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Part 1

Firemen's Relief Association

§101. Recognition of Firemen's Relief Association.

The Firemen's Relief Association of Shinglehouse Volunteer Fire Department Inc. is recognized as an organization formed for the purpose of maintaining an association for beneficial and protective purposes for its members and their families in case of death, sickness, temporary or permanent disability or accident from the funds collected therein.

(Ord. 174, 6/11/1985)

§102. Foreign Fire Insurance Tax Monies Received.

The Firemen's Relief Association of Shinglehouse is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(Ord. 174, 6/11/1985)

§103. 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 of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 72 P.S. §2262 (1982) as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania.

(Ord. 174, 6/11/1985)

Part 2

Police Pensions

§201. Establishment of Fund.

Under the provisions of the Borough Code as amended and any other statutes now or hereafter pertaining or purposes hereof, there is hereby authorized and established the purchase of retirement annuity contract or contracts for the police officer(s) of Shinglehouse Borough. The fund for such annuity contract or contracts shall be derived from payments to the Borough by the Auditor General of the State of Pennsylvania as derived from the foreign casualty insurance company tax. The cessation of such payments will automatically terminate any obligation by the Borough to make further purchases. Any money or property which the Borough may by gift, devise, grant or bequest, received for the benefit of such funds may be devoted to the purchase of additional or supplemental annuity contracts.

(Ord. 148, 6/12/1979, §1; as amended by Ord. 258, 12/8/2009)

§202. Borough to Own All Annuity Contracts.

The Borough shall be the owner of all annuity contracts purchased pursuant to the provisions of this Part 2. The management, supervision and terms of the contracts shall be determined by the Borough Council.

(Ord. 148, 6/12/1979, §2; as amended by Ord. 258, 12/8/2009)

§203. Members Entitled to Benefits.

All regular salaried officers and members of the Police force shall be entitled to the benefits of this Part 2 and contracts purchased under it. However, no officer or member who enters the force after the date of this Part 2 shall be entitled to any benefit resulting from purchases made by the fund or contributions to the fund before his entry.

(Ord. 148, 6/12/1979, §3; as amended by Ord. 258, 12/8/2009)

§204. Conditions and Limitations of Policies.

All such annuity policies shall be subject to the following conditions and limitations:

1. Vesting of any officer's or member's cash benefits shall be in accordance with the following schedule:

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Year of Service	% Vested After That Year
1	0
2	0
3	0
4	40%
5	45%
6	50%
7	60%
8	70%
9	80%
10	90%
11	100%

2. The term "vested cash benefits" shall refer only to benefits actually accrued in the officer's/member's account.
3. Any money remaining after all accrued cash benefits have been withdrawn from the account of an officer/member shall remain the property of the Shinglehouse Borough Police Pension Fund.

(Ord. 148, 6/12/1979, §4; as amended by Ord. 258, 12/8/2009)

§205. Retirement Eligibility.

1. Every full-time officer or member of the Police Force who shall have served for a total of 25 years and shall have reached the age of 55 years shall be entitled to retire. At age 62, any officer/member shall be entitled to retire. However, no officer/employee shall begin to be covered by the plan until he/she shall have completed one year of honorable service.
2. On retirement, the officer/member shall receive 50% of his/her average monthly salary during the 60 months immediately preceding retirement. The monthly income will be paid by a ten-year certain and life settlement provision.
3. If an officer/member is killed in the service, his/her surviving spouse shall be entitled to receive the entire accrued amount vested in the decedent's account.
4. If an officer/member becomes disabled for any reason, he/she shall be entitled to receive the full accrued amount vested in his/her account, or may choose to leave the said amount in the fund until such time as he/she decides to retire, if he/she has been honorably discharged because of such disability.

5. Should an officer/member be honorably discharged or voluntarily withdraws from the Police Force, he/she shall be paid the full vested cash value of the annuity policy or policies credited to him/her.

(Ord. 148, 6/12/1979, §5; as amended by Ord. 258, 12/8/2009) (Ord. 148, 6/12/1979, §5; as amended by Ord. 258, 12/8/2009)

Part 3

Borough Personnel

A. Compensation of Mayor and Borough Council

§301. Compensation of Borough Council Members.

The salaries of all members of the Borough Council of the Borough of Shinglehouse shall be set at \$20 per month payable on a quarterly basis.

(Ord. 160, 4/13/1982, §1)

§302. Compensation of the Mayor.

The salary of the Mayor of the Borough of Shinglehouse shall be set at \$20 per month payable on a quarterly basis.

(Ord. 160, 4/13/1982, §2)

B. Office of Secretary-Treasurer

§321. Office of Secretary-Treasurer Established.

It is hereby ordained that the office of Borough Secretary and Borough Treasurer may be held by one and the same person.

(Ord. 132, 1/12/1968, §1)

Part 4

Shade Tree Commission

§401. Establishment.

The Borough of Shinglehouse hereby creates and establishes a Shade Tree Commission constituted as provided by law in the Pennsylvania Borough Code and shall perform all the duties and exercise all the powers conferred by law on Shade Tree Commissions.

(Ord. 198, 11/12/1991, §1)

§402. Penalties.

Any person violating any provision of the shade tree regulations established by this Part¹ shall be subject to a fine of not more than \$100. Any person violating any provisions of the shade tree regulations addressing abuse or mutilization of public trees shall, upon conviction or plea of guilty, be guilty of a summary offense and shall be subject to a fine not to exceed \$300 and the cost of repair or replacement of said trees.

(Ord. 198, 11/12/1991, §2)

¹ Editor's Note: See Ch. 25, Trees.

CHAPTER 2

ANIMALS

Part 1

Keeping of Animals

- §101. Definitions
- §102. Responsibilities of Owners
- §103. Running at Large and Other Nuisances
- §104. Animals at Large: Tying in Streets
- §105. Restriction of Number
- §106. Disturbing the Peace
- §107. Treatment
- §108. Dangerous/Vicious Animals
- §109. Protection of Persons and Property
- §110. Diseased Animals
- §111. Keeping of Certain Animals Prohibited
- §112. Removal and Disposal of Dead Animals
- §113. Cleanliness of Enclosures
- §114. Animal Control Officers
- §115. Notification
- §116. Violations and Penalties
- §117. Redemption Fee
- §118. State Restrictions
- §119. Exemption

Part 1
Keeping of Animals

§101. Definitions.

ANIMAL - vertebrate member of the animal kingdom excluding humans.

CONFINEMENT - to detain or isolate an animal.

OWNER - any person or legal entity having possessory property right in any animal or who harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by them.

RUN AT LARGE/RUNNING AT LARGE - to be free of physical restraint or control and/or beyond the boundaries of the enclosed premises of the owner.

(Ord. 226, 10/13/1998, §1)

§102. Responsibilities of Owners. No person who owns, maintains, keeps or has custody of any animal shall fail to use all reasonable precautions to confine or contain such animal to the property of such person or the property which the owner, custodian or keeper has permission to use for such purpose.
(Ord. 226, 10/13/1998, §2)

§103. Running at Large and Other Nuisances. It shall be unlawful for any person or persons to permit any animal to become a nuisance in any way within the Borough of Shinglehouse.

A. It shall be unlawful for any person or persons to permit any animal to run at large within the Borough of Shinglehouse.

B. It shall be unlawful for any person or persons to allow or permit his or her animal to be upon any public or private property, including sidewalks, streets and public parks within the Borough of Shinglehouse unless said animal is on a leash, under voice control or upon property owned by the owner of said animal.

C. Any person or persons who keep or maintain an animal shall be responsible for the immediate removal of droppings when said animal is upon property other than that of the owner; said owner is required to carry and use a plastic bag and scoop or other suitable equipment for this removal.

(Ord. 226, 10/13/1998, §3)

§104. Animals at Large: Tying in Streets. No person shall cause or permit any animal to run at large in any public place or street in the Borough or tie or fasten any animal in any of the streets of the Borough of Shinglehouse. (Ord. 226, 10/13/1998, §4)

§105. Restriction of Number. It shall be unlawful for any person or persons to keep or maintain in excess of four (4) animals over six (6) months of age without written permission of the Borough Council and property owners within one hundred (100) feet of the confinement. Existing owners at the time of adoption are exempt. (Ord. 226, 10/13/1998, §5)

§106. Disturbing the Peace. No person shall harbor or keep any animal which disturbs the peace and quiet of the neighborhood. (Ord. 226, 10/13/1998, §6)

§107. Treatment. No person shall treat an animal in the Borough of Shinglehouse in a cruel or inhuman manner. Beating, underfeeding, overloading and abandoning animals shall be considered cruel and inhuman treatment within the meaning of this section. (Ord. 226, 10/13/1998, §7)

§108. Dangerous/Vicious Animals. No person shall maintain, keep, harbor or transport any dangerous or vicious animal (any animal which bites or in any other manner attacks or attempts to attack any person or other animal) or permits the same to run at large within the Borough of Shinglehouse. Exhibitions or parades of animals may be conducted only by securing the written permission of the Borough Council or its designated officer. (Ord. 226, 10/13/1998, §8)

§109. Protection of Persons and Property. Members of the Shinglehouse Borough Police Department or other designated Borough official are hereby authorized to kill any dangerous animal of any kind when it is necessary for the protection of persons or animals. (Ord. 226, 10/13/1998, §9)

§110. Diseased Animals. No person shall maintain or expose any animal that is afflicted with a contagious or infectious disease whereby the health of man or beast may be affected, nor shall any person ship any such diseased animal or remove it from the premises of the owner thereof except under the supervision of the Chief of Police or other designated Borough official. (Ord. 226, 10/13/1998, §10)

§111. Keeping of Certain Animals Prohibited.

1. No person shall house or maintain within the Borough of Shinglehouse any live chicken, turkey, pigeon or other domestic or wild fowl within seventy-five (75) feet of adjacent property owners without a variance signed by that property owner. The variance is subject to being revoked by a majority vote of Borough Council if the birds constitute a nuisance.

2. No person shall house or maintain within the Borough of Shinglehouse any reptile with an overall length in excess of three (3) feet nor any poisonous reptile regardless of length nor any poisonous arachnid.

3. No person shall house or maintain within the Borough of Shinglehouse any horse, pony, cow, sheep, swine or pig within one hundred and fifty (150) feet of the adjoining property without a variance from adjoining property owners.

4. With a change in property ownership, the same variance allowance will be retained by the new owner.

5. The variance may be revoked by a majority vote of Borough Council if said animals constitute a nuisance.

(Ord. 226, 10/13/1998, §11)

§112. Removal and Disposal of Dead Animals. It shall be the duty and obligation of all owners, lessors or occupiers of real property within the Borough of Shinglehouse to provide for the proper removal and disposal of any and all dead animals upon such real property. (Ord. 226, 10/13/1998, §12)

§113. Cleanliness of Enclosures. No person shall cause or allow any stable, house, hut, area or place where any animal is or may be kept to become unclean or unwholesome. (Ord. 226, 10/13/1998, §13)

§114. Animal Control Officers. Shinglehouse Borough Police Officers and such other persons designated by the Shinglehouse Borough Council shall act as animal control officers in the absence of the County Control Officers. Their duties shall include, but shall not be limited to, the following activities: taking into custody any and all animals found in violation of this Part and not restrained, leashed or secured upon the owner's property or property which the owner has permission to use and to convey the same to such shelter or pound as is from time to time designated by the Shinglehouse Borough Council. (Ord. 226, 10/13/1998, §14)

§115. Notification.

1. Any animal taken into custody by the Shinglehouse Borough officer because of a violation to this Part will be retained, if possible, in the Borough Barn on Mill Street for a period of no less than three (3) days. If during this time ownership is not established, the Borough Secretary will post a public notice eight and one-half by eleven (8½ x 11) inches in four (4) businesses, including the schools, seeking owners. In addition an ad in one (1) newspaper will be run for three (3) days. At the end of thirty (30) days a decision by the majority of the Council will determine further action.

2. The primary enclosure for the retained animal is to meet the specific guidelines outlined in the State's primary enclosure Ordinance No. 256, dated March, 1986.

(Ord. 226, 10/13/1998, §15)

§116. Violations and Penalties. The owner of any animal found violating the provisions of this Part shall, upon conviction, pay a fine of up to fifty dollars (\$50.00) plus costs for the first violation; one hundred dollars (\$100.00) plus costs for the second violation committed within a period of three hundred sixty-five (365) days; one hundred fifty dollars (\$150.00) plus costs for the third violation committed within a period of three hundred sixty-five (365) days; two hundred dollars (\$200.00) plus costs for the fourth violation committed within a period of three hundred sixty-five (365) days; and two hundred fifty dollars (\$250.00) plus costs for subsequent violations committed within a period of three hundred sixty-five (365) days. Failure to pay the above fines and costs shall subject the owner to arrest and imprisonment for a term not to exceed ten (10) days. (Ord. 226, 10/13/1998, §16)

§117. Redemption Fee. Any animal taken to a shelter or pound as provided for in §114 shall subject the owner of said dog or other animal to any additional cost or fee or charge imposed by such shelter or pound in addition to the fines and costs set forth in this Part. (Ord. 226, 10/13/1998, §17)

§118. State Restrictions. All other animals not mentioned in this Part, their housing and maintenance, are subject to State restrictions contained therein. (Ord. 226, 10/13/1998, §18)

§119. Exemption. Owners of existing animals mentioned in this Part at the time of its adoption are exempt from its provision. (Ord. 226, 10/13/1998, §19)

CHAPTER 3

BICYCLES

Part 1

Regulation of Pedalcycles

- §101. Definitions
- §102. Applicability of Traffic Laws to Pedalcycles
- §103. Penalty for Violation of Part
- §104. Responsibility of Parent or Guardian
- §105. Riding on Pedalcycles
- §106. Riding on Roadways and Pedalcycle Paths
- §107. Prohibited Activities
- §108. Articles Carried by Operator
- §109. Lamps and Other Equipment on Pedalcycles
- §110. Pedalcycles on Sidewalks and Pedalcycle Paths
- §111. Parking
- §112. Pedalcycle Helmets for Certain Persons
- §113. Penalties

Part 1

Regulation of Pedalcycles

§101. Definitions.

CHILD — any individual under the age of 12 years of age.

PEDALCYCLE — a vehicle propelled solely by human powered pedals.

(Ord. 237, 6/11/2002, §101)

§102. Applicability of Traffic Laws to Pedalcycles.

1. General rule. Every person riding a pedalcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Part, except as to special provisions in this Part and except as to those provisions of this Part which by their nature can have no application.
2. Application of Part. The provisions of this Part apply whenever a pedalcycle is operated upon any highway or upon any path set aside for the exclusive use of pedalcycles subject to the exceptions stated in subsection (1).

(Ord. 237, 6/11/2002, §102)

§103. Penalty for Violation of Part.

Any person violating any provision of this Part is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10.

(Ord. 237, 6/11/2002, §103)

§104. Responsibility of Parent or Guardian.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this Part relating to the operation of pedalcycles.

(Ord. 237, 6/11/2002, §104)

BICYCLES

§105. Riding on Pedalcycles.

1. Use of Seat by Operator. A person propelling a pedalcycle shall not ride other than upon or astride a permanent and regular seat attached to the pedalcycle.
2. Number of Riders. No pedalcycle shall be used to carry more persons at one time than the number for which the pedalcycle is designed and equipped except that an adult rider may transport a child in a pedalcycle child carrier which is securely attached to the pedalcycle or in a trailer which is towed by a pedalcycle.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this Part relating to the operation of pedalcycles.

(Ord. 237, 6/11/2002, §105)

§106. Riding on Roadways and Pedalcycle Paths.

1. General Rule. Except as provided in subsections (2) and (3), every person operating a pedalcycle upon a highway shall obey the applicable rules of the road as contained in this Section.
2. Operation on Shoulder. A pedalcycle may be operated on the shoulder of a highway and shall be operated in the same direction as required of vehicles operated on the roadway. All turns shall be made in accordance with the provisions of §3331 (relating to required position and method of turning) of Title 75 of Penna. Statutes.
3. Slower than Prevailing Speeds. A pedalcycle operated at slower than prevailing speed shall be operated in accordance with the provisions of §3301(b) of Title 75 of Penna. Statutes unless it is unsafe to do so.
4. One-Way Roadways. Any person operating a pedalcycle upon a roadway, which carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
5. Limitation on Riding Abreast. Persons riding pedalcycles upon a roadway shall ride in single file except on paths or parts of roadways set aside for the exclusive use of pedalcycles and can be done in a safe manner.

(Ord. 237, 6/11/2002, §106)

§107. Prohibited Activities.

1. No pedalcycle shall be operated unless it is in safe mechanical condition and in good working order at all times.
2. No pedalcycle shall be operated on any public sidewalk by:
 - A. Any person 12 years of age or over, at any time.
 - B. Any person of any age from one hour after sunset until one hour before sunrise.
3. No pedalcycle shall be operated in Assembly Park.

(Ord. 237, 6/11/2002, §107)

§108. Articles Carried by Operator.

No person operating a pedalcycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

(Ord. 237, 6/11/2002, §108)

§109. Lamps and Other Equipment on Pedalcycles.

1. **Lamps and Reflectors.** Every pedalcycle when in use between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the pedalcycle operator's path and visible from a distance of at least 500 feet to the front, a red reflector facing to the rear which shall be visible at least 500 feet to the rear and an amber reflector on each side. Operators of pedalcycles may supplement the required front lamp with a white flashing lamp, light-emitting diode or similar device to enhance their visibility to other traffic and with a lamp emitting a red flashing lamp, light-emitting diode or similar device visible from a distance of 500 feet to the rear. A lamp or lamps worn by the operator of a pedalcycle shall comply with the requirements of this subsection if the lamp or lamps can be seen at the distances specified.
2. **Audible Signal Devices.** A pedalcycle may be equipped with a device capable of giving a signal audible for a distance of at least 100 feet except that a pedalcycle shall not be equipped with nor shall any person use upon a pedalcycle any siren.
3. **Brakes.** Every pedalcycle shall be equipped with a braking system which will stop the pedalcycle in 15 feet from an initial speed of 15 miles per hour on a dry, level and clean pavement.

(Ord. 237, 6/11/2002, §109)

BICYCLES

§110. Pedalcycles on Sidewalks and Pedalcycle Paths.

1. Right-of-Way to Pedestrians. A person riding a pedalcycle upon a sidewalk or pedalcycle path used by pedestrians shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.
2. Business Districts. A person shall not ride a pedalcycle upon a sidewalk in a business district unless permitted by official traffic-control devices, nor when a usable pedalcycle-only lane has been provided adjacent to the sidewalk.

(Ord. 237, 6/11/2002, §110)

§111. Parking.

1. Sidewalks.
 - A. A person may park a pedalcycle on a sidewalk unless prohibited or restricted by an official traffic-control device.
 - B. A pedalcycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
2. Roadways.
 - A. A pedalcycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.
 - B. A pedalcycle may be parked on the roadway abreast of another pedalcycle or pedalcycles near the side of the roadway at any location where parking is allowed.
 - C. A person shall not park a pedalcycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.
 - D. In all other respects, pedalcycles parked anywhere on a highway shall conform with the provisions of Subchapter E of Chapter 33 (relating to stopping, standing and parking) of Title 75 of Penna. Statutes.

(Ord. 237, 6/11/2002, §111)

§112. Pedalcycle Helmets for Certain Persons.

1. General Rule. A person under 12 years of age shall not operate a pedalcycle or ride as a passenger on a pedalcycle unless the person is wearing a pedalcycle hel-

met meeting the standards of the American National Standards institute, the American Society for Testing and Materials, the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling or any other nationally recognized standard for pedalcycle helmet approved. This subsection shall also apply to a person who rides:

- A. Upon a pedalcycle while in a restraining seat attached to a pedalcycle; or
 - B. In a trailer towed by a pedalcycle.
2. **Helmet to Be Labeled.** Any helmet sold or offered for sale for use by operators and passengers of pedalcycles shall be labeled in accordance with the standard described in subsection (1), which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards.
- A. **Sale of Helmet.** No person shall sell or offer for sale for use by any operator or passenger of a pedalcycle a helmet which is not of a type meeting the requirements established by this Section.
 - B. **Waiver of Fine.** If a person receives a citation issued by the proper authority for violation of subsection (1), a district justice magistrate or judge shall dismiss the charges if the person prior to or at his hearing displays evidence of acquisition of a helmet meeting the standards prescribed in subsection (1) to such district justice, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidence by a notarized letter.
 - C. **Exemption.** This Section shall not apply to a child under 12 years of age who can produce a statement from the family's church authorities attesting that it is against the tenets of the family's religion to wear a helmet.
3. **Civil actions.** In no event shall a violation or alleged violation of subsection (1) be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of subsection (1), nor shall failure to use a pedalcycle helmet be considered as contributory negligence nor shall failure to use a pedalcycle helmet be admissible as evidence in the trial of any civil action.
4. **Penalty.** Notwithstanding any other provisions of law, any violation of subsection (1) is punishable by a fine not to exceed \$10, in addition to all penalties, assessments and court costs imposed on the convicted person. The parent or legal guardian having control or custody of a person under 12 years of age whose conduct violates this section shall be jointly and severally liable with the person for the amount of the fine imposed if knowledgeable of wrongful conduct.

BICYCLES

5. Definitions. As used in this Section, the term "wearing a pedalcycle helmet" means having a pedalcycle helmet of good fit fastened securely upon the head with the helmet straps.

(Ord. 237, 6/11/2002, §112)

§113. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$10, plus costs.

(Ord. 237, 6/11/2002, §113)

CHAPTER 4
BUILDINGS

PART 1
Dangerous Structures

- § 4-101. Definitions.
- § 4-102. Dangerous Buildings Declared Nuisances.
- § 4-103. Standards for Repair, Vacation, or Demolition.
- § 4-104. Duties of Enforcement Officer.
- § 4-105. Hearings.
- § 4-106. Removal of Notice Prohibited.
- § 4-107. Emergency Cases.
- § 4-108. Abatement by Borough.
- § 4-109. Penalties.

PART 2
Numbering of Buildings

- § 4-201. Title.
- § 4-202. Purpose.
- § 4-203. Numbering Required.
- § 4-204. Proper Address Signage.
- § 4-205. Exemptions.
- § 4-206. Risk of Noncompliance Warning.
- § 4-207. Enforcement.
- § 4-208. Penalty for Violation.
- § 4-209. Severability.

PART 1
Dangerous Structures

§ 4-101. Definitions. [Ord. No. 267, 7/9/2013¹]

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

1. Editor's Note: This ordinance superseded former Part 1, Dangerous Structures, adopted by Ord. 174, 6/11/1985.

BUILDING — An independent structure having a roof supported by columns or walls resting on its own foundation, and includes dwelling, garbage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

DANGEROUS BUILDING — All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- B. Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public;
- E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin-infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;
- F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public;
- G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public;
- H. Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public;
- I. Those existing in violation of any provision of the Building Code, Fire Prevention Code, or other ordinances of the Borough of Shinglehouse.

DWELLING — Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT — Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

ENFORCEMENT OFFICER — The Building Code Official appointed by the Borough Council to enforce the state-mandated building codes will be the same official enforcing this Part.

EXTERMINATION — Control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible materials that may serve as their food, poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

GARBAGE — Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION — Presence, within or around a dwelling, of any insects, rodents or other pests.

OWNER — Person who, alone or jointly or severally with others:

- A. Shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or
- B. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON — Any individual, firm, corporation, association or partnership, or other legal entity.

PROPERTY — A piece, parcel, lot or tract of land.

RUBBISH — Combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

STRUCTURE — Anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

2. Whenever the words "dwelling," "dwelling unit," or "premises" are used in this Part, they shall be construed as though they were followed by the words "or any part thereof."

§ 4-102. Dangerous Buildings Declared Nuisances. [Ord. No. 267, 7/9/2013]

All dangerous buildings within the terms of § 4-101 of this Part are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein provided.

§ 4-103. Standards for Repair, Vacation, or Demolition. [Ord. No. 267, 7/9/2013]

1. The following standards shall be followed in substance by the enforcement officer of the Borough in ordering repair, vacation, or demolition:
 - A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.
 - B. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.
 - C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the enforcement officer. The enforcement officer shall remove such placard whenever the defect or defects upon which the placarding action was based have been eliminated.
 - D. If a dangerous building is 50% or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of the Borough or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished, provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.

§ 4-104. Duties of Enforcement Officer. [Ord. No. 267, 7/9/2013]

1. The enforcement officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of § 4-101 above.
2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the enforcement officer shall issue a written notice to the person or persons responsible therefor. The notice:
 - A. Shall be in writing;

- B. Shall include a statement of the reasons it is being issued;
 - C. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure;
 - D. Shall be served upon the owner, or his agent, or the occupant, as the case may require.
 - (1) Except in emergency cases and where the owner, occupant, lessee, or mortgagee is absent from the Borough, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of the commonwealth.
 - (2) Except emergency cases, in all other cases where the owner, occupant, lessee, or mortgagee is absent from the Borough, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.
 - E. May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part and with the rules and regulations adopted pursuant thereto.
3. Appear at all hearings and testify as to the condition of dangerous buildings.

§ 4-105. Hearings. [Ord. No. 267, 7/9/2013]

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part may request and shall be granted a hearing on the matter before the enforcement officer, provided, that such person shall file with the enforcement officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the enforcement officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 20 days after the day on which the petition was filed.

2. Any aggrieved party may appeal the final order to the Borough Council in accordance with the provisions of the Local Agency Law.²

§ 4-106. Removal of Notice Prohibited. [Ord. No. 267, 7/9/2013]

No person shall remove or deface the notice of dangerous building, except as provided in § 4-103, Subsection 3.

§ 4-107. Emergency Cases. [Ord. No. 267, 7/9/2013]

Whenever the enforcement officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the enforcement officer shall continue such order in effect, or modify or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

§ 4-108. Abatement by Borough. [Ord. No. 267, 7/9/2013]

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the enforcement officer within the time specified in the notice issued by the enforcement officer, the enforcement officer shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided. The Borough may collect the cost of such repair, vacation or demolition together with a penalty of 10% of such cost, in the manner provided by law.

§ 4-109. Penalties. [Ord. No. 267, 7/9/2013]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300, and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

2. Editor's Note: See 2 Pa.C.S.A. § 551 et seq.

PART 2

Numbering of Buildings

§ 4-201. Title. [Ord. No. 265, 9/11/2012]

This Part shall be known as the "Building Numbering Ordinance."

§ 4-202. Purpose. [Ord. No. 265, 9/11/2012]

It is the purpose of this Part to establish a system of numbering all parcels on which there is located any house, building, natural gas well, oil well, windmill, public or private utility facility or other structure located in Shinglehouse Borough, whether on a public or private street or road, so that police, ambulance, fire and other emergency responder services can locate a building, structure or persons requiring emergency services.

§ 4-203. Numbering Required. [Ord. No. 265, 9/11/2012]

It is and it shall be the duty of the owner of any house, building, natural gas well, oil well, windmill, public or private utility facility or other structure located in Shinglehouse Borough, whether on a public or private street or road, to cause the same to be numbered with its official building number assigned by Shinglehouse Borough in cooperation with the Potter County Department of Emergency Services for incorporation into the 911 MSAG system. All persons required to number existing houses, buildings, natural gas wells, oil wells, windmills, public or private utility facilities or other structures shall contact the Potter County Department of Emergency Services and secure from the MSAG Coordinator an assigned building number and official street or road name.

§ 4-204. Proper Address Signage. [Ord. No. 265, 9/11/2012]

1. The property address sign displaying the building number shall be placed so that the number is clearly visible from the street.
2. All inaccurate, obsolete or nonconforming numbers shall be removed when a new number has been assigned, or when so directed by the Borough Council.

§ 4-205. Exemptions. [Ord. No. 265, 9/11/2012]

1. The following buildings shall be exempt from the requirements of this Part:
 - A. Farm buildings and structures necessary to a farm operation.
 - (1) Buildings used for the retail sale of products grown on the farm or used as the farm residence are not exempt.
 - (2) Any building with a landline telephone located inside is not exempt.

- B. Dwellings not used for living accommodations.
- C. Buildings or structures not used or intended for human habitation or occupation.
 - (1) Gas wells, oil wells, windmills and any public or private utility facilities are not exempt.

§ 4-206. Risk of Noncompliance Warning. [Ord. No. 265, 9/11/2012]

1. Structure/property owners who do not comply with the street numbering or road name signage regulations of this Part increase their risk of injury, loss of life, and/or damage to or loss of property by delaying the response time of emergency personnel to an event occurring at their property location.
2. The Borough Council reserves the right to enforce this Part as described in §§ 4-207 and 4-208 when noncompliance puts other citizens and/or property at risk.

§ 4-207. Enforcement. [Ord. No. 265, 9/11/2012]

1. Once determined that a structure/property owner has not complied with the street numbering or road name signage regulations of this Part, the Borough Council or their designated representative(s), with the Council's consent, may pursue any or all of the following enforcement remedies:
 - A. The Borough Council may issue written notice of the violation and the need to comply within 30 calendar days from the date of the notice to the owner(s) of the building, structure or property which has not been numbered in accordance with these regulations.
 - B. In the event that the owner(s) of the building, structure or property do/does not comply within 30 calendar days from the date of the notice, the Borough Council may issue a written second notice directing the owner(s) of the building, structure or property in violation of this Part to comply with the applicable requirements of this Part within 10 calendar days. Any person who is aggrieved by any order issued pursuant to this Part may appeal to the office of the Shinglehouse Borough by filing a written notice of appeal with the Borough Secretary within 10 days of the date of the subject order or notice.
 - C. In the event the structure/property owner(s) fail(s) or refuse(s) to take action in accordance with the notices and an order issued pursuant to this Part, the Borough Council may provide the signage, as necessary to bring the structure/property owner into compliance with the standards established in this Part. The Borough Council may recover the cost of materials and labor for the purchase and installation of signage from the structure/property owner(s), including but not

limited to reasonable administrative fees, interest or other charges allowed by law. In the event the owner(s) of the subject structure/property fail(s) to pay the loss of such installation as determined and approved by the Borough Council, the Borough Council may institute proceedings at law to collect the full cost together with all penalties, interest, fees, and other charges incurred against the structure/property owner(s) and collect same as a municipal lien or may take other action to collect these sums as may be permitted by law.

§ 4-208. Penalty for Violation. [Ord. No. 265, 9/11/2012]

Any structure/property owner(s) who shall be found to have willfully engaged in the prohibited unlawful conduct as set forth in § 4-206 of this Part or who shall willfully fail to comply with any order to comply with the street numbering regulations shall be guilty of a summary offense and shall upon conviction be sentenced to pay a fine of no less than \$100 and no more than \$300 together with court costs. Upon default in payment of the fine, the structure/property owner(s) shall be sentenced to imprisonment for not more than 90 days.

§ 4-209. Severability. [Ord. No. 265, 9/11/2012]

If any sentence, section, or part of this Part is found to be unconstitutional, illegal, or invalid, such finding shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the intent that this Part would have been adopted had such part not been included.

CHAPTER 5

CODE ENFORCEMENT

Part 1

Uniform Construction Code

- §101. Electing to Administer**
- §102. Adoption of Uniform Construction Code**
- §103. Administration and Enforcement**
- §104. Board of Appeals**
- §105. Prior Enactments**
- §106. Fees**

Part 1

Uniform Construction Code

§101. Electing to Administer.

The Borough of Shinglehouse hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.

(Ord. 237, 6/11/2002, §1)

§102. Adoption of Uniform Construction Code.

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Municipality.

(Ord. 237, 6/11/2002, §2)

§103. Administration and Enforcement.

Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by resolution:

- A. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Municipality;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Municipality;
- E. 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.

(Ord. 237, 6/11/2002, §3)

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§104. Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of this Municipality 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.

(Ord. 237, 6/11/2002, §4)

§105. Prior Enactments.

1. All building code ordinances or portions of ordinances which were adopted by this Municipality 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 Part 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 Municipality not governed by the Code shall remain in full force and effect.

(Ord. 237, 6/11/2002, §5)

§106. Fees.

Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the governing body by resolution from time to time.

(Ord. 237, 6/11/2002, §6)

CHAPTER 6

CONDUCT

Part 1

Curfew

- §101. Definitions and Interpretation**
- §102. Purposes**
- §103. Curfew; Exceptions**
- §104. Parents Not to Permit Violation**
- §105. Procedure Upon Violation**
- §106. Penalties**
- §107. Procedure in Case of Repeated Violations or Other Factors Interfering With Enforcement**
- §108. Police Discretion in Age Determination**

Part 2

Loitering

- §201. Definitions**
- §202. Certain Types of Loitering Prohibited**
- §203. Request to Leave**
- §204. Penalties**

Part 3

Disturbance of the Peace

- §301. Title**
- §302. Unlawful Acts**
- §303. Standards**
- §304. Penalties**

Part 4

Discharge of Firearms

- §401. Discharge of Firearms Prohibited**
- §402. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted**
- §403. Exceptions**
- §404. Penalties for Violation**

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§405. Effective Date

Part 5

Prohibiting Alcoholic Beverages on Streets and Public Places

- §501. Definitions**
- §502. Consumption**
- §503. Possession**
- §504. Exceptions**
- §505. Penalty**

Part 6

Tobacco

- §601. Possession or Use by Minors Prohibited**
- §602. Penalty**
- §603. Definitions**

Discharge of Firearms Map

Part 1

Curfew

§101. Definitions and Interpretation.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

MINOR — person under the age of 18 years.

PARENT — any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Part, "parent" shall mean one or both parents.

PUBLIC PLACE — any public street, alley, sidewalk, park, playground, public building or vacant lot in the Borough of Shinglehouse.

REMAIN — to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

In this Part, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 157, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§102. Purposes.

This is a Curfew Ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Borough from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare. (Ord. 157, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§103. Curfew; Exceptions.

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Borough, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough, between the hours of 10:00 p.m. and 5:00 a.m. on the following day. Exceptions to the above are the following:

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1. Minor accompanied by parent, guardian, or other person having legal care or custody of such minor.
2. Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.
3. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.
4. Minor on an emergency errand.
5. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection 2 above.

(Ord. 157, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§104. Parents not to Permit Violation.

It is hereby made unlawful for any parent, guardian, or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Part without legal justification therefore. (Ord. 157, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§105. Procedure upon Violation.

Any minor found upon the streets, alleys, parks or public places within the Borough in violation of §102 shall be taken into custody by the Borough police or legally deputized individual, be delivered to his parent(s), guardian, or person having the legal custody of said minor, and be given a copy of this ordinance. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of §102, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Part. Upon the third violation, said parent, guardian or person will be remanded to the district justice for disposition. (Ord. 157, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§106. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or to imprisonment for a term not to exceed 90 days. (Ord. 157, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§107. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement.

Any minor who shall violate this Part more than three times may, at the discretion of the proper Borough officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of §102 of this Part cannot be made effective by the imposition of fines and penalties. (Ord. 157, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§108. Police Discretion in Age Determination.

The police officers of the Borough in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail. (Ord. 157, 3/9/1982; as revised by Ord. 174, 6/11/1985)

Part 2

Loitering

§201. Definitions.

As used in this Part 2, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LOITERING — remaining idle essentially in one location; lingering; spending time idly; loafing or walking about aimlessly in one vicinity or neighborhood; or “hanging around.”

PUBLIC PLACE — any place to which the public has access including any public street or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business.

(Ord. 158, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§202. Certain Types of Loitering Prohibited.

No person shall loiter in a public place in such manner as to:

1. create or cause to be created a danger of a breach of the peace.
2. create or cause to be created any annoyance to any person or persons.
3. obstruct the free passage of pedestrians or vehicles.
4. obstruct, molest or interfere with any person lawfully in any public place as defined in §201 of this Part 2. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(Ord. 158, 3/9/1982; as revised by Ord. 174, 6/11/1985)

§203. Request to Leave.

Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in §202 of this Part 2, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section. (Ord. 158, 3/9/1982; as revised by Ord. 174, 6/11/1985)

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§204. Penalties.

Any person, who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or to imprisonment for a term not to exceed 90 days. (Ord. 158, 3/9/1982; as revised by Ord. 174, 6/11/1985)

Part 3

Disturbance of the Peace

§301. Title.

This Part 3 shall be known and may be cited as Ordinance No. 173, entitled "Disturbance of the Peace." (Ord. 173, 6/11/1985, §1)

§302. Unlawful Acts.

It shall be unlawful for any person to wilfully make or continue or cause to be made or continued, or permit any animal, vehicle, and/or equipment subject to the control or operation by said person, of any loud unnecessary or unusual noise which disturbs the peace of mind of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. (Ord. 173, 6/11/1985, §2)

§303. Standards.

The standards which shall be considered in determining whether a violation of the provisions of this Part exists shall include, but not be limited, to the following:

1. The volume of the noise;
2. The intensity of the noise;
3. Whether the nature of the noise is usual or unusual;
4. The volume and intensity of the background noise, if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature and zoning of the area within which the noise emanates;
7. The density of the inhabitation of the area within which the noise emanates;
8. The time of the day or night the noise occurs;
9. The duration of the noise;
10. Whether the noise is recurrent, intermittent, or constant; and
11. Whether the noise is produced by a commercial or noncommercial activity.

(Ord. 173, 6/11/1985, §3)

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§304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. (Ord. 173, 6/11/1985, §4; as amended by Ord. 174, 6/11/1985)

Part 4

Discharge of Firearms

§401. Discharge of Firearms Prohibited.

Except in necessary defense of person, and/or property and except as provided in §403 of this Part 4, it shall be unlawful for any person to use firearms or discharge any gun or other firearm within the Borough. (Ord. 184, 9/3/1988, §1)

§402. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted.

It shall be unlawful for any person to discharge any air rifle, spring guns, spring pistol, B.B. guns, bow and arrows, or similar devices, 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 is provided in §403 of this Part 4. (Ord. 184, 9/13/1988, §2)

§403. Exceptions.

This Part 3 shall not apply to:

1. Members of any organization incorporated under the laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under control of such organization.
2. Any law enforcement officer when used in the discharge of his official duty.
3. The use of firearms or discharge of any gun or other firearm shall be permitted for hunting purposes only during those seasons established by the Commonwealth of Pennsylvania for hunting in the following areas:
 - A. That certain area bounded on the south by the north bank of Honeoye Creek, bounded on the east by the Borough line, bounded on the north by the Borough line, and bounded on the west by an imaginary line drawn due north at a right angle from the confluence of Oswayo Creek and Honeyoe Creek.
 - B. That property known as Old Reservoir Hill from the treeline back to the Borough line on property designated as of June, 1988, on the Potter County Assessment Map as Parcels 240-001-035, 240-001-036 and 240-001-037.
 - C. All of that property lying south and west of the southern and western bank of Oswayo Creek.

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All of the property on which the discharge of firearms is permitted for hunting in the Borough is more specifically defined in the shaded on the attached map which is incorporated herein.¹

The use of any firearms in these designated hunting areas shall be in accordance with the laws of the Commonwealth of Pennsylvania.

(Ord. 184, 9/13/1988, §3)

§404. Penalties for Violation.

Any person who shall violate any provision of this Part 4 shall upon conviction thereof be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days. (Ord. 184, 9/13/1988, §4)

§405. Effective Date.

This Part 4 shall be effective on the 13th day of September, 1988. (Ord. 184, 9/13/1988, §5)

¹ Editor's Note: Said map is included at the end of this chapter.

Part 5

Prohibiting Alcoholic Beverages on Streets and Public Places

§501. Definitions.

Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

ALCOHOLIC BEVERAGES — any spirits, wine, beer, ale or other liquid containing more than 1/2 of a percent of alcohol by volume which is fit for beverage purposes.

CONTAINERS — any bottle, can or other vessel in which alcoholic beverages are contained.

(Ord. 205, 12/8/1992, §1)

§502. Consumption.

No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, throughfare or other public property within the Shinglehouse Borough, nor shall any person consume any alcoholic beverage within five feet of any public way or throughfare while on private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof. (Ord. 205, 12/8/1992, §2)

§503. Possession.

No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, throughfare or other public property within the Shinglehouse Borough, nor shall any person possess any container or alcoholic beverage within five feet of any public way or throughfare while on private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof. (Ord. 205, 12/8/1992, §3)

§504. Exceptions.

Provided however, that the provisions of §§502, and 503, above, shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in §501 hereof; and, provided further,

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that the provisions of said §§502 and 503 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee. (Ord. 205, 12/8/1992, §4)

§505. Penalty.

Whosoever violates any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or to be imprisoned for a period not to exceed 90 days. (Ord. 205, 12/8/1992, §5)

Part 6

Tobacco

§601. Possession or Use by Minors Prohibited.

It shall be unlawful for any minor under the age of 18 years of age to use or possess tobacco, in any form, within the Borough of Shinglehouse, on any Borough-owned property, or on any public street, highway, trafficway, alley or sidewalk within the Borough of Shinglehouse.

(Ord. 247, 9/12/2006)

§602. Penalty.

A violation of this Part shall be a summary offense, and any person who violates this Part shall, upon conviction, be sentenced to pay a fine of up to \$50 and costs of prosecution, for each offense thereof.

(Ord. 247, 9/12/2006)

§603. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

ALLEY — a street or highway intended to provide access to the rear or side of lots of buildings and not intended for the purpose of vehicular traffic.

HIGHWAY — the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on the grounds of a public or private school or public or historical park.

ROADWAY — that portion of the highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder.

SIDEWALK — that portion of a street between curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

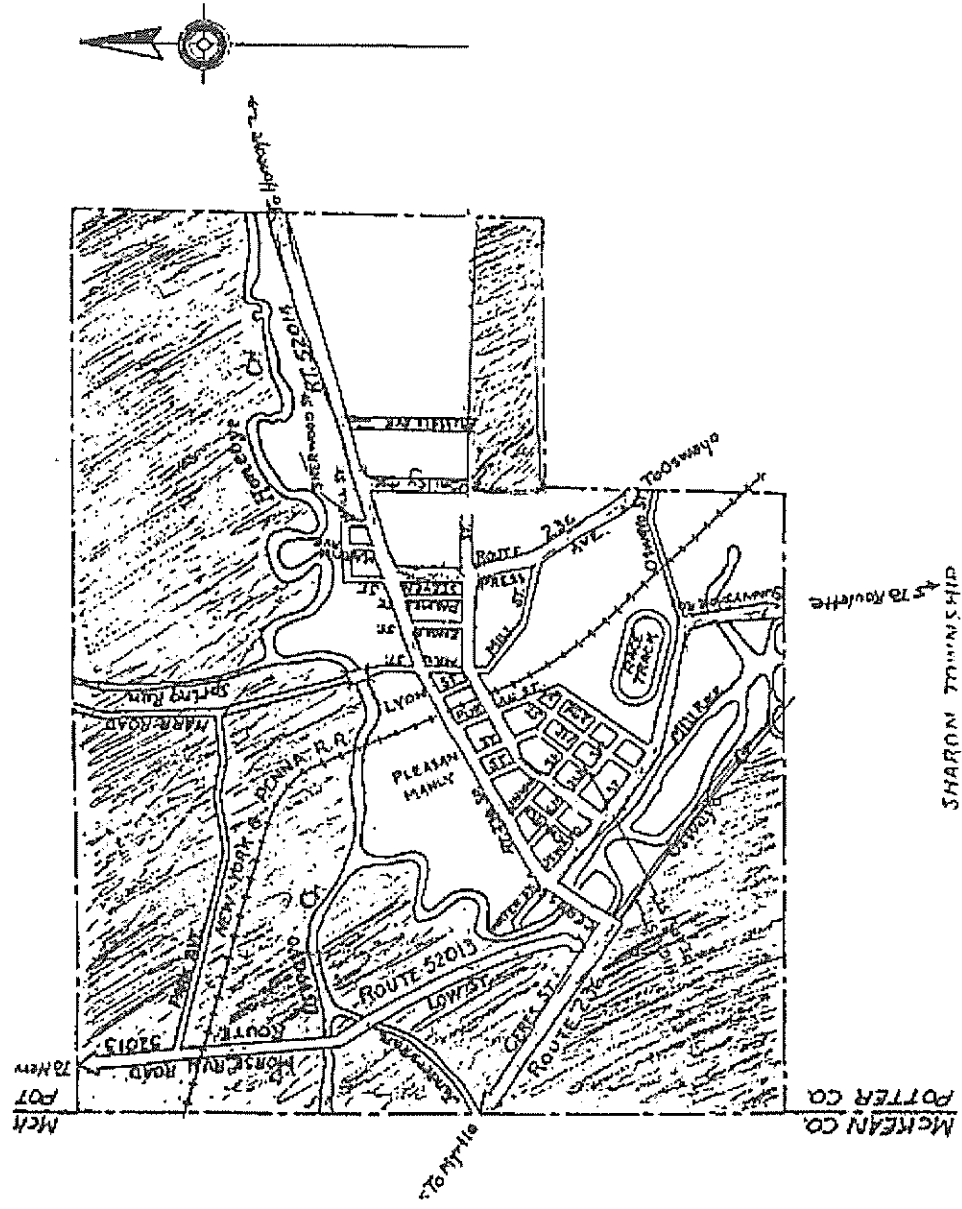
TOBACCO — a lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.

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TRAFFICWAY — the entire width between the property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

(Ord. 247, 9/12/2006)

Discharge of Firearms Map



CHAPTER 7
FIRE PREVENTION AND FIRE PROTECTION

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OPEN BURNING

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 - § 7-102. Definitions.
 - § 7-103. Deliberate or Negligent Burning.
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 - § 7-105. Prohibition of Open Burning.
 - § 7-106. Regulations Controlling Permissible Outdoor Burning.
 - § 7-107. Use of Barbecue Grills.
 - § 7-108. Regulations for Use of Burn Barrel.
 - § 7-109. Regulations for Outdoor Burning and Use of Barbecue Grills Within Street Rights-of-Way.
 - § 7-110. Temporary Burning Ban.
 - § 7-111. Violations.
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-

PART 1
OPEN BURNING

§ 7-101. Administration and Enforcement. [Ord. No. 274, 4/21/2015]

The Police Department shall administer and enforce the provisions of this Part, and the Fire Department will provide extinguishment capabilities as warranted.

§ 7-102. Definitions. [Ord. No. 274, 4/21/2015]

1. The following words and terms shall, for the purpose of this Part, have the meaning shown herein. Any word or term not defined in this section shall have the meaning of the generally accepted definition in current dictionaries.

BARBECUE GRILL — A solid fuel- or gas-fed open-flame device designed specifically for outdoor cooking. Such devices are limited to charcoal and wood burners, and LP gas grills.

BONFIRE — An outdoor fire utilized for permitted ceremonial purposes, which has a total fuel area of more than three feet in diameter and two feet in height.

BURN BARREL — A fifty-five-gallon open-head drum modified to burn household papers and cardboard safely and cleanly.

COMBUSTIBLE MATERIAL — Any material that can be burned to provide heat or power.

FIREWOOD — Clean, seasoned wood cut to length for the purpose of burning in permitted outdoor fires that does not emit noxious or objectionable smoke, ash, dust, odors, or other forms of air pollution.

NUISANCE — An outdoor fire which interferes with the reasonable use and enjoyment of neighboring and affected properties by means of emissions of noxious or objectionable smoke, ash, dust, odors, or other forms of air pollution.

OPEN BURNING — The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares and similar devices associated with safety, recreational fires, or use of portable outdoor fireplaces, bonfires, and barbecue grills. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PORTABLE OUTDOOR FIREPLACE — A portable, outdoor, solid-fuel-burning fireplace that maintains the fire above any surface and may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small health opening and a short chimney or chimney opening in the top.

RECREATIONAL FIRE — An outdoor fire burning materials other than refuse where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, or barbecue grill and has a total fuel area of three feet (914 mm) or less in diameter and two feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

REFUSE — The collective term applying to all garbage, rubbish, debris, and other waste materials of any type, including, but not limited to, plastics, rubber, roofing, siding, yard waste, and leaves.

§ 7-103. Deliberate or Negligent Burning. [Ord. No. 274, 4/21/2015]

It shall be unlawful to deliberately or negligently set fire or cause to burn any combustible material in such a manner so as to endanger the safety of persons or property.

§ 7-104. Extinguishment Authority. [Ord. No. 274, 4/21/2015]

The Police Chief is authorized to order the extinguishment of any outdoor burning that creates a nuisance or is conducted contrary to the provisions of this Part. Failure to comply with an extinguishment order shall constitute a violation of this Part.

§ 7-105. Prohibition of Open Burning. [Ord. No. 274, 4/21/2015]

Open burning for any purpose, including the destruction of refuse, the conduct of a salvage operation, or the disposal of construction materials, is strictly forbidden. Notwithstanding the above prohibition, the Council may, by special exception, authorize open burning in conjunction with compliance with applicable state and federal regulations for prevention or control of disease and pests.

§ 7-106. Regulations Controlling Permissible Outdoor Burning. [Ord. No. 274, 4/21/2015]

1. Bonfires, recreational fires and use of outdoor fireplaces are permitted in accord with the following regulations, and regulations enforceable by the Pennsylvania Department of Environmental Protection.
 - A. General Requirements.
 - (1) Bonfires, recreational fires, and fires in portable outdoor fireplaces shall be constantly attended by an adult until the fire is extinguished. A minimum of one portable fire extinguisher or other fire extinguishing equipment, such as water barrel, garden hose, or water truck, shall be available for immediate use.
 - (2) No fire may be ignited using incendiary, flammable or combustible liquid not manufactured for such purposes.
 - (3) Any fire which creates a nuisance shall constitute a violation of this Part.
 - (4) No fire shall be ignited or maintained within 10 feet of a property line or public sidewalk.
 - B. Regulations for Bonfires.
 - (1) A bonfire shall not be conducted within 50 feet of a structure or combustible material. Conditions which could cause fire to

spread to a structure or combustible material shall be eliminated prior to ignition.

(2) A bonfire shall not be conducted without a permit issued by the Shinglehouse Borough.

(3) Once ignited, firewood only may be burned.

C. Regulations for Recreational Fires.

(1) Recreational fires shall not be constructed within 25 feet of a structure or combustible material. Conditions which could cause fire to spread to a structure or combustible material shall be eliminated prior to ignition.

(2) Once ignited, firewood or charcoal only shall be burned.

(3) The perimeter of a recreational fire shall be contained within a barrier of noncombustible material so as to prevent fire spread.

D. Regulations for Use of Portable Outdoor Fireplaces.

(1) Portable outdoor fireplaces shall be utilized in accordance with the manufacturer's instructions. In the absence of said instructions, a minimum 15 feet of clearance shall be maintained. Conditions which could cause fire to spread to a structure or combustible material shall be eliminated prior to ignition.

(2) Once ignited, firewood or charcoal only shall be burned.

§ 7-107. Use of Barbecue Grills. [Ord. No. 274, 4/21/2015]

1. Barbecue grills are permitted in accord with the following regulations:

A. All barbecue grills shall be utilized in accordance with the manufacturer's instructions and shall not be operated on any balcony.

B. Solid-fuel-burning grills shall not be operated within 15 feet of combustible construction.

C. When operating a gas-fed grill, clearances to combustible construction shall be maintained in accordance with the manufacturer's instructions. In the absence of said instructions, a minimum 15 feet of clearance shall be maintained.

2. One- and two-family dwellings shall be exempt from Subsection 1C.

§ 7-108. Regulations for Use of Burn Barrel. [Ord. No. 274, 4/21/2015]

1. Burn barrels are permitted in accord with the following regulations:
 - A. Burn barrels shall not be placed within 25 feet of a structure or combustible material. Conditions which could cause fire to spread to a structure or combustible material shall be eliminated prior to ignition.
 - B. All burn barrels must be a fifty-five-gallon open-head drum modified by placing three to four holes in the bottom and sides for proper ventilation.
 - C. A metal grate or heavy fencing needs to cover the barrel opening while burning to trap burning materials in the barrel, to limit the risk of combustible material escaping.
 - D. When not in use, the barrel needs to be covered by a metal lid or sheet metal rain cover to stop the contents inside the barrel from getting wet and assist in preventing smoldering.
 - E. Household papers and cardboard only shall be burned.

§ 7-109. Regulations for Outdoor Burning and Use of Barbecue Grills Within Street Rights-of-Way. [Ord. No. 274, 4/21/2015]

1. No recreational fire, bonfire, portable outdoor fireplace, or barbecue grill shall be operated, conducted, or maintained within any street right-of-way, except as approved by the Shinglehouse Borough in conjunction with a special event permit.
2. Should the Borough approve a recreational fire, bonfire, use of a portable outdoor fireplace or barbecue grill within any street right-of-way, the Shinglehouse Borough may establish requirements in addition to those set forth herein, and as are necessary to protect the public interest.

§ 7-110. Temporary Burning Ban. [Ord. No. 274, 4/21/2015]

The Shinglehouse Borough Council may establish a temporary ban on all types of outdoor burning whenever such action is deemed to be in the public interest due to air quality, weather, or other conditions.

§ 7-111. Violations. [Ord. No. 274, 4/21/2015]

Upon investigation of violations of this Part, the Chief of Police may, if a violation is found to exist, order the fire extinguished or prosecute a nontraffic citation, or both.

§ 7-112. Penalties and Fines. [Ord. No. 274, 4/21/2015]

A nontraffic citation will be issued and fines and penalties will be sought through the District Court. Each offense is deemed a summary offense: first offense, \$50;

second offense, \$100; subsequent offenses, not less than \$500 nor more than \$1,000. Any costs incurred in the enforcement of this Part shall also be sought. Failure to pay penalties, fines, and costs shall cause the Shinglehouse Borough to pursue all appropriate legal means to collect penalties, fines and costs due.

§ 7-113. Effective Date. [Ord. No. 274, 4/21/2015]

This Part shall become effective April 22, 2015.

CHAPTER 8
FLOODPLAINS

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Part 1

Statutory Authorization

§101. Authority.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, 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 of Shinglehouse Borough does hereby order as follows.

(Ord. 262, 3/8/2011)

Part 2

General Provisions

§201. 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.
- E. Comply with federal and state floodplain management requirements.

(Ord. 262, 3/8/2011)

§202. Applicability.

- 1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Shinglehouse Borough unless a permit has been obtained from the floodplain administrator.
- 2. A permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 262, 3/8/2011)

§203. Abrogation and Greater Restrictions.

This chapter supersedes any other conflicting provision 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. 262, 3/8/2011)

§204. Severability.

If any section, subsection, 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. 262, 3/8/2011)

§205. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-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.
2. This chapter shall not create liability on the part of Shinglehouse 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. 262, 3/8/2011)

Part 3

Administration

§301. Designation of Floodplain Administrator.

The State Building Code Inspector for Shinglehouse Borough is hereby appointed to administer and enforce this chapter and is referred to herein as the "floodplain administrator."

(Ord. 262, 3/8/2011)

§302. Permit Required.

A permit shall be required before any construction or development is undertaken within any area of Shinglehouse Borough.

(Ord. 262, 3/8/2011)

§303. Duties and Responsibilities of Floodplain Administrator.

1. 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 chapter and all other applicable codes and ordinances.
2. 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); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C. §1344. No permit shall be issued until this determination has been made.
3. In the case of existing structures, prior to the issuance of any development permit, the floodplain administrator shall review the history of repairs to the subject building so that any repetitive loss issues can be addressed before the permit is issued.
4. 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/she shall make as many inspections during and upon completion of the work as are necessary.

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5. In the discharge of his/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.
6. In the event that 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.
7. The floodplain administrator shall maintain all records associated with the requirements of this chapter, including but not limited to permitting, inspection and enforcement.
8. The floodplain administrator shall consider the requirements of 34 Pa. Code and the 2006 IBC and the 2006 IRC, or latest revisions thereof.

(Ord. 262, 3/8/2011)

§304. Application Procedures and Requirements.

1. Application for such a permit shall be made, in writing, to the floodplain administrator on forms supplied by Shinglehouse Borough. Such application shall contain the following:
 - A. The name and address of the applicant.
 - B. The name and address of the owner of land on which the proposed construction is to occur.
 - C. The name and address of the contractor.
 - D. The site location, including address.
 - E. A listing of other permits required.
 - F. A brief description of the proposed work and estimated cost, including a breakout of flood-related costs, and the market value of the building before the flood damage occurred, where appropriate.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the neces-

sary information in sufficient detail and clarity to enable the floodplain administrator to determine that:

- A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this chapter and all other applicable codes and ordinances;
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards;
 - D. Structures will be anchored to prevent floatation, collapse, or lateral movement;
 - E. Building materials are flood-resistant;
 - F. Appropriate practices that minimize flood damage have been used; and
 - G. Electrical, heating, ventilation, plumbing, and air-conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
3. 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:
- A. A complete permit application form.
 - B. 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) Topographic contour lines, if available.
 - (3) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development.
 - (4) The location of all 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.
 - C. Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale, showing the following:

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- (1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
- (2) The elevation of the base flood.
- (3) Supplemental information as may be necessary under 34 Pa. Code, the 2006 IBC or the 2006 IRC.

D. The following data and documentation:

- (1) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
- (2) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
- (3) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a special floodplain area (See §402B), when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point.
- (4) 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.
- (5) Detailed information needed to determine compliance with §503F, Storage, and §504, Development Which May Endanger Human Life, including:
 - (a) The amount, location and purpose of any materials or substances referred to in §§503F and 504 which are intended to be used, produced, stored or otherwise maintained on site.
 - (b) 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 §504 during a base flood.
- (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.

- E. Applications for permits shall be accompanied by a fee, payable to Shinglehouse Borough, based upon the estimated cost of the proposed construction, as determined by the floodplain administrator, at the following rates:

Estimated Cost	Fee
\$0 to \$200	\$0
\$201 to \$1,000	\$5
Each additional \$1,000 or part thereof beyond the first \$1,000	\$1

(Ord. 262, 3/8/2011)

§305. 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. 262, 3/8/2011)

§306. 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, etc.) for review and comment.

(Ord. 262, 3/8/2011)

§307. 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 the floodplain administrator for consideration.

(Ord. 262, 3/8/2011)

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§308. 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. 262, 3/8/2011)

§309. Start of Construction; Extensions.

1. Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall 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. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
2. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the floodplain administrator to approve such a request.

(Ord. 262, 3/8/2011)

§310. Enforcement.

1. Notices. 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. Such notice shall:
 - A. Be in writing;
 - B. Include a statement of the reasons for the issuance;
 - C. Allow a reasonable time, not to exceed a period of 30 days, for the performance of any act it requires;
 - D. Be served upon the property owner or his 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

- E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
- 2. Penalties. 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 floodplain administrator or any other authorized employee of the municipality shall be guilty of a misdemeanor and, upon conviction, shall pay a fine to Shinglehouse 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; and 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 Shinglehouse Borough to be a public nuisance and abatable as such.

(Ord. 262, 3/8/2011)

§311. Appeals.

- 1. 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 Shinglehouse Borough Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the floodplain administrator.
- 2. Upon receipt of such appeal, the Shinglehouse Borough Council shall set a time and place, within not less than 10 or not more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- 3. Any person aggrieved by any decision of the Shinglehouse Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.

(Ord. 262, 3/8/2011)

Part 4

Identification of Floodplain Areas

§401. Identification.

1. The identified floodplain area shall be any areas of Shinglehouse Borough classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs), dated July 18, 2011, 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.
2. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by Shinglehouse Borough and declared to be a part of this chapter.

(Ord. 262, 3/8/2011)

§402. Description and Special Requirements of Identified Floodplain Areas.

The identified floodplain area shall consist of the following specific areas:

A. Floodway Area.

(1) Description:

- (a) The area identified as "Floodway" in the FIS, which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point.
- (b) This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.

(2) Special Requirements.

- (a) Any encroachment that would cause any increase in flood heights shall be prohibited.
- (b) No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection's Regional Office.

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B. Special Floodplain Area.

- (1) Description: the areas identified as "Zones AE and A1-30" in the FIS, which are subject to inundation by the one-percent annual chance flood event, determined by detailed methods, and which have base flood elevations (BFEs) shown.
- (2) Special Requirements.
 - (a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection's Regional Office.
 - (b) In special floodplain areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one foot.

C. Approximate Floodplain Area.

- (1) Description: the areas identified as "Zone A" in the FIS, which are subject to inundation by the one-percent annual chance flood event, determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.
- (2) Special Requirements.
 - (a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection's Regional Office.
 - (b) When available, information from other federal, state, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
 - (c) 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, etc., shall be submitted in sufficient detail to allow a thorough technical review by Shinglehouse Borough.

D. Shallow Flooding Area.

- (1) Description: the areas identified as "Zones AO and AH" in the FIS. These areas are subject to inundation by the one-percent annual chance shallow flooding where average depths are between one and three feet.
- (2) Special Requirements: establish drainage paths to guide floodwaters around and away from structures on slopes.

(Ord. 262, 3/8/2011)

§403. 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, 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 by submitting technical or scientific data.

(Ord. 262, 3/8/2011)

§404. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, a determination shall be made by Shinglehouse Borough. The burden of proof shall be on the appellant.

(Ord. 262, 3/8/2011)

Part 5

Technical Provisions

§501. General Requirements.

1. Alteration or Relocation of Watercourse.
 - A. 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 been first obtained from the Department of Environmental Protection's Regional Office.
 - B. 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.
 - C. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
2. Submit technical or scientific data to FEMA for a letter of map revision (LOMR) within six months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
3. 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. 262, 3/8/2011)

§502. Elevation and Floodproofing Requirements.

1. Residential Structures.
 - A. 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.
 - B. 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 in accordance with §402C(2)(b) of this chapter.

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- C. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
 - D. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC), or the most recent revisions thereof, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized.
2. Nonresidential Structures.
- A. 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:
 - (1) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - (2) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - B. 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 in accordance with §402C(2)(b) of this chapter.
 - C. In AO Zones, any new construction or substantial improvement shall have its lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
 - D. Any nonresidential structure, or part thereof, made watertight 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-reference standards.
 - E. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC), or the most recent revisions thereof, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized.
3. Space Below the Lowest Floor.

- A. Fully enclosed space below the lowest floor (including basements) is prohibited. The term "fully enclosed space" also includes crawl spaces.
 - B. Partially enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of vehicles, 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 floodwaters for the purpose of equalizing hydrostatic force on exterior walls.
 - C. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
4. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry but shall comply, at a minimum, with the following requirements:
- A. The structure shall not be designed or used for human habitation but shall be limited to the parking of vehicles or to the storage of tools, materials, and equipment related to the principal use or activity.
 - B. The floor area shall not exceed 100 square feet.
 - C. The structure will have a low damage potential.
 - D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
 - E. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 - F. Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - G. Sanitary facilities are prohibited.

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- H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(Ord. 262, 3/8/2011)

§503. 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 floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (3) No part of any on-site sewage 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 No. 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 change 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 which are not listed in §504, Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation and/or be 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 floodwater.

H. Anchoring.

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

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- (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, etc.) 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.

- (1) 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 floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the discharge of these systems in the event that floodwater infiltration occurs.
- N. Uniform Construction Code Coordination. The standards and specifications contained 34 Pa. Code (Chapters 401-405), as amended, and not limited to the following provisions, shall apply to the above and other sections and subsections of this chapter, to the extent that they are more-restrictive and/or supplement the requirements of this chapter:
 - (1) International Building Code (IBC) 2006, or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - (2) International Residential Building Code (IRC) 2006, or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

(Ord. 262, 3/8/2011)

§504. Development Which May Endanger Human Life.

- 1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or 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 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 is considered dangerous to human life:

Acetone

Ammonia

Benzene

Calcium carbide

Carbon disulfide

Celluloid

Chlorine

Hydrochloric acid

Hydrocyanic acid

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Magnesium

Nitric acid and oxides of nitrogen

Petroleum products (gasoline, fuel oil, etc.)

Phosphorus

Potassium

Sodium

Sulphur and sulphur products

Pesticides (including insecticides, fungicides, and rodenticides)

Radioactive substances, insofar as such substances are not otherwise regulated

2. Within any Floodway Area, any structure of the kind described in Subsection 1 above shall be prohibited.
3. Within any floodplain area, any new or substantially improved structure of the kind described in Subsection 1 above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
4. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection 1 above shall be:
 - A. Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above base flood elevation.
 - B. Designed to prevent pollution from the structure or activity during the course of a base flood elevation.
5. 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 "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

(Ord. 262, 3/8/2011)

§505. Special Requirements for Subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in flood hazard 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 or letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. 262, 3/8/2011)

§506. Special Requirements for Manufactured Homes.

1. Within any FW (Floodway Area), manufactured homes shall be prohibited.
2. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation.
 - C. Anchored to resist flotation, collapse, or lateral movement.
3. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the United States Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, shall apply and 34 Pa. Code, Chapters 401-405.
4. Consideration shall be given to the installation requirements of the 2006 IBC and the 2006 IRC, or the most recent revisions thereto, and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the unit's(s') proposed installation.

(Ord. 262, 3/8/2011)

§507. Special Requirements for Recreational Vehicles.

Recreational vehicles in Zones A1-30, AH and AE must either:

- A. Be on the site for fewer than 180 consecutive days;
- B. Be fully licensed and ready for highway use; or
- C. Meet the permit requirements for manufactured homes in §506.

(Ord. 262, 3/8/2011)

Part 6

Activities Requiring Special Permits

§601. General Requirements.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by Shinglehouse 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.
 - (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. 262, 3/8/2011)

§602. 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 Datm (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;

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- (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 man-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 elevations, 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 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 Section 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. 262, 3/8/2011)

§603. Application Review Procedures.

Upon receipt of any application for a special permit by Shinglehouse Borough, the following procedures shall apply in addition to those of Part 3:

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- 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 Shinglehouse Borough Engineer for review and comment.
- B. If an application is received that is incomplete, Shinglehouse Borough shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If Shinglehouse Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If Shinglehouse 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, Shinglehouse 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 Shinglehouse Borough.
- F. If Shinglehouse Borough does not receive any communication from the Department of Community and Economic Development during the thirty-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 Shinglehouse Borough and the applicant, in writing, of the reasons for the disapproval, and Shinglehouse Borough shall not issue the special permit.

(Ord. 262, 3/8/2011)

§604. Special Technical Requirements.

- 1. In addition to the requirements of Part 5 of this chapter, 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 Part 5 of this chapter or in any other code, ordinance, or regulation, the more-restrictive provision shall apply.
- 2. 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:

- A. 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:
 - (1) The structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the BFE.
 - (2) The lowest floor (including basement) will be elevated to at least 1 1/2 feet above the base flood elevation.
 - (3) 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.
 - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
3. 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. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Shinglehouse Borough and the Department of Community and Economic Development.

(Ord. 262, 3/8/2011)

Part 7

Existing Structures in Identified Floodplain Areas

§701. 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 §702 shall apply.

(Ord. 262, 3/8/2011)

§702. 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 any existing structure shall be allowed within any floodway area that would cause any increase in the BFE.
- B. No expansion or enlargement of any existing structure shall be allowed within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
- C. 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.
- D. The above activity shall also address the requirements of 34 Pa. Code, as amended, and the 2006 IBC and the 2006 IRC.
- 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.
- F. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this chapter.

(Ord. 262, 3/8/2011)

Part 8

Variances

§801. General Provisions.

If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, Shinglehouse Borough may, upon request, grant relief from the strict application of the requirements.

(Ord. 262, 3/8/2011)

§802. Variance Procedure and Conditions.

1. Requests for variances shall be considered by Shinglehouse Borough in accordance with the procedures contained in §311 and the following.
2. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
3. No variance shall be granted for any construction, development, use, or activity within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE than one foot at any point.
4. 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 (Part 6) or to development which may endanger human life (§504).
5. If granted, a variance shall involve only the least modification necessary to provide relief.
6. In granting any variance, Shinglehouse 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.
7. Whenever a variance is granted, Shinglehouse Borough shall notify the applicant, in writing, that:
 - A. The granting of the variance may result in increased premium rates for flood insurance.
 - B. Such variances may increase the risks to life and property.
8. In reviewing any request for variance, Shinglehouse Borough shall consider, at a minimum, the following:

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- A. That there is good and sufficient cause.
 - B. That failure to grant the variance would result in exceptional hardship to the applicant.
 - C. That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- 9. A complete record of all variance requests and related actions shall be maintained by Shinglehouse Borough. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.
 - 10. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

(Ord. 262, 3/8/2011)

Part 9

Definitions

§901. Interpretation.

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. 262, 3/8/2011)

§902. Specific Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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 one-percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”).

BASE FLOOD ELEVATION (BFE) — the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent 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 man-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

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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 or Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — the official report provided by the Federal Insurance Administration 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.

HIGHEST ADJACENT GRADE — the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — any structure that is:

- A. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. 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;

- C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

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 nonelevation 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 or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION — structures for which the start of construction commenced on or after July 9, 1991, and includes any subsequent improvements thereto.

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,

FLOODPLAINS

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.

RECREATIONAL VEHICLE — a vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — the base flood elevation (BFE) plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS — flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA) — an area in the floodplain subject to a one-percent 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 and subdivisions and substantial improvement 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 that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other, improvement was within 180 days from the date of the permit. 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 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 in-

clude 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 redivision 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 10 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, the cost of which 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 either:

- A. 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; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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 for the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

FLOODPLAINS

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 44CFR §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. 262, 3/8/2011)

Part 10

Enactment

§1001. Adoption; When Effective.

This chapter shall be effective on July 18, 2011, and shall remain in force until modified, amended or rescinded by Shinglehouse Borough, Potter County, Pennsylvania.

(Ord. 262, 3/8/2011)

CHAPTER 9

GRADING AND EXCAVATING

(Reserved to accommodate future ordinances)

CHAPTER 10
HEALTH AND SAFETY

PART 1
PROPERTY MAINTENANCE

- § 10-101. Short Title.
- § 10-102. Preface.
- § 10-103. Authority.
- § 10-104. Definitions.
- § 10-105. Application.
- § 10-106. Buildings and Structures.
- § 10-107. Property, Yards, Open Lots, and Parking Areas.
- § 10-108. Infestation, Prevention and Correction.
- § 10-109. Miscellaneous Provisions.
- § 10-110. Responsibilities of Occupants.
- § 10-111. Responsibilities of Owners.
- § 10-112. Inspection.
- § 10-113. Notice to Comply.
- § 10-114. Authority to Remedy Noncompliance.
- § 10-115. Hearing.
- § 10-116. Penalties.
- § 10-117. Owners Severally Responsible.
- § 10-118. Remedies Not Mutually Exclusive.

PART 2
STORAGE OF MOTOR VEHICLES

- § 10-201. Purpose.
 - § 10-202. Definitions.
 - § 10-203. Prohibited Storage.
 - § 10-204. Permitted Storage.
 - § 10-205. Investigation of Premises.
 - § 10-206. Notice of Removal.
 - § 10-207. Penalties for Violation.
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PART 1

PROPERTY MAINTENANCE

§ 10-101. Short Title. [Ord. 186, 4/11/1989, § 1.01]

This Part shall be known and cited as the "Shinglehouse Borough Property Maintenance Ordinance."

§ 10-102. Preface. [Ord. 186, 4/11/1989, § 2.01]

Recognizing the need within the Borough of Shinglehouse to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy; this Part hereby establishes standards which the Borough of Shinglehouse considers to be fair and effective in meeting those minimum requirements.

§ 10-103. Authority. [Ord. 186, 4/11/1989, § 3.01]

This Part, and the objectives leading to its enactment, are authorized by the following provisions of the Code of Ordinances of the Borough of Shinglehouse.

§ 10-104. Definitions. [Ord. 186, 4/11/1989, § 4.01]

BUILDING — A roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT — An open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION — The presence of insects, rodents, vermin and/or other pests.

JUNK — Any discarded material or articles such as not ordinarily disposed of in rubbish or refuse and shall include, but not be limited to, scrap metal and scrapped motor vehicles, farm implements, lumber, etc.

LOT — Plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER — Any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE — All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

UNOCCUPIED HAZARD — Any building, or part thereof, or man-made structure, which remains unoccupied for a period of more than six months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six months.

YARD — Any open space on the same lot with a building and for the most part unobstructed from the ground up.

§ 10-105. Application. [Ord. 186, 4/11/1989, § 5.01]

The provisions of this Part shall supplement local laws, ordinances or regulations existing in the Borough of Shinglehouse or those of the Commonwealth of Pennsylvania. Where a provision of this Part is found to be in conflict with any provision of a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall prevail.

§ 10-106. Buildings and Structures. [Ord. 186, 4/11/1989, § 6.01]

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.
2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.
3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore, constitute a severe health and/or safety hazard shall, upon direction of the Borough of Shinglehouse, remove, or cause the removal of, the building and/or structure.
4. No person may use or permit to be used any storage building for the storage of junk, refuse or rubbish unless said storage building shall first be approved, in writing, by Shinglehouse Borough Council and in no event shall such approval be given by said Council if such storage constitutes danger to any individual or property in said Borough.

§ 10-107. Property, Yards, Open Lots, and Parking Areas. [Ord. 186, 4/11/1989, § 7.01]

1. No person shall permit fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.
2. No person shall permit the development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots.
3. No person shall permit objectionable materials to accumulate and to be blown about the surrounding neighborhood.
4. No person shall permit wells, cesspools, cisterns sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.
5. No person shall use or permit to be used any spot or place within said Borough as a public or private dump for garbage, refuse, rubbish or junk.
6. No person shall permit the accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.
7. No person shall permit any garbage, refuse or junk, animal carcass, putrid matter or other offensive or unwholesome matter or cast the same upon any lot or piece of ground, public street or alley within said Borough.

§ 10-108. Infestation, Prevention and Correction. [Ord. 186, 4/11/1989, § 8.01]

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

§ 10-109. Miscellaneous Provisions. [Ord. 186, 4/11/1989, § 9.01]

1. No person shall permit roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of

inadequate and/or improper construction, maintenance or manner of discharge.

2. No person shall permit any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

§ 10-110. Responsibilities of Occupants. [Ord. 186, 4/11/1989, § 10.01]

Any occupant of a premises shall be responsible for compliance with the provisions of this Part with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

§ 10-111. Responsibilities of Owners. [Ord. 186, 4/11/1989, § 11.01]

1. Owners of premises shall comply with the provisions of this Part as well as operators and occupants, regardless of any agreement between owners and operators or occupants as to which party shall assume such responsibility.
2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one or more violations of this Part, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part.

§ 10-112. Inspection. [Ord. 186, 4/11/1989, § 12.01]

The Borough Council may, or may cause, through authorized representatives of the Borough of Shinglehouse, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough of Shinglehouse for ascertaining existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereof.

§ 10-113. Notice to Comply. [Ord. 186, 4/11/1989, § 13.01]

1. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, the Borough Council shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth

therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

§ 10-114. Authority to Remedy Noncompliance. [Ord. 186, 4/11/1989, § 14.01]

If the owner does not comply with the notice to abate the conditions within the time limit prescribed, the Borough of Shinglehouse shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough of Shinglehouse, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

§ 10-115. Hearing. [Ord. 186, 4/11/1989, § 15.01]

1. Any person aggrieved by the decision of the Borough Council may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough of Council within 10 days' after notice of the Borough Council's decision, a written petition requesting such hearing and setting forth a brief statement of the ground therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing, the Borough of Shinglehouse shall sustain, modify or overrule the action of the Borough Council.

§ 10-116. Penalties. [Ord. 186, 4/11/1989, § 16.01]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$300, and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 10-117. Owners Severally Responsible. [Ord. 186, 4/11/1989, § 17.01]

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Part.

§ 10-118. Remedies Not Mutually Exclusive. [Ord. 186, 4/11/1989, § 18.01]

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

PART 2
STORAGE OF MOTOR VEHICLES

§ 10-201. Purpose. [Ord. No. 281, 8/8/2017¹]

The Borough Council recognizes and finds that the accumulation of junked vehicles creates a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens because such accumulation provides a breeding area for rodents and vermin and because such accumulation provides an attractive nuisance for children who are not aware of the dangers involved.

§ 10-202. Definitions. [Ord. No. 281, 8/8/2017]

1. For purposes of this Part, the following definitions shall be applicable:

JUNKED MOTOR VEHICLE — A motor vehicle or trailer which is partially dismantled, unused, unusable or wrecked and which cannot safely or legally be operated on the streets or highways of this Borough or the commonwealth. Currently licensed, registered and inspected vehicles shall not be included within this definition.

MOTOR VEHICLE — Any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

MOTOR VEHICLE ACCESSORIES — Any part or parts of any motor vehicle.

PERSON — Includes any natural person, firm, partnership, association, corporation, or other legal entity of whatever kind.

PRIVATE PROPERTY — Any real property not owned by the federal government, state, county, school district or other political subdivisions.

PUBLIC NUISANCE — The unsheltered storage of a junked motor vehicle as otherwise defined in this Part which constitutes a hazard or threat or potential threat to the health, safety, or welfare of the Borough's citizens.

REMOVAL — The physical location or relocation of a motor vehicle to an authorized location.

1. Editor's Note: This ordinance superseded former Part 2, Storage of Motor Vehicles, adopted by Ord. 174, 6/11/1985.

TRAILER — Any wheeled device used as a means of carrying, hauling or conveying any vehicle, person, animal, boat or other object.

UNSHELTERED STORAGE — Any storage except storage inside a building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or trailer being sheltered.

§ 10-203. Prohibited Storage. [Ord. No. 281, 8/8/2017]

1. It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle accessories which create a hazard or threat or potential threat to the health, safety or welfare of the Borough's citizens to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street or highway within the Borough for a period of more than 30 days after the expiration of the thirty-day period following receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the Borough or leasing any such property to store or to permit to remain any such vehicles or accessories on his property for more than a like period.
2. It shall further be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

§ 10-204. Permitted Storage. [Ord. No. 281, 8/8/2017]

1. The prohibitions of § 10-203 hereof shall not apply to a limit of one junked motor vehicle or motor vehicle accessories stored within an enclosed building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or motor vehicle accessories being stored, and the prohibitions of § 10-203 hereof shall not apply to the premises of a business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal-use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers. Such business enterprises shall include auto repair and auto body shops, but shall not include tire, battery and accessory sales stores, and the provisions hereof extending to permitted storage shall not extend to the storage at such business enterprises of more than five junked vehicles or trailers at any one time.
2. The prohibition of § 10-203 hereof shall likewise not be applicable to salvors holding a current certificate of authorization issued by the Department of Transportation of the Commonwealth of Pennsylvania; provided, however, that such salvor is otherwise operating in a lawful place and manner.

§ 10-205. Investigation of Premises. [Ord. No. 281, 8/8/2017]

The Shinglehouse Police Department, on routine inspection or upon receipt of a complaint, may enter upon private property to investigate a suspected junked motor vehicle or motor vehicle accessories stored or maintained in violation of this Part and record the make, model, style and identification numbers and its situation and condition.

§ 10-206. Notice of Removal. [Ord. No. 281, 8/8/2017]

1. Whenever the Police Department finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property or public street or highway within the Borough and in violation of the provisions of this Part, the Police Department shall send, by certified or registered mail, a notice to the owner of record or person having custody of such motor vehicle, trailer or motor vehicle accessories within 30 days. Such notice shall contain the following additional information:
 - A. Nature of complaint;
 - B. Description and location of the motor vehicle and/or motor vehicle accessories;
 - C. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than 30 days from the date of notification;
 - D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
 - E. Statement that if removal is made within the time limits specified, notification thereof shall be given in writing to the Police Department; and
 - F. Statement of the penalties provided for noncompliance with such notice.

§ 10-207. Penalties for Violation. [Ord. No. 281, 8/8/2017]

Any person violating any of the provisions of this Part shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of not more than \$300 and/or to be committed to the county jail for a period not exceeding 30 days, plus costs of prosecution, and each day that a violation is committed shall constitute a separate offense.

CHAPTER 11

HOUSING

(Reserved to accommodate future ordinances)

CHAPTER 12

LIBRARIES

Part 1

Oswayo Valley Memorial Library

- \$101. Authority to Act as Agent
- \$102. Assistance
- \$103. Appointment of Board Members
- \$104. Bond
- \$105. Annual Budget

Part 1

Oswayo Valley Memorial Library

§101. Authority to Act as Agent. The Borough of Shinglehouse authorizes and designates the Oswayo Valley Memorial Library to act as the agent of the Borough to provide public library service to the residents and taxpayers of the Borough of Shinglehouse for and on behalf of the Borough. (Ord. 174, 6/11/1985)

§102. Assistance. The Borough Council agrees to assist in the maintenance of the Oswayo Valley Memorial Library in accord with the provisions of Section 401 of the Library Code, the Act of June 14, 1961, P.L. 324, 24 P.S. §4401 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 174, 6/11/1985)

§103. Appointment of Board Members. In accord with Section 411 of the Library Code, 24 P.S. §4411 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, the Borough Council will appoint seven (7) persons to serve as its representatives on the Board of Directors of the Oswayo Valley Memorial Library, each representative to serve three (3) years, the terms expiring in different years. (Ord. 174, 6/11/1985)

§104. Bond. In accord with Section 412 of the Library Code, 24 P.S. §4412 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, the treasurer of the Board of Directors of the Library shall give bond to the Borough with satisfactory surety in such amount as the Board of Directors may determine. (Ord. 174, 6/11/1985)

§105. Annual Budget. The Board of Directors shall prepare and present to the Borough Council by November 1 of each year a budget for the following year and such reports as are required by Sections 413 and 414 of the Library Code, 24 P.S. §§4413 and 4414 (1982), as hereafter amended, supplemented, modified and reenacted by the General Assembly of Pennsylvania, and shall give free library service to the residents and taxpayers as provided in Section 415 of the Library Code, 24 P.S. §4415 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 174, 6/11/1985)

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

Part 1

Transient Retail Merchants

- §101. Definitions
- §102. License Required; Conditions of Issuance; Fee
- §103. Exceptions
- §104. License Application
- §105. Issuance of License; Custody, Display and Exhibit
- §106. Prohibited Acts
- §107. Supervision; Records and Reports
- §108. Suspension and Revocation of License; Appeal
- §109. Penalties

Part 2

Cable Television Franchises

- §201. Definitions
- §202. Franchise Required
- §203. Applications for Initial Franchise
- §204. Selection of Grantee
- §205. Franchise Fee
- §206. Grant of Authority
- §207. Duration of Franchise; Renewal
- §208. Service Availability and Record Request
- §209. Location of Property of Grantee
- §210. Construction and Technical Standards; Additional Specifications
- §211. Use of Street/Roads
- §212. Transfers and Assignments
- §213. Time Limit for Existing Cable System to Comply
- §214. Required Services and Facilities
- §215. Indemnification and Insurance
- §216. Service Standards
- §217. Continuity of Service Mandatory
- §218. Rights Reserved to Shinglehouse Borough
- §219. Complaint Procedure
- §220. Forfeiture and Termination
- §221. Acceptance and Effective Date of Franchise
- §222. Violations
- §223. Incorporation of Proposal by Reference
- §224. Notice or Communication

Part 1

Transient Retail Merchants

§101. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

PERSON - any natural person, partnership, association, corporation, or other legal entity.

TRANSIENT RETAIL BUSINESS -

1. engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the Borough of Shinglehouse; or

2. selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 174, 6/11/1985)

§102. License Required; Conditions of Issuance; Fee. No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Police Chief a license, for which a fee, which shall be for the use of the Borough, shall be charged. The license fee shall be five dollars (\$5.00) for a one month period, or any part thereof. For each and every month or part of a month, an additional five dollar (\$5.00) fee shall be charged for permit renewal. (Ord. 174, 6/11/1985)

§103. 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 any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products;

4. to children under the age of eighteen (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;

5. to any honorable discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. §61 (1982), hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867;

6. to the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania;

7. to any person who has complied with the provisions of the Solicitation of Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. §§160-1 et seq. (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania; or

8. for taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with the Police Chief 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 section for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. Provided further, the Police Chief may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit corporation. Provided further: every license issued under the provisions of this ordinance shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his 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. 174, 6/11/1985)

§104. License Application. Every person desiring a license under this Part shall first make application to the Police Chief for such license. He shall, when making such application, exhibit a valid license from any state or county officer, if such license is also required. The applicant shall state:

1. his criminal record, if any;
2. name and address of the person by whom he is employed;
3. type of goods, wares, and merchandise he 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.

(Ord. 174, 6/11/1985)

§105. Issuance of License; Custody, Display and Exhibit. Upon receipt of such application and the prescribed fee, the Police Chief, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his 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 shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents of the Borough of Shinglehouse. (Ord. 174, 6/11/1985)

§106. Prohibited Acts. No person in any transient retail business shall:

1. sell any product or type of product not mentioned in his license;
2. hawk or cry his wares upon any of the streets, alleys, sidewalks, or public grounds in the Borough;
3. when operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity;
4. park any vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging, or cleaning any of his 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;
5. engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before nine (9) A.M. or after eight (8) P.M. on any day of the week other than a Sunday or legal holiday.

(Ord. 174, 6/11/1985)

§107. Supervision; Records and Reports. The Police Chief shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council. (Ord. 174, 6/11/1985)

§108. Suspension and Revocation of License; Appeal. The Police Chief is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be beneficial to the public health, safety, or morals, for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough Council at any time within ten (10) 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. 174, 6/11/1985)

§109. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and/or to imprisonment for not more than ninety (90) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 174, 6/11/1985)

Part 2

Cable Television Franchises

§201. Definitions. For the purposes of this Part, the following terms, phrases, words and their derivations shall have the meaning given herein:

APPLICANT - any person who files with Shinglehouse Borough pursuant to the provisions of this Part an application for an initial franchise or for renewal thereof, to construct, operate or maintain a cable system in Shinglehouse Borough.

BASIC REVENUES - the monthly cable service revenues associated with basic cable service as actually received by the grantee from subscribers of the cable system. The term shall not include any taxes imposed on a subscriber of cable service, whether directly or indirectly, by a governmental agency or a governmental unit which are collected by the grantee on behalf of said agency or unit.

BASIC SERVICE - any cable service tier which includes the transmission of local television broadcast signals and/or public, educational and governmental access channels.

BOROUGH COUNCIL - the governing body of the Borough of Shinglehouse, or its duly appointed designee.

CABLE SERVICES - the one-way transmission to subscribers of video programming and other programming services which is required for the selection of such programming and programming services that the cable operator makes available to all subscribers generally.

CABLE SYSTEM - a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designated to provide cable service to subscribers and users in Shinglehouse Borough (regardless of the location of said equipment) which is provided to multiple subscribers within Shinglehouse Borough, but such term does not include (i) a facility that serves only to retransmit the television signals of one (1) or more television broadcast stations; (ii) a facility that serves only subscribers in one (1) or more multiple unit dwellings under common ownership, control, or unless such facility uses any public right of way; (iii) a facility of a common carrier which is subject, in whole or in part, to the provisions of the Communications Act of 1984, as amended, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers; or (iv) any facilities of any electric utility used solely for operating its electric utility systems.

FRANCHISE FEE - a percentage of the monthly cable service revenues as actually received by the grantee from subscribers of the cable system for basic cable service for a twelve (12) month period. This term does not include any taxes on cable service which are imposed directly or indirectly on any subscriber thereof by a governmental unit or agency and which are collected by the grantee on behalf of such governmental unit or agency.

GRANTEE - the party or parties to which a franchise under this Part is granted by the Borough Council, and its lawful successors and assigns.

PAY TV - programming offered on a cable system with fees assessed above and beyond basic cable charges. When offered on a per channel basis, a monthly charge is made for the particular channel option selected.

PROPOSAL - a formal response by a qualified cable company to a specific invitation by the Borough Council asking for proposals in accordance with municipal specifications to provide cable services to residents, businesses, industries and institutions in Shinglehouse Borough.

PERSON - any individual, partnership, firm, corporation, association, joint stock company, trust, governmental entity, or other legal entity, including singular and plural, male and female.

SUBSCRIBER - a recipient of cable service.

STREET - the surface of and the space above and below any public street, road, highway, freeway, easement, lane, path, alley, court, sidewalk, parkway or driveway now or hereafter existing as such within Shinglehouse Borough.

(Ord. 212, 3/14/1995, §I)

§202. Franchise Required. From and after the effective date of this Part, it shall be unlawful for any person to establish, operate or carry on the business of operating a cable television system within Shinglehouse Borough unless a franchise therefor has first been applied for and obtained pursuant to the provisions of this Part. (Ord. 212, 3/14/1995, §II)

§203. Applications For Initial Franchise.

1. Content. Each application for an initial nonexclusive franchise to construct, operate or maintain any cable system in Shinglehouse Borough shall be filed with the Borough Council. The following information shall be supplied:

A. The name, address, and telephone number of the applicant.

B. A detailed statement of the corporate or other business entity organization of the applicant including, but not limited to, the following, and to whatever extent required by the Borough Council:

(1) The names, residence and business addresses of all officers and directors of the applicant.

(2) The names, residence and business addresses of all officers, persons and entities having any share of the ownership of the applicant and the respective ownership share of each such person or entity.

(3) The names and addresses of the principals of the applicant and a statement describing the cable systems owned or controlled by the applicant.

(4) A description of all previous experience of the applicant in providing cable television system service in related or similar fields.

(5) A detailed and complete financial statement of the applicant, prepared by an independent certified public accountant, for the fiscal year ending immediately prior to the date of the application hereunder.

(6) Provide proof of insurance as provided in §215, "Indemnification and Insurance."

C. Any other information pertinent to the subject matter of such application requested by the Borough Council, or required by any Federal, State or local law, rule or regulation. The Borough Council also reserves the right to waive any or all of the requirements of the application procedure set forth in subsection (B) above where the best interest of the Borough may be served.

(Ord. 212, 3/14/1995, §III)

§204. Selection of Grantee.

1. Solicitation of Proposals. The Borough Council may consider requests as submitted by advertisement or any other means, solicit and call for applications for cable system franchises, and may determine and fix any date upon or after which the same shall be received by the Borough Council, or the date before which the same must be received, or the date after which the same shall not be received, and may make any other determinations and specify any other times, terms, conditions or limitations respecting the soliciting, calling for, making and receiving of such applications.

2. Compliance with Municipal Requirements. Any person submitting a proposal for a cable system shall provide all information required by this Part. Each proposal shall be responsive to the questions soliciting the information, and shall completely, accurately and materially supply all of the information solicited. Any misrepresentation, failure, neglect or refusal to provide any of such information may, at the option of the Borough Council, render a proposal invalid. The requested information must be complete and verified as true by the applicant.

3. Applicant Responsibility. Before submitting a proposal, each applicant shall be solely responsible for and must: (a) examine this Part and any request for proposal documents thoroughly; (b) be familiar with local conditions that may in any manner affect performance under the franchise, including but in no event limited to Borough and institutional telecommunication needs, relevant demographics, topographics, pole attachment policies of appropriate utility authorities, undergrounding and subscriber desires; (c) be familiar with Federal, State and local laws, ordinances, rules and regulations affecting performance under the franchise; and (d) carefully correlate all observations with the requirements of this Part and the request for proposal documents.

4. Investigation. The Borough Council may make such investigations as it deems necessary to determine the ability of the applicant to perform under the franchise, and the applicant shall furnish to the Borough Council all such information and data for this purpose as required by this Part. The Borough Council reserves the right to reject any proposal if the

evidence submitted by an investigation of such applicant fails to satisfy the Borough Council that such applicant is properly qualified to carry out the obligations of the franchise agreement, comply with the provisions of this Part or to satisfactorily construct and/or operate the cable system. Proposals that modify or place conditions upon requirements stated in the Borough's request for proposals may be rejected by the Borough Council.

5. Rejection. The Borough Council may reject any and all applications from whatever source and whenever received. The Borough Council, if it so desires, may request new or additional proposals. The Borough Council may reject an application only after notification of objection is provided to the applicant and written reasons are stated for the rejection, and the applicant is given an opportunity to be heard in reference to said reasons for rejection.

6. Public Comment. The Borough Council shall schedule a public hearing for the consideration of the application, at which time any persons having any interest therein or objections may file written comments and appear before the Borough Council and be heard. Notice of said public hearing shall be published as required by law.

7. Consideration. In making any determination hereunder as to any application for a new franchise, the Borough Council may consider factors including, but not limited to, the quality of the service proposed, subscriber rates, income to the Borough, experience, character, background and financial responsibility of the applicant and its management and owners, technical and performance quality of equipment, willingness and ability to meet construction and physical requirements and all requirements set forth in this Chapter, and willingness to abide by all purpose and policy conditions, franchise limitations and requirements and any other considerations deemed pertinent by the Borough Council for safeguarding the interests of the Borough and the public.

8. Determination. After public hearing the Borough Council shall make one (1) of the following determinations:

A. By resolution, that such application be denied, which determination shall be final and conclusive.

B. By ordinance, that such franchise be granted. No provision of this Part shall be deemed or construed so as to require the granting of a franchise when in the opinion of the Borough Council it is in the public interest to restrict the number of grantees to one (1) or more.

(Ord. 212, 3/14/1995, §IV)

§205. Franchise Fee. The grantee shall pay to the Borough Council, a franchise fee equal to five (5) percent of the grantee's gross revenues actually received from subscribers of the cable system for basic cable service for any twelve (12) month period, said payment to be made on a quarterly basis. The franchise fee payment shall be due and payable ninety (90) days after the close of the preceding quarter. Each payment shall be accompanied by a brief report from the grantee showing the basis for the computation. (Ord. 212, 3/14/1995, §V)

§206. Grant of Authority.

1. Applicants granted franchises will be granted the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in Shinglehouse Borough, poles, wires, cables, underground conduits, manholes and other cable conductors and fixtures necessary for the maintenance and operation in Shinglehouse Borough of a cable system, to be used for the sale and distribution of cable services to the residents of Shinglehouse Borough.

2. Any privilege claimed by a grantee under any such franchise in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property.

(Ord. 212, 3/14/1995, §VI)

§207. Duration of Franchise; Renewal.

1. Duration of Franchise. The duration of the rights, privileges and authorizations granted in an initial franchise agreement shall be ten (10) years from the effective date of the ordinance granting the franchise. A franchise may be renewed for an additional five (5) year term by Shinglehouse Borough upon application of the grantee pursuant to the procedure established in this Part and in accordance with the then applicable law.

2. Renewal.

A. During the six (6) month period before the franchise is due to expire, Shinglehouse Borough may, on its own initiative, and shall at the request of the grantee, commence proceedings which afford the public appropriate notice and participation for the purpose of:

(1) Identifying the Borough's future cable related needs and interests.

(2) Review the performance of the grantee under the franchise during the then current franchise term.

(3) Upon completion of a proceeding under subsection (2)(A) above, the grantee seeking renewal of a franchise may, on its own initiative, or at the request of Shinglehouse Borough, submit a renewal proposal within the time period established by the Borough.

(4) Any such renewal application shall contain the information for the initial franchise application.

B. Upon submittal by the grantee of a proposal to Shinglehouse Borough for the renewal of the franchise, the Borough shall provide public notice of such proposal and schedule a public hearing for consideration of the proposal.

C. In determining whether or not to renew a franchise, the Borough Council shall consider whether:

(1) The grantee has substantially complied with the material terms of the existing franchise and with applicable law.

(2) The quality of the grantee's service, including signal quality, response to consumer complaints and billing practices, has been reasonable in light of the Borough's needs.

(3) The grantee has the financial, legal and technical ability to provide the services, facilities and equipment as set forth in the grantee's proposal.

(4) The grantee's proposal is reasonable to meet the Borough's future cable related needs and interest, taking into account the cost of meeting such needs and interests.

D. The grantee shall be afforded notice and fair opportunity for full participation.

E. At the completion of consideration, the Borough Council shall by ordinance issue a written decision granting the renewal or by resolution issue a written decision denying the renewal proposal and advise grantee of its decision. A decision not to renew shall state the reasons for nonrenewal.

F. Any denial of a proposal for renewal shall be based on one (1) or more adverse findings made with respect to the factors described in subsection (C) above.

G. Notwithstanding the provisions of this Part, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this Part have been commenced). The provisions of subsections (A) through (F), above, shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsection (A) through (F) above.

(Ord. 212, 3/14/1995, §VII)

§208. Service Availability and Record Request.

1. The grantee may provide cable service pursuant to the provisions of this Part and the franchise agreement as shall be specified in the franchise agreement.

2. The Borough reserves the right to inspect all pertinent books, records, maps, plans, financial statements and other materials upon reasonable notice and during reasonable and normal business hours.

(Ord. 212, 3/14/1995, §VIII)

§209. Location of Property of Grantee.

1. Any wires, cable lines, conduits or other properties of the grantee to be constructed or installed in streets or roadways shall be so constructed or installed only at such locations and in such manner as shall be approved by the Borough Council.

2. The grantee shall not install any facility or apparatus in or on other public property, places, easements or rights of way or within any privately owned area within Shinglehouse Borough which has not yet become a public street or roadway, but is designated or delineated as a proposed public street on any preliminary or final subdivision plan or map approved by Shinglehouse Borough, except those installed in or on public utility facilities now existing, without obtaining the prior written approval of the Borough Council. This provision shall not apply to attachment to public utility poles.

(Ord. 212, 3/14/1995, §IX)

§210. Construction and Technical Standards; Additional Specifications.

1. Construction, installation and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All cables and wires shall be installed, where possible, parallel with and in the same manner as electric and telephone lines. Underground installations shall be in conformance with all applicable codes, laws, rules and regulations, now or hereafter in effect.

2. The grantee shall at all times comply with:

A. National Electrical Safety Code (National Bureau of Standards).

B. National Electrical Code (National Bureau of Fire Underwriters).

C. The Standards of Good Engineering Practices for Measurements on Cable Television Systems (National Cable Television Association), 1983.

3. Furthermore, the system shall not endanger or interfere with the safety of persons or property in the franchise area or other areas where the grantee may have equipment located.

(Ord. 212, 3/14/1995, §X)

§211. Use of Streets/Roads.

1. All transmission and distribution structures, lines and equipment erected by the grantee within Shinglehouse Borough shall be so located as to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets.

2. In case of disturbance of any street, roadway, easement or paved area or other property, the grantee shall, at its own cost and expense, and in a manner approved by Shinglehouse Borough, replace and restore such street, roadway, easement or paved area or other property in as good a condition as before the work involving such disturbance was done.

3. The grantee, at its expense, shall protect, support, temporarily disconnect, relocate in the same street, roadway or other public place, or remove from the street, roadway or other public place any property of the grantee when required by the Borough Council by reason of traffic conditions, public safety, street or road vacation, street or road

construction, change or establishment of street or road grades, or the installation of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of structures or improvements by public agencies.

4. The grantee shall notify Shinglehouse Borough regarding the need to trim trees upon and overhanging streets or roadways of Shinglehouse Borough so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee. Trimming shall be limited to the area required for clear cable passage and shall not include major structural branches which materially alter the appearance and natural growth habits of the tree.

5. At the expiration of the term for which a franchise is granted, or upon its termination and cancellation as otherwise provided for herein, Shinglehouse Borough shall have the right to require the grantee to remove, at its own expense, all portions of the cable television system from all streets within Shinglehouse Borough. The grantee shall within one hundred fifty (150) days after having been given written notice, remove from the streets, roads or public places all such property of such system other than any which the Borough Council may permit to be abandoned in place. In the event of such removal, the grantee shall promptly restore the street, road or other area from which such property has been removed to a condition satisfactory to the Borough Council.

6. Any property of the grantee remaining in place one hundred fifty (150) days after the grantee is given notice pursuant to this subsection shall be considered permanently abandoned. The Borough Council may extend such time not to exceed an additional sixty (60) days.

7. Any property of the grantee to be abandoned in place shall be abandoned in such manner as the Borough Council shall prescribe. Subject to the provision of any utility joint use attachment agreement, upon permanent abandonment of the property of the grantee in place the property shall become that of Shinglehouse Borough, and the grantee shall submit to the Borough Council an instrument in writing, to be approved by the Borough Solicitor, transferring to Shinglehouse Borough the ownership of such property.

(Ord. 212, 3/14/1995, §XI)

§212. Transfers and Assignments.

1. The grantee shall not sell, assign or transfer, either in whole or in part, except as is permitted in a franchise agreement, in trust or otherwise, or lease, or sublet, in any manner, nor pass or vest in any right, interest or property therein, without the prior written consent of Shinglehouse Borough, expressed by resolution of the Borough Council.

2. The grantee shall promptly notify Shinglehouse Borough of any actual or proposed change in, or transfer of, or acquisition by any other person of control of the grantee. Every such change, transfer or acquisition of control shall make the franchise subject to cancellation unless and until Shinglehouse Borough, by resolution of the Borough Council, shall have consented thereto.

3. As a condition of the Borough's consent, the proposed transferee or assignee must show technical ability, financial capability, legal qualifications and general character qualifications as determined by

Shinglehouse Borough and must agree to comply with all provisions of this Part, the franchise and with such conditions as may be prescribed by the Borough Council to ensure the above qualifications. Shinglehouse Borough shall not unreasonably deny a proposed transfer or assignment and shall base its final determination on the aforementioned qualifications of the potential transferee or assignee. Denials based on refusal of a transferee or assignee to renegotiate terms of the existing franchise shall be deemed unreasonable with the exception that Shinglehouse Borough may insist upon all terms and conditions necessary to ensure the proposed transferee's or assignee's compliance with the aforementioned qualifications even though said terms and conditions may be in addition to those contained in this Part or the original franchise agreement. The Borough Council shall state in writing its reasons for denying a request for transfer or assignment. Shinglehouse Borough shall be deemed to have consented to a proposed transfer or assignment in the event its refusal to consent is not sent by regular mail to grantee within sixty (60) days following receipt of written notice of the proposed transfer or assignment.

(Ord. 212, 3/14/1995, §XII)

§213. Time Limit for Existing Cable System to Comply. Any person owning, operating or maintaining a cable system in Shinglehouse Borough at the time of enactment of this Part shall be required to comply with the provisions of this Part within six (6) months of the effective date of this Part. Failure to comply within six (6) months will result in a violation of this Part as provided in §222. (Ord. 212, 3/14/1995, §XIII)

§214. Required Services and Facilities. A franchise agreement or franchise renewal agreement shall include a Section describing the grantee's programming and services being offered. (Ord. 212, 3/14/1995, §XIV)

§215. Indemnification and Insurance.

1. It shall be expressly understood and agreed by and between Shinglehouse Borough and any grantee that the grantee shall indemnify, hold harmless and defend Shinglehouse Borough, its agents and employees from and against any and all costs, claims, damages, losses, suits, actions, fines, penalties or demands of any kind asserted on behalf of any person or governmental agency or authority and expenses, (including reasonable attorney's fees) arising out of or in any way connected with:

A. Any failure of the grantee to abide by or perform any of the terms, conditions or provisions of its franchise agreement or this Part.

B. Any failure by the grantee to comply with any statutes, ordinances, rules, regulations or orders of any governmental authority.

C. Any bodily injury (including death) or property damage arising out of grantee's operations with respect to grantee's franchise, franchise agreement or this Part.

D. Any act or activity of grantee relating to the granting of grantee's franchise, its franchise agreement or this Part.

E. Any act or activity of grantee relating to the implementation of the terms of this the grantee's franchise or this Part.

F. Any act or activity of grantee relating to the installation, operation or maintenance of a cable television system, whether or not any act or omission complained of is authorized, allowed or prohibited by this Part or the grantee's franchise.

2. The grantee shall provide to the Borough proof of coverage and property damage and personal liability insurance written by an insurance company or companies qualified to do business in the Commonwealth of Pennsylvania, in an amount as specified in the franchise agreement.

(Ord. 212, 3/14/1995, §XV)

§216. Service Standards.

1. A grantee shall put, keep and maintain all parts of the cable system in good condition throughout the entire franchise period.

2. Upon termination of service to any subscriber, a grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon subscriber's request.

3. The grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. All interruptions, to the extent possible, shall be preceded by written notice or telephone communication to the Borough Council and shall occur during periods of minimum system use.

4. The grantee shall not allow its cable or other operations to interfere with television reception of persons not served by the grantee, nor shall the system interfere with, obstruct or hinder in any manner the operation of the various utilities servicing the residents of Shinglehouse Borough.

(Ord. 212, 3/14/1995, §XVI)

§217. Continuity of Service Mandatory.

1. In the event that a grantee elects to rebuild, modify or sell the system, or Shinglehouse Borough gives notice of intent to not to renew a franchise the grantee shall act so as to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances pursuant to the provisions of this Part. The grantee shall not be obligated to provide service after the effective termination of this franchise.

2. In the event of a change of grantee, or in the event a new operator acquires the system, a grantee shall cooperate with Shinglehouse Borough and the new grantee or operator in maintaining continuity of service to all subscribers. During such period, grantee shall be entitled to the revenues for any period during which it operates the system, and shall be entitled to reimbursement from any succeeding grantee or operator for its reasonable costs for its services after it no longer operates the system.

(Ord. 209, 12/14/1993, §17)

§218. Rights Reserved to Shinglehouse Borough.

1. There is hereby reserved to Shinglehouse Borough every right and power which is required to be reserved by the provisions of this Part or by any other Federal, State or local law, rule or regulation, and the grantee, by its acceptance of a franchise, agrees to be bound thereby and to comply with any action or requirements of Shinglehouse Borough in its exercise of such rights or powers heretofore or hereafter enacted or established as long as such amendment or change does not violate or change any existing franchise agreement.

2. There is hereby reserved to Shinglehouse Borough the power to amend any Section of this Part so as to require additional or greater regulatory standards of construction, operation, maintenance or otherwise on the part of the grantee for purposes of protecting the public, health, safety and welfare. This provision shall not apply to commitments of a contractual nature made in a franchise agreement or franchise renewal agreement.

3. Neither the granting of any franchise under the provisions of this Part nor any provision of this Part shall constitute a waiver or bar to the exercise of any governmental right or power of Shinglehouse Borough except as the Borough may be contractually bound by any franchise.

4. The Borough Council may do all things which are necessary and convenient in the exercise of its jurisdiction under the provisions of this Part and may determine any matter which may arise during the existence of any franchise granted under the provisions of this Part.

(Ord. 212, 3/14/1995, §XVIII)

§219. Complaint Procedure.

1. The Borough Council is hereby designated as having primary responsibility for the continuing administration of a franchise and implementation of complaint procedures.

2. A grantee shall have a publicly listed telephone with a toll free number and sufficient lines, or will accept collect calls and be so operated that complaints and request for repairs shall be received during normal business hours.

3. A grantee shall maintain a repair maintenance crew capable of responding to subscriber complaints or requests for service within twenty-four (24) hours after receipt of the complaint or request. No charge shall be made to the subscriber for this service unless such maintenance or repair is required as a result of damage caused by the subscriber.

(Ord. 212, 3/14/1995 §XIX)

§220. Forfeiture and Termination.

1. In addition to all other rights and powers retained by Shinglehouse Borough under this Part or otherwise, the Borough reserves the right to forfeit and terminate a franchise and all rights and privileges of a grantee in the event of a material breach of its terms and conditions. In interpreting this Section, material provisions shall include all labeled as such and all others, which under all the facts and circumstances

indicated, are a significant provision of the franchise agreement. A material breach by grantee shall include, but shall not be limited to, the following:

A. Violation of any material provision of the franchise agreement, franchise renewal agreement or any material rule, order, regulation or determination of Shinglehouse Borough made pursuant to the franchise agreement, franchise renewal agreement or this Part.

B. Attempt to evade any material provision of the franchise agreement, franchise renewal agreement or this Part or the practicing of any fraud or deceit upon Shinglehouse Borough or its subscribers or customers.

C. Failure to restore cable service within a reasonable period of time under the circumstances.

D. Material misrepresentation of fact in the application for or negotiation of the franchise agreement or franchise renewal agreement.

2. The foregoing shall not constitute a material breach if the violation occurs but it is without fault of a grantee or occurs as a result of circumstances beyond its control. Grantee shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its shareholders, directors, officers, employees or agents.

3. Shinglehouse Borough may make a written demand that a grantee comply with any such provision, rule, order or determination under or pursuant to this Part and franchise agreement. If the breach by the grantee continues for a period of thirty (30) days following such written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, a franchise may be terminated.

(Ord. 212, 3/14/1995, §XX)

§221. Acceptance and Effective Date of Franchise.

1. No franchise or franchise renewal granted pursuant to the provisions of this Part shall become effective until such time as all requirements of this Part are done and completed, all of such requirements being hereby declared to be conditions precedent to the effectiveness of any such franchise or franchise renewal granted hereunder. In the event that any such requirements are not done and completed in the time and manner required by this Part, the Borough Council may declare the franchise null and void.

2. Within thirty (30) days after the effective date of an ordinance awarding a franchise or franchise renewal or within such extended period of time as the Borough Council in its discretion may authorize in the aforesaid ordinance, a grantee shall execute the franchise or franchise renewal agreement, and file the same with the Borough Council together with the insurance policies required by this Part. Such agreement shall be acknowledged by the grantee before a notary public and shall in form and content be satisfactory to and approved by the Borough Solicitor.

(Ord. 212, 3/14/1995, §XXI)

§222. Violations. Any person who establishes, operates or carries on the business of operating a cable television system in Shinglehouse Borough without having been granted a franchise, except as provided in §212, in which a person operating, owning or maintaining a cable system in Shinglehouse Borough shall have six (6) months to comply with this Part, pursuant to this Part may be liable, upon conviction thereof, to a penalty of not more than six hundred dollars (\$600.00) and/or may undergo imprisonment in the Potter County Jail for a period not exceeding ninety (90) days. Each day that any such violation continues shall constitute a separate offense. The aforesaid penalty provision shall be in addition to any other rights to damages or injunctive relief which Shinglehouse Borough may have. (Ord. 212, 3/14/1995, §XXII)

§223. Incorporation of Proposal by Reference. Upon award of franchise or franchise renewal pursuant to this Part, a grantee shall agree to be bound by all the terms and conditions contained herein. A grantee shall also agree that its proposal to provide system design, facilities, equipment and services SHALL be considered part of the contemporaneous legislative history of any ordinance, and the franchise agreement shall be construed in accordance with the provisions of the Pennsylvania Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 et seq.

(Ord. 212, 3/14/1995, §XXIII)

§224. Notice or Communication. Any notice or communication required, permitted or desired to be given pursuant to this Part shall be deemed effectively given when personally delivered or mailed by prepaid certified mail, return receipt requested, addressed as follows:

Borough of Shinglehouse
P.O. Box 156
Shinglehouse, PA 16748

(Ord. 212, 3/14/1995, §XXIV)

CHAPTER 14

MOBILE HOMES AND MOBILE HOME PARKS

(Reserved to accommodate future ordinances)

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PART 1

GENERAL REGULATIONS

§ 15-101. Definitions and Interpretation. [Ord. 174, 6/11/1985]

1. Words and phrases, when used in this chapter, except for sections on articles to which different or additional definitions apply, shall have the meanings ascribed to them in The Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this chapter, 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.
2. The term "legal holidays" as used in this chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 15-102. Manner of Adopting Permanent Traffic and Parking Regulations. [Ord. 174, 6/11/1985]

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.

§ 15-103. Provisions to Be Continuation of Existing Regulations. [Ord. 174, 6/11/1985]

The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this chapter 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.

§ 15-104. Temporary and Emergency Regulations. [Ord. 174, 6/11/1985]

The Mayor 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.

Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, 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 Chapter 15 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 chapter, to a fine of not more than \$25 together with costs of prosecution.

§ 15-105. Experimental Regulations. [Ord. 174, 6/11/1985]

The Borough Council 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 is they had been specified in this chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter 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 chapter, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

§ 15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events. [Ord. 174, 6/11/1985]

1. Borough Council 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.
2. Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen 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 flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-107. Use of Streets by Processions and Assemblages. [Ord. 174, 6/11/1985]

1. For the purpose of this section, the words "assemblage" and "procession" shall have the following meanings:

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.

2. 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 Mayor, 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.
3. 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 Mayor, 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 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 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 reached the end of the route of the procession and 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.
4. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-108. Authority of Police Officers. [Ord. 174, 6/11/1985]

The police officers of the Borough of Shinglehouse are hereby given authority to direct traffic on the highways of the Borough and at intersections thereof.

§ 15-109. Authorization for Use of Speed Timing Devices. [Ord. 174, 6/11/1985]

The Borough Police Department is hereby authorized to use all mechanical or electrical 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 of Pennsylvania, including but not limited to E.S.P. and Vascar systems.

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 of Pennsylvania, 75 P.S. § 1101 et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

PART 2

TRAFFIC REGULATIONS

§ 15-201. Maximum Speed Limits Established on Certain Streets. [Ord. 174, 6/11/1985]

1. 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:

Street	Between	Maximum Speed Limit
(Reserved)		

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures. [Ord. 174, 6/11/1985]

1. Maximum speed limits are established, as follows, on certain bridges and elevated structures, and it shall be unlawful for any person to drive a vehicle on any such bridge or elevated structure, at a higher speed than the maximum prescribed for that bridge or elevated structure:

Bridge or Elevated Structure	Location	Maximum Speed Limit
(Reserved)		

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades. [Ord. 174, 6/11/1985]

1. The following are declared to be hazardous grades, and, upon any such hazardous grade, no person shall drive a vehicle, having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this section for that grade,

and, if so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

Street	Between	Direction of Travel	Maximum Gross Weight	Maximum Speed Limit	Required to Stop Before Proceeding Downhill
(Reserved)					

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-204. Maximum Speed Limits Established in Parks. [Ord. 174, 6/11/1985]

- A speed limit of 35 miles per hour is established on all streets and roadways in the public parks maintained and operated by the Borough, except in the following locations, where the lower maximums, as specified, shall apply:

Park	Street	Location	Maximum Speed Limit
(Reserved)			

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-205. Traffic Signals at Certain Locations. [Ord. 174, 6/11/1985]

- At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

Location	Type of Signal
Honeoye Street and Oswayo Street	Flashing Red

- Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-206. Intersections Where Turn Prohibited on Red Signal. [Ord. 174, 6/11/1985]

- The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a

right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection	Vehicles Traveling on	Facing
	(Reserved)	

- Any driver of a vehicle who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-207. One-Way Streets Established. [Ord. 174, 6/11/1985; as amended by Ord. 222, 12/9/1997]

- The following are established as one-way streets, 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:

Street	From	To	Direction of Travel
Manley Street	(In accordance with official signs erected according to the Department of Transportation's engineering study.)		

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-208. Rotary Traffic Islands Established. [Ord. 174, 6/11/1985]

- The following are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

(Reserved)

- Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this section, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

§ 15-209. Turning at Certain Intersections Prohibited or Restricted. [Ord. 174, 6/11/1985]

- It shall be unlawful for the driver of any vehicle, of the type indicated, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this section:

Vehicles Traveling on	Direction of Travel	Not to Make	Into	When	Type of Vehicle Applicable to
(Reserved)					

§ 15-210. Right Turns Only Permitted at Certain Intersections. [Ord. 174, 6/11/1985]

1. It shall be unlawful for the driver of any vehicle, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make other than a right turn, at any time stated, both left turns and straight-across traffic being prohibited:

Vehicles Traveling on	Direction of Travel	Times	Not to make left turn into or travel straight across
(Reserved)			

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-211. U-Turns Prohibited at Certain Locations. [Ord. 174, 6/11/1985]

1. It shall be unlawful for the driver of any vehicle, traveling upon any of the following portions of streets, in the direction or directions indicated for that street, to make a U-turn:

Street	Portion	Direction of Travel
(Reserved)		

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-212. No Passing Zones Established. [Ord. 174, 6/11/1985]

1. The following are established as no passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no passing zone:

Street	Direction of Travel	Between
(Reserved)		

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-213. Through Highways Established. [Ord. 174, 6/11/1985]

1. 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 section shall stop the vehicle or yield right-of-way as required by Section 3323(b) or 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that section of the law:

Highway	Between
	(Reserved)

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-214. Stop Intersections Established. [Ord. 174, 6/11/1985]

1. The following intersections (in addition to intersections with the through highways established by § 15-213) 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 Section 3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that section of the law.

Stop Street	Intersecting or Through Street	Direction of Travel
Academy Street	Stevens Street (except right turn)	East
	Stevens Street	West
Bailey Avenue	Honeoye Street	North
Church Street	Lincoln Street	East and west
	Oswayo Street	West
	Union Street	East

Stop Street	Intersecting or Through Street	Direction of Travel
Englar Street	Academy Street	South
	Honeoye Street	North
First Street	Oswayo Street	West
	Puritan Street	East
	Union Street	East and west
High Street	Ceres Street	North
Lincoln Street	Academy Street	North and south
	First Street	North and south
	Honeoye Street	North
Low Street	Ceres Street	South
	Horse Run Road	North
Lyon Street	Academy Street	South
	Honeoye Street	North
Manley Avenue	Academy Street	South
	Honeoye Street	North
Martin Avenue	Hill Street	North
	Honeoye Street	South
Mill Street	Academy Street	North and south
	Honeoye Street	North
	Stevens Street	East
Oswayo Street	Academy Street	North
	Sunnyside Road (except right turn)	East
	Sunnyside Road	West
Palmer Street	Academy Street	South
	Honeoye Street	North
Park Avenue	Horse Run Road	West
Pearl Street	Lincoln Street	West
	Pleasant Street	East
	Union Street	East and west

Stop Street	Intersecting or Through Street	Direction of Travel
Pleasant Street	Academy Street	North and south
	First Street	North and south
	Honeoye Street	North
	Second Street	South
Puritan Avenue	Academy Street	North and south
	Honeoye Street	North
Russell Avenue	Honeoye Street	North
Sherwood Street	Honeoye Street	South
Stevens Street	Academy Street	South
	Honeoye Street	North and south
Union Street	Academy Street	North and south
	Honeoye Street	North
	Second Street	South
Water Street	Ceres Street	Southeast
Wolcott Avenue	Honeoye Street	South

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-215. Yield Intersections Established. [Ord. 174, 6/11/1985]

1. The following intersections (in addition to intersections with the through highways established by § 15-213) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by Section 3323(c) of the Vehicle Code, and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
	(Reserved)	

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-216. Play Highways Established and Authorized. [Ord. 174, 6/11/1985]

1. The following areas upon the streets in the Borough are established as play highways:

Street	Between	Days	Hours
(Reserved)			

2. The Mayor is authorized to designate as play highways, whenever he deems that action advisable, and for whatever period of time directed by him, any part of any street in the Borough, where sledding and coasting, shall be permitted. That play highway shall be set apart for the purpose under the direction of the Mayor.
3. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the Mayor or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 15-217. Restrictions on Use of Pushcarts. [Ord. 174, 6/11/1985]

1. The word "pushcart," as used in this section, shall mean a vehicle, other than 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.
2. 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 Council as provided in Subsection 3 of this section.
3. 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 passersby under permit from Council. 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, of \$100 for any calendar year, \$50 for any six-month period, or \$25 for any three-month period. The permit shall be granted to the applicant, upon payment of the fee, and upon his signing an agreement with Council that he shall be bound by the conditions imposed by Council and made a part of the permit, dealing with the following matters:

- A. 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;
 - B. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on;
 - C. Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.
4. Any person who violates any provision of this section, or any condition of any permit granted under this section, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

§ 15-218. Skates, Coasters, Sleds and Other Toy Vehicles. [Ord. 174, 6/11/1985]

1. 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 § 15-105 of Part 1 or § 15-216 of Part 2 of this chapter. Provided: nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.
2. It shall be unlawful for any person to engage in rollerskating or to ride upon or propel any coaster or other toy vehicle upon:
 - A. Any street except in order to cross the roadway; or
 - B. Any sidewalk located in a business district, except that nothing in this paragraph shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.
3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

PART 3
SNOWMOBILES

§ 15-301. Definition. [Ord. 174, 6/11/1985]

SNOWMOBILE — An engine-driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated. The term does not include any farm tractor, highway or other construction equipment, or any military or law enforcement vehicle.

§ 15-302. Snowmobile Roads Designated. [Ord. 174, 6/11/1985]

1. The following roads and streets within the Borough are designated as special snowmobile roads:

Street/Road	Between	Used by Snow-	
		mobiles Only	When Closed to
		Vehicular	Shared With
		Traffic?	Traffic?
Carr Hollow Road		No	Yes
Park Avenue		No	Yes

§ 15-303. Roads Closed to Snowmobile Usage. [Ord. 174, 6/11/1985]

The State maintained roads of Academy Street, Honeoye Street, Oswayo Street, Stevens Street, Ceres Street and Horse Run Road are closed to snowmobile usage.

§ 15-304. All Other Roads Designated as Snowmobile Roads. [Ord. 174, 6/11/1985]

The remaining streets within the Borough (i.e. those streets not expressly designated in §§ 15-302 and 15-303 above) are hereby designated as snowmobile roads to be shared with vehicular traffic. The snowmobile roads described in this paragraph are to be used only to allow access to the snowmobile roads/designated in § 15-302 of this Part 3 and for access to other snowmobile trails located outside of the Borough and not for joy-riding or general recreational purposes.

§ 15-305. Operation of Snowmobile; Speed Limit. [Ord. 174, 6/11/1985]

No snowmobile shall be operated at a speed of more than 10 miles per hour or in a reckless manner.

§ 15-306. Operation of Snowmobiles on Certain Streets Constitutes Disorderly Conduct. [Ord. 174, 6/11/1985]

Under authority of Section 1202(20) of the Borough Code, it is hereby defined that a person commits the crime of disorderly conduct if within the limits of the Borough of Shinglehouse one drives a snowmobile on those roads described in § 304 not solely for access but rather for general recreational purposes or for joy-riding purposes.

§ 15-307. Unreasonable Noise Constitutes Disorderly Conduct. [Ord. 174, 6/11/1985]

Under authority of Section 1202(20) of the Borough Code it is hereby defined that a person commits the crime of disorderly conduct if within the limits of the Borough of Shinglehouse any person with a snowmobile with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof makes unreasonable noise with a snowmobile.

§ 15-308. Permitted Hours of Operation. [Ord. 174, 6/11/1985]

No snowmobile shall be operated after the hour of 11:00 p.m. on Sunday through Thursday, and after the hour of 1:30 a.m. on Saturday and Sunday mornings. No snowmobile shall be operated prior to the hour of 7:00 a.m. on any morning.

§ 15-309. Operation by Persons Under Age 16. [Ord. 174, 6/11/1985]

Any person 10 years of age or who has not reached their 16th birthday shall possess a snowmobile safety certificate before operating a snowmobile except on their parent's property.

No person under the age of 16 years shall drive a snowmobile across any highway or connecting street thereto (75 Pa.C.S.A. § 7725).

§ 15-310. Registration of Snowmobiles. [Ord. 174, 6/11/1985]

Except on property owned by the snowmobile operator, no snowmobile shall be operated that has not been registered. All snowmobiles shall display current registration stickers on both sides of the snowmobiles cowling.

§ 15-311. Penalties. [Ord. 174, 6/11/1985]

1. Any person violating §§ 15-302, 15-303, 15-305 and 15-308 shall be guilty of a summary offense and shall upon a plea of guilty or conviction of the first offense be sentenced to pay a fine of not less than \$10 or more than \$50 together with costs of prosecution or be imprisoned for a period not in excess of 10 days or both.
2. Any person who upon a plea of guilty or a conviction of any subsequent violation of §§ 15-302, 15-303, 15-305 and 15-308 shall be sentenced to pay a fine of not less than \$25 nor more than \$100 together with costs of prosecution or imprisoned for not more than 30 days or both.

3. Any person violating § 306 or § 307 shall be guilty of a summary offense and shall upon a plea of guilty or conviction thereof be sentenced to pay a fine of not less than \$25 nor more than \$300 together with costs of prosecution or be imprisoned for a term not to exceed 60 days or both.
4. Any person violating § 309 or § 310 shall be in violation of the Commonwealth of Pennsylvania Motor Vehicle Code and shall be cited in accordance with Chapter 77 of said Vehicle Code.

§ 15-312. Borough Not to Be Held Liable. [Ord. 174, 6/11/1985]

The designation of certain streets as snowmobile roads by the Borough of Shinglehouse does not hold the Borough of Shinglehouse liable for any property damage or personal injuries that might result from the traveling of snowmobiles on said street.

PART 4

RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD**§ 15-401. Vehicle Weight Limits Established on Certain Streets and Bridges.**
[Ord. 174, 6/11/1985]

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, 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:

Street or Bridge	Between	Maximum Gross Weight
(Reserved)		

2. Any person who violates any provision of this section shall be prosecuted under Sections 4902(a) and 4902(g-1) of the Vehicle Code, 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.

§ 15-402. Restrictions on Size of Vehicles on Certain Streets and Bridges.
[Ord. 174, 6/11/1985]

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restriction
(Reserved)		

2. Any person who violates any provision of this section shall be prosecuted under Section 4902(a) and Section 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

§ 15-403. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges. [Ord. 174, 6/11/1985]

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street.

Street or Bridge	Between	Restriction
(Reserved)		

2. Any person who violates any provision of this section shall be prosecuted under Section 4902(b) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of not less than \$25 and not more than \$100 and costs.

§ 15-404. Truck Traffic Restricted on Certain Streets. [Ord. 174, 6/11/1985]

1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street	Between	Restriction
(Reserved)		

Provided: nothing in this section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

PART 5

GENERAL PARKING REGULATIONS

§ 15-501. Vehicles to Be Parked Within Marked Spaces. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 501]

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 Part for any person to park a vehicle or allow it to remain parked otherwise.

§ 15-502. Angle Parking Required on Portions of Certain Streets. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 502]

Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
	(Reserved)	

On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

§ 15-503. Parking Prohibited at All Times in Certain Locations. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 503; and by Ord. No. 278, 2/9/2016]

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Academy Street	Both	Oswayo Street and a point 140 feet north
	North	The west side of the post office driveway and a point 100 feet east thereof
Honeoye Street	South	Oswayo Street and a point 125 feet east
Manley Street	West	Honeoye Street and Academy Street
North Oswayo Street	East	264 feet south of the intersection of West Honeoye Street and North Oswayo Street
Oswayo Street	North	The intersection of Academy Street and Oswayo Street and a point 68 feet east thereof
	South	Academy Street and First Street
	South	The eastern most driveway into the elementary school and the western most driveway

Street	Side	Between
	East	Twenty feet south of the south end of Uni-Mart parking lot
Puritan Street	West	Academy Street and First Street

§ 15-503.1. Parking Prohibited. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 503.1]

1. It shall be unlawful for any person to park a vehicle in any area where the Borough Council, Public Works Department or the Police Department has designated as NO PARKING. These no parking zones shall be indicated by the placing of no parking signs or the placing of temporary signs.
2. It shall be unlawful to park any vehicle more than 12 inches from the curb on any street or alley.
3. It shall be unlawful to park or leave standing any vehicle upon a public street or alley on the roadway side of any other vehicle stopped or parked at the curb edge of any street or alley (double parking).
4. It shall be unlawful to park or leave standing any vehicle within an intersection.
5. It shall be unlawful to park or leave standing any vehicle on a crosswalk.
6. It shall be unlawful to park or leave standing any vehicle upon any bridge or other elevated structure upon a highway.
7. It shall be unlawful to park or leave standing any vehicle in front of a public or private driveway.
8. It shall be unlawful to park or leave standing any vehicle within 15 feet of a fire hydrant.
9. It shall be unlawful to park or leave standing any vehicle within 30 feet upon the approach of any flashing signal, stop sign, yield sign or traffic control signal.
10. It shall be unlawful to park or leave standing any vehicle within 20 feet of a crosswalk at an intersection.
11. It shall be unlawful to park or leave standing any vehicle facing the opposite direction of traffic.
12. It shall be unlawful to park or leave standing any vehicle with the motor running or leaving ignition keys in the ignition lock while said vehicle is not occupied.

13. It shall be unlawful to park or leave standing any vehicle so as to block or obstruct the flow of traffic.
14. It shall be unlawful to park or leave standing any vehicle on a sidewalk.

§ 15-504. Parking Prohibited in Certain Locations Certain Days and Hours.
[Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 504; and by Ord.
No. 275, 6/9/2015]

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this section, as follows:

Street	Days	Hours
All Streets	Nov. 1 - May 1	12:00 p.m. - 6:00 a.m.
Oswayo Street	Monday-Friday	2:00 p.m. - 4:00 p.m.
(West side - 600 feet from stop sign at junction of Sunnyside Road, SR 4017, to the telephone pole that is 1,082 feet from the same junction.)		
Veterans Memorial Parking Lot	Nov. 1 - May 1	12:00 a.m. - 6:00 a.m.

§ 15-505. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 505]

It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets, any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind):

Street	Between
	(Reserved)

§ 15-506. Parking Time Limited in Certain Locations Certain Days and Hours. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 506]

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

Street	Side	Between	Days	Hours	Parking Time Limit
			(Reserved)		

§ 15-507. Special Purpose Parking Zones Established; Parking Otherwise Prohibited. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 507]

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked, in any such zone, except as specifically provided for that zone:

Street	Side	Location (Reserved)	Authorized Purpose or Vehicle

§ 15-508. Standing or Parking on Roadway for Loading or Unloading. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 508]

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 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.

Street	Side	Between

(Reserved)

§ 15-509. Penalties. [Ord. 174, 6/11/1985; as amended by Ord. 216, 9/10/1996, § 509]

Any person who violates any provision of this Part 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 Mayor all violations of any provision of this Part, 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 Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$5 within 48 hours after the time of the notice, or if he will place the sum of \$5, 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.

PART 6

REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES

§ 15-601. Applicability and Scope. [Ord. 174, 6/11/1985]

This Part is enacted under authority of Section 6109(a-22) of the Vehicle Code,¹ and gives authority to the Borough of Shinglehouse to remove and impound those vehicles which have been abandoned or are not legally entitled to operate or park on the streets and highways of the Commonwealth under authority of the Vehicle Code.

§ 15-602. "Abandoned Vehicle" Defined. [Ord. 174, 6/11/1985]

1. A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
 - A. The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours;
 - B. The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours;
 - C. The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:
 - (1) A valid registration plate.
 - (2) A certificate of inspection.
 - (3) An ascertainable vehicle identification number.
 - D. The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.
2. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

§ 15-603. Removal of Vehicle by or at Direction of Police. [Ord. 174, 6/11/1985]

1. Outside Business and Residence Districts - Whenever any police officer finds a vehicle in violation of any of the provisions of Section 3351 of the Vehicle Code (relating to stopping, standing and parking outside business and

1. 75 Pa.C.S.A. § 101 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

residence districts), the officer may move the vehicle, or cause the vehicle to be moved, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway where the vehicle will not interfere unduly with the normal movement of traffic or constitute a safety hazard.

2. Unattended Vehicle Obstructing Traffic - Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel, in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.
3. Removal to Garage or Place of Safety - Any police officer may remove or cause to be removed to the place of business of the operator of a wrecker or to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:
 - A. Report has been made that the vehicle has been stolen or taken without the consent of its owner.
 - B. The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.
 - C. The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.
 - D. The vehicle is in violation of Section 3353 of the Vehicle Code (relating to prohibitions in specified places) except for overtime parking.
 - E. The vehicle has been abandoned as defined herein. The officer shall comply with the provisions of Subsection 4 and Chapter 75 (relating to abandoned vehicles and cargos) of the Vehicle Code.
4. Notice to Owner Prior to Removal -
 - A. Prior to removal of an abandoned vehicle bearing a registration plate, certificate of inspection or vehicle identification number plate by which the last registered owner of the vehicle can be determined, the police department shall send a notice by certified mail to the last registered owner of the vehicle informing the owner that unless the vehicle is moved to a suitable location within seven days of the date notice is mailed, the vehicle will be removed under this section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of Section 7306 (relating to payment of costs upon reclaiming vehicle). If the abandoned motor vehicle does not bear an identifiable registration plate, certificate of inspection or vehicle identification number plate, the notice may be secured to the vehicle.

- B. If, within the seven-day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be removed. If the police officer or department determines that the vehicle shall, nonetheless, be removed, the owner shall be given an additional 48 hours to remove the vehicle, have it removed or demand a hearing, which shall conform to the requirements of 2 Pa.C.S.A., Ch. 5, Subch. B (relating to practice and procedure of local agencies). The police officer or department shall inform the owner of the right to a hearing by delivering to the owner a notice warning the owner that, unless the vehicle is removed or a hearing is demanded, the owner shall be subject to the provisions of Section 7306. If, as a result of the hearing, it is determined that the vehicle will be removed, the owner shall be given an additional 48 hours to remove the vehicle or have it removed. The hearing shall be before a civilian officer or employee of the municipality in which the vehicle is located.
- C. The provision for notice set forth in this subsection is applicable only if the vehicle is abandoned upon a highway and is not in violation of Subsection 4B or Section 3351(a) or 3353 (a and b) of the Vehicle Code. Notice under this subsection is in addition to any other notice requirements provided in the Vehicle Code.

§ 15-604. Designation of Approved Storage Garages; Bonding; Towing and Storage. [Ord. 174, 6/11/1985]

Any police officer may remove or removal and impounding of vehicles under this chapter shall be done only by "approved storage garages" that shall be designated from time to time by Borough Council. Every such garage shall submit evidence to Borough Council that it is bonded or has acquired liability insurance in an amount satisfactory to Borough Council 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 Borough Council its schedule of charges for towing and storage of vehicles under this chapter, and, when the schedule is approved by Borough Council, 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 chapter by any approved storage garage. Borough Council 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 chapter.

§ 15-605. Effect of Payment of Towing and Storage Charges. [Ord. 174, 6/11/1985]

The payment of any towing and storage charges authorized by this chapter shall, unless payment is made "under protest", be final and conclusive, and shall constitute a waiver of any right to recover the money so paid. If payment of any towing or storage charges is made "under protest", the offender shall be entitled to a hearing before a district justice. 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 chapter for which the vehicle was removed or impounded.

§ 15-606. Reclamation Costs. [Ord. 174, 6/11/1985]

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a \$25 fee of which \$10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

§ 15-607. Records of Vehicles Removed and Impounded. [Ord. 174, 6/11/1985]

The Borough of Shinglehouse shall cause a record to be kept of all vehicles impounded under this Part 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.

§ 15-608. Restrictions Upon Removal of Vehicles. [Ord. 174, 6/11/1985]

No vehicle shall be removed under the authority of this Part 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.

§ 15-609. Penalty. [Ord. 174, 6/11/1985]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. § 7301 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

PART 7

ROAD POSTING

§ 15-701. Title. [Ord. 223, 12/9/1997, § I; as amended by Ord. 230, 9/14/1999]

This Part shall be known as the "Shinglehouse Borough Road Posting Ordinance."

§ 15-702. Purpose. [Ord. 223, 12/9/1997, § II; as amended by Ord. 230, 9/14/1999]

To provide for the health, safety and welfare of the citizens of Shinglehouse Borough, Potter County, Pennsylvania and all other users of the roads within Shinglehouse Borough by the imposition of certain restrictions, limitations and responsibilities upon the users of said roads.

§ 15-703. Weight Limitation. [Ord. 223, 12/9/1997, § III; as amended by Ord. 230, 9/14/1999]

1. No vehicle, motorized equipment or other mechanical device shall be operated or transported or permitted to be operated or transported upon any road within Shinglehouse Borough having a gross weight in excess of 10 tons (or 20,000 pounds) unless the owner, operator or transporter thereof has first obtained and currently holds a valid road permit as required by this Part.
2. No owner or operator shall operate or transport or permit the operation or transportation of a vehicle, motorized equipment or other mechanical device upon any road within Shinglehouse Borough without first having obtained a permit to do so from the Borough Council as required by this Part.
3. The Borough Council of Shinglehouse Borough shall erect or cause to be erected and maintained restriction signs designating the weight restrictions of the roads located within Shinglehouse Borough.
4. The weight limitation of 10 tons (or 20,000 pounds) shall be interpreted such that the permissible weight of any vehicle, motorized equipment or other mechanical device or combination thereof shall not exceed the said weight limit. Further, in calculating the weight of any particular vehicle, motorized equipment or other mechanical device or combination, the weight of any cargo which is being hauled by said vehicle, motorized equipment or other mechanical device shall be included in determining the weight limitation.
5. This Part does not apply to vehicles over 10 tons making local deliveries on Shinglehouse Borough streets.

§ 15-704. Road Permit Required. [Ord. 223, 12/9/1997, § IV; as amended by Ord. 230, 9/14/1999]

1. A road permit shall be required for each and every vehicle, motorized equipment or other mechanical device and shall be valid only for the particular vehicle, motorized equipment or other mechanical device for which the permit is issued and only for the term of operation and use as specified in said permit and as reflected in the application.
2. A road permit shall be required for each and every vehicle, motorized equipment or other mechanical device and shall be prominently displayed in the windshield or operator's side panel or window at all times that the said vehicle, motorized equipment or other mechanical device is operated or transported over, across or upon roads within Shinglehouse Borough. A road permit shall be nontransferable.
3. No permit shall be valid for longer than one year from the date of issuance; however, a permit may be renewed for a period of time specified by the Borough Council if deemed appropriate and if the applicant continues to meet all qualifications which would be required in the case of the issuance of the original permit. Any continued use of a permit after the expiration of the one-year period as specified in the application and permit not authorized by the Borough Council shall be deemed a violation of this Part.
4. An additional time posting shall be required for the movement of any structure being transported that requires a Pennsylvania Department of Transportation oversized permit exceeding 10 tons on Borough streets with the owner of the lot being required to give 48 hours' notice of the time of movement and set up.

§ 15-705. Application Procedure/Application Fee. [Ord. 223, 12/9/1997, § V; as amended by Ord. 230, 9/14/1999]

1. An application for a road permit shall be made to the Borough Council upon the forms provided by Shinglehouse Borough and shall be completed in its entirety supplying all information required therein including, but not limited to the following:
 - A. The particular Borough road or roads over and upon which said applicant anticipates operating.
 - B. Identifying the vehicle, motorized equipment or other mechanical device for which the application for permit is being submitted by year, make, model, manufacturer's number and gross weight limitations.
 - C. Identifying the owner(s) of the vehicle, motorized equipment or other mechanical device and the operator(s) thereof including the address(es) of the owner(s) and operator(s).

2. Except as provided in Subsection 4 below, an application for a road permit shall be accompanied by a surety bond issued by a commercial surety or a certified check made payable to the Borough of Shinglehouse. Said bond or check shall guarantee the repair of the road or roads for which the permit is issued as a result of any damage inflicted or sustained by the said road or roads as a result of use by the applicant. Said bond or check shall further guarantee the restoration of the said roads to their original condition, wholly at the expense of the applicant and indemnify and hold harmless the Borough of Shinglehouse from all claims, damages, losses or expenses whatever kind or nature for or by reason of the operation of said vehicle, motorized equipment or other mechanical device over, across or upon said Borough road or roads.
3. The surety bond or certified check shall be in the minimum amount of \$25,000 per mile traveled for all macadamized or asphalt roads within the Borough and in the minimum amount of \$10,000 per mile traveled for all dirt or gravel roads or highways.
4. The Borough Council may, in its sole discretion and in lieu of the posting of a bond or certified check by the applicant, accept in-kind services, including labor and materials, from an applicant; provided, however, that the applicant demonstrates to the Council that the labor, materials and services provided by the applicant will repair any damage which may be inflicted upon the road through the applicant's use, will restore the road to its original condition and will preserve and maintain the road for the use and benefit of the citizens of Shinglehouse Borough and all other users of the said Borough road. This provision shall not obligate the Borough Council to accept in-kind services from any applicant wishing to provide such services in lieu of the posting of a bond or certified check. In reaching a determination as to whether to accept in-kind services in lieu of the posting of a bond, the Borough Council shall consider, without limitation, such factors as the applicant's prior history of road use within the Borough, the purpose for which the applicant seeks to use the Borough road or roads and the frequency of use of Borough roads by not only the applicant but by others seeking a permit.
5. In the event that an arrangement is reached between the Borough Council and an applicant for the provision of in-kind services in lieu of posting of a bond or certified check and the applicant fails or refuses to provide the agreed upon in-kind services, the Borough Council shall retain the right to terminate the arrangement and immediately require the posting of a bond by the applicant as a condition of further use of the Borough road or roads.
6. Arrangements for the provision of in-kind services shall be valid only for the one-year period for which the permit is issued. There shall be no automatic right of renewal of the arrangement for in-kind services and the Borough Council reserves the right, in their sole discretion and regardless of compliance by the applicant, to require the applicant to post a bond or

certified check for the use of Borough roads upon reapplication for a road permit.

7. An application for a road permit shall be accompanied by a permit fee of \$5 for the first permit and \$1 for each additional permit, per vehicle, motorized equipment or other mechanical device.

§ 15-706. Penalties. [Ord. 223, 12/9/1997, § VI; as amended by Ord. 230, 9/14/1999]

Any person violating the provisions of this Part shall, upon conviction, be subject to a fine not exceeding the sum of \$300 and/or shall undergo imprisonment for a period not exceeding 90 days. Each day the said violation continues shall constitute a separate offense. In addition to the aforementioned penalties, the Borough Council may take any appropriate action at law or in equity to enforce the provisions of this Part and this Part shall in no way restrict any remedies otherwise provided by law. The imposition of a fine or penalty for any noncompliance with this Part shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to make safe, correct or remedy such violation or noncompliance within a reasonable time.

PART 8

Parking, Storage or Use of Major Recreational Equipment**§ 15-801. Definitions. [Ord. No. 282, 8/3/2017]**

1. As used in this Part, the following terms shall have the meanings indicated:

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

§ 15-802. Storage of Major Recreational Equipment on Public Rights-of-Way. [Ord. No. 282, 8/3/2017]

Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, motorcycles, snowmobiles, all-terrain vehicles and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be stored on any public right-of-way.

§ 15-803. Occupancy. [Ord. No. 282, 8/3/2017]

1. No such equipment shall be used for living, sleeping or housekeeping purposes, except as provided for under the following conditions: Travel trailers, pickup campers or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping purposes by visitors and house guests only and in accordance with the following provisions:
 - A. The temporary parking and occupancy period for travel trailers, pickup campers or coaches, motorized dwellings and tent trailers shall not exceed 14 days in a thirty-day period and may not occur again for a period of 14 consecutive days thereafter.
 - B. Such vehicles and/or trailers shall have adequate off-street parking.

§ 15-804. Spacing. [Ord. No. 282, 8/3/2017]

Major recreational equipment six feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building.

§ 15-805. Lot Coverage. [Ord. No. 282, 8/3/2017]

Major recreational equipment six feet or more in height shall be included on the same basis as buildings for regulations of lot coverage by all buildings, with area covered computed on the basis of the largest horizontal area covered by such equipment.

§ 15-806. Derelict Equipment. [Ord. No. 282, 8/3/2017]

No major recreational equipment shall be stored outside on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it is intended.

§ 15-807. Penalties for Violations. [Ord. No. 282, 8/3/2017]

Violation of this Part shall constitute a summary offense, and prosecution for every such offense shall be according to the practice in the case of summary convictions, except where the laws of Pennsylvania shall specifically provide otherwise.

CHAPTER 16

PARKS AND RECREATION

Part 1

Conduct in Borough Park

- §101. Definitions
- §102. Park Hours
- §103. Prohibited Conduct
- §104. Fishing
- §105. Reservation for Specific Uses
- §106. Authority to Close Areas
- §107. Enforcement
- §108. Penalties

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Part 1

Conduct in Borough Park

§101. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

PARK OR PARKS - unless specifically limited, shall be deemed to include all parks, playgrounds, recreation areas, tennis courts, beaches, recreation structures and facilities, and also entrances and approaches thereto, and all other land or property or structures, now or hereafter owned or acquired by the Borough for park or recreational purposes.

PERSON - any natural person, corporation, organization of persons, company, association or partnership.

RULES AND REGULATIONS - any rules and regulations hereby or hereafter promulgated by the Borough Council under the authority herein conferred.

(Ord. 144 1/2, 11/10/1977; as revised by Ord. 174, 6/11/1985)

§102. Park Hours. All parks shall be opened daily to the public at such hours as the Borough Council may from time to time designate, but in no event shall any person be permitted to be in attendance in any park between ten (10) P.M. and sunrise, unless special permission be granted by the Borough Council. (Ord. 144 1/2, 11/10/1977; as revised by Ord. 174, 6/11/1985)

§103. Prohibited Conduct. No person in attendance at a park shall:

1. Injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures, or any other property of the Borough located within the park.

2. Litter any area of the park with garbage, paper, bottles, cans or other waste material; nor dispose of the same in any way except in receptacles designated for such purpose.

3. Kindle or maintain any fire in the park except in fireplaces or areas specially designated for that purpose and located by authority of the Borough Council.

4. Remove any bench, seat, table or other appliance without permission of the Borough Council.

5. Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the park by authority of the Borough Council; nor shall any notice or placard be posted within the park other than by authority of said Borough Council.

6. Set up any booth, table or stand for the sale of any article or service whatsoever within the limits of the park without permission of the Borough Council; distribute, sell, service or rent any services or commodity or solicit for any purpose without permission of the Borough Council.

7. Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Borough Council, or operate the same in a reckless or negligent manner or in excess of any posted speed limit or in such a manner as to become a nuisance to other area users.

8. Operate commercial vehicles, unless providing authorized services.

9. Bring onto the premises, possess or consume any alcoholic beverage or illegal drugs of any kind; no person shall enter the park in an intoxicated state or otherwise be under the influence of alcohol or illegal drugs.

10. Carry or discharge any firearms, slingshots, firecrackers, fireworks or other missile propelling instruments or explosives or arrows, or other dangerous weapons which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Borough Council in designated areas; police officers in the performance of their duties will be exempt from these provisions.

11. Play ball, swim, golf, pitch horseshoes, engage in archery, camp or launch, dock or land any boat, engage in finding buried objects with special detectors, or participate in any other form of recreation, sporting endeavor or pastime, except in those areas which may be designated from time to time for that purpose by the Borough Council.

12. Disrobe or change clothing except in buildings or facilities made available for that purpose.

13. Disturb the peace by any conduct so as to annoy any other person using the park for recreational purposes.

14. Operate a snowmobile, minibike, motorcycle, or any vehicle recreational or otherwise except on designated roads, trails, or areas set aside for their use.

15. Use threatening, abusive, insulting, profane or obscene language or words.

16. Commit any disorderly or immoral acts.

17. Hold any public meeting or rally with more than five (5) persons or engage in any marching or driving as members of a military, political or other organization without permission of the Borough Council, which requires a statement of information, including the name of the organization, its purpose, number of persons expected to be invited, expected duration and name(s) of person(s) in charge.

18. Disobey a proper order of a police officer or Borough Council member, or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by an authorized person and posted or displayed by sign, notice, bulletin, card, poster, or when notified or informed as to its existence by the Borough Council or an authorized person.

19. Hunt for, capture or kill, or attempt to capture or kill, or aid or assist in the capturing or killing of, in any manner, any wild bird or wild animal of any description, either game or otherwise, and to that end, it is unlawful for any person to carry onto or possess in any park, a shotgun or rifle or pistol or firearm of any make or kind unless specific permission is granted for a designated area by authority of the Borough Council.

20. Allow pets to run at large out of control.

(Ord. 144 1/2, 11/10/1977; as revised by Ord. 174, 6/11/1985)

§104. Fishing. All laws pertaining to fishing in the Commonwealth shall apply to fishing in parks and recreation areas, and provisions thereof are hereby incorporated by reference. (Ord. 144 1/2, 11/10/1977; as revised by Ord. 174, 6/11/1985)

§105. Reservation for Specific Uses. The use of all parks shall be on a first come, first served basis unless otherwise reserved:

1. by annual permission granted by the Borough Council for the scheduling of various league games, etc;

2. for school or college athletic games, practice, contests, or exhibitions;

3. for regularly scheduled school district or municipal recreation programs;

4. by permission granted by the Borough Council for a specific requested use.

(Ord. 144 1/2, 11/10/1977; as revised by Ord. 174, 6/11/1985)

§106. Authority to Close Areas. Recreation facilities which become hazardous for public use due to weather, water, fire or unforeseeable conditions may be closed only at the discretion of the Borough Council. (Ord. 144 1/2, 11/10/1977; as revised by Ord. 174, 6/11/1985)

§107. Enforcement. The police officers of the Borough are charged with enforcement of the provisions of this Part. (Ord. 144 1/2, 11/10/1977; as revised by Ord. 174, 6/11/1985)

§108. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 144 1/2, 11/10/1977; as revised by Ord. 174, 6/11/1985)

CHAPTER 17
STORMWATER MANAGEMENT

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PART 1

GENERAL PROVISIONS

§ 17-101. Short Title. [Ord. 261, 3/8/2011]

This chapter shall be known and may be cited as the "Shinglehouse Borough Stormwater Management Ordinance."

§ 17-102. Statement of Findings. [Ord. 261, 3/8/2011]

1. The governing body of Shinglehouse Borough finds that:
 - A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point-source pollution of water resources.
 - B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, welfare, and the protection of the people of the municipality and all the people of the commonwealth, their resources, and the environment.
 - C. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns; accelerating stream flows (which increase scour and erosion of streambeds and stream banks, thereby elevating sedimentation); destroying aquatic habitats; and elevating aquatic pollutant concentrations and loadings, such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
 - D. Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
 - E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater issues.
 - F. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are

required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

§ 17-103. Purpose. [Ord. 261, 3/8/2011]

1. The purpose of this chapter is to promote health, safety, and welfare within Shingle-house Borough, Potter County, by minimizing the harms and maximizing the benefits described in § 17-102 of this chapter through provisions intended to:
 - A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code, Chapter 93, to protect, maintain, reclaim, and restore the existing and designated uses of the waters of the commonwealth.
 - B. Manage accelerated runoff and erosion and sedimentation problems close to their source by regulating activities that cause these problems.
 - C. Preserve the natural drainage systems as much as possible.
 - D. Maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
 - E. Maintain existing flows and quality of streams and watercourses.
 - F. Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and streambeds.
 - G. Manage stormwater impacts close to the runoff source, with a minimum of structures and a maximum use of natural processes.
 - H. Provide procedures, performance standards, and design criteria for stormwater planning and management.
 - I. Provide proper operations and maintenance of all temporary and permanent stormwater management facilities and best management practices (BMPs) that are constructed and implemented.
 - J. Provide standards to meet the NPDES permit requirements.

§ 17-104. Statutory Authority. [Ord. 261, 3/8/2011]

1. Primary Authority. Shinglehouse Borough is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1 et seq., as amended, the "Storm Water Management Act," and the Borough Code.

2. Secondary Authority. Shinglehouse Borough also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, the Pennsylvania Municipalities Planning Code, as amended.¹

§ 17-105. Applicability. [Ord. 261, 3/8/2011]

1. This chapter shall apply to all areas of Shinglehouse Borough, any regulated activity within Shinglehouse Borough and all stormwater runoff entering into Shinglehouse Borough's separate storm sewer system from lands within the boundaries of Shinglehouse Borough.
2. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This chapter shall operate in coordination with those parallel requirements; the requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than state law.
3. "Regulated activities" are any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff. "Regulated activities" include but are not limited to the following listed items:
 - A. Earth disturbance activities.
 - B. Land development.
 - C. Subdivision.
 - D. Construction of new or additional impervious or semipervious surfaces.
 - E. Construction of new buildings or additions to existing buildings.
 - F. Diversion or piping of any natural or man-made stream channel.
 - G. Installation of stormwater management facilities or appurtenances thereto.
 - H. Installation of stormwater BMPs.
4. See § 17-302 of this chapter for exemption/modification criteria.

§ 17-106. Repealer. [Ord. 261, 3/8/2011]

Any ordinance, ordinance provision(s), or regulation of Shinglehouse Borough inconsistent with any of the provision(s) of this chapter is hereby repealed to the extent of the inconsistency only.

1. Editor's Note: See 53 P.S. § 10101 et seq.

§ 17-107. Severability. [Ord. 261, 3/8/2011]

In the event that a court of competent jurisdiction declares any section(s) or provision(s) of this chapter invalid, such decision shall not affect the validity of any of the remaining section(s) or provision(s) of this chapter.

§ 17-108. Compatibility With Other Requirements. [Ord. 261, 3/8/2011]

Approvals issued and actions taken pursuant to this chapter do not relieve the applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that this chapter imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this chapter shall be followed.

§ 17-109. Duty of Persons Engaged in the Development of Land. [Ord. 261, 3/8/2011]

Notwithstanding any provision(s) of this chapter, including exemptions, any landowner or 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 also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

§ 17-110. Municipal Liability Disclaimer. [Ord. 261, 3/8/2011]

1. Neither the granting of any approval under this chapter, nor the compliance with the provisions of this chapter, or with any condition imposed by a municipal 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 municipality for damages to persons or property.
2. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guaranty/or warranty of any kind by the municipality, 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.

PART 2
DEFINITIONS

§ 17-201. Interpretation. [Ord. 261, 3/8/2011]

1. For the purpose of this chapter, certain terms and words used herein shall be interpreted as follows:
 - A. Words used in the present tense include the future tense; the singular number includes the plural; and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
 - B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
 - C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
 - D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
 - E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained."

§ 17-202. Definitions. [Ord. 261, 3/8/2011]

As used in this chapter, the following terms shall have the meanings indicated:

ACCELERATED EROSION — The removal of the surface of the land through the combined action of human activity and natural processes at a rate greater than would occur because of the natural process alone.

AGRICULTURAL ACTIVITIES — Activities associated with agriculture, such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops, tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

ALTERATION — As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

DETENTION BASIN — An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DETENTION VOLUME — The volume of runoff that is captured and released into waters of the commonwealth at a controlled rate.

DEVELOPER — A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this chapter.

DEVELOPMENT SITE (SITE) — The specific tract of land for which a regulated activity is proposed; also see "project site."

DISTURBED AREA — An unstabilized land area where an earth disturbance activity is occurring or has occurred.

DOWNSLOPE PROPERTY LINE — That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed toward it.

DRAINAGE CONVEYANCE FACILITY — A stormwater management facility designed to convey stormwater runoff, and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

DRAINAGE EASEMENT — A right, granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

DRAINAGEWAY — Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

EARTH DISTURBANCE ACTIVITY — A construction or other human activity which disturbs the surface of the land, including but not limited to clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EROSION — The movement of soil particles by the action of water, wind, ice, or other natural forces.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN — A plan which is designed to minimize accelerated erosion and sedimentation.

EXCEPTIONAL-VALUE WATERS — Surface waters of high quality which satisfy Pa. Code Title 25, Environmental Protection, Chapter 93, Water Quality Standards, 93.4b(b) (relating to antidegradation).

EXISTING CONDITIONS — The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land and not forested, the land use shall be considered as "meadow," unless the natural land cover is documented to generate lower curve numbers or rational "C" coefficient.

FEMA — The Federal Emergency Management Agency.

FLOOD — A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of the commonwealth.

FLOOD FRINGE — The remaining portions of the 100-year floodplain outside of the floodway boundary.

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration, Flood Hazard Boundary Maps as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be inundated by a 100-year flood. Also included are areas that comprise Group 13 soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

FLOODWAY — The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FOREST MANAGEMENT/TIMBER OPERATIONS — Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

FREEBOARD — A vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

GRADE — A slope, usually of a road, channel or natural ground, specified in percent and shown on plans as specified herein.

(TO) GRADE — To finish the surface of a roadbed, top of embankment or bottom of excavation.

GROUNDWATER RECHARGE — Replenishment of existing natural underground water supplies.

HEC-HMS MODEL CALIBRATED (HYDROLOGIC ENGINEERING CENTER HYDROLOGIC MODELING SYSTEM) — A computer-based hydrologic modeling technique adapted to the watershed(s) in Potter County for the Act 167 Plan. The model has been calibrated by adjusting key model input parameters.

HIGH-QUALITY WATERS — Surface water having quality which exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pa. Code Title 25, Environmental Protection, Chapter 93, Water Quality Standards, 93.4b(a).

HYDROLOGIC SOIL GROUP (HSG) — Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into one of four HSG (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resource Conservation Service (NRCS) of the United States Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of interest may be identified from a soil survey report from the local NRCS office or the County Conservation District.

IMPERVIOUS SURFACE (IMPERVIOUS AREA) — A surface that prevents the infiltration of water into the ground. Impervious surface (or areas) includes but is not limited to roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway areas, and any new streets and sidewalks. Any surface areas proposed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

IMPOUNDMENT — A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

INFILTRATION STRUCTURE — A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench, etc.).

INLET — A surface connection to a closed drain; a structure at the diversion end of a conduit; the upstream end of any structure through which water may flow.

LAND DEVELOPMENT (DEVELOPMENT) —

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings or the division or allocation of land or space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

- B. Any subdivision of land.
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

MAIN STEM (MAIN CHANNEL) — Any stream segment or other runoff conveyance facility used as a reach in the Potter County Act 167 watershed hydrologic model(s).

MANNING EQUATION (MANNING FORMULA) — A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. Open channels may include closed conduits so long as the flow is not under pressure.

MUNICIPALITY — Shinglehouse Borough, Potter County, Pennsylvania.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) — The federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.

NOAA ATLAS 14 — The Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland (2004). NOAA's Atlas 14 can be accessed at Internet address <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

NON-POINT-SOURCE POLLUTION — Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NRCS — The Natural Resource Conservation Service [previously Soil Conservation Service (SCS)].

OPEN CHANNEL — A drainage element in which stormwater flows with an open surface. Open channels include but shall not be limited to natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

OUTFALL —

- A. The point where water flows from a conduit, stream, or drain.
- B. A "point source," as described in 40 CFR § 122.2, at the point where the municipality's storm sewer system discharges to surface waters of the commonwealth.

OUTLET — Points of water disposal from a stream, river, lake, tidewater, or artificial drain.

PADEP — The Pennsylvania Department of Environmental Protection.

PARKING LOT STORAGE — Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

PEAK DISCHARGE — The maximum rate of stormwater runoff from a specific storm event.

PERSON — An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERVIOUS AREA — Any area not defined as "impervious."

PIPE — A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

POINT SOURCE — Any discernible, confined, or discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in state regulations at 25 Pa. Code § 92.1.

PROBABLE MAXIMUM FLOOD (PMF) — The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

PROJECT SITE — The specific area of land where any regulated activities in the municipality are planned, conducted, or maintained.

QUALIFIED PROFESSIONAL — Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this chapter.

RATIONAL FORMULA — A rainfall-runoff relation used to estimate peak flow.

REDEVELOPMENT — Earth disturbance activities on land which has previously been developed.

REGULATED ACTIVITIES — Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

REGULATED EARTH DISTURBANCE ACTIVITY — Activity involving earth disturbance subject to regulation under 25 Pa. Code, Chapter 92, Chapter 102, or the Clean Streams Law.

RELEASE RATE — The percentage of predevelopment peak rate of runoff from a site or subwatershed area to which the post-development peak rate of runoff must be reduced to protect downstream areas.

RELEASE RATE DISTRICT — Those subwatershed areas in which post-development flows must be reduced to a certain percentage of predevelopment flows as required to meet the plan requirements and the goals of Act 167.

RETENTION BASIN — An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

RETENTION VOLUME/REMOVED RUNOFF — The volume of runoff that is captured and not released directly into the surface Waters of this commonwealth during or after a storm event.

RETURN PERIOD — The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the twenty-five-year return period rainfall would be expected to recur on the average once every 25 years; or stated in another way, the probability of a twenty-five-year storm occurring in any one given year is 0.04 (i.e., a 4% chance).

RIPARIAN BUFFER — A vegetated area, bordering perennial and intermittent streams and wetlands, that serves as a protective filter to help protect streams and wetlands from the impacts of adjacent land uses.

RISER — A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

ROAD MAINTENANCE — Earth disturbance activities within the existing road right-of-way, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities. Road maintenance activities that do not disturb the subbase of a paved road (such as milling and overlays) are not considered earth disturbance activities.

ROOFTOP DETENTION — Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

RUNOFF — Any part of precipitation that flows over the land surface.

RUNOFF CAPTURE VOLUME — The volume of runoff that is captured (retained) and not released into surface waters of the commonwealth during or after a storm event.

SEDIMENT — Soils or other materials transported by surface water as a product of erosion.

SEDIMENT BASIN — A barrier, dam, or retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by stormwater runoff.

SEDIMENT POLLUTION — The placement, discharge, or any other introduction of sediment into waters of the commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this chapter.

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by the movement of water.

SEEPAGE PIT/SEEPAGE TRENCH — An area of excavated earth, filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

SHEET FLOW — Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

SOIL COVER COMPLEX METHOD — A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called "Curve Number (CN)."

SPILLWAY (EMERGENCY) — A depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin.

STATE WATER QUALITY REQUIREMENTS — The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

STORAGE INDICATION METHOD — A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage), with "outflow" defined as a function of storage volume and depth.

STORM FREQUENCY — The number of times that a given storm event occurs or is exceeded on the average in a stated period of years. See also "return period."

STORM SEWER — A system of pipes and/or open channels that conveys intercepted runoff and stormwater from other sources but excludes domestic sewage and industrial wastes.

STORMWATER — Drainage runoff from the surface of the land resulting from precipitation, snow, or ice melt.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff.

STORMWATER MANAGEMENT FACILITIES — Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include but are not limited to detention and retention basins, open channels, storm sewers, pipes and infiltration facilities.

STORMWATER MANAGEMENT PLAN — The Potter County Stormwater Management Plan for managing stormwater runoff in Potter County, as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the "Stormwater Management Act."

STORMWATER MANAGEMENT SITE PLAN (SWM SITE PLAN) — The plan prepared by the applicant or his representative indicating how stormwater runoff will be managed at the project site in accordance with this chapter.

STREAM ENCLOSURE — A bridge, culvert, or other structure in excess of 100 feet in length, upstream to downstream, which encloses regulated waters of the commonwealth.

SUBDIVISION — The division or redivision 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, 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 10 acres, not involving any new street or easement of access or any residential dwellings, shall be exempt (Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247).

SUBWATERSHED AREA — The smallest drainage unit of a watershed for which stormwater management criteria has been established in the Stormwater Management Plan.

SWALE — A low-lying stretch of land that gathers or carries surface water runoff.

TIMBER OPERATIONS — See "forest management."

TIME OF CONCENTRATION (T_c) — The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

USDA — The United States Department of Agriculture.

WATERCOURSE — A channel or conveyance of surface water, such as a stream or creek, having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERS OF THE COMMONWEALTH — Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

WATERSHED — A region or area drained by a river, watercourse, or other surface water, whether natural or artificial.

WETLANDS — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

PART 3

STORMWATER MANAGEMENT STANDARDS

§ 17-301. General Requirements. [Ord. 261, 3/8/2011]

1. For all regulated activities, unless specifically exempted in § 302:
 - A. Preparation and implementation of an approved SWM site plan is required.
 - B. No regulated activities shall commence until the municipality issues written approval of an SWM site plan, which demonstrates compliance with the requirements of this chapter.
 - C. The SWM site plan shall demonstrate that adequate capacity will be provided to meet the volume and rate control requirements, as described under §§ 17-304 and 17-305 of this chapter.
 - D. The SWM site plan approved by the municipality shall be on site throughout the duration of the regulated activities.
2. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code (including but not limited to Chapter 102, Erosion and Sediment Control) and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.
3. For all regulated activities, stormwater BMPs shall be designed, installed, implemented, operated, and maintained to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law, conform to the state water quality requirements, and meet all requirements under the Storm Water Management Act and any more stringent requirements as determined by the municipality.
4. The municipality may, after consultation with PADEP and the Conservation District, approve measures for meeting the state water quality requirements other than those in this chapter, provided that they meet the minimum requirements of and do not conflict with state law, including but not limited to the Clean Streams Law.
5. All regulated activities shall include, to the maximum extent practicable, measures to:

- A. Protect health, safety, and property.
- B. Meet the water quality goals of this chapter by implementing measures to:
 - (1) Minimize disturbance to floodplains, wetlands, natural slopes, existing native vegetation and woodlands.
 - (2) Create, maintain, or extend riparian buffers and protect existing forested buffers.
 - (3) Provide trees and woodlands adjacent to impervious areas whenever feasible.
 - (4) Minimize the creation of impervious surfaces and the degradation of waters of the commonwealth and promote groundwater recharge.
 - (5) Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.
 - (6) Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
 - (7) Avoid erosive flow conditions in natural flow pathways.
 - (8) Minimize soil disturbance and soil compaction.
 - (9) Minimize thermal impacts to waters of the commonwealth.
 - (10) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible, and decentralize and manage stormwater at its source.
- 6. Impervious Areas.
 - A. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in stages.
 - B. For developments taking place in stages, the entire development plan must be used in determining conformance with this chapter.
- 7. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.

- A. The applicant must provide an easement for proposed concentrated flow across adjacent properties.
 - B. Such stormwater flows shall be subject to the requirements of this chapter.
8. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this chapter.
9. Where watercourses traverse a development site, drainage easements (to encompass the 100-year flood elevation with a minimum width of 20 feet) shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement, may be required, except as approved by the appropriate governing authority.
10. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PADEP under regulations at 25 Pa. Code, Chapter 105, through the joint permit application process or, where deemed appropriate by PADEP, through the general permit process.
11. Any stormwater management facilities or any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures, etc.) that are regulated by this chapter, that will be located in or adjacent to waters of the commonwealth (including wetlands), shall be subject to approval by PADEP under regulations at 25 Pa. Code, Chapter 105, through the joint permit application process or, where deemed appropriate by PADEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PADEP.
12. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.
13. Any stormwater management facilities regulated by this chapter that will be located on or discharged onto state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
14. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil

conditions and geology permit, to reduce the size or eliminate the need for detention facilities.

15. Infiltration BMPs should be dispersed throughout the site, be made as shallow as practicable, and be located to maximize use of natural on-site infiltration features while still meeting the other requirements of this chapter.
16. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where it is advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then the municipality shall permit it on a case-by-case basis.
17. Applicants are encouraged to use low-impact development practices to reduce the costs of complying with the requirements of this chapter and the state water quality requirements.
18. When stormwater management facilities are proposed within 1,000 feet of a downstream municipality, the SWM plan shall be submitted to the downstream Municipality's Engineer for review and comment.

§ 17-302. Exemptions; Modifications. [Ord. 261, 3/8/2011]

1. Under no circumstance shall the applicant be exempt from implementing such measures as necessary to:
 - A. Meet state water quality standards and requirements.
 - B. Protect health, safety, and property.
 - C. Meet special requirements for high-quality (HQ) and exceptional-value (EV) watersheds.
2. The applicant must utilize the following BMPs to the maximum extent practicable to receive consideration for the exemptions:
 - A. Design around and limit disturbance of floodplains, wetlands, natural slopes over 15%, existing native vegetation, and other sensitive and special-value features.
 - B. Maintain riparian and forested buffers.
 - C. Limit grading and maintain nonerosive flow conditions in natural flow paths.
 - D. Maintain existing tree canopies near impervious areas.
 - E. Minimize soil disturbance and reclaim disturbed areas with topsoil and vegetation.

- F. Direct runoff to pervious areas.
3. The applicant's proposed development/additional impervious area may not adversely impact the following:
- A. Capacities of existing drainageways and storm sewer systems.
 - B. Velocities and erosion.
 - C. Quality of runoff if direct discharge is proposed.
 - D. Existing known problem areas.
 - E. Safe conveyance of the additional runoff.
 - F. Downstream property owners.
4. An applicant proposing regulated activities, after demonstrating compliance with § 17-302, Subsections 1, 2 and 3, may be exempted from various requirements of this chapter according to the following table: **[Amended by Ord. No. 273, 12/9/2014]**

New Impervious Area ^{1, 2}	Applicant Must Provide
1 acre or less	Documentation of new impervious area ³
>1 acre	Rate controls, volume controls and SWM site plan

NOTES:

- ¹ New impervious area since the date of adoption of this chapter.
 - ² Gravel in existing condition shall be considered pervious, and gravel in proposed condition shall be considered impervious.
 - ³ The Small Project Stormwater Management Application included in Appendix E² may be used for projects under 5,000 square feet or single-family residential projects over 5,000 square feet of new impervious surface. The Small Project SWM Application allows documentation of new impervious surface, credits through disconnection of impervious surfaces and tree planting, and sizing of volume control BMPs that may be required.
5. Single-family residential activities are exempt from these requirements, provided that the construction:
- A. Complies with § 17-301, Subsection 7, and § 17-302, Subsection 1, 2 and 3;

2. Editor's Note: Appendix E is on file in the Borough offices.

- B. Has building setback 75 feet from downstream property lines; and
 - C. Driveways:
 - (1) Runoff must discharge onto pervious surface with a gravel strip or other spreading device.
 - (2) No more than 1,000 square feet of paved surface may discharge to any one point.
 - (3) The length of flow on the pervious must exceed the length of the paved surface flow.
 - D. The municipality can require more information or require mitigation of certain impacts through installation of stormwater management BMPs if there is a threat to property, health, or safety.
- 6. The municipality may deny or revoke any exemption pursuant to this section at any time for any project that the municipality believes may pose a threat to public health, safety, property or the environment.
 - 7. An applicant proposing regulated activities, after demonstrating compliance with § 17-302, Subsections 1, 2 and 3, may be exempted from various requirements of this chapter if documentation can be provided that a downstream man-made water body (i.e., reservoir, lake, or man-made wetlands) has been designed or modified to address the potential stormwater flooding impacts of the proposed development.
 - 8. The purpose this section is to ensure consistency of stormwater management planning between local ordinances and NPDES permitting (when required) and to ensure that the applicant has a single and clear set of stormwater management standards to which the applicant is subject. The municipality may accept alternative stormwater management controls under this section, provided that:
 - A. The municipality, in consultation with the PADEP (or delegated authority), determines that meeting the volume control requirements (see § 17-304) is not possible or places an undue hardship on the applicant.
 - B. The alternative controls are documented to be acceptable to PADEP (or delegated authority) for NPDES requirements pertaining to post-construction stormwater management requirements.
 - C. The alternative controls are in compliance with all other sections of this chapter, including but not limited to § 17-301, Subsection 4, and § 17-302, Subsections 1, 2 and 3.

9. Agricultural activities are exempt from requirements of this chapter, provided that the activities are performed according to the requirements of 25 Pa. Code, Chapter 102.
10. Forest management and timber operations are exempt from the rate and volume control requirements and SWM site plan preparation requirements of this chapter, provided that the activities are performed according to the requirements of 25 Pa. Code, Chapter 102. It should be noted that temporary roadways are not exempt.

§ 17-303. Waivers. [Ord. 261, 3/8/2011]

1. The provisions of this chapter are the minimum standards for the protection of the public welfare.
2. All waiver requests must meet the provisions of § 17-303, Subsections 7 and 8.
 - A. Waivers shall not be issued from implementing such measures as necessary to:
 - (1) Meet state water quality standards and requirements.
 - (2) Protect health, safety, and property.
 - (3) Meet special requirements for high-quality (HQ) and exceptional-value (EV) watersheds.
 - B. Municipalities will then consider waivers in accordance with § 17-301, Subsection 4, except that waiver requests for relief from the design requirements of § 17-601B and C will be processed by the municipality at its sole discretion.
3. If an applicant demonstrates to the satisfaction of the governing body of the municipality that any mandatory provision of this chapter is unreasonable or causes unique or undue unreasonableness or hardship as it applies to the proposed project, or that an alternate design may result in a superior result within the context of §§ 17-102 and 17-103 of this chapter, the governing body of the municipality, upon obtaining the comments and recommendations of the Municipal Engineer and Conservation District, may grant a waiver or relief so that substantial justice may be done and the public interest is secured, provided that such waiver will not have the effect of nullifying the intent and purpose of this chapter.
4. The applicant shall submit all requests for waivers in writing and shall include such requests as a part of the plan review and approval process. The applicant shall state in full the facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance that are involved, and the minimum waiver or relief that is necessary. The applicant shall state how the requested waiver and how the applicant's

proposal shall result in an equal or better means of complying with the intent or purpose and general principles of this chapter.

5. The municipality shall keep a written record of all actions on waiver requests.
6. The municipality may charge a fee for each waiver request, which shall be used to offset the administrative costs of reviewing the waiver request. The applicant shall also agree to reimburse the municipality for reasonable and necessary fees that may be incurred by the Municipal Engineer in any review of a waiver request.
7. In granting waivers, the municipality may impose reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements that are to be modified.
8. The municipality may grant applications for waivers when the following findings are made, as relevant:
 - A. That the waiver shall result in an equal or better means of complying with the intent of this chapter.
 - B. That the waiver is the minimum necessary to provide relief.
 - C. That the applicant is not requesting a waiver based on cost considerations.
 - D. That existing downgradient stormwater problems will not be exacerbated.
 - E. That runoff is not being diverted to a different drainage area.
 - F. That increased flooding or ponding on off-site properties or roadways will not occur.
 - G. That potential icing conditions will not occur.
 - H. That an increase of peak flow or volume from the site will not occur.
 - I. That erosive conditions due to increased peak flows or volume will not occur.
 - J. That adverse impact to water quality will not result.
 - K. That increased 100-year floodplain levels will not result.
 - L. That increased or unusual municipal maintenance expenses will not result from the waiver.
 - M. That the amount of stormwater generated has been minimized to the greatest extent allowed.

- N. That infiltration of runoff throughout the proposed site has been provided where practicable and predevelopment groundwater recharge protected.
- O. That peak flow attenuation of runoff has been provided.
- P. That long-term operation and maintenance activities are established.
- Q. That the receiving streams and/or water bodies will not be adversely impacted in flood carrying capacity, aquatic habitat, channel stability and erosion and sedimentation.

§ 17-304. Volume Controls. [Ord. 261, 3/8/2011]

1. The low-impact development practices provided in the BMP Manual and in Appendix B of this chapter³ shall be utilized for all regulated activities to the maximum extent practicable.
2. Stormwater runoff volume controls shall be implemented using the Design Storm Method or the Simplified Method, as defined below. For regulated activity areas equal or less than one acre that do not require hydrologic routing to design the stormwater facilities, this chapter establishes no preference for either method; therefore, the applicant may select either method on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.
 - A. The Design Storm Method (CG-1 in the BMP Manual) is applicable to any sized regulated activity. This method requires detailed modeling based on site conditions.
 - (1) Do not increase the post-development total runoff volume when compared to the predevelopment total runoff volume for the two-year, twenty-four-hour storm event.
 - (2) For hydrologic modeling purposes:
 - (a) Existing nonforested pervious areas must be considered meadow (good condition) for predevelopment hydrologic calculations.
 - (b) 20% of existing impervious area, when present within the proposed project site, shall be considered meadow (good condition) for predevelopment hydrologic calculations for redevelopment.
 - B. The Simplified Method (CG-2 in the BMP Manual) is independent of site conditions and should be used if the Design Storm Method is not

3. Editor's Note: Appendix B is on file in the Borough offices.

followed. This method is not applicable to regulated activities greater than one acre or for projects that require detailed design of stormwater storage facilities. For new impervious surfaces:

- (1) Stormwater facilities shall capture at least the first two inches of runoff from all new impervious surfaces.
- (2) At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into surface waters of the commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
- (3) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases, at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
- (4) Actual field infiltration tests at the location of the proposed elevation of the stormwater BMPs are required. Infiltration tests shall be conducted in accordance with the BMP Manual. Notification of the municipality shall be provided to allow witnessing of the testing.

C. In cases where it is not possible or desirable to use infiltration-based best management practices to partially fulfill the requirements in either § 17-304, Subsection 2A or B, the following procedure shall be used:

- (1) At a minimum, the following documentation shall be provided to justify the decision to not use infiltration BMPs:
 - (a) A description of and justification for field infiltration/permeability testing with respect to the type of test and test locations.
 - (b) An interpretive narrative describing existing site soils and their structure as these relate to the interaction between soils and water occurring on the site. In addition to providing soil and soil profile descriptions, this narrative shall identify depth to seasonal high-water tables and depth to bedrock and provide a description of all subsurface elements (fragipans and other restrictive layers, geology, etc.) that influence the direction and rate of subsurface water movement.
 - (c) A qualitative assessment of the site's contribution to annual aquifer recharge shall be made, along with identification of any restrictions or limitations associated with the use of engineered infiltration facilities.

- (d) The provided documentation must be signed and sealed by a professional engineer or geologist.
- (2) The following water quality pollutant load reductions will be required for all disturbed areas within the proposed development:

Pollutant Load	Units	Required reduction
Total suspended solids (TSS)	Pounds	85%
Total phosphorous (TP)	Pounds	85%
Total nitrate (NO ₃)	Pounds	50%

- (3) The performance criteria for water quality best management practices shall be determined from the Pennsylvania Stormwater Best Management Practices Manual, most current version.
3. The applicable worksheets from the BMP Manual must be used in calculations to establish volume control.

§ 17-305. Rate Controls. [Ord. 261, 3/8/2011]

1. Lands contained within Potter County that have not had release rates established under an approved Act 167 stormwater management plan:
 - A. Post-development discharge rates shall not exceed the predevelopment discharge rates for the one-year, two-year, ten-year, twenty-five-year, fifty-year, and 100-year storms.
2. Lands contained within Potter County that have had release rates established under an approved Act 167 stormwater management plan:
 - A. The post-development peak discharge rates shall be in accordance with the approved release rate map for the individual watershed.

§ 17-306. Sensitive Areas and Stormwater Hotspots. [Ord. 261, 3/8/2011]

1. Sensitive areas, as defined below, and stormwater hotspots, which require special consideration with regard to stormwater management:
 - A. "Sensitive areas" are defined as those areas that, if developed, have the potential to endanger a water supply. These areas consist of the delineated one-year zone of contribution and direct upslope areas tributary to the water supply wells. Municipalities may update the

sensitive area boundaries based on new research or studies as required.

- B. "Stormwater hotspots" are land development projects that have a high potential to endanger local water quality and could potentially threaten groundwater reservoirs. The Municipal Engineer will determine what constitutes these classifications on a case-by-case basis. The PADEP wellhead protection contaminant source list shall be used as a guide in these determinations. Industrial manufacturing site and hazardous material storage areas must provide NPDES SIC codes.

2. Performance Standards.

- A. The location of the boundaries of sensitive areas is set by drainage areas tributary to any public water supply. The exact location of these boundaries as they apply to a given development site shall be determined using mapping at a scale which accurately defines the limits of the sensitive area. If the project site is within the sensitive area (in whole or in part), two-foot contour interval mapping shall be provided to define the limits of the sensitive area. If the project site is adjacent to but within 500 linear feet of a defined sensitive area, a five-foot contour interval map defining the limits of the sensitive area shall be included in the stormwater management plan to document the site's location relative to the sensitive area.
- B. Stormwater hotspot developments may be required to prepare and implement a stormwater pollution prevention plan and file notice of intent as required under the provision of the EPA industrial stormwater NPDES permit requirements.
- C. Stormwater hotspot developments must use an acceptable pretreatment BMP prior to volume control and/or rate control BMPs. Acceptable pretreatment BMPs for these developments include those based on filtering, settling, or chemical reaction processes such as coagulation.
- D. Stormwater hotspot developments and development in sensitive areas must include riparian buffers as defined in Part 6.

PART 4

EROSION AND SEDIMENTATION STANDARDS

§ 17-401. Erosion and Sedimentation Requirements During Earth-Disturbance Activities. [Ord. 261, 3/8/2011]

1. The applicant shall meet requirements as contained in 25 Pa. Code, Chapters 92 and 102, as required and applicable, as follows:
 - A. The implementation and maintenance of erosion and sediment control BMPs.
 - B. Development of written plans.
 - C. Submission of plans for approval.
 - D. Obtaining erosion and sediment control and NPDES permits.
 - E. Maintaining plans and permits on site.
2. Evidence of any necessary plan or permit approval for earth disturbance activities from PADEP or the Potter County Conservation District must be provided to the municipality.
3. A copy of the approved erosion and sediment control plan and any other permit, as required by PADEP or the Potter County Conservation District, shall be available at the project site at all times if required under Chapter 102.
4. Construction of temporary roadways (e.g.; for utility construction, timber harvesting, etc.) shall comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pa. Code, Chapters 102 and 105. The erosion and sedimentation control plan shall be submitted to the Potter County Conservation District for approval and shall address the following, as applicable:
 - A. Design of the roadway system, including haul roads, skid roads, landing areas, trails, and storage and staging areas.
 - B. Runoff control structures (e.g., diversions, culverts, detention ponds, etc.).
 - C. Stream crossings for both perennial and intermittent streams.
 - D. Access to public roadways, including design of a rock construction entrance for mud and debris control.

- E. A remediation plan for restoring the disturbed area through regrading, topsoil placement, reseeding, and other stabilization techniques, as required.
- 5. Additional erosion and sedimentation control design standards and criteria that must be applied where infiltration BMPs are proposed include the following:
 - A. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase as to maintain their maximum infiltration capacity.
 - B. Infiltration BMPs shall be protected from receiving sediment-laden runoff.
 - C. The source of protection for infiltration BMPs shall be identified (i.e., orange construction fence surrounding the perimeter of the BMP).

PART 5

PROTECTED WATERSHED STANDARDS

§ 17-501. Protected Watershed Requirements. [Ord. 261, 3/8/2011]

1. For any regulated activity within a protected watershed (high-quality or exceptional-value), the applicant shall meet requirements as contained in 25 Pa. Code, Chapter 93, as required and applicable.
2. An existing resources and site analysis plan shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The municipality shall review the plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be required:
 - A. A complete current perimeter boundary survey of the property to be subdivided or developed prepared by a registered surveyor, showing all courses, distances, and area and tie-ins to all adjacent intersections.
 - B. A vertical aerial photograph, enlarged to a scale not less detailed than one inch equals 400 feet, with the site boundaries clearly marked.
 - C. Natural features, including:
 - (1) Contour lines at intervals of not more than two feet. (Ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps.) Contour lines shall be based on information derived from a topographic survey for the property, evidence of which shall be submitted, including the date and source of the contours. Datum to which contour elevations refer and references to known, established benchmarks and elevations shall be included on the plan.
 - (2) Steep slopes in the following ranges: 15% to 25%, 25% and greater. The location of these slopes shall be graphically depicted by category on the plan. Slope shall be measured over three or more two-foot contour intervals.
 - (3) Areas within the floodway, flood fringe, and approximated floodplain.

- (4) Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds or other water features as depicted on the USGS Quadrangle Map, most current edition.
- (5) Wetlands and wetland margins.
- (6) Riparian buffers.
- (7) Soil types and their boundaries, as mapped by the USDA Natural Resource Conservation Service, including a table listing the soil characteristics pertaining to suitability for construction and, in unsewered areas, for septic suitability. Alluvial and hydric soils shall specifically be depicted on the plan.
- (8) Existing vegetation, denoted by type, including woodlands, hedgerows, tree masses, treelines, individual freestanding trees over six inches DBH, wetland vegetation, pasture or croplands, orchards, permanent grassland, old fields, and any other notable vegetative features on the site. Vegetative types shall be described by plant community, relative age, and condition.
- (9) Any identified Pennsylvania Natural Diversity Inventory (PNDI) site conflicts.
- (10) Geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

D. Existing man-made features, including:

- (1) Location, dimensions, and use of existing buildings and driveways.
- (2) Location, names, widths, center-line courses, paving widths, identification numbers, and rights-of-way of existing streets and alleys.
- (3) Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- (4) Location and size of existing sanitary sewage facilities.
- (5) Location and size of drainage facilities.
- (6) Location of water supply facilities, including wellhead protection areas.
- (7) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.

- (8) Site features or conditions such as hazardous waste, dumps, underground tanks active and abandoned wells, quarries, landfills, sand mounds, and artificial land conditions.
 - E. Total acreage of the tract, the adjusted tract area, where applicable, and the constrained land area, with detailed supporting calculations.
 3. Stormwater Management System Concept Plan. A written and graphic concept plan of the proposed post-development stormwater management system shall be prepared and shall include:
 - A. Preliminary selection and location of proposed structural stormwater controls.
 - B. Location of existing and proposed conveyance systems, such as grass channels, swales, and storm drains.
 - C. Location of floodplain/floodway limits.
 - D. Relationship of the site to upstream and downstream properties and drain-ages.
 - E. Preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
 4. Consultation Meeting. Prior to any stormwater management permit application submission, the landowner or developer shall meet with the municipality for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed project. This consultation meeting shall take place at the time of the preliminary plan or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.
 5. All proposed regulated activities within a protected watershed shall utilize, to the maximum extent possible, low-impact development practices as contained in Appendix B.⁴
 - A. The SWM plan and report shall address the following:
 - (1) Design using nonstructural BMPs:
 - (a) Lot configuration and clustering.
 - [1] Reduced individual lot impacts by concentrated/clustered uses and lots.

4. Editor's Note: Appendix B is on file in the Borough offices.

- [2] Lots/development configured to avoid critical natural areas.
- [3] Lots/development configured to take advantage of effective mitigative stormwater practices.
- [4] Lots/development configured to fit natural topography.
- (b) Minimum Disturbance.
 - [1] Define disturbance zones (excavation/grading) for the site and individual lots to protect the maximum total site area from disturbance.
 - [2] Barriers/flagging proposed to protect designated nondisturbance areas.
 - [3] Considered mitigative practices for minimal disturbance areas (e.g., soil restoration).
 - [4] Considered reforestation and revegetation opportunities.
- (c) Reduce Impervious Coverage.
 - [1] Reduced road width.
 - [2] Reduced driveway lengths and widths.
 - [3] Reduced parking ratios and sizes.
 - [4] Utilized porous surfaces for applicable features.
- (d) Stormwater Disconnected From Impervious Area.
 - [1] Disconnected drives/walkways/small impervious areas to natural areas.
 - [2] Use rain barrels and/or cisterns for lot irrigation.
- (2) Apply structural BMP selection process that meets runoff quantity and quality needs.
 - (a) Manage close to source with collection with conveyance minimized.
 - (b) Consistent with site factors (e.g., soils, slope, available space, amount of sensitive areas, pollutant removal needs).

- (c) Minimize footprint and integrate into already disturbed areas/other building program components (e.g., recharge beneath parking areas, vegetated roofs).
- (d) Consider other benefits such as aesthetic, habitat, recreational and educational benefits.
- (e) BMPs select based on maintenance needs that fit owner/users.
- (f) BMPs sustainable using a long-term maintenance plan.

PART 6
RIPARIAN BUFFER STANDARDS

§ 17-601. Riparian Buffer Requirements. [Ord. 261, 3/8/2011]

1. Where a riparian buffer is required for a regulated activity, the riparian buffer shall be established as follows:
 - A. The buffer shall be measured perpendicularly from the top of the stream bank landward.
 - (1) High-quality or exceptional-value watersheds: a minimum of 150 feet;
 - (2) Impaired watersheds: a minimum of 150 feet;
 - (3) All other watersheds: a minimum of 50 feet; or
 - (4) As determined by a stream corridor study approved by PADEP and the municipality.
 - B. The riparian buffer shall be located on both sides of all perennial and intermittent streams. The perennial and intermittent streams and the riparian buffer boundaries shall be shown on all applications for building permits, subdivision, or land development. Existing uses within the buffer are permitted to continue but not be expanded. Placement of new structures or roadways within the riparian buffer shall be prohibited. Where a wetland exists within the buffer area, the buffer shall be extended landward to provide a minimum buffer of 25 feet, as measured perpendicularly from the wetland boundary.
 - C. The buffer shall be undisturbed forest consisting of appropriate native species.
 - D. Where wetlands are located partially or entirely within a buffer, the buffer shall be extended to encompass the wetland and shall be widened by a distance sufficient to provide a twenty-five-foot forested buffer, measured perpendicularly from the wetland boundary.
 - E. The following uses shall be permitted in the buffer:
 - (1) Footpaths, trails and bike paths, provided that:
 - (a) Width is limited to five feet.
 - (b) Width may be increased, provided that a corresponding increase in the buffer is provided.
 - (c) Construction shall have minimal impact to the buffer.

- (2) Stream crossings, provided that the crossing is designed and constructed in such a manner as to minimize the impact to the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of construction.
 - (3) Utility lines, provided that the crossing is designed and constructed in such a manner as to minimize the impact to the inner buffer, and provided that there is no practical alternative to locating the utility line within the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of construction.
 - (4) Maintenance and restoration of the riparian buffer.
 - (5) Projects conducted with the objective of improvement, stabilization, restoration, or enhancement of the stream bank, stream channel, floodplain, watershed hydrology, riparian buffers, or aquatic habitat and maintenance activities associated with such projects. These projects include but are not limited to agricultural and stormwater management best management practices. Such projects must receive appropriate permits and approvals from PADEP prior to starting the project.
 - (6) Minor private recreational uses for the property owner. Such uses include benches, fire rings, and similar uses. Such uses do not include structures such as cabins, sheds, pavilions, garages, dwellings or similar structures.
- F. Disturbance of the riparian buffer shall be limited to the area necessary to perform an allowable use.
- G. Where possible and practical, disturbances shall be phased, with each phase restored prior to beginning the next phase.
- H. Allowable activities shall not cause stormwater flow to concentrate.
- I. Any vegetation removed for an allowable activity shall be replaced immediately upon completion of the activity. Where mature trees are removed, such trees shall be replaced with the largest practical tree of acceptable native species.
- J. Erosion and sediment pollution control shall be installed and maintained during construction. Evidence of an approved erosion and sediment control plan, NPDES permit or other PADEP permit, where required, shall be submitted prior to issuance of local permits.

- K. Riparian buffers shall be maintained in a manner consistent with sound forest management practices. In the absence of a site-specific management plan, the following maintenance guidelines apply:
- (1) Buffers shall be inspected periodically for evidence of excessive sediment deposition, erosion or concentrated flow channels. Prompt action shall be taken to correct these problems and prevent future occurrence.
 - (2) Trees presenting an unusual hazard of creating downstream obstructions shall be removed. Such material shall be removed from the floodplain or the riparian buffer (whichever is widest) or cut into sections small enough so as to prevent the possibility of creating obstructions downstream. Wherever possible, large stable debris should be conserved.
 - (3) Vegetation should be inspected periodically to ensure diverse vegetative cover and vigorous plant growth consistent with buffering objectives.
 - (a) Remove invasive plant species that may threaten the integrity of the buffer.
 - (b) Periodic cutting of trees may be necessary to promote vigorous growth and encourage regeneration.
 - (4) Excessive use of fertilizers, pesticides, herbicides, and other chemicals shall be avoided. These products should be used only when absolutely necessary to maintain buffer vegetation.

§ 17-602. Riparian Buffer Easement. [Ord. 261, 3/8/2011]

1. For all riparian buffers, an easement shall be provided.
 - A. Easements shall be in accordance with § 901 and recorded in accordance with § 1403 of this chapter.

PART 7
DESIGN CRITERIA

§ 17-701. Design Criteria for Stormwater Management and Drainage Facilities. [Ord. 261, 3/8/2011]

1. General Design Guidelines.
 - A. Stormwater shall not be transferred from one watershed to another unless: the watersheds are subwatersheds of a common watershed which join together within the perimeter of the property; the effect of the transfer does not alter the peak rate discharge onto adjacent lands; or easements from the affected landowner(s) are provided.
 - B. Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a predevelopment flow type condition.
 - C. Stormwater BMPs and recharge facilities are encouraged (e.g., rooftop storage, dry wells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, in-line storage in storm sewers, and grading patterns). They shall be located, designed, and constructed in accordance with the latest technical guidance published by PADEP, provided that they are accompanied by detailed engineering plans and performance capabilities and supporting site-specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be accepted at the discretion of the Municipal Engineer (a preapplication meeting is suggested).
 - D. All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.
 - E. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The municipality shall reserve the right to disapprove any design that would result in the continuation or exacerbation of a documented adverse hydrologic or hydraulic condition within the watershed, as identified in the plan.
 - F. The design and construction of multiple-use stormwater detention facilities are strongly encouraged. In addition to stormwater management, facilities should, where appropriate, allow for recreational uses, including ballfields, play areas, picnic grounds, etc.

Consultation with the municipality and prior approval are required before design. Provision for permanent wet ponds with stormwater management capabilities may also be appropriate.

- (1) Multiple-use basins should be constructed so that potentially dangerous conditions are not created.
 - (2) Water quality basins or recharge basins that are designed for a slow release of water or other extended detention ponds are not permitted for recreational uses, unless the ponded areas are clearly separated and secure.
 - G. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.
2. Stormwater Management Facility Design Consideration. All stormwater management facilities shall meet the following design requirements:
- A. No outlet structure from a stormwater management facility, or swale, shall discharge directly onto a municipal or state roadway.
 - B. The top, or toe, of any slope shall be located a minimum of 10 feet from any property line.
 - C. The minimum horizontal distance between any structure and any stormwater facility shall be 25 feet. The lowest floor elevation of any structure constructed immediately adjacent to a detention basin or other stormwater facility shall be a minimum of two feet above the 100-year water surface elevation.
 - D. Stormwater management facility bottom (or surface of permanent pool) elevations must be greater than adjacent floodplain elevations (FEMA or HECRAS analysis). If no floodplain is defined, bottom elevations must be greater than existing ground elevations 50 feet from top of the stream bank in the facilities' vicinity.
 - E. Basin outflow culverts discharging into floodplains must account for tailwater. Tailwater corresponding to the 100-year floodplain elevation must be used for all design storms, or the applicant may elect to determine flood elevations of the adjacent watercourse for each design storm. The floodplain is assumed to be 50 feet from top of the stream bank in areas where a floodplain is not designated or no other evidence is provided.
 - F. The invert of all stormwater management facilities and underground infiltration/storage facilities shall be located a minimum of two feet above the seasonal high-groundwater table. The invert of stormwater facilities may be lowered if adequate subsurface drainage is provided.

- G. Whenever possible, the side slopes and basin shape shall be amenable to the natural topography. Vertical side slopes and rectangular basins shall be avoided whenever possible.
- H. Exterior slopes of compacted soil shall not exceed 3:1 and may be further reduced if the soil has unstable characteristics.
- I. Interior slopes of the basin shall not exceed 3:1.
- J. Unless specifically designed as a volume control facility, all stormwater management facilities shall have a minimum slope of 1% extending radially out from the principal outlet structure. Facilities designed as water quality/infiltration BMPs may have a bottom slope of zero.
- K. Impervious low-flow channels are not permitted within stormwater management facilities.
- L. Unless specifically designed as a volume control or water quality facility, all stormwater management facilities must empty over a period of time not less than 24 hours and not more than 72 hours from the end of the facility's inflow hydrograph. Infiltration tests performed at the facility locations and proposed basin bottom depths, in accordance with the BMP Manual, must support time-to-empty calculations if infiltration is a factor.
- M. Energy dissipators and/or level spreaders shall be installed at points where pipes or drainageways discharge to or from basins. Discharges to drainage swales shall be dissipated, or piped, to an acceptable point.
- N. Landscaping and planting specifications must be provided for all stormwater management basins and be specific for each type of basin.
 - (1) Minimal-maintenance, saturation-tolerant vegetation must be provided in basins designed as water quality/infiltration BMPs.
- O. A safety fence may be required, at the discretion of the municipality, for any stormwater management facility. The fence shall be a minimum of four feet high and of a material acceptable to the municipality. A gate with a minimum opening of 10 feet shall be provided for maintenance access.
- P. Principal Outlet Structures. The primary outlet structure shall be designed to pass all design storms (up to and including the 100-year event) without discharging through the emergency spillway. All principal outlet structures shall:

- (1) Be constructed of reinforced concrete or an alternative material approved by the Municipal Engineer. When approved for use, all metal risers shall:
 - (a) Be suitably coated to prevent corrosion.
 - (b) Have a concrete base attached with a watertight connection. The base shall be of sufficient weight to prevent flotation of the riser.
 - (c) Provide a trash rack or similar appurtenance to prevent debris from entering the riser.
 - (d) Provide an antivortex device, consisting of a thin vertical plate normal to the basin berm.
 - (2) Provide trash racks to prevent clogging of primary outflow structure stages for all orifices equivalent to 12 inches or smaller in diameter.
 - (3) Provide outlet aprons and shall extend to the toe of the basin slope at a minimum.
 - (4) Where spillways will be used to control peak discharges in excess of the ten-year storm, the control weirs shall be constructed to withstand the pressures of impounded waters and convey flows at computed outlet velocities without erosion.
- Q. Emergency Spillways. Any stormwater management facility designed to store runoff shall provide an emergency spillway designed to convey the 100-year post-development peak rate flow with a blocked primary outlet structure. The emergency spillway shall be designed per the following requirements:
- (1) The top of the embankment elevation shall provide a minimum of one foot of freeboard above the maximum water surface elevation. This is to be calculated when the spillway functions for the 100-year post-development inflow, with a blocked outlet structure.
 - (2) Avoid locating on fill areas, whenever possible.
 - (3) The spillway shall be armored to prevent erosion during the 100-year post-development flow, with a blocked primary outlet structure.
 - (a) Synthetic liners or riprap may be used, and calculations sufficient to support proposed armor must be provided. An earthen plug must be used to accurately control the spillway invert if riprap is the proposed armoring

material. Emergency spillway armor must extend up the sides of the spillway and continue at full width to a minimum of 10 feet past the toe of the slope.

- (4) The Municipal Engineer may require the use of additional protection when slopes exceed 4:1 and spillway velocities might exceed NRCS standards for the particular soils involved.
- (5) Any underground stormwater management facility (pipe storage systems) must have a method to bypass flows higher than the required design (up to a 100-year post-development inflow) without structural failure or causing downstream harm or safety risks.

R. Stormwater Management Basins. Design of stormwater management facilities having three feet or more of water depth (measured vertically from the lowest elevation in the facility to the crest of the emergency spillway) shall meet the following additional requirements:

- (1) The maximum water depth within any stormwater management facility shall be no greater than eight feet when functioning through the primary outlet structure.
- (2) The top of the embankment width shall be at least 10 feet.
- (3) A ten-foot-wide access to the basin bottom must be provided with a maximum longitudinal slope of 10%.
- (4) Berms shall be constructed using soils that conform to the unified soil classification of CH, MH, CL or ML. The embankments will be constructed in a maximum of six inch lifts. The lifts will each be compacted to a density of 98% of a standard proctor analysis, and each layer of compacted fill shall be tested to determine its density analysis per ASTM 698. Each layer of compacted fill shall be tested to determine its density per ASTM 2922 or ASTM 3017.
- (5) A cutoff and key trench of impervious material shall be provided under all embankments four feet or greater in height. The cutoff trench shall run the entire length of the embankment and tie into undisturbed natural ground.
- (6) Antiseep collars, or a PADEP-approved alternative, must be provided on all outflow culverts in accordance with the methodology contained in the latest edition of the PADEP E&S Manual. An increase in seepage length of 15% must be used in accordance with the requirements for permanent antiseep collars.

S. Construction of Stormwater Management Facilities.

- (1) Basins used for rate control only shall be installed prior to or concurrent with any earthmoving or land disturbances which they will serve. The phasing of their construction shall be noted in the narrative and on the plan.
 - (2) Basins that include water quality or recharge components shall have those components installed in such a manner as to not disturb or diminish their effectiveness.
 - (3) Compaction test reports shall be kept on file at the site and be subject to review at all times, with copies being forwarded to the Municipal Engineer upon request.
 - (4) Temporary and permanent grasses or stabilization measures shall be established on the sides and base of all earthen basins within 15 days of construction.
- T. Exceptions to these requirements may be made at the discretion of the municipality for BMPs that retain or detain water but are of a much smaller scale than traditional stormwater management facilities.

3. Stormwater-Carrying Facilities.

- A. All storm sewer pipes, grass waterways, open channels, swales and other stormwater-carrying facilities that service drainage areas within the site must be able to convey post-development runoff from the ten-year design storm.
- B. Stormwater management facilities that convey off-site water through the site shall be designed to convey the twenty-five-year storm event (or larger events, as determined by the Municipal Engineer).
- C. All developments shall include provisions that allow for the overland conveyance and flow of the post-development 100-year storm event without damage to public or private property.
- D. Storm Sewers.
 - (1) Storm sewers must be able to convey post-development runoff without surcharging inlets for the ten-year storm event.
 - (2) When connecting to an existing storm sewer system, the applicant must demonstrate that the proposed system will not exacerbate any existing stormwater problems and that adequate downstream capacity exists.
 - (3) Inlets, manholes, pipes, and culverts shall be constructed in accordance with the specifications set forth in PennDOT's Publication 408 and as detailed in PennDOT's Publication 72M, Standards for Roadway Construction (RC), or other detail

approved by the Municipal Engineer. All material and construction details (inlets, manholes, pipe trenches, etc.) must be shown on the SWM site plan and a note added that all construction must be in accordance with PennDOT's Publication 408 and PennDOT's Publication 72M, latest edition. A note shall be added to the plan stating that all frames, concrete top units, and grade adjustment rings shall be set in a bed of full mortar according to Publication 408.

- (4) A minimum pipe size of 18 inches in diameter shall be used in all roadway systems (public or private) proposed for construction in the municipality. Pipes shall be designed to provide a minimum velocity of 2 1/2 feet per second when flowing full; but in all cases the slope shall be no less than 0.5%. Arch pipe of equivalent cross-sectional area may be substituted in lieu of circular pipe where cover or utility conflict conditions exist.
- (5) All storm sewer pipes shall be laid to a minimum depth of one foot from the subgrade to the crown of the pipe.
- (6) In curbed roadway sections, the maximum encroachment of water on the roadway pavement shall not exceed half of a through travel lane or one inch less than the depth of curb during the ten-year design storm of five-minute duration. Gutter depth shall be verified by inlet capture/capacity calculations that account for road slope and opening area.
 - (a) Inlets shall be placed at a maximum of 600 feet apart.
 - (b) Inlets shall be placed so drainage cannot cross intersections or street center lines.
- (7) Standard Type C inlets with eight-inch hoods shall be used along curbed roadway networks. Type C inlets with ten-inch hoods that provide a two-inch sump condition may be used with approval of the Municipal Engineer when roadway longitudinal slopes are 1.0% or less.
- (8) For inlets containing a change in pipe size, the elevation for the crown of the pipes shall be the same, or the smaller pipe's crown shall be at a higher elevation.
- (9) All inlets shall provide a minimum two-inch drop between the lowest inlet pipe invert elevation and the outlet pipe invert elevation.
- (10) On curbed sections, a double inlet shall be placed at the low point of sag vertical curves, or an inlet shall be placed on each

side of the low point at a distance not to exceed 100 feet, or at an elevation not to exceed 0.2 foot above the low point.

- (11) At all roadway low points, swales and easements shall be provided behind the curb or swale and through adjacent properties to channelize and direct any overflow of stormwater runoff away from dwellings and structures.
- (12) All inlets in paved areas shall have heavy-duty bicycle-safe grating. A note to this effect shall be added to the SWM site plan or inlet details therein.
- (13) Inlets must be sized to accept the specified pipe sizes without knocking out any of the inlet corners. All pipes entering or exiting inlets shall be cut flush with the inside wall of the inlet. A note to this effect shall be added to the SWM site plan or inlet details therein.
- (14) Inlets shall have weep holes covered with geotextile fabric placed at appropriate elevations to completely drain the subgrade prior to placing the base and surface course on roadways.
- (15) Inlets, junction boxes, or manholes greater than five feet in depth shall be equipped with ladder rungs and shall be detailed on the SWM site plan.
- (16) Inlets shall not have a sump condition in the bottom (unless designed as a water quality BMP). Pipe shall be flush with the bottom of the box, or concrete channels shall be poured.
- (17) Accessible drainage structures shall be located on a continuous storm sewer system at all vertical dislocations, at all locations where a transition in storm sewer pipe sizing is required, at all vertical and horizontal angle points exceeding 5°, and at all points of convergence of two or more storm sewer pipes.
- (18) All storm drainage piping shall be provided with either reinforced-concrete headwalls or end sections compatible with the pipe size involved at its entrance and discharge.
- (19) Outlet protection and energy dissipaters shall be provided at all surface discharge points in order to minimize erosion consistent with the E&S Manual.
 - (a) Flow velocities and volumes from any storm sewer shall not result in a degradation of the receiving channel.

- (20) Stormwater roof drains and pipes shall not be connected to storm sewers or discharge onto impervious areas without approval by the Municipal Engineer.

E. Swale-Conveyance Facilities.

- (1) Swales must be able to convey post-development runoff from a ten-year design storm with six inches of freeboard to top of the swale.
- (2) Swales shall have side slopes no steeper than 3:1.
- (3) All swales shall be designed, labeled on the SWM site plan, and details provided to adequately construct and maintain the design dimension of the swales.
- (4) Swales shall be designed for stability using velocity or shear criteria. Velocity criteria may be used for channels with less than 10% slope. Shear criteria may be used for all swales. Documentation must be provided to support velocity and/or shear limitations used in calculations.
- (5) Where swale bends occur, the computed velocities or shear stresses shall be multiplied by the following factor for the purpose of designing swale erosion protection:
 - (a) When the swale bend is 30° to 60°: 1.75.
 - (b) When the swale bend is 60° to 90°: 2.00.
 - (c) When the swale bend is 90° or greater: 2.50.
- (6) Manning's "n" values used for swale capacity design must reflect the permanent condition.

§ 17-702. Calculation Methodology. [Ord. 261, 3/8/2011]

1. All calculations shall be consistent with the guidelines set forth in the BMP Manual, as amended herein.
2. Stormwater runoff from all development sites shall be calculated using either the Rational Method or the NRCS Rainfall-Runoff Methodology. Methods shall be selected by the design professional based on the individual limitations and suitability of each method for a particular site.
3. Rainfall Values.
 - A. Rational Method. The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication

584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time-of-concentration and return period.

- B. NRCS Rainfall-Runoff Method. The Soil Conservation Service Type II, twenty-four-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or be consistent with the following table:

Return Interval (years)	24-Hour Rainfall Total (inches)
1	2.13
2	2.56
10	3.71
25	4.46
50	5.09
100	5.76

4. Runoff Volume.

- A. Rational Method. This method is not to be used to calculate runoff volume.
- B. NRCS Rainfall-Runoff Method. This method shall be used to estimate the change in volume due to regulated activities. Combining curve numbers for land areas proposed for development with curve numbers for areas unaffected by the proposed development into a single weighted curve number is not acceptable.

5. Peak Flow Rate.

- A. Rational Method. This method may be used for design of conveyance facilities only. Extreme caution should be used by the design professional if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one versus the other, if the time of concentration exceeds 60 minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
- B. NRCS Rainfall-Runoff Method.
- (1) This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration. The following provides guidance on the model applicability:

- (a) NRCS's TR-55: limited to 100 acres in size.
 - (b) NRCS's TR-20 or HEC-HMS: no size limitations.
 - (c) Other models as preapproved by the Municipal Engineer.
- (2) The NRCS Antecedent Runoff Condition II (ARC II, previously AMC II) must be used for all simulations. The use of continuous simulation models that vary the ARC is not permitted for stormwater management purposes.
- C. For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).
- 6. Runoff Coefficients.
 - A. Rational Method. Use Table C-1 (Appendix C).⁵
 - B. NRCS Rainfall-Runoff Method. Use Table C-2 (Appendix C). Curve numbers (CN) should be rounded to tenths for use in hydrologic models as they are a design tool with statistical variability. For large sites, CNs should realistically be rounded to the nearest whole number.
 - C. For the purposes of predevelopment peak flow rate and volume determination, existing nonforested pervious area conditions shall be considered as "meadow" (good condition).
 - D. For the purposes of predevelopment peak flow rate and volume determination, 20% of existing impervious area, when present, shall be considered "meadow" (good condition).
- 7. Design Storm.
 - A. All stormwater management facilities shall be verified by routing the proposed one-year, two-year, ten-year, twenty-five-year, fifty-year, and 100-year hydrographs through the facility using the Storage Indication Method or Modified Puls Method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.
 - B. The stormwater management and drainage system shall be designed to safely convey the post-development 100-year storm event to stormwater detention facilities for the purpose of meeting peak rate control.
 - C. All structures (culverts or bridges) proposed to convey runoff under a municipal road shall be designed to pass the fifty-year design storm

5. Editor's Note: Appendix C is on file in the Borough offices.

with a minimum of one foot of freeboard measured below the lowest point along the top of the roadway.

8. Time of Concentration.

- A. The time of concentration is to represent the average condition that best reflects the hydrologic response of the area. The following time of concentration (T_c) computational methodologies shall be used, unless another method is preapproved by the Municipal Engineer:

- (1) Predevelopment: NRCS's Lag Equation:

$$T_{lag} = L^{0.8} \frac{(S+1)^{0.7}}{1900\sqrt{Y}}$$

Where:

- T_{lag} = Lag time (hours).
 L = Hydraulic length of watershed (feet).
 Y = Average overland slope of watershed (percent).
 S = Maximum retention in watershed as defined by: $S = [(1000/CN) - 10]$.
 CN = NRCS curve number for watershed.

- (2) Post-development; commercial, industrial, or other areas with large impervious areas (>20% impervious area): NRCS Segmental Method. The length of sheet flow shall be limited to 100 feet. T_c for channel and pipe flow shall be computed using Manning's Equation.
- (3) Post-development; residential, cluster, or other low-impact designs less than or equal to 20% impervious area: NRCS Lag Equation or NRCS Segmental Method.

- B. Additionally, the following provisions shall apply to calculations for time of concentration:

- (1) The post-development T_c shall never be greater than the predevelopment T_c for any watershed or subwatershed. This includes when the designer has specifically used swales to reduce flow velocities. In the event that the designer believes that the post-development T_c is greater, it will still be set by default equal to the predevelopment T_c for modeling purposes.
- (2) The minimum T_c for any watershed shall be five minutes.

- (3) The designer may choose to assume a five-minute T_c for any post-development watershed or subwatershed without providing any computations.
 - (4) The designer must provide computations for all predevelopment T_c paths. A five-minute T_c cannot be assumed for predevelopment.
 - (5) Undetained fringe areas (areas that are not tributary to a stormwater facility but where a reasonable effort has been made to convey runoff from all new impervious coverage to best management practices) may be assumed to represent the predevelopment conditions for purpose of T_c calculation.
9. Drainage areas tributary to sinkholes or closed depressions in areas underlain by limestone or carbonate geologic features shall be excluded from the modeled point of analysis defining predevelopment flows. If left undisturbed during construction activities, areas draining to closed depressions may also be used to reduce peak runoff rates in the post-development analysis. New, additional contributing runoff should not be directed to existing sinkholes or closed depressions.
10. Where uniform flow is anticipated, Manning's Equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. Manning's Equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from PennDOT's Drainage Manual, Publication 584. Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the ten-year design event is contained below the top of the grate for each inlet box.
11. The municipality may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
12. The municipality has the authority to require that computed existing runoff rates be reconciled with field observations, conditions and site history. If the designer can substantiate, through actual physical calibration, that more-appropriate runoff and time-of-concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the municipality.

§ 17-703. Downstream Hydraulic Capacity Analysis. [Ord. 261, 3/8/2011]

1. Any downstream or off-site hydraulic capacity analysis conducted in accordance with this chapter shall use the following criteria for determining adequacy:

- A. Natural or man-made channels or swales must be able to convey the post-development runoff associated with a ten-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the PADEP Erosion and Sediment Pollution Control Program Manual.
- B. Natural or man-made channels or swales must be able to convey the post-development twenty-five-year return period runoff without creating any hazard to persons or property.
- C. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with PADEP Chapter 105 regulations (if applicable) and, at a minimum, pass the post-development twenty-five-year return period runoff.
- D. It must be demonstrated that the downstream conveyance channel, other stormwater facilities, roadways, or overland areas must be capable of safely conveying the 100-year design storm without causing additional damage to buildings or other infrastructure.
- E. Where the downstream conveyance channel or other facility is located within a special flood hazard area (as documented on the Flood Insurance Rate Map), it must be demonstrated that the limits of said flood hazard area are not increased by the proposed activity.

PART 8

SWM SITE PLAN AND REPORT REQUIREMENTS

§ 17-801. General Requirements. [Ord. 261, 3/8/2011]

For any of the activities regulated by this chapter and not eligible for the exemptions provided in § 302, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity may not proceed until the applicant has received written approval of an SWM site plan from the municipality.

§ 17-802. SWM Site Plan and Report Contents. [Ord. 261, 3/8/2011]

1. The SWM site plan and SWM site report shall consist of all applicable calculations, maps, and plans. All SWM site plan materials shall be submitted to the municipality in a format that is clear, concise, legible, neat and well organized; otherwise, the SWM site plan shall be rejected.
2. Appropriate sections from the Municipal Subdivision and Land Development Ordinance [Chapter 22], and other applicable local ordinances, shall be followed in preparing the SWM site plan.
 - A. The SWM site plan shall include but not be limited to:
 - (1) Plans shall be of one size and in a form that meets the requirements for recording in the office of the Recorder of Deeds of Potter County.
 - (a) Scale:
 - [1] Plans for tracts of less than 20 acres: one inch equals 50 feet or less.
 - [2] Plans for tracts of 20 acres or more: no greater than one inch equals 100 feet.
 - (b) All lettering and details shall be drawn to a size to be legible if the plans are reduced to half size.
 - (2) The name of the development; name and location address of the property site; name, address, and telephone number of the applicant/owner of the property; and name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site plan.
 - (3) The date of submission and dates of all revisions.
 - (4) A graphical and written scale on all drawings and maps.

- (5) A North arrow on all drawings and maps.
- (6) A location map, at a minimum scale of one inch equals 1,000 feet, and which illustrates the project relative to highways, municipalities or other identifiable landmarks.
- (7) A metes and bounds description of the entire tract perimeter.
- (8) Existing and final contours at intervals:
 - (a) Slopes less than 5%: no greater than one foot.
 - (b) Slopes between 5% and 15%: no greater than two feet.
 - (c) Steep slopes (greater than 15%): five-foot contour intervals may be used.
- (9) Perimeters of existing water bodies within the project area, including stream banks, lakes, ponds, springs, field-delineated wetlands or other bodies of water, sinkholes, flood hazard boundaries (FEMA-delineated floodplains and floodways), areas of natural vegetation to be preserved, the total extent of the upstream area draining through the site, and overland drainage paths. In addition, any areas necessary to determine downstream impacts, where required for proposed stormwater management facilities, must be shown.
- (10) The location of all existing and proposed utilities, on-lot wastewater facilities, water supply wells, sanitary sewers, and waterlines on and within 50 feet of property lines, including inlets, manholes, valves, meters, poles, chambers, junction boxes, and other utility system components.
- (11) A key map showing all existing man-made features beyond the property boundary that may be affected by the project.
- (12) Soil names and boundaries with identification of the hydraulic soil group classification, including rock outcroppings.
- (13) Proposed impervious surfaces (structures, roads, paved areas, and buildings), including plans and profiles of roads and paved areas and floor elevations of buildings.
- (14) Existing and proposed land use(s).
- (15) Horizontal alignment, vertical profiles, and cross sections of all open channels, pipes, swales and other BMPs.
- (16) The location and clear identification of the nature of permanent stormwater BMPs.

- (17) The location of all erosion and sedimentation control facilities, shown on a plan separate from the SWM site plan (typically an E&S plan).
- (18) A minimum twenty-foot-wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the municipality or its designees access to all easements via the nearest public right-of-way.
- (19) Construction details for all drainage and stormwater BMPs.
- (20) Identification of short-term and long-term ownership, operations, and maintenance responsibilities.
- (21) Notes and Statements.
 - (a) A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without prior approval by the municipality.
 - (b) A statement referencing the operation and maintenance (O&M) agreement and stating that the O&M agreement is part of the SWM site plan.
 - (c) A note indicating that record drawings will be provided for all stormwater facilities prior to occupancy or the release of the surety bond.
 - (d) The following signature block for the registered professional preparing the stormwater management plan:

"I, _____, hereby certify that the stormwater management plan meets all design standards and criteria of Shinglehouse Borough's Stormwater Management Ordinance."
 - (e) The following signature block for the Municipal Engineer reviewing the stormwater management plan:

"I, _____, have reviewed this stormwater management plan in accordance with the design standards and criteria of Shinglehouse Borough's Stormwater Management Ordinance."

B. The SWM site report shall include (but not be limited to):

- (1) General data, including:
 - (a) Project name.
 - (b) Project location: address of the property site.
 - (c) The name, address, and telephone number of the applicant/owner of the property.
 - (d) The name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site report.
 - (e) The date of submission and revisions.
- (2) Project description narrative that clearly discusses the project and provides the following information:
 - (a) Narrative:
 - [1] Statement of the regulated activity, describing what is being proposed.
 - [2] Overall stormwater management concept with description of permanent stormwater management techniques, including construction specifications and materials to be used for stormwater management facilities.
 - [3] Expected project schedule.
 - [4] Location map showing the project site and its location relative to release rate districts.
 - [5] Detailed description of the existing site conditions, including a site evaluation completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas such as brownfields.
 - [6] Total site area, pre and post, which must be equal or have an explanation as to why it is not.
 - [7] Total site impervious area.
 - [8] Total off-site areas.
 - [9] Number and description of stormwater management facilities.
 - [10] Type of development.

- [11] Pre-development land use.
 - [12] Whether the site is a water-quality-sensitive (WQS) development.
 - [13] Whether the site is in a defined sensitive area.
 - [14] Types of water quality and recharge systems used, if applicable.
 - [15] Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
 - [16] A written maintenance plan for all stormwater features, including detention facilities and other stormwater management elements.
 - [17] Identification of ownership and maintenance responsibility for all permanent stormwater management facilities.
 - [18] Other pertinent information, as required.
- (b) Summary Tables:
- [1] Predevelopment hydrologic soil group (HSG) assumptions, curve numbers (CN), computation of average slope, hydraulic length, and computed time of concentration.
 - [2] Existing conditions runoff volume and peak rate of runoff.
 - [3] Post-development runoff volume and peak rate of runoff.
 - [4] Undetained areas, areas to ponds.
 - [5] Land use for each subarea.
 - [6] Hydrologic soil group (HSG) assumptions, curve numbers (CN).
 - [7] Time of concentration computed for each subarea.
 - [8] Post-development peak rate of runoff routed to ponds and out.

[9] Pond maximum return period design data, including maximum water surface elevation, berm elevation, and emergency spillway elevation.

[10] Water quality depth and volume requirements.

(c) Calculations:

[1] Complete hydrologic, hydraulic and structural computations, calculations, assumptions, and criteria for the design of all stormwater BMPs.

[2] Details of the berm embankment and outlet structure indicating the embankment top elevation, embankment side slopes, top width of embankment, emergency spillway elevation, perforated riser dimensions, pipe barrel dimensions and dimensions and spacing of antiseep collars.

[3] Design computations for the control structures (pipe barrel and riser, etc.).

[4] A plot or table of the stage-storage (volume vs. elevation) and all supporting computations.

[5] Routing computations.

(d) Drawings:

[1] Drainage area maps for all watersheds and inlets, depicting the time-of-concentration path for both existing conditions and post-developed condition.

[2] All stormwater management facilities must be located on a plan and described in detail, including easements and buffers boundaries.

(3) Reports that do not clearly indicate the above information may be rejected for review by the municipality and will be returned to the applicant.

(4) A description of, justification, and actual field results for infiltration testing with respect to the type of test and test location for the design of infiltration BMPs.

(5) The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing municipal stormwater collection system that may receive runoff from the project site.

- (6) A description of the proposed changes to the land surface and vegetative cover, including the type and amount of impervious area to be added.
 - (7) Identification of short-term and long-term ownership, operation, and maintenance responsibilities as well as schedules and costs for inspection and maintenance activities for each permanent stormwater or drainage BMP, including provisions for permanent access or maintenance easements.
- C. Supplemental information to be provided prior to recording of the SWM site plan, as applicable:
- (1) A signed and executed operations and maintenance agreement (Appendix A).⁶
 - (2) A signed and executed easements, as required for all on-site and off-site work.
 - (3) An erosion and sedimentation control plan and approval letter from the Potter County Conservation District.
 - (4) An NPDES permit.
 - (5) Permits from PADEP and ACOE.
 - (6) A geologic assessment.
 - (7) A soils investigation report, including boring logs, compaction requirements, and recommendations for construction of detention basins.
 - (8) A highway occupancy permit from PennDOT when utilization of a PennDOT storm drainage system is proposed or when proposed facilities would encroach onto a PennDOT right-of-way.

§ 17-803. SWM Site Plan and Report Submission. [Ord. 261, 3/8/2011]

- 1. The applicant shall submit the SWM site plan and report for the regulated activity.
- 2. Five copies of the SWM site plan and report shall be submitted and be distributed as follows:
 - A. Two copies to the municipality, accompanied by the requisite executed review fee reimbursement agreement, as specified in this chapter.

6. Editor's Note: Appendix A is on file in the Borough offices.

- B. One copy to the Municipal Engineer.
 - C. One copy to the Potter County Planning Department.
 - D. One copy to the Potter County Conservation District.
3. Additional copies shall be submitted as requested by the municipality or PADEP.

§ 17-804. SWM Site Plan and Report Review. [Ord. 261, 3/8/2011]

- 1. The municipality shall require receipt of a complete SWM site plan and report as specified in this chapter. The municipality shall review the SWM site plan and report for consistency with the purposes, requirements, and intent of this chapter.
- 2. The municipality shall not approve any SWM site plan and report that is deficient in meeting the requirements of this chapter. At its sole discretion and in accordance with this Part 8, when an SWM site plan and report is found to be deficient, the municipality may disapprove the submission and require a resubmission, or in the case of minor deficiencies, the municipality may accept submission of modifications.
- 3. The municipality shall notify the applicant in writing, within 45 calendar days, of whether the SWM site plan and report is approved or disapproved if the SWM site plan and report is not part of a subdivision or land development plan. If the SWM site plan and report involves a subdivision or land development plan, the timing shall follow the subdivision and land development process according to the Municipalities Planning Code.
- 4. The Municipal Building Permit Office shall not issue a building permit for any regulated activity if the SWM site plan and report has been found to be inconsistent with this chapter, as determined by the municipality. All required permits from PADEP must be obtained prior to issuance of a building permit.

§ 17-805. Modification of Plans. [Ord. 261, 3/8/2011]

A modification to a submitted SWM site plan and report for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the SWM site plan as determined by the municipality, shall require a resubmission of the modified SWM site plan in accordance with this chapter.

§ 17-806. Resubmission of Disapproved SWM Site Plan and Report. [Ord. 261, 3/8/2011]

A disapproved SWM site plan and report may be resubmitted, with the revisions addressing the municipality's concerns documented in writing, to the municipality

in accordance with this chapter. The applicable municipal review fee must accompany a resubmission of a disapproved SWM site plan and report.

§ 17-807. Authorization to Construct and Term of Validity. [Ord. 261, 3/8/2011]

The municipality's approval of an SWM site plan and report authorizes the regulated activities contained in the SWM site plan for a maximum term of validity of five years following the date of approval. The municipality may specify a term of validity shorter than five years in the approval for any specific SWM site plan. Terms of validity shall commence on the date the municipality signs the approval for an SWM site plan. If stormwater management facilities included in the approved SWM site plan have not been constructed, or if a record drawing of these facilities has not been approved within this time, then the municipality may consider the SWM site plan disapproved and may revoke any and all permits or approvals.

§ 17-808. Record Drawings, Completion Certificate and Final Inspection. [Ord. 261, 3/8/2011]

1. The applicant shall be responsible for providing record drawings of all stormwater BMPs included in the approved SWM site plan. The record drawing and an explanation of any discrepancies with the approved SWM site plan shall be submitted to the municipality as a prerequisite for the release of the guaranty or issuance of an occupancy permit.
2. The record drawing shall include a certification of completion signed by a qualified professional verifying that all permanent stormwater BMPs have been constructed according to the approved SWM site plan and report.
 - A. Drawings shall show all approved revisions and elevations and inverts to all manholes, inlets, pipes, and stormwater control facilities.
3. After receipt of the record drawing and certification of completion by the municipality, the municipality may conduct a final inspection.

PART 9
EASEMENTS

§ 17-901. Easements. [Ord. 261, 3/8/2011]

1. Easements shall be established to accommodate the existence of drainageways.
2. Where a tract is traversed by a watercourse, drainageway, channel or stream, there shall be provided an easement paralleling the line of such watercourse, drainageway, channel or stream with a width adequate to preserve the unimpeded flow of natural drainage in the 100-year floodplain.
3. Easements shall be established for all on-site stormwater management or drainage facilities, including but not limited to detention facilities (above or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).
4. Easements are required for all areas used for off-site stormwater control.
5. All easements shall be a minimum of 20 feet wide and shall encompass the 100-year surface elevation of the proposed stormwater facility.
6. Easements shall provide ingress to, and egress from, a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the municipality or its designees access to all easements via the nearest public right-of-way able for vehicle ingress and egress on grades of less than 10% for carrying out inspection or maintenance activities.
7. Where possible, easements shall be centered on side and/or rear lot lines.
8. Nothing shall be planted or placed within the easement which would adversely affect the function of the easement or conflict with any conditions associated with such easement.
9. All easement agreements shall be recorded with a reference to the recorded easement indicated on the site plan. The format and content of the easement agreement shall be reviewed and approved by the Municipal Engineer and Solicitor.

PART 10

MAINTENANCE RESPONSIBILITIES

§ 17-1001. Financial Guaranty. [Ord. 261, 3/8/2011]

1. The applicant shall provide a financial guaranty to the municipality for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this chapter, equal to 110% of the full construction cost of the required controls in accordance with the Municipalities Planning Code.
2. At the completion of the project and as a prerequisite for the release of the financial guaranty, the applicant shall:
 - A. Provide a certification of completion from an engineer, architect, surveyor or other qualified person, verifying that all permanent facilities have been constructed according to the SWM site plan and report and approved revisions thereto.
 - B. Provide a set of record drawings.
 - C. Request a final inspection from the municipality, to certify compliance with this chapter, after receipt of the certification of completion and record drawings by the municipality.

§ 17-1002. Maintenance Responsibilities. [Ord. 261, 3/8/2011]

1. The SWM site plan and report for the project site shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the stormwater control facilities.
2. The SWM site plan and report for the project site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:
 - A. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the municipality, stormwater control facilities/BMPs may also be dedicated to and maintained by the municipality.
 - 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/BMPs shall be the responsibility of the owner or private management entity.

- C. Facilities, areas, or structures used as stormwater BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.
 - D. The SWM site plan and report shall be recorded as a restrictive deed covenant that runs with the land.
 - E. The municipality may take enforcement actions against an applicant for failure to satisfy any provision of this chapter.
- 3. The municipality, upon recommendation of the Municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM site plan and report. The municipality may require dedication of such facilities as part of the requirements for approval of the SWM site plan. Such requirement is not an indication that the municipality will accept the facilities. The municipality reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
 - 4. If the municipality accepts ownership of stormwater BMPs, the municipality may, at its discretion, require a fee from the applicant to the municipality to offset the future cost of inspections, operations, and maintenance.
 - 5. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved SWM site plan, or to allow the property to remain in a condition which does not conform to an approved SWM site plan, unless the municipality grants an exception in writing.

§ 17-1003. Maintenance Agreement for Privately Owned Stormwater Facilities. [Ord. 261, 3/8/2011]

- 1. Prior to final approval of the SWM site plan and report, the applicant shall sign the operation and maintenance (O&M) agreement (Appendix A)⁷ covering all stormwater control facilities that are to be privately owned. The operation and maintenance (O&M) agreement shall be recorded with the SWM site plan and made a part hereto.
- 2. Other items may be included in the operation and maintenance (O&M) agreement where determined necessary to guarantee the satisfactory operation and maintenance of all BMP facilities. The operation and maintenance (O&M) agreement shall be subject to the review and approval of the municipality and the Municipal Solicitor.
- 3. The owner is responsible for operation and maintenance of the stormwater BMPs. If the owner fails to adhere to the operation and maintenance (O&M) agreement, the municipality may perform the services required and charge

7. Editor's Note: Appendix A is on file in the Borough offices.

the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

PART 11
INSPECTIONS

§ 17-1101. Schedule of Inspections. [Ord. 261, 3/8/2011]

1. PADEP or its designees normally ensure compliance with any permits issued, including those for stormwater management. In addition to PADEP compliance programs, the municipality or its municipal assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities.
2. During any stage of earth disturbance activities, if the municipality determines that the stormwater management facilities are not being installed in accordance with the approved SWM site plan, the municipality shall revoke any existing permits or approvals until a revised SWM site plan is submitted and approved as specified in this chapter.
3. Stormwater BMPs shall be inspected by the landowner, or the landowner's designee, according to the inspection schedule described on the SWM site plan for each BMP.
 - A. The municipality may require copies of the inspection reports, in a form as stipulated by the municipality.
 - B. If such inspections are not conducted or inspection reports not submitted as scheduled, the municipality, or its designee, may conduct such inspections and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.
 - (1) Prior to conducting such inspections, the municipality shall inform the owner of its intent to conduct such inspections. The owner shall be given 30 days to conduct required inspections and submit the required inspection reports to the municipality.

§ 17-1102. Right of Entry. [Ord. 261, 3/8/2011]

1. Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the implementation, condition, or operations and maintenance of the stormwater BMPs in regard to any aspect governed by this chapter.
2. Stormwater BMP owners and operators shall allow persons working on behalf of the municipality ready access to all parts of the premises for the purposes of determining compliance with this chapter.
3. Persons working on behalf of the municipality shall have the right to temporarily locate on any stormwater BMP in the municipality such devices

as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater BMP.

4. Unreasonable delay in allowing the municipality access to a stormwater BMP is a violation of this chapter.

PART 12

ENFORCEMENT AND PENALTIES

§ 17-1201. Notification. [Ord. 261, 3/8/2011]

1. In the event that a person fails to comply with the requirements of this chapter or an approved SWM site plan or fails to conform to the requirements at any permit or approval issued hereunder, the municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s).
2. Failure to comply within the time specified shall subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred to comply with the terms and conditions of this chapter.

§ 17-1202. Enforcement. [Ord. 261, 3/8/2011]

1. The municipal governing body is hereby authorized and directed to enforce all of the provisions of this chapter. The approved SWM site plan shall be on file at the project site throughout the duration of the construction activity. The municipality or its designee may make periodic inspections during construction.
2. Adherence to Approved SWM Site Plan.
 - A. It shall be unlawful for any person, firm, or corporation to undertake any regulated activity on any property except as provided for by an approved SWM site plan and pursuant to the requirements of this chapter.
 - B. It shall be unlawful to alter or remove any control structure required by the SWM site plan pursuant to this chapter.
 - C. It shall be unlawful to allow a property to remain in a condition that does not conform to an approved SWM site plan.

§ 17-1203. Public Nuisance. [Ord. 261, 3/8/2011]

1. A violation of any provision of this chapter is hereby deemed a public nuisance.
2. Each day that a violation continues shall constitute a separate violation.

§ 17-1204. Suspension and Revocation of Approvals or Permits. [Ord. 261, 3/8/2011]

1. Any approval or permit issued by the municipality may be suspended or revoked for:
 - A. Noncompliance with or failure to implement any provision of the approved SWM site plan or operation and maintenance (O&M) agreement.
 - B. A violation of any provision of this chapter or any other applicable law, ordinance, rule or regulation relating to the regulated activity.
 - C. The creation of any condition or the commission of any act, during the regulated activity, which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.
2. A suspended approval or permit may be reinstated by the municipality when:
 - A. The municipality or its designee has inspected and approved the corrections to the violation(s) that caused the suspension.
 - B. The municipality is satisfied that the violation(s) has (have) been corrected.
3. An approval that has been revoked by the municipality cannot be reinstated. The applicant may apply for a new approval under the provisions of this chapter.

§ 17-1205. Penalties. [Ord. 261, 3/8/2011]

1. Anyone violating the provisions of this chapter shall be guilty of a summary offense and, upon conviction, shall be subject to a fine of not more than \$300 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense, and penalties shall be cumulative.
2. In addition, the municipality, through its Solicitor, may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

§ 17-1206. Appeals. [Ord. 261, 3/8/2011]

1. Any person aggrieved by any action of the municipality or its designee relevant to the provisions of this chapter may appeal to the municipality within 30 days of that action.

2. Any person aggrieved by any decision of the municipality relevant to the provisions of this chapter may appeal to the Potter County Court of Common Pleas within 30 days of the municipality's decision.

PART 13
PROHIBITIONS

§ 17-1301. Prohibited Discharges and Connections. [Ord. 261, 3/8/2011]

1. Any drain or conveyance, whether on the surface or underground, that allows any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the municipality's separate storm sewer system or waters of the commonwealth is prohibited.
2. Any drain or conveyance connected from a commercial or industrial land use to the municipality's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by the municipality is prohibited.
3. No person shall allow, or cause to allow, discharges into the municipality's separate storm sewer system or into surface waters of the commonwealth which are not composed entirely of stormwater, except those in § 17-1301, Subsection 4, below, and discharges allowed under a state or federal permit.
4. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of the commonwealth:
 - A. Potable water sources, including dechlorinated waterline and fire hydrant flushings.
 - B. Irrigation drainage.
 - C. Air-conditioning condensate.
 - D. Springs.
 - E. Water from crawl space pumps.
 - F. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
 - G. Discharges from fire-fighting activities.
 - H. Flows from riparian habitats and wetlands.
 - I. Uncontaminated water from foundations or from footing drains.
 - J. Lawn watering.
 - K. Dechlorinated swimming pool discharges.
 - L. Uncontaminated groundwater.

- M. Water from individual residential car washing.
 - N. Routine external building washdown (which does not use detergents or other compounds).
- 5. In the event that the municipality or PADEP determines that any of the discharges identified in § 17-1301, Subsection 4, is a significant contributor to pollution to the waters of the commonwealth, the responsible person(s) shall be notified to cease the discharge. Upon notice provided by the municipality or PADEP, the discharger will have a reasonable time, as determined by the municipality or PADEP, to cease the discharge, consistent with the degree of pollution caused by the discharge.
 - 6. Nothing in this section shall affect a discharger's responsibilities under commonwealth Law.

§ 17-1302. Roof Drains. [Ord. 261, 3/8/2011]

Roof drains and sump pumps shall discharge to infiltration areas, vegetative BMPs, or pervious areas to the maximum extent practicable.

§ 17-1303. Alteration of BMPs. [Ord. 261, 3/8/2011]

- 1. No person shall modify, remove, fill, landscape, or alter any existing stormwater BMP, facilities, areas, or structures, unless it is part of an approved maintenance program, without the written approval of the municipality.
- 2. No person shall place any structure, fill, landscaping, or vegetation into a stormwater BMP, facilities, areas, structures, or within a drainage easement which would limit or alter the functioning of the BMP without the written approval of the municipality.

PART 14

FEES AND EXPENSES

§ 17-1401. Municipal Review Fee. [Ord. 261, 3/8/2011]

The fee required by this chapter is the municipal review fee. The municipal review fee shall be established by the municipality to defray review costs incurred by the municipality and the Municipal Engineer. The applicant shall pay all fees.

§ 17-1402. Expenses Covered by Fees. [Ord. 261, 3/8/2011]

1. The fees required by this chapter shall, at a minimum, cover:
 - A. Administrative and clerical costs.
 - B. Review of the SWM site plan and report by the municipality.
 - C. Preconstruction meetings.
 - D. Inspection of stormwater management facilities/BMPs and drainage improvements during construction.
 - E. Final inspection upon completion of the stormwater management facilities/BMPs and drainage improvements presented in the SWM site plan.
 - F. Any additional work required to enforce any permit provisions regulated by this chapter to correct violations, and to assure proper completion of stipulated remedial actions.

§ 17-1403. Recording of Approved SWM Site Plan and Related Agreements. [Ord. 261, 3/8/2011]

1. The owner of any land upon which permanent BMPs will be placed, constructed, or implemented, as described in the SWM site plan, shall record the following documents in the office of the Recorder of Deeds of Potter County within 30 days of approval of the SWM site plan by the municipality:
 - A. The SWM site plan.
 - B. Operations and maintenance (O&M) agreement (Appendix A).⁸
 - C. Easements under § 901.
 - D. Riparian buffers under § 602.

8. Editor's Note: Appendix A is on file in the Borough offices.

2. The municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

CHAPTER 18
SEWERS AND SEWAGE DISPOSAL

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SHINGLEHOUSE CODE

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- § 18-701. Penalties.

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- § 18-801. Purpose and Findings.
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- § 18-803. Standards for Maintenance of Private Sewer Laterals.
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**Application Form Private Sewer Repair
Private Sewer Lateral Inspection Form
Certificate of Compliance**

PART 1

DEFINITIONS

§ 18-101. Definitions. [Ord. 128, 4/9/1968, § 1.01]

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this chapter shall be as follows:

AUTHORITY — The Shinglehouse Borough Authority, a Pennsylvania Municipal Authority, or its successors or assigns.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen, expressed in ppm, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

BOROUGH — The Borough of Shinglehouse, Potter County, Pennsylvania, a municipality organized and existing under the laws of the Commonwealth of Pennsylvania.

BOROUGH COUNCIL — The Council of the Borough of Shinglehouse, Potter County, Pennsylvania.

DWELLING or DWELLING UNIT — Any room, group of rooms, house trailer or other enclosure occupied, or intended for occupancy, as separate living quarters by a family or other group of persons living together or by persons living alone.

IMPROVED PROPERTY — Any property upon which there is now or hereafter erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT — Any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual (male or female), partnership, company, association, society, corporation or other group or entity; "his" means his, hers, or theirs, as is appropriate.

pH — The logarithm of the reciprocal of the concentration of hydrogen ions, expressed grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

ppm — Parts per million by weight.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

SEWER — Any pipe or conduit constituting a part of the sewer system or usable for sewage collection purposes.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, treating or disposing of sanitary sewage and/or industrial wastes, situate in or near the Borough of Shinglehouse.

PART 2

PERMISSION TO CONSTRUCT SEWER SYSTEM: APPROVAL OF PLANS

§ 18-201. Permission to Construct System. [Ord. 128, 4/9/1968, § 2.01]

Shinglehouse Borough Authority is hereby granted permission to construct and operate or lease for operation, a sewer system for the benefit of the inhabitants of the Borough and to open Borough roads and alleys at such places and for such periods of time as may be necessary for such purposes, the said sewer system hereby being designated as a project to be undertaken by the Authority. The Authority is hereby granted a permanent easement within all Borough roads, alleys or rights-of-way for construction, operation, maintenance and replacement of the sewer system.

§ 18-202. Approval of Plan. [Ord. 128, 4/9/1968, § 2.02]

Approval is hereby given of the estimated cost of construction and the final plans and specifications of the said sewer system as compiled and prepared for the Authority by Buchart Horn, 40 South Richland Avenue, York, Pennsylvania, a copy of which plans are on file with the Secretary of the Shinglehouse Borough Authority.

PART 3

USE OF SEWER SYSTEM FOR DISPOSAL OF SEWAGE AND WASTES

§ 18-301. When Connection Required. [Ord. 128, 4/9/1968, § 3.01; as amended by Ord. 174, 6/11/1985]

Each and every owner of improved property, whereon any part of the principal building, or other structure from which sewage or industrial waste is discharged, is within 400 feet from and accessible to any sewer which is ready to receive sewage through a service line installed by the Authority shall upon receipt of written notice from the Authority or the Borough Council or their agents, be required to connect such premises with the sewer system without delay, in accordance with this chapter and the rules and regulations currently in effect covering such connection.

§ 18-302. Procedure to Enforce Connection. [Ord. 128, 4/9/1968, § 3.02]

If any owner of improved property, who is required to connect his premises with the sewer system shall neglect or refuse to connect with said sewer system after notice so to do, the Authority or Borough Council may give such owner 60 days' written notice of this chapter, and upon failure of such owner to make the required connection within said sixty-day period, the Authority or Borough Council or their agents, may in accordance with the provisions of Borough Code and the Municipality Authorities Act of 1945, as amended, enter upon such property and construct such connection, and upon completion of the work, send an itemized bill of the cost of the construction of such connection to the property owner, including any necessary and reasonable engineer's or attorney's fees, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, the Authority or Borough Council may collect the cost thereof, including attorney's fees and other costs of suit, from such owner by a suit in assumpsit, or file municipal liens for said construction within six months of the date of the completion of the construction of said connection.

§ 18-303. Abandonment of Other Systems. [Ord. 128, 4/9/1968, § 3.03]

It shall be unlawful, 60 days from the receipt of written notice of this chapter, for any owner of improved property who is required to connect his premises with the sewer system to own, maintain, operate or use within the Borough, a privy, cesspool, vault, septic tank or similar receptacle for sanitary sewage upon such property or to connect any such privy, cesspool, vault, septic tank or similar receptacle with any such sewer, or to discharge sewage or industrial wastes into any storm sewer or outlet other than the sewer system.

§ 18-304. Notice. [Ord. 128, 4/9/1968, § 3.04]

Notice as required in this chapter may be given by personal service or by certified mail to the last known address of the owner, as appears on the public records of Potter County, or by posting such notice in a conspicuous place on the improved property.

PART 4

APPLICATIONS FOR SERVICE; CONNECTIONS AND CONNECTION FEES**§ 18-401. Application for Available Service. [Ord. 128, 4/9/1968, § 4.01]**

Service connections will be made and sewer service will be furnished upon written application to the Borough Secretary by the owner or prospective owner or his proper agent duly authorized in writing, on a form prepared by the Borough. The application for service shall state the purpose or purposes for which sewer will be used and such other appropriate information as shall be required by the Borough, including the size, location and proposed usage with respect to the owner or the persons for whom service is desired.

§ 18-402. Connection Fee. [Ord. 128, 4/9/1968, § 4.02; as amended by Ord. 174, 6/11/1985; and by Ord. 177, 9/9/1986, § 1]

The owner or person submitting an application to the Borough for service connections will pay a connection fee of \$400 or the actual cost incurred by the Borough with respect to such connection, whichever sum is greater. No permit to connect will be issued without payment of the connection fee.

§ 18-403. Service Connections and Line. [Ord. 128, 4/9/1968, § 4.03]

The Authority or the Borough or their duly authorized representatives will make all connections to the sewer mains and shall provide for the furnishing, installation and maintenance of all service lines from the sewer main to the curb line. (Curb line means either the road side of an established curb, or the equivalent thereof.) All service lines from the curb line to the structure to be served shall be installed by the owner or person to be served, at his expense, and shall be of a pipe approved by the Borough. No service connection facility between the curb line and the structure to be served shall be covered up in the process of installation until inspected and approved by the Borough or its duly authorized representatives.

No sewer service line shall be laid in the same trench with gas lines, water lines or any other facilities of a public service company. The size of a service connection from the sewer main to the curb line will be a minimum diameter of six inches, and the service connection from the curb line to the structure to be served will be a pipe of terra cotta, cast iron, asbestos cement or other type approved by the Borough with a minimum inside diameter of four inches, and will have a type O ring joint or leaded joint. Only persons properly authorized by the Borough shall be permitted to make service line connection installations. Neither the Borough nor the Authority shall be responsible for the maintenance of any service line or any other line, pipe or fixture from the curb line to the structure to be served, nor shall the Borough or the Authority be responsible for any damages resulting from the escape of sewage from any service connection from the curb line to the structure to be served. The owner and any other person being served at all times shall comply with all federal, state and municipal regulations, and shall make any and all changes to their service connections between the curb line and the structure to be served which shall be required or shall be made necessary as a result of any change of grade of the main lines, or otherwise.

§ 18-404. Application When Service Is Not Available. [Ord. 128, 4/9/1968, § 4.04]

If sewer service is not available as set forth in this chapter, any property owner or other proper person may make application to the Borough for service upon a form provided by the Borough setting forth the location, estimated date and type of proposed connection, together with such other information as the Borough or the Authority may require. After receipt of such application, the Borough will determine whether the construction of an addition to the sewer system is economically feasible, based upon engineering estimates of cost of construction and revenues from proposed or expected use of such addition.

1. Extension of Sewer System if Feasible — If in the opinion of the Borough or the Authority, the construction or an addition to the then existing sewer system to service the applicant is economically feasible and if the Borough or the Authority has sufficient funds, or is able to borrow sufficient funds, to finance such construction, and the Borough or the Authority can obtain permission from appropriate governmental agencies as required, the Borough or the Authority may construct an addition to the existing sewer system.

Before construction of such addition is begun, the Borough or the Authority may require the applicant to post a bond, either in cash or with other sufficient surety, guaranteeing and providing for the annual payment of a sum which together with the annual rental and charges for the use of the addition would be sufficient to amortize the cost of such construction with interest thereon, whether or not interest is actually paid by the Borough or the Authority over the then projected useful life of such addition.

2. Extension of Sewer System with Contribution of Applicant — If in the opinion of the Borough or the Authority, the construction of an addition to the existing sewer system to serve the applicant is not economically feasible and the applicant nevertheless desires sewer service, the Borough or the Authority may require a cash contribution by the applicant toward the cost of constructing such addition so that the project would be economically feasible.
3. Refund on Bond or Contributed Cost — The Borough or the Authority may, prior to the execution of the bond or the payment of the contribution mentioned above, agree that if, after the addition to the sewer system has been constructed, and it is determined that the annual revenues from such addition are more than sufficient to amortize the cost of such construction, including interest, the Borough or the Authority will pay to the applicant or his successor in interest a refund of the portion of such payments made by the applicant as are equal to the amount by which such revenues exceeded the annual cost of such addition. Such repayments shall be limited to those owing within two years and applied for within three years after the annual amortized costs. The agreement shall provide that unless the right thereto is reserved by the applicant in writing, the rights under this section shall pass

to any successors in title to the land served by the addition, prorata, based on the front-footage of such owners.

4. Borough and Authority Not Restricted to Financially Feasible Additions — Nothing in this section shall be construed as preventing the Borough or the Authority from extending any sewer line beyond the limits of the then-apparently financially feasible limits, if such extensions are needed for reasons of public health and water purity and are approved by holders of any revenue indentures, real estate mortgages or other security given by the Borough or the Authority, or to require hookup after such construction and to require reasonable contributions from users for construction costs of such additions, in addition to normal rates and charges for hookup to and use of the sewer system.

PART 5

SEWER RENTALS OR CHARGES; PAYMENT OR COLLECTION

§ 18-501. Occasion and Time When Charges Begin. [Ord. No. 284, 12/12/2017]

Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewer system, whether such use shall be direct or indirect, which sewer rentals shall commence and be effective 30 days after such owner is first given written notice by the Borough to connect to the sewer system as set forth elsewhere in this chapter, and is reasonably able to connect, or as of the date of connection of each improved property to the sewer system, whichever first shall occur.

§ 18-502. Rentals and Charges. [Ord. No. 284, 12/12/2017]

1. Rentals and charges shall be payable as provided herein, in accordance with the following schedule or rates and classifications:
 - A. Residential. Each private dwelling unit, the sum of \$384 per annum, payable at the rate of \$32 per month. Each dwelling unit in a double house, in a row of connecting houses, in an apartment, in any other multiple dwelling or in any multiple-purpose building shall be charged as a separate entity.
 - B. Nonresidential. All owners of nonresidential improved properties shall pay sewer rentals or charges in the sum of \$384 per annum, payable at the rate of \$32 per month per unit on the basis of equivalent dwelling units as set forth in the following schedule:

Rate Schedule	
Cost Per Equivalent Dwelling Unit, \$384 Per Year	
Classification of Property	Equivalent Dwelling Units (R represents residential; C represents commercial)
Single-family dwelling	1R
Two-family dwelling	2R
Trailer	1R
Apartment House, per rental unit	1R
Hotel or motel, per 4 rental rooms	1C

Rate Schedule Cost Per Equivalent Dwelling Unit, \$384 Per Year	
Classification of Property	Equivalent Dwelling Units (R represents residential; C represents commercial)
Restaurant, club or tavern, per 15 seats or fraction thereof	1C
Church, fire company or hall	1C
Service station, automobile repair garage	
2 bays or fewer	1C
Additional bay or 2	1C
Barber or beauty shop, attached to or forming a part of owner's residence	1C
Barber or beauty shop, not attached to owner's residence	1C
Laundromat, per 5 washers	1C
Retail store, office, business or industry	
10 or fewer employees	1C
Each additional 5 employees	1C
Business or industry providing showers for employees	
8 or fewer employees	1C
Each additional 4 employees or fraction thereof	1C
Funeral home attached to or forming a part of owner's residence	1C
School, public or private	
Toilet facilities only, per 40 pupils and staff	1C
Toilet facilities and kitchen, per 30 pupils and staff	1C
Toilet facilities and gym, per 25 pupils	1C
Toilet facilities, gym, kitchen, per 20 pupils	1C

Rate Schedule	
Cost Per Equivalent Dwelling Unit, \$384 Per Year	
Classification of Property	Equivalent Dwelling Units (R represents residential; C represents commercial)
Dairy or milk processing plant	6C
Doctors or dentists, not attached to residence	1C
Doctors or dentists, attached to residence	1C

- C. Additional Classifications. Additional classifications and sewer rentals may be established by the Borough from time to time as deemed necessary.
- D. Special Agreement. Nothing herein contained shall be deemed to prohibit the Borough from entering into special agreements with respect to sewer rentals or charges under conditions and circumstances making special agreements advisable and necessary.

§ 18-503. Time and Method of Payment. [Ord. No. 284, 12/12/2017]

1. Sewer rentals and charges shall be due and payable as follows:
 - A. Monthly Bills. All bills for sewer rentals or charges shall be rendered monthly, on the first day of each month, and shall cover the monthly billing period immediately preceding.
 - B. Due Date; Penalty for Late Payment. If sewer rentals or charges are not paid within 15 calendar days, an additional sum of \$1.50 will be charged each account in arrears and will be added to such net bill.
 - C. Rate for Unoccupied House Connected to Sewer System. Each unit or house connected to the sewer system but unoccupied will be charged at the rate of \$2 per month over a twelve-month period each year. If the water service is shut off because of failure in paying a delinquent water or sewer account, a fee of \$20 will be charged before the water service is turned back on.
 - D. Failure to Receive Bill. Every owner of improved property which is connected to the sewer system shall initially provide the Borough with, and thereafter shall keep the Borough advised of, his correct address. Failure of any person to receive bills for sewer charges shall not be considered an excuse for nonpayment, nor shall failure result in

an extension of the period of time during which the net bill shall be paid.

§ 18-504. Filing and Collecting Liens for Sewer Rentals or Charges. [Ord. No. 284, 12/12/2017]

Sewer rentals or charges imposed by these regulations shall be a lien on the improved property connected to and served by the sewer system, and any such sewer rentals or charges which are delinquent shall be filed as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the office of the Prothonotary of Potter County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

PART 6

PROHIBITED WASTES

§ 18-601. Natural or Artificial Overflow or Drainage Waters. [Ord. 128, 4/9/1968, § 6.01]

No person shall discharge or cause to be discharged any storm water, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, drainage from roof leader connections, overflow or drainage from cesspools and unpolluted industrial process waters into any sewer.

§ 18-602. Harmful Wastes. [Ord. 128, 4/9/1968, § 6.02]

In addition to specific prohibitions herein, the Borough reserves the right to refuse permission to connect the sewer system, to compel discontinuance of use of the sewer system, or to compel pretreatment of industrial wastes by an industrial establishment, in order to prevent discharges deemed by the Borough to be harmful or to have a deleterious effect upon any sewer or the sewer system.

§ 18-603. Prohibited Sewage or Industrial Waste. [Ord. 128, 4/9/1968, § 6.03]

No sanitary sewage or industrial wastes shall be discharged into the sewer system:

1. Having a temperature higher than 150°;
2. Containing more than 30 ppm of fats, wax or grease, emulsified or not, or any substance which may solidify or become viscous at temperatures between 32° F. and 150° F.;
3. Containing any gasoline, benzine, naptha, fuel oil or other flammable or explosive liquids, solids or gases;
4. Containing any solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particular particle greater than 1/2 inch in any dimension;
5. Containing any ashes, cinders, paper dishes, paper cups, and paper milk cartons, either whole or ground by garbage grinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, whole blood, hair, fleshings, tar, plastics, wood, paunch manure, butcher's, offal or any other solid or viscous substance capable of causing obstructions or other interferences with the operation of the sewer system or sewers;
6. Having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system or any part thereof;

7. Containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant owned by the Authority, including but not limited to cyanides;
8. Containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;
9. Containing iron, chromium, copper, zinc and similar objectionable or toxic substances or substance exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works owned by the Authority is not in compliance with applicable State or Federal regulations, for such materials;
10. Containing phenols or other taste or odor-producing substances, in such concentration exceeding limits which may be established by the Authority, as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters;
11. Containing any radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the Borough or the Authority in compliance with State or Federal regulations;
12. Containing materials which exert or cause:
 - A. Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate;
 - B. Excessive discoloration such as, but not limited to dye wastes and vegetable tanning solutions;
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and
 - D. Unusual volume of flow or concentration of wastes; and
13. Containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 18-604. Pretreatment Facilities. [Ord. 128, 4/9/1968, § 6.04]

Where necessary, all owners shall install suitable pretreatment facilities in order to comply with Part 6, 603 of these regulations.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of the Borough and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, from any governmental regulatory body having jurisdiction.

Whenever facilities for preliminary treatment and handling of wastes shall have been provided by any owner, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating conditions; and the Borough shall have access to such facilities at reasonable times for purposes of inspection and testing.

§ 18-605. Large Garbage Grinders. [Ord. 128, 4/9/1968, § 6.05; as amended by Ord. 174, 6/11/1985]

No person shall install or operate in any improved property connected to the sewer system any garbage grinder equipped with a motor of one horsepower or greater, without prior written approval of the Borough.

§ 18-606. Requirements for Admitting Industrial Waste Into Sewer System. [Ord. 128, 4/9/1968, § 6.06]

No person shall discharge or cause to be discharged into the sewer system any industrial wastes not subject to control by the Borough and only after application to the Borough and receipt of a written permit therefore by the Borough.

1. Required Survey Date - Any person desiring to make or use a connection to the sewer system through which industrial wastes shall be discharged into the sewer system shall file with the Borough a completed "Industrial Wastes Questionnaire" on a form furnished by the Borough, which shall supply to the Borough pertinent data, including estimated quantity of flow, characteristics and constituents, with respect to industrial wastes proposed to be discharged into the sewer system.
2. Control Manholes - Any person who shall discharge industrial wastes into the sewer system, when required by the Borough, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole and other devices as may be approved by the Borough to facilitate observation, measurement and sampling by the Borough for industrial wastes discharged to the sewer system.

Any such control manhole, when required by the Borough, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by the Borough prior to commencement of construction.

3. Waste Sampling - The strength of wastes to be used for establishing surcharges if any, shall be determined at intervals deemed advisable by the Borough as may be requested by an industrial establishment. Waste strength shall be determined by estimates of the Borough or by the collection and analysis of waste samples. The collection and analysis of waste samples for determining applicable surcharges shall be supervised by a registered professional engineer approved by the Borough. All costs for waste sampling and collecting shall be paid by the party which desires that the waste be sampled and analyzed. The analysis of all waste samples collected to determine applicable surcharges, shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage", as published by the American Public Health Association.
4. Changes in Type of Water — Any industrial establishment discharging sewage into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharged into the sewer system shall notify the Borough, in writing, at least 10 days prior to consummation of such change, and secure permission for such change.

§ 18-607. Special Agreement for Unusual Industrial Waste. [Ord. 128, 4/9/1968, § 6.07]

Nothing contained in this Part shall be construed as prohibiting any special agreement or arrangement between the Borough in consultation with its engineer and any person whereby industrial wastes of unusual strength or character may be admitted into the sewer system by the Borough, either before or after preliminary treatment.

§ 18-608. Regulating Rate of Discharge of Industrial Wastes. [Ord. 128, 4/9/1968, § 6.08]

The Borough reserves the right to require industrial establishments having large variations in rates of waste discharged to install suitable regulating devices for equalizing waste flows to the sewer system.

§ 18-609. Surcharges and Changes in Charges for Industrial Wastes. [Ord. 128, 4/9/1968, § 6.09]

The Borough reserves the right to impose surcharges in connection with any industrial waste discharge into the sewer system either by agreement with the owner of the industrial establishment or by additional regulations.

PART 7

PENALTIES

§ 18-701. Penalties. [Ord. 128, 4/9/1968, §§ 701 and 702; as amended by Ord. 174, 6/11/1985]

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this chapter continues shall constitute a separate offense.

PART 8

Abatement of Nonconforming/Substandard Sewer Laterals on Private Property**§ 18-801. Purpose and Findings. [Ord. No. 285, 10/9/2018]**

1. The purpose of this Part is to codify requirements for the testing, repair, replacement and ongoing maintenance of the privately owned sewer laterals within the Shinglehouse Borough.
2. The requirements of this Part are intended to comply with requirements of the United States Environmental Protection Agency. [The Clean Water Act (CWA) Section 301(a)¹], and the Pennsylvania Clean Streams Law² for reducing infiltration and inflow in the Shinglehouse Borough sanitary sewer collection system. To this end, this Part requires that all private sewer laterals be maintained by their owners in accordance with the standards set forth in this Part.
3. In an effort to solve the problem of sewer overflows within the sewer system serving the Shinglehouse Borough and in compliance with the aforementioned act and law, this Part has been prepared for adoption by the Shinglehouse Borough. The Borough has found that a significant component of infiltration and inflow (I/I) is infiltration, consisting of groundwater or runoff from rainfall that passes through the soil and on the ground's surface into defects in privately owned sewer pipe and associated structures.
4. In addition, the Borough staff has observed there exists in the Borough numerous nonconforming stormwater inflow connections into sewer laterals, such as downspouts, storm drains, and sump pumps, etc., on private property.
5. Infiltration and nonsanitary sewer connections (inflows) are a major source of the I/I that occurs during the rainy season. Evidence supporting this conclusion includes leakage test data, internal inspection by closed circuit television, smoke test results, and direct flow measurements.
6. For reasons cited above, Shinglehouse Borough shall update and enforce their sewer ordinances as required to implement a program of sewer lateral replacement and/or repair on private property, including an ordinance requiring testing and repair of the privately owned portion of sewer laterals as a condition to the sale of property; and to require all property owners to disconnect nonconforming stormwater connections and correct defective sewers identified through smoke testing or other means.

1. Editor's Note: See 33 U.S.C.A. § 1311(a).

2. Editor's Note: See 35 P.S. § 691.1 et seq.

§ 18-802. Definitions. [Ord. No. 285, 10/9/2018]

1. As used in this Part, the following terms shall have the meanings indicated:

BOROUGH — The Shinglehouse Borough, as represented by the Borough Council or an approved representative of the Borough as designated by a resolution enacted by the Council.

BOROUGH SEWER ORDINANCE — The Shinglehouse Borough Sewer Ordinance, Ordinance No. 128.

BOROUGH TAP — A line extending from the sewer main to either the approximate curblin or the Borough cleanout: in the case of a back yard main, approximately five feet from the main toward the lateral. The owner of the lateral will be responsible for connecting to the tap, including any and all adapters required to accommodate different types or sizes of pipe.

BUILDING CODE REQUIREMENTS — Requirements defined in this Part or the Borough Sewer Ordinance do not supersede any requirements of the Pennsylvania Unified Building Code, nor do requirements of the Building Code supersede any requirements of the Borough ordinances.

CLEANOUT — A pipe fitting and associated piping connected to a building sewer or lateral sewer line that provides access to the line for purposes of routine flushing, rodding, cleaning and other maintenance and diagnostic procedures purposes.

LATERAL, BUILDING SEWER, or LATERAL SEWER LINE — That part of the piping of a drainage system which extends from the end of the building drain to the main sewer tap and conveys the discharge of the building drain to the main sewer, as per § 18-403 of the Borough Sewer Ordinance (at discretion of Borough representative and meets industry standard).

MAIN LINE, SEWER MAIN, or MAIN SEWER — A common sanitary sewer directly controlled by the Borough of Shinglehouse.

NONSANITARY SEWER CONNECTIONS — Any facility, pipe, or other means of conveyance that directly or indirectly conveys stormwater, surface water, roof runoff, intercepted groundwater or subsurface drainage into sanitary sewers, including, but not limited to, downspouts, yard drains or other sources of stormwater or other runoff.

PRIVATE CLEANOUT — A cleanout located near the building being serviced by the lateral sewer line, as illustrated in drawing "Attachment A"³ or future revisions approved by the Borough.

3. Editor's Note: Said drawing is included as an attachment to this chapter.

PRIVATE SEWER LATERAL — The portion of a building sewer from the building drain to a sewer main usually located near the curbline. When a building sewer connects to a rear yard sewer main, the entire building sewer or lateral, including the connection to the sewer tap, shall be considered a private sewer lateral.

PUBLIC SERVICE LINE — A portion of a building sewer that is located in the public right-of-way or easement and extends from the Borough cleanout to the main sewer. This portion of the lateral will be maintained by the Borough because of its location in the public right-of-way.

SATISFACTORY CONDITION — A condition indicated by fulfilling either:

- A. Final inspection and approval of a Borough building permit that specifically calls for replacement of the private sewer later and disconnection of any area or roof water collection system, including approved redirection of any stormwater connections.
- B. Approval by the Borough of a taped video record of closed circuit television (CCTV) inspection of the private sewer lateral by a contractor approved by the Borough to accomplish such inspection or by Borough personnel.

SEWER LATERAL CERTIFICATE — A certificate issued by the Borough indicating that the lateral is in "satisfactory condition" as defined herein.

SHARED LATERAL — A shared lateral is an existing sewer lateral that currently services two or more structures that are not located on the same deeded property.

STRUCTURE — Any structure or building that is provided with public sewer service by the Shinglehouse Borough.

TWO-WAY BOROUGH CLEANOUT or BOROUGH CLEANOUT — A cleanout at or near the property line or street curbline or near the sewer tap when the private sewer lateral connects to the rear yard sewer main which allows flushing, rodding, cleaning, televising, measuring flow and other maintenance and diagnostic procedures in the lateral sewer line as illustrated in drawing "Attachment A" or future revisions approved by the Borough.

§ 18-803. Standards for Maintenance of Private Sewer Laterals. [Ord. No. 285, 10/9/2018]

1. The standards for maintenance of private sewer laterals are as follows:
 - A. The private sewer lateral shall be kept free from roots, grease deposits, and other solids which may impede the flow or obstruct the transmission of waste.

- B. All joints shall be watertight and all pipes shall be sound.
 - C. The private sewer lateral shall be free of any structural defects such as cracks, breaks, openings, rodent holes or missing portions, and the grade shall be uniform without sags or offsets.
 - D. The private sewer lateral shall have cleanouts as defined by this Part and illustrated in drawing "Attachment A"⁴ or future revisions approved by the Borough. All cleanouts shall be securely sealed with a proper cap at all times.
 - E. All nonsanitary connections shall be disconnected, and such connections shall be rerouted in accordance with local, state and other applicable standards.
2. All new private sewer lateral construction or replacement of existing private sewer laterals shall comply with the requirements of this Part and the Borough Sewer Ordinance.

§ 18-804. Cleanouts Required. [Ord. No. 285, 10/9/2018]

- 1. Each sewer lateral shall have a standard two-way cleanout located at the Borough sewer tap. Such cleanouts shall be installed and maintained by the property owner after obtaining all applicable permits from the Borough.
- 2. Each private sewer lateral shall have a privately maintained cleanout as illustrated in drawing "Attachment A,"⁵ or as may be required by the Building Code, whichever is more restrictive. Such cleanouts shall be installed by the property owner consistent with details contained herein, after obtaining all applicable permits from the Borough.
- 3. Installation of cleanouts under this section may be undertaken at any time with applicable permits, but shall not be required until testing and/or inspection is completed pursuant to § 18-810.

§ 18-805. Public Nuisance Conditions. [Ord. No. 285, 10/9/2018]

- 1. A private sewer lateral constitutes a public nuisance when either of the following conditions exists:
 - A. The piping and fittings have a leak or breaks, or they are otherwise subject to exfiltration or leakage of sewage; or disruption of service due to a blockage that requires excavation of any portion of the line for repair.

4. Editor's Note: Said drawing is included as an attachment to this chapter.

5. Editor's Note: Said drawing is included as an attachment to this chapter.

- B. The piping and fittings provide connections other than those permitted by this Part, the Borough Sewer Ordinance and the Building Code as adopted by the Shinglehouse Borough, or are otherwise subject to inflow and infiltration, whether accidentally, negligently, or intentionally.
2. A cleanout constitutes a public nuisance if it:
 - A. Is uncapped or improperly capped;
 - B. Has leaks or breaks or is otherwise subject to exfiltration or leakage of sewage; or
 - C. Has nonsanitary sewer connections or is otherwise subject to inflow and infiltration, whether accidentally, negligently, or intentionally.

§ 18-806. Determination of Public Nuisance by Borough; Appeal. [Ord. No. 285, 10/9/2018]

1. The Borough may require the inspection and/or testing of any private sewer lateral, and may determine and declare that a private sewer lateral or cleanout is a public nuisance as defined in this chapter. Testing, inspection and repairs shall be conducted as set forth in regulations adopted by the Borough.
2. If the Borough determines and declares that a private sewer lateral or cleanout is a public nuisance, the Borough may issue a written notice ordering the property owner to make whatever repairs and/or complete replacement as the Borough deems necessary, within a reasonable period of time that shall be specified in the notice; however, the time period shall not exceed six months. Reasonable extension of time may be granted by the Borough if weather conditions make the repair or replacement impractical.
3. Temporary repairs to accommodate use of the property will be allowed until permanent repair or replacement can be completed as specified in the notice.
4. Determinations under this section may be appealed to Borough, in person, and the decision of Borough shall be final. Decisions by the Borough will be made within 60 days of appeal.

§ 18-807. Correction or Abatement. [Ord. No. 285, 10/9/2018]

1. Owners shall obtain all required plumbing and sewer permits and notify the Borough prior to making such repairs, and shall allow for the inspection of any installation by a Borough designated official.
2. Upon approval of such repairs, the Borough shall issue a sewer lateral certificate of compliance.

3. In the event a property does not comply with a written notice and order under § 18-806 within three weeks from the time said landowner and/or possessor are notified, the Borough shall proceed with the repair or new construction of the sewer lateral and assess said landowner and/or possessor with the cost thereof plus 10% additional and shall invoke either of the two remedies set forth hereinafter.
 - A. The Borough may file a municipal lien against the owner or owners or anyone having an interest in the property;
 - B. Any owner or owners or other persons having a legal interest in the property in question or possessor as notified above shall be personally liable for the assessment above mentioned.
4. The Borough may recover any costs incurred in abating a public nuisance under § 18-807.
5. The Borough retains the right under this Part to discontinue water service to a structure that is in violation of this Part until such time the private sewer lateral is brought into compliance with this Part and other applicable ordinances.

§ 18-808. Inspection at Time of Sale. [Ord. No. 285, 10/9/2018]

1. Prior to the sale of property that contains any structure with a building sewer line, the owner shall have the sewer lateral inspected and determined to be in satisfactory condition as per the requirements of this Part. Upon satisfactory determination under this Part, the Borough will issue a sewer lateral certificate of compliance, which hereafter will become a requirement for transfer of title of real property that includes a private sewer lateral which conforms to this Part.
2. All required repair or replacement work shall be completed prior to transfer of title. Alternatively, funds may be retained in escrow sufficient to complete the work within six months thereafter, if permitted by, and subject to, any conditions required by the Borough. Except as otherwise provided in this chapter or by the Borough, the owner of the property is responsible for compliance with this section.
3. The seller of any real property shall be responsible for disclosing to prospective purchasers the requirements of this section and the compliance status of the real property in question.
4. Any property under contract by a licensed realtor or listed as "for sale by owner" prior to the date of approval by the Borough of this Part shall be exempt from its requirements until said contract expires.

§ 18-809. Conditions Requiring Inspection of Private Sewer Lateral. [Ord. No. 285, 10/9/2018]

1. The following conditions will require that the private sewer lateral be inspected as per the requirements of this Part.
 - A. Whenever a person applies for a building and/or plumbing permit for a construction valuation that exceeds \$30,000 in 2018 dollars, adjusted every year for inflation according to the Engineering News-Record Quarterly Construction Cost Index.
 - B. Whenever a person applies for a building and/or plumbing permit that requires the moving and or disruption of an existing sewer lateral.
 - C. Whenever a person applies for a building and/or plumbing permit that results in an increased quantity of plumbing fixtures within the structure, including but not limited to toilets, sinks, tubs, showers, etc.
 - D. Whenever there is a disruption in sewer service that is caused by a deficiency in the private sewer lateral and results in a repair call to restore service. This would include but not be limited to blockages caused by tree roots, stones, and other debris, broken pipes, bad pipe joints or any other repairs that would require line cleaning or digging up any portion of the line to make repairs.
2. In order to ensure compliance with this section, the property owner shall obtain a sewer lateral certificate prior to approval of a building permit application for any of the above work.
3. The Shinglehouse Borough Building Code Inspector is hereby authorized to implement this section.

§ 18-810. Inspection and Repair: Requirements. [Ord. No. 285, 10/9/2018]

1. All testing and inspection procedures shall be in accordance with standard procedures or reviewed and approved by the Borough.
2. CCTV inspections shall be performed by a qualified contractor or utility evaluation service approved by the Borough or by Borough personnel.
3. All repair or replacement work identified by the testing procedure as necessary to prevent infiltration and inflow must be completed and then inspected and approved by the Borough.
4. If nonsewer connections to the private sewer lateral line are found, the property owner will be required to disconnect them and contain, disperse on site, or redirect, stormwater runoff within six months, as required by the Borough.

5. If during an inspection a shared lateral is discovered and is determined to be in violation of this Part, it shall be replaced with individual laterals unless the Borough determines that this is not physically possible because of the location of the sewer main or other limitations. Each property owner will be individually responsible under the requirements of this Part for the installation and associated cost. Under this circumstance the Borough will provide any necessary Borough taps at no cost to the property owners.
6. The property owner shall submit a copy of the sewer lateral inspection form, signed and approved by a Borough inspector as proof of compliance.
7. Failure to comply with an order issued under this section shall be deemed a violation of this Part, and the condition of the private sewer lateral line in such cases shall be deemed, and is hereby declared, a public nuisance.

§ 18-811. Sewer Lateral Certificates. [Ord. No. 285, 10/9/2018]

1. All properties governed by this chapter are required to obtain sewer lateral certificates. Sewer lateral certificates shall be issued by the Borough upon sufficient proof that a property owner has complied with this section, and upon payment of any required fee.
2. Sewer lateral certificates shall be effective for the following periods of time:
 - A. A period of 10 years after:
 - (1) Inspection and approval by the Borough of completed alterations, partial repairs, or connections to a lateral.
 - (2) Inspection and approval by the Borough of completed repairs to a lateral or cleanout ordered by the Borough.

§ 18-812. Fees. [Ord. No. 285, 10/9/2018]

Fees for compliance with this Part shall be established by resolution of Shinglehouse Borough and may be changed without prior notification to public.

§ 18-813. Violations and Penalties. [Ord. No. 285, 10/9/2018]

1. This Part is intended to, and will, be enforced in accordance with 53 P.S. § 48301 et seq. as same may be from time to time amended, supplemented or replaced⁶ and in accordance with the following provisions of this Part.
2. Any person that violates any provision of this Part will upon conviction thereof be sentenced to pay a fine of not less than \$300 nor more than \$1,000 per violation or to imprisonment for a term not to exceed 90 days, or both.

6. Editor's Note: Said statute was repealed by 2012, May 17, P.L. 262, No. 43, § 349, effective July 16, 2012.

3. A separate offense will arise for each section of this Part which is found to have been violated, and each day or portion thereof that a violation continues will constitute a separate offense as to each section of this Part which is found to have been violated.
4. The Borough may also enforce this Part through an action in equity brought in the Court of Common Pleas of Potter County, Pennsylvania, as an alternative to, or in addition to, any other enforcement actions or proceedings.

§ 18-814. Remedies. [Ord. No. 285, 10/9/2018]

The remedies specified in this Part are cumulative.

§ 18-815. Severability. [Ord. No. 285, 10/9/2018]

If any article, section, subsection, paragraph, sentence, clause or phrase of this Part for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of this Part. The Council of Shinglehouse Borough hereby declares that it would have passed this Part and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

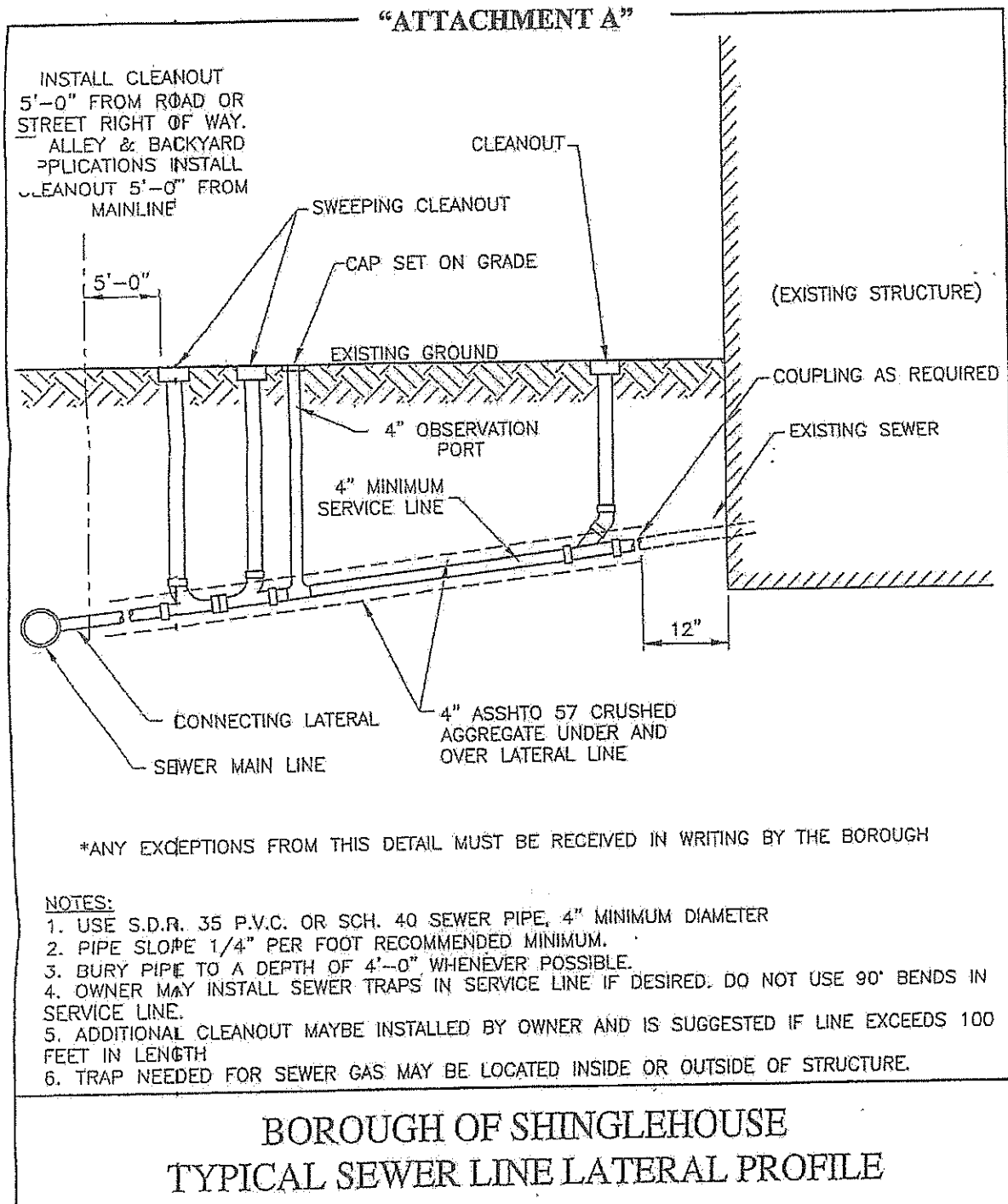
§ 18-816. Effective Date. [Ord. No. 285, 10/9/2018]

This Part shall be effective on the 1st day of January, 2019, and remain in force until modified, amended or rescinded by the Shinglehouse Borough, Potter County, Pennsylvania.

SEWERS AND SEWAGE DISPOSAL

18 Attachment 1

Borough of Shinglehouse



SEWERS AND SEWAGE DISPOSAL

18 Attachment 2

Borough of Shinglehouse

**Shinglehouse Borough
Notice to Repair Private Sewer Lateral**

Date: _____

Owner of Property: _____

Address of Property: _____

Owner's Address if Different than Property Address: _____

Owner Telephone Home: _____ Cell: _____ Work: _____

You are hereby notified the private sewer lateral serving the above property requires:

Repair ☐ Replacement ☐ on or before _____

Contact the Borough Barn at 814-697-6912 or the Borough office at 814-697-6711 prior to covering any portion of:

Repair ☐ Replacement ☐ work. An inspection will be

made and when the lateral is in compliance with Ordinance # 285 of 2018, known as the Shinglehouse Borough Sewer Lateral Inspection and Compliance Ordinance, the Borough will issue a Certificate of Compliance to you.

Borough of Shinglehouse

By: _____

SEWERS AND SEWAGE DISPOSAL

18 Attachment 3

Borough of Shinglehouse

Application Form
Private Sewer Lateral Repair/Replacement Program

Owner of Property: _____

Address of Property: _____

Owner's Address if Different than Property Address: _____

Owner Telephone Home: _____ Cell: _____ Work: _____

Reason for Inspection

Sale ☐

Nuisance ☐

Anticipated Closing Date: _____

Realtor, if applicable Name: _____

Business Phone: _____

Contractor or Plumber: Name: _____

Address: _____

Business Phone: _____

Cell Phone: _____

Fax: _____

Processing Fee \$20.00 Received by: _____

Property Owner's Signature: _____ Date: _____

Approved by Borough - By: _____ Date: _____
work may begin

Date Inspection Scheduled by Borough - By: _____ Date: _____

Testing Observed by Borough Pass ☐ Fail ☐

By: _____ Date: _____

SEWERS AND SEWAGE DISPOSAL

18 Attachment 4

Borough of Shinglehouse

Private Sewer Lateral Inspection Form

Property Owner: _____

Address: _____

Address of Property to be inspected if different: _____

Telephone No.: _____

Date: _____

Present at Inspection Site:

Internal Inspection

If Yes, Location from
Physical Identifiable Ob-
ject

Roots Present	☐ Yes	☐ No	_____
Grease Present	☐ Yes	☐ No	_____
Pipe Joints Tight	☐ Yes	☐ No	_____
Pipes Free of Cracks, Breaks, Openings	☐ Yes	☐ No	_____

External Inspection

Two-way Clean-out at Sewer Main (backyard)	☐ Yes	☐ No	_____
Two-way Clean-out at ROW (front yard)	☐ Yes	☐ No	_____
Sump Pump Connected to Sanitary Lateral or Tributary	☐ Yes	☐ No	_____
Clean-out Cap Tight and In Place	☐ Yes	☐ No	_____
Clean-out at Building or Other	☐ Yes	☐ No	_____
Roof or other Sources of Non-Sanitary Waste Connections	☐ Yes	☐ No	_____

Action Required: _____

Certification of Compliance Issues: ☐ Yes ☐ No

Inspected by Shinglehouse Borough

By: _____

Date: _____

SEWERS AND SEWAGE DISPOSAL

18 Attachment 5

Borough of Shinglehouse

**Private Sewer Lateral
Certificate of Compliance**

Owner of Property: _____

Address of Property: _____

Owner's Address if Different than Property Address: _____

Owner Telephone Home: _____ Cell: _____ Work: _____

The sewer lateral serving the above property was inspected by me and found to be in compliance with Borough of Shinglehouse Ordinance No. 285 of 2018, which Ordinance is known as the Shinglehouse Borough Sewer Lateral Inspection and Compliance Ordinance.

Borough of Shinglehouse

By: _____
Print Name

Signature

Date

CHAPTER 19

SIGNS AND BILLBOARDS

(Reserved to accommodate future ordinances)

CHAPTER 20
SOLID WASTE

Part 1

Collection of Garbage

- §101. Short Title**
- §102. Definitions**
- §103. Prohibited Activities**
- §104. Standards for Storage of Solid Waste**
- §105. Standards and Regulations for Collections**
- §106. Collection and Disposal Charges**
- §107. License Required**
- §108. Nuisance**
- §109. Rules and Regulations**
- §110. Compliance with Applicable Laws**
- §111. Penalties**

Part 2

Recycling Program

- §201. Establishment**
- §202. Definitions**
- §203. Disposal**
- §204. Vesting of Ownership, Unauthorized Collection Prohibited**
- §205. Sale or Donation**
- §206. Penalties**

Part 1

Collection of Garbage

§101. Short Title.

This Part shall be known and referred to as the "Borough of Shinglehouse Solid Waste Ordinance."

(Ord. 248, 9/12/2006)

§102. Definitions.

1. Where the following words are used in this Part, they shall have, unless the context clearly indicates otherwise, the meanings ascribed herein. Other words and phrases not specifically defined herein, shall, unless the context clearly indicates otherwise, have the meanings given to them by Act 97 and by Act 101.

ACT 97 — the Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 et seq. ("Solid Waste Management Act"), as amended, and all rules and regulations promulgated thereunder.

ACT 101 — the Act of July 28, 1988, P.L. 556, No. 101, 35 P.S. §4000.101 et seq. ("Municipal Waste Planning, Recycling and Waste Reduction Act"), as amended, and all rules and regulations promulgated thereunder.

AUTHORITY — the Potter County Solid Waste Authority, the designated implementing agency for the Potter County Municipal Waste Management Plan.

BOROUGH — the Borough of Shinglehouse.

BULKY WASTE — large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size, shape and weight.

COMMERCIAL ESTABLISHMENT — any establishment engaged in nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

CONTAINER — a portable device in which waste is held for storage or transportation.

COUNTY — the County of Potter or the Potter County Board or County Commissioners.

SOLID WASTE

DEPARTMENT or DER — the Pennsylvania Department of Environmental Resources (DER).

DISPOSAL — the 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 any constituent thereof enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

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, partnership, association or corporation engaged in the collection or transportation of municipal waste.

HAZARDOUS WASTE — any solid waste or combination of solid wastes, as defined in Act 97, 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.

LEAF WASTE — leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

LICENSED HAULER or LICENSED COLLECTOR — any municipal waste hauler or collector possessing a valid and current County license issued by the Potter County Solid Waste Authority.

MUNICIPAL WASTE — any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, and any sludge not meeting the definition of residual or hazardous waste under Act 97 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 Shinglehouse, Potter County, Pennsylvania.

OCCUPIED DWELLING — a permanent building or fixed mobile home that is currently being used on a regular or temporary basis for human habitation.

PERSON — any individual, partnership, corporation, association, institution, co-operative enterprise, municipal authority, federal government or agency, 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 Part which prescribe 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.

PLAN — the Potter County Municipal Waste Management Plan, as amended.

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 or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

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 mechanical separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy).

RECYCLING FACILITY — a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste, nor composting facilities or 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 residual waste shall not include coal refuse as defined in the Coal Refuse Disposal Control Act. The term 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 Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law."

RUBBISH — all nonputrescible 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.

SOLID WASTE

SALVAGING — the controlled removal or recycling of material from a solid waste processing or disposal facility.

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

SOLID WASTE — any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous material.

SOURCE RECYCLABLE MATERIAL — materials that are separated from municipal waste at the point of origin for the purpose of recycling.

STORAGE — the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION — the off-site removal of any solid waste at any time after generation.

TRANSFER STATION — any supplemental transportation facility used as an adjunct to waste collection route vehicles.

2. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 248, 9/12/2006)

§103. Prohibited Activities.

1. It shall be unlawful for any person to accumulate, or permit to accumulate upon any public or private property within the Borough, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provisions of this Part and Acts 97 and 101; provided, however, that nothing contained herein shall be construed so as to prohibit composting on private property for the personal, noncommercial use of the owner or occupier of such property; provided, further, that no composting material shall be placed or kept within 15 feet from any adjoining property line.
2. It shall be unlawful for any person to burn any solid waste, including leaf waste, within the Borough except in accordance with provisions of this Part, Act 97 and Act 101, and the Code of Ordinances of the Borough of Shinglehouse.¹

¹ Editor's Note: See Ch. 7, Fire Prevention and Fire Protection, Part 1, Open Burning.

3. It shall be unlawful for any person to dispose of any solid waste in the Borough except in accordance with the provisions of this Part and Act 97 and Act 101.
4. It shall be unlawful for any person to haul, transport, collect, or remove any solid waste from public or private property other than his or her own private residence within the Borough without a current, valid County license issued by the Authority.
5. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Borough except as provided in this Part.

(Ord. 248, 9/12/2006)

§104. Standards for Storage of Solid Waste.

1. The storage of solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.
3. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's Chapter 285, Subchapter A, "Regulations for the Storage of Municipal Waste," and with any revisions or amendments thereto.

(Ord. 248, 9/12/2006)

§105. Standards and Regulations for Collections.

1. All households, homeowners, multifamily residential sources and commercial, institutional and industrial establishments shall negotiate and individually contract collection services with a licensed collector.
2. All garbage and rubbish shall be timely collected. Bulky waste shall be collected following prior arrangement with a licensed collector.

(Ord. 248, 9/12/2006)

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§106. Collection and Disposal Charges.

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. 248, 9/12/2006)

§107. License Required.

No person may charge a consideration for or otherwise engage in the business or activity of collecting, storing, transporting, or disposing of solid waste within the Borough unless he or she shall have first obtained a license therefor from the Authority, and as provided herein, nor shall any person pay or offer a consideration to any other person for the collection, storage, transportation, or disposal of solid waste unless such other person shall be licensed hereunder and by the Authority.

(Ord. 248, 9/12/2006)

§108. Nuisance.

Any accumulation of refuse on any premises for more than one week, or failure to cause any accumulation of refuse to be removed from any premises within seven days after notice to the owner or occupant thereof, is unlawful, prohibited and a violation of this Part 1 and is hereby declared to be a nuisance. Any such nuisance may be abated by the Borough of Shinglehouse in the manner provided by law.

(Ord. 248, 9/12/2006)

§109. Rules and Regulations.

The Borough Council of the Borough of Shinglehouse is hereby authorized, from time to time, to supplement, clarify and detail the provisions of this Part 1 by rules and regulations not inconsistent herewith. Such rules and regulations may include, but not be limited to, provisions concerning additional definitions, dates, times and places of pickups, containers and quantities, precollection and collection procedures, charges, billings and enforcement.

(Ord. 248, 9/12/2006)

§110. Compliance with Applicable Laws.

Notwithstanding anything contained herein to the contrary, no person shall collect, store, transport or dispose of solid waste in violation of Act 97 and Act 101, as amended,

or of rules and regulations of the Department of Environmental Resources promulgated thereunder, or of the Municipal Waste Management Plan for Potter County.

(Ord. 248, 9/12/2006)

§111. Penalties.

Any person violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$200 nor more than \$1,000 or to undergo imprisonment for a period not to exceed 90 days, or both, provided that each day during which a violation exists shall be considered a separate offense.

(Ord. 248, 9/12/2006)

Part 2

Recycling Program

§201. Establishment.

There is hereby established a program for the separate collection of recyclable newsprint, recyclable aluminum beverage cans and recyclable glass, as those terms are herein defined, from residential and commercial premises within the Borough of Shinglehouse.

(Ord. 191, 3/13/1990, §I)

§202. Definitions.

For purposes of this Part, the term "recyclable newsprint" shall mean solid waste consisting of newspapers, magazines, telephone books and cardboard, which shall not have been exposed to foreign substances or conditions rendering them unusable for recycling. Anything herein to the contrary notwithstanding; however, any person may wrap solid waste in used newspaper and discard the same with regular solid waste even if such wrapping does not render the newspaper unusable for recycling.

For the purposes of this Part the term "recyclable aluminum beverage cans" shall mean beverage cans constructed solely of aluminum, not tin, metal or steel.

For the purposes of this Part the term "recyclable glass" shall mean clear or clear colored glass containers which shall not have or contain foreign substances rendering them unusable for recycling.

(Ord. 191, 3/13/1990, §II)

§203. Disposal.

1. Recyclable newsprint, recyclable aluminum beverage cans and recyclable glass shall be kept separate from each other and from other refuse and shall be separately collected as hereinafter provided. Each residential and/or commercial entity within the Borough of Shinglehouse shall separate recyclable newsprint from recyclable aluminum beverage cans and from recyclable glass in easy-to-manage bundles or by placing them in paper bags. Each residential and/or commercial entity within the Borough of Shinglehouse shall separate recyclable aluminum beverage cans from recyclable newsprint and from recyclable glass and other refuse and shall prepare the same for collection by placing them in either paper bags or cardboard boxes or containers provided by the Potter County Solid Waste Authority. Each residential and/or commercial entity within the Borough of Shinglehouse shall separate recyclable glass from recyclable newsprint, recyclable aluminum beverage cans and other refuse and shall prepare the same for collection by plac-

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ing them in either paper bags or cardboard boxes or containers provided by the Potter County Solid Waste Authority. As so prepared, these materials shall be placed at the curbside to be collected at times as herein designated or shall be placed in recycling shelters at any time.

2. The appropriate Borough authorities are hereby authorized to designate, by regulation, the days and times for the collection of recyclable newsprint, recyclable aluminum beverage cans and recyclable glass and appropriate containers therefore.

(Ord. 191, 3/13/1990, §III)

§204. Vesting of Ownership, Unauthorized Collection Prohibited.

From the time of placement at the curb of any recyclable newsprint and/or recyclable aluminum beverage cans, and/or recyclable glass, pursuant to the provisions of this Part and the regulations issued hereunder, such recyclable newsprint and/or recyclable aluminum beverage cans, and/or recyclable glass shall become and be the property of the Borough of Shinglehouse. It shall be a violation of the terms of this Part for any person, other than authorized personnel of the Borough, to collect, pick-up, or cause to be collected or picked up, any such materials. Each such collection or pick-up in violation hereof shall constitute a separate and distinct offense.

(Ord. 191, 3/13/1990, §IV)

§205. Sale or Donation.

Notwithstanding any provision of this Part, any person having ownership of the same, may sell or donate recyclable newsprint and/or recyclable aluminum beverage cans, and or recyclable glass to any person, partnership or corporation, whether operating for profit or not for profit; provided, however, that such materials may not be placed for collection at, nor collected from the curbside.

(Ord. 191, 3/13/1990, §V)

§206. Penalties.

Any person, partnership or corporation who violates or fails to comply with any provision of this Part or any regulation promulgated pursuant thereto with the exception of those person violating §204 of this Part, shall upon conviction thereof in a court of summary jurisdiction, be punishable by fines of not more than \$10 for the first offense, not more than \$25 for the second offense, and not more than \$50 for the third offense. Any person who violates §204 of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 and not more than \$300.

(Ord. 191, 3/13/1990, §VI)

CHAPTER 21

STREETS AND SIDEWALKS

Part 1

Construction and Repair of Sidewalks

- §101. Construction and Maintenance of Sidewalks
- §102. Notice to Do Work
- §103. Borough May Do Work and Collect Costs
- §104. Borough Remedies for Failure to Comply
- §105. Sidewalk Specifications
- §106. Permission to Repair or Construct
- §107. Serving of Notice

Part 2

Construction of Streets

- §201. Requirements for Street Construction
- §202. Manner of Assessment of Work Costs
- §203. Time Limit for Payment of Assessments
- §204. Collection of Delinquent Assessments or Installments
- §205. Installment Payment Procedure
- §206. Property Owners to Lay Branch Pipe and Connect with Sewer, Water and Gas Lines Before Street Improvement
- §207. Municipality May Do Work and Collect Cost
- §208. Permit; Fee
- §209. Specification Sheets
- §210. Penalties

Part 1

Construction and Repair of Sidewalks

§101. Construction and Maintenance of Sidewalks. All owners of lots or parts of lots within the limits of the Borough of Shinglehouse are hereby required to construct sidewalks not less than four feet (4') in width of cement and pursuant to specifications hereinafter set forth at the side of the street along the respective lots or parts of lots as established by the Borough Street Commissioner and Sidewalk Committee of the Shinglehouse Borough Council. Said property owners shall construct, keep and maintain said sidewalks and reconstruct or repair said sidewalks upon the notice as hereinafter specified by the Street Commissioner and Sidewalk Committee of the Shinglehouse Borough Council. (Ord. 149, 9/11/1979, §1)

§102. Notice to Do Work. Each landowner as described above shall be given at least three (3) weeks' notice; and such notice shall set forth the decision of the Street Commissioner or Sidewalk Committee of the Shinglehouse Borough Council to condemn or construct new sidewalk and give said landowner the option to repair or construct said sidewalks themselves pursuant to the specifications hereafter set forth and under the supervision of the Street Commissioner and Sidewalk Committee of the Borough Council of the Borough of Shinglehouse, or to pay for the labor and materials used by the Borough and such repair or new construction, plus ten percent (10%) additional.

Upon the decision of the Street Commissioner and Sidewalk Committee of the Shinglehouse Borough Council to require the construction or repair of sidewalks, the landowner of the property in question shall be notified as set forth above of said decision by certified mail. If the landowner is unavailable to be given this notice, said notice as described above by certified mail shall be given to whosoever is in possession of the property in question.

(Ord. 149, 9/11/1979, §2)

§103. Borough May Do Work and Collect Costs. If the landowner or possessor of the property in question fails to consent to such repair or construction within three (3) weeks from the time said landowner and/or possessor are notified, the Borough shall proceed with the repair or new construction of the sidewalk and assess said landowner and/or possessor with the cost thereof plus ten percent (10%) additional and shall invoke either of the two (2) remedies set forth hereinafter. (Ord. 149, 9/11/1979, §3)

§104. Borough Remedies for Failure to Comply. The Borough shall have the following remedies against any landowner and/or possessor above mentioned who fails to comply with this Part 1.

1. The Borough may file a municipal lien against the owner or owners or anyone having an interest in the abutting property;

2. Any owner or owners or other persons having a legal interest in the property in question or possessor as notified above shall be personally liable for the assessment above mentioned.

(Ord. 149, 9/11/1979, §4)

§105. Sidewalk Specifications. The specifications of sidewalks shall be as follows: All sidewalks shall be constructed and repaired with concrete material consisting of a graded and approved aggregate with a Portland cement content of one (1) part cement to five (5) parts sand and gravel. The width of the sidewalk shall be not less than four feet (4') wide, and the thickness shall be not less than full four inches (4"). All places in the sidewalk used for driveways or crossovers for vehicles shall be not less than six inches (6") in depth and shall contain at least two (2) one-half inch (1/2") re-bars the full length of crossings set in the concrete. The surface of the concrete shall be edged, jointed, and finished with a float so as to leave a moderately rough surface.

In addition, all sidewalks constructed and repaired within the Borough shall be so repaired or constructed pursuant to any additional reasonable specifications, including but not limited to grade and lines as may be established by the Borough Street Commissioner and Sidewalk Committee of the Shinglehouse Borough Council.

(Ord. 149, 9/11/1979, §5)

§106. Permission to Repair or Construct. All owners of property within the Borough, persons in possession thereof, or any other persons or person, or corporation, must obtain permission from the Borough Street Commissioner and Sidewalk Committee of the Shinglehouse Borough Council by application in writing before repairing or constructing any sidewalk within the Borough. (Ord.149, 9/11/1979, §6)

§107. Serving of Notice. All said notices shall be served upon the owner of the premises to which the notice refers if such owner is a resident of the Borough. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner, or upon the occupant of such premises. If the owner has no agent or tenant, or if there is no occupant of such premises, then service shall be by notice posted upon the premises. (Ord. 149, 9/11/1979, §8)

Part 2

Construction of Streets

§201. Requirements for Street Construction. The Council of the Borough of Shinglehouse shall not accept as a Borough street any street which does not comply with the following requirements:

A. Requirements of Right-of-Way.

(1) No access street shall be laid out with a legal right-of-way of less than fifty (50) feet.

(2) Additional right-of-way may be required where the terrain is such that sloping and fill areas exceed that width.

(3) An access street laid out as a dead end street shall have at its terminus additional one hundred (100) feet by one hundred (100) feet right-of-way to be used as a turn around area and to be constructed the same as the integral roadway. This area shall be for the sole use of the Borough until such time as the street is extended and the turn around area would no longer be needed.

(4) An access street that intersects the Borough line shall have an additional fifty (50) feet by fifty (50) feet right-of-way to be used as a turn around area and this shall be a permanent right-of-way constructed the same as the integral roadway. In the event that the adjoining municipality would require similar right-of-way, the required right-of-way may be reduced to twenty-five (25) feet by fifty (50) feet.

(5) The developer, property owner or group of property owners shall furnish all necessary deeds, surveys and plot plans recorded on the road docket of Potter County and shall furnish additional copies as required, at no cost to the Borough. Since the Borough must meet a deadline of October 15 to furnish evidence of additional streets in order to receive State Liquid Fuel Allocation for the following fiscal year (January to December), the developer, property owner or group of property owners shall agree to pay all cost of maintenance to said Borough for a period of one (1) year.

B. Preparation of Streets for Paving.

(1) Grades. The street grades shall be submitted to the Borough Engineer for approval.

(2) Where slopes, fills, embankments, walls or culverts are necessary and required, the same shall be presented to the Borough Engineer for approval.

(3) Sanitary sewers shall not be constructed or laid until a permit shall be secured from the Commonwealth of Pennsylvania and plans approved by the Borough Engineer.

(4) Storm sewers shall be constructed under the supervision of the Borough Engineer only after the plans, size of pipe, pipe material, etc., have been approved by him.

(5) All water, gas, steam pipes or conduits shall be laid prior to street construction and the laterals, branches or extensions of same shall be extended to the inside lot line of the curb under the supervision of the Borough Engineer.

C. Street Width. The pave surface of noncurbed streets shall not be less than eighteen (18) feet. The pave surface of streets with curbs shall not be less than twenty (20) feet.

D. Curbs. The option of curbs on newly constructed streets will be determined by the recommendation of the Borough Engineer and approval of the Borough Council. Consideration will be given to adjoining streets, general usage and drainage factors.

E. Street Construction.

(1) The developer, property or group of property owners shall remove the right-of-way of all trees, stumps, brush, rocks, etc., to a total width of fifty (50) feet and shall provide a satisfactory place of disposal for same.

(2) The roadway shall be cleared of topsoil for a width of thirty (30) feet.

(3) The roadway shall be constructed to a width of eighteen (18) feet with five (5) foot shoulders right and left. The paved surface shall be no less than eighteen (18) feet wide and shall consist of twelve (12) inches of compacted gravel, hard shale or crushed stone for stabilization placed over an approved woven geotextile liner and at least four (4) inches ID2 Binder and one (1) inch wearing surface. Specifications for street construction must always meet the methods and requirements set forth under current specifications of the Commonwealth of Pennsylvania, Department of Transportation. Where development, property owner or group of property owners shall, in addition, provide all necessary storm sewers, paving, curbing and gutter.

(4) All embankments shall be sloped to Council specifications and shall be mulched and seeded.

(5) The developer, property owner or group of property owners shall provide adequate drainage where required and no culvert pipe less than fifteen (15) inches will be permitted.

(6) Driveways shall be constructed so that no drainage shall endanger the roadway. Where necessary, driveways shall have not less than twenty (20) feet of fifteen (15) inch PennDOT approved drainage pipe.

(7) Where a private access road or street serving multiply dwellings intersects a paved street, the developer, property owner or group of property owners shall provide a paved roadway eighteen (18) feet wide for a distance of one hundred (100) feet constructed in accordance with Borough ordinance.

(8) Any utilities placed on or across the roadway shall be placed at least three (3) feet deep, five (5) feet for a plastic line, and a satisfactory sleeve shall be provided to permit repair or replacement without damage to the roadway. A sleeve diameter three (3) inches or less shall be three-sixteenth (3/16) inch wall thickness. The diameter of the sleeve will depend on the size of the pipe. All overhead lines, wires, cables, etc., shall be placed at a minimum height of seventeen (17) feet.

F. Bonds. A labor and material, and a maintenance bond for a period of two (2) years shall be furnished by every contractor or subdivision owner or owners in favor of the Shinglehouse Borough prior to all street construction.

(Ord. 219, 7/8/1997, §1)

§202. Manner of Assessment of Work Costs. Every public highway, street, avenue, lane or alley or part thereof and the sidewalks thereof when included as part of the improvement, the setting of curbstones and the providing for the drainage thereof, may be graded, paved and otherwise improved; and notice of payment of the cost and expense of the same shall be given to the owners of the real estate bounding and abutting along the line of said improvement. Said cost and expense, upon the abutting real estate, shall be assessed with the foot-front or benefit rule as is provided by law. (Ord. 219, 7/8/1997, §2)

§203. Time Limit for Payment of Assessments. Any assessment authorized under this Part shall be paid either in full, within sixty (60) days after notice of such assessment shall have been given to the party assessed, or in four (4) equal semiannual installments, the first of which shall be due and payable within sixty (60) days after such notice. All assessments, whether paid in full or in installments, shall be payable to the Shinglehouse Borough Treasurer. (Ord. 219, 7/8/1997, §3)

§204. Collection of Delinquent Assessments or Installments. If any assessment authorized under this Part shall not have been paid in full or if an installment payment of one-fourth (¼) the total amount of such assessment shall not have been made within sixty (60) days after notice shall have been given to the party assessed, the entire assessment shall be due and it shall be the duty of the Solicitor to collect the same with interest from the date of the completion of the improvement, in any manner provided by law. (Ord. 219, 7/8/1997, §4)

§205. Installment Payment Procedure. In case the party against whom an assessment shall have been made under this Part shall have paid an installment of one-fourth (1/4) of the total amount thereof within thirty (30) days after notice of such assessment, such party shall pay the remaining three-fourths (3/4) of such assessment in three (3) subsequent semiannual installments, the first of which shall be due within six (6) months after the first installment became due and the remaining installments shall become due at six (6) month intervals thereafter. All such installments shall bear interest at the rate of six (6) percent, per annum, commencing thirty (30) days after the notice of total assessment referred to in §202. (Ord. 219, 7/8/1997, §5)

§206. Property Owners to Lay Branch Pipe and Connect with Sewer, Water and Gas Lines Before Street Improvement. Whenever the Shinglehouse Borough is ready to pave or improve any street, or part thereof, the owners of all properties, improved or unimproved, abutting upon such street or part thereof, upon ten (10) days notice, are hereby required, at their own expense, before the paving or improvement thereof, to connect their respective properties with all sewer, water and gas lines laid along said street, by laying branch pipes from said main lines to the curb. (Ord. 219, 7/8/1997, §6)

§207. Municipality May Do Work and Collect Cost. Upon failure of the owners of property abutting streets to be paved or improved to comply with the notice to make house connections with utility pipes, the Shinglehouse Borough may do the same or cause the same to be done and may levy the cost of its work plus ten (10) percent of total cost on such owner as a property lien to be collected in any manner provided by law. (Ord. 219, 7/8/1997, §7)

§208. Permit; Fee. Any private road, log road or driveway intersecting with a public street shall, at the point of intersection, conform with all the above highway specifications and no private road, driveway or log road shall be connected to an existing Borough street until a permit is first obtained from the Borough Council by the builder. Said permit shall be on a form generally similar to the permit used by the Pennsylvania Department of Transportation and shall be provided by the Borough Secretary upon payment of a fee of five dollars (\$5.00). (Ord. 219, 7/8/1997, §8)

§209. Specification Sheets. Specifications sheets for Borough streets are on file at the Borough Secretary's office. (Ord. 219, 7/8/1997, §9)

§210. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and/or imprisonment for a term not to exceed ninety (90) days. (Ord. 219, 7/8/1997, §12)

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

(Reserved to accommodate future ordinances)

CHAPTER 23

SWIMMING POOLS

(Reserved to accommodate future ordinances)

CHAPTER 24
TAXATION, SPECIAL

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- § 24-101. Authority for Enactment.
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PART 1

PER CAPITA

§ 24-101. Authority for Enactment. [Ord. 174, 6/11/1985]

This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. § 6901 et seq. (1982) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§ 24-102. "Resident" Defined. [Ord. 174, 6/11/1985]

The word "resident" as used in this Part shall mean every adult 18 years or older who lives within the Borough of Shinglehouse.

§ 24-103. Imposition of Tax. [Ord. 174, 6/11/1985]

Every resident shall pay \$5 for the present calendar year and each year hereafter.

§ 24-104. Collection. [Ord. 174, 6/11/1985]

All taxes, interests, costs and penalties imposed by this Part shall be collected by the Borough tax collector.

§ 24-105. Effective Date. [Ord. 174, 6/11/1985]

This Part shall become effective on January 1, 1986 and shall continue in effect on a calendar year basis without annual reenactment.

PART 2
REAL ESTATE LEVY

§ 24-201. Tax Levy. [Ord. 175, 12/10/1986; as amended by Ord. 179, 12/9/1986; and by Ord. 181, 12/8/1987]

A tax for general Borough purposes is hereby levied upon all real property situate within the Borough of Shinglehouse, Potter County, Pennsylvania, for the calendar year 1988 at the rate of 30 mills on the dollar on the valuation thereof assessed for county purposes.

§ 24-202. Discount. [Ord. 174, 6/11/1985]

All taxpayers subject to the payment of the tax imposed by § 24-201 above, shall be entitled to a discount of 2% from the amount of such tax upon making payment of the whole amount thereof within two months after the date of the tax notice.

§ 24-203. Penalties. [Ord. 174, 6/11/1985]

All taxpayers, who shall fail to make payment of the whole amount of the tax imposed by § 24-201 above, for four months after the date of the tax notice, shall be charged a penalty of 10% of the whole amount thereof.

PART 3

REALTY TRANSFER TAX

§ 24-301. Short Title. [Ord. 180, 12/8/1987, § 1]

This Part shall be known as the "Realty Transfer Tax Ordinance of Shinglehouse Borough".

§ 24-302. Authority. [Ord. 180, 12/8/1987, § 2]

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within Shinglehouse 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.

§ 24-303. Definitions. [Ord. 180, 12/8/1987, § 3; as amended by Ord. 183, 8/9/1988, § 3]

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 to 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 § 24-308 of this Part.

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:

- A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;

- B. 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;
- C. Fur farming;
- D. Stockyard and slaughterhouse operations; or
- E. 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.

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 —

- A. All lands, tenements or hereditaments within Shinglehouse 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.
- B. A condominium unit.
- C. 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:

- A. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or
- B. 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 —

- A. 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; or
- B. 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, consists 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 —

- A. In the case of any bona fide sale of real estate at arms' 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 other 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:
- B. 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 Pennsylvania realty transfer tax base calculations;
- C. In the case of an easement or other interest in real estate the value of which is not determinable under Subsection A or B, the actual monetary worth of such interest; or
- D. 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 principle of the grantor of a related

corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 24-304. Imposition of Tax; Interest. [Ord. 180, 12/8/1987, § 4; as amended by Ord. 183, 8/9/1988, § 4]

1. 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 becoming an acquired company.
2. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the recorder whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.
3. It is the intent of this Part 3 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, Act of December 31, 1965, P.L. 1257, 53 P.S. § 6901 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 Shinglehouse Borough under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate and such 1/2 rate shall become effective without any action on the part of Shinglehouse Borough provided, however, that Shinglehouse 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 1/2 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."
4. 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.

§ 24-305. Exempt Parties. [Ord. 180, 12/8/1987, § 5; as amended by Ord. 183, 8/9/1988, § 5]

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 § 24-305. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

§ 24-306. Excluded Transactions. [Ord. 180, 12/8/1987, § 6; as amended by Ord. 183, 8/9/1988, § 6]

1. The tax imposed by § 24-304 shall not be imposed upon:

- A. 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 of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property fine adjustments provided said reconveyance is made within one year from the date of condemnation.
- B. A document which Shinglehouse Borough is prohibited from taxing under the Constitution or statutes of the United States.
- C. 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.
- D. 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.
- E. A transfer of 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 their undivided interest, tax is due on the excess.
- F. 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 brother or sister or the 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.
- G. 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.
- H. 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.

- I. A transfer for no or nominal consideration from a trustee to a beneficiary of an ordinary trust.
- J. A transfer for no or nominal actual consideration from trustee to successor trustee.
- K. A transfer (i) for no or nominal actual consideration between principal and agent or straw party; or (ii) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this article.

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 principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.

- L. 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 Part 3.
- M. 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 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.
- N. 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.
- O. 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.
- P. A transfer to a conservancy which possesses a tax exempt status pursuant to § 501(c)(3) of the Internal Revenue Code of 1954, [68A 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.

- Q. 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.
 - R. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.
 - S. A transaction wherein the tax due is \$1 or less.
 - T. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.
2. In order to exercise any exclusion provided in this § 306, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania 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 Part 3.

§ 24-307. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof. [Ord. 180, 12/8/1987, § 7; as amended by Ord. 184, 8/9/1988, § 7]

Except as otherwise provided in § 306, 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 purpose of this Part 3, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

§ 24-308. Acquired Company. [Ord. 180, 12/8/1987, § 8; as amended by Ord. 183, 8/9/1988, § 8]

1. 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.
2. 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 Part 3.
3. 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 Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

§ 24-309. Credits Against Tax. [Ord. 180, 12/8/1987, § 9; as amended by Ord. 183, 8/9/1988, § 9]

1. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him 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 shall be given to him toward the amount of the tax due upon the transfer.
2. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as 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.
3. 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.
4. 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 tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.
5. If the tax due upon the transfer is greater than the credit given under this § 309, 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.

§ 24-310. Extension of Lease. [Ord. 180, 12/8/1987, § 10; as amended by Ord. 183, 8/9/1988, § 10]

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.

§ 24-311. Proceeds of Judicial Sale. [Ord. 180, 12/8/1987, § 11; as amended by Ord. 183, 8/9/1988, § 11]

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 monies paid to him 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.

§ 24-312. Duties of Recorder of Deeds. [Ord. 180, 12/8/1987, § 12; as amended by Ord. 183, 8/9/1988, § 12]

1. 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 Shinglehouse Borough based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from Shinglehouse Borough.
2. In order to ascertain the amount of 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.
3. On or before the tenth of each month, the recorder shall pay over to Shinglehouse 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 of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The 2% commission shall be paid to the county.
4. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, 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.

§ 24-313. Statement of Value. [Ord. 180, 12/8/1987, § 13; as amended by Ord. 183, 8/9/1988, § 13]

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 Part 3. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this § 24-313 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 documents are not subject to tax under this Part 3.

§ 24-314. Civil Penalties. [Ord. 180, 12/8/1987, § 14; as amended by Ord. 183, 8/9/1988, § 14]

1. If any part of any underpayment of tax imposed by this Part 3 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 this Part 3 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.

§ 24-315. Lien. [Ord. 180, 12/8/1987, § 15; as amended by Ord. 183, 8/9/1988, § 15]

The tax imposed by this Part 3 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 Shinglehouse 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 Part 3, said lien to begin at the time when the tax under this Part 3 is due and payable, and continue until discharge 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 Potter 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.

§ 24-316. Enforcement. [Ord. 180, 12/8/1987, § 16; as amended by Ord. 183, 8/9/1988, § 16]

All taxes imposed by this Part 3 together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§ 24-317. Regulations. [Ord. 180, 12/8/1987, § 17; as amended by Ord. 183, 8/9/1988, § 17]

The Board of Supervisors of Shinglehouse Borough 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 Part 3.

§ 24-318. Severability. [Ord. 180, 12/8/1987, § 18; as amended by Ord. 183, 8/9/1988, § 18]

Should any section, subsection, sentence, clause or phrase of this Part 3 be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Part 3 in its entirety or of any part thereof other than that declared to be invalid.

§ 24-319. Effective Date. [Ord. 180, 12/8/1987, § 19; as amended by Ord. 183, 8/9/1988, § 19]

This Part 3 shall be effective on the 9th day of August, 1988.

PART 4

EARNED INCOME AND NET PROFITS TAX**§ 24-401. Definitions. [Ord. 224, 12/9/1997, § 1]**

ASSOCIATION — A partnership, limited partnership or any other unincorporated group of two or more persons.

BUSINESS — An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit, whether by persons, partnership, association of any other entity.

CORPORATION — A corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania or any other state, territory, foreign country or dependency.

CURRENT YEAR — The calendar year for which the tax is levied.

DOMICILE — The place where one lives and has his permanent home and to which he has the intention of returning whenever he is 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 voluntary 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 him to adopt some other permanent home. In the case of businesses or association the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

EARNED INCOME — Salaries, wages, commission, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or property, not including, however, wages or compensation paid to persons on active military service, periodic payments for sickness, disability of other than regular wages received during a period of sickness, disability or retirement or payments arising under Workmen's Compensation Acts, Occupational Disease Acts and similar legislation or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment compensation payments by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs including, but not limited to, programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, Social Security and retirements.

EMPLOYER — A person, partnership, association, corporation, institution, governmental body or unit or agency or any other entity employing one or more persons for a salary or any other entity employing one or more persons for a salary, wage, commission or other compensation.

INCOME TAX OFFICER OR OFFICERS — Person, public employee or private agency designated by governing body to collect and administer the tax on earned income and net profits.

NET PROFITS — The net income from the operation of a business, profession or other activity, except corporations, after provision for all costs, expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes based on income.

NONRESIDENT — A person, partnership, association or other entity domiciled outside the taxing district.

PERSON or INDIVIDUAL — A natural person.

PRECEDING YEAR — The calendar year before the current year.

RESIDENT — A person, partnership, association or other entity domiciled in the taxing district.

SUCCEEDING YEAR — The calendar year following the current year.

TAXPAYER — A person, partnership, association or any other entity, required hereunder to file a return of earned income or net profits or to pay a tax thereon.

§ 24-402. Imposition of Tax. [Ord. 224, 12/9/1997, § II]

A tax at the rate of 1% on each dollar is hereby imposed on all earned income and net profits, as defined herein, earned by residents of the Borough and on all earned income and net profits earned by nonresidents of the Borough for work done or services performed or rendered in said Borough. This tax shall become effective January 1, 1998, and shall remain in effect thereafter on a calendar year basis without annual reenaction unless the rate of tax is subsequently changed.

§ 24-403. Declaration and Payment of Tax. [Ord. 224, 12/9/1997, § III; as amended by Ord. 225, 6/9/1998]

1. Net profits. [Amended by Ord. No. 264, 3/13/2012]
 - A. Every taxpayer making net profits shall, on or before April 15 of each year, make and file with the officer on a form prescribed by the officer a declaration of his estimated net profits during the period beginning

January 1 and ending December 31 of the current year and pay to the officer in four equal quarterly installments the tax due thereon as follows: the first installment on or before April 15 of the current year, June 15 of the current year, September 15 of the current year, and January 15 of the succeeding year.

- B. On or before April 15 of the succeeding year, every taxpayer shall make and file a return on a form prescribed by the officer showing the amount of net profits earned, the total amount of tax due and the total amount of tax paid thereon. At the time of filing the final return, the taxpayer shall pay to the officer the balance of the tax due, or shall make demand for refund or credit in the case of overpayment. An incomplete or improperly completed tax return shall be considered as not having been filed. Each final return shall be considered as not having been filed. Each final return shall be substantiated and supported by such United States federal income tax return forms as required by the officer, which shall at least include a copy of the federal W-2 form in the case of an earned income taxable, and Schedule C of the federal return as to a net profits taxable.
- C. You may be eligible for an out-of-state credit that is applied to your tax liabilities. In order to receive this credit, you must file the following forms with your local earned income final return:
- (1) New York State (or other out-of-state) Nonresident and Part-Year Resident Income Tax Return (IT-203).
 - (2) Pennsylvania Schedule G (PA-G).
- D. If the amount of the tax paid to out of state is greater than what you would have paid to Pennsylvania (Line 4 on the PA Schedule G), you have a credit to be applied against what you owe locally. If the amount of tax paid to out of state is less than what you would have paid to Pennsylvania (Line 4 on the PA Schedule G) you have no tax credit. If you are employed out of state and file an out-of-state return, you are required to pay an earned income tax due by April 15 without being assessed fees for failing to make quarterly payments.
2. **Earned Income.** Every taxpayer shall, on or before April 15, of the succeeding year, make and file with the officer, 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. An incomplete or improperly completed tax return shall be considered as not having been filed. Each final return shall be submitted and supported by such United States

Federal Income Tax Return forms as required by the officer, which shall include a copy of the Federal W-2 form in the case of an earned income taxable and Schedule C of the Federal return as to a net profit taxable.

3. Earned Income Not Subject to Withholding.

- A. Every taxpayer who is employed for a salary, wage, commission or other compensation and who received an earned income not subject to the provisions relating to collection at source, shall make and file with the officer on a form prescribed or approved by the officer, 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 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 officer may require. Every taxpayer making such return shall, at the time of filing thereof, pay to the officer the amount of tax shown as due thereon.
- B. The first \$2,500 net income earned by the resident who is enrolled as a full-time student in an accredited undergraduate program will be exempt from the wage tax. Any earned income above the amount will be subject to the tax. Students must provide proof of enrollment to the taxing agency each year. Students must provide proof that he/she is receiving no subsidies from employers.

§ 24-404. Collection at Source. [Ord. 224, 12/9/1997, § IV]

- 1. Every employer having an office, factory, workshop, branch, warehouse or other place of business within 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 Borough on the earned income due to his employee or employees 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 officer 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 returns, unless otherwise agreed upon between the officer and the 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 subdivision imposing the tax upon such employee and the political subdivision in which the employee resides, the total income earned of all such employees during such preceding three-month period and the total tax deducted therefrom and paid with the return.

2. 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 taxing authority, may be required by the officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the officer on or before the last day of the month succeeding the month for which the tax was withheld.
3. On or before February 28, of the succeeding year, every employer shall file with the officer:
 - A. 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 officer for the period beginning January 1, of the current year and ending December 31, of the current year.
 - B. A return showing withholding statement for each employee employed during all or part of the period beginning January 1, of the current year and ending December 31, of the current year setting forth the employee's 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 officer. Every employer shall furnish two copies of the individual return to the employee for whom it is filed.
4. 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 herein above required and pay the tax due.
5. Except as otherwise provided, 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 was required to withhold to the extent that such taxes have not been recovered from the employee.
6. 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 requirement of the ordinances relating to the filing of declarations and returns.

§ 24-405. Powers and Duties of Officer. [Ord. 224, 12/9/1997, § V]

1. It shall be the duty of the officer to collect and receive the taxes, fines and penalties imposed by this Part. It shall also be his duty to keep a record showing the amount received by him from each person or business paying the tax and the date of such receipt.
2. Each officer, before entering upon his official duties, shall give and acknowledge a bond to Borough. If the Borough Council of Borough shall be

ordinance designate any bond previously given by the officer as adequate, such bond shall be sufficient to satisfy the requirements of the subsection.

- A. Each such bond shall be joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in this Commonwealth and duly licensed by the Insurance Commission of this Commonwealth.
 - B. Each bond shall be conditioned upon the faithful discharge by the officer, his clerks, assistants and appointees of all trusts confided in him by virtue of his office, upon the faithful execution of all duties required by him according to law, of all monies and all balances thereof paid to, received or held by him by virtue of this office and upon the delivery to his successor or successors in office of all books, papers, documents or other official things held in right of his office.
 - C. Each such bond shall be taken in the name of the appointing authority or authorities and shall be for the use of the political subdivision or political subdivisions appointing the officer and for the use of such other person or persons for whom money shall otherwise appear, in case of a breach of any of the conditions thereof by the acts or neglect of the principle on the bond.
3. The officer charged with the administration and enforcement of the provisions of the ordinance is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the reexamination and correction of declarations and returns and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred and to make refunds in case of overpayment for any period of time not to exceed six years subsequent to the date of payment of the sum involved and to prescribe forms necessary for the administration of the ordinance. No rule or regulation of any kind shall be enforceable unless it has been approved by the Borough Council. A copy of such rules and regulations currently in force shall be available for public inspection.
 4. The officer shall refund, on petition of, and proof by the taxpayer, earned income tax paid on the taxpayer's ordinary and necessary business expenses, to the extent that such expenses are not paid by the taxpayer's employer.
 5. The office and agents designated by him are hereby authorized to examine the books, papers and records of any employer or of any taxpayer or of any person whom the officer reasonably believes to be an employer or taxpayer, in order to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every employer and every taxpayer and every person, whom the officer reasonably believes to be an employer or taxpayer, is hereby directed and required to give to the officer, or to any agent designated by him, the means, facilities and

opportunity for such examination and investigations, as are hereby authorized.

6. Any information gained by the officer, his agents or by any other official or agent of the taxing district as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the ordinance shall be confidential, except for official purposes and except in accordance with a proper judicial order or as otherwise provided by law.
7. The officer may sue in the name of the Borough for recovery after payment dates for taxpayers whose fiscal year does not coincide with the calendar year.

§ 24-406. Suit for Collection of Tax. [Ord. 224, 12/9/1997, § VI]

1. The officer may sue in the name of the Borough for recovery of taxes due and unpaid under this Part.
2. Any suit brought to recover the tax imposed by this Part shall begin 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:
 - A. Where no declaration or return was filed by any person, although a declaration or return was required to be filed by him under the provisions of this Part, there shall be no limitation.
 - B. 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 officer, reveals a fraudulent evasion of taxes, there shall be no limitation.
 - C. In the case of substantial understatement of tax liability of 25% or more a no fraud suit shall begin within six years.
 - D. Where any person had deducted taxes under the provisions of this Part and has failed to pay the amounts so deducted to the officer or where any person has willfully failed or omitted to make the deductions required by this section, there shall be no limitation.
 - E. This section shall not be construed to limit the Borough from recovering delinquent taxes by any other means provided by law.
3. The officer 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.

§ 24-407. Interest and Penalties. [Ord. 224, 12/9/1997, § VII; as amended by Ord. No. 264, 3/13/2012]

If for any reason the tax is not paid when due, interest at the rate of 1% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected, but the amount shall not exceed 15% in aggregate. 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 and the interest and penalties herein imposed.

§ 24-408. Fines and Penalties for Violation. [Ord. 224, 12/9/1997, § VIII]

1. Any person who fails, neglects or refuses to make any declaration or return required by this Part, any employer who fails, neglects or refused to deduct or withhold the tax from his employees, any person who refused to permit the officer or any agent designated by him to examine his books, records and papers and any person who knowingly makes an incomplete, false or fraudulent return or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Part shall, upon conviction thereof before any justice of the peace, alderman or magistrate or court of competent jurisdiction in the County, be sentenced to pay a fine of not more than \$500 for each offense and costs and, in default of payment of said fine and costs to be imprisoned for a period not exceeding 30 days. Each violation shall constitute a separate offense, punishable by a like fine or imprisonment for each day of continued violation.
2. Any person who divulges any information which is confidential under the provisions of the ordinance shall, upon conviction thereof before any justice of the peace, alderman or magistrate or court of competent jurisdiction, be sentenced to pay a fine of not more than \$500 for each offense and costs, and in default of payment of said fines and costs to be imprisoned for a period not exceeding 30 days.
3. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Part.
4. The failure of any person to receive or procure forms required for making the declaration or returns required by this Part shall not excuse him from making such declaration or return.

CHAPTER 25

TREES

Part 1

Shade Tree Regulations

- \$101. Purpose
- \$102. Definitions
- \$103. Grant of Authority
- \$104. Species for Planting
- \$105. Spacing Requirements
- \$106. Distance from Curb, Sidewalk, Fire Hydrants and Street Corners
- \$107. Utilities
- \$108. Tree Topping
- \$109. Removal of Dead or Diseased Trees
- \$110. Potentially Hazardous Trees
- \$111. Immediate Hazards
- \$112. Abuse or Mutilization of Public Trees
- \$113. Licensing
- \$114. Insurance
- \$115. Tree Removal
- \$116. Review by the Council
- \$117. Penalties

Part 1

Shade Tree Regulations

§101. Purpose. It is the purpose of this Part to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs, and other plants within the Borough of Shinglehouse. We wish to maintain the aesthetic beauty of the Borough. (Ordinance 203, 11/10/1992, §1)

§102. Definitions. As used in this local law the following terms shall have the meanings indicated in this Section:

TREE - a tree standing on land within a public park or other area owned by the Borough, other than a street.

SHADE TREE - a tree standing within the bounds or right-of-way of a public street, highway, road, avenue, alley or other public way.

TREE LAWN - area between curb and sidewalk.

PARK TREE - a tree standing on land within a public park or other area owned by the Borough, other than a street.

BOROUGH - shall mean the borough of Shinglehouse, Pennsylvania.

BOROUGH COUNCIL - shall mean the Shinglehouse Borough Council.

STREET - any street, sidewalk, road, avenue, highway or alley open to the public.

(Ord. 203, 11/10/1992, §2)

§103. Grant of Authority.

1. The Shade Tree Commission shall have exclusive control and custody of the shade trees of the Borough and is authorized to plant, maintain and protect shade trees on the public streets and in the parks. This Section does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of said tree is with written approval of the Shade Tree Commission.

2. It shall be the duty of the Borough Shade Tree Commission to assist the officials of the Borough, as well as its residents, in dissemination of information regarding the selection, planting and maintenance of trees within the Borough, whether the same be on public or private property, and to make recommendations from time to time to the Borough Council as to desirable legislation concerning the tree program and activities of the Borough. The Shade Tree Commission may set additional policies, rules and regulations not specifically set in this Part pertaining to tree planting, care and removal.

(Ord. 203, 11/10/1992, §3)

§104. Species for Planting. The Shade Tree Commission will develop a list of species desirable for planting along the streets and a list of trees not desirable for planting will also be created and enforced. (Ord. 203, 11/10/1992, §4)

§105. Spacing Requirements. The spacing of street trees will be in accordance with the three (3) species size classes and no trees may be planted closer together than the following: (unless otherwise specially approved by the Shade Tree Commission)

- A. Small trees - twenty-five (25) feet.
- B. Medium trees - thirty-five (35) feet.
- C. Large trees - fifty (50) feet; except in special plantings.

(Ord. 203, §5, 11/10/1992)

§106. Distance from Curb, Sidewalk, Fire Hydrants and Street Corners. The distance trees may be planted from curbs and curblines and sidewalks will be in accordance with the three (3) species size classes and no trees may be planted closer to any curb or sidewalk (unless otherwise specially approved by the Shade Tree Commission) than the following: small trees over one (1) foot; medium trees, one and one-half (1.5) feet; and large trees, three (3) feet. No tree will be planted closer than ten (10) feet of any fire hydrant or closer than thirty-five (35) feet of any street corner. (Ord. 203, 11/10/1992, §6)

§107. Utilities. Only those trees defined as small trees in §105 shall be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility. (Ord. 203, 11/10/1992, §7)

§108. Tree Topping. It shall be unlawful for any person, firm, corporation or public official or employee to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. If, however, a tree is severely damaged by storm or other cause or if located under utility wires or other obstructions where other pruning practices or relocation of such wires or obstruction is not practical, the Borough Shade Tree Commission may grant an exemption from the provisions of this Section under such terms and conditions it may specify. (Ord. 203, 11/10/1992, §8)

§109. Removal of Dead or Diseased Trees on Private Property. The Borough Shade Tree Commission may require the owners of land to remove any dead or diseased tree or part thereof on private property where such tree constitutes a hazard to the life or property of the users of the public streets or other public places or harbors insects or disease which constitutes a potential threat to other trees within the Borough within such reasonable time, of not less than thirty (30) days, as may be specified in a notice served upon such owner either personally or by registered or certified mail addressed to his last known address; and upon default may cause such dead or diseased tree to be removed by the Borough and the cost of such removal shall constitute a lien and charge upon the real property from which such tree is removed, and may be levied on the Borough tax roll and collected in the manner provided by law for the collection of delinquent water rents. (Ord. 203, 11/10/1992, §9)

§110. Potentially Hazardous Trees in Public Areas. Trees in public areas which, in the opinion of the Shade Tree Commission, are seriously damaged, diseased, disfigured or constitute a hazard to the public may be removed by the Commission. Prior to tree removals from public rights-of-ways, notice shall be provided to the property owner(s) immediately adjacent to the tree(s) to be removed. Notice shall also be provided to the Council and the Mayor. The property owner may appeal the removal to the Council and the Mayor. (Ord. 203, 11/10/1992, §10)

§111. Immediate Hazards in Public Areas. When, in the opinion of the Commission, a tree or portion(s) of a tree in public areas constitutes an immediate hazard to persons or property the Commission shall remove the hazard without notice or appeal. (Ord. 203, 11/10/1992, §11)

§112. Abuse or Mutilization of Public Trees. Unless specifically authorized by the Shade Tree Commission, no person shall intentionally damage, cut, carve, injure or kill, transport or remove any tree; attach any wire, nails, advertising poster or other contrivance to any tree; allow any gaseous, liquid or solid substance which is harmful to such trees to come into contact with them; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of the tree. (Ord. 203, 11/10/1992, §12)

§113. Licensing. It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, removing, spraying or otherwise treating trees, shrubs or vines within the Borough without first applying for a permit from the Borough Secretary. No permit is required of any public service company or Borough employee doing such work in pursuit of the public service endeavors. (Ord. 203, 11/10/1992, §13)

§114. Insurance. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of three hundred thousand (\$300,000.00) dollars for bodily injury or death and one hundred thousand (\$100,000.00) dollars property damage indemnifying the Borough or any person injured or damaged resulting from the pursuit of such endeavor as herein described. (Ord. 203, 11/10/1992, §14)

§115. Tree Removal. A written permit is required for removal of any street tree unless for trees damaged by storms or other causes that create unsafe conditions. (Ord. 203, 11/10/1992, §15)

§116. Review by the Council. The conduct, acts and decisions of the Borough Shade Tree Commission shall be subject to review by the Council, either on its own motion or by appeal by any officer of the Borough or by any person aggrieved by any ruling or decision of such tree commission. (Ord. 203, 11/10/1992, §16)

§117. Penalties. In addition to the penalties described in Ordinance 198 establishing the Shade Tree Commission, any person violating the regulations in this Part regarding abuse or mutilization of public trees shall, upon conviction or plea of guilty, be guilty of a summary offense and shall be sentenced to a term of imprisonment not exceeding ninety (90) days and/or to a fine not exceeding three hundred (\$300.00) dollars and costs of repair or replacement of said tree(s). (Ord. 203, 11/10/1992, §17)

CHAPTER 26

WATER

PART 1

CONNECTIONS TO WATER SYSTEM

- § 26-101. Requirement to Connect to Water System; Definitions.
- § 26-102. Unlawful to Obtain Water From Other Sources.
- § 26-103. Failure to Connect.
- § 26-104. Permit Required.
- § 26-105. Application for Permit.
- § 26-106. Connection With System Through Other Than Existing Means.
- § 26-107. Approval of Escrow Account; Connection Permit.
- § 26-108. Water Line Connection Fee.
- § 26-109. Property Owner to Bear Costs.
- § 26-110. Separate Water Line Connection to Be Provided.
- § 26-111. All Work Subject to Approval of Borough.
- § 26-112. Special Water Line Connection Permit.
- § 26-113. Inspection of Water Line Connection.
- § 26-114. Water Line Connections to Be Metered.
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PART 2

WATER SYSTEM REGULATIONS

- § 26-201. Definitions and Classes of Properties.
- § 26-202. Conditions of Service and Connections.
- § 26-203. Deposits.
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- § 26-205. Service Connections and Lines.
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- § 26-209. General.
- § 26-210. Penalties.

PART 3
WATER SERVICE CHARGES

- § 26-301. Charges Levied.**
§ 26-302. Classification of Property.
§ 26-303. Penalties.
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PART 1
CONNECTIONS TO WATER SYSTEM

§ 26-101. Requirement to Connect to Water System; Definitions. [Ord. 166, 3/8/1983, § 1]

The owner or owners of each property in the Borough which abuts on any street, road, alley or other public right-of-way (the "street") in which there is a water line of the public water distribution system now or hereafter constructed or otherwise acquired by the Borough (the "water system") and is accessible thereto, shall connect, at his or their own expense, the house(s), building(s) and other structure(s) located on said property to the water system. The term "accessible to" as used herein means the house, building and/or other structure shall be situated not more than 400 feet from the street in which the water system is located. Connection to the water system shall be made by such owner or owners at any time within 60 days' after notice to make such connection is served on such owner or owners by the Borough or its agent, either by personal service or by certified or registered mail with return receipt requested. The terms "to connect" and the "connection" as used herein shall mean the connection of the water system of the house, building and other structure to the public "Ys" or "Ts" or extensions thereof (if any) of the water system accessible thereto.

§ 26-102. Unlawful to Obtain Water From Other Sources. [Ord. 166, 3/8/1983, § 2]

It shall be unlawful for any owner, lessee or occupier of any property in the Borough abutting on any street in which a public water line of the water system is located and accessible thereto to employ, or permit any other person to employ, with respect to such property any means of obtaining water other than from connection to and use of the water system.

§ 26-103. Failure to Connect. [Ord. 166, 3/8/1983, § 3]

In case any property owner shall neglect or refuse to connect such house, building and other structure with the water system within the sixty-day period immediately following service of the notice to connect, the Borough or its agent may enter upon such property and construct such water line connection; and the Borough shall send an itemized bill of costs of the construction of such connection (together with the uniform connection fee mentioned in § 26-108 hereof) to the owner or owners of such

property, which bill shall be payable forthwith; and, if such owner or owners neglect or refuse to pay such bill of costs, the Borough shall file a municipal lien for the costs of said construction within six months after the completion of the construction of such water line connection, as provided by law, or pursue any other legal or equitable remedy available to the Borough to collect such bill of costs and connection fee. This paragraph is not intended to restrict or limit any legal or equitable remedy that the Borough may have with respect to the failure of a property owner to connect to the water system. A penalty of 10% of the bill of construction costs of such connection will be added to the itemized bill of costs to cover the inconvenience, delay and administrative costs involved in the Borough being required to make such connection, and shall be payable with such bill, and if unpaid shall be included in the lien costs or otherwise collectible at law or equity.

§ 26-104. Permit Required. [Ord. 166, 3/8/1983, § 4]

No person (as used herein including any individual, corporation, firm, association, partnership, joint stock company, trust institution, cooperative, unincorporated organization or public body) shall be authorized to uncover, make any connection with or opening into, alter or disturb the water system without first having received a permit (renewable annually) from the Borough or its agent to do so, having registered with the Borough or its agent and posted with the Borough or its agent a bond payable to the Borough, complying with the requirements set forth in § 26-106 hereof as applicable to such person.

§ 26-105. Application for Permit. [Ord. 166, 3/8/1983, § 5]

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb the water system without the owner or owners of the property on which the house, building or other structure to be connected is located first obtaining from the Borough or its agent a written water line connection permit. Such owner or owners desiring or required to connect with the water system shall make application therefor first in writing to the Borough or its agent, setting forth in such application the character of and the intended use to which the house, building and other structure and the property is to be put.

§ 26-106. Connection With System Through Other Than Existing Means. [Ord. 166, 3/8/1983, § 6]

If such owner or owners will have to connect with the water system by means other than through an existing "Y" or "T" on the water system and extension thereof to the curb line or cartway line of the street, the Borough or its agent upon receipt of an approved application shall direct such owner or owners to establish an escrow account at a bank, selected by the Borough or its agent, in a principal amount of not less than \$2,000 nor more than \$5,000, as the Borough or its agent shall determine in its sole discretion, to protect the Borough against, to be used for, or to indemnify and save harmless the Borough from, all costs and expenses incurred or to be incurred as a result of any damage or other harm to persons (including death) or property caused by said owner or owners in connection with the making of such water line connection. Funds in said escrow account may be used or applied, with respect to such connection,

1. Against all damages for injury to the water system,

2. To replace in good condition any curbing, pavement or earth disturbed,
3. To indemnify and save harmless the Borough for two years from the completion of the work, from all damages, repairs, costs and expenses, injuries and such actions and suits as are caused or occasioned by defective materials and workmanship, and from all damages from any accident (including death) and from all costs and attorney's fees incurred by reason of any matter or thing done, committed or omitted by such owner or owners or their agents, contractors or employees under or in any way connected with such permit, and
4. To comply in all respects with the ordinances, resolutions, rules and regulations of the Borough and any other governmental agency having jurisdiction with respect to the same now in force or hereafter to be passed.

The Borough or its agent will also prepare and deliver to such owner or owners a form of agreement where under such owner or owners will indemnify and save harmless the Borough from all damages, repairs, costs and expenses, injuries and such actions and suits as are caused or occasioned by defective materials and workmanship, and from all damages from any accident (including death) and from all costs and attorney's fees incurred by reason of any matter or thing done, committed or omitted by such owner or owners or their agents, contractors or employees under or in any way connected with such permit, The release agreement and escrow account will be enforceable by the Borough or its agent for two years from the completion of the construction.

§ 26-107. Approval of Escrow Account; Connection Permit. [Ord. 166, 3/8/1983, § 7]

Upon approval of the escrow account and release agreement by the Borough or its agent in all cases where a release agreement and escrow account are required as above provided, and, in all cases, upon payment of the water line connection fee hereinafter provided, the Borough or its agent shall issue a water line connection permit authorizing the approved applicant to connect such house, building and other structure to the water system. The Borough reserves the right, for good and lawful cause to protect the water system and the users thereof, to refuse permission to any such owner or owners of such property to connect directly or indirectly to the water system, and to compel in cases of the nonpayment of water service charges as due the discontinuance of such connection to and use of the water system.

§ 26-108. Water Line Connection Fee. [Ord. 166, 3/8/1983, § 8]

A water line connection fee shall be paid by the owner or owners of such house, building and other structure being connected to the water system for each connection in accordance with the following schedule:

1. If the water line connection application is made prior to the date of issuance of the Certificate of Substantial Completion for Contract No. 1 of the 1983

Water System Improvements Project, the water line connection fee is zero, and

2. If the water line connection application is made after the date described in clause (1) above, the water line connection fee shall be the greater of the actual cost incurred by the Borough with respect to such connection, or the sum of \$400.

§ 26-109. Property Owner to Bear Costs. [Ord. 166, 3/8/1983, § 9]

All costs and expenses incident to the installation of the water line connection and the connection of such house, building and other structure with the water system shall be borne by the owner or owners of the property on which such house, building or structure being so connected is located. Such owner or owners shall indemnify and save harmless the Borough from any loss, claim (including death) or damage directly or indirectly caused by or arising out of the installation and water line connection of a house, building and other structure on his, her or their property, as the case may be.

§ 26-110. Separate Water Line Connection to Be Provided. [Ord. 166, 3/8/1983, § 10]

A separate water line connection shall be provided for every principal house, building and other structure, except that where a building stands at the rear of another and no separate connection to the water system can be made through an adjoining alley, court, yard or driveway, the water line connection from the front building may be extended to the rear building but only upon prior written approval of the Borough or its agent.

§ 26-111. All Work Subject to Approval of Borough. [Ord. 166, 3/8/1983, § 11]

All water line connections, materials therefore, jointing materials and methods used shall be subject at all times to the direction, inspection and approval of the Borough or its agent according to uniform rules, regulations and standards, as adopted and amended from time to time by the Borough or its agent, therefore and for the operation and maintenance of the water system; and which agent the Borough may appoint from time to time by resolution duly adopted.

§ 26-112. Special Water Line Connection Permit. [Ord. 166, 3/8/1983, § 12]

No person shall connect with the water system other than through, by or into "Ys" and "Ts" in the water system without a special water line connection permit and the designation of the location of the "Ys" and "Ts" by the Borough or its agent. No person shall drill into or tap any water line of the water system without prior written permission from the Borough or its agent.

§ 26-113. Inspection of Water Line Connection. [Ord. 166, 3/8/1983, § 13]

Such property owner or owners holding a water line connection permit shall notify the Borough or its agent at least 24 hours in advance of when the water line connection is ready for inspection and connection with the water system is to be

made. In no case shall backfill be placed until such inspection has been made. The inspector of the Borough or its agent shall signify his approval of such water line connection in writing on the water line connection permit which the owner or owners of such property must have obtained and must retain as evidence of such approved connection. The Borough or its agent may from time to time and at any reasonable time inspect, test, and require repair or replacement of all water line connections to the water system to assure compliance with applicable laws and rules and regulations of the Borough applicable to the water system. The owner or owners of any property on which a house, building and other structure is located which is connected or is to be connected to the water system, and the lessees, tenants or occupants of such property shall permit the inspector of the Borough or its agent full and complete access to any water meter, read-out and the water system of such house, building and other structure and the property in connection with the enforcement of, and to assure compliance with, the rules and regulations of the Borough and its agent with respect to the water system, and the operation and maintenance thereof, and this Part.

§ 26-114. Water Line Connections to Be Metered. [Ord. 166, 3/8/1983, § 14]

All water line connections to the water system within the Borough shall be metered. The Borough shall furnish to such owner or owners of each property being serviced a water meter and remote read-out for such meter. All water meters and remote read-outs shall be accessible to and controlled by the Borough and shall be and remain the property of the Borough. At the expense of such owner or owners, water meters shall be installed inside the building and remote read-outs shall be installed outside the building, in each case except as may be provided in such rules and regulations of the Borough, at locations approved by the Borough to control the entire water system of the building. Water meters and remote read-outs shall be maintained as to wear and tear by the Borough with such owner or owners being responsible for any damage or injury to the meters and remote read-outs caused directly or indirectly by such owner's or owners' negligence or carelessness. The Borough or its agent shall have the right of free access at all reasonable times to the property and building on and in which a water meter and remote read-out is installed for the purpose of installing, setting, resetting, reading, testing, inspecting, repairing, replacing and removing the same. The Borough may furnish certain fittings which are to be used in connection with such water meters and remote read-outs. The size of the water meter to be furnished shall be determined by the Borough or its agent. If such owner or owners do not install such water meters and remote read-outs, the Borough or its agent may do the same as provided herein in § 26-103 hereof for the installation of a water line connection, with the same rights to bill for, lien and collect any unpaid costs and a 10% penalty of the cost of such installation as provided in said § 26-103.

§ 26-115. Safety Measures to Be Taken. [Ord. 166, 3/8/1983, § 15]

All excavations for water line connections shall be adequately guarded with barricades and lights to protect the public from hazards. All streets, sidewalks and public property, disturbed in the course of making a water line connection, shall be restored to the same condition they were in prior to such disturbance, to the extent practicable, in a manner satisfactory to the Borough or its agent.

§ 26-116. Penalties. [Ord. 166, 3/8/1983, § 16; as amended by Ord. 174, 6/11/1985]

Any person, firm or corporation, or its officers, violating any of the provisions of this Part 1 shall, upon conviction thereof, before any District Magistrate, be sentenced to pay a fine of not more than \$300 for each and every offense, and costs, or to be imprisoned in the Potter County Jail for a period not exceeding 90 days, or both. Whenever such person shall have been notified in writing by the Borough or its agent that such person, firm or corporation, or its officer, is violating this Part 1, each full week that he, she or they shall continue such violation after receipt of such notification shall constitute a separate offense punishable by a like fine or imprisonment, or both, upon conviction thereof.

PART 2

WATER SYSTEM REGULATIONS

§ 26-201. Definitions and Classes of Properties. [Ord. 168, 5/12/1983, § 1]

COMMERCIAL ESTABLISHMENTS — Any building, structure, room, group of rooms or enclosure occupied or intended to be occupied or used now or in the future entirely or in part for commercial, industrial or institutional purposes, either for services, sales or manufacturing, care of the sick, educational, religious, and with or without a dwelling unit in the same building. A separate meter shall be required for each building or, if the Borough shall require, for each such room, group or rooms or enclosure. The commercial minimum rate, plus increments for applicable usage in accordance with the rate schedule, shall be applicable to each commercial unit.

MOTELS — A dwelling unit for each four units or any part thereof. The commercial minimum rate, plus increments for applicable usage in accordance with the rate schedule, shall be applicable for each four units. The motel may be served by only one meter.

RESIDENTIAL — Any building used as a home or residence, with a separate meter for each such building or, if the Borough shall require, for each dwelling unit (a dwelling unit being any room, group of rooms, enclosure, etc., occupied or intended for occupancy as a separate living quarters by a family or other group of persons living together or by a person living alone, provided the same shall have a separate bathroom, washroom, toilet facilities or entrance). The residential minimum rate, plus increments for applicable usage in accordance with the rate schedule, shall be applicable to each residential dwelling unit.

TRAILER PARKS — Three or more mobile or stationary trailers occupied or used as homes, residences or for commercial purposes, and located adjacent to each other on land of a common owner. The residential minimum rate, plus increments for applicable usage in accordance with the rate schedule, shall be applicable with respect to each trailer. Trailer parks may be serviced by only one meter.

§ 26-202. Conditions of Service and Connections. [Ord. 168, 5/12/1983, § 2]

1. **Service Request.** A request for water service shall be made by the property owner at least one week before the regular monthly meeting of the Council of the Borough. Upon approval by the Borough, applicant shall make provisions to extend his service line, of approved materials, at his expense to the designated location for the curb stop. The Borough shall use its best efforts to install the service connection from its public water main to the shortest of:
 - A. The curblin if there is no sidewalk,

- B. On the private property side of a sidewalk,
 - C. The property line, or
 - D. The property owner's private service line, within seven days of the notification that the property owner's private portion of the private service line is ready for inspection by the Borough.
- 2. Any modification, repeal, supplement or amendment of these rules and regulations shall be applicable to and shall govern property owners receiving water service upon the effective date of such modification, repeal, supplement or amendment, as well as future property owners.
 - 3. A new application must be made by a property owner to and approved by the Borough upon any change in classification of the property, or upon any change in type or purpose of water service required by the property. The Borough upon seven days' written notice, may discontinue water service until such new application has been made and approved.

§ 26-203. Deposits. [Ord. 168, 5/12/1983, § 3]

- 1. Deposits may be required from property owners taking temporary water service for an estimated period of less than 120 days, in an amount equal to the estimated gross bill for such temporary service. Deposits may be required from property owners taking permanent water service in an amount not in excess of the estimated gross bill for any single monthly billing period: provided, however, that the minimum deposit shall be \$20.
- 2. The deposit of any property owner taking water service for a period less than 120 days shall be returned when he shall have paid the undisputed bill for water services. The deposit of any property owner taking permanent water service shall be returned when he shall have paid the undisputed bills for water service for a period of 12 consecutive months or for the full period of service rendered, whichever is less; and any such property owner who shall have secured the return of his deposit shall not be required to make a new deposit unless his water service has been discontinued and the property owner's credit standing has been impaired through failure to comply with the provisions of these rules and regulations or in prevailing water rates, rents and charges then in effect or any other ordinance adopted or enacted by the Borough with respect to the water system.
- 3. In addition, a deposit may be required in accordance with § 26-206, Subsection 7, hereof.

§ 26-204. Rate Collection and Billing Procedures. [Ord. 168, 5/12/1983, § 4; as amended by Ord. 174, 6/11/1985]

- 1. All places of services, whether residential, commercial, industrial, institutional, trailers or of a public nature, and whether occupied or used by

the owner of the property, his tenant or the property owner, shall be metered in accordance with these rules and regulations or the then applicable water connection ordinance; and the property owner shall be charged for water used at the rates and charges fixed from time to time by the Borough by ordinance duly enacted, subject to any applicable classification discount or surcharge in accordance with rules and regulations as adopted by the Borough.

2. Bills for water service shall be rendered monthly to each property owner for service rendered during the preceding one-month period, based on actual or estimated water usage. The bill shall be based on actual water used at least once every three months. Bills shall be payable at net on or before the 15th day of the month following the end of each monthly billing period. A penalty of \$1.25 shall be added after this fifteen-day period on each bill not based on metered water use overage; and a penalty of 10% of the amount billed shall be added after such fifteen-day period on each bill based on metered water use overage. After 30 days delinquency after the due date 45 days after the end of the monthly billing period), water service will be discontinued; provided 10 days (or such longer period as may be required by law in the specific instance) prior written notice thereof is mailed (certified mail with return receipt requested) to the delinquent registered owner of the property at his address as appears on the water service application records as updated from time to time by the property owner. Any water service charge not paid on or before 30 days after the due-date shall be a lien on the property charged with the payment thereof. Such water service charge, if not paid within time thereafter by an action of assumpsit or by distress of personal property on the premises or by the filing of a municipal claim and the execution thereon or by any other means available by due process of law.
3. Bills for water service shall be determined by estimated or actual meter registration or minimum rate charges, whichever is the higher. In every case where a meter fails to register, a bill shall be rendered in accordance with § 26-206, Subsection 5. Unmetered property owners are to pay the minimum monthly rate for their classification until a meter is installed.
4. Payments mailed, as evidence by the postmark, on or before the end of the period during which the bill is payable, will be deemed to be a payment within such period. Whenever a due date falls on a Saturday, Sunday or official holiday, payment mailed or received on the next regularly scheduled work day shall be deemed to be a payment within such period.
5. Failure to receive a bill shall not exempt any property owner from the incurring of a penalty for nonpayment in the period during which the bill is payable. The presentation of a bill to a property owner is only a matter of accommodation and not a waiver of this rule.
6. The owner or owners of each property and the customers, tenants and occupiers thereof receiving water service are jointly and severally responsible

for the payment of all water service charges with respect to such property, regardless of to whom water service bills are mailed.

§ 26-205. Service Connections and Lines. [Ord. 168, 5/12/1983, § 5]

1. The Borough shall make or cause to be made all service connections to its water mains. Upon approval of an application for water service and issuance of a water line connection permit in accordance with Ordinance No. 166 [Part 1 of this chapter] of the Borough, as amended and supplemented from time to time, which application shall be the written consent of the applicant to these rules and regulations, as amended and supplemented from time to time, the Borough, at the expense of the property owner, will tap the main, insert a corporation cock, install a service connection to the curb or, if no curb, to the property line, inside the sidewalk or to the private service line or other designated point as stipulated below, and insert a curb stop with curb box, all of which facilities shall be and shall remain the property of the Borough, and shall be maintained by the Borough. The Borough shall also provide a meter and remote read-out to such property owner to be installed at the property owner's expense by the property owner as provided in Ordinance No. 166 [Part 1 of this chapter]. The meter and remote read-out remain the property of the Borough to which it shall have the right of free access as provided in said Ordinance No. 166.
2. In the case where the Borough's public water line is laid in a right-of-way, the service connection by the Borough will be extended to the edge of the right-of-way. The curb stop will be located on the right-of-way and in no case will the service connection by the Borough extend beyond the right-of-way boundary.
3. Service connections will not be installed by the Borough when any portion of the service connection passes over or through premises which at the time are the property of persons other than the owner of the premises to be supplied, unless the owner of the premises not being served by the water connection conveys to the Borough a satisfactory water line right-of-way across the premises.
4. Service lines beyond the curb stop into the property desiring service (herein generally called "private service lines") shall be installed by the property owner at his expense and shall be owned and maintained by and at the expense of the property owner and shall be of the size, material and quality approved by the Borough. The pipe connecting the Borough stop valve to the private service line shall be K type copper pipe, or of such other material as the Borough may approve, of at least 3/4 inch diameter and fittings shall be of the compression type. Such private service line shall be laid not less than four feet below the surface and shall not be covered until the tap on the curb box is made and inspected and such private service line tested. All plumbing connections shall be able to withstand a pressure of at least 200 pounds per square inch. No service line shall be laid within three feet of any gas pipe, sewer pipe or any other facility of any public service company nor within

three feet of any open excavation fault, conduit or vault, unless prior permission of the Borough is obtained. Control of water supply by the property owner shall be by means of a separate stop and waste cock located just inside the building wall, fully capable of draining all pipes and so located as to prevent freezing. In order to provide for the installation of the water meter, the following shall apply to all sizes of private service lines:

- A. Where the private service line enters any building, there shall be a shutoff valve installed as close to the inside wall as possible.
 - B. Where required by the Borough, next to the meter shall be installed a 3/4 inch A.S.M.E. approved pressure reducing valve with a maximum rating of 300 pounds of pressure (p.s.i.) at the incoming and 25 to 100 p.s.i. at the outgoing. It is required that any private service line 1 1/4 inches to two inches in diameter shall have a one inch A.S.M.E. approved pressure reducing valve. Where any service line excess two inches in diameter, the size of the A.S.M.E. approved reducing valve shall be determined by 1/3 the diameter of the pipe used, said valve shall have a maximum pressure rating of 300 p.s.i. at the incoming and 100 p.s.i. at the outgoing.
5. Service connection of the private service line to the public water line shall be made only after the property owner has completed installation of his private service line from the structure to be served to the curb box or has given assurance, satisfactory to the Borough, of his intention so to do and has paid to the Borough the connection fee and receive his water line connection permit.
 6. The size of the public service connection from the main to the curb box necessary to service adequately a property owner and the location of such public service connection shall be determined by the Borough from all the facts known at the time. If any applicant for water service shall request a service connection of a greater capacity than that determined by the Borough to be adequate, or if any applicant shall request that a service connection be located in a location different than that determined by the Borough, the Borough, at its sole discretion, may install such public service connection in accordance with the request of such applicant at the applicant's expense.
 7. When it is necessary to replace an existing public service connection from the main to the curb box, the Borough will replace said service connection in the same location as the old public service connection; provided, however, that if the property owner, for his own convenience, desires the new service connection at some other location and agrees to pay to the Borough all expenses of cutting off the old service connection at the main and any other additional expenses incurred by the Borough in complying with said request, then the Borough will install the new service connection at the location desired, if said location is approved by the Borough.

8. Only persons properly authorized by the Borough shall be permitted to make service connection installations.
9. All property owners shall keep and maintain their private service lines, cocks and apparatus in good repair and condition, shall protect the same from frost and shall prevent all waste of water.
10. All leaks in private service lines from the curb box to, in and upon the premises supplied with water shall be repaired promptly by the property owner, at his own expense. Upon failure of such property owner to make such repairs within a reasonable time, the Borough, in its discretion, except in cases of emergencies, upon 10 days' notice, may discontinue water service to such property, after which such water service shall not be restored until and after the property owner shall have paid to the Borough the full amount of all proper and necessary expenses incurred by the Borough in discontinuing and again restoring water service, which shall include a charge of \$20 for discontinuing and then restoring water service.
11. The Borough shall not be responsible for maintenance of any private service line or any other line, pipe or fixture on the outlet side of the curb stop. Nor shall the Borough be responsible for any damage resulting from escape of water from any private service line or any pipe or fixture on the outlet side of the curb box. The customer and the property owner shall comply at all times with all Federal, State and municipal regulations relating to service lines and fixtures on the outlet side of the curb box, and the Borough shall not be required to deliver water service to such property unless so approved. The customer and the property owner, at his own expense, shall make any and all changes to such private service lines, pipes and fixtures on the outlet side of the curb box, which shall be required or made necessary as a result of any change of grade, relocation or mains or distribution lines or otherwise.
12. No customer or property owner shall divert, in any manner whatsoever, water being furnished to such customer or property owner to any other person, except with prior written permission of the Borough.
13. No person obtaining water from a private water supply, under any circumstances, shall construct or maintain, or cause or permit to be constructed or maintained, any connection, directly or indirectly, between such private water supply and the water system being operated by the Borough.
14. A separate public service connection and curb box shall be installed for each dwelling unit; provided, however, that if a building, house or other single structure contains two or more dwelling units and the owner or owners thereof shall request, or the Borough shall deem it advisable, the Borough in its discretion, may install a single service connection and curb box for such building, house or other structure.

When more than one dwelling unit is supplied through one service connection under control of one curb box, any violation of these rules and regulations by any customer so supplied shall be deemed a violation as to all supplied through such curb box and the Borough may take such action as could be taken against a single customer or property owner, except that such action shall not be taken until the innocent customer, who is not in violation of these rules and regulations, has been given reasonable opportunity to pay the delinquency as provided by law or to cause the property owner to make application for and have installed a separate water connection to the water system of the Borough.

15. If a property owner applies to or petitions the Borough for water when there is not a public water line in the street, road, alley or water line right-of-way adjacent to his property or location, the owner may enter into a water line deposit agreement where under the owner deposits in escrow with the Borough funds sufficient to install the requested public water line, of at least eight inches in diameter with related appurtenances as the Borough may require, and the Borough agrees to construct such public water line on public property, as far across such owner's property as the Borough may determine, and provide therefrom such water service as herein otherwise provided. In the alternative, the Borough at its sole discretion, upon approval of the plans and specifications therefore and inspection of the construction thereof, may authorize the owner to design and construct at his own expense, to the Borough's approval, such water mains, which upon completion and testing shall be dedicated to, and may be accepted by, the Borough as a part of its water system; and thereupon the Borough will provide water services to such property owner, in accordance with these rules and regulations, as amended and supplemented from time to time, and other property owners as may be required to connect to such public water line.

§ 26-206. Meters. [Ord. 168, 5/12/1983, § 6]

1. All water meters and remote read-outs shall be furnished by the Borough, shall be accessible to and under control of the Borough, and shall be and remain the property of the Borough, all as provided in Ordinance No. 166 [Part 1 of this chapter], as amended and supplemented. The costs of installation of meters and remote read-outs shall be at the expense of the property owner.
2. Meters shall be conveniently located within the structure supplied or in facilities for the housing thereof satisfactory to the Borough, at a point approved by the Borough, so as to control the entire water supply; and a proper place and protection thereof shall be provided by the property owner at his expense. In any case where it is not convenient to place the meter within the structure, or where the service line from the curb box to the structure to be served is more than 100 feet in length, the Borough may permit the meter to be placed outside the structure in a vault provided with a suitable cover, lock and key. Said vault shall be at least one foot six inches

inside measurement, properly drained, and shall be built within the property line of the structure served at the expense of the property owner. The remove read-out shall be installed by the property owner at his own expense at a location convenient and acceptable to the Borough.

3. Meters and remote read-outs will be maintained by the Borough as far as wear and tear is concerned, and the property owner shall be responsible to the Borough for any damage, loss or injury to any meter or remote read-out, including damage or loss caused by freezing or hot water. The property owner shall not permit any person, except the Borough or its agent or other lawfully authorized by the Borough to so do, to remove, inspect or tamper with the meter, the remote read-out or other property of the Borough on the premises.
4. The charge for removal and re-installation of meters when removed because of damage in any water for which the property owner is responsible shall be fixed by the Borough at not less than \$10.
5. The quantity of water used as recorded by the meter and remote read-out shall be conclusive on both the property owner and the Borough, except when the meter or remote read-out has been found to be registering inaccurately or has ceased to register. In either case excepted above, the meter or remote read-out will be repaired promptly by the Borough, and the quantity of water consumed for the billing period when the meter or remote read-out was out of service or registering inaccurately (but not to exceed three monthly billing periods) shall be estimated by the average registration of the meter on the six previous monthly billing periods.
6. In case of a disputed account involving the accuracy of a meter or remote read-out, such meter or remote read-out shall be tested upon the request of the property owner. In the event the meter or remote read-out so tested is found to have an error beyond 4% of the accurate amount, the bill will be increased or decreased for the billing periods such meter or read-out was not registering accurately (but not to exceed three monthly billing periods) accordingly by an estimate based upon the average registration of the meter on the six consecutive previous monthly billing periods.
7. Each request for a test of a meter or remote read-out for accuracy shall be accompanied by a deposit, as follows:

The greater of (i) the actual cost of testing, or (ii) (a),
For 5/8 inch to one inch meters: \$25, or (b),
For 1 1/4 inch to two inch meters: \$50, or (c),
For greater than two inch meters \$75.

If the meter or remote read-out so tested shall be found to be correct within 4%, the deposit shall be retained by the Borough as compensation for such test; if the error in registration is found to be beyond 4% of the accurate amount, then the cost of the test shall be borne by the Borough and the amount of the deposit shall be returned to the property owner making the deposit.

8. The property owner shall notify at once the Borough of injury to or cessation in registration of the meter or remote read-out, as soon as it comes to his knowledge.
9. The Borough shall have the right of free access at all reasonable times to the premises in or on which a meter and remote read-out are installed for purposes of installing, setting, resetting, reading, testing, inspecting, repairing and removing such meter or remote read-out.

§ 26-207. Discontinuance of Water Service. [Ord. 168, 5/12/1983, § 7]

1. After 10 days' (or such longer period as may be required by law in such instance) prior written notice mailed by certified mail, return receipt requested to the property owner (and the customers, users or tenants as may be required by law in such instance) water service to any property owner may be discontinued for any of the following reasons:
 - A. Misrepresentation, of a substantial nature, in the application for water service, including but not limited to, misrepresentation as to property or fixtures to be supplied or the use to be made of water supplied.
 - B. Failure to make payment of a monthly bill for water service within 45 days after the end of a monthly billing period.
 - C. Failure to properly maintain the connections, private service lines and other fixtures of the property owner or to protect the meter, connections or remote read-out, private service lines and other fixtures of the property owner from freezing and other damage.
 - D. Use of water for any property or for any purpose other than as stated in the application for service.
 - E. Willful waste of water through improper or imperfect pipes, fixtures or otherwise.
 - F. Tampering with or molesting any public service connection, pipe, meter, remote read-out, curb box, curb stop or seal, stop cock, valve seat or any other appliance operated by the Borough in the supply of water or controlling or regulating the supply of water.
 - G. Failure to make or renew any required deposits.

- H. Failure to pay any bill properly due the Borough, without regard to the manner incurred, relative to operation and maintenance of the water system.
 - I. Violation of any of these rules and regulations.
 - J. Violation of any ordinance or resolution of the Borough pertaining to the water system.
 - K. Refusal to permit access at reasonable times to such person's or customer's property or location for inspection of water facilities on such premises served or to be served or for installing, setting, resetting, reading, testing, inspecting, repairing or removing the meter or remote read-out or other water facilities of the Borough.
- 2. After discontinuance of water service for any of the reasons set forth in § 26-207, Subsection 1, of these rules and regulations, water service shall not be restored until the violation has been cured, all damage and loss to the Borough occasioned by such violation has been paid and proper assurance, satisfactory to the Borough, has been given that the violation shall not occur again. All proper and necessary expenses incurred by the Borough in discontinuing and restoring water service shall be paid by property owner in advance of the re-establishment of water service, which shall include a charge of \$20 for discontinuing and then restoring water service.
 - 3. Water service may be discontinued to any premises upon written request of the property owner and the acceptance of the Borough, without in any way affecting any existing water service agreement or contract with such property owner.
 - 4. When dwelling units shall be temporarily unoccupied, the property owner may notify the Borough in writing, and water service will be discontinued, as the Borough shall determine. When the premises are again occupied, the property owner shall notify the Borough in writing, and water service that had been discontinued will be restored. No refund or allowance will be made for an unoccupied dwelling unit when written notice, both at time of vacancy and at time of resumed occupancy, has not been given as above provided. The Borough shall charge \$20 for discontinuing and then restoring water service.

§ 26-208. Fire Protection. [Ord. 168, 5/12/1983, § 8]

- 1. Public fire hydrants for public fire protection service may be located, installed and maintained by or on behalf of the Borough at its cost or expense.
- 2. Private fire protection service may be provided by the Borough, at its sole discretion, at the request and expense of the property owner.

3. No cross connection shall be made between any service connection installed for public or private fire protection service and any service connection providing other water service to a property owner.
4. Water from public or private fire hydrants or other fire protection systems shall be used only in case of fires, except that water from public fire hydrants may be used, in a reasonable amount, for the purpose of testing the hydrants and fire fighting apparatus, such tests to be conducted only by the persons properly authorized by the Borough. No public fire hydrant shall be used for the sprinkling of streets, roads, alleys, for the flushing of sewers or gutters or for any purpose other than fire protection, unless specifically permitted in writing by the Borough for the particular time and occasion.
5. Every customer and property owner, by the taking of water, understands and agrees that the Borough assumes no liability as an insurer of property or persons, and that the Borough, by providing public or private fire protection service, does not contemplate any special service, pressure, capacity or facility other than that ordinarily provided in normal operation of the water system. The Borough declares, and each and every customer and property owner agrees, that the Borough shall be free and exempt from any and all claims for injury or damage to persons and property by reason of fire or water or failure to supply water, pressure or capacity.

§ 26-209. General. [Ord. 168, 5/12/1983, § 9]

1. As waste of water is prohibited. No customer or property owner shall allow water to run to waste or to run merely to prevent freezing. Each customer and property owner shall keep his faucets, valves, hydrants, service lines and hose in good order and condition at his own expense. Sprinkling of any kind whatever must be done with ordinary spraying nozzles generally in use.
2. As necessity may arise in case of break, emergency or other unavoidable cause, the Borough shall have the right to temporarily cut off or limit water supplied in order to make necessary repairs and connections and for other necessary purposes. The Borough will use all reasonable and practicable measures to notify the property owners in advance of such discontinuance or limitation of service. The Borough shall not be liable for any damage or inconvenience suffered by any customer or property owner, nor in any case for any claim against the Borough at any time, for interruption of service, lessening of supply, inadequate pressure, poor quality of water or any other cause beyond its control. The Borough shall have the right at all times to restrict or regulate the quantity of water used by customers and property owners in case of scarcity or whenever the public welfare may require such control.
3. The Borough will not be liable for any claim or damage arising from a shortage of water, the breaking of machinery or other facilities or any other cause beyond its control.

4. Water shall not be turned into any premises by any person not an agent of, or person authorized by, the Borough except temporarily by a plumber to enable him to test his work, provided it shall be turned off immediately after the test is done.
5. In cases of vacancy of dwelling units, the property owner should notify the Borough in writing, of such vacancy, and upon his failure to do so, he will become responsible for any damage to the property of the Borough arising from such failure.
6. No interconnection or cross connection shall be made or permitted between the water system of the Borough and any other water supply. No fixture, device or fitting shall be installed which will permit or provide a backflow connection between such water system and any well, drainage system, soil pipe or waste pipe which would permit or make possible the backflow of sewage or water into such water system of the Borough.
7. No customer or property owner, unless specifically authorized to do so by the Borough, shall open or close any of the stop cocks or valves of any public water line.
8. Any duly authorized representative of the Borough, whose identification as such duly authorized representative has been established in a reasonable manner, upon reasonable cause shown, shall be authorized, upon reasonable notice and at reasonable hours, to enter in and upon and to have free access to premises then being supplied with water from the water system being operated by the Borough, for the purpose of inspecting the facilities employed in connection with the use of water from such water system, and for the purpose of installing, setting, resetting, reading, testing, inspecting, repairing or removing meters and remote read-outs.
9. Contractors, builders or others will be required to obtain a written permit from the Borough before using water for building or construction purposes. The Borough will require a deposit upon application for use of water for building or construction purposes in the amount of \$10. The Borough can require the installation of a temporary meter, with the building responsible for protecting the meter from damage, and the property owners shall be billed at the rates applicable to commercial service.
10. Customers and property owners using the water supply for steam boilers and depending upon hydraulic or hydrostatic pressure in the pipe system of the water system for supplying such boilers will do so at their own risk. The Borough will not be responsible for any accidents or damage to which such devices may be subjected or resulting from such arrangement.
11. House boilers for domestic use must be provided with vacuum valves in all cases in order to prevent collapsing when water is shut off from the distributing pipes. The Borough will not be responsible for accidents or damage resulting from imperfect installation or operation of such valves. Whenever steam or hot water under pressure is used, the property owner

shall install, at his expense, a swing check valve to be placed directly ahead of the meter.

12. No water will be furnished to any premises where any possibility exists of the mingling of the water furnished by the Borough with water from any other source; nor will the Borough permit the Borough's mains or service lines to be connected in any way to any piping, tank, vat or other apparatus containing liquids, chemicals or any other matter which may flow back into the Borough's service line or mains and consequently endanger the water supply.
13. All water passing through a meter shall be charged for in accordance with the schedule of water rates, rents and charges in effect at the time and no allowance will be made for excessive consumption due to leaks or waste, except as herein otherwise specifically provided.
14. The Borough shall not be liable for any damage resulting from leaks, broken pipes or any other cause, occurring to or within any house or building; and it is expressly stipulated by and between the Borough and the customer and the property owner that no claims shall be made against the Borough on account of the bursting or breaking of any main or service line or any attachment to the water system being operated by the Authority.
15. The Borough shall be under no obligation at any time to make any extension of its then existing water mains, but may do so upon the written request of one or more prospective property owners, either wholly or in part at the expense of the prospective property owners, at the sole option of the Borough; provided, however, that the Borough reserves the right to refuse water service to any applicant when in its sole discretion capacity of the water system will not permit the rendering of such water service or the rendering of such service would not be in the best interests of the other users of the Borough's water system.
16. No officer, agent or employee of the Borough shall have the right or authority to vary these rules and regulations.
17. The Borough reserves the right to repeal, alter, modify, supplement or amend these rules and regulations, from time to time and at any time, by amendments hereto duly enacted.

§ 26-210. Penalties. [Ord. 168, 5/12/1983, § 10; as amended by Ord. 174, 6/11/1985]

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense.

PART 3

WATER SERVICE CHARGES

§ 26-301. Charges Levied. [Ord. 169, 5/12/1983, § 1; as amended by Ord. 187, 10/10/1989; by Ord. 193, 12/11/1990; by Ord. 200, 12/10/1991; by Ord. 207, 12/14/1993; by Ord. 227, 10/13/1998; by Ord. 239, 12/10/2002, § 301; by Ord. 244, 12/14/2004, § 301; by Ord. 251, 12/12/2006; by Ord. No. 269, 12/10/2013; by Ord. No. 271, 12/9/2014; and by Ord. No. 287, 12/11/2018]

There is hereby levied and charged on the owner or owners of each property having a house, building or structure thereon connected to the water system, effective as of December 1, 2018, payable on and after January 1, 2019, as provided in the rules and regulations of the Borough applicable thereto, the water rates and charges determined as follows:

- For residential users, expressed in a monthly charge per equivalent dwelling unit ("EDU"), as hereinafter described, generally based on the metered volume of water used, as follows:

	Monthly Charge Per EDU
A. For the first 5,000 gallons or any part thereof of water used per month	\$32
B. For each additional 1,000 gallons or any part thereof of water used per month	\$1.50
C. For any nonmetered user	\$17.50
D. For any vacant house, building or structure, a monthly standby charge of	\$7.50

- For commercial users, expressed in a monthly charge per equivalent dwelling unit ("EDU"), hereinafter described, generally based on the metered water use, as follows:

	Monthly Charge Per EDU
A. For the first 5,000 gallons or any part thereof of water used per month	\$34
B. For each additional 1,000 gallons or any part thereof of water used per month	\$1.50
C. For any nonmetered user	\$19.50
D. For any vacant house, building or structure, a monthly standby charge of	\$9.45

§ 26-302. Classification of Property. [Ord. 169, 5/12/1983, § 2; as amended by Ord. 207, 12/14/1993; by Ord. 227, 10/13/1998; by Ord. 239, 12/10/2002, § 302; by Ord. 244, 12/14/2004, § 302; by Ord. 245, 2/8/2005; by Ord. 251, 12/12/2006; and by Ord. 256, 12/8/2009]

The term equivalent dwelling unit is defined as follows with respect to various types of classifications of houses, buildings or structures:

Classification of Property	Equivalent Dwelling Units (R represents residential; C represents commercial)
Single-family dwelling	1 R
Two-family dwelling	2 R
Trailer	1 R
Apartment house, per rental unit	1 R
Hotel or motel, per 4 rental rooms	1 C
Restaurant, club or tavern, per 15 seats or fraction thereof	1 C
Church, fire company or hall	1 C
Service station, automobile repair garage 2 bays or less	1 C
Additional bay or 2	1 C
Barber or beauty shop, attached to or forming a part of owner's residence	1 C
Barber or beauty shop, not attached to owner's residence	1 C
Laundromat, per 5 washers	1 C
Retail store, office, business or industry, 10 or fewer employees	1 C
Each additional 5 employees	1 C
Business or industry providing showers for employees, 8 or fewer employees	1 C
Each additional 4 employees or fraction thereof	1 C
Funeral home attached to or forming a part of owner's residence	1 C
School; public or private	
Toilet facilities only per 40 pupils and staff	1 C

Classification of Property		Equivalent Dwelling Units (R represents residential; C represents commercial)
	Toilet facilities and kitchen per 30 pupils and staff	1 C
	Toilet facilities and gym per 25 pupils	1 C
	Toilet facilities, gym, kitchen per 20 pupils	1 C
	Dairy or milk processing plant	6 C
	Doctors or dentists, not attached to residence	1 C
	Doctors or dentists, attached to residence	1 C

§ 26-303. Penalties. [Ord. 169, 5/12/1983, § 3; as amended by Ord. 174, 6/11/1985]

Any person, firm or corporation, or its officers, violating any of the provisions of this Part 3 shall, upon conviction thereof before any District Magistrate, be sentenced to pay a fine of not more than \$300 for each and every offense, and costs, or to be imprisoned in the Potter County Jail for a period not exceeding 90 days, or both. Whenever such person shall have been notified in writing by the Borough or its agent that such person, firm or corporation, or its officer, is violating this Part 3, each day that he, she or they shall continue such violation after receipt of such notification shall constitute a separate offense punishable by a like fine or imprisonment, or both, upon conviction thereof.

CHAPTER 27

ZONING

(Reserved to accommodate future ordinances)

APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The content of the ordinances and resolutions is indexed, in all necessary detail, in the general index at the end of this volume. The annual budget and tax ordinances have been listed only in the "Key to the Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Borough Offices.

The enactments included in this Appendix are grouped under the following headings:

- A.....Annexation of Territory
- B.....Debt
- C.....Franchises and Services
- D.....Governmental and Intergovernmental Affairs
- E.....Plan Approval
- F.....Public Property
- G.....Sewers
- H.Streets/Sidewalks
- I.....Water
- J.Zoning/Reclassification

APPENDIX A

Annexation of Territory

(Reserved to accommodate future ordinances)

APPENDIX B

Debt

Ord./Res.	Action/Type of Debt	Amount	Purpose
12 (07/28/1902)	Election to Increase Debt	Not Specified	Erecting Water Works System
15 (01/21/1903)	Election to Increase Debt	Not Specified	Erecting Water Works System
21 (06/22/1903)	Election to Increase Debt	Not Specified	Erecting Water Works System
22 (10/27/1903)	Loan	\$6,000	Erecting Water Works System
23 (10/27/1903)	Annual Tax	577 mills	Payment of Indebtedness
32 (01/02/1906)	Election to Increase Debt	\$3,202.80	Extending Water Works System
52 (06/09/1919)	Election for Bond Issue	\$16,000	Highway Improvements
55 (05/07/1920)	Bond Issue	\$16,000	Highway Improvements
71 (01/01/1939)	Bond Issue	\$16,500	Acquisition of Water Works
87 (06/03/1946)	Election to Increase Debt	\$15,000	Highway Improvements
88 (07/23/1946)	Bond Issue	\$15,000	Highway Improvements
89 (08/20/1946)	Amends Ord. 87	Not Applicable	Highway Improvements
144 (05/24/1977)	Loan	\$30,000	Construction of Equipment Storage Building
151 (02/19/1980)	Loan	\$8,000	Purchase Dump Truck
156 (03/08/1982)	Loan	\$50,000	Water Distribution System Plan
167 (04/26/1983)	Bond Issue	\$794,700	Water Distribution System
215 (07/09/1996)	Election to Increase Debt	\$38,500	Sewage Facility
218 (01/14/1997)	Election to Increase Debt	\$38,500	Sewage Facility

APPENDIX C

Franchises and Services

Ord./Res.	Grantee	Service
4 (05/13/1902)	N.Y. & P.A. Telephone & Telegraph	Telephone and Telegraph
17 (04/30/1903)	Shinglehouse Railroad Company	Streetcar
26 (11/15/1904)	Shinglehouse Railroad Company	Streetcar
27 (02/21/1905)	Shinglehouse Railroad Company	Streetcar
53 (09/25/1919)	Amends Ord. 27	
58 (11/07/1924)	William H. Brown	Electrical
60 (05/03/1927)	Penn-Niagara Power Company	Electrical (Street Lights)
65 (11/20/1934)	(Various)	Sewer/Water/Gas/etc.
77 (07/02/1942)	Bradford Electric Company	Street Lighting
94 (09/03/1949)	Oswayo River Telephone Company	Telephone

APPENDIX D
GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

§ D-101. Governmental and Intergovernmental Affairs.

§ D-101. Governmental and Intergovernmental Affairs.

D-1. Requesting State aid for the permanent improvement of a certain section of highway in need of reconstruction in the Borough of Shinglehouse. [Ord. 43, 12/10/1915]

D-2. Requiring permits from the Department of Highways of the Commonwealth of Pennsylvania for excavations upon streets forming connecting links or continuations of State highways. [Ord. 61, 6/3/1930]

D-3. Authorizing the Department of Highways, Commonwealth of Pennsylvania to issue permits for the opening or tearing up of all streets which are continuations of State highway routes in the Borough of Shinglehouse. [Ord. 62, 12/16/1931]

D-4. Authorizing the extension of the Social Security System to employees and officers of the Borough of Shinglehouse. [Ord. 103, 12/9/1952]

D-5. Signifying the intention and desire of the Municipal Authorities of the Borough of Shinglehouse to organize an authority to be known as the Shinglehouse Borough Authority; setting forth the substance of the Articles of Incorporation for said authority; appointing the initial members of the Board of said authority and specifying their terms of office and authorizing other necessary actions. [Ord. 112, 10/8/1957]

D-6. Entering into an intergovernmental cooperation agreement with Potter County to establish a regional emergency management agency and one joint emergency operations plan. [Ord. 240, 6/10/2003]

D-7. Establishing a charge for returned checks by the Municipal Tax Collector. [Ord. No. 277, 2/9/2016]

APPENDIX E

Plan Approval

(Reserved to accommodate future ordinances)

APPENDIX F

Public Property

F-1. Authorizing the purchase of a park commonly known as the Assembly Park or Grove located in the Borough of Shinglehouse for the sum of \$800. (Ord. 83, 2/13/1945)

APPENDIX G

Sewers

G-1. Providing for the constructing of a sewer or sewers in the Borough of Shinglehouse. (Ord. 13, 7/25/1902)

G-2. Authorizing the granting of a contract to W.H. Simpson for the construction of a sewer or sewers in the Borough of Shinglehouse. (Ord. 14, 7/28/1902)

G-3. Establishing a public sewer on Pearl Street and on certain portions of Pleasant and Lincoln Streets in the Borough of Shinglehouse and providing for the costs of construction of the same. (Ord. 37, 12/13/1906)

G-4. Establishing an extension of the public sewer in the Borough of Shinglehouse to be laid on and along certain portions of Honeoye Street, Bailey Avenue, Stevens and Russell Streets and providing for the cost of the construction of the same. (Ord. 40, 7/29/1909)

G-5. Requiring all public service companies and all abutting property owners on Oswayo Street and Sunnyside Road; Stevens and Honeoye Streets; and Low Street and Horse Run Road, in the Borough of Shinglehouse to place all necessary underground pipes and conduits, as well as all other pipes, poles, and wires, and make sewer connections. (Ord. 64, 5/9/1934)

APPENDIX H

Streets/Sidewalks

Street	Activity	Ord./Res.
Academy Street	adopting	1 (05/12/1902)
	improvements	54 (11/08/1919)
Bailey Avenue	opening	164 (12/14/1982)
Ceres Road	adopting	6 (05/20/1902)
Ceres Street	opening	128A (07/11/1967)
Church Street	adopting	1 (05/12/1902)
Cole Avenue	opening	24 (06/20/1904)
Elm Street	adopting	194 (12/11/1990)
Elm Street	renamed to Maple Street	234 (12/12/2000)
Englar Avenue	opening	164 (12/14/1982)
First Street	adopting	36 (09/22/1906)
Hickory Circle	opening	165 (03/08/1983)
Hill Street	adopting	116 (06/10/1958)
Honeoye Street	adopting	1 (05/12/1902)
	improvements	54 (11/08/1919)
Horse Run Road	grades	63 (05/09/1934)
Lincoln Street	adopting	6 (05/20/1902)
	extending	36 (09/22/1906)
Low Street	adopting	6 (05/20/1902)
	grades	63 (05/09/1934)
Lyons Street	opening	164 (12/14/1982)
Main Street	adopting	6 (05/20/1902)
	extending	36 (09/22/1906)
Manley Avenue	adopting	44 (01/08/1916)
Maple Street	adopting	194 (12/11/1990)
Maple Street	renamed to Elm Street	234 (12/12/2000)
Martin Avenue	adopting	31 (08/21/1905)
Mill Street	adopting	30 (07/24/1905)

Streets/Sidewalks

Street	Activity	Ord./Res.
	opening	42 (05/18/1910)
	width	47 (10/07/1916)
New Street	relocating/widening	100 (11/13/1951)
Nichols Street	adopting	130 (04/30/1968)
Oak Street	adopting	70 (10/04/1938)
Oswayo Street	adopting	1 (05/12/1902)
	improvements	54 (11/08/1919)
	grades	63 (05/09/1934)
	adopting	109 (03/30/1957)
Palmer Avenue	opening	164 (12/14/1982)
Park Avenue	adopting	29 (07/24/1905)
Pearl Street	adopting	36 (09/22/1906)
Pleasant Street	adopting	6 (05/20/1902)
	extending	36 (09/22/1906)
Press Avenue	opening	24 (06/20/1904)
	improvements	54 (11/08/1919)
Russell Street	adopting	139 (06/11/1974)
	opening	162 (11/09/1982)
Second Street	adopting	36 (09/22/1906)
	vacating	97 (05/08/1951)
Sherwood Avenue	adopting	116 (06/10/1958)
Stevens Avenue	improvements	54 (11/08/1919)
Stevens Street Extension	adopting	116 (06/10/1958)
Sunnyside Road	grade	63 (05/09/1934)
	grade	69 (03/11/1938)
Union Street	adopting	6 (05/20/1902)
	extending	36 (09/22/1906)
Unnamed Street	vacating	46 (04/07/1916)
Walnut Street	accepting/adopting	220 (09/09/1997)
Water Street	adopting	6 (04/07/1916)
Wolcott Avenue	opening	129 (04/30/1968)

APPENDIX I

Water

I-1. Establishing a water system in the Borough of Shinglehouse and providing for laying the necessary mains, pipes and lines, over, along and across the streets, lanes and alleys of said Borough. (Ord. 18, 6/16/1903)

I-2. Authorizing the Borough of Shinglehouse to enter into a contract with the Palmer Window Glass Company for the supplying of water for domestic manufacturing and fire purposes, through the water mains proposed to be laid by the said Borough. (Ord. 19, 6/16/1903)

I-3. Authorizing the Borough of Shinglehouse to enter into an agreement with the Shinglehouse Water Company for the supplying of water for domestic, manufacturing and fire purposes. (Ord. 39, 8/20/1908)

APPENDIX J

Zoning/Reclassification

(Reserved to accommodate future ordinances)

CHAPTER KO
KEY TO THE DISPOSITION OF ALL ORDINANCES

§ KO-101. Key to the Disposition of All Ordinances.

§ KO-101. Key to the Disposition of All Ordinances.

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3	Repealed by	174
4	Appendix	C
5	Repealed by	174
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10	Repealed by	174
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13	Appendix	G
14	Appendix	G
15	Appendix	B
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20	Repealed by	174
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22	Appendix	B
23	Appendix	B
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26	Appendix	C
27	Appendix	C
28	Repealed by	174
29	Appendix	H
30	Appendix	H
31	Appendix	H
32	Appendix	B
33	Repealed by	174
34	Tax Rate	1906
35	Repealed by	128
36	Appendix	H
37	Appendix	G
38	Repealed by	174
39	Appendix	I
40	Appendix	G
41	Repealed by	174
42	Appendix	H
43	Appendix	D
44	Appendix	H
45	Tax Rate	1916
46	Appendix	H
47	Appendix	H
48	Repealed by	174
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50	Tax Rate	1918
51	Tax Rate	1919
52	Appendix	B
53	Appendix	C
54	Appendix	H

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57	Repealed by	174
58	Appendix	C
59	Repealed by	60
60	Appendix	C
61	Appendix	D
62	Appendix	D
63	Appendix	H
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65	Appendix	C
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67	Tax Rate	1937
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84	Tax Rate	1945

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120	Tax Rate	1962
121	Tax Rate	1963
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123	Tax Rate	1965
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187	Chapter 26	Pt. 3
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206	Tax Rate	1994
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