	12-12-1957	132.01
792	12-12-1957	TSO IV
793		Missing
794	3-22-1958	Superseded
795	5-3-1958	TSO III
796	7-10-1958	Superseded by Ord. 900
797	7-10-1958	TSO VIII
798	7-14-1958	Superseded by Ord. 936
799	9-11-1958	Superseded by Ords. 869 and 963
800		Missing
801	12-10-1959	TSO IV
802		Missing
803	4-14-1960	TSO IX
804	5-12-1960	Superseded by Ord. 875

805	10-13-1960	Superseded by Ord. 1002
806	10-13-1960	Superseded by Ord. 858
807	1-12-1961	33.01—33.05
808		Missing
809	2-9-1961	TSO III
810	6-8-1961	TSO IV
811	3-18-1961	TSO VIII
812	10-18-1961	Superseded by Ord. 1002
813	11-18-1961	Superseded by Ord. 858
814	12-20-1961	TSO III
815		Missing
816	2-28-1962	TSO II
817	3-8-1962	TSO I
818	3-8-1962	TSO III
819	3-8-1962	TSO III
820	3-31-1962	TSO III
821	4-12-1962	Superseded
822	4-28-1962	32.01—32.03
823	6-15-1962	TSO III
824	10-11-1962	Superseded by Ord. 1002
825	10-11-1962	Superseded by Ord. 858
826	11-20-1962	TSO V
827	12-13-1962	TSO IV
828		Missing
829	2-14-1963	TSO V
830	5-9-1963	Repealed
831		Missing
832		Missing
833		Missing
834		Missing
835	8-12-1963	Superseded
836	9-12-1963	TSO IX
837	10-10-1963	TSO IX
838	10-10-1963	Superseded by Ord. 1002
839	10-10-1963	Superseded by Ord. 858
840		Missing
841	5-14-1964	TSO III
842	10-8-1964	Superseded by Ord. 1002
843	10-8-1964	Superseded by Ord. 858
844	12-10-1964	TSO VIII
845		Missing
846	5-20-1965	TSO IX
847	6-10-1965	Superseded
848	8-5-1965	Superseded by Ord. 894
849	10-7-1965	Superseded by Ord. 1002
850	11-7-1965	Superseded by Ord. 858
851	11-17-1965	TSO III
852		Missing
853	10-28-1966	Superseded by Ord. 1002
854	10-28-1966	Superseded by Ord. 858
855	10-28-1966	TSO VIII
856	11-10-1966	Superseded by Ord. 970
857		Missing
858	11-9-1967	Superseded
859		Missing
860	1-11-1968	Superseded by Ord. 865
861		Missing
862	4-11-1968	150.30—150.34
863	5-16-1968	Superseded
864	8-14-1968	Superseded
865	11-20-1968	36.075—36.082, 36.999
866		Missing
867	2-13-1969	TSO VIII
868	4-10-1969	TSO VIII
869	9-11-1969	150.45—150.48, 150.99
870	11-13-1969	TSO V
871		Missing
872	4-8-1970	Repealed
873	5-26-1970	TSO II
874		Missing
875	12-30-1970	Superseded by Ord. 972

876	12-30-1970	Superseded by Ord. 1036
877	3-16-1971	TSO III
878	8-17-1971	Superseded
879	10-19-1971	TSO IV
880	11-23-1971	Superseded
881	12-23-1971	TSO III
882	12-21-1971	TSO III
883	12-21-1971	TSO III
884		Missing
885	3-21-1972	TSO II
886	4-18-1972	TSO II
887	4-18-1972	Superseded
888	7-25-1972	Superseded by Ord. 956
889	8-15-1972	Superseded
890	9-19-1972	Superseded by Ord. 906
891	10-17-1972	Superseded
892		Missing
893	1-18-1973	Superseded
894	2-1-1973	31.15
895	12-4-1973	TSO III
896		Missing
897	1-22-1974	TSO IV
898	1-22-1974	Superseded by Ord. 956
899	4-16-1974	Superseded
900	5-14-1974	152.01—152.10, 152.99
901	6-11-1974	Superseded
902		Missing
903	7-22-1975	TSO IV
904		Missing
905	8-17-1976	35.01—35.10
906	11-16-1976	Deleted
907		Missing
908	12-27-1976	TSO III
909	7-19-1977	TSO IV
910	7-19-1977	TSO IV
911		Missing
912	6-20-1978	Superseded
913	7-18-1978	TSO IV
914		Missing
915	7-18-1978	TSO IV
916	11-20-1979	TSO II
917	12-29-1980	Tax rate for 1980
918	11-20-1979	TSO IV
919	8-19-1980	Deleted
920	12-10-1980	TSO IV
921	12-10-1980	Superseded
922	12-30-1980	Tax rate for 1981
923	9-15-1981	TSO II
924	11-17-1981	TSO II
925	12-29-1981	TSO II
926		Missing
927	2-16-1982	Superseded by Ord. 956
928		Missing
929	12-28-1982	Tax rate for 1983
930	3-10-1983	TSO II
931	4-6-1983	Superseded
932	10-18-1983	TSO IV
933	12-27-1983	Tax rate for 1984
934	7-17-1984	Superseded
935	9-18-1984	TSO II
936	9-18-1984	51.15—51.20, 51.99
937	12-27-1984	Tax rate for 1985
938	12-27-1984	TSO IV
939	12-27-1984	TSO III
940		Missing
941	10-15-1985	Superseded by Ord. 949
942	12-30-1985	Tax rate for 1986
943	2-18-1986	32.15—32.18
944	2-18-1986	Superseded
945		Missing
946	1-20-1987	Superseded

947	4-21-1987	Superseded
948	4-21-1987	Superseded
949	10-20-1987	72.090, 72.091, 72.999
950	12-28-1987	Tax rate for 1988
951	2-16-1988	Superseded by Ord. 1001
952	2-16-1988	Repealed Ord. 931
953	10-18-1988	Superseded by Ord. 954
954	10-15-1988	90.01—90.09, 90.99
955	12-29-1988	Tax rate for 1989
956	1-17-1989	31.01, 31.02
957	1-17-1989	Superseded by Ord. 1001
958	4-18-1989	TSO VIII
959	7-18-1989	TSO VIII
960	12-27-1989	Tax rate for 1990
961	1-6-1990	Superseded by Ord. 1001
962	3-20-1990	TSO II
963	5-19-1990	150.48
964	7-17-1990	TSO IV
965	12-27-1990	Tax rate for 1991
966	1-15-1991	Superseded
967	1-15-1991	Superseded by Ord. 1001
968	3-19-1991	35.25—35.29
969	3-19-1991	130.01—130.03, 130.99
970	8-20-1991	50.01, 50.04—50.08, 50.99
971	8-20-1991	50.20—50.30
972	12-17-1991	Superseded by Ord. 1036
973	12-17-1991	36.095
974	12-30-1991	Tax rate for 1992
975	6-16-1992	TSO IV
976	7-21-1992	TSO IV
977	12-30-1992	Tax rate for 1993
978	12-30-1992	Superseded by Ord. 994
979	3-16-1993	Superseded by Ord. 1078
980	3-16-1993	153.01—153.14, 153.99, Ch. 153, App. A
981	3-16-1993	TSO II
982	12-30-1993	Tax rate for 1994
983	5-17-1994	TSO VIII
984	7-19-1994	Deleted
985	7-19-1994	Superseded by Ord. 1001
986	7-19-1994	91.50—91.57, 91.99
987	7-21-1994	TSO IX
988	8-16-1994	Budget 1993
989	12-13-1994	36.110—36.113
990		Missing
991	2-21-1995	153.01—153.14, 153.99, Ch. 153, App. A
992	4-18-1995	TSO IV
993	6-20-1995	TSO IV
994	6-20-1995	92.01—92.04, 92.99
995	12-12-1995	TSO II
996	12-29-1995	TSO II
997	12-29-1995	Tax rate for 1996
998	3-11-1996	TSO IV
999	4-23-1996	Superseded
1000	4-23-1996	Superseded by Ord. 1004
1001	4-23-1996	37.01, 50.45—50.52, 50.99
1002	4-23-1996	36.006—36.010, 36.999
1003	7-16-1996	36.055—36.064, 36.999
1004	9-17-1996	37.01, 51.35—51.39
1005	11-19-1996	30.15—30.17, 30.20—30.24
1006	12-17-1996	Tax rate for 1997
1007	2-18-1997	TSO IV
1008	8-19-1997	TSO II
1009	8-19-1997	TSO IV
1010	12-16-1997	Tax rate for 1998
1011	2-17-1998	Superseded by Ord. 1074
1012	2-17-1998	TSO IV
1013	3-17-1998	37.01, 51.35
1014	4-21-1998	Superseded by Ord. 1024
1015	4-21-1998	Superseded by Ord. 1024
1016	5-20-1998	Superseded
1017	10-20-1998	30.16

1018	12-15-1998	Tax rate for 1999
1019	7-27-1999	TSO IX
1020	12-21-1999	Tax rate for 2000
1021	1-16-2001	Tax rate for 2001
1022	3-27-2001	50.04
1023	1-15-2002	Tax rate for 2002
1024	4-17-2002	92.30—92.36
1025	12-17-2003	Tax rate for 2003
1026	12-17-2002	150.48
1027	1-21-2003	72.003, 72.999
1028	2-18-2003	37.01, 50.46, 50.47, 50.50, 50.51, 50.99
1029	2-18-2003	TSO IV
1030	9-16-2003	111.01—111.04, 111.99
1031	9-16-2003	110.01—110.07, 110.99
1032	9-29-2003	TSO IV
1033	1-20-2004	37.01, 51.35
1034	1-20-2004	Tax rate for 2004
1035	1-20-2004	Deleted
1036	6-15-2004	150.01
1037	10-19-2004	150.02, 150.99
1038	12-21-2004	Tax rate for 2005
1039	12-21-2004	37.01, 51.35
1040	12-21-2004	37.01, 50.46, 50.47, 50.50
1041	12-21-2004	51.50—51.63, 51.99
1042	12-21-2004	30.16, 30.18, 30.19, 30.25
1043	1-18-2005	Superseded by Ord. 1056
1044	8-16-2005	Ch. 77, Sch. II
1045	10-18-2005	TSO IV
1046	12-20-2005	Tax rate for 2006
1047	12-20-2005	37.01, 51.35
1048	9-19-2006	76.01—76.08, 76.99
1049	10-17-2006	150.01
1050	12-19-2009	Tax rate for 2007
1051		Missing
1052	12-19-2006	37.01
1053	2-20-2007	TSO IV
1053-A	2-20-2007	37.01, 51.35
1054	6-19-2007	36.058
1055	7-19-2007	TSO II
1056	12-18-2007	36.125—36.137, 36.999
1057	12-18-2007	Tax rate for 2008
1058	12-18-2007	37.01, 51.35
1059	2-19-2008	TSO VIII
1060	4-15-2008	150.60—150.67, 150.99
1061	7-15-2008	TSO IV
1062	12-16-2008	Tax rate for 2009
1063	3-17-2009	Superseded
1064	12-15-2009	Tax rate for 2010
1065	12-15-2009	37.01, 51.35
1066	12- -2009	37.01, 51.35
1067	3-16-2010	Ch. 78, Sch. I
1068	9-21-2010	30.26, 30.28
1069	9-21-2010	33.06
1070	9-21-2010	72.004, 72.999
1071	12-21-2010	Tax rate for 2011
1072	12-21-2010	37.01, 51.35
1073	9-20-2011	Ch. 78, Sch. I
1074	10-18-2011	36.001—36.005
1075	12-20-2011	Tax rate for 2012
1076	12-20-2011	37.01, 51.35
1077	12-20-2011	37.01, 51.35
1078	4-17-2012	93.01—93.09, 93.99
1079	6-19-2012	90.10, 90.99
1080	10-16-2012	TSO IV
1081	10-16-2012	Ch. 78, Sch. I
1082	1-15-2013	Tax rate for 2013
1083	10-15-2013	50.02, 50.05
1084	12-17-2013	37.01, 51.35
1085	12-17-2013	Tax rate for 2014
1086	12-17-2013	37.01, 51.35
1087	12-16-2014	TSO IV

1087-1	12-17-2013	Not codified; one-time amnesty
1088	1-21-2014	TSO IV
1089	5-19-2014	155.001—155.006, 155.020, 155.021, 155.035—155.039, 155.050—155.056, 155.070—155.083, 155.095—155.109, 155.120—155.126, 155.140—155.192, 155.205—155.208, 155.220—155.225, 155.240—155.254, 155.265—155.268, 155.280—155.292, 155.305—155.318, Ch. 155, App. A, Ch. 155, App. B
1089-1	7-15-2014	Ch. 77, Sch. IV
1090	9-16-2014	151.001—151.007, 151.020—151.030, 151.045—151.049, 151.060—151.066, 151.080—151.083, 151.095, 151.096, 151.110, 151.111, 151.125, 151.126, 151.999
1091	12-16-2014	Tax rate for 2015
1092	12-16-2014	37.01, 51.35
1093	12-16-2014	37.01, 50.46, 50.47
1094	8-16-2016	30.01
1095.1	6-20-2017	30.27
1096	12-19-2017	Tax rate for 2018
1097	12-19-2017	37.01, 51.35
1098	12-19-2017	TSO IV
1099	12-19-2017	Ch. 78, Sch. I