Code
of the
Borough of Reynoldsville

COUNTY OF JEFFERSON

COMMONWEALTH OF PENNSYLVANIA

SERIAL NO. ..507...

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1997

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CERTIFICATION

BOROUGH OF REYNOLDSVILLE

Office of the Borough Secretary

I, **JACQUELINE DIXON**, Borough Secretary of the Borough of Reynoldsville, hereby certify that the chapters contained in this volume are based upon the original ordinances and resolutions of the Borough Council of the Borough of Reynoldsville and that said ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Borough of Reynoldsville, County of Jefferson, Commonwealth of Pennsylvania, as adopted by ordinance of the Borough Council on August 20, 1997.

Given under my hand and the Seal of the Borough of Reynoldsville, County of Jefferson, Commonwealth of Pennsylvania, this 22 day of August 1997, at Reynoldsville, Pennsylvania

s/**JACQUELINE DIXON**

_____

Borough Secretary

PREFACE

The first dwelling in the area known variously as the Blacklands, the Wilderness, Indian Country, the Pine Country, the PA Backwoods, the PA Northwest and the Fort Stanwick Indian Purchase was built in 1812 – a log cabin used by workmen for the Waterford-Susquehanna Turnpike. Ten years later, a two-room log cabin was built and used as a tavern. Thomas Reynolds came to the area in 1835 as Postmaster and opened the first town store in 1845. Woodward Reynolds conducted a pioneer tavern for travelers over the Turnpike and in 1850 built the first permanent brick building in town (the old Reynolds Hotel).

In 1846, after the Sandy Lick Creek had been cleared, floating logs to Pittsburgh markets became possible. The cutting and rafting of timber became the leading industry. Just before the Civil War, a mill was established at Sandy Valley and, with another mill, commenced to produce sawed lumber on a huge scale.

A boom after the Civil War was based both on the development of the great coal deposits and the cutting of timber. Both had to await the coming of the railroad in 1873. Also in 1873, the town was incorporated as a borough with about 200 people. It experienced extraordinary growth that year, with the coal industry being the chief source of prosperity in the 1870's. In 1881, sawmills to manufacture lumber appeared along every stream and a large tannery was built on the west side of town (known as "Ohiotown"). By 1888, Reynoldsville had reached a stage of permanence that demanded municipal conveniences. At the close of the 1890's, the business section of the town had been rebuilt of brick, the streets had been paved, gas and electricity were available to every home, a sewage system covered the town and trolley lines connected the place with other populous centers.

Growth has continued into the 20th Century, and the appearance of Reynoldsville has changed. From modest beginnings in the wilderness more than 150 years ago, Reynoldsville has grown to be a community characterized by pleasant neighborhoods with tree-lined streets and well-maintained homes, with new residential developments and expanded commercial and industrial development at the periphery. It is a community proud of its history and excited and optimistic about its future.

Over the years, the Borough of Reynoldsville has passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of its establishment, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the borough. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Borough Council ordered the following codification of the borough's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Borough Council of the Borough of Reynoldsville, including revisions or amendments to existing legislation deemed necessary by the Borough Council in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all borough legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other borough legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of article or part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever a chapter is divided into two or more articles or parts, titles of the several articles or parts are listed beneath the chapter title.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

Codification
Amendments and Revisions

New chapters adopted during the process of codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code and making such revisions will appear after final enactment. Sections amended or revised are indicated in the text by means of Editor's Notes referring to the chapter cited above.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is

reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated § 45-5.1). New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and

old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the borough officials is gratefully acknowledged by the editor. The codification of the legislation of the Borough of Reynoldsville reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 8-20-1997 by Ord. No. 480]

Be it enacted and ordained by the Borough Council of the Borough of Reynoldsville, County of Jefferson, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1008(b) of the Borough Code [53 P.S. § 46008(b)], the codification of a complete body of ordinances and resolutions for the Borough of Reynoldsville, County of Jefferson, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code Publishers Corp., and consisting of Chapters 1 through 195, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Reynoldsville, which shall be known and is hereby designated as the "Code of the Borough of Reynoldsville," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Reynoldsville, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of ordinances not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Borough of Reynoldsville and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

A. Any ordinance adopted subsequent to March 19, 1997.

B. Any right or liability established, accrued or incurred under any legislative provision of the borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the borough or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the borough.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the borough or any lawful contract, obligation or agreement.

F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the borough or other instruments or evidence of the borough's indebtedness.

G. Any ordinance adopting an annual budget or establishing an annual tax rate.

H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

J. Any ordinance annexing land to the borough.

K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.

M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.

N. Any ordinance providing for the making of public improvements.

O. Any ordinance providing for the salaries and compensation of officers and employees of the borough or setting the bond of any officer or employee.

P. Any ordinance concerning changes and amendments to the Zoning Map.

Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted ordinances.

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

B. Substantive changes and revisions. In addition to the changes and revisions described above, the changes and revisions of a substantive nature as set forth in Schedule A[1] attached hereto and made a part hereof are hereby made to various ordinances and resolutions included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

C. Nomenclature changes. The following changes have been made throughout the Code:

(1) "Justice of the Peace" and "District Magistrate" are hereby amended to read "District Justice."

(2) "Burgess" is hereby amended to read "Mayor."

(3) "Department of Environmental Resources" is hereby amended to read "Department of Environmental Protection."

(4) "Department of Community Affairs" is hereby amended to read "Department of Community and Economic Development."

(5) When referring to Reynoldsville, "Town Council" is hereby amended to read "Borough Council," "city" is hereby amended to read "borough" and "Board of Supervisors" is hereby amended to read "Borough Council."

(6) "Building Inspector" and all titles of other enforcement officers are hereby amended to read "Code Enforcement Officer."

§ 1-7. Interpretation of provisions.

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

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in

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[1] **Editor's Note: In accordance with § 1-6B, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 8-20-1997 by Ord. No. 480." Schedule A, which contains a complete description of all changes, is on file in the borough offices.**

supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copies of Code.

Three copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Borough Secretary, as provided by law, and such certified copies shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all ordinances and resolutions adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances or resolutions are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the borough. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the borough to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $600, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 30 days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after August 20, 1997.

Chapter 5

AUTHORITY, MUNICIPAL

§ 5-1. Statutory authorization.
§ 5-2. Articles of Incorporation.
§ 5-3. Purpose.
§ 5-4. Execution; publication of notice of filing.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 7-16-1951 by Ord. No. 290-A. Amendments noted where applicable.]

GENERAL REFERENCES

Sewage Authority — See Ch. 44.

§ 5-1. Statutory authorization.

It is the desire of the Borough Council of the Borough of Reynoldsville, Jefferson County, Pennsylvania, and said Borough Council hereby signifies its intention to organize an Authority under the Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.[1]

§ 5-2. Articles of Incorporation.

In pursuance of said desire and intention and in conformity with the terms and provisions of said Municipality Authorities Act and its amendments, the proposed Articles of Incorporation are hereby set forth in full, as follows:

A. The name of the Authority shall be the Municipal Authority of the Borough of Reynoldsville, Jefferson County, Pennsylvania.

B. The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended.[2]

C. No other Authority has been organized under the provisions of this Act, or the Act approved the 28th day of June 1935, P.L. 463, and is in existence within said borough.

D. The name of the incorporating municipality is the Borough of Reynoldsville, Jefferson County, Pennsylvania.

E. The names and addresses of the Mayor and members of the Council of the Borough of Reynoldsville, Jefferson County, Pennsylvania, are on file in the borough offices.[3]

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1 Editor's Note: See 53 P.S. § 301 et seq.

2 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

F. The names and addresses and terms of office of the first members of the Board of said Authority are on file in the borough offices.[4]

§ 5-3. Purpose.

The project which is to be undertaken by the said Authority is to acquire, hold, construct, improve, maintain, operate, own, lease, either as lessor or lessee, waterworks, water supply works and water distribution systems for the Borough of Reynoldsville and for such other territory as it may lawfully serve.

§ 5-4. Execution; publication of notice of filing.

Said proposed Articles of Incorporation of said Authority shall be executed by and on behalf of the Borough of Reynoldsville by the Mayor and the President of Council of said borough, and the Seal of said borough shall be thereto affixed, attested by the Secretary-Treasurer of the Council of said borough and filed with the Secretary of the Commonwealth. The Solicitor is hereby authorized and directed to cause to be published the notice of intention to file the Articles of Incorporation with the Secretary of the Commonwealth as required by the aforementioned Act.

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4 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 9
CIVIL SERVICE COMMISSION

§ 9-1. Commission established.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 9-12-1955 by Ord. No. 309. Amendments noted where applicable.]

§ 9-1. Commission established.

There is hereby created and established for the Borough of Reynoldsville, Jefferson County, Pennsylvania, a Civil Service Commission under authority of and agreeable to the provisions of subdivision (j) of Article XI, of the Act of July 10, 1947, P.L. 1621, and its amendments thereto.[1]

[1] Editor's Note: See 53 P.S. § 46172.

Chapter 13

COUNCIL OF GOVERNMENTS

§ 13-1. Participation authorized.
§ 13-2. Grant applications authorized.
§ 13-3. Allocation of funds; payment of dues.
§ 13-4. Execution of documents.
§ 13-5. Ratification of actions.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 8-21-1991 by Ord. No. 464. Amendments noted where applicable.]

§ 13-1. Participation authorized.

The Reynoldsville Borough Council does hereby authorize its officers to participate in forming the Jefferson Council of Governments and to execute any and all papers and documents necessary to effectuate the same.

§ 13-2. Grant applications authorized.

The Reynoldsville Borough Council authorizes any member of the Jefferson Council of Governments to make application for any grants on behalf of the Borough of Reynoldsville, provided that such documentation and data have been submitted to the Borough of Reynoldsville for its records.

§ 13-3. Allocation of funds; payment of dues.

The Borough of Reynoldsville does hereby allocate sufficient funds to pay the 1991 annual dues as determined by the Jefferson Council of Governments and to pay dues in future years as may be assessed from time to time hereafter.

§ 13-4. Execution of documents.

The President and Secretary-Treasurer of Reynoldsville Borough Council are authorized to execute any agreement concerning the manner and extent of financing any such joint projects, the duration and term of the agreement to be presented to the Borough of Reynoldsville representative designated to participate in such activity; provided, however, that any such Borough of Reynoldsville representative shall not have any authority to bind the Borough of Reynoldsville to any documents that may result in financial obligations which normally require a separate, specific motion of the Reynoldsville Borough Council to authorize the expenditure of money, or to obligate the Borough of Reynoldsville in such a manner that future responsibility could attach.

§ 13-5. Ratification of actions.

Any and all actions taken by borough officials and Reynoldsville Borough Council members in regard to the Jefferson Council of Governments is hereby ratified and approved.

Chapter 19

HARASSMENT

§ 19-1. Findings.
§ 19-2. Policy.
§ 19-3. Prohibited conduct; sanctions.
§ 19-4. Employee rights.
§ 19-5. Retaliation prohibited.
§ 19-6. Filing complaints; investigation.
§ 19-7. Adjudication.
§ 19-8. Responsibilities.
§ 19-9. False accusations.
§ 19-10. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 3-18-1998 by Res. No. 3-18-98-2. Amendments noted where applicable.]

§ 19-1. Findings.

Harassment on the basis of a person's sex by a supervisor, co-worker or other person is a discriminatory practice which violates Title VII of the Civil Rights Act of 1964 and regulations passed by the United States Equal Employment Opportunity Commission. Aside from being illegal, sexual harassment and other forms of unlawful harassment undermine the integrity of individual work relationships and damage the morale of the entire work force.

§ 19-2. Policy.

It is the policy of this borough government that all employees are entitled to work in an environment free from all forms of unlawful discrimination, including that which is based upon a person's sex. Accordingly, any practice or activity which constitutes sexual harassment and other forms of unlawful harassment are strictly forbidden within the borough work places and shall, if substantiated in accordance with this policy, result in disciplinary action.

§ 19-3. Prohibited conduct; sanctions.

A. Definition. "Sexual harassment" is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(2) Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person;

(3) Such conduct, as well as any form of unlawful harassment, has the purpose or effect of unreasonably interfering with a person's work performance; or

(4) Such conduct, as well as any form of unlawful harassment, creates an intimidating, demeaning, hostile or offensive work environment.

B. Sanctions. Sexual harassment and other forms of unlawful harassment are a serious violation of the work rules of this government and, if proven, shall be grounds for the imposition of discipline. Potential sanctions for the offense shall range from a minimum of a five-day suspension without pay to termination, depending upon the following:

(1) The individual facts of any given case; and

(2) The employment record of the person committing such harassment.

§ 19-4. Employee rights.

Any employee who believes that another employee is engaging in sexual and other forms of unlawful harassment may file a complaint within a reasonable period of time after the event (normally not more than 180 days).

§ 19-5. Retaliation prohibited.

No person filing a complaint under this policy or who legitimately assists another, such as a witness, in the prosecution of any such complaint shall be subjected to retribution or retaliation of any kind for doing so.

§ 19-6. Filing complaints; investigation.

A. Filing of complaints. All complaints of sexual harassment and other forms of unlawful harassment shall be filed with the Borough Manager, who then will make a detailed report to the President of Borough Council, or the Chairman of the Personnel Committee of the Borough, if the President of Council is unable to discharge this duty.

B. Investigation.

(1) Complaints filed under this policy shall be promptly and thoroughly investigated by the President of Council or any individual designated by the President of Council in the event that the President is unable to perform this function due to circumstances surrounding the complaint.

(2) Upon completion of the investigation, the President of Council shall prepare a comprehensive report addressing all allegations in the complaint and objectively documenting all relevant factual findings of the investigation. The investigatory report shall contain neither conclusions concerning the complaint nor recommendations as to disposition.

(3) The investigative report shall be presented by the President of Borough Council upon completion and within 15 days after receipt of the complaint. This time requirement may be extended by the President, in writing, upon request of the investigator and good cause shown for such an extension.

§ 19-7. Adjudication.

A. All complaints of sexual harassment and other forms of unlawful harassment shall be adjudicated by the President of Borough Council or Chairman of the Personnel Committee in the event that the President of Council is unable to discharge this duty.

B. Upon receipt of the completed investigation report, the President shall conduct an administrative hearing at which the report shall be presented and considered. Hearings may be conducted before a court reporter empowered to take testimony under oath. The court reporter shall require all witnesses to provide testimony under oath and shall prepare a verbatim transcription/recording of the proceedings which shall serve as the official record of the hearing.

C. The accused employee shall be notified, in writing, at least 10 days before the hearing of the complaint and the underlying allegations. The accused employee may request one postponement of the hearing upon receipt of the notice in order to obtain legal counsel; however, the delay occasioned by such request shall not exceed 30 days from the date of receipt of the notice by the accused employee.

D. The accused employee shall be entitled to attend the hearing and testify in his or her own behalf and shall be entitled to confront and cross-examine the employee who filed the complaint. In the event that the complainant elects not to attend the administrative hearing and upon objection from the accused to the complainant's absence, the complaint shall be dismissed and the accused deemed innocent of the allegations.

E. The accused employee shall be entitled to call witnesses in his or her behalf and to introduce evidence which bears upon the issues presented by the complaint and investigative report. Witnesses will testify without fear of repercussion by management or employees.

F. At the conclusion of the hearing, or within five days thereafter, the President shall make findings concerning the innocence or guilt of the accused of the offense of sexual harassment or other forms of unlawful harassment.

G. A finding of guilt must be supported by substantial credible evidence that:

(1) The facts alleged by the complainant occurred are true;

(2) Those facts constitute sexual harassment or other forms of unlawful harassment within the meaning of this policy; and

(3) The accused is the person who committed the acts amounting to sexual harassment or other forms of unlawful harassment.

§ 19-8. Responsibilities.

A. Councilmen and Borough Manager. Each Councilman and the Borough Manager has a responsibility to maintain the work place free of sexual harassment and other forms of unlawful harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment or other forms of unlawful harassment.

B. President of Borough Council. It is the responsibility of the President to:

(1) Provide information to managers and supervisors regarding this policy specifically and sexual harassment and other forms of unlawful harassment generally; the gravity of such behavior; and the procedure to be employed in the event that a complaint of sexual harassment or other form of unlawful harassment is observed.

(2) Provide necessary training to managers and supervisors in order to reduce the likelihood of sexual harassment or other forms of unlawful harassment in the workplace.

C. Borough employees. All borough employees have a responsibility for maintaining a working environment free from sexual harassment and other forms of unlawful harassment. The said employees shall assist the borough in maintaining an atmosphere free from inappropriate, disrespectful and unwelcome conduct and communication of a sexual nature.

§ 19-9. False accusations.

Due to the serious and private nature of this offense, false accusations of sexual harassment and other forms of unlawful harassment are, and will be treated as, disciplinary offenses and will result in the same level of punishment as that applied to one who engages in such behavior or the behavior of any form of unlawful harassment.

§ 19-10. Violations and penalties.

If any borough employee is found to have committed a violation of the provisions of this resolution, the employee shall be subject to immediate disciplinary action by the borough. The nature of the disciplinary action will depend upon the number and severity of the violation but may include suspension without pay, loss of employment benefits and/or dismissal.

Chapter 26

OFFICERS AND EMPLOYEES

ARTICLE I
Borough Council

§ 26-1. Expenses.
§ 26-2. Payment of expenses.
§ 26-3. Appropriation of funds.
§ 26-4. Performance of duties.
§ 26-5. Suspension of expenses.

ARTICLE II
Secretary-Treasurer

§ 26-6. Offices to be combined; duties of Secretary-Treasurer.
§ 26-7. Compensation.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville: Art. I, 8-14-1967 by Ord. No. 376; Art. II, 1-8-1975 by Ord. No. 406. Amendments noted where applicable.]

ARTICLE I
Borough Council
[Adopted 8-14-1967 by Ord. No. 376]

§ 26-1. Expenses.[1]

All persons who are legally qualified members of the Reynoldsville Borough Council after the first Tuesday of January 1968 shall receive expenses at the rate of $30 per month beginning with the month of January 1968.

§ 26-2. Payment of expenses.

Expenses to Council members entitled to receive the same shall be paid out of the general fund of the Borough of Reynoldsville, in the month following the month the expenses were incurred.

§ 26-3. Appropriation of funds.

The Reynoldsville Borough Council shall annually make sufficient appropriations to the General Revenue Fund of the Borough of Reynoldsville to provide for such expenses.

§ 26-4. Performance of duties.

The payment of such expenses shall be contingent upon each Council member faithfully performing the duties and assignments of his or her office.

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[1] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 26-5. Suspension of expenses. [Amended 12-12-1979 by Ord. No. 420]

The failure of any Council member to faithfully discharge the duties and assignments of his or her office may subject such Council member to suspension of expenses for any absence from a regularly scheduled Council meeting upon a Councilmanic motion or resolution to this effect, which motion or resolution is supported by a majority vote of the existing full body.

ARTICLE II
Secretary-Treasurer
[Adopted 1-8-1975 as Ord. No. 406]

§ 26-6. Offices to be combined; duties of Secretary-Treasurer.

From the date of the passing of this article, the office of Borough Secretary and the office of Borough Treasurer shall herewith be combined into the office of Secretary-Treasurer, and the said Secretary-Treasurer shall assume the obligations and responsibility of the offices of Secretary-Treasurer in accordance with the Borough Code of the Commonwealth of Pennsylvania.[2]

§ 26-7. Compensation.

The compensation to be paid to the Secretary-Treasurer shall be as agreed upon and established by resolution of the Borough Council, and as may be changed from time to time in accordance with the resolutions as established by said Borough Council.

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[2] **Editor's Note: See 53 P.S. § 45101 et seq.**

Chapter 31

PENSIONS

ARTICLE I

Police Pension Plan and Fund

§ 31-1. Short title.

§ 31-2. Establishment of Police Pension Fund.

§ 31-3. Revenue sources.

§ 31-4. Administration.

§ 31-5. Participation.

§ 31-6. Contributions.

§ 31-7. Prior contributions.

§ 31-8. Eligibility for pension.

§ 31-9. Normal retirement benefit.

§ 31-9.1. In-service retirement option plan.

§ 31-10. Service increment.

§ 31-11. Benefit restrictions.

§ 31-12. Survivor's benefit.

§ 31-13. Optional forms of survivor's benefit.

§ 31-14. Preretirement death benefit.

§ 31-15. Vesting.

§ 31-16. Disability.

§ 31-17. Maximum benefit limitations.

§ 31-18. Expense of administration.

§ 31-19. Inalienability of pension payments; nontransferable.

§ 31-20. Benefits contingent upon soundness of fund.

§ 31-21. Amendments.

ARTICLE II

Nonuniformed Employees Pension Plan

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Municipal Authority — See Ch. 5.
Civil Service Commission — See Ch. 9.
Council of Governments — See Ch. 13.
Officers and employees — See Ch. 26.
Police Department — See Ch. 34.
Recreation Commission — See Ch. 40.
Sewage Authority — See Ch. 44.

ARTICLE I

Police Pension Plan and Fund

[Adopted 1-15-2003 by Ord. No. 504[1]]

§ 31-1. Short title.

This article shall be known and cited as the "Police Pension Plan Ordinance of the Borough of Reynoldsville."

1. **Editor's Note: This ordinance repealed all ordinances and resolutions prior to the date of its enactment, which ordinances or resolutions established, maintained, governed or regulated police pensions of the Borough of Reynoldsville, including former Art. I, Police Pension Fund, adopted 10-23-1985 by Ord. No. 438, and subsequent amendments thereto.**

§ 31-2. Establishment of Police Pension Fund.

Pursuant to and in accordance with the provisions of Act No. 120 of the General Assembly of the Commonwealth of Pennsylvania, approved the 12th day of May, 1943, P.L. 259, as amended,[2] and any other act of said General Assembly hereinafter approved and applicable thereto, the Borough of Reynoldsville, Jefferson County, Pennsylvania, does hereby restate the Police Pension Plan and Police Death and Disability Benefit Fund, which fund may be hereinafter referred to as the "Borough of Reynoldsville Police Pension Plan."

§ 31-3. Revenue sources.

Said Borough of Reynoldsville Police Pension Plan shall be maintained from the following sources in compliance with the aforesaid Act of Assembly:

A. Any sum or sums paid to the Borough of Reynoldsville from any official or Department of the Commonwealth of Pennsylvania under any present or future law pertinent thereto;

B. Any money or property real, personal or otherwise which the Borough may by gift, grant, devise or bequest receive for the benefit of the plan;

C. Any and all contributions that may be lawfully made by the Borough to the plan;

D. Receipts from investments by said plan; and

E. Any and all amounts accumulated under any prior investment contracts or certificates.

§ 31-4. Administration.

The Borough of Reynoldsville shall administer the Police Pension Plan established by this article by such regulations as shall from time to time be necessary for the effective maintenance of the plan, provided that no regulation shall be contrary to the statutes of the Commonwealth pursuant to which this plan is established. The Borough of Reynoldsville Council is hereby authorized and empowered to execute and deliver on behalf of the Borough of Reynoldsville Police Pension Plan, agreements, investment contracts, annuities and such other documents as the Council shall determine to be necessary and proper to effectuate and implement the Police Pension Plan hereby established.

§ 31-5. Participation.

All full-time police officers of the Reynoldsville Police Department are eligible to participate in the plan.

§ 31-6. Contributions.

Employee contributions are not required as long as the pension is actuarially sound.

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2. Editor's Note: See 72 P.S. § 2263.1 et seq.

§ 31-7. Prior contributions.

In the event a police officer terminates employment with the Borough, interest shall be credited to the officer's prior contributions at the rate of 6% compounded annually.

§ 31-8. Eligibility for pension.

To qualify for a pension under the provisions hereof, a regularly employed member of the Police Department of the Borough of Reynoldsville shall have 25 years minimum period of total service and shall have attained the age of 52 years.

§ 31-9. Normal retirement benefit.

The normal retirement benefit shall be calculated at 75% of the participant's highest 36 months average earnings prior to retirement.

§ 31-9.1. In-service retirement option plan. [Added 5-17-2006 by Ord. No. 522; amended 3-21-2007 by Ord. No. 526]

A. In-service retirement option plan (DROP or IROP). The in-service retirement plan shall be a part of the Borough of Reynoldsville Police Pension Defined Benefit Plan. Any participant in the plan who has met the age and service requirements for normal retirement, age 52 with 25 years of service, may, in writing, elect to participate in the IROP and defer receipt of retirement benefits and continue employment with the Borough for a total of up to five years. The IROP participant's money retirement benefit shall be paid into a subsidiary account held on behalf of the participant. Upon termination of employment, the participant shall receive the balance in the participant's subsidiary IROP account and begin to receive the previously determined monthly retirement benefit.

B. Upon deciding to participate in the IROP, the participant shall submit, on forms provided and required by the Borough, the following:

(1) A binding and irrevocable letter of resignation from regular employment with the Borough that states the participant's intent to retire and specifies the participant's retirement date.

(2) The letter must include an agreement to forgo active participation in the pension plan and exclude any growth in the salary base used for calculating the regular retirement benefit.

(3) An election to participate is irrevocable.

(4) No penalty shall be assessed for early withdrawal from the IROP. If the participant should choose to withdraw before expiration of the IROP period, the participant will receive the balance of his or her IROP account, plus the accumulated interest earned in the plan.

(5) One hundred percent of the participant's monthly pension benefit, plus interest, is accumulated in the IROP participant's account.

(6) The payout to the IROP participant is a lump-sum distribution, either direct payment or rollover to an authorized vehicle, payable to the participant at the conclusion of the IROP period upon early termination from the IROP program.

(7) The IROP participant, as a retired member, is considered ineligible for any preretirement benefits (including disability pension benefits, salary base growth and pension benefit accrual) payable from the pension fund that would have been payable to the participant had he or she not retired.

(8) The IROP participant is eligible for all benefits payable by the Borough as a condition of employment (workers' compensation, heart-lung act, insurance policy death benefits, etc.) other than those that are pension related.

(9) The balance in the IROP account shall be paid to either the participant or the participant's named beneficiary within 45 days after termination of the IROP participation as either a lump sum or a tax-sheltered rollover distribution.

(10) The monthly retirement benefits that would have been payable had the police officer elected to cease employment and receive a normal retirement benefit shall, upon the police officer commencing participation in DROP, be paid into the separate account established to receive the participant's monthly pension payments. This account shall be designated the DROP account. An individual officer's DROP account shall be a self-directed investment vehicle with the officer having exclusive control over the investment of his or her DROP account monies. The Borough accepts no responsibility and makes no guarantee for the performance of any investments made by the officer, nor shall the Borough guarantee or be required to guarantee that an officer's DROP account generate a specific amount of earnings or income or any earnings or income at all. Any investment losses occurring in an officer's DROP Account shall be solely the responsibility of the officer and the Borough assumes no liability or responsibility for the same. Likewise, the Borough's establishment of a DROP shall not be construed to endorse any retirement vehicle, investment manager, nor shall the DROP be construed as providing tax advice or other information to retirees. By entering into the DROP, each participating officer holds the Borough harmless for any tax, financial or other consequences of the DROP Program or the officer's participation therein.

§ 31-10. Service increment.

A service increment of $20 per year shall be granted to retired police officers for each completed year of service in excess of 25 years. The total service increment shall not exceed a total of $100 per month.

§ 31-11. Benefit restrictions. [Added 7-20-2011 by Ord. No. 539[3]]

A. The age requirements are established that any officer must be 60 years of age with a minimum of 25 years of full-time service to the Borough of Reynoldsville to eligible for retirement benefits.

B. The Police Pension benefits shall be set at 40% of the police officer's wages during the preceding highest 36 months of earnings.

C. Each police officer shall contribute 5% of his/her wages to the Police Pension Plan annually.

D. There shall be no survivor's benefits applicable to eligibility in the Plan, and any such survivor's benefits is eliminated unless the said officer is killed in the line of duty or becomes totally disabled. When such survivor's benefits apply should an officer be killed in the line of duty or become totally disabled, they will receive survivor benefits at the rate of 40% of the last 36 months of payroll. **[Amended 11-19-2014 by Ord. No. 548]**

E. Police officers shall be 100% vested with their pension after 12 years of full-time service. **[Added 11-19-2014 by Ord. No. 548]**

F. Any prior ordinances inconsistent with the within terms is hereby repealed and any portions not inconsistent are hereby ratified and reenacted.

G. This section shall take effect and be in full force and effect 30 days from and after the date of its passage and shall apply to all full-time police officers so employed.

H. If any section, sentence, clause or phase of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. It is herewith declared that Council would have passed this section irrespective of the fact that any or more sections or sentences be declared unconstitutional.

§ 31-12. Survivor's benefit.

The surviving spouse of a police officer or the children under the age of 18 shall be eligible to receive a survivor's benefit based upon 50% of the benefit the officer was receiving or would have been receiving had the officer been retired at the time of death. The surviving spouse shall be entitled to the survivor's benefit regardless of future marital status.

§ 31-13. Optional forms of survivor's benefit.

Alternative retirement options shall be available at the time an election to retire is made. The retiring officer may elect an optional actuarially reduced benefit of the normal retirement benefit to provide survivor benefits. The optional benefit elected may be based on 65%, 75%, or 100% of the actuarially reduced normal benefit.

3. Editor's Note: Former § 31-11, Cost-of-living allowance (COLA), was repealed 12-27-2007 by Ord. No. 530.

§ 31-14. Preretirement death benefit.

Should an officer die prior to retirement, the officer's spouse shall be entitled to the vested earned accrued benefit liability at the time of the officer's death. The officer's spouse shall have the option to receive the benefit in one lump sum or elect a lifetime monthly income.

§ 31-15. Vesting.

Should a full-time police officer who is a participant under the Borough of Reynoldsville Police Pension Fund be discharged or voluntarily withdraw from the police force, the participant shall be 100% vested after the completion of 12 years total service with the Borough.

§ 31-16. Disability.

If an officer under this article is deemed totally and permanently disabled by the Borough of Reynoldsville and it is determined by a licensed physician that the disability is permanent and will prevent the participant from performing his duties as a police officer, the officer may elect to retire under total disability. The disability benefit shall be based upon the normal retirement benefit formula, 75%. The disability benefit shall be payable in the event of service related or non-service-related disabilities.

§ 31-17. Maximum benefit limitations.

Notwithstanding any provisions of this plan to the contrary, no benefit provided under this plan attributable to contributions of the employer shall exceed, as an annual amount, the amount specified in Code Section 415(b)(1)(A) as adjusted pursuant to Code Section 415(d), assuming the form of benefit shall be a straight life annuity (with no ancillary benefits). The limitations described in this article shall be governed by the following:

A. Benefits paid or payable in a form other than a straight life annuity (with no ancillary benefits) or where the employee contributes to the plan or makes rollover contributions shall be adjusted on an actuarially equivalent basis to determine the limitation contained herein;

B. In the case of a benefit which commences prior to the attainment of age 62 by the participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined pursuant to this section commencing at age 62; however, the reduction shall not reduce the limitation below $75,000 for a benefit commencing at or after age 55, or if the benefit commences prior to attainment of age 55 the amount which is actuarially equivalent to a benefit of $75,000 commencing at age 55. In the case of a qualified participant, a participant with respect to whom a period of at least 15 years of service, including applicable military service, as a full-time employee of a police department is taken into account in determining the amount of benefit, the limitation contained herein shall not reduce the limitation to an amount less than the amount specified pursuant to Code Section 415(b)(2)(G)(i) and such amount shall be adjusted pursuant to Code Section 415(d).

§ 31-18. Expense of administration.

The expense of the administration of the Borough of Reynoldsville Police Pension Plan including compensation of an actuary and the administrator of the fund, shall be paid by the Police Pension Fund.

§ 31-19. Inalienability of pension payments; nontransferable.

The assets of the Police Pension Fund, including any annuity contracts purchased by the fund and the pension payments herein provided for, shall not be subject to attachment, execution, levy, garnishment or other legal process and shall be payable only to the police officer or the police officer's designated beneficiary and shall not be subject to the assignment of transfer.

§ 31-20. Benefits contingent upon soundness of fund.

The benefits contained in this article are subject to the pension being actuarially sound and that written confirmation is received that the fund would be sound with such benefits being paid.

§ 31-21. Amendments.

The Reynoldsville Borough Council reserves the right to amend at any time, in whole, or in part, any or all of the provisions of this article. However, no such amendment shall authorize or permit any part of the Reynoldsville Police Pension Plan to be used or diverted to purposes other than for the exclusive benefit of the participants, their beneficiaries or their estates.

ARTICLE II

Nonuniformed Employees Pension Plan

[The Nonuniformed Employees Pension Plan, originally adopted as the Reynoldsville Borough Street Department Pension Fund, as amended, is on file in the Borough offices.]

Chapter 34

POLICE DEPARTMENT

§ 34-1. Establishment; duties of Chief.
§ 34-2. Composition.
§ 34-3. Special policemen.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 12-12-1960 by Ord. No. 341. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 26.
Police Pensions Fund — See Ch. 31, Art. I.

§ 34-1. Establishment; duties of Chief.

The existing Police Department is hereby recognized and reestablished in and for the Borough of Reynoldsville. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members in the exercise of their powers, duties and authority.

§ 34-2. Composition.

Subordinate to the Chief of Police in the Police Department shall be patrolmen. The number of persons to serve in such classification, on a full-time or a part-time basis, and the compensation of each shall be as determined by the Borough Council from time to time.

§ 34-3. Special policemen.

Nothing herein contained shall affect the authority of the Mayor to appoint special policemen.

Chapter 40

RECREATION COMMISSION

§ 40-1. Establishment.
§ 40-2. Composition; term; compensation.
§ 40-3. Officers; adoption of rules and regulations.
§ 40-4. Duties.
§ 40-5. Expenditures.
§ 40-6. Grants and gifts.
§ 40-7. Reports required; fiscal year.
§ 40-8. Powers.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 6-8-1953 by Ord. No. 299. Amendments noted where applicable.]

§ 40-1. Establishment. [Amended 9-26-1966 by Ord. No. 299-A]

Effective upon passage of this chapter, the Reynoldsville Borough Recreation Board established by Ordinance No. 299, approved June 8, 1953, shall hereafter be known and referred to as "Reynoldsville Recreation Commission."

§ 40-2. Composition; term; compensation. [Amended 9-26-1996 by Ord. No. 299-A]

The Reynoldsville Recreation Commission shall be composed of not fewer than five nor more than 15 members to be appointed by the Reynoldsville Borough Council. Each Commission member shall serve for such term as shall be designated by the Council, provided that no single appointment shall exceed a term of five years, and further provided that all service as a member of the Reynoldsville Recreation Commission shall be without compensation.

§ 40-3. Officers; adoption of rules and regulations.

The members of a Recreation Commission shall elect their own Chairman and Secretary and select all other necessary officers, to serve for a period of one year. Such board shall have power to adopt rules and regulations for the conduct of all business within its jurisdiction.

§ 40-4. Duties.

The Recreation Commission shall maintain, operate and supervise the public parks, playfields and all outdoor and indoor recreation areas and facilities owned or controlled by the Borough of Reynoldsville, Pennsylvania.

§ 40-5. Expenditures.

All expenses incurred in the operation of said recreation places shall be payable from the treasury of the borough, but the Recreation Commission shall incur no expenses without the

prior approval of the Borough Council being first had and obtained, and in no event shall the amount of expenditures in any one year exceed the amount budgeted for recreation purposes for the year in which the expenses are incurred.

§ 40-6. Grants and gifts.

The Recreation Commission may accept any grant, gift or money from any individual or group, to be used as specified by the donor or by the terms of acceptance.

§ 40-7. Reports required; fiscal year.

The Recreation Commission shall make full and complete reports to the Borough Council at least annually and at such times as may be designated or requested by the Borough Council. The fiscal year of said Recreation Commission shall conform with that of the Borough of Reynoldsville, Pennsylvania.

§ 40-8. Powers.

Such powers as are now or may hereafter be provided by statute of the Commonwealth of Pennsylvania, or by ordinances of the Borough of Reynoldsville, relating to the development and operation of recreation systems, public parks and playgrounds, are hereby vested in the Recreation Commission, to be exercised by it subject to any and all restrictions contained in such powers and ordinances.

Chapter 44

SEWAGE AUTHORITY

§ 44-1. Establishment.
§ 44-2. Meetings.
§ 44-3. Bylaws.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 6-3-1958. Amendments noted where applicable.]

GENERAL REFERENCES

Municipal Authority — See Ch. 5.
Sewers — See Ch. 158.

§ 44-1. Establishment.

The Board of the Reynoldsville Sewage Authority be and it is hereby organized pursuant to the Municipality Authorities Act of 1945, as amended,[1] of the Commonwealth of Pennsylvania, and is now authorized to transact business and exercise its functions in its field of operation as defined in said Act.

§ 44-2. Meetings.

The time, hour and place of the regular meetings of the Board of the Reynoldsville Sewage Authority shall be the third Tuesday of each and every month at 8:00 p.m., prevailing time, in the Municipal Building, Reynoldsville, Pennsylvania.

§ 44-3. Bylaws.

The following bylaws be and they are hereby adopted and approved as and for the bylaws of the Reynoldsville Sewage Authority, Reynoldsville, Pennsylvania:

BY-LAWS OF REYNOLDSVILLE SEWAGE AUTHORITY, REYNOLDSVILLE, PENNSYLVANIA

ARTICLE I – THE AUTHORITY

Section 1. Name of Authority. The name of the Authority shall be as specified in its Articles of Incorporation, to-wit: Reynoldsville Sewage Authority.

Section 2. Seal of Authority. The seal of the Authority shall the name of the Authority and the year of its incorporation, and shall be in the form of the seal impressed in the margin hereof, opposite this section.

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1 Editor's Note: See 53 P.S. § 301 et seq.

Section 3. Office of Authority. The office of the Authority shall be at the Municipal Building, Reynoldsville, Pennsylvania, but the Board of the Authority may, by proper resolution, designate any other place as the office of the Authority.

ARTICLE II – OFFICERS

Section 1. Officers. The officers of the Authority shall be a Chairman, a Vice Chairman, a Secretary, a Treasurer and an Assistant Secretary-Treasurer, to be elected from the members of the Board of the Authority.

Section 2. Chairman. The Chairman shall preside at all meetings of the Board of the Authority. Except as otherwise authorized by resolution of the Board of the Authority, the Chairman shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business affairs and policies of the Authority.

Section 3. Vice Chairman. The Vice Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the resignation or death of the Chairman the Vice Chairman shall perform such duties as are imposed on the Chairman until such time as the Board of the Authority shall appoint a new Chairman.

Section 4. Secretary. The Secretary shall keep the records of the Authority, shall act as Secretary of the meetings of the Board of the Authority and record all votes, and shall keep a record of the proceedings of the Board of the Authority in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his office. He shall keep in safe custody the seal of the Authority, and shall have power to affix such seal to all proceedings and resolutions of the Board of the Authority and to all contracts and instruments authorized to be executed by the Authority.

Section 5. Treasurer. The Treasurer shall have the care and custody of all funds of the Authority, and shall deposit the same in the name of the Authority in such bank or banks as the Board of the Authority may select. The Treasurer shall sign all orders and checks for the payment of money, and shall pay out and disburse such moneys under the direction of the Board of the Authority. Except as otherwise authorized by resolution of the Board of the Authority, all such orders and checks shall be countersigned by the Chairman. He shall keep regular books of accounts showing receipts and expenditures, and shall render to the Board of the Authority at each regular meeting (or more often when requested) an account of his transactions and also of the financial condition of the Authority. He shall give such bond for the faithful performance of his duties as the Board of the Authority may determine.

Section 6. Assistant Secretary-Treasurer. The Assistant Secretary-Treasurer shall perform all the duties of either the Secretary or the Treasurer in the absence or incapacity of the Secretary or the Treasurer; and in the case of the resignation or death of the Secretary or the Treasurer, the Assistant shall perform such duties as are imposed upon such deceased or resigning Secretary or Treasurer until such time as the Board of the Authority shall appoint a new Secretary or Treasurer.

Section 7. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Board of the Authority or the By-Laws or rules and regulations of the Authority.

Section 8. Election or Appointment. The Chairman, Vice Chairman, Secretary, Treasurer, and Assistant Secretary-Treasurer shall be elected at the annual meeting of the Board of the Authority from among the members of the Board of the Authority, and shall hold office for one year or until their successors are elected and qualified.

Section 9. Vacancies. Should the office of Chairman, Vice Chairman, Secretary, Treasurer, or Assistant Secretary-Treasurer become vacant, the Board of the Authority shall elect a successor from its membership at the next meeting, and such election shall be for the unexpired terms of said office.

Section 10. Additional Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions, as prescribed by the Municipality Authorities Act of 1945, as amended, of Pennsylvania, and all other laws of the Commonwealth of Pennsylvania, applicable thereof. The selection and compensation of such personnel shall be determined by the Board of the Authority subject to the laws of the Commonwealth of Pennsylvania.

ARTICLE III – MEETINGS

Section 1. Annual Meetings. The annual meeting of the Board of the Authority shall be held on the third Tuesday of January, at 8:00 o'clock P.M., at the regular meeting place of said Board. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next succeeding secular day.

Section 2. Regular Meetings. Regular meetings may be held without notice a such times and places as may from time to time be determined by resolution of the Board of the Authority.

Section 3. Special Meetings. The Chairman of the Board of the Authority may, when he deems it expedient, and shall, upon the written request of two members of the Board of the Authority, call a special meeting of the Board of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each member of the Board of Authority or may be mailed to the business or home address of each member thereof two days or more prior to the date of such special meeting. No business shall be considered other than as designated in the call, but if all the members of the Board of the Authority are present at a special meeting, any and all business may be transacted at such special meeting.

Section 4. Quorum. At all meetings of the Board of the Authority, three of the members of the Board shall constitute a quorum for the purpose of transacting business; provided, however, that a smaller number may meet and adjourn to some other time or until a quorum is obtained.

Section 5. Order of Business. At the regular meetings of the Board of Authority, the following shall be the order of business:

1. Roll call.
2. Reading and approval of minutes of the previous meeting.

3. Bills and communications.
4. Report of the Secretary.
5. Report of the Treasurer.
6. Report of the Committees.
7. Unfinished business.
8. New business.
9. Adjournment.

Section 6. Manner of Voting. The voting on all questions coming before the Board of Authority shall be by roll call, and the ayes and nays shall be entered upon the minutes of such meeting, unless the vote is unanimous of all members present, and in that case the minutes shall so indicate.

ARTICLE IV – AMENDMENTS

Section 1. Amendments to By-Laws. The By-Laws of the Authority shall be amended only with the approval of at least three of the members of the Board of the Authority at a regular or special meeting.

PART II

GENERAL LEGISLATION

Chapter 58

ADULT-ORIENTED BUSINESSES AND MATERIALS

§ 58-1. Definitions.
§ 58-2. Zoning restriction.
§ 58-3. Standards and regulations.
§ 58-4. Violations and penalties.
§ 58-5. Fees.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 5-26-2004 by Ord. No. 509. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 88.

§ 58-1. Definitions.

This chapter shall include the following definitions as specific terms:

ADULT MATERIALS — Adult materials shall include but not be limited to any literature, books, magazines, pamphlets, newspapers, papers, comic books, drawings, articles, computer or other images, motion pictures, mechanical devices, instruments, clothing or any other writings, materials or accessories that are distinguished or characterized by their emphasis on matter depicted, described or related to "specified sexual acts" or "specified anatomical areas," as defined herein, or an establishment with a segment or section exclusively devoted to the sale, lease, gift, trade, display of such materials or of any drug paraphernalia.

ADULT-ORIENTED BUSINESS — Use of a building, structure or property, or part thereof, for a business that has adult materials in a section or segment devoted to such materials or a substantial or significant portion of its stock-in-trade for the purposes of sale, lease, trade, gift or display of such adult materials. For the purposes of this chapter, adult-oriented businesses shall also mean and include any massage parlor, nightclub, bar, tavern, restaurant, eating and drinking establishment, arcade, theater, motel, hotel, or any other establishment that regularly features, for economic gain or other consideration, entertainment in any form that is characterized by nudity or the depiction or display of sexual activities.

NUDITY — Nudity means the showing of the human male or female genitals, pubic area, buttocks, or anus, any part of the nipple or any part of a female breast below a point immediately above the top of the areola with less than a fully opaque covering.

§ 58-2. Zoning restriction.

The Reynoldsville Borough Ordinance includes adult-oriented business as a conditional use in a commercial area.

§ 58-3. Standards and regulations.

This chapter includes the following standards for the conditional use of an adult-oriented business:

A. Adult businesses must be conducted and maintained in such a manner as to ensure the health, safety and welfare of the citizens and their property in Reynoldsville Borough.

B. General regulations.

(1) Adult-oriented businesses shall only be permitted as a conditional use in a commercial area.

(2) No adult-oriented business shall be located within 500 feet of any of the following land uses, as measured from the nearest point of both properties.

(a) Churches.

(b) Schools (public or private).

(c) Child-care/day-care facility.

(d) Residence.

(e) Park.

(f) Playground.

(g) Community center.

(h) Library.

(i) Museum.

(j) Camp.

(k) Amusement park.

(l) Ball field.

(m) Any other area where minors congregate.

(3) No adult-oriented business shall be located on a parcel of land that is adjacent to U.S. Route 322.

(4) No adult-oriented business shall be located within 2,000 feet of another adult business.

(5) Permit required. No adult business shall be commenced or continued without a conditional use permit being obtained from the Borough pursuant to this chapter.

(6) Signs and displays. No exterior display or interior display which is visible from outside the business shall be made to identify or portray the type of activity which occurs at an adult-oriented business excepting for one approved ground sign not to exceed a surface area of 36 square feet for both sides combined. Such sign shall be subject to all other limitations applicable to signs. It shall not incorporate any obscene material, sexual messages, or any sexual or obscene innuendos, or any pictures, but

shall be otherwise unlimited as to message. All entrances to an adult business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.

(7) Nonconforming buildings or lots. No nonconforming building or lot shall be used for an adult-oriented business. No other existing building, lot or use shall be added to, enlarged, expanded in size or program or converted for purposes of conducting an adult-oriented business unless application to do so has been made pursuant to this section.

(8) All exterior areas of the adult business, including buildings, landscaping, and parking areas shalt be kept free of trash and debris and maintained in a clean and orderly manner at all times.

(9) Hours of operation shall not be from 2:00 a.m. to 6:00 a.m., and the business must be closed on Sundays and all federal observed holidays.

(10) Each adult business shall conform to all applicable laws and regulations with regards to federal, state, and local laws.

C. Prohibited activities. Because they are known to present severe health risks (including spread of sexually transmitted diseases), encourage prostitution, increase sexual assaults and attract criminal activity, the following activities shall not be permitted in any adult-oriented business within the Borough of Reynoldsville:

(1) Adult business shall not sell or display "obscene matter," as that term is defined by the PA Crimes Code or its successors, and may not exhibit "harmful matter," as that term is defined by the PA Crimes Code or its successors, to minors.

(2) No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to "specified sexual activities" or "specified anatomical areas" inside the premises from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening.

(a) Specified sexual activities:

[1] Fondling or other erotic touching of human genitals, pubic region, buttocks, anus (or) female breast.

[2] Sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation or sodomy.

[3] Acts of human masturbation, actual or simulated.

[4] Excretory function as part of or in connection with any of the activities set forth above.

(b) Specified anatomical areas:

[1] Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

[2] Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

[3] No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.

[4] Public appearance by a person knowingly or intentionally engaged in sexual intercourse, deviate sexual conduct, or the fondling of the genitals of himself or another person, or the fondling of female breasts.

[5] The knowing and intentional public appearance of a person in a state of nudity.

D. Adult businesses must meet the following minimum criteria.

(1) Minimum front yard setback of 300 feet.

(2) Minimum side yard of 100 feet.

(3) Screening shall be provided along all property lines that are not adjacent to a public road, which shall be three rows of evergreens, six feet in height, and staggered so as to not see through them. The screening must be maintained by the property owners, and trees that do not survive must be replaced as soon as they show signs of dying.

(4) A business shall meet any other conditions set forth by Reynoldsville Borough Council which are reasonable and that provide for the health, safety, and well-being of the public in general.

§ 58-4. Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction thereof, be sentenced to a fine of not more than $1,000, plus costs, and in default of payment of said fine and costs, to a term imprisonment not to exceed 30 days. Each day on which a violation of this chapter shall continue shall constitute a separate offense.

§ 58-5. Fees.

The annual fee for an adult entertainment permit is $500 or such fee as may be established by Reynoldsville Borough Council by resolution.

Chapter 60

ALCOHOLIC BEVERAGES

§ 60-1. Definitions.
§ 60-2. Prohibited acts; exception.
§ 60-3. Possession of open container.
§ 60-4. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 8-5-1987 by Ord. No. 450. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 88.

§ 60-1. Definitions.

Whenever used in this chapter, the following terms are defined as follows:

ALCOHOLIC BEVERAGE — Any liquid intended for human consumption containing more than ½ of 1% (.005) of alcohol by volume.

INTENT TO CONSUME[1] — Includes any of the following:

A. Drinking from the container.

B. Possession with movement of the container to the mouth.

C. Possession with alcohol on the breath of the possessor.

D. Any circumstances evidencing an intent to ultimately consume on any public lands without permission.

OPEN CONTAINER — Any open bottle, can or container containing liquor, beer, wine or other alcoholic beverage.[2]

PUBLIC PLACE — Any place to which the public or a substantial group of persons has access, including but not limited to any highway, street, road, sidewalk, parking area, shopping area, place of amusement, playground or park located within the borough, except that the definition of a public place shall not include those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within a person's own private property.

1 Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2 Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 60-2. Prohibited acts; exception.[3]

No person shall drink or consume an alcoholic beverage or possess with the intent to consume an open container containing an alcoholic beverage in any place except at a function for which a permit has been obtained from the Borough Secretary-Treasurer, as may be required.

§ 60-3. Possession of open container.[4]

Possession with the intent to consume of an open container containing an alcoholic beverage by any person shall create a violation of this chapter.

§ 60-4. Violations and penalties.[5]

Any person who shall be found to have violated any of the provisions of this chapter shall be punished by a fine of not more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, imprisonment for up to 30 days.

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[3] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

[4] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

[5] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 64

ANIMALS

ARTICLE I
Keeping of Animals and Fowl

§ 64-1. Keeping of certain animals prohibited.
§ 64-2. Horses.
§ 64-3. Chickens and fowl.
§ 64-4. Burial of animals.
§ 64-5. Violations and penalties.

ARTICLE II
Dogs and Cats

§ 64-6. Running at large.
§ 64-7. Barking.
§ 64-8. Cleaning of places where animals defecate.
§ 64-9. Proper care of animals.
§ 64-10. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville: Art. I, 7-24-1974 by Ord. No. 405; Art. II, 1-19-1983 by Ord. No. 427. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 134.

ARTICLE I
Keeping of Animals and Fowl
[Adopted 7-24-1974 by Ord. No. 405]

§ 64-1. Keeping of certain animals prohibited.

No person, firm or corporation shall keep any pig, hog, cattle, goat or sheep or any hive of bees at any place within the Borough of Reynoldsville.

§ 64-2. Horses.

A. No person, firm or corporation shall keep any horse or horses at any place within the borough except with special permission from the Board of Health and approved by Borough Council. Such permission shall be granted only on the following conditions:

(1) The place where such horse or horses are proposed to be kept shall be so located and the stable to be provided is such that no nuisance shall result therefrom.

(2) No stable shall be located within 100 feet of any dwelling house or within 30 feet of any street.

(3) Every stable shall be kept in a sanitary condition and free from unpleasant odors and conditions contributing to the breeding of flies.

(4) Manure and filth shall not be permitted to accumulate to the annoyance of any resident of the vicinity or person traveling thereby.

B. Any permission granted by the Board of Health, and confirmed by Borough Council, under this section may be revoked thereby at any time when any of the conditions of this section are not complied with.

§ 64-3. Chickens and fowl.

A. No person, firm or corporation shall keep any chickens or other fowl at any place within the Borough of Reynoldsville except with special permission of the Board of Health and approved by Borough Council. Such permission shall be granted only upon the following conditions:

(1) Such chickens or other fowl shall be kept in good condition, healthy, clean and free from disease.

(2) Pens or coops shall be provided for all chickens or other fowl, and no chickens or other fowl shall be kept in any cellar or part thereof or shall be permitted to run at large.

(3) No pen or coop shall be located within 25 feet of any dwelling or street.

(4) All pens and coops shall be kept clean and free from vermin and shall be dry, airy, well lighted and not overcrowded.

(5) All refuse food and excrement shall be removed as often as necessary to prevent odors from developing therefrom.

B. Any permission granted by the Board of Health and approved by Borough Council under this section may stipulate the maximum number of chickens or other fowls that may be kept upon any premises thereunder and may be revoked at any time when any of the conditions hereof are not complied with.

§ 64-4. Burial of animals.

No person shall bury any horse, cattle, sheep or swine at any place within the limits of the borough. Any person burying any other dead animal within the limits of the borough shall be required to bury the same not less than three feet below the surface of the ground.

§ 64-5. Violations and penalties.[1]

Any person, firm or corporation who or which shall violate any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ARTICLE II
Dogs and Cats
[Adopted 1-19-1983 as Ord. No. 427]

§ 64-6.[2] Running at large.

It shall be unlawful for the owner, custodian or keeper of any dog to allow such dog to run at large at any time, either upon any of the streets, alleys or public grounds in the Borough of Reynoldsville or upon the property of another person, other than the owner, custodian or keeper of such dog, unless accompanied by and under the immediate control of such owner, custodian or keeper.[3]

§ 64-7. Barking.

It is hereby declared that any excessive barking that creates a public nuisance is unlawful, and violations thereof, after an appropriate warning for the first offense, shall be fined in accordance with the hereinafter provisions.

§ 64-8. Cleaning of places where animals defecate.

Property owners shall be responsible for cleaning any kennels, pens and yard areas where animals defecate to aid in eliminating health hazards and odors and to keep vermin to a minimum. Owners of any animal will be required to clean up any area where the animals have been allowed to defecate. This includes dogs when they are walking on the street, sidewalks and other public property and cats which are permitted to roam on other people's property.

§ 64-9. Proper care of animals.

All persons must provide adequately for any animal in their ownership, possession or control and shall not neglect any animal by physical abuse nor by failing to provide adequate shelter, food or water.

§ 64-10. Violations and penalties.[4]

Any owner, custodian or keeper of any dog or other animal who shall violate any of the provisions of this article may, upon conviction thereof, be sentenced to pay a fine of not more than $600 and costs of prosecution, and, in default of such payment of such fines and costs, to imprisonment for not more than 30 days.

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[2] **Editor's Note: Original Section 1, dealing with licenses, which immediately preceded this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

[3] **Editor's Note: Original Section III, dealing with rabies vaccinations, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

[4] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 70
BUILDING CONSTRUCTION

ARTICLE I
Setback Requirements

§ 70-1. Title; purpose.
§ 70-2. Special yard regulations.
§ 70-3. Structures in yard areas.
§ 70-4. Projections.
§ 70-5. Vision obstruction.
§ 70-6. Fences and walls.
§ 70-7. Violations and penalties.
§ 70-8. Variance for preexisting established building line.

ARTICLE II
Building Permits

§ 70-9. Intent.
§ 70-10. Applicability.
§ 70-11. Abrogation and greater restrictions.
§ 70-12. Warning and disclaimer of liability.
§ 70-13. Building permits required.
§ 70-14. Issuance of building permit.
§ 70-15. Application procedures and requirements.
§ 70-16. Review by County Conservation District.
§ 70-17. Review of application by others.
§ 70-18. Changes.
§ 70-19. Start of construction.
§ 70-20. Inspection and revocation.
§ 70-21. Fees.
§ 70-22. Enforcement.
§ 70-23. Appeals.
§ 70-24. Identification of floodplain areas.
§ 70-25. General technical requirements.
§ 70-26. Existing structures in identified floodplain areas.
§ 70-27. Variances.
§ 70-28. Exclusions.
§ 70-29. Permits required.
§ 70-30. Setback requirements.

ARTICLE III
Adoption of BOCA Standards

§ 70-31. Adoption of standards by reference.
§ 70-32. Modifications to standards.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville: Art. I, 12-10-1984 by Ord. No. 433; Art. II, 1-17-1996 by Ord. No. 472; Art. III, at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Dangerous buildings — See Ch. 73.
Electrical standards — See Ch. 92.
Fire prevention — See Ch. 99.
Floodplain management — See Ch. 104.
Plumbing standards — See Ch. 144.
Property maintenance — See Ch. 149.
Sewers — See Ch. 158.
Smoke detectors — See Ch. 163.
Stormwater management — See Ch. 175.
Trailers and mobile homes — See Ch. 187.
Water — See Ch. 195.

ARTICLE I
Setback Requirements[1]
[Adopted 12-10-1984 by Ord. No. 433]

§ 70-1. Title; purpose.

This article is being established by the Borough of Reynoldsville for the purpose of promoting the public health, safety, morals and general welfare of the City of Reynoldsville and shall be known as the "Setback Ordinance of 1984."

§ 70-2. Special yard regulations.

From and after the date of this article, all construction in the Borough of Reynoldsville shall be conducted in such a manner that each lot shall have a front yard depth of at least 20 feet measured from the edge of the legal right-of-way line. Each lot shall have a side yard depth of at least 10 feet measured from the legal boundary line of said lot. Each lot shall have a back yard depth of at least 10 feet measured from the legal right-of-way line of the right-of-way existing at the rear of the property or, should no right-of-way exist at the rear of the property, measured from the legal boundary line of the lot.

§ 70-3. Structures in yard areas.

Accessory buildings shall not be constructed with any front or side yard, unless authorized by a special exception. Accessory buildings may be constructed in rear yard areas but not closer than at least 10 feet to the rear lot line.

§ 70-4. Projections.

No principal building and no part of a principal building shall be erected within or shall project into the front, side or rear yard of a lot, except cornices, eaves and gutters. Steps and stoops or chimneys are permitted to project into yard areas, provided that the projection is not more than 18 inches.

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1 **Editor's Note: Ordinance No. 472, adopted 1-17-1996, included the following:**
Ordinance No. 472, adopted 1-17-1996, included the following:
"Ordinance No. 433, setting forth the setback requirements of any buildings in the Borough of Reynoldsville, is hereby amended, and the provisions of that ordinance shall not apply to buildings located on Main Street, between Third Street and Coal Alley. The purpose of this exclusion is to allow new buildings on Main Street to build adjoining to one another instead of requiring the mandatory ten-foot side yard requirements of Ordinance No. 433."

Ordinance No. 519, adopted 2-16-2005, amended Ordinance No. 433 to included the following:
"It is the intention of the within ordinance to permit construction to the boundary line of the properties along Main Street from Third Street to Fifth Street without the requirement or approval of the Reynoldsvile Borough Council, and to permit such construction in areas from Tenth Street to Fifth Street and from Third Street to Broadway Street with the review and approval by Council after considering the health, safety and welfare of the particular request being made therein."

§ 70-5. Vision obstruction.

No walk, fence, sign or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.

(Cont'd on page 7003)

§ 70-6. Fences and walls.

No fence or wall, except a retaining wall, or a wall of a building permitted under the terms of this article, over four feet in height shall be erected within any of the open spaces required by this article unless that portion of the fence or wall exceeding four feet in height shall contain openings therein equal to 50% or more of the area of said portion of the fence or wall, provided that the required opening shall be deemed to include any openings that occur in that portion of the fence or wall that is within the first four feet of height of the fence measured from the ground.

§ 70-7. Violations and penalties.[2]

Any person who violates any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Each violation of any provision of this article and each day the same is continued shall be deemed a separate offense.

§ 70-8. Variance for preexisting established building line.

The Borough Council may grant a variance from the yard restrictions contained in this article in areas where a building line has previous been established by adjacent properties, to the extent that said line would continue along the established line, and provided that the same is not against the health and safety of the area.

ARTICLE II
Building Permits[3]
[Adopted 1-17-1996 by Ord. No. 472]

§ 70-9. Intent.

The intent of this article 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.

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2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

3 **Editor's Note: See also Ch. 104, Floodplain Management.**

§ 70-10. Applicability.

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Reynoldsville unless a building permit is obtained from the Code Enforcement Officer or the cost for said construction or development is less than $500, or unless such activity is excluded as set forth in this article.[4]

B. A building permit shall be required for minor repairs to existing buildings or structures unless the cost for said repairs is less than $500, then no permit shall be required.

§ 70-11. Abrogation and greater restrictions.

This article supersedes any other conflicting ordinances or provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive unless excluded herein. If there is any conflict between any or the provisions of this article, the more restrictive shall apply.

§ 70-12. Warning and disclaimer of liability.

A. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural cause, such as ice jams, and bridge openings restricted by debris. This article does not imply that areas outside any identified floodplain area or that land uses permitted within such areas will be free from flooding or flood damages.

B. This article shall not create liability on the part of the Borough of Reynoldsville or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

§ 70-13. Building permits required.

Building permits shall be required before any construction or development is undertaken within any area of the Borough of Reynoldsville, unless excluded herein.

§ 70-14. Issuance of building permit.

A. The Code Enforcement Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this article and all other applicable codes and articles.

B. Prior to the issuance of any building permit, the Code Enforcement Officer shall review the application for a permit to determine if all other necessary government permits required by

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[4] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);[5] the Pennsylvania Dam Safety and Encroachments Act (Act 1937-394, as amended);[6] the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.

C. No encroachment, alteration or improvement or any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough of Reynoldsville and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Planning, Bureau of Community Planning, shall be notified by the Borough of Reynoldsville prior to any alteration or relocation of any watercourse.

§ 70-15. Application procedures and requirements.

A. Application for such a building permit shall be made, in writing, to the Code Enforcement Officer on forms supplied by the Borough of Reynoldsville. Such application shall contain the following:

(1) The name and address of the applicant.

(2) The name and address of the owner of the land on which the proposed construction is to occur.

(3) The name and address of the contractor.

(4) Site location.

(5) Listing of other permits required.

(6) A brief description of the proposed work and the estimated cost.

(7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or redevelopment is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Code Enforcement Officer to determine that 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; all utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards. Applicants shall file the following minimum information, plus any other pertinent information (e.g., any or all of the technical

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5 **Editor's Note: See 35 P.S. § 750.1 et seq.**

6 **Editor's Note: See 32 P.S. § 693.1 et seq.**

information contained in § 70-25) as may be required by the Code Enforcement Officer to make the above determination:

(1) A completed building permit application form.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a) North arrow, scale and date.

(b) Topographic contour lines, if available.

(c) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet.

(d) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.

(e) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.

(f) The location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

(b) The elevation of the one-hundred-year flood.

(c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood; and factors associated with a one-hundred-year flood.

(d) Detailed information concerning any proposed floodproofing measures.

(4) The following data and documentation:

(a) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

(b) 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 one-hundred-year flood. Such statement shall include a

description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(c) Detailed information needed to determine compliance with § 104-25G, Storage, and § 104-29, Development which may endanger human life, including:

[1] The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.

[2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 104-29 during a one-hundred-year flood.

(d) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.

(e) 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.

§ 70-16. 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 Code Enforcement Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Code Enforcement Officer for possible incorporation into the proposed plan.

§ 70-17. 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 Code Enforcement Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

§ 70-18. Changes.

After the issuance of a building permit by the Code Enforcement Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Code Enforcement Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to Code Enforcement Officer for consideration.

§ 70-19. Start of construction.

A. Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the building permit or the

permit shall expire unless a time extension is granted, in writing, by the Code Enforcement Officer. 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.

B. Time extensions shall be granted if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Code Enforcement Officer to approve such a request.

§ 70-20. Inspection and revocation.

A. During the construction period, the Code Enforcement Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and articles. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Code Enforcement Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this article.

C. In the event that the Code Enforcement Officer discovers the work does not comply with the permit application or any applicable laws and articles, or that there has been a false statement or misrepresentation by an applicant, the Code Enforcement Officer shall revoke the building permit and report such fact to the Borough of Reynoldsville for whatever action it considers necessary.

D. A record of all such inspections and violations of this article shall be maintained.

§ 70-21. Fees.[7]

The fees as charged by the Borough of Reynoldsville for new and altered construction, as well as demolition of buildings, shall be as set forth from time to time by resolution of the Borough Council.[8]

§ 70-22. Enforcement.

A. Notices. Whenever the Code Enforcement Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulation adopted pursuant thereto, the

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[7] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

[8] **Editor's Note: Said fees are on file in the borough offices.**

Code Enforcement Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:

(1) Be in writing.

(2) Include a statement of the reasons for its issuance.

(3) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires.

(4) Be served upon the property owner or his 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.

(5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

B. Violations and penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order or direction of the Code Enforcement Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of Reynoldsville of not more than $1,000 plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed 30 days. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article 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 noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this article may be declared by the Borough Council to be a public nuisance and abatable as such.[9]

§ 70-23. Appeals.

A. Any person aggrieved by an action or decision of the Code Enforcement Officer concerning the administration of the provisions of this article may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the decision or action of the Code Enforcement Officer.

B. Upon receipt of such appeal the Borough Council shall set a time and place, within not less than 10 nor 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.

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[9] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

C. Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth, including the Pennsylvania Flood Plain Management Act.[10]

§ 70-24. Identification of floodplain areas.

The identified floodplain area shall be those areas of the Borough of Reynoldsville, which are subject to the one-hundred-year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Borough of Reynoldsville by the Federal Emergency Management Agency (FEMA).

§ 70-25. General technical requirements.

A. In the identified floodplain area, the development and/or use of any land shall be permitted, provided that the development and/or use complies with the restrictions and requirements of this article and all other applicable codes and ordinances in force in the municipality.

B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year flood elevation.

C. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

D. Within any identified floodplain area, 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, Bureau of Dams and Waterway Management.

E. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1½ feet or more above the one-hundred-year flood elevation.

F. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1½ feet or more above the one-hundred-year flood elevation or be floodproofed up to that height. Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least 1½ feet above the one-hundred-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the United States Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

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10 **Editor's Note: See 32 P.S. § 679.101 et seq.**

G. Enclosed areas below the lowest floor (including basement) are prohibited.

§ 70-26. Existing structures in identified floodplain areas.

The provisions of this article do not require any changes or improvements to be made to lawfully existing structures.

§ 70-27. Variances.

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

B. Variance procedures and conditions. Requests for variances may be considered by the Borough of Reynoldsville in accordance with the procedures contained in § 70-23 herein.

§ 70-28. Exclusions.

The following items are specifically excluded as minor repairs and do not require building permits:

A. Replacing of existing roofing.

B. Replacing of existing siding on a building.

C. Replacement of windows or doors in a building.

D. Painting of a structure, both interior and exterior.

E. Remodeling within a building, both interior and exterior, provided that the size of the structure remains the same.

F. Relaying of sidewalk, provided that other requirements of Chapter 179, Streets and Sidewalks, Article V, Sidewalks, Curbs and Gutters, are being met. If a new sidewalk is being installed, a permit would be needed in order to ensure that it is located properly.

G. Electrical work and plumbing within a structure.

H. Nothing that involves general maintenance, since a building permit must apply to the structure itself.[11]

I. The removal or change of any doorway, entranceway, interior wall, partition or portion thereof, affecting the structure or similar items.

J. Any replacement of sewer lines, drainage, soil pipe, water pipe or items of general nature.

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11 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 70-29. Permits required.

The following items require a building permit:

A. Any addition to structures.

B. Any shed to be installed upon the premises.

C. Any swimming pools, whether in-ground or above the ground.

D. Any hot tubs.

E. Any demolition work to occur with a permit to set forth the type of demolition work, place to which any debris would be hauled, etc.

F. Trailer removal, including removal of any mobile homes or modular homes, with the requirement that the owner must first obtain from the Tax Collector a verification that current taxes are paid before the removal of any such trailer or mobile home.

G. Any work upon any structure whereby a contractor is involved, in order to establish that the building contractor does have proper insurance and also has obtained the permit to work within the Borough of Reynoldsville and that proper liability insurance also is carried.[12]

H. All controlled burnings within the borough.

§ 70-30. Setback requirements.

Ordinance No. 433,[13] setting forth the setback requirements of any buildings in the Borough of Reynoldsville, is hereby amended and the provisions of that ordinance shall not apply to buildings located on Main Street, between Third Street and Coal Alley. The purpose of this exclusion is to allow new buildings on Main Street to build adjoining to one another instead of requiring the mandatory ten-foot side yard requirements of Ordinance No. 433.

ARTICLE III
Adoption of BOCA Standards
[Adopted at time of adoption of Code; (see Ch. 1, General Provisions, Art. I)]

§ 70-31. Adoption of standards by reference.

A certain document, one copy of which is on file in the office of the Secretary-Treasurer of the Borough Reynoldsville, being marked and designated as the "BOCA National Building Code, Thirteenth Edition, 1996," and any subsequent editions thereof, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Building Code of the Borough of Reynoldsville, County of Jefferson, Commonwealth of Pennsylvania, for the control of buildings and structures as herein provided, and each and all of the

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12 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

13 **Editor's Note: See Ch. 70, Art. I, Setback Requirements.**

regulations, provisions, penalties, conditions and terms of said BOCA National Building Code are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 70-32 of this article.

§ 70-32. Modifications to standards.

The BOCA National Building Code is amended and revised as follows:

A. In Section 100.1, the words "Borough of Reynoldsville" shall be inserted where the words "[NAME OF JURISDICTION]" appear.

B. Section 112.3.1 shall be revised to read as follows:

> **112.3.1 Fee schedule:** A fee for each plan examination, building permit and inspection shall be paid in accordance with the schedule of fees adopted from time to time by resolution of the Borough Council.

C. Section 116.4 shall be revised to read as follows:

> **116.4 Violations and penalties:** Any person who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Office of Code Enforcement, or of a permit or certificate issued under the provisions of this code, shall, upon conviction thereof, be subject to a fine of not more than $1,000, plus costs of prosecution, and, in default of payment of such fine and costs, shall be sentenced to imprisonment for a period of not more than 30 days. Each day that a violation continues shall be deemed a separate offense.

D. Section 117.2 shall be revised to read as follows:

> **117.2 Unlawful continuance:** Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to the penalties set forth in Section 116.4 of this code.

E. The first paragraph of Section 3408.2, Applicability, shall be revised to read as follows:

> Structures existing prior to the effective date of Chapter 70, Article III, of the Code of the borough of Reynoldsville in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3407.0.

Chapter 73

BUILDINGS, DANGEROUS

§ 73-1. Definitions.
§ 73-2. Standards for repair, vacation or demolition.
§ 73-3. Declaration of nuisance.
§ 73-4. Duties of the Code Enforcement Officer.
§ 73-5. Duties of Borough Council.
§ 73-6. Violations and penalties.
§ 73-7. Duties of the Borough Solicitor.
§ 73-8. Emergency cases.
§ 73-9. Owner absent from Borough.
§ 73-10. Administrative liability.
§ 73-11. Duties of Fire Department.
§ 73-12. Duties of Police Department.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 3-9-1979 by Ord. No. 391A. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 149.

Real estate registry — See Ch. 153.

§ 73-1. Definitions.

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

DANGEROUS OR DILAPIDATED BUILDINGS, MATERIALS OR LAND — All buildings or structures, including the area surrounding such buildings, which have any or all of the following defects: **[Amended 9-29-2004 by Ord. No. 513]**

A. Those whose interior or exterior walls or other vertical structural members lean, list or buckle to such an extent that they are 3% or more of their longitudinal dimension from being vertically plumb or horizontally straight.

B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the surrounding member or members or 50% percent of damage or deterioration of the nonsupporting enclosing or outside walls or coverings.

C. Those which have improperly distributed loads upon the floors, roofs or walls as a result of settlement or decay in which any structural member is overloaded or has insufficient strength to be reasonably safe.

D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Borough of Reynoldsville.

E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary 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, morals, safety or general welfare of those living therein.

F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

I. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this Borough.

J. Those buildings existing in violation of any provision of the Building Code of this Borough or in violation of the Fire Prevention Code or other ordinances of this Borough.[1]

K. Any premises on which any tenant or owner permits the following items to be placed outside a structure and located on said premises: **[Added 9-29-2004 by Ord. No. 513]**

(1) Refrigerators;

(2) Stoves;

(3) Washers;

(4) Dryers;

(5) Dishwashers;

(6) Microwaves or any other appliance;

(7) Overstuffed furniture;

(8) Mattresses and box springs;

(9) Headboards or any other portion of beds or bedroom furniture;

(10) Discarded televisions;

(11) Discarded VCRs;

(12) Any other type of electronic equipment setting outside not in a workable condition;

(13) Tires;

(14) Junk vehicles, which would be any vehicle that is without a current registration and/or current inspection sticker or is at any time in the state of disassembly or is inoperative;

(15) Vehicle parts;

(16) Animal feces or manure in yard areas;

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1 **Editor's Note: See Ch. 70, Building Construction, Art. III, and Ch. 99, Fire Prevention.**

(17) Garbage, including but not limited to food, paper, cans, bottles, cardboard, except any such items that are in proper containers and set out for trash collection within 24 hours of the time and date of collection;

(18) Roof shingles;

(19) Building materials not presently being used in an active repair or remodeling project and which remain unused for a period of seven days;

(20) Any debris designated by the Code Enforcement Officer as being garbage, refuse, inflammable or dangerous materials, after due notice given to the tenant and/or owner.

§ 73-2. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the Code Enforcement Officer, or assistants specially designated thereto, and the Borough Council in ordering repair, vacation or demolition:

A. If the dangerous or dilapidated building can be repaired as determined by a committee composed of the Code Enforcement Officer, Fire Chief and Health Officer so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.

B. If the dangerous or dilapidated building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

C. In any case where a dangerous or dilapidated building cannot be reasonably repaired as determined by a committee provided in Subsection A above, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In cases where a dangerous or dilapidated building is a fire hazard existing or erected in violation of the terms of this chapter or of any ordinance of the Borough or statute of the Commonwealth of Pennsylvania, it shall be demolished.

§ 73-3. Declaration of nuisance.

All dangerous buildings within the terms of § 73-1 of this chapter are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

§ 73-4. Duties of the Code Enforcement Officer.

The Code Enforcement Officer, or assistants specially designated thereto, shall:

(Cont'd on page 7303)

A. Inspect or cause to be inspected semiannually all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places dangerous buildings within the terms of § 73-1 of this chapter.

B. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.

C. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this borough as probably existing in violation of the terms of this chapter.

D. Inspect annually buildings in any ward of this borough to determine whether they are dangerous buildings within the terms of § 73-1 of this chapter.

E. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having any interest in said building as shown by the deed registration files of the borough and/or the Recorder of Deeds of the County of Jefferson, of any building found by him to be a dangerous building within the standards set forth in § 73-1 of this chapter that the owner must vacate, repair or demolish said building in accordance with the terms of the notice and this chapter; the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; the mortgagee, agent or the other persons having an interest in said building as shown by the land records of the deed registration files of the borough and/or the Recorder of Deeds of the County of Jefferson may at his own risk repair, vacate or demolish said building or have such work or act done, provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

F. Set forth in the notice provided for in Subsection E hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding 30 days, as is reasonable.

G. Report to the Borough Council any noncompliance with the notice provided for in Subsections E and F hereof.

H. Appear at all hearings conducted by the Borough Council and testify as to the condition of dangerous buildings.

I. Place a notice on all dangerous buildings reading as follows: "This building has been found to be a dangerous building by the Code Enforcement Officer, or assistants specially designated thereto. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the deed registration files for the borough and/or the Recorder of Deeds of Jefferson County. It is unlawful to remove this notice until such notice is complied with."

§ 73-5. Duties of Borough Council.

The Borough Council shall:

A. Upon receipt of a report of the Code Enforcement Officer, or assistants specially designated thereto, as provided for in § 73-4G hereof, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the deed registration files of the borough and/or the Recorder of Deeds of Jefferson County to appear before Council on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Code Enforcement Officer's notice provided for herein in § 73-4F.

B. Hold a hearing and hear such testimony as the Code Enforcement Officer, or assistants specially assigned thereto, or the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the land records of the deed registration file of the borough and/or the Recorder of Deeds of Jefferson County, shall offer relative to the dangerous building.

C. Make written findings of fact from the testimony offered pursuant to Subsection B as to whether or not the building in question is a dangerous building within the terms of § 73-1 hereof.

D. Issue an order based upon findings of fact made pursuant to Subsection C commanding the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the land records of the deed registration file of the borough and/or the Recorder of Deeds of Jefferson County, to repair, vacate or demolish any building found to be a dangerous building within the terms of this chapter, and provided that any person so notified, except the owners, shall have the privilege either of vacating or repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the deed registration files of the borough and/or the Recorder of Deeds for Jefferson County, may demolish said dangerous building at his own risk to prevent the acquiring of a lien by the borough against the land upon which said dangerous building stands, as provided in Subsection E hereof.

E. If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in Subsection D hereof, within 10 days, cause such building or structure to be repaired, vacated or demolished, as the facts may warrant, under the standards hereinbefore provided for in § 73-2 of this chapter, and shall, with the assistance of the Borough Solicitor, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or to be recovered in a suit at law against the owner, provided that, in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of this borough, the Borough Council shall notify the Borough Solicitor to take legal action to force the owner to make all necessary repairs or demolish the building.

F. Report to the Borough Solicitor the names of all persons not complying with the order provided for in § 73-5D hereof.

§ 73-6. Violations and penalties.[2]

A. The owner, occupant or lessee in possession of any building who shall fail to comply with any notice or order to repair, vacate or demolish any such dangerous building, given by any person authorized by this chapter, or any regulation issued thereunder, shall upon conviction before any District Justice for the Borough of Reynoldsville, be subject to a fine not exceeding $1,000 and costs and, in default of payment of the fine and costs, shall be subject to imprisonment to the Jefferson County Jail for a period not exceeding 30 days. Violations on separate days shall be considered separate violations. The provisions for penalties contained in this chapter are in addition to any other remedies provided by this chapter.

B. Any person removing the notice provided for in § 73-4I thereof shall upon conviction be fined not exceeding $1,000 and costs for each offense and, in default of payment of the fine and costs, shall be subject to imprisonment in the Jefferson County Jail for a period not exceeding 30 days.

§ 73-7. Duties of the Borough Solicitor.

The Borough Solicitor shall:

A. Prosecute all persons failing to comply with the terms of the notices provided for herein in § 73-4E and F and the order provided for in § 73-5D.

B. Appear at all hearings before Borough Council in regard to dangerous buildings.

C. Bring suit to collect all municipal liens, assessments or costs incurred by the Borough Council in repairing, or causing to be vacated or demolished, dangerous buildings.

§ 73-8. Emergency cases.

In cases where it reasonably appears that there is immediate danger to life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished, the Code Enforcement Officer, or assistants specially designated thereto, shall report such facts to the Borough Council, and the Borough Council shall cause the immediate repair, vacation or demolition of such dangerous building. The cost of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in § 73-5E hereof.

§ 73-9. Owner absent from borough.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the borough, all notices or orders provided for herein shall be sent by certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown on the land records of the deed registration files of the borough and/or the Recorder of Deeds of Jefferson County, to the last known address of each, and a copy of such notice shall

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[2] **Editor's Note: Amended at time of adoption of Code; (see Ch. 1, General Provisions, Art. I).**

be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service. Where desirable, the notices and orders provided for herein may be served in the same manner as a summons is served in the courts of general jurisdiction.

§ 73-10. Administrative liability.

No officer, agent or employee of the Borough of Reynoldsville shall render himself personally liable for any damage that may accrue to person or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Borough of Reynoldsville as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Borough Solicitor until the final determination of the proceedings therein.

§ 73-11. Duties of Fire Department.

The Fire Department of the borough shall designate a committee from its membership, which shall make a report in writing to the Code Enforcement Officer of all buildings or structures which are, may be or are suspected to be dangerous buildings within the terms of this chapter.

§ 73-12. Duties of Police Department.

All employees of the Police Department shall make a report in writing to the Code Enforcement Officer of any buildings or structures which are, may be or are suspected to be dangerous buildings within the terms of this chapter, within 24 hours of the discovery of such buildings by any employee of the Police Department.

Chapter 79

BURNING, OUTDOOR

ARTICLE I
Open Burning

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§ 79-2.3. Regulations; exceptions.
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§ 79-10. Effect on existing ordinances.
§ 79-11. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Permit for controlled burning — See Ch. 70, § 70-29H. **Fire prevention — See Ch. 99.**

ARTICLE I
Open Burning
[Adopted 2-21-2007 by Ord. No. 525[1]]

§ 79-1. Title.

This article shall be known and cited as the "Open Burning Ordinance."

1. **Editor's Note: This ordinance was vetoed by the Mayor; said veto was overridden by the Borough Council 3-1-2007. The ordinance also superseded former Art. I, Permit for Bonfire or Rubbish Fire, adopted 6-8-1984 by Ord. No. 362, as amended.**

§ 79-2. Legislative authority.

The Reynoldsville Borough Council, under, and by virtue of and pursuant to the authority granted in the Borough Code of the Commonwealth of Pennsylvania, does hereby enact and ordain this article.

§ 79-2.1. Policy.

Whereas the Borough of Reynoldsville has determined that air pollution from open burning may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of the Borough of Reynoldsville, it is hereby declared to be the policy of the Borough of Reynoldsville to safeguard the citizens of Reynoldsville for such air pollution.

§ 79-2.2. Definitions.

The following words, terms, and phrases, when used in this article, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

AIR BASIN — A geographic area of this commonwealth as delineated in 25 Pa. Code 121.1, et. seq.

AIR CURTAIN DESTRUCTOR — A mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.

BURNING — The act of consuming by fire, to flame, char, scorch, or blaze. As used in this article, "smoldering" shall have the same meaning as burning and any smoldering shall be deemed a burning.

CLEARING AND GRUBBING WASTES — Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

COMPOSTING — The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

COUNCIL-BOARD — Borough Council, Township Board of Supervisors.

MUNICIPALITY — A city, incorporated town, township, borough, county, municipal authority, or other public body created under state law having jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

OPEN BURNING — A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

PAPER/WOOD PRODUCTS — Seasoned dry wood, untreated and unpainted wood, paper and cardboard boxes uncontaminated by food or chemicals.

PERSON — Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate department, board, bureau or agency of the Commonwealth or the federal government, political subdivision, municipality, district,

authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

YARD WASTE — Dry tree trimmings and dry shrubbery.

§ 79-2.3. Regulations; exceptions.

After the effective date of this article, no person may permit the open burning of material with the exception of the following:

A. A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program Office and set by or under the supervision of a public officer.

B. Any fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's Regional Air Quality Program Office.

C. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program Office.

D. A fire set for the purpose of burning clearing and grubbing waste. If within an air basin, an air curtain destructor must be used and must be approved by the Department of Environmental Protection's Regional Air Quality Program Office.

E. A fire set solely for cooking food, providing the fire is confined to a fire ring, fireplace, charcoal or gas grill or other similar fireproof containers.

F. A fire set solely for recreational or ceremonial purposes, provided the fire is contained in a fire ring, fireplace, burn barrel or other similar fireproof container.

G. A fire set solely to burn yard waste as defined in § 79-2.2, the definition of "yard waste," provided the fire is contained in a fire ring, fireplace, burn barrel or similar fireproof container.

H. A fire set for burning wood or paper products, as defined in § 79-2.2, the definition of "paper/wood products," provided the fire is contained to a fire ring, fireplace, burn barrel or other similar fireproof container.

§ 79-2.4. Enforcement orders; permitted burning.

A. The Reynoldsville Borough Code Enforcement Officer, or the Borough Police Officers in his/her absence, or any other duly authorized agent shall have the power and duty to enforce the provisions of this article.

B. The Borough of Reynoldsville may issue such orders as are necessary to aid in the enforcement of the provisions of this article. These orders shall include, but shall not be limited to, orders requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this article, orders to take corrective action or to abate a public nuisance, orders requiring the testing, sampling or monitoring of any open burning, or orders requiring the production of information. Such an order

may be issued if the Borough of Reynoldsville finds that any condition existing in or on the facility or source involved is causing or contributing to open burning or if the Borough of Reynoldsville finds that any person is in violation of any provision of this article.

C. An order issued under this section shall take effect upon notice, unless the order specifies otherwise.

D. The authority of the Borough of Reynoldsville to issue an order under this section is in addition to any remedy or penalty which may be imposed pursuant to this article. The failure to comply with any such order is hereby declared to be a public nuisance.

E. Any person desiring to do permitted burning must obtain a permit to be renewed annually, before a burn barrel can be used, with an administrative cost of $5 annually.[2]

F. Any such burning which is permitted under this article, under § 79-2.3D, G or H, shall be limited to burnings between the hours of 6:00 p.m. and 9:00 p.m.

G. A burn barrel must be uncontaminated by chemicals or petroleum products, and must have a lid. Any barrel found to be contaminated shall be cited, removed, and any permit that has been issued on the same shall be revoked.

H. No burning which is permitted under this article shall be allowed on or in any public street, alley, road, sidewalk or other public grounds.

I. Fire rings and burn barrels must be located more than 15 feet from any structure.

§ 79-2.5. Responsibility of owners and operators.

A. Whenever the Code Enforcement Officer finds that open burning is occurring in the Borough of Reynoldsville, other than those exceptions noted in § 79-2.3 above, the Code Enforcement Officer may order the owner or operator to take corrective action in a manner satisfactory to the Borough of Reynoldsville, or the Code Enforcement Officer may order the owner or operator to allow access to the land by the Code Enforcement Officer or third party to take such action.

B. For purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, the Borough of Reynoldsville may collect the amount in the same manner as civil penalties are assessed and collected.

§ 79-2.6. Violations and penalties; enforcement; multiple violations.

A. Any person who violates any provision of this article or any order of the Borough of Reynoldsville issued pursuant to this article commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $300 nor more than $2,500 for

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2. Editor's Note: See Ch. 70, Building Construction, Art. II, Building Permits, § 70-29H.

each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment for 90 days for each separate offense.

B. Employees of the Borough of Reynoldsville authorized to conduct inspections or investigations are hereby declared to be law enforcement officers authorized to issue or file citations for summary violations under this article, and the Borough of Reynoldsville Council is hereby authorized to prosecute these offenses.

C. Any person who violates this article more than two times shall not be eligible for the issuance of any permits permitted by this article.

§ 79-2.7. Collection of penalties.

If any person liable to pay any such penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall constitute a debt of such person, as may be appropriate, to the Borough of Reynoldsville. The debt shall constitute a lien on all property owned by said person when a notice of lien incorporating a description of the property of the person subject to the action is duly filed with the Prothonotary of the Court of Common Pleas where the property is located. The Prothonotary shall promptly enter upon the civil judgment or order docket, at no cost to the Borough of Reynoldsville, the name and address of the person, as may be appropriate, and the amount of the lien as set forth in the notice of the lien. Upon entry by the Prothonotary, the lien shall attach to the revenues and all real and personal property of the person, whether or not the person is solvent. The notice of the lien, filed pursuant to this section which affects the property of the person shall create a lien with priority over all subsequent claims or liens which are filed against the person, but it shall not affect any valid lien, right or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien under this section.

§ 79-2.8. Unlawful conduct.

It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this article or to fail to comply with any order or other requirement of the Borough of Reynoldsville, or to cause a public nuisance, or to cause air, soil, or water pollution resulting from an open burning incident, or to hinder, obstruct, prevent, or interfere with the Borough of Reynoldsville or its personnel in their performance of any duty hereunder, including denying the Code Enforcement Officer access to the source of facility, or to violate the provisions of 18 Pa. C.S.A. § 4903 (relating to false swearing) or § 4904 (relating to unsworn falsification to authorities) in regard to papers required to be submitted under this article. The owner or operator of an open burning source shall not allow pollution of the air, water, or other natural resources of the Borough of Reynoldsville to result from the source.

§ 79-2.9. Public nuisances.

A violation of this article or any order issued by the Borough of Reynoldsville under this article shall constitute a public nuisance. The Borough of Reynoldsville shall have the authority to order any person causing a public nuisance to abate the public nuisance. In

addition, when abating a public nuisance, the Borough of Reynoldsville may recover the expenses of abatement following the process for assessment and collection of civil penalty contained in § 79-2.7. Whenever the nuisance is maintained or continued contrary to this article or any order issued pursuant to this article, the nuisance may be abatable in the manner provided by this article. Any person who causes the public nuisance shall be liable for the cost of abatement.

ARTICLE II
Outdoor Furnaces
[Adopted 5-26-2004 by Ord. No. 507]

§ 79-3. Definitions.

This article shall include the following definitions as specific terms:

OUTDOOR FURNACE or OUTDOOR FUEL-BURNING APPLIANCE — A device located outside of a dwelling or accessory building constructed to burn oil, wood, coal or other combustible materials for placement outside for the purpose of generating heat inside the living area or dwelling of a structure.

PERSON — Any individual, whether landlord or tenant, as well as any partnership, corporation, or other business entity owning or operating real estate within the Borough of Reynoldsville.

§ 79-4. Permitted materials.

No materials, except untreated wood, coal or gas may be burned in an outdoor furnace.

§ 79-5. Accessory structure.

An outdoor furnace shall be considered an accessory structure according to the setback ordinance and regulations of the said Borough, or any other applicable statutes, and subject to the appropriate yard setback distances.

§ 79-6. Zoning restriction.

Outdoor furnaces shall be permitted only in residential and industrial areas, and are prohibited in commercial areas.

§ 79-7. Stack or chimney requirements.

The vent stack or chimney shalt terminate not less than 20 feet above the highest part of the furnace, or no less than 15 feet above the highest roof of adjoining properties, or according to any uniform construction codes or building codes, whichever is greater, and shall be firmly secured to prevent toppling. The Borough reserves the right to waive the twenty-foot stack height requirement, or any portion thereof, in areas where the outdoor furnace is located at

least 200 feet from the nearest structure on adjacent property, and the Borough may at any time withdraw this waiver in view of subsequent development on adjacent properties.

§ 79-8. Blower required.

A draft-induced blower must be installed on the vent stack to create a positive draft.

§ 79-9. Grandfather clause.

This article shall not be construed to be retroactive and shall not require the removal of any outdoor fuel-burning appliance in existence within the Borough at the effective date of this article. All outdoor fuel-burning appliances in existence at the effective date of this article shall have or must erect a flue or chimney which has a minimum termination height of 20 feet above the natural ground level upon which the appliance is located, or a minimum of 15 feet above the highest rooftop adjacent to it. If an outdoor fuel-burning appliance is more than 50% torn down, physically deteriorated or decayed, any rebuilding or restoration of said outdoor fuel-burning appliance shall be in violation if this article.

§ 79-10. Effect on existing ordinances.

Nothing contained in this article shall be interpreted to prohibit the use of burn barrels pursuant to Ordinance No. 362[3] or any other applicable ordinance.

§ 79-11. Violations and penalties.

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

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3. Editor's Note: Ordinance No. 362 was superseded 2-21-2007 by Ord. No. 525; see now Art. I, Open Burning.

Chapter 82

CONSTRUCTION CODES, UNIFORM

§ 82-1. Election to administer and enforce.

§ 82-2. Adoption of standards.

§ 82-3. Administration and enforcement.

§ 82-4. Establishment of Board of Appeals.

§ 82-5. Effect on other provisions.

§ 82-6. Fees.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 1-17-2007 by Ord. No. 524. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.
Dangerous buildings — See Ch. 73.
Electrical standards — See Ch. 92.
Fire prevention — See Ch. 99.
Activities requiring permits — See Ch. 142.
Plumbing standards — See Ch. 144.
Property maintenance — See Ch. 149.
Trailers and mobile homes — See Ch. 187.

§ 82-1. Election to administer and enforce.

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

§ 82-2. Adoption of standards.

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of the Borough of Reynoldsville.

§ 82-3. Administration and enforcement.

Administration and enforcement of the Code within the Borough of Reynoldsville shall be undertaken in any of the following ways as determined by the Reynoldsville Borough Council from time to time by resolution:

A. By the designation of an employee of the Borough of Reynoldsville to serve as the Municipal Code Official to act on behalf of the Borough of Reynoldsville;

B. By the retention of one or more Construction Code Officials or third party agencies to act on behalf of the Borough of Reynoldsville;

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 the Borough of Reynoldsville;

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.

§ 82-4. Establishment of Board of Appeals.

A Board of Appeals shall be established by resolution of the Reynoldsville Borough Council 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.

§ 82-5. Effect on other provisions.

A. All Building Code Ordinances or portions of ordinances which were adopted by the Borough of Reynoldsville 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.

B. All Building Code Ordinances or portions of ordinances which are in effect as of the effective date of this chapter and the requirements of which are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

C. All relevant ordinances, regulations and policies of the Borough of Reynoldsville not governed by the Code shall remain in full force and effect.

§ 82-6. Fees.

Fees assessable by the Borough of Reynoldsville for the administration and enforcement undertaken pursuant to this chapter and the Code shall be established by the governing body by resolution from time to time.

Chapter 84

CURFEW

§ 84-1. Title.
§ 84-2. Purpose.
§ 84-3. Definitions and word usage.
§ 84-4. Curfew for minors established.
§ 84-5. Exceptions.
§ 84-6. Parental responsibility.
§ 84-7. Police procedures.
§ 84-8. Violations and penalties.
§ 84-9. Construal of provisions.
§ 84-10. Continuing evaluation.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 88.

§ 84-1. Title.

This chapter shall be known and may be cited as the "Curfew Ordinance."

§ 84-2. Purpose.

This is an updating of the Borough Curfew Ordinance of 1958 prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, effectively enforced, taught in the homes, internalized and adhered to for generations, all for the good of minors, for the furtherance of family responsibility and for the public good, safety and welfare.

§ 84-3. Definitions and word usage.

A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

BOROUGH — The Borough of Reynoldsville, Jefferson County, Pennsylvania.

MINOR — Any person under the age of 18 or, in equivalent phrasing often herein employed, any person 17 or fewer years of age.

PARENT — Any person having legal custody of a minor:

(1) As a natural or adoptive parent;

(2) As a legal guardian;

(3) As a person who stands in loco parentis; or

(4) As a person to whom legal custody has been given by order of court.

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 ordinary or serious purposes, such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in § 84-5. More and more exceptions become available with increasing years as appropriate in the interest of reasonable regulation which is intended by use of the meaningful phrase "be or remain" found constitutional in Baker v. Borough of Steelton, 17 Dauph. 17 (1912).

STREET — A way or place, of whatever nature, open to the use of the public for purposes of vehicular travel or, in the case of a sidewalk thereof, for pedestrian travel. The term "street" includes the legal right-of-way, including but not limited to the cartway of traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term "street" also applies, for curfew purposes, to ways the public is privileged to use over private property so long as the owner permits, including sidewalks and grass plots similarly open at the time to public use, and to parking areas of any type (residential, municipal or commercial) open to public use or from such street or any type of street. The term "street" applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise, or whether it is maintained by the borough and irrespective of whether it is open to the use of the public as a matter of right.

TIME OF NIGHT — Based upon the prevailing standard of time, whether Eastern standard time or Eastern daylight saving time, generally observed at that hour by the public in the borough, prima facie the time then observed in the borough administrative offices and police station.

YEAR OF AGE — Continues from one birthday, such as the seventeenth, to (but not including the day of) the next, such as the eighteenth birthday, making it clear that 17 or fewer years of age is herein treated as equivalent to the phrase "under 18 years of age," the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that eighteen-year olds might be involved. Similarly, for example, 11 or fewer years of age means "under 12 years of age."

B. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

§ 84-4. Curfew for minors established.

It shall be unlawful for any person 17 or fewer years of age (under 18) to be or remain in or upon the streets within the Borough of Reynoldsville at night during the period ending at 6:00 a.m. and beginning:

A. At 10:00 p.m. for minors 11 or fewer years of age.

B. At 10:30 p.m. for minors 12 or 13 years of age.

C. At 11:00 p.m. for minors 14 or more years of age.

§ 84-5. Exceptions.

A. In the following exceptional cases, a minor on a street within the borough during the nocturnal hours for which § 84-4 is intended to provide the maximum limits of regulation (and a clear general guide for minors, their parents and their fellow citizens) shall not, however, be considered in violation of this chapter:

(1) When accompanied by a parent of such minor.

(2) When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

(3) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering to the borough offices a written communication, signed by such minor and countersigned, if practicable, by a parent of such minor, with their home address and telephone number, addressed to the Mayor of the borough, specifying when, where and in what manner said minor will be on the streets at night (during hours when this chapter is otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.

(4) In case of reasonable necessity, but only after such minor's parent has communicated to the borough police station personnel the facts establishing such reasonable necessity, relating to specified streets at a designated time for a described purpose, including points of origin and destination. A copy of such communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and address of such parent and minor, shall be admissible evidence.

(5) When the minor is on the sidewalk of the place where such minor resides or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.

(6) When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity or an activity of a religious or other voluntary association of which prior notice, indicating the place and probable time of termination, has been given in writing to and duly filed for immediate reference by the Chief of Police or the officer assigned by him on duty at the police station, thus encouraging (here as in other exceptional situations) conduct on the part of minors involved in such activities and striking a fair balance for any somewhat conflicting interests.

(7) When authorized, by special permit from the Mayor, carried on the person of the minor thus authorized, as follows: When necessary nighttime activities of a minor may be inadequately provided for by other provisions of this chapter, then recourse may be had to the Mayor of the borough, either for a regulation as provided in

Subsection A(8) or for a special permit as the circumstances warrant. Upon the Mayor's finding of necessity for the use of the streets to the extent warranted by a written application (as judicially approved in People v. Walton, 161 P. 2d 498, 502 – 503, Cal. App. 1945), signed by a minor and by a parent of such minor, if feasible, stating the name, age and address of such minor; the name, address and telephone number of a parent thereof; the height, weight, sex, color of eyes and hair and other physical characteristics of such minor; the necessity which requires such minor to remain upon the streets during the curfew hours otherwise applicable; and the street or route and the beginning and ending of the period of time involved by date and hour, the Mayor may grant a permit, in writing, for the use by such minor of such streets at such hours as, in the Mayor's opinion, may reasonably be necessary. In an emergency, this may be handled by telephone or other effective communication, with a corresponding record being made contemporaneously, either to the Mayor or, if unavailable, to the police officer authorized by the Mayor to act on his behalf in an emergency at the police station.

(8) When authorized, by regulation issued by the Mayor, in other similar cases of reasonable necessity, similarly handled but adapted to necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Mayor permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved, not to extend more than 30 minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the purposes of this chapter.

(9) When the minor carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or reissued not more than 45 days previously, signed by the Chief of Police, and briefly identifying the minor, the addresses of his home and of his place of employment and his hours of employment.

(10) When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate movement through Reynoldsville, particularly on normal routes. This also exempts interstate travel beginning or ending in Reynoldsville.

(11) When the minor is 17 years of age, if and when the Mayor shall have determined, by formal rule first reported to the Borough Council, spread upon its minutes and so reported in the press, finding the facts as to the extent (minimal) of juvenile delinquency in such age group permitting such rule, currently, in the best interest of said minors and of the borough, then the Mayor, by such formal rule, covering a period of time designated therein or until rescission thereof, not exceeding one year from the date thereof, may take appropriate action excepting designated minors, minors in a defined group or area or all minors (as the current facts may warrant) 17 years of age at the date or attaining 17 years of age during the period that such formal rule is and remains in effect.

B. Each of the foregoing exceptions and their several limitations, such as provisions for notification, are severable, as hereinafter provided but here reemphasized; and additional, also severable, exceptions, broadening with the progress toward maturity of minors enrolled respectively in elementary, junior high and high schools, will be considered by the Council as warranted by future experience illuminated by the views of student government associations; school personnel; citizens; associations; ward, precinct and neighborhood spokesmen; parents; officers; and persons in authority concerned positively with minors as well as with juvenile delinquency.

§ 84-6. Parental responsibility.

It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be or remain upon any street within the borough under circumstances not constituting an exception to or otherwise beyond the scope of this chapter. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

§ 84-7. Police procedures.

A. A policeman of the borough, upon finding or having attention called to any minor on the streets in prima facie violation of this chapter, normally shall take the minor to the borough police station, where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts and to centralize responsibility in the officer there and then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence, such as a birth certificate, a policeman on the street shall, in the first instance, use his best judgment in determining age.

B. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the policeman may deliver to a parent thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.

C. In any event, such policeman shall, within 24 hours, file a written report with the Chief of Police or shall participate, to the extent of the information for which he is responsible, in the preparation, by himself and the officer involved in such case, and in the filing of such report within 24 hours.

D. When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that, in accordance

with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.

E. In the case of a first violation by a minor, the Chief of Police shall, by certified mail, send to a parent written notice of said violation, with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of parental responsibility and of applicable penalties.

§ 84-8. Violations and penalties.

Prevailing community standards and the real internalization thereof or interpersonal sanctions therefor that, in practice, count for much, as to when minors should be off the streets, reflected in this chapter, are hereby undergirded with the following legal sanctions:

A. If, after the warning notice pursuant to § 84-7 of a first violation by a minor, a parent violates § 84-6 (in connection with a second violation by said minor), this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be fined $25, and for each subsequent offense by a parent, the fine shall be increased by an additional $25 (e.g., $50 for the second, $75 for the third offense). The District Justice, upon finding a parent guilty, shall sentence the parent to pay such fine and the costs of prosecution and, upon refusal to pay such fine and costs, to be imprisoned in the jail of Jefferson County for a period not exceeding 10 days.

B. Any minor who shall violate any of the provisions of this chapter more than three times shall be reported by the Mayor to a society or organization whose purpose it is to take charge of incorrigibles and delinquents, and proceedings shall then be taken, under the Juvenile Act, 42 Pa.C.S.A. § 6301 et seq., before the Juvenile Court for the treatment, supervision and rehabilitation of such minor.

C. A like procedure before the juvenile authorities shall be followed in any case where the imposing of a fine or fines upon a parent shall not be effective or where, for any other reason, the provisions of this chapter cannot be made effective by the imposing of penalties under this section.

§ 84-9. Construal of provisions.

Severability is intended throughout and within the provisions of this chapter. If any provision, including inter alia any exception, part, phrase or term or the application thereof to any person or circumstance, is held invalid, the application to other persons or circumstances shall not be affected thereby, and the validity of this chapter, in any and all other respects, shall not be affected thereby. From excess of caution, the Mayor is authorized to give advisory opinions, in writing or immediately reduced to writing, which shall be binding and shall be adhered to by the police until this chapter is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters, addressed to him at the borough offices, questioning as ambiguous, as having a potentially chilling effect on constitutional rights specifically invoked or as otherwise invalid, in all three

categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of said three categories. The Borough Council does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that this chapter be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. The Council does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

§ 84-10. Continuing evaluation.

The Borough Council will continue its evaluation and updating of this chapter.

A. Accordingly, there shall be compiled and informally reported to the Borough Council through effective channels (such as the normal monthly distribution by the Borough Secretary-Treasurer to each Councilman, the Mayor and the Borough Solicitor of noteworthy material) all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the Mayor's special permits and the Mayor's regulations hereinbefore authorized and the Mayor's advisory opinions, for consideration by the appropriate committee and by the Borough Council in further updating and continuing evaluation of this chapter.

B. For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Mayor and relevant committees of the Borough Council, through their respective Chairmen, in coordinated efforts, shall work with existing and may organize voluntary groups and shall stimulate volunteer leadership in programs of research and of action dealing constructively, on neighborhood and local bases, with juvenile delinquency and the prevention, control or containment thereof in all its ramifications and with practicable steps toward the good life and a better life for minors 17 or fewer years of age and with the working of this chapter, community-wise and in individual cases, as one much-needed legal tool toward that end as well as for continuing present protection of minors and of other persons and of property and other interests important to the welfare of the people of the Borough of Reynoldsville.

Chapter 88

DISORDERLY CONDUCT

§ 88-1. Unlawful acts. **§ 88-2. Violations and penalties.**

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 12-11-1967 by Ord. No. 378. Amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 84. **Nuisances — See Ch. 134.**

§ 88-1. Unlawful acts.

It shall be unlawful and shall constitute disorderly conduct for any person within the limits of the Borough of Reynoldsville, Jefferson County, Pennsylvania to:

A. Be guilty of a breach of the peace, to be guilty of vagrancy, to engage in fighting, to incite others to fight, to engage in any unlawful act tending to imperil the personal security of any person or to endanger or injure property.

B. Use loud, boisterous, profane, blasphemous, indecent or immoral language upon or near any of the public highways or public places or in a manner so as to annoy residents in the neighborhood or to make any unseemly noise or disturbance to the annoyance of the residents nearly.

C. Commit any act of lewdness or public indecency of exposure of person or to become intoxicated.

D. Loaf, loiter or stand upon any of the sidewalks or other public highways or places, so as to interfere with the free and full passage of residents or travelers.

E. Set up, maintain, open or conduct any gambling place or device; immoral show, entertainment or exhibition; unlawful drinking place, resort or house of prostitution; or be gathered in or participate in the operation of the same, or to be a patron thereof.

F. Discharge any gun or firearm, unless in defense of person or property; discharge any fireworks, firecrackers or other noisemaking devices; throw on or into any highway or sidewalk, or therefrom, any stones, snowballs or other objects; or to raise any false alarm of fire.

(1) Any person may discharge any gun, firearm, air rifle, air pistol, spring gun, spring pistol, BB gun who are members of any organization incorporated under the laws of the Commonwealth of Pennsylvania engaged in target shooting upon the grounds or property belonging to or under the control of such organization, as well as patrons of any licensed rifle range within the said Borough. This exception shall also apply to any law enforcement officer when used in the discharge of their official duties. **[Added 3-19-2014 by Ord. No. 546]**

G. Interfere with borough police officers, constables and fire police, resist arrest or fail to render assistance to any police officer or constable when called upon by him.

H. Tamper with, destroy or otherwise interfere with any lights, guardrails, traffic signs and signals, trash receptacles[1] or other property or materials placed in public places by the borough or any of its officials.

§ 88-2. Violations and penalties. [Amended 4-10-1972 as Ord. No. 378-A[2]]

Effective with the passage of this chapter, any person violating any of the provisions of § 88-1, relating to disorderly conduct within the Borough of Reynoldsville, shall, upon conviction before the Mayor or the District Justice of the district of which the Borough of Reynoldsville is a part, be subject to the penalty of a fine not exceeding $600, plus costs of prosecution and, in default of payment thereof, to undergo imprisonment not exceeding 30 days.

1. **Editor's Note: See Ch. 168, Solid Waste, Art. I, Collection.**

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 92

ELECTRICAL STANDARDS

§ 92-1. Adoption of standards by reference.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.	Plumbing standards — See Ch. 144.
Fire prevention — See Ch. 99.	Property maintenance — See Ch. 149.

§ 92-1. Adoption of standards by reference.

A certain document, one copy of which is on file in the office of the Secretary-Treasurer of the Borough of Reynoldsville, being marked and designated as the "National Electrical Code 1996," and any subsequent editions thereof, as published by the National Fire Protection Association, is hereby adopted as the Electrical Code of the Borough of Reynoldsville, County of Jefferson, Commonwealth of Pennsylvania, for the control of electrical standards as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said National Electrical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter.

Chapter 95

EXPLOSIVES

ARTICLE I
Prohibited Acts

§ 95-1. Storage.
§ 95-2. Violations and penalties.

ARTICLE II
Blasting for Mining Operations

§ 95-3. Borough consent required.
§ 95-4. Approval must precede DEP consideration.
§ 95-5. Contents of application.
§ 95-6. Public hearing.
§ 95-7. Notice of approval.
§ 95-8. Violations and penalties.
§ 95-9. Effect on existing ordinances.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Outdoor burning — See Ch. 79. Fire prevention — See Ch. 99.

ARTICLE I
Prohibited Acts
[Adopted 1-4-1921 by Ord. No. 166]

§ 95-1. Storage.

From and after the passage of this article, no person, firm or corporation shall keep in any house, store, shop, cellar or other place within this Borough a greater quantity than three kegs of powder, 50 pounds of dynamite or other high explosives, 1,000 dynamite caps, 150 gallons of kerosene or 60 gallons of gasoline. Said kerosene and gasoline must be in sealed drums or tanks.

§ 95-2. Violations and penalties. [Amended 8-20-1997 by Ord. No. 480]

The penalty for violation of this article shall be not more than $1,000, plus costs of prosecution and, in default of payment of such fine and costs, imprisonment for a term not exceeding 30 days, for each keg of powder, for each 50 pounds or fraction thereof of dynamite or other high explosives, for each 1,000 dynamite caps or fraction thereof, for each 150 gallons of kerosene or fraction thereof, for each 60 gallons of gasoline or fraction thereof, so kept in any place as aforesaid, to be recoverable with costs of suit as debts of like amounts are by law recoverable and to be paid into the Treasury for use of the Borough.

ARTICLE II
Blasting for Mining Operations
[Adopted 9-29-2004 by Ord. No. 512]

§ 95-3. Borough consent required.

The Borough of Reynoldsville hereby prohibits the use of any explosives for the purpose of mining coal, limestone, clay or any other minerals without the express written consent of the said Borough. Any person or entity desiring to participate in such activity must contact the Secretary of the Borough for an application, setting forth the nature of the request and work, providing a map duly prepared by a licensed professional engineer, and showing thereon the area involved, its location of any such activity, the names and addresses of any property owners within ½ mile thereof, and also setting forth a plan on how the surface water would be handled.

§ 95-4. Approval must precede DEP consideration.

In addition to the above information, a copy of any permit being filed with the Department of Environmental Protection, or anticipated to be filed, shall be included with said information, and the approval of any such blasting operations by the Borough is mandatory before any consideration can be given of such an application before the Department of Environmental Protection.

§ 95-5. Contents of application.

A. In order to protect the sanitary sewage system, as well as the surface water system, the water supply system, as well as the water tanks and other accessories, any such application must address what, if any, effects the application will have concerning those items, and it is also a requirement that reference shall be made as to any effect on surrounding residences, school buildings, churches, foundations of all structures, as well as any effect on the roadways in the one-half-mile radius.

B. Since many areas within and adjacent to the Borough of Reynoldsville have been previously deep mined, any application must address where any pre-mined areas exist, the type of underground mining operations that have occurred within the requested area and a one-half-mile radius surrounding the proposed operations, and how any such blasting would affect the mine shafts and mine openings in and around said area.

C. Investigations relative to the existences of any methane gas or other explosive gasses within underground mining involved therein shall also be contained in any such obligations due to the possible igniting of explosive gasses in pre-mined areas.

D. The applicants shall address the access to the property, including the effect on any roadways over which the Borough of Reynoldsville shall have responsibility, as well as the Pennsylvania Department of Transportation, concerning the ingress, egress and regress to the property.

E. In addition to the above information, the application shall also contain reference to any streams located in the area, and what, if any, effect the said blasting operation would have on the streams and waterways involved therein, including verification that the

Pennsylvania Fish Commission has been contacted and has reviewed the requested activity and given approval to the said applicant prior to applying to the Borough of Reynoldsville for any such permit.

§ 95-6. Public hearing.

Upon receipt of an application regarding blasting or the use of explosives, as set forth herein, the Borough of Reynoldsville shall set a time for a public hearing on the application, giving all residents of the Borough of Reynoldsville the opportunity to be informed of any such activity and to express any concerns that they would have for their own property, safety, or the health, safety and welfare of individuals within the Borough of Reynoldsville and adjacent thereto. The applicant shall inform the Borough as to what data or information has been sent to the Department of Environmental Protection relative to its mining operations, and provide the Borough with a true and certified copy of any such data at the time of the filing of said application.

§ 95-7. Notice of approval.

Following public hearing relative to the application, the Borough shall notify the applicant within 30 days thereafter as to whether or not the application has been granted, and if it has not been granted, the reasons for any such rejection.

§ 95-8. Violations and penalties.

Any person, corporation, or other entity that violates the provisions of this article shall be subject to a fine not to exceed the sum of $1,000 per day, and should it be necessary for the Borough of Reynoldsville to secure an injunction to enforce this article, the cost of obtaining said injunction in the Court of Common Pleas shall be added to any such fine, including the costs incurred in retaining any engineers, attorneys or other professionals required for said hearing, as well as loss of wages and employment expense of Borough personnel involved in the same. Failure to pay any fines and costs involved herein shall subject the said party to imprisonment in the Jefferson County Jail for a term not to exceed 30 days for each incident, and each day shall be separate offense.

§ 95-9. Effect on existing ordinances.

In addition to the requirements set forth herein, the applicant shall be responsible to uphold all Building Code ordinances, as well as the Uniform Construction Code, and any other such applicable ordinances, and any ordinances inconsistent with the within article hereby amended or repealed so that the terms of this article shall supercede those terms and be in full force and effect.

Chapter 99

FIRE PREVENTION

§ 99-1. Adoption of standards by reference.

§ 99-2. Modifications to standards.

§ 99-3. Establishment of limits.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.
Outdoor burning — See Ch. 79.
Electrical standards — See Ch. 92.
Explosives — See Ch. 95.
Property maintenance — See Ch. 149.
Smoke detectors — See Ch. 163.

§ 99-1. Adoption of standards by reference.

A certain document, one copy of which is on file in the office of the Secretary-Treasurer of the Borough of Reynoldsville, being marked and designated as the "BOCA National Fire Prevention Code, Tenth Edition, 1996," and any subsequent editions thereof, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Fire Prevention Code of the Borough of Reynoldsville, County of Jefferson, Commonwealth of Pennsylvania, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 99-2 of this chapter.

§ 99-2. Modifications to standards.

The BOCA National Fire Prevention Code is amended and revised as follows:

A. In Section F-100.1, the words "Borough of Reynoldsville" shall be inserted where applicable.

B. Section F-112.3 shall be amended to read as follows:

F-112.3 Violations and penalties: Any person who shall violate any of the provisions of this code or fail to comply with any order issued pursuant to any section thereof shall, upon conviction thereof, be subject to a fine of not more than $1,000, plus costs of prosecution and, in default of payment of such fine and costs, shall be sentenced to imprisonment for a period of not more than 30 days. Each day that a violation continues shall be deemed a separate offense.

§ 99-3. Establishment of limits.

The limits referred to in Section F-3003.2 of the BOCA National Fire Prevention Code in which the storage of explosives, ammunition and blasting agents is prohibited are hereby established within the entire limits of the Borough of Reynoldsville.[1]

1 **Editor's Note: See also Ch. 95, Explosives.**

Chapter 100

FIRING RANGES

§ 100-1. Creation of range.
§ 100-2. Inspection.
§ 100-3. Fee.
§ 100-4. Revocation of license.
§ 100-5. Violations and penalties.
§ 100-6. Repealer.
§ 100-7. Severability.
§ 100-8. When effective.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 3-19-2014 by Ord. No. 546. Amendments noted where applicable.]

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§ 100-1. Creation of range.

Any individual, person or entity desiring to establish and maintain a rifle range within the Borough shall make application to the Borough, setting forth in detail the area involved, the setup for any target shooting, and details sufficient to satisfy the Borough that the rifle range is safe and that the firing of such weapons will not permit any bullets to go astray or are aimed towards any building, residence or areas of human habitation.

§ 100-2. Inspection.

In granting any such license, the Borough of Reynoldsville retains the right to make inspection of the facilities at any reasonable time in order to confirm that the layout of said rifle range is as represented to the Borough, that there are no safety problems, and that the said operations are being run in a safe manner with proper maintenance and control.

§ 100-3. Fee.

There should be no fee charge for the application and issuance of said license.

§ 100-4. Revocation of license.

Upon the determination by the Borough of Reynoldsville, or its agent, that the said premises are unsafe, not in accordance with the plan presented to the Borough, or otherwise in violation, the Borough reserves the right to revoke the said license immediately.

§ 100-5. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than $600, and in default of payment, to undergo imprisonment for a term not to exceed 30 days.

§ 100-6. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§ 100-7. Severability.

If any sentence, clause, section or part of this chapter is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter. It is hereby declared as the intent of the Borough of Reynoldsville that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included therein.

§ 100-8. When effective.

This chapter shall become effective 10 days after the passage thereof.

Chapter 104

FLOODPLAIN MANAGEMENT

ARTICLE I
Statutory Authorization

§ 104-101. Authority.

ARTICLE II
General Provisions

§ 104-201. Intent.

§ 104-202. Applicability.

§ 104-203. Abrogation and greater restrictions.

§ 104-204. Severability.

§ 104-205. Warning and disclaimer of liability.

ARTICLE III
Administration

§ 104-301. Designation of floodplain administrator.

§ 104-302. Permit required.

§ 104-303. Duties and responsibilities of floodplain administrator.

§ 104-304. Application procedures and requirements.

§ 104-305. Review by County Conservation District.

§ 104-306. Review of application by others.

§ 104-307. Changes.

§ 104-308. Placards.

§ 104-309. Start of construction.

§ 104-310. Enforcement; violations and penalties.

§ 104-311. Appeals.

ARTICLE IV
Identification of Floodplain Areas

§ 104-401. Identification.

§ 104-402. Description and special requirements of identified floodplain areas.

§ 104-403. Changes in identification of area.

§ 104-404. Boundary disputes.

§ 104-405. Jurisdictional boundary changes.

ARTICLE V
Technical Provisions

§ 104-501. General.

§ 104-502. Elevation and floodproofing requirements.

§ 104-503. Design and construction standards.

§ 104-504. Development which may endanger human life.

§ 104-505. Special requirements for subdivisions.

§ 104-506. Special requirements for manufactured homes.

§ 104-507. Special requirements for recreational vehicles.

ARTICLE VI
Activities Requiring Special Permits

§ 104-601. General.

§ 104-602. Application requirements for special permits.

§ 104-603. Application review procedures.

§ 104-604. Special technical requirements.

ARTICLE VII
Existing Structures in Identified Floodplain Areas

§ 104-701. Existing structures.

§ 104-702. Improvements.

ARTICLE VIII
Variances

§ 104-801. General.

§ 104-802. Variance procedures and conditions.

ARTICLE IX
Definitions

§ 104-901. General

§ 104-902. Definitions.

ARTICLE X
Enactment

§ 104-1001. Effective date.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 1-18-2012 by Ord. No. 543.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.
Property maintenance — See Ch. 149.
Stormwater management — See Ch. 175.
Trailers and mobile homes — See Ch. 187.

ARTICLE I
Statutory Authorization

§ 104-101. 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 Reynoldsville Borough Council does hereby order as follows.

ARTICLE II
General Provisions

§ 104-201. 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.

1. **Editor's Note: This ordinance also superseded former Ch. 104, Floodplain Management, adopted 3-22-1978 by Ord. No. 412, as adopted.**

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.

§ 104-202. Applicability.

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development in an identified floodplain area within Reynoldsville Borough unless a permit has been obtained from the floodplain administrator.

B. A permit shall not be required for minor repairs to existing buildings or structures.

§ 104-203. Abrogation and greater restrictions.

This chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other 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.

§ 104-204. 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 Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

§ 104-205. Warning and disclaimer of liability.

A. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by 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.

B. This chapter shall not create liability on the part of Reynoldsville 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.

ARTICLE III
Administration

§ 104-301. Designation of floodplain administrator.

The Building Permit Officer is hereby appointed to administer and enforce this chapter and is referred to herein as the floodplain administrator.

§ 104-302. Permit required.

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

§ 104-303. Duties and responsibilities of floodplain administrator.

A. The floodplain administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this chapter and all other applicable codes and ordinances.

B. Prior to the issuance of any permit, the floodplain administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended);[2] 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.

C. 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.

D. 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.

E. 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.

F. In the event the floodplain administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the floodplain administrator shall revoke the permit and report such fact to the Board of Council for whatever action it considers necessary.

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2. Editor's Note: See 35 P.S. § 750.1 et seq., 32 P.S. § 693.1 et seq., and 35 P.S. § 691.1 et seq., respectively.

G. The floodplain administrator shall maintain all records associated with the requirements of this chapter including, but not limited to, permitting, inspection and enforcement.

H. The floodplain administrator shall consider the requirements of 34 Pa. Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§ 104-304. Application procedures and requirements.

A. Application for such a permit shall be made, in writing, to the floodplain administrator on forms supplied by Reynoldsville Borough. Such application shall contain the following:

(1) Name and address of applicant.

(2) Name and address of owner of land on which proposed construction is to occur.

(3) Name and address of contractor.

(4) Site location including address.

(5) Listing of other permits required.

(6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.

(7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the floodplain administrator to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this chapter and all other applicable codes and ordinances.

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

(4) Structures will be anchored to prevent flotation, collapse, or lateral movement.

(5) Building materials are flood-resistant.

(6) Appropriate practices that minimize flood damage have been used.

(7) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the floodplain administrator to make the above determination:

(1) A completed permit application form.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a) North arrow, scale, and date;

(b) Topographic contour lines, if available;

(c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

(d) The location of all existing streets, drives, and other accessways; and

(e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

(b) The elevation of the base flood;

(c) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC.

(4) The following data and documentation:

(a) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.

(b) Detailed information concerning any proposed floodproofing measures and corresponding elevations.

(c) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (see § 104-402B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point.

(d) 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. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(e) Detailed information needed to determine compliance with § 104-503F, Storage, and § 104-504, Development which may endanger human life, including:

[1] The amount, location and purpose of any materials or substances referred to in §§ 104-503F and 104-504 which are intended to be used, produced, stored or otherwise maintained on site.

[2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 104-504 during a base flood.

(f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

(g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for permits shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the floodplain administrator.

§ 104-305. 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.

§ 104-306. 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.

§ 104-307. 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 floodplain administrator for consideration.

§ 104-308. 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 and the date of its issuance and be signed by the floodplain administrator.

§ 104-309. Start of construction.

A. Work on the proposed construction 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. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

B. 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.

§ 104-310. Enforcement; violations and penalties.

A. 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:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;

(4) Be served upon the property owner or his 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;

(5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this chapter.

B. 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 of 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 Reynoldsville 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 the Board of Council to be a public nuisance and abatable as such.

§ 104-311. Appeals.

A. Any person aggrieved by any action or decision of the floodplain administrator concerning the administration of the provisions of this chapter may appeal to the Board of Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the floodplain administrator.

B. Upon receipt of such appeal the Board of 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.

C. Any person aggrieved by any decision of the Board of Council may seek relief there from by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.

ARTICLE IV
Identification of Floodplain Areas

§ 104-401. Identification.

A. The identified floodplain area shall be any areas of Reynoldsville Borough, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 15, 2012, 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.

B. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Reynoldsville Borough and declared to be a part of this chapter.

§ 104-402. Description and special requirements of identified floodplain areas.

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

A. The Floodway Area/District 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. 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.

(1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall not be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

(1) No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE than one foot at any point.

C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent annual chance flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

(1) 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 the municipality.

D. The Shallow Flooding Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by one-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

§ 104-403. Changes in identification of area.

The identified floodplain area may be revised or modified by the Board of 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 the FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

§ 104-404. Boundary disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Reynoldsville Borough Council and any party aggrieved by this decision or determination may appeal to the Board of Council. The burden of proof shall be on the appellant.

§ 104-405. Jurisdictional boundary changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

ARTICLE V
Technical Provisions

§ 104-501. General.

A. Alteration or relocation of watercourse.

(1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

(2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.

(3) In addition, the FEMA and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. Technical or scientific data shall be submitted by the applicant to FEMA for a letter of map revision (LOMR) as soon as practicable but within six months of any new construction, development, or other activity resulting in changes in the BFE. The

situations when a LOMR or a conditional letter of map revision (CLOMR) are required are:

(1) Any development that causes a rise in the base flood elevations within the floodway; or

(2) Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or

(3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

C. 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.

D. Within any identified floodplain area (see § 104-402), 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 Regional Office.

§ 104-502. Elevation and floodproofing requirements.

A. Residential structures.

(1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

(2) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 104-402C of this chapter.

(3) 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.

(4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401 through 405, as amended) shall be utilized.

B. Nonresidential structures.

(1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

(a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and

(b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(2) In A Zones, where there no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 104-402C of this chapter.

(3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

(4) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(5) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401 through 405 as amended) shall be utilized.

C. Space below the lowest floor.

(1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic structures. See the definition of "substantial improvement" in § 104-902 for requirements for the substantial improvement of any historic structures.

E. 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:

(1) 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, material, and equipment related to the principal use or activity.

(2) Floor area shall not exceed 600 square feet.

(3) The structure will have a low damage potential.

(4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

(5) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

(7) Sanitary facilities are prohibited.

(8) 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:

(a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

§ 104-503. 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 insure 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 #348, Protecting Building Utilities From Flood Damages, and the International Private Sewage Disposal Code shall be utilized.

D. Other utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.

F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in § 104-504, Development which may endanger human life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.

G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of 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.

(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.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.

K. Electrical components.

(1) Electrical distribution panels shall be at least three feet above the base flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment.

(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 drainage of these systems in the event that floodwater infiltration occurs.

N. Uniform Construction Code coordination. The standards and specifications contained in 34 Pa. Code (Chapters 401 through 405), as amended, and not limited to the following provisions shall apply to the above and other sections and subsections of this chapter,

to the extent that they are more restrictive and supplement the requirements of this chapter.

(1) International Building Code (IBC) 2009 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

(2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

§ 104-504. Development which may endanger human life.

A. 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 are considered dangerous to human life:

(1) Acetone.

(2) Ammonia.

(3) Benzene.

(4) Calcium carbide.

(5) Carbon disulfide.

(6) Celluloid.

(7) Chlorine.

(8) Hydrochloric acid.

(9) Hydrocyanic acid.

(10) Magnesium.

(11) Nitric acid and oxides of nitrogen.

(12) Petroleum products (gasoline, fuel oil, etc.).

(13) Phosphorus.

(14) Potassium.

(15) Sodium.

(16) Sulphur and sulphur products.

(17) Pesticides (including insecticides, fungicides, and rodenticides).

(18) Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any floodway area, any structure of the kind described in Subsection A, above, shall be prohibited.

C. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be:

(1) Elevated, or in the case of a nonresidential structure elevated or designed, and constructed to remain completely dry up to at least 1 1/2 feet above base flood elevation.

(2) Designed to prevent pollution from the structure or activity during the course of a base flood.

(3) 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.

§ 104-505. 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 identified floodplain areas where base flood elevation data are not available shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision or letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 104-506. Special requirements for manufactured homes.

A. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:

(1) Placed on a permanent foundation.

(2) Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation.

(3) Anchored to resist flotation, collapse, or lateral movement.

B. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 Pa. Code Chapter 401 through 405.

C. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

§ 104-507. Special requirements for recreational vehicles.

Recreational vehicles in Zones A, 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 § 104-506.

ARTICLE VI
Activities Requiring Special Permits

§ 104-601. General.

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 Reynoldsville 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.

§ 104-602. 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 Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet;

(3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

(4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

(5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and 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 elevation, and information concerning the flow of water including direction and velocities;

(7) The location of all proposed buildings, structures, utilities, and any other improvements; and

(8) Any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

(1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

(2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

(4) Detailed information concerning any proposed floodproofing measures;

(5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

(6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he 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.

§ 104-603. Application review procedures.

Upon receipt of an application for a special permit by the Reynoldsville Borough the following procedures shall apply in addition to those of Article III:

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 Reynoldsville Borough Planning commission and Reynoldsville Borough Engineer for review and comment.

B. If an application is received that is incomplete, the Reynoldsville Borough shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Reynoldsville Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Reynoldsville Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five working days after the date of approval.

E. Before issuing the special permit, the Reynoldsville Borough shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Reynoldsville Borough.

F. If the Reynoldsville 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 the Reynoldsville Borough and the applicant, in writing, of the reasons for the disapproval, and the Reynoldsville Borough shall not issue the special permit.

§ 104-604. Special technical requirements.

A. In addition to the requirements of Article V 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 Article V of this chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

(a) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.

(b) The lowest floor (including basement) will be elevated to at least 1 1/2 feet above base flood elevation.

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. 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 the Reynoldsville Borough and the Department of Community and Economic Development.

ARTICLE VII
Existing Structures in Identified Floodplain Areas

§ 104-701. 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 § 104-702 shall apply.

§ 104-702. 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 an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.

B. No expansion or enlargement of an existing structure shall be allowed within AE Area/ District without floodway 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 2009 IBC and the 2009 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.

ARTICLE VIII
Variances

§ 104-801. General.

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

§ 104-802. Variance procedures and conditions.

A. Requests for variances shall be considered by Reynoldsville Borough in accordance with the procedures contained in § 104-311 and the following:

(1) No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.

(2) No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE than one foot at any point.

(3) 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 activities requiring special permits (Article VI) or to development which may endanger human life (§ 104-504).

(4) If granted, a variance shall involve only the least modification necessary to provide relief.

(5) In granting any variance, Reynoldsville 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.

(6) Whenever a variance is granted, Reynoldsville 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.

(7) In reviewing any request for a variance, Reynoldsville Borough shall consider, at a minimum, the following:

(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:

[1] Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;

[2] Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(8) A complete record of all variance requests and related actions shall be maintained by Reynoldsville Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

B. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent annual chance flood.

ARTICLE IX
Definitions

§ 104-901. General

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

§ 104-902. Definitions.

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 "100-year flood" or "one-percent annual chance flood").

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 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 site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXISTING STRUCTURE — A structure for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing structure" may also be referred to as "existing construction."

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

HISTORIC STRUCTURES — Any structure that is:

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

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 March 15, 2012, and includes any subsequent improvements to such structures. Any construction started after April 17, 1978, and before March 15, 2012, is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

POST-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated April 17, 1978, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM) dated April 17, 1978, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE — A vehicle which is:

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 temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 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 improvements to such existing parks, when such development is located in all or a designated portion of a floodplain.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the floodplain administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a 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 walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION — The division or 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" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

A. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this chapter must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 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.

ARTICLE X
Enactment

§ 104-1001. Effective date.

This chapter shall be effective on March 15, 2012, and shall remain in force until modified, amended or rescinded by Reynoldsville Borough, Jefferson County, Pennsylvania.

Chapter 109

GROUP HOMES

§ 109-1. Definitions.

§ 109-2. Regulations.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.

§ 109-1. Definitions.

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

GROUP HOME — A use involving the residence of persons who need support services and who reside in a family-like residential environment. This shall only include a use licensed or certified under an appropriate state program. The residents are intended to be persons who might otherwise be confronted with institutionalization. Group homes shall be limited to persons needing special care and oversight because of physical illness or infirmity, age, physical disability, mental illness that is not criminal in nature, mental retardation, mental handicap or emotional disability that is not criminal in nature.

§ 109-2. Regulations.

A. In a residential district, there shall be no more than six clients in a single-family detached dwelling and four clients in any other dwelling unit. In any district where group homes are permitted, other than a residential district, there shall be a maximum of 15 clients.

B. There shall be twenty-four-hour supervision by people qualified by training in the field for which the group home is intended.

C. The use shall be licensed under the applicable state program.

D. Any medical or counseling services provided shall occur on the lot only for residents and up to two nonresidents.

E. The lot on which a group home is located shall be at least 900 feet from the lot on which another group home is located; such distance shall be measured in a horizontal straight line from the nearest point on one lot to the nearest point on the other lot.

F. One off-street parking space shall be provided for each of the following: the supervisor, each additional employee per shift and every two residents who can reasonably be expected to be able to drive a motor vehicle.

G. The group home activity shall not be related to criminal rehabilitation of either juveniles or adults, nor the criminally insane, nor serious alcohol or drug addiction.

H. If the group home is an existing or new structure located in a residential district or subdivision, it shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area.

I. The group home shall register its location, number of residents and sponsoring agency with the borough, and such information shall be available to the public.

J. A special exception approval shall be contingent upon the matter of operation and nature of the group home. If the type of client or operation should significantly change, a new application shall be submitted for a special exception.

K. A statement setting forth full particulars on the operation to be conducted and to include any needed approvals of the Pennsylvania Departments of Health, Labor and Industry; Aging; and Public Welfare shall be filed with the borough.

L. The group home shall notify the borough if there is any loss or suspension or significant change in certification by the state.

M. Off-street parking areas shall be buffered from adjacent existing single-family dwellings by an appropriate evergreen planting screen.

Chapter 112

HANDBILLS

§ 112-1. Unlawful acts; purpose.

§ 112-2. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 3-8-1937 by Ord. No. 251. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 88.
Peddling and soliciting — See Ch. 140.
Street cleaning — See Ch. 179.

§ 112-1. Unlawful acts; purpose.

A. From and after the passing of this chapter it shall be unlawful for any person or persons, firm or corporation to throw, place or be a party to the throwing or placing, either as principal or agent, of any circulars or handbills or other advertising matter on any thoroughfare of the borough or on or in any vehicle, pole, post or other object in any thoroughfare, or to throw or place any advertising matter on the steps, entrance or premises of any building in the borough, or to hand any advertising matter to any person in any thoroughfare of the borough.

B. The purpose of this chapter is to prevent annoyance to the public and the littering of the public thoroughfare by the free distribution of advertising matter.

§ 112-2. Violations and penalties.[1]

Any person being convicted for violation of this chapter shall be subject to payment of a fine of not more than $600 for the use of the borough, together with proper costs and, in default of payment thereof, imprisonment for a term not exceeding 30 days.

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 113

HAZARDOUS WASTES

§ 113-1. Definitions.
§ 113-2. Designated routes; exceeding load limit prohibited.
§ 113-3. Speed limits.
§ 113-4. Spacing requirement.
§ 113-5. Hours of operation.
§ 113-6. Conditions or operation.
§ 113-7. Miscellaneous requirements.
§ 113-8. Storage prohibition.
§ 113-9. Hospital waste presumed to contain dangerous wastes.
§ 113-10. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 8-9-1999 by Ord. No. 490. Amendments noted where applicable.]

§ 113-1. Definitions.

For the purpose of this ordinance, the following terms shall have the definitions ascribed to them:

CHEMOTHERAPEUTIC WASTE — All waste generated by or resulting from the productions or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. Chemotherapeutic waste shall not include any waste containing antineoplastic agents that are listed as hazardous waste under 25 Pa. Code § 75.261 (relating to criteria, identification and listing of hazardous waste).

DANGEROUS WASTE — Infectious wastes, or chemotherapeutic wastes or hazardous wastes, or any combination thereof.

HAZARDOUS WASTE — The same as "hazardous waste" under the federal regulations promulgated by the United States Environmental Protection Agency and codified at 40 CFR, 261.3, which is incorporated herein by reference. All lists in 40 CFR Part 261, Subpart D, and the Appendices to Part 261 are also expressly incorporated by reference. The term "hazardous waste" as used herein also includes any substance or mixture containing polychlorinated biphenyls (PCB's) at greater than 1/10 of 1% concentration when such substance or mixture is not intended for beneficial use or reuse. Radioactive waste and by-products, as defined by the Code of Pennsylvania 1975, are expressly excluded from this definition.

HOSPITAL WASTE — Waste of any sort generated by nursing homes, hospitals or clinics for the treatment of disease, or like institutions or businesses. The term shall also include paper-product bedding, towels, containers or cleaning implements that have been exposed to infectious, chemotherapeutic or pathological wastes solid wastes and/or hazardous wastes generated by nursing homes, hospitals or clinics for the treatment of disease, or like institutions or businesses.

INFECTIOUS WASTE — Waste that contains or may contain any disease-producing microorganism or material. Infectious wastes include but are not limited to the following:

A. Those wastes that are generated by hospitalized patients who are isolated in separate rooms in order to protect others from their severe and communicable disease.

B. All cultures and stocks of etiologic agents.

C. All waste blood and blood products.

D. Tissues, organs, body parts, blood and body fluids that are removed during surgery and autopsy and other wastes generated by surgery and autopsy of septic cases or patients with infectious diseases.

E. Wastes that were in contact with pathogens in any type of laboratory work, including collection containers, culture dishes, slides, plates and assemblies for diagnostic tests and devices used to transfer, inoculate and mix cultures.

F. Sharps, including hypodermic needles, suture needles, disposable razors, syringes, pasteur pipettes, broken glass and scalpel blades.

G. Wastes that were in contact with the blood of patients undergoing hemodialysis at hospitals or independent treatment centers.

H. Carcasses and body parts of all animals which were exposed to zoonotic pathogens.

I. Animal bedding and other wastes that were in contact with diseased or laboratory research animals or their excretions, secretions, carcasses or body parts.

J. Waste biologicals (e.g., vaccines) produced by pharmaceutical companies for human or veterinary use.

K. Food and other products that are discarded because of contamination with etiologic agents.

STORAGE — The holding of hazardous waste for a temporary period, at the end of which, the hazardous waste is treated, disposed of, moved or stored elsewhere.

WASTE — The same as "solid waste" under federal regulations promulgated by the United States Environmental Protection Agency and codified at 40 CFR, 261.2, which is incorporated by reference herein.

§ 113-2. Designated routes; exceeding load limit prohibited.

A. The streets and roads of the Borough of Reynoldsville, being generally narrow, winding and, in places, congested and not generally designed to accommodate heavy or constant truck traffic, the Borough Council may from time to time designate certain routes and/or particular streets for use by motor vehicle trucks hauling dangerous waste. The following streets are the only streets in the Borough of Reynoldsville designated at this time for transportation by truck of hospital and infectious wastes:

(1) Fourth Street.

(2) Broadway Street (Route 950).

(3) Bradford Street (Route 310).

(4) Jackson Street (Route 310).

(5) Fifth Street (Route 310).

(6) Main Street (Route 322).

B. No such motor vehicle truck shall exceed the load limit for any such route or road.

§ 113-3. Speed limits.

Trucks carrying dangerous waste within the Borough of Reynoldsville are hereby limited to 30 miles per hours (mph) on Broadway Street and Bradford Street; 25 mph on Fourth Street, Jackson Street, Fifth Street and Main Street and any other state or borough road within the Borough of Reynoldsville that may eventually be approved for use by such trucks bearing dangerous wastes.

§ 113-4. Spacing requirement.

No motor vehicle carrying dangerous wastes shall follow within 125 feet of any other vehicle when within the borough limits, provided that this section shall not apply to trucks following state or city police vehicles.

§ 113-5. Hours of operation.

Motor vehicle trucks carrying dangerous wastes shall operate only during approved hours and not during the hours that citizens generally travel to or from their jobs or the schools of the area. The only allowable hours, for purposes of this section, are deemed to be from 9:00 a.m. to 2:15 p.m. and 8:00 p.m. to 2:30 a.m.

§ 113-6. Conditions or operation.

A. No truck carrying dangerous wastes may operate when the temperature is below 32° F. and rain or other precipitation has occurred either within the last two hours or is expected within the next eight hours. Expectations shall be determined by reference to the official United States Weather Service forecast for the Mobile County area then current; such an expectation shall be deemed to exist if that forecast predicts over a 30% possibility of such precipitation.

B. No truck carrying dangerous wastes may be operated during any officially-designated hurricane or tornado watch or during any period where winds exceed 50 mph or have exceeded 50 mph at any time within the last four hours.

C. All trucks carrying dangerous wastes in the Borough of Reynoldsville shall operate with their headlights on at all times.

D. All trucks carrying dangerous wastes in the Borough of Reynoldsville shall be equipped with two-way radios capable of receiving from and transmitting to the police and other

emergency vehicles operated by the Borough of Reynoldsville. Such radios shall also be capable of communications with the Jefferson County Communications Center.

§ 113-7. Miscellaneous requirements.

A. Each truck hauling hazardous wastes shall carry and have available for inspection the manifest required for transportation of hazardous wastes under the Resource Conservation and Recovery Act, or federal or state regulations implementing the Act. Such manifest shall be presented upon request of any Reynoldsville police officer.

B. Each driver shall get out of his vehicle prior to entering the Borough of Reynoldsville and conduct a careful visual inspection of the entire truck, and the ground under it, to determine if such truck is leaking or is in any other way damaged. This inspection shall be repeated any time such truck is stopped within the Borough of Reynoldsville for over 30 minutes.

C. Each driver of any such truck shall immediately report any accident or collision involving his truck to the Borough of Reynoldsville police via his two-way radio.

D. No driver of a motor vehicle truck hauling dangerous wastes in the Borough of Reynoldsville shall be permitted to enter the Borough of Reynoldsville with such truck unless such driver, or the owner or consignor of such dangerous wastes, shall first have deposited with the Borough Secretary an indemnity bond with limits of not less than $50,000,000 per occurrence. Such bond shall be conditioned to pay all or part of such sum as damages or restitution to the Borough of Reynoldsville unless the responsible party shall reimburse any person, firm, partnership, trust or corporation, including the borough itself, for any damages to person, property or natural resources resulting from the hauling of such dangerous wastes, or accidents or spills incident thereto, in the Borough of Reynoldsville.

E. Any truck or vehicle carrying dangerous wastes shall comply with all DEP and state regulations and laws pertaining thereto.

§ 113-8. Storage prohibition.

Except as provided for by Department of Environmental Protection (DEP) regulations, the storage of dangerous wastes in one place for over 24 hours, within the Borough of Reynoldsville is entirely prohibited. Storage in separate places within the Borough for cumulative total of 48 hours or more is also prohibited.

§ 113-9. Hospital waste presumed to contain dangerous wastes.

For the purposes of this chapter, all hospital waste will be presumed to contain dangerous wastes.

§ 113-10. Violations and penalties.

Any person who operates a motor vehicle truck in violation of any of the provisions of this chapter, shall, upon conviction, be fined not less than $100 nor more than $500 and may, in addition or alternatively, be sentenced to jail for a period or term not exceeding 90 days. Such sentences may not be suspended.

Chapter 114

HOUSING, TRANSITIONAL

§ 114-1. Transitional housing.
§ 114-2. Restrictions.
§ 114-3. Location.
§ 114-4. Requirements.
§ 114-5. Exceptions.
§ 114-6. Violations and Penalties.
§ 114-7. Enforcement.
§ 114-8. Inclusion in Code.
§ 114-9. Severability.
§ 114-10. When effective.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 8-11-2010 by Ord. No. 536. Amendments noted where applicable.]

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§ 114-1. Transitional housing.

Transitional housing is housing for one or more offenders who have been released, paroled or placed on probation. An offender's home prior to incarceration or sentencing, or the residence of an offender's family member shall not be considered a transitional housing facility for the purposes of this chapter.

§ 114-2. Restrictions.

No transitional housing facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident of the Borough, that he or she:

A. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or

B. Has or may engage in conduct resulting in substantial physical damage to the property of others.

§ 114-3. Location.

A. A transitional housing facility shall not be located within 1,000 feet of any other transitional housing shelter, group home, or other similar program, unless such program is located within the same building.

B. A transitional housing facility shall not be located within 1,000 feet of any school, child care facility, church, common open space, community center, public park or recreational facility.

§ 114-4. Requirements.

A. A transitional housing facility must comply with the following restrictions and requirements:

(1) The transitional housing must be in compliance with all building codes and fire standards of the Borough of Reynoldsville and Jefferson County.

(2) There shall be at least one trained staff member of the transitional housing program on-site at all times while residents are present.

(3) There must be adequate security lighting provided in, on and about the site.

(4) There shall be no more than three felony offenders housed in any facility at any time.

B. The transitional housing facility must be designed to provide adequate security measures to protect other residents and employees and the surrounding neighborhood.

C. The transitional housing design and location must reflect the needs of the individuals being served and shall have trained personnel/staff on site at all times.

D. The transitional housing must be in compliance with county and state health and safety requirements for food, medical and other supportive services provided on-site.

E. The transitional housing operation and management must be in and maintain in good standing all county and/or state licenses, if required for the owner, operator and staff of the facility.

§ 114-5. Exceptions.

This chapter shall not apply to any person who established transitional housing within the Borough prior to the date of this chapter, and it shall not apply to facilities owned, maintained and/or operated by the County of Jefferson, Commonwealth of Pennsylvania or the United States.

§ 114-6. Violations and Penalties.

Any person or entity who violates the provisions of this chapter shall, upon conviction, before a Magisterial District Judge, be sentenced to a term of imprisonment up to 90 days and shall be fined not more than $1,000 for each violation, plus the costs of prosecution and reasonable attorney's fees. Every day shall be considered a separate offense.

§ 114-7. Enforcement.

The Reynoldsville Borough Police Department or the Pennsylvania State Police shall be charged with the enforcement of this chapter.

§ 114-8. Inclusion in Code.

It is the intent of the Borough Council of the Borough of Reynoldsville that the provisions of this chapter shall become and be made part of the Code of the Borough of Reynoldsville and the sections of this chapter may be renumbered or relettered and word "ordinance" may be changed to "section" or "article" or such other appropriate word or phrase in order to accomplish the intention of Borough Council.

§ 114-9. Severability.

The provisions of this chapter are severable. If any section, clause, sentence, part or provision shall be determine to be illegal, invalid or unconstitutional by any court or competent jurisdiction, such decision of the court shall not impair or affect any remaining provisions of the chapter, it being the intention of Borough Council that it would have adopted the chapter even if the offending language had not been included.

§ 114-10. When effective.

This chapter shall be effective 30 days after passage of the same.

Chapter 115

INSURANCE

ARTICLE I
Fire Insurance Claims

§ 115-1. Appointment of designated officer.
§ 115-2. Certificate required prior to payment of claim.
§ 115-3. Payment of municipal claims and expenses.
§ 115-4. Procedures for payment of claims to insured.
§ 115-5. Limits of liability.
§ 115-6. Insurance company rights reserved.
§ 115-7. Construal of provisions.
§ 115-8. Notification of Pennsylvania Department of Community Affairs.
§ 115-9. Violations and penalties.
§ 115-10. Effect on other provisions; legislative authority.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Fire Insurance Claims
[Adopted 4-21-1999 by Ord. No. 488]

§ 115-1. Appointment of designated officer.

The Borough of Reynoldsville Code Enforcement Officer, or such official's designee, is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

§ 115-2. Certificate required prior to payment of claim.

No insurance company, association or exchange (hereinafter, insurer) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough of Reynoldsville where the amount recoverable for the fire loss to the structure under all policies exceeds $7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to 508 (b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the Act) and unless there is compliance with the procedures set forth in 508 (c) and (d) of the Act.[1]

[1] **Editor's Note: See 40 P.S. § 638.**

§ 115-3. Payment of municipal claims and expenses.

A. Where there are delinquent taxes, assessments, penalties or user charges against the property (municipal claims), or there are expenses which the borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively, municipal expenses), the Code Enforcement Officer of the borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured, specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish, within 14 days after the request to the insurer, a certificate (or at his discretion, an oral notice confirmed in writing) either:

(1) Stating that there are no unpaid municipal claims or municipal expenses against the property; or

(2) Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

B. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to Subsection A of this section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of § 115-4 hereof.

§ 115-4. Procedures for payment of claims to insured.

When all municipal claims and municipal expenses have been paid pursuant to § 115-3, or where the Treasurer has issued a certificate described in § 115-3A indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, $2,000 for each $15,000 of such claim or fraction thereof.

B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above-described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the borough to be required in removing, repairing or securing the building or structure as required by this article. Such costs shall

include, without limitation, any engineering, legal or administrative costs incurred by the borough in connection with such removal, repair or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice that the proceeds have been received by the borough and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event, the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of funds transferred to the borough in excess of that required to pay the municipal expenses, provided that the borough has not commenced to remove, repair or secure the building or other structure, in which case the borough will complete the work.

(4) Pay to the Code Enforcement Officer, for reimbursement to the borough general fund, the amount of the municipal expenses paid by the borough.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Code Enforcement Officer that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the borough.

(6) Nothing in this section shall be construed to limit the ability of the borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this article, or to insurance proceeds, by an action at law or in equity to enforce the codes of the borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the borough may deem responsible.

§ 115-5. Limits of liability.

Nothing in this article shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this article or to make this borough, any borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this article.

§ 115-6. Insurance company rights reserved.

An insurance company, association or exchange making payment of policy proceeds under this article for delinquent taxes or structure removal liens or removal expenses incurred by the borough shall have full benefit of such payment including all rights of subrogation and of assignment.

§ 115-7. Construal of provisions.

This article shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

§ 115-8. Notification of Pennsylvania Department of Community Affairs.

The Secretary of the borough shall transmit a certified copy of this article promptly to the Pennsylvania Department of Community Affairs.

§ 115-9. Violations and penalties.

Any owner of any property, and named insured or insurer of any person, firm or corporation, who shall violate any provision of this article or who shall fail to comply with any of the requirements hereof, upon conviction thereof in an action brought before the District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than $200 and not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.

§ 115-10. Effect on other provisions; legislative authority.

The provisions of this article, so far as they are the same as those of ordinances enforced immediately prior to the enactment of this article, are intended as a continuation of such ordinances and not as new enactments. The provisions of this article shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this article. This article is pursuant to 40 P.S. § 638, as amended.

Chapter 117

JUNKYARDS

§ 117-1. Definitions.
§ 117-2. Junkyards prohibited.
§ 117-3. Violations and penalties.
§ 117-4. Public nuisances.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 6-11-1956 by Ord. No. 318. Amendments noted where applicable.]

GENERAL REFERENCES

Explosives — See Ch. 95.
Property maintenance — See Ch. 149.

§ 117-1. Definitions.

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

JUNK — Any waste, salvage materials, debris and manufactured objects unable to function for the uses for which they were originally intended.

JUNKYARD — Any site open to public view on which is stored any waste, salvage material, debris or manufactured objects which are unable to function for the uses for which they were originally intended.

PERSON — Any individual, firm or corporation.

§ 117-2. Junkyards prohibited.

It shall be unlawful for any person to establish or maintain a junkyard, as above defined, within the limits of the borough of Reynoldsville, Pennsylvania.

§ 117-3. Violations and penalties. [Amended 4-27-1966 by Ord. No. 318-A[1]]

Any person violating the provisions of this chapter shall be subject to a fine of not more than $1,000, plus costs of prosecution, for each and every offense or, in default in the payment thereof, undergo imprisonment not exceeding 30 days for each and every offense. Every person convicted under this chapter shall, within a period of 10 days thereafter, eliminate the junkyard conditions for which he was convicted, and his failure so to do shall constitute a new and separate offense, subject to the penalties hereof.

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 117-4. Public nuisances.[2]

Junkyards, as above defined, are hereby declared public nuisances per se, and the borough police are hereby empowered to enter upon such junkyards and abate such nuisances by removing the junk stored thereupon at the expense of the person establishing or maintaining the same.

2 **Editor's Note: See Ch. 134, Nuisances.**

Chapter 134

NUISANCES

§ 134-1. Unlawful acts.

§ 134-2. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 7-13-1953 by Ord. No. 300. Amendments noted where applicable.]

GENERAL REFERENCES

Barking and nuisances by dogs — See §§ 64-7 and 64-8.
Handbills — See Ch. 112.
Junkyards — See Ch. 117.
Property maintenance — See Ch. 149.

§ 134-1. Unlawful acts.

It shall be unlawful for any person, firm or corporation, or any agents thereof, to do, authorize, aid or abet any of the following described actions or matters, such regulations or restrictions being intended to promote the general health and welfare of the borough:

A. To place, or cause to be placed, thrown or maintained in or near any of the highways, streets and alleys of the borough any liquid or solid or animal matter that will decay or become offensive or will render offensive any of the drains, streams or sewers within the borough.

B. To place, or cause to be placed, thrown or maintained in or near any of the highways of the borough any matter or thing that will cause danger or discomfort or is unsightly to the traveling public or to the inhabitants of the borough.

C. To place, or cause to be placed, thrown or maintained in or near any stream, stream bed or sewer in the borough any matter or thing that will interfere or tend to interfere with the natural flow of water of said stream or clog or tend to clog the flow of water in and through any sewer.

D. To permit weeds and similar vegetation, not edible or planted for some useful or ornamental purpose, to grow or remain upon the premises owned by them in the borough or upon the sidewalk, curb or gutter adjoining.

E. To keep or suffer to remain on the premises owned or occupied or used by any person, firm or corporation any decaying, offensive, unwholesome or unsightly matter of any kind or to permit the same on any vacant lot or in any stream or highway adjoining.

§ 134-2. Violations and penalties.[1]

All matters referred to as unlawful in this chapter are declared to be nuisances and removable as such, and the persons violating shall be liable to a fine not exceeding $1,000, plus costs of prosecution, or imprisonment not exceeding 30 days for each offense. Each day's continuance of the offense shall constitute a new offense. In addition to the cost of removal, the penalties shall be collected by municipal lien or any other manner authorized by law.

[1] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 137

PARKS AND RECREATIONAL FACILITIES

§ 137-1. Intent and purpose.
§ 137-2. Prohibited conduct.
§ 137-3. Definitions.
§ 137-4. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 7-15-1998 by Ord. No. 485. Amendments noted where applicable.]

§ 137-1. Intent and purpose.

For the purpose of supervising and maintaining all existing parks and outdoor recreational areas owned by the borough, and any other outdoor recreational areas which may be acquired by the borough, the following rules and regulations are established for the management, operation and protection of these parks and outdoor recreational facilities, hereinafter designated as "parks."

§ 137-2. Prohibited conduct.

A. The parks shall be opened daily to the public between the hours of 7:00 a.m. and dusk. At dusk all activities in the parks shall cease and all persons in the parks shall leave as soon as possible thereafter. No person, other than authorized employees thereof, shall be in the parks at any time between dusk and 7:00 a.m. the following morning. **[Amended 5-19-1999 by Ord. No. 489]**

B. No person shall remove any bench, seat or table from the parks or change the location thereof without permission from the borough.

C. No person shall conduct himself within the parks so as to annoy any other person using the parks for recreational purposes.

D. No person shall hold any meeting or gathering, assembled through advertisement or public notice, or any gathering otherwise assembled within the limits of the parks without first having made application to the Borough Office for a permit. The permit shall indicate the spot in the park where the gathering or meeting shall be held, and the gathering shall not be held at any other spot within the park. The application for the permit shall be in the name of the person who shall be responsible for seeing that all refuse left by the group shall be placed in proper containers before leaving the park.

E. No person shall set up any booth, table or stand for the sale of any article whatsoever, within the limits of the parks, without the consent of the borough, which shall have authority to refuse such consent in any instance.

F. No person shall dispose of any waste or garbage in the parks except in receptacles designated for the respective purposes. All persons using the parks shall dispose of all waste and garbage left by them in such proper receptacles.

G. No person shall injure, deface or destroy any notice, rule or regulation posted at any place within the parks by authority of the borough or any other authority of the borough. Nor shall any person post, at any place within the parks, any notice or placard other than by authority of the borough.

H. No person shall set or maintain any fire in the parks except in stoves and fireplaces maintained for that purpose and located within the parks.

I. No person shall possess open containers of alcoholic beverages or consume alcoholic beverages on the park grounds.

J. No person, other than an officer of the law, shall carry any firearms within the limits of the parks.

K. No person shall bring, or permit to be brought, drinking glasses or other glass containers of any kind within the confines of the parks for any purpose.

L. No person shall bring, or permit to be brought, any pets whatsoever within the confines of the parks.

M. No person shall ride any bicycle, skateboard, motorcycle or vehicle within the confines of the parks, nor is any rollerblading permitted within the parks at any time.

N. No person shall injure, deface or destroy any property within the confines of the parks.

§ 137-3. Definitions.

The terms "park" or "parks" 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 under the jurisdiction of the borough or now or hereafter owned or acquired by the borough for park or recreational purposes.

§ 137-4. Violations and penalties.

Any person who shall violate any provision of this chapter shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than $600, plus costs. Each day that a violation of this chapter continues shall constitute a separate offense.

Chapter 140

PEDDLING AND SOLICITING

§ 140-1. Definitions and word usage.
§ 140-2. License required.
§ 140-3. Application.
§ 140-4. Fees.
§ 140-5. Issuance and display of license.
§ 140-6. Hours.
§ 140-7. Fixed locations.
§ 140-8. Suspension of license.
§ 140-9. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 10-12-1977 by Ord. No. 411. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 88.

§ 140-1. Definitions and word usage.

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

PEDDLER — Any person who shall engage in peddling, as herein defined.

PEDDLING — Engaging in selling, peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or sidewalks or from business to business or house to house within the Borough of Reynoldsville.

PERSON — Any natural person, association, partnership, firm or corporation.

SOLICITING — The soliciting, requesting, begging or seeking of donations or contributions for or on behalf of any religious, civic, educational, historic, charitable or noncharitable institution or organization upon any of the streets or sidewalks or from house to house within the Borough of Reynoldsville.

SOLICITOR — Any person who shall engage in soliciting, as herein defined.

B. In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 140-2. License required.

No person shall engage in peddling or soliciting in the Borough of Reynoldsville without first having taken out a license as herein provided.

§ 140-3. Application.

A. Every person desiring to engage in peddling or soliciting in the borough shall first make application to the Borough Secretary-Treasurer for a license. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Upon such application, such person shall give:

(1) His name.

(2) Proper identification.

(3) His address.

(4) His previous criminal record, if any.

(5) The name of the organization and person for whom he works.

(6) A financial statement of his employer or organization and name and address of the same.

(7) The type of goods, wares and merchandise he wishes to peddle or the method by which he wishes to solicit.

(8) The length of time for which he wishes to be licensed.

(9) The type of vehicle he uses, if any.

(10) The number of helpers or persons to be peddling or soliciting.

B. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper.

C. No license issued under this chapter shall be transferable from one person to another.

§ 140-4. Fees.[1]

A. No license shall be issued under this chapter until the proper fee, as set forth from time to time by resolution of the Borough Council, shall be paid to the Borough Secretary-Treasurer, which fee shall be for the use of the borough.[2]

B. Each and every additional peddler or solicitor working for or with the original applicant shall be issued a license without additional fees if the original applicant meets the requirements and provides the necessary information for a license.

§ 140-5. Issuance and display of license.

Upon making the application therefor and paying the proper fee, a license shall be issued to every peddler or solicitor. The license shall contain such information, as obtained from the application, necessary to properly identify the person and his agency and the nature of his

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2 **Editor's Note: Said fees are on file in the borough offices.**

license. Every peddler and solicitor shall at all times when engaging in peddling or soliciting in the borough wear and display such license upon his person and shall so exhibit the same in such a manner as to be clearly visible at all times.

§ 140-6. Hours.

No person licensed under this chapter shall engage in peddling or soliciting at any time on Sunday or upon any other day of the week before 9:00 a.m. or after 5:00 p.m.

§ 140-7. Fixed locations.

No person licensed under this chapter shall occupy any fixed location upon any of the streets, alleys or sidewalks of the borough for peddling or soliciting purposes with or without any stand or counter.

§ 140-8. Suspension of license.

The Secretary-Treasurer of the borough is hereby authorized to suspend any license issued under this chapter if he deems such suspension to be beneficial to the public health, safety or morals, or for violation of any provisions of this chapter, or for giving false information upon any application for a license hereunder.

§ 140-9. Violations and penalties.[3]

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of no more than $600, and costs of prosecution, and, in default of payment thereof, to imprisonment for not more than 30 days.

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[3] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 142

PERMITS, ACTIVITIES REQUIRING

§ 142-1. Activities enumerated.
§ 142-2. Fees.
§ 142-3. Advertising signs.
§ 142-4. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 7-15-1998 by Ord. No. 486. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 158.
Streets and sidewalks — See Ch. 179.

§ 142-1. Activities enumerated.

No person shall engage in the following activities in the Borough of Reynoldsville without first securing a permit from the Borough Council of the Borough of Reynoldsville and meeting all of the rules and regulations for the particular activity as established by the Borough Council of the Borough of Reynoldsville:

A. Signs. The display of any "sign," hereby defined as being any identification, description, illustration, advertisement or device, illuminated or nonilluminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant or placard designed to advertise, identify or convey information.

B. Dance. The conduct of an amusement for recreational activity in the form of a dance at which the public pays an entrance or other fee for the enjoyment of the dance activity.

C. Rental of space. The rental of any portion of borough-owned property, including parking of vehicles, storage of any and all types of articles by the general public or any other general rental of space under the control of the borough.

D. Garage and yard sales and auctions in private places. The sale or offering for sale of 10 or more new, used or secondhand items of personal property at any one residential premises at any one time, including all sales in residential areas entitled "garage sales," "yard sales," "tag sales," "porch sales," "lawn sales," "attic sales," "basement sales," "rummage sales," "flea market sales" or similar casual sales of tangible personal property.

E. Excavation. Any activity conducted for remuneration on private property or within the right-of-way of any street, alley or cartway or on public property which involves cutting, breaking or disturbing the surface thereof.

F. Auctions in private homes. Any auction conducted for remuneration on private property which serves or served as a residence for individuals. The permit for this activity is to be obtained by the owner of the private property and the auctioneer.

G. Cutting of trees. The cutting and/or removing of any trees within the Borough of Reynoldsville.

§ 142-2. Fees.

No person shall engage in any of the activities set forth in § 142-1 of this chapter without paying the fee established by the Borough of Reynoldsville, which fee shall be set by resolution and change from time to time at the discretion of the Borough Council of the Borough of Reynoldsville by further resolution.[1]

§ 142-3. Advertising signs.

No person shall advertise for the sales set forth in § 142-1D of this chapter and continue to have the signs posted more than 24 hours after the sale is concluded.

§ 142-4. Violations and penalties.

Any person who shall violate any provision of this chapter shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than $600, plus costs. Each day that a violation of this chapter continues shall constitute a separate offense.

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1 **Editor's Note: The current Fee Schedule is on file in the borough offices.**

Chapter 144

PLUMBING STANDARDS

§ 144-1. Adoption of standards by reference.

§ 144-2. Modifications to standards.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.
Fire prevention — See Ch. 99.
Sewers — See Ch. 158.
Water — See Ch. 195.

§ 144-1. Adoption of standards by reference.

A certain document, one copy of which is on file in the office of the Borough Secretary-Treasurer of the Borough of Reynoldsville, being marked and designated as the "International Plumbing Code, First Edition, 1995," and any subsequent editions thereof, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Plumbing Code of the Borough of Reynoldsville, County of Jefferson, Commonwealth of Pennsylvania, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said International Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 144-2 of this chapter.

§ 144-2. Modifications to standards.

The International Plumbing Code is amended and revised as follows:

A. In Section 101.1, the words "Borough of Reynoldsville" shall be inserted where applicable.

B. Section 106.5.2 is revised to read as follows:

106.5.2 Fee schedule: The permit fees for all plumbing work shall be set from time to time by resolution of the Borough Council.

C. Section 108.4 is revised to read as follows:

108.4 Violations and penalties: Any person, firm or corporation who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or shall install plumbing work in violation of an approved plan or directive of the Office of Code Enforcement, or of a permit or certificate issued under the provisions of this code, shall, upon conviction thereof, be subject to a fine of not more than $1,000, plus costs of prosecution and, in default of payment of such fine and costs, shall be sentenced to

imprisonment for a period of not more than 30 days. Each day that a violation continues shall be deemed a separate offense.

D. The last sentence of Section 108.5 is revised to read as follows: "Any person who continues any plumbing work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to the penalties set forth in Section 108.4 of this code."

E. Section 306.6.1 is revised to read as follows:

306.6.1 Sewer depth: Building sewers that connect to private sewage disposal systems shall be a minimum number of inches below finished grade at the point of septic tank connection, as determined by the Borough Council or its designated representative. Building sewers shall be a minimum number of inches below grade, as determined by the Borough Council or its designated representative.

Chapter 147

PROCESSIONS AND ASSEMBLAGES

§ 147-1. Definitions.
§ 147-2. Permit required for assemblage; application.
§ 147-3. Permit required for procession; application.
§ 147-4. Costs; deposit.
§ 147-5. Bond.
§ 147-6. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 10-15-1997 by Ord. No. 481. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 88.
Streets and sidewalks — See Ch. 179.
Vehicles and traffic — See Ch. 190.

§ 147-1. Definitions.

For the purpose of this chapter, 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 or sidewalk or which interferes with the public's access or use of any public grounds or buildings.

PROCESSION — A group of individuals, vehicles, animals, and/or objects moving along a street or sidewalk in a way that interferes with the normal movement of traffic or access to public grounds or buildings. A procession shall not include a funeral caravan or a police, fire or military convoy.

§ 147-2. Permit required for assemblage; application.

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 Reynoldsville Borough Secretary, which shall be issued without fee. Application for the permit shall be made at least three weeks 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 six weeks in advance of the proposed day. 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.

§ 147-3. Permit required for procession; application.

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 Reynoldsville Borough Secretary, which shall be issued without fee. Application for the permit shall be made at least three 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 six 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 underway, 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.

§ 147-4. Costs; deposit.

Should the Reynoldsville Borough anticipate or actually incur any costs beyond normal operating costs resulting from any such application or event, then the borough shall have the right to either require a deposit by the applicant or shall assess the applicant such costs at the applicant's sole expense.

§ 147-5. Bond.

In addition to or in the alternative to § 147-4, the borough may require a bond, with one or more sureties, to be posted in advance by the applicant.

§ 147-6. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction, be sentenced to pay a fine of $500 and costs.

Chapter 149

PROPERTY MAINTENANCE

§ 149-1. Adoption of Property Maintenance Code.

§ 149-2. Modifications to standards.

§ 149-3. Repealer.

§ 149-4. Severability.

§ 149-5. Effect on other proceedings.

§ 149-6. Effective date.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 4-19-2017 by Ord. No. 556.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.
Dangerous buildings — See Ch. 73.
Junkyards — See Ch. 117.
Mobile homes — See Ch. 128.

§ 149-1. Adoption of Property Maintenance Code.

A certain document, three copies of which are on file in the office of the Borough of Reynoldsville, being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Reynoldsville, in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Reynoldsville are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in § 149-2 of this chapter. As successor editions of the International Property Maintenance Code are published, such successor editions and additions, insertions, deletions and changes thereto may be adopted by resolution of the Borough Council.

§ 149-2. Modifications to standards.

The following sections are hereby revised:

A. Section 101.1 [NAME OF JURISDICTION] - Insert "Borough of Reynoldsville."

1. **Editor's Note: This ordinance also superseded former Ch. 149, Property Maintenance, adopted 8-20-1997 by Ord. No. 4480.**

B. Section 106.3 Remove "misdemeanor or civil infraction as determined by the local municipality" and replace with "summary offense."

C. Section 106.4 shall be revised to read as follows:

> 106.4 Violation penalties. Any person who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than $1,000, plus costs of prosecution, and in default of payment of such fine and costs, shall be sentenced to imprisonment for a period of not more than 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

D. Section 112.4 Remove "less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "more than $1,000."

E. Section 302.4 [HEIGHT IN INCHES] - Insert six inches.

F. Section 304.14 [DATE]; [DATE] - Insert May 1; September 30.

G. Section 602.3 [DATE]; [DATE] - Insert October 1; April 30.

H. Section 602.4 [DATE]; [DATE] - Insert October 1; April 30.

§ 149-3. Repealer.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 149-4. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Borough Council of the Borough of Reynoldsville hereby declares that it would have passed this chapter, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

§ 149-5. Effect on other proceedings.

Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 149-3 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

§ 149-6. Effective date.

This chapter and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect April 19, 2017, from and after the date of its final passage and adoption.

Chapter 153

REAL ESTATE REGISTRY

§ 153-1. Purpose.
§ 153-2. Definitions and word usage.
§ 153-3. Registration of apartment units, houses and rooms.
§ 153-4. Compliance with Property Maintenance Code.
§ 153-5. Inspection and access to dwellings.
§ 153-6. Borough Council's representatives.
§ 153-7. Consent to inspection and access to dwelling.
§ 153-8. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 149.

§ 153-1. Purpose.

The purpose of this chapter is to establish a registry of apartment units, homes and rooms within the Borough of Reynoldsville to aid the administration of borough affairs.

§ 153-2. Definitions and word usage.

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

OWNER — Any person who, alone, jointly or severally with others, holds legal or equitable title to premises upon which and in which there is one or more apartment units.

PERSON — An individual, firm, partnership, association or corporation.

ROOM — A space included within a building occupied by one other than the owner or his immediate family.

B. Use of the masculine pronoun shall include the feminine and neuter.

§ 153-3. Registration of apartment units, houses and rooms.

A. Every owner shall, between September 1 and October 1 of each year, register with the borough on forms provided by the borough all apartment units, houses (other than those occupied by the owners exclusively) and rooms; provided, however, that with regard to rooms, registration shall be of those individuals who are not transient in nature and who occupy the rooms as permanent residents, situate within the Borough of Reynoldsville, as

of September 1 of the year of registration. An annual registration fee shall be paid in accordance with the fee schedule adopted and/or modified by resolution of the Borough Council.

B. Within 14 days of any change of either the identity of the lessee and/or ownership of the premises, the present owner or, in the case of transfer of ownership, the new owner shall forthwith file an amended registration.

C. The owner shall, at the same time, supply to the borough his name and address or the name and address of an agent for the purposes of serving the owner with all materials as may be required pursuant to the provisions of the Borough Council or the ordinances of the Borough of Reynoldsville.

D. Any person who becomes a landlord of any parcel of real estate or any improvements on real estate or building located in the Borough of Reynoldsville by agreement of sale, by deed or by any other means shall, within 30 days thereafter, report to the Borough Secretary-Treasure the information and data set forth in § 153-3 above.

§ 153-4. Compliance with Property Maintenance Code.

All units referred to in § 153-3 shall comply with Chapter 149, Property Maintenance, and a written statement, which has been executed by the property owner and which certified such compliance, shall be provided to the borough at the time of the annual registration.

§ 153-5. Inspection and access to dwellings.

A representative of the Borough Council is authorized and directed to conduct inspections from time to time to determine whether there has been compliance with the registration provisions of this chapter; provided, however, that no such inspection shall be made without prior notice to the owner and occupants thereof and shall not, without the consent of the occupants thereof, be made other than during normal business hours. For such purpose, and subject to the qualifications set forth herein, the representative of the Borough Council is authorized, upon justification based upon a reasonable belief of the existence of a violation, to enter and examine any dwelling, yard or part of either at reasonable times, and every owner, operator or occupant shall provide him access thereto.

§ 153-6. Borough Council's representatives.

A representative of the Borough Council is authorized to designate a representative who shall have the authority and directive provided to the representative of the Borough Council in § 153-5.

§ 153-7. Consent to inspection and access to dwelling.

At the time of the annual registration, as a condition of such representation, each property owner shall execute a written statement authorizing and consenting to the inspection of the

registered property by the representative of the Borough Council or his designated representative under the circumstances authorized and directed in § 153-5.

§ 153-8. Violations and penalties.

A. Any person who shall violate the provisions of this chapter by failing to register as provided herein shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of not more than $600, and the costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days, provided that each day's continuance of such violation shall constitute a separate offense.

B. Where the owner has been given notice personally, or by certified mail, which notice shall set forth the time, place and nature of the violation, no prosecution shall be instituted for 48 hours after said notice, and if during said forty-eight-hour period the offender shall voluntarily enter a plea of guilty and pay a fine of $100 to the Borough Secretary-Treasurer for the use of the borough, no prosecution for such offense shall thereafter be brought.

Chapter 155

RECORDS

§ 155-1. Hours for copying documents.
§ 155-2. Fees.
§ 155-3. Deposit may be required.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 7-21-1999 by Res. No. 7-21-99-1. Amendments noted where applicable.]

§ 155-1. Hours for copying documents.

Provided that advanced notice is given, any individual may request copies of documents from borough personnel, which shall be done on Tuesday of each week, between the hours of 9:00 a.m. and 3:00 p.m. Any request made during the interim time shall be noted and the work accomplished during the time stated above. This shall include requests for copies of ordinances, minutes, maps and other public documents to which the public is entitled to receive copies thereof, upon request.

§ 155-2. Fees.

The following charges shall be made for the cost of the following items:

A. Photocopies: $0.25 per page.

B. Facsimile: $2 for the first page and $1 per page for each page thereafter. If any facsimile is sent to an extreme distance that would result in an extra surcharge, that amount would be considered accordingly.

C. If an extended time is involved in researching records, documents, minutes, maps or similar items, there shall be a charge of $10 per hour for the personnel time involved therein.

§ 155-3. Deposit may be required.

A deposit may be requested prior to the fulfillment of any request made by the public should the borough personnel determine that such a deposit is in order. If an exact amount cannot be determined, then an amount shall be deposited and any refund or additional charge adjusted at the completion of said work.

Chapter 158

SEWERS

ARTICLE I
Connection and Use of Sewers

§ 158-1. Connection to wastewater sewer required.
§ 158-2. Connection to borough's system when available.
§ 158-3. Connection permit required; fees.
§ 158-4. Connection costs; indemnification of borough.
§ 158-5. Separate connections required.
§ 158-6. Use of existing building sewers.
§ 158-7. Building sewer design.
§ 158-8. Building sewer elevation.
§ 158-9. Surface runoff and groundwater drains.
§ 158-10. Conformance to applicable codes.
§ 158-11. Connection inspection.
§ 158-12. Excavation guards and property restoration.
§ 158-13. Protection of capacity for existing users.
§ 158-14. Entry for inspections.
§ 158-15. Easements.
§ 158-16. Observance of safety rules.
§ 158-17. Payment of fees and charges.
§ 158-18. Use of funds.
§ 158-19. Penalty and interest.
§ 158-20. User charge system.
§ 158-21. Financial management; revision of rates.
§ 158-22. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville: Art. I, 9-30-1986 by Ord. No. 446. Amendments noted where applicable.]

GENERAL REFERENCES

Sewage Authority — See Ch. 44.
Building construction — See Ch. 70.
Floodplain management — See Ch. 104.
Trailers and mobile homes — See Ch. 187.
Plumbing standards — See Ch. 144.
Stormwater management — See Ch. 175.

ARTICLE I
Connection and Use of Sewers
[Adopted 9-30-1986 by Ord. No. 446]

§ 158-1. Connection to wastewater sewer required.

The owner of any house, building or property which is used for human occupancy, employment, recreation or other purposes, under the jurisdiction of this article, and abutting on any street, alley or right-of-way in which there is or may be located a wastewater sewer connected to the treatment facility of the borough, is required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly to the proper sewer in accordance with the provisions of this article, within 60 days after date of official notice to do so, provided that the proper wastewater sewer is within 150 feet of the property line. This

section shall not apply to any person served by a privately constructed, owned, operated and maintained wastewater sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this article and applicable state and federal laws.

§ 158-2. Connection to borough's system when available.

At such time as a wastewater sewer becomes available, as defined in § 158-1, to a property served by a private wastewater disposal system, a direct connection shall be made to the wastewater sewer within 60 days, and any septic tanks, cesspools and similar wastewater disposal facilities shall be emptied and filled with suitable material.

§ 158-3. Connection permit required; fees.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any wastewater sewer or a storm sewer without first obtaining a written permit from the Reynoldsville Sewage Authority personnel.[1]

B. There shall be three classes of permits for connections to the borough's wastewater facilities: Class I — residential, Class II — commercial and Class III — industrial. In all cases, the owner shall make application for a permit to connect to the borough's wastewater facilities on a special form furnished by the borough. The permit application shall be supplemented by wastewater information required to administer this article. A permit and inspection fee as set forth from time to time by the Sewage Authority shall be paid to the borough at the time the application is filed.[2]

C. Connections to a storm sewer shall be subject to a permit and inspection fee as set forth from time to time by the Sewer Authority.[3] Such connections shall be subject to the provisions of this article and the approval of the Reynoldsville Sewage Authority personnel.

§ 158-4. Connection costs; indemnification of borough.

The costs and expenses incidental to the building sewer installation and connection to the borough's wastewater facilities shall be borne by the owner. The owner shall indemnify the borough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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1 **Editor's Note: See Ch. 44, Sewage Authority.**

2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Said fees shall be on file in the Sewage Authority offices.**

3 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Said fees shall be on file in the Sewage Authority offices.**

§ 158-5. Separate connections required.

A separate and independent building sewer shall be provided for every building, except that, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The borough assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two buildings.

§ 158-6. Use of existing building sewers.

Existing building sewers may be used for connection of new buildings only when they are found acceptable on examination and test by the Reynoldsville Sewage Authority personnel.

§ 158-7. Building sewer design.

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the Building and Plumbing Codes or other applicable requirements of the borough.[4] In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Pollution Control Federation (WPCF) shall apply.

§ 158-8. Building sewer elevation.

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the borough's wastewater sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the borough sewer.

§ 158-9. Surface runoff and groundwater drains.

A. No person shall connect roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains to any sewer which is connected to a wastewater treatment facility.

B. Except as provided in Subsection A above, roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

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[4] **Editor's Note: See Ch. 70, Building Construction; Ch. 144, Plumbing Standards; and Ch. 175, Stormwater Management.**

§ 158-10. Conformance to applicable codes.

A. The connection of a building sewer into a wastewater sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable requirements of the borough,[5] or the procedures set forth in appropriate specifications of the ASTM or the WPCF. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Reynoldsville Sewage Authority personnel before installation.

B. The connection of a surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the applicable Building Code or other applicable requirements of the borough. The connection of any such drain to a wastewater sewer under special permit as provided under § 158-9A of this article shall conform to the requirements specified by the Reynoldsville Sewage Authority personnel as a condition of approval of such permit.

§ 158-11. Connection inspection.

The applicant for a building sewer or other drainage connection permit shall notify the Reynoldsville Sewage Authority personnel when such sewer or drainage connection is ready for inspection prior to its connection to the borough's facilities. Such connection and testing as deemed necessary by the Reynoldsville Sewage Authority personnel shall be made under the supervision of the Reynoldsville Sewage Authority personnel.

§ 158-12. Excavation guards and property restoration.

Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the borough.

§ 158-13. Protection of capacity for existing users.

The Reynoldsville Sewage Authority personnel shall not issue a permit for any class of connection to the borough's wastewater sewers or wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, in the wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the system. The Reynoldsville Sewage Authority personnel may permit such a connection if there are legally binding commitments to provide the needed capacity.

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[5] **Editor's Note: See Ch. 70, Building Construction, Art. III; Ch. 144, Plumbing Standards; Ch. 175, Stormwater Management.**

§ 158-14. Entry for inspections.

The Reynoldsville Sewage Authority personnel, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purpose of inspection, observation, measurement and sampling of the wastewater discharge to ensure that discharge to the borough's wastewater facilities is in accordance with the provisions of this article.

§ 158-15. Easements.

The Reynoldsville Sewage Authority personnel, bearing proper credentials and identification, shall be permitted to enter all private property through which the borough holds an easement for the purposes of inspection, observation, measurement, sampling repair and maintenance of any of the borough's wastewater facilities lying within the easement. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

§ 158-16. Observance of safety rules.

While performing the necessary work on private properties referred to in § 158-15 above, the Reynoldsville Sewage Authority personnel shall observe all safety rules established by the owner or occupant of the property and applicable to the premises.

§ 158-17. Payment of fees and charges.

All fees and charges payable under the provisions of this article shall be paid to the borough. Such fees and charges shall be as set forth in the latest edition of the borough's Wastewater Service Charge Ordinance.[6]

§ 158-18. Use of funds.

All fees, penalties and charges collected under this article (and the Wastewater Service Charge Ordinance) shall be used for the sole purpose of constructing, operating or maintaining the wastewater facilities of the borough or for the retirement of the debt incurred for same or for payment of industrial cost recovery if required pursuant to federal law.

§ 158-19. Penalty and interest.

All fees and charges payable under the provisions of this article are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the borough's Wastewater Service Charge Ordinance.

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[6] **Editor's Note: Said ordinance is on file in the Reynoldsville Sewage Authority office.**

§ 158-20. User charge system.

A. Each user of the system found to be discharging pollutants that cause an increase in the cost of managing the effluent or sludge from the treatment works shall be assessed and shall pay the increased cost resulting from the discharge of the pollutants.

B. Each user of the system shall be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

§ 158-21. Financial management; revision of rates.

An adequate financial management system will be kept which accurately accounts for revenues generated by the system and expenditures for operation and maintenance, including replacement, of the treatment system, based on an adequate budget identifying the basis for determining the annual operation and maintenance costs and the cost of personnel, material, energy and administration. The Borough of Reynoldsville hereby reserves the right to alter all fees, connection fees and rates as in the discretion of the borough is deemed necessary for the proper operation and maintenance of the sewer system.

§ 158-22. Violations and penalties.[7]

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 and costs of prosecution for each and every violation and, in default of payment of such fine and costs, to imprisonment for not more than 30 days.

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[7] **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 159

SEX OFFENDERS

ARTICLE I
Residency Restrictions

§ 159-1. Definitions.
§ 159-2. Residency restriction/prohibition.
§ 159-3. Notice to move.
§ 159-4. Exceptions.
§ 159-5. Violations and penalties.
§ 159-6. Enforcement.
§ 159-7. Publication of map.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Harassment — See Ch. 19. **Adult-oriented businesses and materials — See Ch. 58.**

ARTICLE I
Residency Restrictions
[Adopted 11-19-2008 by Ord. No. 531]

§ 159-1. Definitions.

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

CHILD-CARE FACILITY — A licensed day-care center, child-care facility or any other child-care service facility exempt from licensing pursuant to the laws of the Commonwealth of Pennsylvania.

CHURCH — A place of assembly used for congregate religious services and worship, including educational and recreational facilities for the use of church members.

COMMON OPEN SPACE — The area of land and/or water restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for residents of the Borough of Reynoldsville which said open space is regulated, maintained and/or owned by the Borough of Reynoldsville.

COMMUNITY CENTER — A building and related facility used for educational, social, cultural or recreational activities.

PERMANENT RESIDENCE — A place where a person lives, abides lodges or resides for 14 or more consecutive days.

PUBLIC PARK or RECREATIONAL FACILITY — Any recreational facility, playground or park, owned or operated by the Borough of Reynoldsville or any other governmental agency, including, but not limited to, the DuBois Area School District, within the Borough, County of Jefferson, or the Commonwealth of Pennsylvania.

SCHOOL — Any public or private school which provides education services to a minor(s).

SEX OFFENDER — Any person, over 18 years of age, who has been convicted of an offense against a minor identified in Section 9795.1 of Megan's Law II, which includes, but is not limited to, kidnapping, luring a child into a motor vehicle, institutional sexual assault, indecent assault, incest, prostitution, receiving sexual materials, sexual abuse of children, unlawful contact with minors, sexual exploitation of children, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault and individuals convicted of any attempt to commit any of the offenses enumerated herein.

TEMPORARY RESIDENCE — A place where a person lives, abides, lodges or resides for a period of less than 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges or resides and which is not the person's permanent residence.

§ 159-2. Residency restriction/prohibition.

A. It shall be unlawful for any sex offender to establish a permanent or temporary residence within 1,000 feet of any school, child-care facility, church, common open space, community center, public park or recreational facilities.

B. For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the sex offender to the nearest outer property line of a school, child-care facility, church, common open space, community center, public park or recreational facilities.

§ 159-3. Notice to move.

Any sex offender who resides on a permanent or temporary basis within 1,000 feet of any school, child-care facility, church, common open space, community center, public park or recreational facility shall, within 45 days of receipt of notice of the sex offender's noncompliance with this article, move from said location to a new location, but said location may not be within 1,000 feet of any school, child-care facility, common open space, community center, park or recreational facilities. Furthermore, it shall be a violation each day that a sex offender shall move from one location in the Borough of Reynoldsville to another that is within 1,000 feet of any school, child-care facility, church, common open space, community center, public park or recreational facilities.

§ 159-4. Exceptions.

A. This article shall not apply to any person who established a residence prior to the date of this article, and it shall not apply if the school, child-care facility, church, common open space, community center, public park or recreational facilities are within 1,000 feet of the sex offender's permanent residence.

B. The provisions of this article shall not be applicable to persons incarcerated in any facility owned, maintained and/or operated by the County of Jefferson, the Commonwealth of Pennsylvania or the United States.

§ 159-5. Violations and penalties.

Any person who violates the provisions of this article shall, upon conviction, before a Magisterial District Judge, be sentenced to a term of imprisonment up to 90 days and shall be fined not more than $1,000 for each violation, plus the costs of prosecution and reasonable attorney's fees.

§ 159-6. Enforcement.

The Reynoldsville Borough Police Department shall be charged with the enforcement of this article.

§ 159-7. Publication of map.

The Borough Administration is directed by the Borough Council to prepare and place in the Borough Building during regular business hours a map of the Borough of Reynoldsville depicting the area where sex offenders are restricted from residing on a permanent or temporary basis.

Chapter 163

SMOKE DETECTORS

§ 163-1. Equipment requirements.
§ 163-2. Violations and penalties.
§ 163-3. Inspections.
§ 163-4. Execution of documents.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 2-19-1986 by Ord. No. 442. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.
Fire prevention — See Ch. 99.
Property maintenance — See Ch. 149.

§ 163-1. Equipment requirements.

A. All dwelling units, except one- and two-family units, shall be provided with a minimum of one approved single station, battery-operated smoke detector in the sleeping area, guest room or suite of a hotel, motel, lodging house, boardinghouse or dwelling unit. The detectors shall be installed in accordance with the BOCA National Property Maintenance Code or any Building Code of the Borough of Reynoldsville,[1] or as shall be described by action taken by Council. When activated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit. Should the dwelling unit consist of two floors, it shall have two detectors, one upstairs and one in the downstairs area.[2]

B. The within requirement for smoke detectors shall be in addition to the minimum requirements for safety from fire as set forth in Section PM-705.0 of the BOCA National Property Maintenance Code and its requirements.[3]

§ 163-2. Violations and penalties.[4]

Any person, firm or corporation who shall violate any provisions of this chapter shall be subject to the penalties as set forth in the BOCA National Property Maintenance Code,[5] but in any event shall, upon conviction thereof, be subject to a fine of not more than $1,000, plus costs of prosecution, or imprisonment for a term not to exceed 30 days, or both, at the discretion of the

1 Editor's Note: See Ch. 149, Property Maintenance, and Ch. 70, Building Construction, Art. III.

2 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5 Editor's Note: See § 149-2B.

court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

§ 163-3. Inspections.

Any person, firm or corporation owning a dwelling unit within which a smoke detector is required by this chapter shall permit the proper fire officials of the Borough of Reynoldsville to inspect each smoke detector once a year and shall maintain the smoke detector in proper working condition at said person's, firm's or corporation's expense.

§ 163-4. Execution of documents.

The President of the Reynoldsville Borough Council and the Borough Secretary-Treasurer are hereby authorized to execute any and all documents necessary to effectuate this chapter.

Chapter 168

SOLID WASTE

ARTICLE I
Collection

§ 168-1. Title.
§ 168-2. Definitions and word usage.
§ 168-3. Preparation of refuse.
§ 168-4. Refuse containers.
§ 168-5. Storage of refuse.
§ 168-6. Place of collection.
§ 168-7. Frequency of collection.
§ 168-8. Licensing of collectors; fees.
§ 168-9. Collection vehicles.
§ 168-10. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville: Art. I, 4-12-1978 by Ord. No. 413. Amendments noted where applicable.]

GENERAL REFERENCES

Handbills — See Ch. 112.

ARTICLE I
Collection
[Adopted 4-12-1978 by Ord. No. 413]

§ 168-1. Title.

This article shall be known as the "Garbage and Refuse Ordinance."

§ 168-2. Definitions and word usage.

A. As used in this article, the following terms shall have the meanings indicated:

ASHES — The residue resulting from the burning of wood, coal, coke or other combustible material.

COLLECTOR — Any person who collects garbage, ashes, rubbish or refuse for pay or hire and receives remuneration for the same. **[Added 8-9-1978 by Ord. No. 417]**

DISPOSAL — Includes the storage, collection, disposal or handling of refuse.

GARBAGE — All animal and vegetable waste from the handling, preparation, cooking or consumption of foods.

PERSON — Includes any natural person, association, partnership, firm or corporation.

REFUSE — All solid wastes, except body wastes, and shall include garbage, ashes and rubbish.

RUBBISH — Includes glass, metal, paper, plant growth, wood, or nonputrescible solid wastes.

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

§ 168-3. Preparation of refuse.

A. All refuse shall be drained free of liquids before disposal.

B. Garbage shall be wrapped in paper or similar material.

C. All cans, bottles or other food containers shall be rinsed free of food particles and drained before disposal.

D. Rubbish shall be placed in approved containers or cut and baled, tied, bundled, stacked or packaged so as not to exceed 36 inches in length and 50 pounds in weight.

§ 168-4. Refuse containers.

A. Refuse containers shall be made of durable, watertight, rust-resistant material having a close-fitting lid and handles to facilitate collection.

B. Refuse containers for residences shall be of not less than 10 gallons nor more than 32 gallons in capacity. Containers for commercial establishments shall not exceed 32 gallons in capacity.

C. It shall be unlawful to permit the accumulation of residue of liquids, solids or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of the container shall be kept clean by thorough rinsing and draining as often as necessary.

§ 168-5. Storage of refuse.

A. Each householder, commercial establishment or person having refuse shall provide himself with approved refuse containers and shall place and keep all refuse therein, except as provided in § 168-3D of this article relating to handling of rubbish.

B. It shall be unlawful to place refuse in any street, alley, stream, body of water, or any other place, or upon private property, whether owned or not, unless such rubbish is placed in an approved container, except that rubbish may be stored as provided in § 168-3D of this article.

§ 168-6. Place of collection.

A. Refuse containers shall, for the purpose of collection, be placed at ground level and made readily accessible to the collector.

B. Notwithstanding the provisions of Subsection A of this section, householders, commercial establishments or other persons may, by contract with collectors, be permitted to place containers at an agreed place upon their premises.

§ 168-7. Frequency of collection.

A. Refuse shall be collected at least one time a week during the year.

B. Hotels, restaurants, institutions and commercial establishments may be required to have more frequent collection, if determined by the government body to be essential to protect the public health.

§ 168-8. Licensing of collectors; fees.

A. No person shall collect, remove, haul or convey any refuse through or upon any of the streets or alleys of the Borough of Reynoldsville or dispose of the same in any manner or place without obtaining a license from the governing body of said borough.

B. The fee for such license shall be as set forth from time to time by resolution of the Borough Council,[1] and all licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of the calendar year. In lieu of the payment of the fee as set forth from time to time by resolution of the Borough Council,[2] any such licensee who agrees to collect all the municipal refuse in the borough, free of charge, including at the municipal building and lands, swimming pool, playground, fire hall, streets and sidewalk containers, shall be required to pay only the sum as set forth from time to time by resolution of the Borough Council.[3]

C. Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection and the place and manner of disposal.

D. No license shall be granted if the place and method of disposal shall not conform to the requirements of this article, and all garbage and refuse shall be disposed of at a sanitary landfill which has been duly licensed and approved by the officials of the Commonwealth of Pennsylvania.

E. No person or collector shall permit garbage to remain in any vehicle unattended at any time.

F. No licensed collector shall make any change in the arrangements for disposal of refuse collected by him without first receiving the approval of the governing body.

G. It shall be unlawful to permit an unlicensed collector to collect or remove refuse from a household, institution or commercial enterprise.

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1 **Editor's Note: Said fees are on file in the borough offices.**

2 **Editor's Note: Said fees are on file in the borough offices.**

3 **Editor's Note: Said fees are on file in the borough offices.**

§ 168-9. Collection vehicles.

A. Trucks or other vehicles used for the transportation of garbage, rubbish, refuse and other material shall be watertight with an enclosed cargo space. No trucks shall be permitted to scatter any of the contents on any of the streets, highways or alleys of the municipality. Trucks used to haul garbage, rubbish, refuse and other materials shall be maintained in a clean and sanitary condition so as to present a satisfactory outward appearance and shall meet all of the requirements of the Department of Environmental Protection and the Commonwealth of Pennsylvania. The trucks may be inspected at any time by the municipality. Any deficiency must be corrected immediately by the hauler. The hauler shall maintain his equipment in such condition as to be able to maintain his collection schedules. "Enclosed cargo space" is more fully defined to mean an integral part of the collection vehicle as constructed by the manufacturer or modified by the owner so as to comply with the requirements of this section, and in no event shall this definition include wooden, cardboard, plastic, canvas and the like materials as sufficient to provide an enclosed cargo space. **[Amended 8-9-1978 by Ord. No. 417]**

B. Any type of materials that will not fit into an approved compactor or vehicle shall be exempt from this article, but any such materials shall be transported in a vehicle with sufficient cover to prohibit the materials from coming off the vehicle while being collected and transported.

C. Any person not classified as a collector shall be required to haul the refuse in a vehicle of sufficient size and with a sufficient cover to prohibit the contents from coming out of or off the vehicle while transporting the same.

§ 168-10. Violations and penalties.[4]

Any person violating any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days, provided that each violation of any provisions of this article and each day the same is continued shall be deemed a separate offense.

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[4] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 171

SPEED-TIMING DEVICES

§ 171-1. Statutory authorization.

§ 171-2. Police Department to utilize devices.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 5-18-1983 by Ord. No. 428. Amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 34.

Vehicles and traffic — See Ch. 190.

§ 171-1. Statutory authorization.

The Pennsylvania Vehicle Code, the Act of June 17, 1976, P.L. 162 (75 Pa.C.S.A. § 1 et seq.), as amended, authorizes the use of mechanical or electrical speed-timing devices and also devices that local authorities may provide for the enforcement of speed restrictions authorized under provisions of said Vehicle Code.

§ 171-2. Police Department to utilize devices.

The Borough of Reynoldsville Police Department is hereby authorized to utilize speed-timing devices, known as "VASCAR," within the corporate limits of the Borough of Reynoldsville and as otherwise permitted by law for the purpose of enforcement of speed restrictions as authorized under the Vehicle Code of the Commonwealth of Pennsylvania and for all other duly authorized purposes. The requirements and penalties of the Vehicle Code of the Commonwealth of Pennsylvania should apply.

Chapter 175

STORMWATER MANAGEMENT

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§ 175-1401. General.
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Appendix D
Appendix E

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 2-16-2011 by Ord. No. 538.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Sewage Authority — See Ch. 44.
Building construction — See Ch. 70.
Floodplain management — See Ch. 104.
Property maintenance — See Ch. 149.
Sewers — See Ch. 158.

1. **Editor's Note: This ordinance also superseded former Ch. 175, Stormwater Management, adopted 1-17-1996 by Ord. No. 473, as amended.**

ARTICLE I
General Provisions

§ 175-101. Short title.

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

§ 175-102. Statement of findings.

The governing body of the Borough of Reynoldsville 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 Borough of Reynoldsville 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 habitat; 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).

G. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the commonwealth.

§ 175-103. Purpose.

The purpose of this chapter is to promote health, safety, and welfare within the Borough of Reynoldsville, Jefferson County, by minimizing the harms and maximizing the benefits described in § 175-102 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.

§ 175-104. Statutory authority.

A. Primary authority: the Borough of Reynoldsville is empowered to regulate these activities by the authority of the Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167), 32 P.S. § 680.1 et seq., as amended, the "Storm Water Management Act," and the Second Class Township Code of the Commonwealth of Pennsylvania.

B. Secondary authority: the Borough of Reynoldsville 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.[2]

§ 175-105. Applicability.

A. This chapter shall apply to all areas of the Borough of Reynoldsville, any regulated activity within the Borough of Reynoldsville, and all stormwater runoff entering into

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

the Borough of Reynoldsville's separate storm sewer system from lands within the boundaries of the Borough of Reynoldsville.

B. 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.

C. "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:

(1) Earth disturbance activities.

(2) Land development.

(3) Subdivision.

(4) Construction of new or additional impervious or semipervious surfaces.

(5) Construction of new buildings or additions to existing buildings.

(6) Diversion or piping of any natural or man-made stream channel.

(7) Installation of stormwater management facilities or appurtenances thereto.

(8) Installation of stormwater BMPs.

D. See § 175-302 of this chapter for exemption/modification criteria.

§ 175-106. Repealer.

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

§ 175-107. Severability.

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.

§ 175-108. Compatibility with other requirements.

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.

§ 175-109. Duty of persons engaged in the development of land.

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.

§ 175-110. Municipal liability disclaimer.

A. 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.

B. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee 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.

ARTICLE II
Definitions

§ 175-201. Word usage.

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."

§ 175-202. Definitions.

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 agricultural 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.

APPLICANT — A landowner, developer, or other person who has filed an application for approval to engage in any regulated activities at a project site within the municipality.

BEST MANAGEMENT PRACTICES (BMPs) — Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures: nonstructural or structural. Nonstructural BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. "Structural" stormwater BMPs are permanent appurtenances to the project site.

CHANNEL EROSION — The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

CISTERN — An underground reservoir or tank used for storing rainwater.

CONSERVATION DISTRICT — The Jefferson County Conservation District. The Jefferson County Conservation District has the authority under a delegation agreement executed with the Department of Environmental Protection to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code Chapter 102.

CULVERT — A structure with appurtenant works that carries a stream and/or stormwater runoff under or through an embankment or fill.

DAM — An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

DESIGN STORM — The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a twenty-five-year storm) and duration

(e.g., 24 hours), used in the design and evaluation of stormwater management systems. Also see "return period."

DESIGNEE — The agent of this municipality and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this chapter by contract or memorandum of understanding.

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 satisfies Pa. Code Title 25, Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to anti-degradation).

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, mapped 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 Jefferson 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 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 US 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 STRUCTURES — 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.

KARST — A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, steep-sided hills, underground drainage and caves. Karst is formed on carbonate rocks, such as limestone or dolomites and sometimes gypsum.

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) a group of two or more buildings, or (b) 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.[3]

MAIN STEM (MAIN CHANNEL) — Any stream segment or other runoff conveyance facility used as a reach in the Jefferson 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

3. Editor's Note: See 53 P.S. § 10503(1.1).

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 — The Borough of Reynoldsville, Jefferson 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 — Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, US 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/i.

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 — 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. Point where water flows from a conduit, stream, or drain;

B. "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.

PLANNING COMMISSION — The Planning Commission of the Borough of Reynoldsville.

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 pre-development 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 pre-development 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, 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 that 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 convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

STORMWATER — 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 Jefferson County stormwater management plan for managing stormwater runoff in Jefferson County as required by the Act of October 4, 1978, P.L. 864, (Act 167) and known as the "Storm Water 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 a 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 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 — An area drained by a river, watercourse, or other surface water, whether natural or artificial.

WETLAND — Those areas that are inundated or saturated by surface 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.)

ARTICLE III
Stormwater Management Standards

§ 175-301. General requirements.

A. For all regulated activities, unless specifically exempted in § 175-302:

(1) Preparation and implementation of an approved SWM site plan is required.

(2) No regulated activities shall commence until the municipality issues written approval of a SWM site plan, which demonstrates compliance with the requirements of this chapter.

(3) The SWM site plan shall demonstrate that adequate capacity will be provided to meet the volume and rate control requirements, as described under §§ 175-304 and 175-305 of this chapter.

(4) The SWM site plan approved by the municipality shall be on site throughout the duration of the regulated activities.

B. 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.

C. 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, meet all requirements under the Storm Water Management Act and any more stringent requirements as determined by the municipality.

D. The municipality may, after consultation with PADEP, 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.

E. All regulated activities shall include, to the maximum extent practicable, measures to:

(1) Protect health, safety, and property.

(2) Meet the water quality goals of this chapter by implementing measures to:

(a) Minimize disturbance to floodplains, wetlands, natural slopes, existing native vegetation and woodlands.

(b) Create, maintain, or extend riparian buffers and protect existing forested buffers.

(c) Provide trees and woodlands adjacent to impervious areas whenever feasible.

(d) Minimize the creation of impervious surfaces and the degradation of waters of the commonwealth and promote groundwater recharge.

(e) Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.

(f) Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.

(g) Avoid erosive flow conditions in natural flow pathways.

(h) Minimize soil disturbance and soil compaction.

(i) Minimize thermal impacts to waters of the commonwealth.

(j) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible, and decentralize and manage stormwater at its source.

F. Impervious areas:

(1) 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.

(2) For developments taking place in stages, the entire development plan must be used in determining conformance with this chapter.

(3) [OPTIONAL][4] For projects that add impervious area to a developed parcel, to the maximum extent practicable and at the discretion of the municipality, the existing impervious area, in whole or in part also may be subject to the volume control requirements in §§ 175-304 and 175-305 of this chapter.

G. 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.

(1) Applicant must provide an easement for proposed concentrated flow across adjacent properties to a drainage way or public right-of-way.

(2) Such stormwater flows shall be subject to the requirements of this chapter.

H. 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.

I. Where watercourses traverse a development site, drainage easements (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.

J. 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.

K. 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.

L. 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.

M. 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).

4. Editor's Note: So in original.

N. 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.

O. Infiltration BMPs should be dispersed throughout the site, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this chapter.

P. The design of facilities over karst and limestone shall include an evaluation and implementation of measures to minimize adverse effects.

Q. 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.

R. 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.

S. When stormwater management facilities are proposed within 1,000 feet of a downstream municipality, the developer shall notify the downstream municipality and provide a copy of the SWM plan, upon request, for review and comment.

§ 175-302. Exemptions and modifications.

A. Under no circumstance shall the applicant be exempt 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. The applicant must utilize the following BMPs to the maximum extent practicable to receive consideration for the exemptions:

(1) Design around and limit disturbance of floodplains, wetlands, natural slopes over 15%, existing native vegetation, and other sensitive and special value features.

(2) Maintain riparian and forested buffers.

(3) Limit grading and maintain nonerosive flow conditions in natural flow paths.

(4) Maintain existing tree canopies near impervious areas.

(5) Minimize soil disturbance and reclaim disturbed areas with topsoil and vegetation.

(6) Direct runoff to pervious areas.

C. The applicant's proposed development/additional impervious area may not adversely impact the following:

(1) Capacities of existing drainageways and storm sewer systems.

(2) Velocities and erosion.

(3) Quality of runoff if direct discharge is proposed.

(4) Existing known problem areas.

(5) Safe conveyance of the additional runoff.

(6) Downstream property owners.

D. An applicant proposing regulated activities, after demonstrating compliance with § 175-302A, B, and C may be exempted from various requirements of this chapter according to the following table:

New Impervious Area[1, 2] (square footage)	Applicant Must Provide
0 to 1,000	—
1,000 to 2,500	Documentation of impervious area[3]
2,500 to 5,000	Volume controls and small project SWM application[3]
> 5,000	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 E may be used for projects under 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.

E. Single-family residential activities are exempt from these requirements provided the construction:

(1) Comply with §§ 175-301G and 175-302A, B, and C;

(2) Have building setback 75 feet from downstream property lines; and

(3) Driveways:

(a) Runoff must discharge onto pervious surface with a gravel strip or other spreading device.

(b) No more than 1,000 square feet of paved surface may discharge to any one point.

(c) The length of flow on the pervious must exceed the length of the paved surface flow.

(4) 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.

F. An applicant proposing regulated activities, after demonstrating compliance with § 175-302A, B, and C 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.

G. 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:

(1) The municipality, in consultation with the PADEP determines that meeting the volume control requirements (see § 175-304) is not possible or places an undue hardship on the applicant.

(2) The alternative controls are documented to be acceptable to PADEP, for NPDES requirements pertaining to post construction stormwater management requirements.

(3) The alternative controls are in compliance with all other sections of this chapter, including but not limited to §§ 175-301D and 175-302A through C.

H. Agricultural activities are exempt from requirements of this chapter provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.

I. Forest management and timber operations are exempt from the rate and volume control requirement and SWM site plan preparation requirement of this chapter provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102. It should be noted that temporary roadways are not exempt.

§ 175-303. Waivers.

A. The provisions of this chapter are the minimum standards for the protection of the public welfare.

B. Waiver requests.

(1) All waiver requests must meet the provisions of § 175-303G and H. Waivers shall not be issued 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) Municipalities will then consider waivers in accordance with § 175-301D; except that waiver requests for relief from the design requirements of § 175-70B and C will be processed by the municipality at its sole discretion.

C. 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 §§ 175-102 and 175-103 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.

D. 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.

E. The municipality shall keep a written record of all actions on waiver requests.

F. 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.

G. In granting waivers, the municipality may impose reasonable conditions at will, in its judgment, secure substantially the objectives of the standards or requirements that are to be modified.

H. The municipality may grant applications for waivers when the following findings are made, as relevant:

(1) That the waiver shall result in an equal or better means of complying with the intent of this chapter.

(2) That the waiver is the minimum necessary to provide relief.

(3) That the applicant is not requesting a waiver based on cost considerations.

(4) That existing down gradient stormwater problems will not be exacerbated.

(5) That runoff is not being diverted to a different drainage area.

(6) That increased flooding or ponding on off-site properties or roadways will not occur.

(7) That potential icing conditions will not occur.

(8) That increase of peak flow or volume from the site will not occur.

(9) That erosive conditions due to increased peak flows or volume will not occur.

(10) That adverse impact to water quality will not result.

(11) That increased 100-year floodplain levels will not result.

(12) That increased or unusual municipal maintenance expenses will not result from the waiver.

(13) That the amount of stormwater generated has been minimized to the greatest extent allowed.

(14) That infiltration of runoff throughout the proposed site has been provided where practicable and pre-development ground water recharge protected.

(15) That peak flow attenuation of runoff has been provided.

(16) That long-term operation and maintenance activities are established.

(17) 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.

§ 175-304. Volume controls.

A. The low-impact development practices provided in the BMP Manual and in Appendix B of this chapter[5] shall be utilized for all regulated activities to the maximum extent practicable.

B. 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.

(1) 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.

(a) Do not increase the post-development total runoff volume when compared to the pre-development total runoff volume for the two-year/twenty-four-hour storm event.

(b) For hydrologic modeling purposes:

5. Editor's Note: Said appendix is included as an attachment to this chapter.

[1] Existing nonforested pervious areas must be considered meadow (good condition) for pre-development hydrologic calculations.

[2] Twenty percent of existing impervious area, when present within the proposed project site, shall be considered meadow (good condition) for pre-development hydrologic calculations for redevelopment.

(2) 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 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:

(a) Stormwater facilities shall capture at least the first two inches of runoff from all new impervious surfaces.

(b) 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.

(c) 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.

(d) Actual field infiltration tests at the location of the proposed elevation of the stormwater BMPs are required. Infiltration test shall be conducted in accordance with the BMP Manual. Notification of the municipality shall be provided to allow witnessing of the testing.

(3) In cases where it is not possible or desirable to use infiltration-based best management practices to partially fulfill the requirements in either § 175-304B(1) or (2), the following procedure shall be used:

(a) At a minimum, the following documentation shall be provided to justify the decision to not use infiltration BMPs:

[1] Description of and justification for field infiltration/permeability testing with respect to the type of test and test locations).

[2] 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.

[3] 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.

[4] The provided documentation must be signed and sealed by a professional engineer or geologist.

(b) 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%

(c) The performance criteria for water quality best management practices shall be determined from the Pennsylvania Stormwater Best Management Practices Manual, most current version.

C. The applicable worksheets from the BMP Manual must be used in calculations to establish volume control.

§ 175-305. Rate controls.

A. Lands contained within Jefferson County that have not had release rates established under an approved Act 167 stormwater management plan:

(1) Post-development discharge rates shall not exceed the pre-development discharge rates for the one-year, two-year, ten-year, twenty-five-year, fifty-year, and 100-year storms.

B. Lands contained within Jefferson County that have had release rates established under an approved Act 167 stormwater management plan:

(1) The post-development peak discharge rates shall be in accordance with the approved release rate map for the individual watershed, see Appendix F for the release rates.[6]

§ 175-306. Sensitive areas and stormwater hotspots.

A. Sensitive areas, as defined below, and stormwater hotspots which require special consideration with regard to stormwater management.

(1) 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.

6. Editor's Note: Said appendix is included as an attachment to this chapter.

(2) 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.

B. Performance standards.

(1) 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.

(2) 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.

(3) Stormwater hotspot developments must use an acceptable pre-treatment BMP prior to volume control and/or rate control BMPs. Acceptable pre-treatment BMPs for these developments include those based on filtering, settling, or chemical reaction processes such as coagulation.

(4) Stormwater hotspot developments and development in sensitive areas must include riparian buffers as defined in Article VI.

ARTICLE IV
E&S Standards [Optional][7]

§ 175-401. Erosion and sedimentation requirements during earth disturbance activities.

A. The applicant shall meet requirements as contained in 25 Pa. Code, Chapters 92 and 102 as required and applicable as follows:

(1) The implementation and maintenance of erosion and sediment control BMPs.

(2) Development of written plans.

(3) Submission of plans for approval.

(4) Obtaining erosion and sediment control and NPDES permits.

(5) Maintaining plans and permits on site.

7. **Editor's Note: So in original.**

B. Evidence of any necessary plan or permit approval for earth disturbance activities from PADEP or the Jefferson County Conservation District must be provided to the municipality.

C. A copy of the approved erosion and sediment control plan and any other permit, as required by PADEP or the Jefferson County Conservation District, shall be available at the project site at all times if required under Chapter 102.

D. 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 Jefferson County Conservation District for approval and shall address the following, as applicable:

(1) Design of the roadway system, including haul roads, skid roads, landing areas, trails, and storage and staging areas.

(2) Runoff control structures (e.g., diversions, culverts, detention ponds, etc.).

(3) Stream crossings for both perennial and intermittent streams.

(4) Access to public roadways, including design of rock construction entrance for mud and debris control.

(5) A remediation plan for restoring the disturbed area through re-grading, topsoil placement, reseeding, and other stabilization techniques, as required.

E. Additional erosion and sedimentation control design standards and criteria that must be applied where infiltration BMPs are proposed include the following:

(1) Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, as to maintain their maximum infiltration capacity.

(2) Infiltration BMPs shall be protected from receiving sediment-laden runoff.

(3) The source of protection for infiltration BMPs shall be identified (i.e., orange construction fence surrounding the perimeter of the BMP).

ARTICLE V
Protected Watershed Standards

§ 175-501. Protected watershed requirements.

A. 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.

B. 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:

(1) 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.

(2) A vertical aerial photograph enlarged to a scale not less detailed than one inch equals 400 feet, with the site boundaries clearly marked.

(3) Natural features, including:

(a) 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.

(b) 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.

(c) Areas within the floodway, flood fringe, and approximated floodplain.

(d) 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.

(e) Wetlands and wetland margins.

(f) Riparian buffers.

(g) 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.

(h) Existing vegetation, denoted by type, including woodlands, hedgerows, tree masses, tree lines, individual freestanding trees over six inches DBH, wetland vegetation, pasture or croplands, orchards, permanent grass land, old fields, and any other notable vegetative features on the site. Vegetative types shall be described by plant community, relative age, and condition.

(i) Any identified Pennsylvania Natural Diversity Inventory (PNDI) site conflicts.

(j) 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.

(4) Existing man-made features, including:

(a) Location, dimensions, and use of existing buildings and driveways.

(b) Location, names, widths, centerline courses, paving widths, identification numbers, and rights-of-way of existing streets and alleys.

(c) Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

(d) Location and size of existing sanitary sewage facilities.

(e) Location and size of drainage facilities.

(f) Location of water supply facilities, including wellhead protection areas.

(g) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.

(h) Site features or conditions such as hazardous waste, dumps, underground tanks, active and abandoned wells, quarries, landfills, sandmounds, and artificial land conditions.

(5) Total acreage of the tract, the adjusted tract area, where applicable, and the constrained land area with detailed supporting calculations.

C. Stormwater management system concept plan. A written and graphic concept plan of the proposed post-development stormwater management system shall be prepared and include:

(1) Preliminary selection and location of proposed structural stormwater controls;

(2) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;

(3) Location of floodplain/floodway limits;

(4) Relationship of site to upstream and downstream properties and drainages;

(5) Preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

D. Consultation meeting. Prior to any stormwater management permit application submission, the land owner 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.

E. All proposed regulated activities within a protected watershed shall utilize, to the maximum extent possible, low-impact development practices as contained in Appendix B.[8]

(1) SWM plan and report shall address the following:

(a) Design using nonstructural BMPs.

[1] Lot configuration and clustering.

[a] Reduced individual lot impacts by concentrated/clustered uses and lots.

[b] Lots/development configured to avoid critical natural areas.

[c] Lots/development configured to take advantage of effective mitigative stormwater practices.

[d] Lots/development configured to fit natural topography.

[2] Minimum disturbance.

[a] Define disturbance zones (excavation/grading) for the site and individual lots to protect maximum total site area from disturbance.

[b] Barriers/flagging proposed to protect designated nondisturbance areas.

[c] Considered mitigative practices for minimal disturbance areas (e.g., soil restoration).

[d] Considered reforestation and revegetation opportunities.

[3] Reduce impervious coverage.

[a] Reduced road width.

[b] Reduced driveway lengths and widths.

[c] Reduced parking ratios and sizes.

[d] Utilized porous surfaces for applicable features.

[4] Stormwater disconnected from impervious area.

[a] Disconnected drives/walkways/small impervious areas to natural areas.

[b] Use rain barrels and/or cisterns for lot irrigation.

(b) Apply structural BMP selection process that meets runoff quantity and quality needs.

8. Editor's Note: Said appendix is included as an attachment to this chapter.

[1] Manage close to source with collection with conveyance minimized.

[2] Consistent with site factors (e.g., soils, slope, available space, amount of sensitive areas, pollutant removal needs).

[3] Minimize footprint and integrate into already disturbed areas/other building program components (e.g., recharge beneath parking areas, vegetated roofs).

[4] Consider other benefits such as aesthetic, habitat, recreational and educational benefits.

[5] BMPs select based on maintenance needs that fit owner/users.

[6] BMPs sustainable using a long-term maintenance plan.

ARTICLE VI
Riparian Buffer Standards

§ 175-601. Reparian buffer requirements.

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 a corresponding increase in the buffer is provided;

(c) Construction shall have minimal impact to the buffer.

(2) Stream crossings, provided 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 and/or NPDES permit, if required, shall be submitted prior to issuance of local permits.

K. If a permit from PADEP is required for the activity, evidence of an approved permit shall be submitted prior to issuance of local permits.

L. 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) Invasive plant species that may threaten the integrity of the buffer shall be removed.

(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.

§ 175-602. Riparian buffer easement.

For all riparian buffers, an easement shall be provided:

A. Easements shall be in accordance with § 175-901 and recorded in accordance with § 175-1403 of this chapter.

ARTICLE VII
Design Criteria

§ 175-701. Design criteria for stormwater management and drainage facilities.

A. General design guidelines:

(1) Stormwater shall not be transferred from one watershed to another, unless:

(a) The watersheds are subwatersheds of a common watershed which join together within the perimeter of the property;

(b) The effect of the transfer does not alter the peak rate discharge onto adjacent lands; or

(c) Easements from the affected landowner(s) are provided.

(2) 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 pre-development flow type condition.

(3) Innovative stormwater BMPs and recharge facilities are encouraged (e.g., rooftop storage, drywells, 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 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 pre-application meeting is suggested).

(4) 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.

(5) 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.

(6) 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 ball fields, 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.

(a) Multiple use basins should be constructed so that potentially dangerous conditions are not created.

(b) 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.

(7) 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.

B. Stormwater management facility design considerations: All stormwater management facilities shall meet the following design requirements:

(1) For stormwater management facilities and BMPs that retain or detain water and are of a relatively small scale, exceptions to the requirements in this section may be allowed at the sole discretion of the municipality.

(2) No outlet structure from a stormwater management facility, or swale, shall discharge directly onto a Municipal or state roadway.

(3) The top, or toe, of any slope shall be located a minimum of 10 feet from any property line.

(4) 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.

(5) Stormwater management facility bottom (or surface of permanent pool) elevations must be greater than adjacent floodplain elevations (FEMA or HEC-RAS analysis). If no floodplain is defined, bottom elevations must be greater than existing ground elevations 50 feet from top of stream bank in the facilities' vicinity.

(6) 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 stream bank in areas where a floodplain is not designated, or no other evidence is provided.

(7) 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 sub-surface drainage is provided.

(8) 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.

(9) Exterior slopes of compacted soil should not be steeper than 3H:1V, and may be required by the municipality to be flatter if the soil has unstable characteristics.

(10) Interior slopes of the basin shall not exceed 3H:1V.

(11) Unless specifically designed as a volume control facility, all stormwater management facilities shall have a minimum slope of 0.5% extending radially out from the principal outlet structure. Facilities designed as water quality/infiltration BMPs may have a bottom slope of zero.

(12) Impervious low-flow channels are not permitted within stormwater management facilities.

(13) 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.

(14) 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.

(15) Landscaping and planting specifications must be provided for all stormwater management basins and be specific for each type of basin.

(a) Minimal maintenance, saturation tolerant vegetation must be provided in basins designed as water quality/infiltration BMPs.

(16) 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.

(17) 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:

(a) Be constructed of reinforced concrete or an alternative material approved by the Municipal Engineer. When approved for use, all metal risers shall:

[1] Be suitably coated to reduce or prevent corrosion.

[2] Have a concrete base attached with a watertight connection. The base shall be sufficient weight to prevent flotation of the riser.

[3] Provide a trash rack or similar appurtenance to prevent debris from entering and clogging the riser.

[4] Provide an anti-vortex device, consisting of a thin vertical plate normal to the basin berm.

(b) Provide trash racks to prevent clogging of primary outflow structure stages for all offices equivalent to 12 inches or smaller in diameter.

(c) Provide outlet aprons and shall extend to the toe of the basin slope at a minimum.

(18) 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 to meet the following requirements:

(a) The top of embankment elevation shall provide a minimum 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.

(b) Avoid locating on fill areas, whenever possible.

(c) The spillway shall be armored to prevent erosion during the 100-year post-development flow, with a blocked primary outlet structure.

[1] 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 spillway.

(d) 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.

(e) 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.

(19) 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:

(a) The maximum water depth within any stormwater management facility shall be no greater than eight feet when functioning through the primary outlet structure.

(b) The top of embankment width shall be at least 10 feet.

(c) A ten-foot-wide access to the basin bottom must be provided with a maximum longitudinal slope of 10%.

(d) 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 as per 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.

(e) 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.

(f) Design details for placement of all outflow pipes and culverts must include measures to prevent seepage (piping) through the fill.

(20) Construction of stormwater management facilities:

(a) 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.

(b) Basins that include water quality or recharge components shall have those components installed in such a manner that does not disturb or diminish their effectiveness.

(c) 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 municipality upon request.

(d) Temporary and permanent grasses or stabilization measures shall be established on the sides and base of all earthen basins within 15 days of construction.

(21) 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.

C. Stormwater carrying facilities:

(1) 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 without increasing risk to health, safety, property or the environment.

(2) 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).

(3) 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.

(4) Storm sewers:

(a) Storm sewers must be able to convey post-development runoff without surcharging inlets for the ten-year storm event.

(b) 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.

(c) Inlets, manholes, pipes, and culverts should be designed in accordance with PennDOT Publication 13M and constructed in accordance with the PENNDOT Publications 408 and 72M, Standards for Roadway Construction (RC). Other construction details may be approved at the sole discretion of the municipality. All material and construction details must be shown on the SWM site plan. A note should be included on construction plans stating that all inlet and junction box frames, concrete top units, and grade adjustment rings should be set in a bed of mortar.

(d) A minimum pipe size of 15 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 then

0.5%. Arch pipe of equivalent cross-sectional area may be substituted in lieu of circular pipe where cover or utility conflict conditions exist.

(e) All storm sewer pipes shall be laid to a minimum depth of one foot from subgrade to the crown of pipe.

(f) 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.

[1] Inlets shall be placed at a maximum of 600 feet apart.

[2] Inlets shall be placed so drainage cannot cross intersections or street centerlines.

(g) 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.

(h) 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.

(i) All inlets shall provide a minimum two-inch drop between the lowest inlet pipe invert elevation and the outlet pipe invert elevation.

(j) 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 feet above the low point.

(k) 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.

(l) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) Accessible drainage structures shall be located on 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.

(r) 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.

(s) Outlet protection and energy dissipaters shall be provided at all surface discharge points in order to minimize erosion consistent with the PennDOT Publication 13M, or with FHWA Publication HEC 14.

[1] Flow velocities and volumes from any storm sewer shall not cause a degradation of the receiving channel.

(t) Stormwater roof drains and pipes shall not be connected to storm sewers or discharge onto impervious areas without approval by the Municipal Engineer.

(5) Swale conveyance facilities:

(a) 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.

(b) Swales shall have side slopes no steeper than 3:1.

(c) 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.

(d) 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.

(e) Swale bends.

[1] 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 swale bend is 30° to 60°: 1.75.

[b] When swale bend is 60° to 90°: 2.00.

[c] When swale bend is 90° or greater: 2.50.

[2] Design of channels to handle flow around bends also should include consideration of superelevation of the water surface and wave runup using HEC-11.

(f) Manning's "n" values used for swale capacity design must reflect the permanent condition.

§ 175-702. Calculation methodology.

A. All calculations shall be consistent with the guidelines set forth in the BMP Manual, as amended herein.

B. 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.

C. Rainfall values:

(1) 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.

(2) 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 (year)	24-hour Rainfall Total (inches)
1	2.09
2	2.50
10	3.50
25	4.14
50	4.67
100	5.22

D. Runoff volume:

(1) Rational method: Not to be used to calculate runoff volume.

(2) 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.

E. Peak flow rates:

(1) 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 then 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.

(2) NRCS rainfall-runoff method:

(a) 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:

[1] NRCS's TR-55: limited to 100 acres in size.

[2] NRCS's TR-20 or HEC-HMS: no size limitations.

[3] Other models as preapproved by the Municipal Engineer.

(b) 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 are not permitted for stormwater management purposes.

(3) For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).

F. Runoff coefficients:

(1) Rational method: Use Table C-1 (Appendix C).[9]

(2) NRCS rainfall-runoff method: Use Table C-2 (Appendix C).[10] 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.

(3) For the purposes of pre-development peak flow rate and volume determination, existing nonforested pervious areas conditions shall be considered as meadow (good condition).

(4) For the purposes of pre-development peak flow rate and volume determination, 20% of existing impervious area, when present, shall be considered meadow (good condition).

G. Design storm:

(1) 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

9. Editor's Note: Said appendix is included as an attachment to this chapter.

10. Editor's Note: Said appendix is included as an attachment to this chapter.

puls method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.

(2) 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.

(3) All structures (culvert or bridges) proposed to convey runoff under a Municipal road shall be designed to pass the fifty-year design storm with a minimum one foot of freeboard measured below the lowest point along the inside surface of the crown for culverts or the low chord for bridges. For detailed guidance for design of culverts and bridges, refer to PennDOT Publications 13M and 15M.

H. Time of concentration:

(1) 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:

(a) Pre-development: NRCS's Lag Equation:

Time of Concentration = $T_c = [(T_{lag}/.6) * 60]$ (minutes)

$T_{lag} = L^{0.8} (S + 1)^{0.7} \backslash 1900\sqrt{Y}$

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 = [(1,000/CN) - 10]
CN	=	NRCS Curve Number for watershed

(b) 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.

(c) Post-development; residential, cluster, or other low-impact designs less than or equal to 20% impervious area: NRCS Lag Equation or NRCS Segmental Method.

(2) Additionally, the following provisions shall apply to calculations for time of concentration:

(a) The post-development T_c shall never be greater that the pre-development 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 pre-development T_c for modeling purposes.

(b) The minimum T_c for any watershed shall be five minutes.

(c) The designer may choose to assume a five-minute T_c for any post-development watershed or subwatershed without providing any computations.

(d) The designer must provide computations for all pre-development T_c paths. A five-minute T_c can not be assumed for pre-development.

(e) 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 pre-development conditions for purpose of T_c calculation.

I. 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 pre-development 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.

J. 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. The Manning's equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values should be obtained from the HEC-RAS Hydraulic Reference Manual, USGS Water Supply Paper 1849, PennDOT 13M or 15M, or PENNDOT Drainage Manual, Publication 584. Inlet control should be checked at all inlet boxes to ensure the headwater depth during the ten-year, twenty-four-hour storm event is contained below the top of grate for each inlet box.

K. 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.

L. 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.

ARTICLE VIII
SWM Site Plan and Report Requirements

§ 175-801. General requirements.

For any of the activities regulated by this chapter and not eligible for the exemptions provided in § 175-302, 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 a SWM site plan from the municipality.

§ 175-802. SWM site plan and report contents.

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. Appropriate sections from the Municipal Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM site plan.

A. 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 Jefferson County.

(a) Plans for tracts of less than 20 acres shall be drawn at a scale of one inch equals no more than 50 feet;

(b) Plans for tracts of 20 acres or more, plans shall be drawn at a scale of one inch equals no more than 100 feet;

(c) All lettering 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, email 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 illustrates the project relative to highways, municipalities or other identifiable landmarks.

(7) 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%): six-foot contour intervals may be used.

(9) Perimeters of existing waterbodies 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 water lines 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 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 their 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 the Borough of Reynoldsville'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 the Borough of Reynoldsville's Stormwater Management Ordinance."

B. SWM Site Report shall include (but is not limited to):

(1) General data including:

(a) Project name.

(b) Project location; address of the property site.

(c) Name, address, and telephone number of the applicant/owner of the property.

(d) Name, address, telephone number, email address, and engineering seal of the individual preparing the SWM site report.

(e) 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. Overall stormwater management concept with description of permanent stormwater management techniques, including construction specifications and materials to be used for stormwater management facilities.

[2] Expected project schedule.

[3] Location map showing the project site and its location relative to release rate districts.

[4] 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.

[5] Total site area, pre and post, which must be equal or have an explanation as to why it is not.

[6] Total site impervious area.

[7] Total off-site areas.

[8] Number and description of stormwater management facilities.

[9] Type of development.

[10] Pre-development land use.

[11] Whether site is a water quality sensitive (WQS) development.

[12] Whether site is in a defined sensitive area.

[13] Types of water quality and recharge systems used, if applicable.

[14] Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.

[15] A written maintenance plan for all stormwater features including detention facilities and other stormwater management elements.

[16] Identification of ownership and maintenance responsibility for all permanent stormwater management facilities.

[17] Other pertinent information, as required.

(b) Summary tables.

[1] Pre-development Hydrologic Soil Group (HSG) assumptions, curve numbers (CN), computation of average slope, hydraulic length, 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) 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) 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) Signed and executed operations and maintenance agreement (Appendix A).[11]

(2) 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 Jefferson County Conservation District.

(4) A NPDES permit.

(5) Permits from PADEP and ACOE.

11. Editor's Note: Said appendix is included as an attachment to this chapter.

(6) Geologic assessment.

(7) 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.

§ 175-803. SWM site plan and report submission.

A. The applicant shall submit the SWM site plan and report for the regulated activity.

B. Five copies of the SWM site plan and report shall be submitted and be distributed as follows:

(1) Two copies to the municipality accompanied by the requisite executed review fee reimbursement agreement, as specified in this chapter.

(2) One copy to the Municipal Engineer.

(3) One copy to the Jefferson County Planning Commission [OPTIONAL].[12]

(4) One copy to the Jefferson County Conservation District.

C. Additional copies shall be submitted as requested by the municipality or PADEP.

§ 175-804. SWM site plan and report review.

A. 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.

B. 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 article, when a 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.

C. The municipality shall notify the applicant in writing within 45 calendar days 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 following the subdivision and land development process according to the Municipalities Planning Code.

D. 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

12. Editor's Note: So in original.

with this chapter, as determined by the municipality. All required permits from PADEP must be obtained prior to issuance of a building permit.

§ 175-805. Modification of plans.

A. 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.

§ 175-806. Resubmission of disapproved SWM site plan and report.

A. 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.

§ 175-807. Authorization to construct and term of validity.

A. The municipality's approval of a 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 a 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.

§ 175-808. Record drawings, completion certificate and final inspection.

A. 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 guarantee or issuance of an occupancy permit.

B. 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.

(1) Drawings shall show all approved revisions and elevations and inverts to all manholes, inlets, pipes, and stormwater control facilities.

C. After receipt of the record drawing and certification of completion by the municipality, the municipality may conduct a final inspection.

ARTICLE IX
Easements

§ 175-901. Easements.

A. Easements shall be established to accommodate the existence of drainageways.

B. Where a tract is traversed by a watercourse, drainage-way, channel or stream, there shall be provided an easement paralleling the line of such watercourse, drainage-way, channel or stream with a width adequate to preserve the unimpeded flow of natural drainage in the 100-year floodplain.

C. Easements shall be established for all on-site stormwater management or drainage facilities, including but not limited to detention facilitates (above or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).

D. Easements are required for all areas used for off-site stormwater control.

E. All easements shall be a minimum of 20 feet wide and shall encompass the 100-year surface elevation of the proposed stormwater facility.

F. 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 their 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.

G. Where possible, easements shall be centered on side and/or rear lot lines.

H. 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.

I. 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.

ARTICLE X
Maintenance Responsibilities

§ 175-1001. Financial guarantee.

A. The applicant shall provide a financial guarantee 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.

B. At the completion of the project and as a prerequisite for the release of the financial guarantee, the applicant shall:

(1) 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.

(2) Provide a set of record drawings.

(3) 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.

§ 175-1002. Maintenance responsibilities.

A. 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.

B. The SWM site plan and report for the project site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principals:

(1) 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.

(2) If a development site is to be maintained in a 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.

(3) 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.

(4) The SWM site plan and report shall be recorded as a restrictive deed covenant that runs with the land.

(5) The municipality may take enforcement actions against an applicant for failure to satisfy any provision of this chapter.

C. 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 a dedication of such facilities as part of the requirements for approval of the SWM site plan. Such a 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.

D. 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.

E. 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.

§ 175-1003. Maintenance agreement for privately owned stormwater facilities.

A. Prior to final approval of the SWM site plan and report, the applicant shall sign the operation and maintenance (O&M) Agreement (Appendix A)[13] 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.

B. 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.

C. 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 the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

ARTICLE XI
Inspections

§ 175-1101. Schedule of inspections.

A. 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 their municipal assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities.

B. 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.

C. 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.

(1) The municipality may require copies of the inspection reports, in a form as stipulated by the municipality.

13. Editor's Note: Said appendix is included as an attachment to this chapter.

(2) If such inspections are not conducted or inspection reports not submitted as scheduled, the municipality, or their designee, may conduct such inspections and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

(a) 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.

§ 175-1102. Right-of-entry.

A. 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.

B. 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.

C. 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.

D. Unreasonable delay in allowing the municipality access to a stormwater BMP is a violation of this chapter.

ARTICLE XII
Enforcement and Penalties

§ 175-1201. Notification.

A. In the event that a person fails to comply with the requirements of this chapter, an approved SWM site plan, or fails to conform to the requirements of 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 these violation(s).

B. Failure to comply within the time specified shall subject such person to the penalties 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.

§ 175-1202. Enforcement.

A. 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 their designee may make periodic inspections during construction.

B. Adherence to approved SWM site plan.

(1) 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.

(2) It shall be unlawful to alter or remove any control structure required by the SWM site plan pursuant to this chapter.

(3) It shall be unlawful to allow a properly to remain in a condition that does not conform to an approved SWM site plan.

§ 175-1203. Public nuisance.

A. A violation of any provision of this chapter is hereby deemed a public nuisance.

B. Each day that a violation continues shall constitute a separate violation.

§ 175-1204. Suspension and revocation.

A. Any approval or permit issued by the municipality may be suspended or revoked for:

(1) Noncompliance with or failure to implement any provision of the approved SWM site plan or operation and maintenance (O&M) agreement.

(2) A violation of any provision of this chapter or any other applicable law, ordinance, rule or regulation relating to the regulated activity.

(3) 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.

B. A suspended approval or permit may be reinstated by the municipality when:

(1) The municipality or their designee has inspected and approved the corrections to the violation (s) that caused the suspension.

(2) The municipality is satisfied that the violation(s) has been corrected.

C. 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.

§ 175-1205. Violations and penalties.

A. 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 $1,000 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.

B. 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.

§ 175-1206. Appeals.

A. 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.

B. Any person aggrieved by any decision of the municipality, relevant to the provisions, of this chapter, may appeal to the Jefferson County Court of Common Pleas within 30 days of the municipality's decision.

ARTICLE XIII
Prohibitions

§ 175-1301. Prohibited discharges and connections.

A. 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.

B. 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.

C. 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 Subsection D below, and discharges allowed under a state or federal permit.

D. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of the commonwealth:

(1) Potable water sources including dechlorinated water line and fire hydrant flushings.

(2) Irrigation drainage.

(3) Air conditioning condensate.

(4) Springs.

(5) Water from crawl space pumps.

(6) 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.

(7) Discharges from firefighting activities.

(8) Flows from riparian habitats and wetlands.

(9) Uncontaminated water from foundations or from footing drains.

(10) Lawn watering.

(11) Dechlorinated swimming pool discharges.

(12) Uncontaminated groundwater.

(13) Water from individual residential car washing.

(14) Routine external building washdown (which does not use detergents or other compounds).

E. In the event that the municipality or PADEP determines that any of the discharges identified in Subsection D 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.

F. Nothing in this section shall affect a discharger's responsibilities under commonwealth law.

§ 175-1302. Roof drains.

A. Roof drains and sump pumps shall discharge to infiltration areas, vegetative BMPs, or pervious areas to the maximum extent practicable.

§ 175-1303. Alteration of BMPs.

A. 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.

B. 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.

ARTICLE XIV
Fees and Expenses

§ 175-1401. General.

A. 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.

§ 175-1402. Expenses covered by fees.

A. The fees required by this chapter shall, at a minimum, cover:

(1) Administrative and clerical costs.

(2) Review of the SWM site plan and report by the municipality.

(3) Pre-construction meetings.

(4) Inspection of stormwater management facilities/BMPs and drainage improvements during construction.

(5) Final inspection upon completion of the stormwater management facilities/BMPs and drainage improvements presented in the SWM site plan.

(6) Any additional work required to enforce any permit provisions regulated by this chapter, correct violations, and assure proper completion of stipulated remedial actions.

§ 175-1403. Recording of approved SWM site plan and related agreements.

A. 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 Jefferson County, within 30 days of approval of the SWM site plan by the municipality:

(1) The SWM site plan.

(2) Operations and maintenance (O&M) agreement (Appendix A).[14]

(3) Easements under § 175-901.

(4) Riparian buffers under § 175-602.

B. 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.

14. Editor's Note: Said appendix is included as an attachment to this chapter.

175 Attachment 1

Borough of Reynoldsville

Appendix A
Operation and Maintenance Agreement

OPERATION AND MAINTENANCE (O&M) AGREEMENT
STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)

THIS AGREEMENT, made and entered into this _____ day of _____, 20___, by and between _____, (hereinafter the "Landowner"), and The Borough of Reynoldsville, Jefferson County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Jefferson County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the SWM Site Plan approved by the Municipality (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of BMPs; and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the SWM Site Plan, that stormwater BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the Plan in good working order in accordance with the specific maintenance requirements noted on the approved SWM Site Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents, and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMPs. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within ten (10) days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences or claims which might arise

or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMPs by the Landowner or Municipality.

8. The Municipality may inspect the BMPs at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Jefferson County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

_____

For the Landowner:

_____

ATTEST:

_____ (City, Borough, Township)

County of Jefferson, Pennsylvania

I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20____, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20____, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 20_____.

_____ _____

NOTARY PUBLIC **(SEAL)**

175 Attachment 2

Borough of Reynoldsville

Appendix B
Low-Impact Development Practices
Alternative Approaches For Managing Stormwater Runoff

Natural hydrologic conditions may be altered radically by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality, as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize post-development runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate runoff depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve the alternative approaches:

- **Preserving Natural Drainage Features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern - streets and adjacent storm sewers typically are located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimize the amount of grading on site.

- **Protecting Natural Depression Storage Areas.** Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

- **Avoiding Introduction of Impervious Areas.** Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways, and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.

- **Reducing the Hydraulic Connectivity of Impervious Surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are: routing of roof runoff over lawns; and reducing the use of storm sewers.

Site grading should promote increasing travel time of stormwater runoff and should help reduce concentration of runoff to a single point in the development.

- **Routing Roof Runoff Over Lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. The routing of roof drains and crowning the driveway to allow runoff to discharge to pervious areas is desirable as the pervious area essentially acts as a filter strip.

- **Reducing the Use of Storm Sewers.** By reducing the use of storm sewers for draining streets, parking lots, and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a "reasonable" time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.

- **Reducing Street Widths.** Street widths can be reduced by either eliminating on-street parking or by reducing cartway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets, which ultimately could lower maintenance and maintenance related costs.

- **Limiting Sidewalks to One Side of the Street.** A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.

- **Using Permeable Paving Materials.** These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.

- **Reducing Building Setbacks.** Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.

- **Constructing Cluster Developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development "clusters" the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

In summary, careful consideration of the existing topography and implementation of a combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include: reduced potential of downstream flooding, reduced water quality degradation of receiving streams and water bodies, enhancement of aesthetics, and reduction of development costs. Beneficial results include: more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage.

175 Attachment 3

Borough of Reynoldsville

Appendix C
Stormwater Management Design Criteria

TABLE C-1 - RATIONAL METHOD RUNOFF COEFFICIENTS

Hydraulic Soil Group	Storm	A			B			C			D		
Slope Range		0-2%	2-6%	+6%	0-2%	2-6%	+6%	0-2%	2-6%	+6%	0-2%	2-6%	+6%
Cultivated Land	<25yr	0.08	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
	≥25yr	0.14	0.08	0.22	0.16	0.21	0.28	0.2	0.25	0.34	0.24	0.29	0.41
Pasture	<25yr	0.12	0.2	0.3	0.18	0.28	0.37	0.24	0.34	0.44	0.3	0.4	0.5
	≥25yr	0.15	0.25	0.37	0.23	0.34	0.45	0.3	0.42	0.52	0.37	0.5	0.62
Meadow	<25yr	0.10	0.16	0.25	0.14	0.22	0.3	0.2	0.28	0.36	0.24	0.3	0.4
	≥25yr	0.14	0.22	0.3	0.2	0.28	0.37	0.26	0.35	0.44	0.3	0.4	0.5
Forest	<25yr	0.05	0.08	0.11	0.08	0.11	0.14	0.1	0.13	0.16	0.12	0.16	0.2
	≥25yr	0.08	0.11	0.14	0.1	0.14	0.18	0.12	0.16	0.2	0.15	0.2	0.25
Residential													
1/8 Acre	<25yr	0.25	0.28	0.31	0.27	0.3	0.35	0.3	0.33	0.38	0.33	0.36	0.42
	≥25yr	0.33	0.37	0.4	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
1/4 Acre	<25yr	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.3	0.34	0.4
	≥25yr	0.3	0.34	0.37	0.33	0.37	0.42	0.36	0.4	0.47	0.38	0.42	0.52
1/3 Acre	<25yr	0.19	0.23	0.26	0.22	0.26	0.3	0.25	0.29	0.34	0.28	0.32	0.39
	≥25yr	0.28	0.32	0.35	0.3	0.35	0.39	0.33	0.38	0.45	0.36	0.4	0.5
1/2 Acre	<25yr	0.16	0.2	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.3	0.37
	≥25yr	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
1 Acre	<25yr	0.14	0.19	0.22	0.17	0.21	0.26	0.2	0.25	0.31	0.24	0.29	0.35
	≥25yr	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.4	0.31	0.35	0.46
Industrial	<25yr	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.7
	≥25yr	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88
Commercial	<25yr	0.71	0.71	0.72	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
	≥25yr	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.9	0.89	0.89	0.9
Streets	<25yr	0.7	0.71	0.72	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	≥25yr	0.76	0.77	0.79	0.8	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
Open Space	<25yr	0.05	0.1	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	≥25yr	0.11	0.16	0.2	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking or Impervious	<25yr	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	≥25yr	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

Source: Rawls, W.J., S.L. Long, and R.H. McCuen, 1981. Comparison of Urban Flood Frequency Procedures. Preliminary Draft Report prepared for the Soil Conservation Service, Beltsville, Maryland.

For simplification, a designer may use 0.3 for all pervious areas and 0.95 for all impervious areas.

TABLE C-2 - RUNOFF CURVE NUMBERS (FROM NRCS (SCS) TR-55)

Runoff Curve Numbers for Urban Areas					
Cover Description		**Curve Numbers for Hydrologic Soil Groups**			
Cover Type and Hydrologic Condition	***Average Percent Impervious Area***	***A***	***B***	***C***	***D***
Fully Developed Urban Areas (Vegetation Established)					
Open Space (lawns, parks, golf courses, etc):					
Poor Condition (grass cover < 50%)		68	79	86	89
Fair Condition (grass cover 50% to 75%)		49	69	79	84
Good Condition (grass cover > 75%)		39	61	74	80
Impervious Areas:					
Paved Parking Lots, Roofs, Driveways, etc.		98	98	98	98
Streets and Roads:					
Paved: Curbed and Storm Sewers		98	98	98	98
Paved: Open Ditches		83	89	92	93
Gravel		76	85	89	91
Dirt		72	82	87	89
Urban Districts:					
Commercial and Business	85%	89	92	94	95
Industrial	72%	81	88	91	93
Residential Districts by Average Lot Size:					
1/8 Acres or less	65%	77	85	90	92
1/4 Acre	38%	61	75	83	87
1/3 Acre	30%	57	72	81	86
1/2 Acre	25%	54	70	80	85
1 Acre	20%	51	68	79	84
2 Acres	12%	46	65	77	82

Runoff Curve Numbers for Cultivated Agricultural Lands						
Cover Description			Curve Numbers			
Cover Type	Treatment	Hydrologic Condition	A	B	C	D
Fallow	Bare Soil	–	77	86	91	94
	Crop Residue Cover (CR)	Poor	76	85	90	93
		Good	74	83	88	90
Row Crops	Straight Row (SR)	Poor	72	81	88	91
		Good	67	78	85	89
	SR + CR	Poor	71	80	87	90
		Good	64	75	82	85
	Contoured (C)	Poor	70	79	84	88
		Good	65	75	82	86
	C + CR	Poor	69	78	83	87
		Good	64	74	81	85
	Contoured & Terraced (C & T)	Poor	66	74	80	82
		Good	62	71	78	81
	C & T + CR	Poor	65	73	79	81
		Good	61	70	77	80
Small Grain	SR	Poor	65	76	84	88
		Good	63	75	83	87
	SR + CR	Poor	64	75	83	86
		Good	60	72	80	84
	C	Poor	63	74	82	85
		Good	61	73	81	84
	C + CR	Poor	62	73	81	84
		Good	60	72	80	83
	C & T	Poor	61	72	79	82
		Good	59	70	78	81
	C & T + CR	Poor	60	71	78	81
		Good	58	69	77	80
Close Seeded or Broadcast Legumes Or Rotation Meadow	SR	Poor	66	77	85	89
		Good	58	72	81	85
	C	Poor	64	75	83	85
		Good	55	69	78	83
	C & T	Poor	63	73	80	83
		Good	51	67	76	80
Runoff Curve Numbers for Other Agricultural Lands						
Pasture, Grassland, or Range – Continuous Forage for Grazing		Poor	68	79	86	89
		Fair	49	69	79	84
		Good	39	61	74	80
Meadow – Continuous Grass, Protected from Grazing and Generally Mowed for Hay		–	30	58	71	78
Woods – Grass Combination (orchard or tree farm)		Poor	57	73	82	86
		Fair	43	65	76	82
		Good	32	58	72	79
Woods		Poor	45	66	77	83
		Fair	36	60	73	79
		Good	30	55	70	77
Farmsteads – Buildings, Lanes, Driveways and Surrounding Lots.		–	59	74	82	86

175 Attachment 4

Borough of Reynoldsville

Appendix D
Review Fee Reimbursement Agreement

THIS AGREEMENT MUST BE COMPLETED AND SIGNED BY THE DEVELOPER/APPLICANT PRIOR TO SUBMISSION OF THE SUBDIVISION/LAND DEVELOPMENT APPLICATION AND PLANS, SKETCH PLANS, CONDITIONAL USE APPLICATIONS OR ANY OTHER SUBMISSION WHICH REQUIRES MUNICPAL CONSULTANT REVIEW.

REVIEW FEE REIMBERSEMENT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20___, by and between _____, (hereinafter the "Landowner"), and The Borough of Reynoldsville, Jefferson County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Jefferson County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Landowner has submitted a SWM Site Plan for review and approval by the Municipality (hereinafter referred to as the "Plan") for the property identified herein; and

WHEREAS, the Developer has requested and/or required the Municipality approval and/or review of its proposed plans, and the Municipality is willing to authorize its professional consultants to review said Plan and/or proposal upon execution of this agreement, and upon deposit of an escrow account according to the current Fee Schedule.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner and Municipality hereby authorize and direct the Municipality's professional consultants, as defined at Section 107 of the Pennsylvania Municipalities Planning Code to review Landowner's plans or proposals to use its property, and to make such recommendations and specifications as may be necessary with respect to such plans in accordance with all applicable Municipality ordinances, and State and Federal rules and regulations.
2. The Landowner and Municipality acknowledge that the Municipality will incur costs and fees relating to the review of Landowner's plans by its professional consultants, and Landowner agrees to pay and/or reimburse the Municipality for such costs in accordance with this agreement.
3. The Landowner shall pay the professional consultant's charges and fees for the following: (a) review of any and all Stormwater Management Plans, studies, or other correspondence relating to the Landowners submission; (b) attendance at any and all meetings relating to Landowner's plan; (c) preparation of any reports, legal documents, or other correspondence relating to Landowner's plan or proposal; and (d) administrative cost and incurred expenses relating to the administration of this agreement. It is understood by the execution of this agreement that the Landowner specifically accepts the Fee Schedule currently in effect in the Municipality.
4. The Landowner hereby agrees to deposit with the Municipality the sum of _____ Dollars ($_____), payable as cash in U.S. Dollars or check drawn on a Pennsylvania bank, as security for the payment of all costs and expenses, charges and fees as set forth in Paragraph 3 above, upon execution of this agreement, which shall be held in a noninterest- bearing account by the Municipality. In the event that the above deposited escrow fund shall fall below fifty percent (50%) of the original deposit, the Landowner shall immediately, upon receipt of written notice from the Municipality or its agent(s), deposit sums with the Municipality necessary to replenish the account to its original balance. In the event that this is insufficient to pay current Municipality incurred expenses, Landowner agrees to pay the total amount currently due for Municipality incurred

expenses without delay in addition to re-establishing the base escrow account balance. The Municipality will use its best efforts to advise the Landowner of the impending likelihood that its costs have exceeded the required escrow account sums as described above.

5. Landowner and Municipality agree that upon completion of the Municipality's review of Landowner's plan or proposal, all unused portions of the escrow account as described above shall be returned to the applicant upon written request to the Municipality.

6. Landowner and Municipality acknowledge that the Ordinance and appropriate fee schedules require Landowner to pay Municipality's professional consultant fees relating to this plan or project, and in the even that Landowner fails to provide sufficient funds in the above-described revolving escrow account upon fifteen (15) days written notice to the Landowner or make the initial deposit payment described above within five (5) days of the date of this agreement, Landowner shall be in default of this agreement and in violation of the above Sections of Ordinance. In the event of Landowner's default as described above, the Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop the subject site until such time as the terms of this Agreement are strictly met by Landowner. Moreover, final approval or further review may be denied or delayed until such time as the terms of this agreement are strictly met by Landowner.

7. Landowner and the Municipality further agree that all fees or costs arising out of this Agreement shall be paid prior to the issuance of any permit, occupancy or otherwise, for the use, improvement or construction of the buildings as proposed on the Landowner's plan. The Landowner agrees and acknowledges that no permit, occupancy or otherwise, or recordable plans, shall be released by the Municipality until all outstanding professional consultant fees and costs are paid to the Municipality, and provided that the Landowner is not in default under this agreement.

8. The Landowner may at any time terminate all further obligations under this Agreement by giving fifteen (15) days written notice to the Municipality that it does not desire to proceed with the development as set forth on the plan and upon receipt of such written notice by the Landowner to the Municipality, the Landowner shall be liable to the Municipality for its costs and expenses incurred to the date and time of its receipt of the notice, plus the applicable administrative costs and expenses as outlined in Paragraph 3 above.

9. The Landowner and the Municipality further agree that the Municipality shall have the right and privilege to sue the Landowner or then property owner in assumpsit for reimbursement or to lien the property or both, in its sole discretion, for any expense in excess of the then current balance of funds on deposit with the Municipality in accordance with this agreement incurred by the Municipality by reason of any review, supervision and inspection of Landowner's project by its professionals including, but not limited to, the Municipality Engineer and Solicitor. The Municipality's election of its remedies under this paragraph shall not constitute a waiver of any other remedies the Municipality may have.

10. The Landowner and the Municipality acknowledge that this agreement represents their full understanding as to the Municipality's reimbursement for professional or consultant services.

11. This agreement shall be binding on and insure to the benefit of the successors and assigns of Landowner. The Municipality shall receive thirty (30) days advance written notice from Landowner of any proposed assignment of Landowner's rights and responsibilities under this Agreement.

ATTEST:

WITNESS the following signatures and seals:

(SEAL) For the Municipality:

_____

For the Landowner:

ATTEST: _____

_____ (City, Borough, Township)

County of Jefferson, Pennsylvania

I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20____, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20____, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 20_____.

_____ _____

NOTARY PUBLIC **(SEAL)**

175 Attachment 5

Borough of Reynoldsville

Appendix E
Small Projects SWM Application

Per the Brookville Borough's Act 167 Stormwater Management Ordinance, a stormwater management plan is required whenever more than 2,500 square feet of impervious surface or non-exempt single family homes are proposed. Impervious surfaces are areas that prevent the infiltration of water into the ground and shall include, but not be limited to, roofs, patios, garages, storage sheds and similar structures, and any new streets or sidewalks.

To Calculate Impervious Surface Please Complete This Table					
Surface Type	**Length**	**X**	**Width**	**=**	**Proposed Impervious Area**
Building (area per downspout)		X		=	
		X		=	
		X		=	
Driveway		X		=	
		X		=	
		X		=	
Parking areas		X		=	
		X		=	
		X		=	
Patios/walks		X		=	
		X		=	
		X		=	
Other		X		=	
		X		=	
		X		=	
Total Impervious Surface Area to be managed (sum of all areas)					

If the Total Impervious Surface Area is LESS THAN 2,500 square feet, please read, acknowledge and sign below.
If the Total Impervious Surface Area EXCEEDS 2,500 square feet, complete the remainder of the Application.

Based Upon the information you have provided a ***Stormwater Management Plan IS NOT required*** for this regulated activity. Brookville Borough may request additional information and/or SWM for any reason.

Property Owner Acknowledges that submission of inaccurate information may result in a stop work order or permit revocation. Acknowledgement of such is by signature below. I declare that I am the owner or owner's legal representative. I further acknowledge that the information provided is accurate and employees of the Brookville Borough are granted access to the above described property for review and inspection as may be required.

_____ **Owner** **Date:** _____

CREDITS

Credit 1: DISCONNECTION OF IMPERVIOUS AREA

When runoff from impervious areas is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, all or parts of the impervious areas may qualify as Disconnected Impervious Area (DIA). Using the criteria below, determine the portion of the impervious area that can be excluded from the calculation of total impervious area.

Criteria: An impervious area is considered to be completely or partially disconnected if it meets the requirements listed below

- rooftop area draining to a downspout is ≤500 square feet
- paved area draining to a discharge is ≤1,000 square feet
- flow path of paved impervious area is not more than 75 feet
- soil at discharge is not designated as hydrologic soil group "D"
- flow path at discharge area has a positive slope of ≤5%
- gravel strip or other spreading device is required at paved discharges.

Length of Pervious Flow Path from Discharge Point* (feet)	DIA Credit Factor
0 to 14	1.0
15 to 29	0.8
30 to 44	0.6
45 to 59	0.4
60 to 74	0.2
75 or more	0

* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.

Calculate DIA Credit and Required Capture Volume									
Surface Type	**Proposed Impervious Area (from previous sheet)**	**X**	**DIA Credit Factor**	**=**	**Impervious Area to be Managed**	**÷**		**=**	**Required Capture Volume (feet³)**
Building (area per downspout)		x		=		÷	6	=	
		x		=		÷	6	=	
		x		=		÷	6	=	
		x		=		÷	6	=	
Driveway		x		=		÷	6	=	
		x		=		÷	6	=	
		x		=		÷	6	=	
Parking areas		x		=		÷	6	=	
		x		=		÷	6	=	
		x		=		÷	6	=	
Patios/walks		x		=		÷	6	=	
		x		=		÷	6	=	
		x		=		÷	6	=	
		x		=		÷	6	=	
Other		x		=		÷	6	=	
		x		=		÷	6	=	
		x		=		÷	6	=	
						Total Req'd Capture Volume			

Credit 2: TREE PLANTING

Perhaps the best BMP is a tree as they intercept rainfall, increase evapotranspiration and increase time of concentration. A portion of the required capture volume can be reduced provided the criteria are met.

CREDITS

Deciduous Trees	Evergreen Trees
6 ft³ per tree planted	10 ft³ per tree planted

Criteria

To receive credit for planting trees, the following must be met:

- Trees must be native species (see below), minimum 2" caliper and 6 feet tall (min).
- Trees shall be adequately protected during construction.
- Trees shall be maintained until redevelopment occurs.
- No more than 25% of the runoff volume can be mitigated through the use of trees.
- Dead trees shall be replaced within 6 months.
- Non-native species are not applicable.

		Req'd Capture Volume (ft³)
-		**Tree Planting Credit (ft³)**
		Capture Volume to be managed (ft³)

Sizing of BMP

		How much of the Volume will you manage with a Rain Garden?
+		How much of the Volume will you manage with a Sump or Trench?
		Capture Volume to be managed (ft³)

Enter the volumes into the **Small Project SWM Plan Worksheet** on the next sheet.

Native Species Trees (Common Name)

- Blackgum
- Cucumber magnolia
- Hophornbeam
- Maple, (sugar, red or silver)
- Pine, (pitch or eastern white)
- Ironwood
- Hickory, sweet pignut or shag-bark
- Sycamore, American
- Cotton-wood, eastern
- Aspen, big-tooth or quaking
- Cherry, black
- Oak, (white, swamp white, scarlet, pin, red, black)
- Dogwood (silky or red osier)
- Tuliptree
- Willow, black
- Chokeberry (red or black)
- Basswood, American
- Serviceberry, (downy or shadbush)
- Elderberry
- Witch hazel
- Mountain laurel

Small Project SWM Plan Worksheet

Based upon the information you have provided a ***Stormwater Plan IS Required*** for this development activity. The Stormwater Management Ordinance developed through the *Jefferson County Act 167 Stormwater Management Plan* regulates compliance requirements for Stormwater Management in this jurisdiction. A complete copy of the *Plan* can be found at the Jefferson County office.

Regulated activities shall be conducted only after The Borough of Reynoldsville approves a stormwater management plan. The *Jefferson County Act 167 Stormwater Management Plan* will assist you in preparing the necessary information and plans for The Borough of Reynoldsville to review and approve. **This document will constitute an approved plan if all of the relevant details are to be installed in their entirety AND no part of the stormwater system adversely affects any other property, nor adversely affect any septic systems or drinking water wells on this, or any other, parcel.** If an alternative system is to be used a plan will need to be submitted to The Borough of Reynoldsville for approval. A design by a qualified professional may be required for more complex sites.

PLEASE INITIAL BELOW TO INDICATE THE STORMWATER MANAGEMENT PLAN FOR THIS SITE

☐ Minimum Control #1 Erosion & Sediment Pollution Control
Minimum Control #2: Source Control of Pollution
Minimum Control #3: Preservation of Natural Drainage Systems and Outfalls

The relevant details from *Jefferson County Act 167 Stormwater Management Plan* will be installed in their entirety AND the system will be located as not to adversely affect other property, nor any septic systems or drinking water wells on this, or any other, parcel.

☐ To meet this requirement, the following will be installed and maintained:

Capture Volume to be managed (ft^3)			Conversion	Surface Area of BMPs (ft^2)
	By Rain Garden 6" ponding; 2' soil depth	x	1.20	
	Dry Well or Infiltration Trench 2½' aggregate depth	x	1.25	
	Total		Total	

☐ In lieu of meeting the above, an alternative and/or professional design is attached for approval AND the system will be located as not to adversely affect other property, any septic systems or drinking water wells on this, or any other, parcel.

☐ **Site Sketch Plan showing:**

- Property lines with dimensions
- Proposed buildings with dimensions
- Proposed impervious surfaces with dimensions
- Proposed septic system, if applicable
- Proposed well site, if applicable
- Proposed stormwater management system(s)

☐ **Operation and Maintenance Agreement**

Condition on approval - The stormwater management plan must be fully implemented prior to a request for final inspection of the building or zoning permit.

Acknowledgement - By executing below, the Owner acknowledges the following:

- I declare that I am the owner of the property.
- The information provided is accurate.
- I further acknowledge that municipal representatives are granted access to the above described property for review and inspection as may be required.

_____ **Owner** **Date:** _____

Chapter 179

STREETS AND SIDEWALKS

ARTICLE I
Playing in the Streets

§ 179-1. Prohibited acts; violations and penalties.

ARTICLE II
Streetlamps

§ 179-2. Prohibited acts; violations and penalties.

ARTICLE III
Street Opening Permits

§ 179-3. Permit required; exceptions.
§ 179-4. Refilling and restoration.
§ 179-5. Removal of condemned materials.
§ 179-6. Defect within two years.
§ 179-7. Execution of permit; compliance required.
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ARTICLE IV
Street Cleaning

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§ 179-36. Violations and penalties; impoundment.

ARTICLE VIII
Street Restoration

§ 179-37. Restoration materials.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Playing in the Streets
[Adopted 6-8-1885 by Ord. No. 6; amended in its entirety 8-20-1997 by Ord. No. 480]

§ 179-1. Prohibited acts; violations and penalties.

Any person or persons who shall engage in any species of ball playing, snowballing or playing at shinny on any of the streets, alleys or sidewalks of the borough, or any person or persons who shall beat doors, windows or door steps, or throw any corn, grains, sand, dirt, stones or other missiles at or upon any window, door, step, porch or house, or pull any doorbell with intent to annoy the owner or occupant thereof, or with other mischievous intent or any other portion or fixture in and upon any premises within the borough, without the consent of the owner shall, upon conviction of any and every such offense before the Mayor, or any District Justice in the borough, forfeit and pay a fine (for the use of the borough) not exceeding $600 and the costs of proceedings and, in default thereof, shall be committed to the borough lockup for a period not exceeding 30 days.

ARTICLE II
Streetlamps
[Adopted 6-8-1885 by Ord. No. 18; amended in its entirety 8-20-1997 by Ord. No. 480]

§ 179-2. Prohibited acts; violations and penalties.

On and after the passage of this article if any person or persons shall willfully or maliciously break, injure or destroy any streetlamp put in any public street of the borough, whether the same be public or private property, such persons shall, upon conviction thereof before the Mayor or any District Justice, be sentenced to pay a fine of not more than $600 for the use of said borough, and costs of prosecution, and in default of the payment of said fine and costs, such persons shall be committed to the borough lockup for a period not exceeding 30 days.

ARTICLE III
Street Opening Permits
[Adopted 3-14-1910 as Ord. No. 138]

§ 179-3. Permit required; exceptions.

No person, persons, firm or corporation shall dig or excavate in any of the streets, lanes or alleys within the Borough of Reynoldsville for any purpose whatsoever, except to build, rebuild or repair sidewalks or footwalks, without first obtaining a permit, signed by a majority of the Street Committee of the Borough Council of the Borough of Reynoldsville. No permit shall be granted to dig or excavate in any of the streets, lanes or alleys within the Borough of Reynoldsville (except in case of accident, leakage or breakage of any lines in said street, lane or alley) between the first day of November and the first day of the succeeding April unless a permit be allowed by Council for urgent reasons shown.

§ 179-4. Refilling and restoration.

All trenches, ditches or other excavations or disturbances of any pavement or sidewalk or of any street, lane or alley within the limits of the borough shall be refilled and the streets, lane or alleys or pavement restored in such manner and with such material as the Street Committee of the Borough Council shall direct. No person or persons, firm or corporation shall refill any trench, ditch or excavation or restore any pavement disturbed without first notifying said Street Committee.

§ 179-5. Removal of condemned materials.

All material which shall be condemned by said Street Committee for filling or refilling any such trench, ditch or excavation, or restoring any pavement as aforesaid, whether such material has been excavated from any street, lane or alley or placed therein or thereon by any person, persons, firm or corporation, shall be removed, and such trench, ditch, excavation or pavement shall be refilled or restored with such material as said Street Committee may require by such person, persons, firm or corporation on ten hours' notice so to do from the Street Committee. Any condemned material not removed as aforesaid is hereby declared a nuisance, and the borough authorities may remove the same, or any part thereof, at the expense of the person, persons, firm or corporation offending, with 20% added thereto as a penalty, to be collected in the manner as like debts are by law collected.

§ 179-6. Defect within two years.

Any street, lane, alley, pavement opened, dug or disturbed and restored, showing any defect or fault within two years thereafter, shall be repaired by the person, persons, firm or corporation last having made, or caused to be made, the opening, ditch or trench upon 10 hours' notice from the Street Committee or Council, and if not so done, it shall be done by the borough at the expense of the person, persons, firm or corporation last having made, or caused to be made, such excavation, ditch, trench or opening in any of the streets, lanes, alleys or pavements,

within the limits of the borough, and the costs of such repairs shall be collected from such person, persons, firm or corporation as debts of like amount are by law collected.

§ 179-7. Execution of permit; compliance required.

The permit specified in § 179-3 of this article shall be duly executed by the owner of the property desiring to excavate in or disturb the street, lane, alley or pavement, or by his duly authorized agent. In the case of a person, persons, firm or corporation using the streets, lanes or alleys for the laying therein of pipelines, or any other purpose whatsoever, said permit shall be executed by said person, persons or firm or the duly authorized officer or officers of said corporation. In addition to any special requirements of Council, the permit shall bind the person, persons, firm or corporations to whom the same is issued to faithfully comply with all the requirements of this article and all other ordinances of the borough relating to streets, to keep guards and lights, to use all precautions necessary to prevent any injury to persons or property and to indemnify and save harmless the Borough of Reynoldsville from all damages, loss, costs, charges, attorney's fees, work, labor or disbursement whatsoever for or by reason of such digging or excavation, refilling or restoring as aforesaid.

§ 179-8. Violations and penalties.[3]

Any person, persons, firm or corporation violating any of the provisions of this article shall be liable to a fine of not more than $600, plus costs of prosecution, for each offense, to be recovered as fines and penalties are by law recovered, and, in default of payment of such fine and costs, to a term of imprisonment not exceeding 30 days.

ARTICLE IV
Street Cleaning
[Adopted 10-12-1959 as Ord. No. 332]

§ 179-9. Schedule established.

The Borough Council shall establish and make public a schedule[4] which shall show the names of borough streets which are to be mechanically cleaned, the day of the week when such cleaning shall take place and a designation of the hours of the day between which such cleaning is to take place.

§ 179-10. Parking prohibited.

During such designated cleaning periods, it shall be unlawful for vehicles to be parked on those streets which are scheduled to be cleaned.

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3 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

4 **Editor's Note: Said schedule is on file in the borough offices.**

§ 179-11. Violations and penalties.[5]

Any person violating the provisions of this article shall be subject to a penalty of not more than $600, plus costs of prosecution, for each and every offense, or, in lieu thereof, the violator may be imprisoned for a period not to exceed 30 days. Where the same person is guilty of a second or subsequent offense, in addition to the imposition of the penalty above provided, the offending vehicle may be impounded and towed away, and the towing charges shall be added to and become part of the penalty.

ARTICLE V
Sidewalks, Curbs and Gutters
[Adopted 3-21-1990 as Ord. No. 461]

§ 179-12. Definitions.

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

PERSON — Any natural person, partnership, association, firm, corporation or any other legal entity. The singular shall include the plural and the masculine shall include the feminine and neuter.

§ 179-13. Construction and repair required.

The Borough of Reynoldsville hereby requires owners of property abutting any street, including state highways, to construct, pave, repave and keep in good repair the sidewalk, curb and gutter along such property, as such grades and under such regulations as may be prescribed by ordinance or by directives of the Borough of Reynoldsville upon recommendation of its engineers.

§ 179-14. Standards for new construction.[6]

A. All newly paved streets within the confines of the Borough of Reynoldsville shall be constructed with combination twenty-four-inch gutters and six-inch by six-inch integral concrete curbs.

B. The concrete construction of such curbs and gutters shall be of plain cement, air-entrained, with contents of no less than 6.25 sacks or 587.5 pounds per cubic yard of concrete. Maximum water content shall not exceed 5.50 gallons per sack of cement, including the surface water in the aggregate. All materials used in the paving of cartways, gutters and curbs shall meet with standards approved by the Pennsylvania Department of Transportation.

(1) All joints or cracks in the curb and gutter shall be sealed with approved bituminous-based materials to qualify for acceptance of the job.

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5 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

6 **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(2) All honey-combing in the concrete shall be minimized to the satisfaction of Borough of Reynoldsville officials and shall be seal-plastered after removal of the forms.

(3) Expansion joints shall have a minimum thickness of ½ inch and shall be inserted in the concrete work at intervals not exceeding 100 feet.

(4) Construction joints consisting of two thicknesses of single ply bituminous paper shall be placed at intervals not exceeding 30 feet.

(5) Curbs shall be depressed for driveways as Borough of Reynoldsville officials shall direct.

(6) Construction and expansion joints shall be cut to a sufficient depth so as to retain asphaltic sealing compound.

§ 179-15. Supports under sidewalks and curbs.

Where sidewalks or curbs are to be constructed, paved, repaved or repaired over coal cellars or other excavations, such sidewalks shall be supported by iron or steel beams, girders, stone or concrete arches. Any support of wood or perishable material shall be prohibited.

§ 179-16. Conformity to line and grade required.

All sidewalks, curbs and gutters shall be constructed, paved, repaved or repaired upon the line and grade obtained by the property owner from the Borough of Reynoldsville's Engineer.

§ 179-17. Notice to do work.

Notice to construct, pave, repave and repair sidewalks, curbs or gutters shall be given by registered or certified mail to abutting property owners, and such owner shall have 45 days to comply with the said notice in conformity with any construction specifications prescribed by ordinance or plans as set forth by the Borough Engineer.

§ 179-18. Inspection.

At any time during the performance of the required work, the Borough of Reynoldsville's Engineer may inspect the work to determine whether construction specifications are being observed, and it shall be the responsibility of the property owner to notify the borough when any such work has commenced, is in progress and is to be finalized, in order that proper inspections can be made by the borough, and the borough has sufficient advance notice of the same.

§ 179-19. Failure to comply; costs collected as lien.

Upon the failure of any property owner to construct, pave, repave or maintain any sidewalk, curb or gutter in compliance with notice to do so, the Borough of Reynoldsville may do the same or cause the same to be done and may levy the cost of its work, plus administrative costs

and all legal costs, on such owner as a property lien to be collected in the manner provided by law.

§ 179-20. Emergency repairs.

Where, in the opinion of the Reynoldsville Borough Council, a dangerous condition exists that may be repaired by an expenditure not to exceed $100, the Borough of Reynoldsville may send such property owner notice by registered or certified mail stating emergency repairs are required. Upon failure of such owner to comply with the notice within 48 hours after receiving it, the Borough of Reynoldsville may make emergency repairs and levy costs, plus legal costs, administration and related items, on such owner as a property lien to be collected in the manner provided by law.

§ 179-21. Construction and repair done on owner's initiative without notice.

Any property owner not required by notice to construct, pave, repave or keep in repair sidewalks, curbs or gutters may construct, pave, repave or repair the sidewalk, curb and gutter abutting his property, provided that such owner shall make application to the Borough of Reynoldsville's Engineer before commencing work, shall conform to the provisions of this article and other regulations as to specifications for construction and repair work and shall notify the Engineer within two days after completion of his work.

§ 179-22. Sidewalks constructed after adoption of article.

All sidewalks constructed after the date of this article, plus any new sidewalks that have been constructed in the last year, shall be constructed, reconstructed and repaired with concrete only, according to specifications determined from time to time by the Borough Engineers, provided that a bituminous surface, meeting specification determined by the Borough Engineer, may be applied as a protective coating only on sidewalks which were constructed prior to 1989 in existing areas or where an entire block of concrete does not have to be replaced, but where a block of concrete must be replaced, any such replacement shall be done with concrete only. It is further provided, where the existing sidewalk is of brick and at least ⅔ of such sidewalk is in good repair, such sidewalk may be repaired with brick.

§ 179-23. Sidewalks to be kept open.

It shall be the obligation of any property owner to keep the sidewalks on or abutting his property in state of good repair, and any obstructions to said sidewalk shall be kept to a minimum. No sidewalk shall be blocked or encroached upon for any unreasonable period of time, and any building material that is within the sidewalk area shall be placed there so as not to interfere with the drainage of the sidewalk or access to any fire hydrant. Any such materials shall be arranged in a regular, neat, compact form so as to occupy a minimum amount of space and to present the least risk of falling, and lights and guards shall be placed in the vicinity or around such materials so as to prevent injury to persons and property. All such materials shall be removed from the sidewalk and the sidewalk properly restored within the time allowed on any such permit, or any extension, but at any rate at the earliest available time. If any such

owner shall fail to comply with this requirement, such material may be removed by said Borough of Reynoldsville and placed outside of the limits of said sidewalk, and the costs of the same shall be collected by the borough in a civil action before a District Justice, legal action in court or placed as a lien and collected in the manner provided by law.

§ 179-24. Violations and penalties.[7]

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days, provided that each day's continuance of a violation after notice thereof shall constitute a separate offense, and further provided that the penalty imposed under this section may be in addition to any expenses and penalties in connection therewith authorized to be collected under the manner prescribed by law.

ARTICLE VI
Snow and Ice Removal
[Adopted 12-5-1994 as Ord. No. 471]

§ 179-25. Definitions.

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

BUSINESS DAY — Any day not a Sunday or a national holiday.

BUSINESS HOURS — The hours between 9:00 a.m. and 5:00 p.m. on any business day.

CARTWAY — The portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

CORPORATION — A natural person, partnership, corporation, association or any other legal entity.

SIDEWALK — The portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

STREET or HIGHWAY — The entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

§ 179-26. Responsibility for removal of snow and ice from sidewalks.

A. Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed or cleared away snow and/or ice from a path of at least

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[7] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

30 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

B. Except as provided in Subsection C hereof, snow and ice shall be removed from sidewalks within 12 hours after the cessation of any fall of snow, sleet or freezing rain.

C. In the event that snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Subsection B hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonable safe and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

§ 179-27. Responsibility for removal from roofs.

Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time but not later than 12 hours after the cessation of any fall of snow, sleet or freezing rain.

§ 179-28. Depositing of snow and ice restricted.

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the municipality on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

§ 179-29. Mud and other obstructions.

The requirements and restrictions set forth in §§ 179-26, 179-27 and 179-28 of this article shall also apply in regards to the accumulation of mud and obstructions of any kind or character which may endanger the safety of pedestrians using the sidewalks and walkways.

§ 179-30. Removal of cars from street for plowing purposes.

It shall be the responsibility of the owner of any vehicle on any public street or cartway that said vehicles be removed from the street within 12 hours after the cessation of any fall of snow, sleet or freezing rain or when a winter storm warning has been given by the National Weather Service, whichever is earlier, and the streets from which said vehicles must be removed within the aforementioned time frame are Grant Street, Hill Street, Jackson Street and Main Street.

Should the Mayor declare a state of emergency, then this section shall apply to all streets within the Borough of Reynoldsville.[8]

§ 179-31. Violations and penalties.[9]

Any person who shall violate any provision of this article shall, upon conviction thereof before the District Justice, be sentenced to pay a fine of not more than $600 for each and every conviction and, in default of payment, to imprisonment for a term not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

ARTICLE VII
Skateboards, Pedalcycles and Human-Powered Devices
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 179-32. Legislative intent.

The Borough Council recognizes that the use of skateboards, roller skates, street skates, scooters, pedalcycles and any other human-powered device or devices has become prevalent in the borough. The use of these devices on public areas or alleys may constitute a danger to the public and the person using these devices. In order to lessen the hazards to the public health, safety and welfare, the Borough Council has determined to regulate the use of skateboards, roller skates, street skates, scooters, pedalcycles or any other type of device or devices that are propelled solely by human power in the borough.

§ 179-33. Exceptions.

It is not the intent of this chapter to apply to baby strollers, wheelchairs or other nonrecreational human-powered devices.

§ 179-34. Word usage and definitions.

A. Word usage. In the interpretation of this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

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

BOROUGH — The Borough of Reynoldsville, Jefferson County, Pennsylvania.

COUNCIL — The Council of the Borough of Reynoldsville.

PEDALCYCLE — A device propelled solely by human-powered pedals.

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8 **Editor's Note: See Ch. 190, Vehicles and Traffic, § 190-3.**

9 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ROLLER SKATES, STREET SKATES — A device having multiple sets of wheels affixed to shoes and used to glide over hard surfaces by an individual.

SCOOTER — A child's vehicle consisting of a narrow board mounted on two wheels tandem and guided by a handle attached to the front wheel. The child stands with one foot on the board and pushes the device with the other foot.

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.

SKATEBOARD — A device consisting of a flat surface constructed of wood, metal, plastic, fiberglass or other similar material with two or more wheels affixed to the underside and which is used by a person for coasting and guided by the distribution of the weight of the user.

STREET or TRAFFICWAY — 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 vehicular travel.

§ 179-35. Operational regulations; ramps.

A. No person shall ride upon or utilize in any manner upon the streets, alleys and trafficways in the Borough of Reynoldsville, Pennsylvania, or on any property owned, leased, managed or under the control of the Borough of Reynoldsville, Pennsylvania, any skateboard, roller skates, street skates, scooters or any other human-powered device other than pedalcycles, except to cross the street at appropriately designated areas or crosswalks in compliance with signalization or right-of-way.

B. No person shall erect, construct or place any type of ramp designed for use with skateboards, roller skates, street skates, scooters, pedalcycles or any other human-powered devices onto the streets, alleys and trafficways in the Borough of Reynoldsville, Pennsylvania, or on any property owned, leased, managed or under the control of the Borough of Reynoldsville, Pennsylvania.

C. No person shall ride a skateboard or use roller skates, street skates, scooters or pedalcycles on any sidewalk located within the boundary lines of the Borough of Reynoldsville, Pennsylvania, in a reckless manner. No person shall ride a skateboard, roller skates, street skates, scooter or pedalcycle on any sidewalk without exercising due care for the safety of other persons using the sidewalk and shall always give way to pedestrian traffic. It shall be unlawful for any person to leave skateboards, roller skates, street skates, scooters or pedalcycles upon a sidewalk in such a manner as to obstruct pedestrian traffic.

D. No person shall operate a skateboard, roller skates, street skates, scooter or pedalcycle or other human-powered devices on any private property or private parking lot without the express consent of the owner or a responsible agent for such owner of the private property.

§ 179-36. Violations and penalties; impoundment.

Any person who shall violate any of the provisions of this chapter shall be subject to the following penalties:

A. First offense. The skateboard, roller skates, street skates, scooter or pedalcycle shall be impounded by the Police Department of the borough for a period not exceeding 15 days.

B. Second and subsequent offenses. The skateboard, roller skates, street skates, scooter or pedalcycle shall be impounded by the Police Department of the borough for a period not to exceed 30 days and/or the user shall be sentenced to pay a fine of not more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, to a term of imprisonment not exceeding 30 days.

ARTICLE VIII
Street Restoration
[Adopted 7-19-2000 by Res. No. 7-19-00-1]

§ 179-37. Restoration materials.

Any person, company, corporation, authority or entity given permission to cut or remove any portion of a street shall be required to replace the street with the same materials contained in the street, unless otherwise agreed upon by Reynoldsville Borough Council. Should the street affected be a brick street, it will be replaced with brick; should it be a blacktop street, it will be replaced with blacktop; should it be a concrete street, it will be replaced with concrete; should it be a street composed of stabilized material, it shall be replaced with stabilized material. Upon request, Council reserves the right to approve and/or designate an alternate material to be used.

Chapter 184

TAXATION

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[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Per Capita Tax
[Adopted 4-9-1956 by Ord. No. 316]

§ 184-1. Tax established; collection. [Amended 4-15-1957 by Ord. No. 322; 2-21-1996 by Ord. No. 474; 12-15-2004 by Ord. No. 515[1]]

There is hereby ordained and levied a tax of $10 on each person 18 years of age and over, residing within the Borough of Reynoldsville, Pennsylvania, which tax shall be known as a "personal tax" and which shall be in addition to any per capita taxes which may be levied and assessed against said residents. Said tax shall be added to the tax duplicate of the Borough of Reynoldsville, Pennsylvania, and shall be collected by the Borough Tax Collector.

§ 184-2. Rebate for prompt payment; late payment penalty. [Amended 2-21-1996 by Ord. No. 474]

A rebate of 2% shall be allowed on all said taxes which are paid within two months of the date of the tax notice. The imposition of a penalty of 10% shall be added to all of such taxes which are not paid within four months after the date of tax notice.

§ 184-3. Spousal responsibility. [Amended 8-20-1997 by Ord. No. 480]

Every person against whose spouse personal tax is levied shall be liable for the payment of such tax. Collection thereof from the spouse may be made and enforced in the manner provided by law for the collection and enforcement of payment of other taxes owing by the spouse, including the collection thereof from the spouse's employer.

§ 184-4. Statutory authority.

This article is enacted under authority of the Act of June 25, 1947, P.L. 1145, and its amendments.[2]

§ 184-5. Violations and penalties. [Added 2-21-1996 by Ord. No. 474; 8-20-1997 by Ord. No. 480]

Should any person violate any provision of this article, authority is herewith granted to the Borough of Reynoldsville, in bringing any action before the District Justice, to assess a fine not to exceed $600, plus interest, penalties, filing costs and constable fees, as well as legal fees for the violation thereof. In addition, the District Justice shall have the right to sentence any violator to the county jail for a period not to exceed 30 days, pursuant to the Local Tax Enabling Act,[3] or any other statute in affect at the time of said violation.

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1. **Editor's Note: This ordinance also restated the provisions contained in § 184-2 and provided that the penalty of 10% shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector and provided that the effective date of this ordinance shall be 1-1-2005.**

2. **Editor's Note: See 53 P.S. § 6901 et seq.**

3. **Editor's Note: See 53 P.S. § 6901 et seq.**

ARTICLE II

Earned Income Tax

[Adopted 11-19-2003 by Ord. No. 505[4]]

§ 184-6. Title; when effective.

This article shall be known as the "Earned Income Tax Ordinance." The provisions hereof shall become effective on the 1st day of January, 2004, A.D., and the tax shall continue in force on a calendar-year or a taxpayer-fiscal-year basis, without annual reenactment, unless the rate of the tax is subsequently changed. Changes in rate become effective on the date specified in the amending ordinance.

§ 184-7. Definitions.

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

ASSOCIATION — A partnership, limited partnership, or any other unincorporated group of two or more persons.

BOARD — The Borough Council of the Borough of Reynoldsville.

BUSINESS — Any enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association, or 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 voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses, or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

EARNED INCOME — Compensation including salaries, wages, commissions, bonuses and incentive payments whether based on profits or otherwise, fees, tips and similar remuneration for services rendered, whether in cash or in property, such as:

A. Items of remuneration received, directly or through an agent, in cash or in property, based on payroll periods or piecework, for services rendered as an employee or casual employee, agent or officer of an individual, partnership, business or nonprofit

4. Editor's Note: This ordinance superseded former Ch. 184, Art. II, Earned Income Tax, adopted 6-14-1965 by Ord. No. 368, as amended, which article consisted of §§ 184-6 through 184-13.

corporation, or government agency. These items include salaries, wages, commissions, bonuses, stock options, incentive payments, fees, tips, dismissal, termination or severance payments, early retirement incentive payments and other additional compensation contingent upon retirement, including payments in excess of the scheduled or customary salaries provided for those who are not terminating service, rewards, vacation and holiday pay, paid leaves of absence, payments for unused vacation or sick leave, tax assumed by the employer, signing bonuses, amounts received under employee benefit plans and deferred compensation arrangements.

B. Scholarships, stipends, grants and fellowships, if services are rendered in connection therewith. When used in this subsection, the following words have the following meanings, unless the context clearly indicates otherwise:

(1) FELLOWSHIP STIPEND or FELLOWSHIP AWARD — A fixed sum of money paid periodically for services or to defray expenses to a graduate student who is enrolled in a graduate degree program at a university.

(2) GRANT-IN-AID — Financial support given by a public agency or private institution to an individual to further the individual's education.

(3) POSTDOCTORAL RESEARCH FELLOWSHIP STIPEND or POSTDOCTORAL RESEARCH FELLOWSHIP AWARD — A fixed sum of money paid periodically for service or to defray expenses of an individual who has obtained a doctoral degree at a university and in conducting research at a research facility.

(4) SCHOLARSHIP — A grant-in-aid to a student.

C. Other forms of remuneration characterized as taxable compensation by the Tax Reform Code of 1971, as amended, and it's implementing regulations, as amended, and any future amendments to said Code and/or its implementing regulations.[5]

D. Compensation does not include:

(1) Periodic payments for sickness and disability other than the regular wages received during a period of sickness or disability;

(2) Disability, retirement or other payments arising under workmen's compensation acts, occupational disease acts and similar legislation by any government;

(3) Payments commonly recognized as old-age or retirement benefits paid to persons retired after reaching a specific age or after a stated period of employment;

(4) Payments commonly known as public assistance, or unemployment compensation payments by any governmental agency;

(5) Payments to reimburse actual expenses;

(6) Payments made by employers or labor unions for employee benefit programs covering hospitalization, sickness, disability or death, supplemental employment

5. **Editor's Note: Sec. 72 P.S. § 7101 et seq.**

benefits or strike benefits, subject to certain conditions identified in the Tax Reform Code of 1971, as amended and its implementing regulations;

(7) Any compensation received by United States servicemen serving in a combat zone;

(8) Payments received by a foster parent for in-home care of foster children from an agency of the commonwealth or a political subdivision thereof, or an organization tax exempt from federal tax under Section 501(c)(3) of the Internal Revenue Code of 1954, which is licensed by the commonwealth or a political subdivision thereof as a placement agency;

(9) Payments made by employers or labor unions for employee benefit programs covering social security or retirement; or

(10) Personal use of an employer's owned or leased property or of employer-provided services.

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, wage, commission or other compensation.

INCOME TAX OFFICER OR OFFICER — Person, public employee or private agency designated by the governing body to collect and administer the tax on earned income and net profits.

NET PROFITS —

A. The net income from the operation of a business, profession, or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, be determined either on a cash or accrual basis in accordance with generally accepted accounting principles and practices, as defined in the Tax Reform Code of 1971, as amended, its implementing regulations, and any subsequent amendments to said Code and/or regulations.[6] Net profits do not include income which is not paid for services provided and which is in the nature of earnings from an investment.

B. To constitute net profits, all of the following must apply:

(1) The gross profits shall be derived from one of the following:

(a) The marketing of a product or service to customers on a commercial basis or from securities employed as working capital in the business operations.

(b) Accounts and notes receivable from sales of products or services in the ordinary course of the business operations.

(c) Assets which serve an operational function in the ordinary course of business operations.

(2) The marketing activity shall be conducted with the manifest objective of achieving profitable operations.

6. **Editor's Note: See 72 P.S. § 7101 et seq.**

(3) The marketing objective shall be conducted with regularity and continuity and may not be limited or exclusive.

C. In computing net profits, a deduction will not be allowed for any item of cost, expense or liability derived or incurred in connection with, or attributable to any of the following:

(1) The ownership or disposition of assets that are held for investment purposes or otherwise serve an investment function.

(2) The trading in securities for personal purposes and not for the accounts of customers.

(3) The sale, discontinuation or abandonment of a business or segment thereof.

(4) Any tax imposed on, or measured by, gross or net earned or unearned income.

(5) An isolated or nonrecurring transaction which is not a normal or routine business activity.

D. Choosing to form a partnership or other entity or to associate with others, receiving and reporting income or gain as the income of the partnership, entity or associates or dividing the same among its partners, beneficial owners or associates or the trading in securities for the benefit of shareholders, partners, members or associates, does not of itself make the income of the partnership, entity or associates net profits.

E. For purposes of this section, only the following participants in the stock, securities, options, derivatives, futures or commodities market are engaged in marketing of a product or service to customers:

(1) Those who maintain or provide a marketplace or facilities for bringing together purchasers and sellers of these financial investment products.

(2) Those who are licensed to act as their customer's agents and charge a negotiated commission for executing transactions and do not take title to the particular portion they buy or sell.

(3) Those who devote managerial attention to the financial investment products holdings of others, or who employ other persons to assist them in that management, in the capacity of a licensed investment advisor.

(4) Licensed dealers, including financial investment product specialists and market makers, if the conditions in Subsection E(4)(a) through (d) are met:

(a) The dealer maintains an inventory of financial investment products with the objective of reselling his inventories at a profit to customers or operates as a specialist or market maker.

(b) The dealer makes market by quoting the bid and ask prices at which he is willing to buy and sell the financial investment products and by buying directly from or selling directly to customers.

(c) The dealer's profit is determined in whole or in part by a markup based on cost.

(d) The dealer elects to inventory securities held for resale to customers or uses the mark-to-market system of accounting.

(5) Underwriters who facilitate initial sales of financial investment products by acting either as licensed dealers in a principal capacity or as brokers in an agency capacity.

F. When a person operates as an investor or trader with respect to a portion of that person's activities and as a market establishment, broker, investment counselor or dealer with respect to the rest, this section applies only to the operations as a market establishment, broker, investment counselor or dealer.

G. For taxpayers engaged in the business, profession or activity of farming, the term shall not include:

(1) Any interest earnings generated from any monetary accounts or investment instruments of the farming business;

(2) Any gain on the sale of farm machinery;

(3) Any gain on the sale of livestock held 12 months or more for draft, breeding or dairy purposes; and

(4) Any gain on the sale of other capital assets of the farm.

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.

TAXING DISTRICT — The Borough of Reynoldsville, Jefferson County, Pennsylvania.

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.

§ 184-8. Imposition of tax.

A. A tax for general revenue purposes is hereby reimposed in the amount of 1% of earned income received and to net profits earned by residents and nonresidents of the Borough of Reynoldsville, beginning on the first day of January 2004, and continuing for each taxable year thereafter.

B. Except as otherwise provided in Section 14 of the Local Tax Enabling Act, 53 P.S. § 6914, as amended, allowing for crediting or deductions for duplication of taxes, in the event the School District in which the Borough is situate, shall impose, or continue to impose, an earned income tax under the authority of the Act on residents or businesses domiciled within that Borough during the same year or part of year, then the tax herein imposed shall be subject to the sharing provision from the day such duplication becomes effective.

§ 184-9. Declaration and payment of tax.

A. Net profits.

(1) Every taxpayer making net profits shall, on or before April 15 of the current year, make and file with the officer on a form prescribed or approved 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 quarterly installments, as nearly equal as possible, the tax due thereon as follows: The first installment at the time of filing the declaration, and the other installments on or before June 15 of the current year, September 15 of the current year, and January 15 of the succeeding year, respectively.

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

(3) Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the officer on a form prescribed or approved by the officer a final return and reconciliation showing the amount of net profits earned during the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of tax due thereon and the total amount of tax paid thereon. At the time of filing the final return, the taxpayer shall pay to the officer the balance of the tax due or shall make demand for refund or credit in the case of overpayment. Any taxpayer may, in lieu of paying the fourth quarterly installment of his estimated tax, elect to make and file with the officer on or before January 31 of the succeeding year the final return as hereinabove required.

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

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

B. Earned income.

(1) Annual earned income tax return. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the officer on a form prescribed or approved by 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. Such final return shall also show the total amount of tax due thereon, the amount of tax paid thereon, and the amount of tax thereon that has been withheld pursuant to the provisions relating to the collection at source and the balance of tax due. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

(2) Earned income not subject to withholding. Every taxpayer who is employed for a salary, wage, commission, or other compensation and who received any earned income not subject to the provisions relating to collection at source shall make and file with the 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 returns shall, at the time of filing thereof, pay to the officer the amount of tax shown as due thereon.

C. Death of taxpayer. In the event of the death of a taxpayer during a taxable period, his personal representative shall file his return on or before the 15th day of April of the year following the date of death, and on or before such date shall pay any tax due from such deceased taxpayer under this article or demand refund in the case of overpayment.

D. Guardian of taxpayer. Should a guardian of the estate be appointed for a taxpayer, such guardian shall be imputed with the same duties and responsibilities as the taxpayer would have regarding the reporting and paying of taxes under this article.

§ 184-10. Collection at source.

A. Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the Borough who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, who has not previously registered, shall, within 15 days after becoming an employer, register with the officer his name and address and such other information as the officer may require.

B. Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the Borough who employs one or more persons, other than domestic servants, for a salary, wage, commission, or other compensation, shall deduct at the time of payment thereof, the tax imposed by this article on the earned income due to his employment, 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 return, 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 subdivisions imposing the tax upon such employee, the complete address of each and every employee subject to withholding, the total earned income of all such employees during such preceding three-month period, and the total tax deducted therefrom and paid with the return. Any employer who for two of the preceding four quarterly periods has failed to deduct the proper tax, or any part thereof, or has failed to pay over the proper amount of tax to the 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.

C. On or before February 28 of the succeeding year, every employer shall file with the officer:

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

(2) A return withholding statement for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the employee'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, and 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.

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

E. Except as otherwise provided herein, 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. Notwithstanding the foregoing, no employer shall be held liable for failure to withhold earned income taxes or for the payment of such withheld tax money to a political subdivision other than the Borough if such failure to withhold or such incorrect transmittal of withheld taxes arises from incorrect information as to the employee's place of residence submitted by the employee, nor shall an employer be liable for failure to withhold earned income taxes, or to make reports of wages, salaries, commissions or other compensation of his/its employees, unless the official continuing register of all earned income taxes levied under the authority of the Local Tax Enabling Act,[7] as amended, maintained and supplemented annually by the Department of

7. **Editor's Note: See 53 P.S. § 6901 et seq.**

Community and Economic Development, lists the Borough's levying of the earned income tax.

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

§ 184-11. Powers and duties of officer.

A. The Board, by resolution, shall appoint the officer.

B. It shall be the duty of the officer to collect and receive the taxes, fines and penalties imposed by this article. 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.

C. Bond.

(1) Each officer, before entering upon his official duties, shall give and acknowledge a bond to the Borough. If the Borough shall, by ordinance, designate any bond previously given by the officer as adequate, such bond shall be sufficient to satisfy the requirements of this subsection. 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 Commissioner of this commonwealth. 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 of him by virtue of his office, upon the just and faithful accounting or payment over, according to law, of all monies and all balances thereof paid to, received or held by him by virtue of his 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.

(2) Each such bond shall be taken in the name of the Reynoldsville Borough, and shall be for the use of the Borough appointing the officer, and for the use of such other person or persons for whom money shall be collected or received, or as his or her interest shall otherwise appear, in case of a breach of any of the conditions thereof by the acts or neglect of the principal of the bond.

(3) The Borough, or any person, may sue upon said bond in its own or his own name for its or his own use.

(4) Each such bond shall contain the name or names of the surety company or companies bound thereon. The Borough shall fix the amount of the bond at an amount equal to the maximum amount of taxes which may be in the possession of the officer at any given time. The Borough may at any time, upon cause shown and due notice to the officer, and his surety or sureties, require or allow the substitution or the addition of a surety company acceptable to the Borough for the purpose of making the bond sufficient in amount, without releasing the surety or sureties first approved from any accrued liability or previous action on such bond.

The Borough shall designate the custodian of the bond required to be given by the officer.

D. The officer charged with the administration and enforcement of the provisions of the article is hereby empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the reexamination and correction of declarations and returns, and of payments alleged or found to be incorrect, or as to which any 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 article. No rule or regulation of any kind shall be enforceable unless it has been approved by ordinance by the Board. A copy of such rules and regulations currently in force shall be available for public inspection.

E. 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.

F. The officer and agent 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 opportunities for such examination and investigation as hereby authorized. The officer shall have such power to subpoena books, records and papers of the employer or taxpayer as may be found in authority of the Commonwealth of Pennsylvania.

G. Any information gained by the officer, his agents, or by any other official or agent of the Borough as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the article, shall be confidential, except for official purposes and except in accordance with a proper judicial order, or as otherwise provided by law.

H. The officer is authorized to establish different filing, reporting and payment dates for taxpayers whose fiscal years do not coincide with the calendar year.

§ 184-12. Suit for collection of tax.

A. The officer may sue in the name of the Borough for the recovery of taxes due and unpaid under this article.

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

(1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of the article, there shall be no limitation.

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

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

(4) Where any person has deducted taxes under the provisions of this article, 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.

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

C. 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.

§ 184-13. Interest and penalties.

A. If for any reason the tax is not paid when due, interest at the rate of 6% per annum on the amount of said tax, and an additional penalty of 1/2 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. 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.

B. Notwithstanding the provisions of Subsection A, the Borough may, by ordinance, establish a one-time period during which interest or interest and penalties that would otherwise be imposed for the nonreporting or underreporting of earned income tax liabilities or for the nonpayment of earned income taxes previously imposed and due shall be waived in total or in part if the taxpayer voluntarily files delinquent returns and pay the taxes in full during the period so established. The Borough shall adopt regulations to implement the provisions of this subsection

C. The provisions of Subsection B shall not affect or terminate any petitions, investigations, prosecutions or other proceedings pending under the provisions of this article, or prevent the commencement or further prosecution of any proceedings by the proper authorities for violations of this article. No proceedings shall, however, be commenced on the basis of delinquent returns flied pursuant to Subsection B if the returns are determined to be substantially true and correct and the taxes are paid in full within the prescribed time.

§ 184-13.1. Fines, violations and penalties.

A. Any person who fails, neglects, or refuses to make any declaration or return required by this article, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the officer or any agent designated by him to examine his books, records, and papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this article shall, upon conviction thereof before any justice of the peace, alderman or magistrate, or court of competent jurisdiction in Jefferson 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.

B. Any person who divulges any information which is confidential under the provisions of the article shall, upon conviction thereof before any district justice, 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.

C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of the article.

D. The failure of any person to receive or procure forms required for making the declaration or returns required by the article shall not excuse him from making such declaration or return.

§ 184-13.2. Severability.

The provisions of this article are severable. If any sentence, clause or section of this article is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair the other remaining provisions, sentences, clauses or sections of this article. It is hereby declared to be the intent of the Board that this article would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

§ 184-13.3. Statutory authority.

This article is adopted pursuant to the authority conferred by the Act of December 31, 1965, P.L. 1257; 53 P.S. § 6901, as amended.

§ 184-13.4. Reconciliation of reenacted and amended ordinance with prior ordinances.

It is hereby declared to be the intent of the Board that this article replaced in its entirety all prior ordinances adopted by, motions approved, or other actions taken by, the Borough Council of the Reynoldsville Borough levying an earned income tax, and/or in any manner affecting the specific terms or provisions of said earned income tax as levied, the provisions

of which shall remain in full force and effect for each year thereafter without annual reenactment unless the rate of tax is subsequently changed.

ARTICLE III
Local Services Tax
[Adopted 11-7-2007 by Ord. No. 527[8]]

§ 184-14. Definitions.

The following words and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context or language dearly indicates or requires a different meaning:

DISTRICT — The area within the limits and jurisdiction of the Borough of Reynoldsville, Jefferson County, Pennsylvania.

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

FISCAL YEAR — The twelve-month period beginning January 1 and ending December 31.

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

INDIVIDUAL — Any person, male or female, engaged in any occupation, trade, or profession within the limits of the Borough of Reynoldsville.

LOCAL SERVICES TAX OFFICER or OFFICER — The person, public employee, or private agency designated by the Borough of Reynoldsville to collect and administer the local services tax hereby imposed.

OCCUPATION — Any trade, profession, business, or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the limits of the Borough of Reynoldsville, for which compensation is charged or received by means of salary, wages, commissions or fees for services rendered.

TAX — The local services tax in the amount of $52 levied by this article.

§ 184-15. Levy of tax.

For police, fire or emergency services, road maintenance or real estate tax reduction purposes, a tax is hereby levied upon the privilege of engaging in an occupation within the corporate limits of the Borough of Reynoldsville. Each individual who exercises such privileges for any length of time during any year wherein he has earned income and/or net profits of $12,000 or more shall pay a tax in the amount of $52 in accordance with the provisions of this article.

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8. Editor's Note: This ordinance also superseded former Art. III, Emergency Management and Municipal Services Tax, adopted 12-29-2004 by Ord. No. 518, and further provided that it shall be applicable commencing with the calendar year of 2008.

This tax is in addition to all other taxes of any kind or nature levied by the Borough of Reynoldsville. It shall be the obligation of each such person so engaged in an occupation to pay or cause to be paid the tax herein imposed by the due date for the quarter in which he earned the annual required minimum of $12,000. The adoption of this article shall constitute notice and demand for payment of this tax.

§ 184-16. Use of tax monies.

At least 25% of the funds collected from the tax shall be used to fund emergency services within Borough of Reynoldsville.

§ 184-17. Amount of tax.

Beginning with the first day of January 2008, and on an annual basis thereafter, each occupation as herein before defined, engaged in within the limits of the Borough of Reynoldsville, shall be subject to a local services tax in the amount of $52 per annum, said tax to be paid by the individual so engaged.

§ 184-18. Exemptions.

The following persons shall be exempt from the tax:

A. Any person who served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic, or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successors to be a total one-hundred-percent permanent disability.

B. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.

C. Any person with earned income and/or net profits of less than $12,000. Any person claiming an exemption on this ground must annually file an exemption certificate with the Borough of Reynoldsville and with his or her employer. If a person who claimed an exemption for a given calendar year becomes subject to the tax, his employer shall withhold the tax for the remainder of the calendar year, including a lump sum payment equal to the amount of tax that was not collected. The exemption certificate shall be prescribed by the Pennsylvania Department of Community and Economic Development and will be made available to all taxpayers and employers. Employers shall ensure that the exemption certificates are readily available to employees at all times and shall furnish each new employee with a form certificate at the time of hire.

§ 184-19. Duty of employers.

Each employer within the Borough of Reynoldsville, as well as those employers situate outside the Borough of Reynoldsville, but who engage in business within the Borough, is

hereby charged with the duty of collecting from each of his employees engaged by him and performing for him within the Borough of Reynoldsville said tax of $52 per year and making a return and payment thereof to the tax receiver. Each employee subject to the tax shall be assessed a pro rata share of the tax for each payroll period in which the employee is engaged in Reynoldsville Borough. The pro rata share of the tax assessed on an employee for a payroll period shall be determined by dividing the fifty-two-dollar rate of the tax by the number of payroll periods established by the employer for a calendar year. Each employer is authorized to deduct this tax from each employee who has not otherwise claimed an exemption from paying the tax, whether said employee is paid by salary, wages or commission. Each employer shall be required to remit the tax within 30 days after the end of each quarter of a calendar year. The employer will provide the employee with evidence of deduction on a form to be furnished to the employer by the administrator.

§ 184-20. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied by the Local Services Tax Officer. It is further provided that if the employer fails to file said return, and pay said tax, whether or not he makes collection thereof from the salary, wages, or commissions paid by him to said employee, the employer shall be responsible for the payment of the tax in full as though the tax had originally been levied against him. The failure to receive notice shall not relieve the employer or any person subject to this article from the withholding or payment of any taxes, imposed by the Borough of Reynoldsville, and such employer or taxpayer as the case may be shall be charged with the taxes as though he had received notice.

§ 184-21. Dates for determining tax liability and payment.

For each fiscal year, each employer shall use his employment records from January 1 to March 31, in conjunction with his employment records from April 1 to June 30, in conjunction with his employment records from July 1 to September 30, in conjunction with his employment records from October 1 to December 31, for determining the number and names of those employees from whom the said tax shall be deducted and paid over to the Local Services Tax Officer. Payment of said tax when applicable by the aggregate earnings of an employee shall be made by the employer to the Local Services Tax Officer on or before the last day of April, July, October and January for each year this tax is in force, except that where the employer has in its possession local services taxes in excess of $500 then, in such an event, the taxes shall be forwarded to the designated officer 30 days after the end of the month the tax was withheld, and in no event beyond the designated due dates, whichever first occurs.

§ 184-22. Individuals engaged in more than one occupation.

Each individual who shall have more than one occupation within the Borough of Reynoldsville shall be subject to the payment of this tax on his principal occupation, and his principal employer shall deduct this tax and deliver to him evidence of deduction on a form to be furnished by the employer and acceptable to the Officer, which form shall be evidence of deduction having been made, and when presented to any other employer shall be authority for

such other employer to not deduct this tax from the employee's wages. However, the name of such employee shall be included in a quarterly return of the employer to the Local Services Tax Officer by setting forth the name and address of such employee, and the name, address and account number of the employer who actually deducted this tax.

§ 184-23. Self-employed individuals.

Unless an exemption from the tax has been claimed, all self-employed individuals who perform services of any kind or type, engaged in any occupation or profession within the Borough of Reynoldsville, shall be required to comply with this article and pay the tax to the Officer, on or before April 30 of the fiscal year, or 30 days after the month as he is engaged in an occupation subjecting him to the tax, and in no event after the designated due dates as set forth in § 184-21 herein whichever first occurs. The failure to receive notice shall not relieve any person subject to this article from the payment of any taxes imposed by the Borough of Reynoldsville, and such taxpayer shall be charged with the taxes as though he had received notice.

§ 184-24. Employers and self-employed individuals residing beyond limits of Borough.

All employers and self-employed individuals residing or having their places of business outside of the Borough of Reynoldsville but who perform services of any type or kind or engage in any occupation or profession within the Borough of Reynoldsville do by virtue thereof agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the Reynoldsville Borough. Further, any individual engaged in an occupation within the Borough of Reynoldsville and an employee of a nonresident employer may, for the purpose of this article, be considered a self-employed person, and in the event that this tax is not paid, the administrator shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided; provided, however, no person shall be subject to the payment of the local services tax to more than one political subdivision during each payroll period.

§ 184-25. Administration of tax.

A. It shall be the duty of the Local Services Tax Officer to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.

B. The Local Services Tax Officer is hereby charged with the administration and enforcement of this article, and is hereby charged and empowered to prescribe, adopt, and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of the payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article, and any payment alleged or found to be incorrect or to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Local Services Tax Officer shall have the right

to appeal in accordance with the provisions of the Local Taxpayers Bill of Rights or to the court of competent jurisdiction, as in other cases provided.

C. The Local Services Tax Officer is hereby authorized to examine the books and payroll of any employer in order to verify the accuracy of any return made by an employer, or if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Local Services Tax Officer the means, facilities and opportunity to examine such books and payroll of the employer, and to ascertain the tax due, if any.

§ 184-26. Suits for collection.

A. In the event that any tax under this article remains due or unpaid for 30 Days after the due date above set forth, the Local Services Tax Officer may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.

B. If said tax is not paid when due, interest at the rate of 6% per annum shall be calculated, beginning with the due date of said tax, and a penalty of 10% shall be added to the flat rate of said tax for the nonpayment thereof. Where suit is brought for the recovery of this tax, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection and reasonable attorney fees.

§ 184-27. Violations and penalties.

Whoever makes false and untrue statements on any return required by this article, or who refuses inspection of the books, records and accounts in his custody and control setting forth the number of employees in his employment subject to this tax, or whoever fails or refuses to file any return required by this article shall, upon conviction before any District Magistrate of the Borough of Reynoldsville, be sentenced to pay a fine of not more than $500 and costs for each offense, and, in default of the payment of said fine and costs, be imprisoned in the Jefferson County jail for a period not exceeding 30 days for each offense. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refused to file a return required by this article.

§ 184-27.1. Limitation on taxing power; right to impose and collect tax.

A. Nothing contained in this article shall be construed to empower the Borough of Reynoldsville to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Borough of Reynoldsville under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

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

§ 184-27.2. Legislative authority.

The tax herein imposed and the article herein enacted is in pursuance of authority granted by the provisions of the Local Tax Enabling Act approved by the General Assembly of the Commonwealth of Pennsylvania December 31, 1965, as amended.[9]

§ 184-27.3. Repealer.

All ordinances or parts of ordinances inconsistent herewith be and the same hereby are repealed, effective January 1, 2008.

ARTICLE IV
Occupation Assessment Tax
[Adopted 1-25-1980 by Ord. No. 422]

§ 184-28. Tax rate; collection. [Amended 12-28-1988 by Ord. No. 456; 12-15-2004 by Ord. No. 516[10] ; 5-4-2005 by Ord. No. 520; 12-19-2007 by Ord. No. 528[11]]

An occupation assessment tax providing for the levy, assessment and collection of a tax on the occupation of all persons physically residing within the Borough of Reynoldsville at any time during the calendar year and being the age of 18 years or older, at the rate of $110 for employed persons earning more than $4,000 annually and persons having more than $4,000 total annual taxable income and $11 annually for those individuals receiving less than $4,000 total annual taxable income, whether working or not, and requiring all persons residing within said Borough who shall become 18 years of age on or before the first day of July to advise the Tax Collector and the Tax Assessor of the Borough of such age as are subject to the tax herein is hereby enacted, assessed and levied under the provisions of the Local Tax Enabling Act 511 of 1965, and its amendments.[12] The Tax Collector of the Borough of Reynoldsville is hereby authorized and empowered to collect said tax using all the remedies provide by law for the collection of taxes by levy, attachment of wages and any and all other means authorized Tax Collectors for said collection of taxes.

§ 184-29. Tax warrant.

The entry of the occupation assessment tax in the tax duplicate and the issuance of such duplicate to the Tax Collector shall constitute his warrant for the collection of the occupation assessment tax hereby levied and assessed.

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9. Editor's Note: See 53 P.S. 6901 et seq.

10. Editor's Note: This ordinance also provided for an effective date of 1-1-2005.

11. Editor's Note: This ordinance also provided for an effective date of 1-1-2008 and further provided that it was enacted pursuant to the authority contained in the Act of February 1, 1988, O.L. Number 581, Section 1302, et seq., as amended, and supplemented.

12. Editor's Note: See 53 P.S. § 6901 et seq.

§ 184-30. Expenses and compensation.

The expense of collection and the compensation of the Tax Collector shall be paid and allowed as provided in the Local Tax Enabling Act 511 of 1965, and its amendments,[13] which compensation shall be the same as shall be fixed from time to time for the collection of other Borough taxes.

§ 184-31. Notice.

The Tax Collector shall give notice to the taxpayers of the amount of the occupation assessment tax due under this article, at the same time and in the same manner as provided by the Local Tax Enabling Act 511 of 1965, and its amendments.[14]

ARTICLE V
Economic Revitalization Tax Assistance Plan
[Adopted 9-4-1986 by Ord. No. 445-A]

§ 184-32. Title.

This article shall be known as the "Reynoldsville Borough Economic Revitalization Tax Assistance Plan."

§ 184-33. Definitions.

Whenever used in this article, the following terms shall have the following meanings:

DETERIORATED AREA — The following areas of the Borough of Reynoldsville:

A. That area between the eastern boundary line of Broadway Street and the western boundary line of the Pennsylvania Railroad, extending in a southerly direction from the Borough line to the northern boundary line of Central Street.

B. That area between the western boundary line of Broadway Street and the eastern boundary line of Brown Street, extending southerly from the Borough line to the northerly boundary line of Warner Street.

C. That area of the Borough which is described as follows: BEGINNING at a point, said point being at the intersection of the center line of Fifth Street and Sandy Lick Creek and thence along the courses and distances of Sandy Lick Creek in a southerly and then westerly direction to a point, said point being at the intersection of the southerly extension of Fifth Street and Sandy Lick Creek and thence in a northerly direction along the extension of the center line of Fifth Avenue in a northerly direction to a point, the place of beginning.

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13. Editor's Note: See 53 P.S. § 6901 et seq.

14. Editor's Note: Original Section V, specifying anticipated revenue for 1981 and Original Section VI, which imposed this tax for one year, and which immediately followed this section, were deleted 8-20-1997 by Ord. No. 480.

DETERIORATED PROPERTY — Any industrial, commercial or other business property owned by an individual, association or corporation and located in a deteriorating area, as hereinafter provided, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.

IMPROVEMENT — Any repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

§ 184-34. Grant of exemption.

From and after the effective date thereof, and subject to the limitations hereinafter stated, and subject to the improvement exemption schedule as set forth hereinafter, there is hereby exempted from real estate taxation the assessed value of all improvements made to deteriorated properties as defined in this article.

§ 184-35. Limitations.

The exemption granted pursuant to the terms of this article shall be limited as follows:

A. Assessed value. The exemption hereby granted shall apply only to the assessed valuation of improvements and in no case shall exceed the actual cost of the subject improvement.

B. Damaged properties. In the event of improvements to properties damaged by fire or other casualty after the effective date hereof, only so much of the assessed value of improvements actually incurred which would cause the assessed value of the improved structure to exceed the assessed value of the structure in the tax year immediately preceding the casualty shall be subject to exemption.

C. Improvement exemption schedule. All exemptions granted shall be limited for the first year for which such improvements would otherwise be taxable, 100% of the eligible assessment shall be exempted; for the third year through the tenth year, 80%, 70%, 60%, 50%, 40%, 30%, 20% and 10%, respectively, of the eligible assessment shall be exempted; after the tenth year, the exemption shall terminate absolutely and the entire assessed value of the property, including all improvements previously subject to exemption pursuant to the terms of this article, shall be fully taxable.

§ 184-36. Nonrecognition.

No improvements granted exemption pursuant to the terms of this article shall, during the period of exemption granted pursuant to the terms hereof, be considered as a factor in assessing other properties.

§ 184-37. Notice to taxpayers.

All building permit applications issued by the Borough of Reynoldsville from and after the effective date of this article shall be accompanied by a written notice to the applicant of the existence of this article and of the procedures necessary to obtain exemption in accordance with the terms of this article.

§ 184-38. Procedures for obtaining exemption.

A. Any taxpayer desiring tax exemption pursuant to the terms of this chapter shall apply in writing upon a form approved by the Borough Secretary-Treasurer at the time such taxpayer secures a building permit for an intended improvement. A copy of the exemption application shall be forwarded by the Borough Secretary-Treasurer to appropriate assessment officials of Jefferson County. The appropriate assessment officials of Jefferson County shall, after completion of the improvement, assess separately the improvement and shall calculate the amounts of the assessment eligible for tax exemption pursuant to the terms of this article. Notice of the determinations of the assessment officials shall be given to the taxpayer and all interested local taxing authorities. Said notice shall state the amount of the assessment eligible for exemption. Appeals from the assessment for the determination of the amount eligible for exemption may be taken by the taxpayer as provided by law for general assessment appeals. The limitations upon exemption and the schedules of taxes exempted existing at the time of the grant of the building permit and the receipt of application for exemption shall be applicable to that exemption request, and subsequent amendments to this article, if any, shall not apply to requests initiated prior to the effective date of such amendments.

B. County assessment officials shall be advised of the construction by the appropriate Borough building or housing inspection personnel. Notice of completion shall be in writing and shall contain a certification that the completed construction complies with all applicable building, plumbing, fire, land use and related laws, rules and regulations applicable to structures within the Borough of Reynoldsville.[15] No exemption shall be granted to any property which is not certified to be in compliance with all applicable laws, rules and regulations.

ARTICLE VI
Collection of Delinquent Taxes
[Adopted 12-20-1989 by Ord. No. 459]

§ 184-39. Purposes.

This article is being established by the Borough of Reynoldsville for the purpose of conforming to the request of the County of Jefferson in having penalties uniform throughout the county and also for the purpose of updating reasonable penalties on the delinquent taxes.

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15. Editor's Note: See Chs. 70, Building Construction; 82, Construction Codes, Uniform; 144, Plumbing; 99, Fire Prevention.

§ 184-40. Late payment penalty.

From and after the date of this article, it is hereby ordained and enacted by the Borough of Reynoldsville that all taxpayers who shall fail to make payment of real estate taxes, per capita taxes, occupation taxes, occupational privilege taxes, earned income taxes or any other taxes properly enacted by the Borough of Reynoldsville after four months from the date of the tax notice shall be charged a penalty of 10% per annum, which penalty shall be added to the taxes by the Tax Collector and collected by him/her.

§ 184-40.1. Service charge for notices. [Added 10-20-1999 by Res. No. 10-20-99-1]

Commencing January 1, 2000, and thereafter, following a reminder notice being sent by the Delinquent Tax Collector to any tax payer relative to delinquent taxes that are due, there shall be a service charge of $20 made by the Borough, in addition to any taxes, interest and costs, for the filing of any actions before the magistrate or any other notices being sent by the Delinquent Tax Collector to any individuals for delinquent taxes due.

§ 184-40.2. Updating of tax duplicate. [Added 10-20-1999 by Res. No. 10-20-99-2]

The Tax Collector for the Borough of Reynoldsville is herewith authorized to send out notices to any particular individuals to which the Tax Collector may become aware would owe taxes, as well as making adjustments if improperly assessed, in consultation with the Tax assessor, and a copy of any such notices would then be sent to the County of Jefferson in order for said county to be able to update the tax duplicate that is then later received by the Borough and used for the purpose of collecting the appropriate taxes. The Borough of Reynoldsville herewith agrees to authorize the Borough Secretary and the Tax Collector to implement this section and authorizes them to take whatever steps are necessary to maintain a proper listing of individuals owing taxes for the Borough of Reynoldsville in consultation with the Tax Assessor.

§ 184-40.3. Violations and penalties. [Added 11-19-2008 by Ord. No. 532]

A. Whoever fails or refuses to pay any tax due under this chapter including per capita tax, earned income tax, occupational privilege tax, occupation assessment tax, amusement tax and real estate transfer tax, real estate taxes and any other tax properly enacted by the Borough of Reynoldsville which remains due or unpaid for 30 days after it is due, upon conviction before the District Magistrate for violation of this chapter, shall be liable for the tax due or unpaid, together with interest and penalties, and such conviction shall constitute a summary offense, and be sentenced to pay a fine of not more than $600 and costs of each offense, and, in default of payment of such fine and costs, be imprisoned in the Jefferson County Jail for a term not exceeding 30 days.

B. This section shall be effective five days after it is enacted by the Borough Council of the Borough of Reynoldsville and shall be applicable to all delinquent taxes due and owing to the Borough. **[Added 5-20-2009 by Ord. No. 534]**

§ 184-40.4. When effective. [Added 5-20-2009 by Ord. No. 534]

This article shall be effective five days after it is enacted by the Borough Council of the Borough of Reynoldsville and shall be applicable to all delinquent taxes due and owing to the Borough.

ARTICLE VII
(Reserved)[16]

ARTICLE VIII
Real Estate Transfer Tax
[Adopted 8-20-1997 by Ord. No. 480]

§ 184-41. Title.

This article shall be known as the "Realty Transfer Tax Ordinance of the Borough of Reynoldsville."

§ 184-42. Authority.

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Borough of Reynoldsville, 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.

§ 184-43. Definitions.

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

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

16. **Editor's Note: Former Art. VII, Amusement Tax, adopted 11-20-1991 by Ord. No. 465, as amended, was repealed 3-19-2014 by Ord. No. 547.**

years or instruments which solely grant, vest or confirm a public utility easement. The term "document" shall also include a declaration of acquisition required to be presented for recording under § 184-48 of this article.

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.

E. Manufacturing or processing operations of any kind.

FAMILY FARM PARTNERSHIP — A partnership of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of the interests in the partnership are 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.

E. Manufacturing or processing operations of any kind.

MEMBERS OF THE SAME FAMILY — Any individual, such an 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 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 the Borough of Reynoldsville, 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 or 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 or 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 arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against 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 principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 184-44. Imposition of tax; interest.

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

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

C. It is the intent of this article 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 thereafter shall impose such tax on the same person or transfer, then the tax levied by the Borough of Reynoldsville 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 one-half rate shall become effective without any action on the part of the Borough of Reynoldsville; provided, however, that the Borough of Reynoldsville and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.

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

§ 184-45. Exempt parties.

The United States or the commonwealth or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this article. The exemption

of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

§ 184-46. Excluded transactions.

A. The tax imposed by § 184-50 shall not be imposed upon:

(1) A transfer to the commonwealth or to any of its instrumentalities, agencies or political subdivisions by gift, dedication or deed in lieu of condemnation or deed 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 that said reconveyance is made within one year from the date of condemnation.

(2) A document which the Borough of Reynoldsville is prohibited from taxing under the Constitution or statutes of the United States.

(3) A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at Sheriff sale or Tax Claim Bureau sale.

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

(5) A transfer 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.

(6) A transfer between husband and wife and between persons who were previously husband and wife who have since been divorced, provided that the property or interest therein subject to such transfer was acquired by the husband and wife or husband and 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.

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

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

(9) A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

(10) A transfer for no or nominal actual consideration from trustee to successor trustee.

(11) A transfer for no or nominal actual consideration between principal and agent or straw party; or 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 subsection.

(12) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this article.

(13) A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.

(14) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt or the grantee or a transfer to a nonprofit industrial development agency or authority.

(15) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it but only if the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture and the agency or authority has the full ownership interest in the real estate transferred.

(16) A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

(17) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

(18) A transfer to a conservancy which possesses a tax exempt status pursuant to Section 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 or a transfer from such a conservancy to the United States or the commonwealth or to any of their instrumentalities, agencies or political subdivisions.

(19) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family, which directly owns at least 75% of each class of the stock thereof.

(20) A transfer of real estate devoted to the business of agriculture to a family farm partnership by a member of the same family, which family directly owns at least 75% of the interests in the partnership.

(21) A transfer between members of the same family of an ownership interest in a real estate company, family farm corporation or family farm partnership which owns real estate.

(22) A transaction wherein the tax due is $1 or less.

(23) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

B. In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the 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 article.

§ 184-47. Documents.

Except as otherwise provided in § 184-52, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this article, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

§ 184-48. Acquired company.

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

B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of 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 article.

C. A family farm partnership is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm partnership or when, because of transfer of partnership interests 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 partnership under this article.

D. 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.

§ 184-49. Credits against tax.

A. Where there is a transfer of a residential property by a licensed real estate broker, which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of 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.

B. 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.

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

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

E. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount or tax due, no refund or carry-over credit shall be allowed.

§ 184-50. Extension of lease.

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

§ 184-51. Proceeds of judicial sale.

The tax herein imposed shall be fully paid and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of

the sale and of the writ upon which the sale is made except the state realty transfer tax, and the Sheriff or other officer conducting said sale shall pay the tax herein imposed out of the first moneys paid to him 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.

§ 184-52. Duties of Recorder of Deeds.

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

B. 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.

C. On or before the 10th of each month, the Recorder shall pay over to the Borough of Reynoldsville 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 two-percent commission shall be paid to the county.

D. 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.

§ 184-53. Statement of value.

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

§ 184-54. Civil penalties.

A. If any part of any underpayment of tax imposed by this article is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.

B. In the case of failure to record a declaration required under this article 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 of fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

§ 184-55. Lien.

The tax imposed by this article shall become a lien upon the lands, tenements or hereditaments or any interest therein, lying and being situated, wholly or in part, within the boundaries of the Borough of Reynoldsville, 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 article, said lien to begin at the time when the tax under this article 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 Jefferson 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.

§ 184-56. Enforcement.

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

§ 184-57. Additional regulations.

The Secretary-Treasurer of the Borough of Reynoldsville 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 article.

§ 184-58. Violations and penalties.

Any person or persons, firm or corporation found in violation of this article shall upon conviction thereof be sentenced to pay a fine not exceeding $600 for each and every offense, plus cots of prosecution, and upon default of payment of such fine and costs, be imprisoned in the Jefferson County Jail for a term not exceeding 30 days.

ARTICLE IX

Exemption for Property in Proposed Keystone Opportunity Expansion Zone
[Adopted 2-21-2001 by Res. No. 2-21-01-1]

§ 184-59. Exemption granted; term.

Real property tax in the Proposed Keystone Opportunity Expansion Zone is exempt in accordance with the provisions and limitations hereinafter set forth within the boundaries of the Proposed Keystone Opportunity Expansion Zone in accordance with the Act,[17] such exemption to run from January 1, 2001, to December 31, 2010.

§ 184-60. Amount of exemption.

The exemption shall be 100% of the real property taxation on the assessed evaluation of property within the Proposed Keystone Opportunity Expansion Zone.

§ 184-61. Earned income and net profit taxes; business privilege and mercantile taxes.

The Borough of Reynoldsville also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed Keystone Opportunity Expansion Zone attributable to business activity conducted with the Proposed Keystone Opportunity Expansion Zone to the exemption date of December 31, 2010.

§ 184-62. Additional provisions.

The provisions of the Act[18] not herein enumerated shall, nevertheless, be incorporated as part of this article by reference.

§ 184-63. Effective date.

This article shall become effective immediately upon January 1, 2001, contingent and conditioned upon the approval of DCED of the application with respect to the Proposed Keystone Opportunity Expansion Zone.

ARTICLE X

Tax Certifications
[Adopted 3-20-2002 by Res. No. 3-20-02-1]

§ 184-64. Fee authorized.

Effective March 1, 2002, this municipality hereby appoints the locally elected Tax Collector as the municipal officer authorized to provide tax certifications upon request by the public

17. **Editor's Note: The Pennsylvania Keystone Opportunity Zone Act, 73 P.S. § 820.101 et seq.**

18. **Editor's Note: The Pennsylvania Keystone Opportunity Zone Act, 73 P.S. § 820.101 et seq.**

and hereby authorizes said Tax Collector to assess, collect and retain, as compensation for providing such additional service, a fee of $10 for each letter.

Chapter 187

TRAILERS AND MOBILE HOMES

§ 187-1. Definitions; word usage.
§ 187-2. Prohibited acts.
§ 187-3. Permit required; application; fee.
§ 187-4. Investigation of premises.
§ 187-5. Issuance of permit, suspension and reinstatement.
§ 187-6. Change in ownership or management.
§ 187-7. Nontransferability; notice of change required.
§ 187-8. Renewal of permit; fee.
§ 187-9. Park drainage requirements.
§ 187-10. Individual lot requirements.
§ 187-11. Water supply.
§ 187-12. Sewage facilities.
§ 187-13. Bathing facilities.
§ 187-14. Laundry facilities.
§ 187-15. Disposal of liquid wastes.
§ 187-16. Cooking regulations.
§ 187-17. Construction regulations.
§ 187-18. Garbage.
§ 187-19. Park office; posting of permit.
§ 187-20. Register required.
§ 187-21. Additional regulations.
§ 187-22. Applicability of provisions.
§ 187-23. Enforcement.
§ 187-24. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 4-11-1973 by Ord. No. 399. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.
Electrical standards — See Ch. 92.
Plumbing standards — See Ch. 144.
Property maintenance — See Ch. 149.
Sewers — See Ch. 158.
Collection of solid waste — See Ch. 168.
Vehicles and traffic — See Ch. 190.
Water — See Ch. 195.

§ 187-1. Definitions; word usage.

A. The following words and terms, as used in this chapter, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates a different meaning:

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.[1]

[1] Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.[2]

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.[3]

PERSON — Any natural person, partnership, firm, association or corporation.

TRAILER — Any structure which is mounted, or designed for mounting, on wheels, and which includes accommodations designed for sleeping or living purposes for one or more persons, excepting a device used exclusively upon stationary rails or tracks.

TRAILER PARK — Any lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer or mobile home, or upon which any trailer or mobile home is parked or located, whether or not a charge is made for the use of the trailer or mobile home park and its facilities, and shall include all buildings and structures used or intended for use as a part of the equipment thereof. The term "trailer park" or "mobile home park" shall not include any automobile or trailer or mobile home sales lot on which any unoccupied trailer or mobile home is parked for the purpose of inspection and sale.

B. In this chapter, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 187-2. Prohibited acts.

A. No person shall park or locate any trailer or mobile home or allow it to stand upon any street, alley or other public place or upon any tract of land, occupied or unoccupied, within the Borough of Reynoldsville, except as provided in this chapter.

B. No person shall allow any trailer or mobile home to stand upon any of the streets or alleys in the Borough of Reynoldsville, without being attached to a motor vehicle.

C. No person shall park any trailer or mobile home attached to a motor vehicle on any street or alley in the borough for a period of time longer than that allowed for the parking of vehicles upon such street or alley by the applicable state laws and the ordinances of the borough applicable to traffic and parking.[4] Any person who shall violate this section shall be subject to the penalties specifically provided in such laws and ordinances, as the case may be.

D. No person shall occupy any trailer or mobile home in the Borough of Reynoldsville for sleeping or living purposes except in a trailer park or mobile home park licensed under this chapter, unless such trailer or mobile home conforms to and complies with all plumbing,

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2 **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

3 **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

4 **Editor's Note: See Ch. 190, Vehicles and Traffic.**

electrical, sanitary and building ordinances[5] of the borough applicable to stationary dwellings; provided, however, that the parking or storing of no more than one unoccupied trailer or mobile home in a private garage or in a rear yard shall be permitted, on condition that no person uses such trailer or mobile home for living or sleeping purposes while such trailer or mobile home is so parked or stored.

E. No person shall operate or occupy any trailer park or mobile home park within the borough except as provided in this chapter.

§ 187-3. Permit required; application; fee.

A. No person shall establish or operate any trailer park or mobile home park with the borough until a permit shall have been secured from the Borough Council, by its Secretary-Treasurer or other designated representative. Any person desiring to establish or to operate a trailer park or mobile home park shall make application for a permit to said Borough Council. With every such application, there shall be submitted a plan of such trailer park or mobile home park or proposed trailer park or proposed mobile home park showing the following:

(1) The name and address of the applicant.

(2) The extent and area to be used for trailer park or mobile home park purposes.

(3) The location of all roadways and driveways.

(4) The location of all lots intended for the parking of trailers or mobile homes.

(5) The location and number of all existing or proposed facilities to be used by the occupants of trailers or mobile homes, including sanitary conveniences, washrooms, toilets, laundries and utility rooms.

(6) The method and plan of sewage disposal.

(7) The method and plan of garbage and refuse disposal.

(8) The plan for water supply.

(9) The plan for electric lighting of trailers or mobile homes.

(10) The location of fire extinguishers.

(11) A statement that the premises proposed to be occupied by such trailer park or mobile home park, in the case of a trailer park or mobile home park not established prior to the adoption of the Zoning Ordinance of the Borough of Reynoldsville, if any, are entirely located in a district in which the establishment of trailer parks or mobile home parks is permitted by such Zoning Ordinance, if any, such statement to bear the signature of the Zoning Officer of the borough, if any.[6]

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[5] **Editor's Note: See Ch. 144, Plumbing Standards; Ch. 92, Electrical Standards; Ch. 158, Sewers; Ch. 70, Building Construction.**

[6] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

B. Such application shall be accompanied by a fee as set forth from time to time by resolution of the Borough Council[7] to cover the cost of the services of borough officers and employees in making the necessary studies and investigations in connection with such application.[8]

§ 187-4. Investigation of premises.

Following the receipt of the application for a permit as provided above, the Borough Council shall cause an investigation to be made of the premises to which such application relates, in order to assure himself, before issuing such permit, that all requirements of this chapter applicable to trailer parks or mobile home parks are conformed with. In connection with such investigation, the Code Enforcement Officer, the Health Officer and any other borough officer or employee requested to do so by the Borough Council shall visit the premises in order to determine whether requirements as to which they have particular knowledge and understanding are adhered to.

§ 187-5. Issuance of permit, suspension and reinstatement.

Immediately following the investigation required under § 187-4 of this chapter, when the Borough Council shall be satisfied that all the applicable requirements of this chapter have been adhered to, or are to be adhered to according to the plans for a proposed trailer park or mobile home park, the Borough Council shall issue a permit to establish and operate such park for a period of one year after the issuance thereof. Such permit shall be subject to suspension whenever the holder thereof shall be convicted of any violation of this chapter. A suspended permit may be reinstated by the Borough Council, for the balance of the year for which it was issued, upon compliance of the holder thereof of all the provisions of this chapter. No person shall operate a trailer camp or mobile home camp in the borough during the time when the permit thereof shall have been suspended.

§ 187-6. Change in ownership or management.

Whenever the ownership or management of any trailer camp or mobile home camp shall have been changed, the new owner or manager thereof shall forthwith notify the Borough Council, which shall amend the permit for such trailer camp or mobile home camp, as well as the pertinent records of the borough, to indicate such change.

§ 187-7. Nontransferability; notice of change required.

No permit issued under this chapter shall be transferable to a different location. No person holding a permit under this chapter shall extend or reduce the area of any trailer camp or mobile home camp or add any new facility or structure, until notice of such proposed change shall

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7 **Editor's Note: Said fees are on file in the borough offices.**

8 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

have been given to the Borough Council and the Borough Council shall have ascertained, after investigation as in the case of an original application for a permit, that such proposed change is in accordance with all the requirements of this chapter, and shall have signified that fact by their approval.

§ 187-8. Renewal of permit; fee.[9]

Prior to the date of expiration of any permit issued under this chapter the holder thereof may apply to the Borough Council for renewal thereof, such application to be accompanied by a fee as set forth from time to time by resolution of the Borough Council.[10] Following any investigation deemed necessary by the Borough Council to ascertain whether all the requirements of this chapter continue to be adhered to, the Borough Council shall renew such permit for a further period of one year.

§ 187-9. Park drainage requirements.

Every trailer park or mobile home park shall be located in a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other water.

§ 187-10. Individual lot requirements.[11]

Lots for individual trailers or mobile homes in a trailer park or mobile home park shall be indicated by corner markers, and no individual lot shall have an area of less than 800 square feet. Each lot shall abut upon a roadway or driveway not less than 20 feet wide. Every such roadway or driveway shall be well drained, clearly marked, adequately lighted at night and easily accessible to a public street. Lots for individual trailers or mobile homes shall be so located and arranged that when trailers or mobile homes are located thereon, the setback regulations of the Zoning Ordinance of the Borough of Reynoldsville, if any, are adhered to.

§ 187-11. Water supply.

In each trailer park or mobile home park, a sufficient supply of pure, healthful drinking water from a source and of a quality approved by the Board of Health of the borough, not more than 50 feet from any trailer or mobile home, shall be provided in convenient locations. Waste from each outlet shall be emptied into a drain connected with an approved disposal system. No common drinking vessel shall be provided. An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities.

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9 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

10 **Editor's Note: Said fees are on file in the borough offices.**

11 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 187-12. Sewage facilities.

In each trailer park or mobile home park, toilet facilities, connected to a sanitary sewer or approved septic tank, shall be provided as follows:

A. There shall be separate toilet rooms for each sex, located not more than 200 feet from any lot for an individual trailer or mobile home. Such toilet rooms shall be provided with one flush toilet for each sex for each 10 trailer or mobile home lots or fraction thereof and, in addition, one urinal for each toilet room provided for men.

B. Each toilet room shall include lavatories with hot and cold water, in the ratio of one lavatory to every two or fewer toilets.

C. Toilet rooms shall be adequately heated when the outside temperature renders it necessary.

D. No trailer or mobile home provided with an inside toilet facility not connected to a sanitary sewer or an approved septic tank shall be accommodated in any trailer park or mobile home park unless there shall be available, in a room separate from the other toilet rooms, a hopper with flushing facilities for the disposal of the contents of night waste containers. Adequate facilities shall be provided for the washing of such containers, and the washings and hopper wastes shall be disposed of in such manner as shall be approved by the Board of Health.

§ 187-13. Bathing facilities.

In each trailer park or mobile home park, there shall be provided separate bathing facilities for each sex, with one shower or tub bath, enclosed in a compartment at least four feet square, for each sex for each 10 trailer or mobile home lots or fraction thereof. Each shower compartment shall be supplemented by an adjacent individual dressing compartment. Bathing facilities for each sex shall be located not more than 200 feet from any lot for an individual trailer or mobile home. Bathing rooms shall be adequately heated when the outside temperature renders it necessary.

§ 187-14. Laundry facilities.

In each trailer park or mobile home park, there shall be provided a laundry room, with laundry trays, in the ratio of one double tray for each 10 individual trailer or mobile home lots.

§ 187-15. Disposal of liquid wastes.

Floors of toilet rooms, bathing rooms and laundry rooms in each trailer park or mobile home park shall be of concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain. Liquid wastes from toilets, baths, lavatories and laundry rooms shall be piped to a sanitary sewer or a septic tank approved by the Board of Health.

§ 187-16. Cooking regulations.

No cooking shall be permitted in any trailer or mobile home not furnished with a sink and a connection with a sanitary sewer or approved septic tank unless there shall be located, within 150 feet of such trailer or mobile home, a hopper or a kitchen or laundry sink for the disposal of dishwater. In every case, such facilities for the disposal of dishwater shall be separate from the hopper for the disposal of night wastes and the washings from night waste containers.

§ 187-17. Construction regulations.

All plumbing, electrical, building and other work in the premises of any trailer park or mobile home park located in the Borough of Reynoldsville shall be in accordance with any other ordinances of the borough regulating such subjects;[12] provided, however, that if there is any conflict between any such ordinance and any of the provisions of this chapter, the provisions of this chapter shall control as to trailer parks or mobile home parks only.

§ 187-18. Garbage.

All ordinances of the borough applicable to the accumulation, collection, segregation and disposal of garbage shall be applicable to trailer parks or mobile home parks located in the borough and shall be adhered to strictly by persons owning and operating trailer parks or mobile home parks and by persons occupying trailers or mobile homes therein.[13]

§ 187-19. Park office; posting of permit.

In every trailer park or mobile home park there shall be an office building in which shall be located the office of the person in charge of such trailer park or mobile home park. A copy of the permit issued under this chapter and of this chapter shall at all times be posted in such office, and the register of such trailer park or mobile home park shall at all times be kept therein.

§ 187-20. Register required.

Every person holding a permit under this chapter shall keep or cause to be kept a register, which shall at all times be open for the inspection of any official of the borough. Such register shall show, for each trailer or mobile home accommodated in such trailer park or mobile home park, the following information:

A. The lot number upon which such trailer or mobile home is parked or located.

B. The names and addresses of all persons using such trailer or mobile home for living or sleeping purposes.

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12 **Editor's Note:See Ch. 144, Plumbing Standards; Ch. 92, Electrical Standards; Ch. 70, Building Construction.**

13 **Editor's Note: See Ch. 168, Solid Waste, Art. I.**

C. The state license number of such trailer or mobile home and of the vehicle towing the same.

D. The date of arrival of such trailer or mobile home at such trailer park or mobile home park and the date of departure therefrom.

§ 187-21. Additional regulations.

Each person holding a permit under this chapter shall adhere to the following additional regulations at all times:

A. He shall maintain such trailer camp or mobile home camp in a clean, orderly and sanitary condition.

B. He shall see that no disorderly conduct or violation of any law or ordinance is committed upon the premises and shall immediately report to the proper authorities any violations which may come to his attention.

C. He shall report to the Board of Health all cases of persons or animals affected or suspected of being affected with any communicable disease, where he shall have reason to believe that medical attention has not been sought.

D. He shall maintain in convenient places, designated by the Fire Chief of the borough, hand fire extinguishers, in good working order, in the ratio of one to every eight trailer or mobile home lots or fraction thereof.

E. He shall prohibit the lighting of any open fire upon the premises.

F. He shall prohibit the use of any trailer or mobile home by a greater number of occupants than that which it is designed to accommodate.

§ 187-22. Applicability of provisions.

This chapter shall apply to any person establishing a trailer park or mobile home park or having a trailer or mobile home after date of passage of this chapter, and the provisions of this chapter shall in no way affect existing trailers or mobile homes or trailer parks or mobile home parks, other than as the law or any other ordinances in regards to the health, safety and welfare of the community and any existing codes would apply.

§ 187-23. Enforcement.

It shall be the duty of the Borough Council to enforce the provisions of this chapter, and, to that end, it shall, from time to time, make or cause to be made, by the police or any other borough officer or employee, an inspection to ascertain whether any trailer park or mobile home park continues to operate strictly under the provisions of this chapter.

§ 187-24. Violations and penalties.[14]

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Each day's continuance of a violation shall constitute a separate offense.

14 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 189

VEHICLES, ALL-TERRAIN

§ 189-1. Designation of roads.

§ 189-2. Definitions.

§ 189-3. Operation of ATVs/UTVs - snowmobiles upon designated roads.

§ 189-4. Restriction on use.

§ 189-5. Age restriction.

§ 189-6. Noise restriction.

§ 189-7. Conformity with Pennsylvania Motor Vehicle Code.

§ 189-8. Violations and penalties.

§ 189-9. Severability.

§ 189-10. When effective.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 4-15-2015 by Ord. No. 550. Amendments noted where applicable.]

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§ 189-1. Designation of roads.

All Borough streets and alleys located within the Borough of Reynoldsville, Jefferson County, Pennsylvania, excluding state highways, are hereby designated as ATV/UTV - snowmobile roads. All such roads shall be shared with vehicle traffic.

§ 189-2. Definitions.

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

ALL-TERRAIN VEHICLE or ATV/UTV VEHICLE — Motorized off highway vehicles traveling on three or more low-pressure inflatable tires, capable of traversing all types of terrain, including water, as set forth in detail in 75 Pa.C.S.A. 7702.

SNOWMOBILE — An engine-driven vehicle designed to be driven over snow or ice utilizing sled-type runners, or skis, or endless tract or belt tread, or any combination of these other similar means of contact, with the surface upon which it is operated, also further defined in 75 Pa.C.S.A. 7702.

§ 189-3. Operation of ATVs/UTVs - snowmobiles upon designated roads.

Pursuant to the restrictions as otherwise contained herein, ATVs/UTVs - snowmobiles may be operated on all of the said Borough streets and alleys properly posted. Said ATVs/UTVs - snowmobiles shall be operated in conjunction with the normal vehicular traffic thereon. All vehicles must remain on the designated areas and in no way shall enter private property without the consent of the owner or lessor or cross any waterway. Posting shall be as set forth in 17 Pa. Code § 51.83. Any person operating such ATVs/UTVs - snowmobiles shall

comply with the requirements as set forth in 75 Pa.C.S.A. §§ 7701 through 7753. All such operations are subject to the following provisions:

A. All such vehicles must display a valid DCNR license plate, display a valid Borough sticker, and possess a current certificate of insurance.

B. All such vehicles may use Borough streets and alleys for the sole purpose of entering or exiting the Borough. Random driving on Borough streets and alleys is prohibited.

C. All such vehicles must be driven on the extreme right side of the street or alley and must yield to regular traffic.

D. All such vehicles must be driven at a speed not to exceed 15 miles per hour.

E. All such vehicles must remain on the designated areas and in no way shall enter private property without the consent of the owner or lessor or cross any waterways.

F. Drivers must operate said ATV or snowmobile in conformity with the provisions of the Pennsylvania Motor Vehicle Code (obey stop signs, stop lights, one-way streets, stay off sidewalks and all other areas not meant for vehicles, etc.) This chapter is not intended to limit any provisions or the scope of authority of the Pennsylvania Motor Code or any other act.

G. All such vehicles shall not be permitted on Borough streets and alleys after the hour of 10:00 p.m.

§ 189-4. Restriction on use.

It shall be unlawful for any person to operate an ATV/UTV - snowmobile on any highway, street or road in Reynoldsville Borough other than as provided in § 189-3 above; provided, however, nothing in this chapter shall prohibit any person from operating an ATV/UTV - snowmobile on any other highway, street or road in Reynoldsville Borough:

A. As authorized by Section 7721 of the Pennsylvania Vehicle Code for emergency and bridge crossing and for direct crossing of streets or two-lane highways; or

B. For special ATV/UTV events authorized in advance and for which the street is blocked off as provided in Section 7723 of the Pennsylvania Vehicle Code.

§ 189-5. Age restriction.

No person under 16 years of age may operate a snowmobile, ATV/UTV on the street or highway designated under Section 7722 of the Vehicle Code (relating to designation of snowmobile and ATV/UTV roads) as open to snowmobile, ATV/UTV and vehicular traffic. A person under 16 years of age who holds the appropriate safety certificate may operate a snowmobile - ATV/UTV on roads designated under Section 7724(b) (relating to operation on private or state property) as open to snowmobile - ATV/UTV and vehicular traffic providing he is under the direct supervision of a person 18 years of age or older.

§ 189-6. Noise restriction.

All ATVs/UTVs - snowmobiles must be equipped with a muffler in good working order and the sound intensity produced by the said vehicle may not exceed the requirements as set forth in 75 Pa.C.S.A. § 7743 and Chapter 51, Section 51.92 of the Pennsylvania Motor Vehicle Code.

§ 189-7. Conformity with Pennsylvania Motor Vehicle Code.

Every person operating an ATV/UTV - snowmobile upon Borough land shall be subject to and shall operate said ATV/UTV - snowmobile in conformity with the provisions of the Pennsylvania Vehicle Code, the regulations, if any, promulgated thereunder, and all other applicable acts of law, including the requirement of insurance. This chapter is not intended to limit any provisions or scope of authority of the Pennsylvania Vehicle Code or any other act.

§ 189-8. Violations and penalties.

Any person who violates any provision of this chapter shall be subject to the penalties prescribed in Section 7752 of the Vehicle Code designated a summary offense and shall upon conviction:

A. For a first offense, be sentenced to pay a fine of not less than $50 nor more than $200 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than 10 days.

B. For a subsequent offense, be sentenced to pay a fine of not less than $100 nor more than $300 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than 30 days.

§ 189-9. Severability.

The provisions of this chapter shall be severable, and if any provision or phrase shall be held unconstitutional or invalid, such decision shall not affect the validity of any remaining provisions or phrases hereof, it being the intention of Borough Council to enact and adopt each section independently or every other section.

§ 189-10. When effective.

This chapter shall become effective upon the expiration of five days after the date of adoption.

Chapter 190

VEHICLES AND TRAFFIC

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Exhibit A

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 8-20-1997 by Ord. No. 480. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 190-1. Definitions and interpretation.

A. Words and phrases, when used in this chapter, except for sections or articles to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa.C.S.A. § 101 et seq. (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.

B. 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.

C. In this chapter, the singular shall include the plural; the plural shall include the singular, and the masculine shall include the feminine.

§ 190-2. Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Borough of Reynoldsville.

§ 190-3. Temporary and emergency regulations.

A. The Police Department 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.

(2) In the case of emergency public works or public events of limited scope or duration, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

B. These temporary and emergency regulations shall be enforced by the Fire Police and the police in the same manner as permanent regulations. Any person who drives or parks a vehicle in violation of any such regulation or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature.

§ 190-4. Experimental regulations.

A. The Borough Council may, from time to time, designate places upon and along the streets 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 those locations by proper signs and markings. Such regulations,

prohibitions and restrictions shall be effective just as if they had been specified in this chapter. No person shall drive or park a vehicle 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 violates any provision of this section shall, upon conviction, be liable to the penalty set out in the law or elsewhere in this chapter for a violation of such nature.

B. The purpose of this section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

§ 190-5. Streets closed or restricted for construction, maintenance or special events.

A. The 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.

B. The 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.

§ 190-6. Authority of police officers.

The police shall have authority to direct traffic on the streets in the Borough, at intersections in public and in other places where the Vehicle Code or this chapter applies.

ARTICLE II
Traffic Regulations

§ 190-7. Speed limits.

The speed limit for both directions of traffic along the streets or parts thereof described in Schedule I (§ 190-52), attached to and made a part of this chapter, is hereby established at the rate of speed indicated in said schedule. It shall be unlawful for any person to drive a vehicle at a higher speed than the maximum prescribed for that street or part of a street.

§ 190-8. Traffic control signals.

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule II (§ 190-53), attached to and made a part of this chapter.

§ 190-9. Prohibited right turns on red signal.

No person shall make a right turn (or a left turn from a one-way street into another one-way street) when facing a steady red signal at any of the locations described in Schedule III (§ 190-54), attached to and made a part of this chapter.

§ 190-10. Prohibited turns at intersections.

It shall be unlawful for the driver of any vehicle to make a turn of the kind designated (left, right, all) at any of the intersections described in Schedule IV (§ 190-55), attached to and made a part of this chapter.

§ 190-11. U-turns.

It shall be unlawful for the driver of any vehicle to make a U-turn on any of the streets or parts of streets described in Schedule V (§ 190-56), attached to and made a part of this chapter.

§ 190-12. One-way streets.

The streets or parts of streets described in Schedule VI (§ 190-57), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated, 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.

§ 190-13. No-passing zones.

No-passing zones are hereby established along those streets or parts of streets described in Schedule VII (§ 190-58), attached to and made a part of this chapter, 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 described in said schedule.

§ 190-14. Through streets.

The streets or parts of streets described in Schedule VIII (§ 190-59), attached to and made a part of this chapter, are hereby established as through streets, and the driver of any vehicle, upon approaching any such street at any intersection thereof (except for such intersections where there are now or shall hereafter be located official traffic signals), shall come to a full stop or yield the right-of-way, as the case may be, before entering any such through street.

§ 190-15. Stop intersections.

A. The intersections described in Schedule IX (§ 190-60A), attached to and made a part of this chapter (in addition to intersections with the through streets established by this chapter), are hereby established as stop intersections, and official stop signs shall be erected in such a position upon the first-named street as to face traffic approaching the second-named street in the direction or directions indicated in said schedule. Every

driver of a vehicle approaching any such intersection upon the first-named street, in the direction or directions indicated in each case, shall come to a full stop before entering any such intersection.

B. Additional stop intersections. **[Added 11-15-2000 by Ord. No. 493]**

(1) Intent and purpose. The Borough of Reynoldsville, determining that stop signs are necessary at various intersections within the Borough, does herewith state its intent and purpose of this subsection is to establish stop signs for the health, safety and welfare of the residents of the Borough of Reynoldsville and operators of motor vehicles on those designated streets.

(2) Establishment of stop signs.

(a) It is herewith ordained that stop signs shall be placed at the following intersections:

[1] See attached list of stop sign intersections, Wards 1 through 4 in the Borough of Reynoldsville.[1]

[2] Map of said intersections is available for review in the Office of the Borough Secretary.

(b) Stop signs are to be placed in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

(3) Duty to stop at signs. Except when directed to proceed by a police officer or an appropriately attired person who is authorized to direct, control or regulate traffic, every driver of the vehicle approaching the said stop sign shall stop at a clearly marked stop line or, if none, before entering a crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After having stopped, the driver shall yield the right-of-way to any pedestrians in a crosswalk or to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time when the driver is moving across or within the intersection or junction of roadways.

(4) Penalty for offense. Anyone who shall violate this Subsection B or § 160-60B shall be subject to a fine not to exceed the amount of $75 for the first offense, $150 for the second offense and $200 for each and every succeeding offense at the same intersection covered by this subsection, plus costs, or in the alternative, the said officer shall have the option to file a charge against the said driver under the said Motor Vehicle Code section, 75 P.S. § 3323(b), or any subsequent appropriate section. In default of payment of any fine imposed herein, the penalty of imprisonment for a term not to exceed 30 days shall apply.

1. **Editor's Note: See § 190-60B.**

§ 190-16. Yield intersections.

The intersections described in Schedule X (§ 190-61), attached to and made a part of this chapter (in addition to intersections with the through streets established by this chapter), are hereby established as yield intersections, and official yield signs shall be erected in such a position upon the first-named street as to face traffic approaching the second-named street in the direction or directions indicated. Every driver of a vehicle approaching any such intersection upon the first-named street, in the direction or directions indicated in each case, shall slow down or stop the vehicle and then yield the right-of-way to any vehicle in the intersection or approaching on the second-named street so closely as to constitute a hazard during the time that the driver is moving across or within such intersection.

§ 190-17. Closing of certain streets to certain vehicles.

It shall be unlawful for any person to drive any vehicle, except a passenger vehicle (but not including any passenger vehicle drawing any trailer or mobile home or towing any other vehicle), upon any of the streets or parts of streets described in Schedule XI (§ 190-62), attached to and made a part of this chapter.

§ 190-18. Vehicle weight limits.

A. General vehicle weight limits.

(1) It shall be unlawful for any person to drive any commercial vehicle or other tractor, trailer or mobile home or tractor-trailer combination, having a gross weight in excess of that respectively prescribed, upon any of the streets or bridges, or portions thereof, described in Schedule XII (§ 190-63A), attached to and made a part of this chapter, except for the purpose of making local deliveries on said streets.

(2) Any person, firm or corporation who shall violate any provision of this Subsection A shall, upon conviction thereof, be sentenced to pay a fine of not more than $500, or in default of payment thereof, to undergo imprisonment in the Jefferson County Jail for a term not to exceed 30 days for the first offense. Should any such person, firm or corporation be convicted for violation thereof a violation thereof a second or more time, they shall be sentenced to pay a fine of not more than $2,000, or in default of payment thereof, to undergo imprisonment in the Jefferson County Jail for a term not to exceed 60 days.

B. Five-ton vehicle weight limit; exceptions. **[Added 11-15-2000 by Ord. No. 494]**

(1) By the authority granted by 75 Pa.C.S.A. § 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 five tons, except for local deliveries set forth below, as well as the exceptions set forth herein on special streets, for that bridge, alley, street or part of street, road or part of road, as the case may be, from and after the passage of this Subsection B over or on the following Borough roads with the following weight limits:

(a) See attached list of streets, exceptions to five-ton limit included herein.[2]

(b) Those streets and alleys wherein the five-ton limit applies (except for local deliveries).[3]

(c) Map of said streets and alleys is available for review in Office of the Borough Secretary.

(2) Any person violating the provisions of this Subsection B shall, for each and every offense, be subject to a fine not to exceed $600 or imprisonment for a period not exceeding 15 days; provided, however, that if the owner or operator of such motor vehicle shall post a surety bond in favor of the Borough of Reynoldsville for such amount and in such form as shall be approved by the Borough of Reynoldsville, conditioned to save the Borough harmless from any and all damages which may be caused to said restricted streets and roads, by reason of travel of such motor vehicles thereover, then the penalty provisions of this Subsection B shall not apply to such motor vehicle owner or operator.

(3) The Borough of Reynoldsville may, from time to time, impose maximum weight limits upon additional streets and roads within the confines of the Borough by enacting signs on said streets and roads to this effect, and thereafter the operator of any motor vehicle exceeding said maximum weight limit shall be subject to same penalty as is provided in Subsection B(2) above.

(4) Where it is necessary for the operator of any motor vehicle to make a local delivery on any street or road where the maximum weight limit has been imposed, in such case no penalty shall attach to any such motor vehicle operator. Should there be any doubt by the Borough as to whether or not such vehicle is making local deliveries, prior permission may be required of the operator from the Borough of Reynoldsville.

§ 190-18.1. Special designated signs. [Added 12-20-2000 by Ord. No. 496]

A. Intent and purpose. The Borough of Reynoldsville, determining that certain designated signs are necessary at various locations within the Borough, does herewith state its intent and purpose of this section is to establish the locations of special designated signs for the health, safety and welfare of the residents of the Borough of Reynoldsville and operators of motor vehicles on those designated streets.

B. Establishment of locations of special designated signs. It is herewith ordained that special designated signs shall be placed as indicated on the Exhibit A attached hereto and made a part hereof,[4] and that said signs shall be enforced in accordance with the designation contained thereon, and said signs are to be placed in accordance with the rules and regulations of the Commonwealth of Pennsylvania. A map of locations of said special designated signs is available for review in the Office of the Borough Secretary.

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2. Editor's Note: See § 190-63B.

3. Editor's Note: See § 190-63B.

4. Editor's Note: Exhibit A, Special Designated Signs, is included at the end of this chapter.

C. Duty to obey special designated signs. Except when directed to proceed by a police officer or an appropriately attired person who is authorized to direct, control or regulate traffic, every driver of the vehicle approaching any such designated sign shall obey the requirement of such sign. After having obeyed the designation on said sign, the driver shall proceed in a cautious manner and shall not operate any vehicle on any roadway so as to constitute a hazard during the time in which the vehicle of the driver is in the area of the sign so designated.

D. Penalty for offense. Anyone who shall violate this section shall be subject to a fine not to exceed the amount of $75 for the first offense, $150 for the second offense and $200 for each and every succeeding offense at the same intersection covered by this section plus costs, or in the alternative, the said officer shall have the option to file a charge against the said driver under any appropriate section of the Motor Vehicle Code of the Commonwealth of Pennsylvania. In default of payment of any fine imposed herein, the penalty of imprisonment for a term not to exceed 30 days shall apply.

ARTICLE III
Parking Regulations

§ 190-19. Vehicles to be parked within marked spaces.

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

§ 190-20. Angle parking.

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XIII (§ 190-64), attached to and made a part of this chapter, except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

§ 190-21. Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XIV (§ 190-65), attached to and made a part of this chapter.

§ 190-22. Parking prohibited certain hours.

No person shall park a vehicle upon any of the streets or parts of streets described in Schedule XV (§ 190-66), attached to and made a part of this chapter, during the hours specified in said schedule, on any day except Saturdays, Sundays and holidays.

§ 190-23. Time limit parking.

No person shall park a vehicle or allow the same to remain parked upon any of the streets or parts of streets described in Schedule XVI (§ 190-67), attached to and made a part of this chapter, between the hours specified, for longer than the time indicated in said schedule.

§ 190-24. Special purpose parking zones.

It shall be unlawful for any person to park any vehicle or to allow the same to remain parked in any special purpose parking zone established in Schedule XVII (§ 190-68), attached to and made a part of this chapter, except as specifically provided for such zone.

§ 190-25. Penalties for parking violations. [Amended 5-26-2004 by Ord. No. 508; 8-10-2011 by Ord. No. 540]

Any person who violates any provision of this article shall, upon conviction, be sentenced to pay a fine of not more than $25, providing payment is made within 24 hours of the notice of violation, and provided, however, that it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the office of the Chief of Police all violations of any provision of this article, 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 article. 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, as determined by the Borough Council, within 24 hours after the time of the notice, or if he will place the sum, as determined by the Borough Council, 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. In the event that such fine is not paid within 24 hours, then it is herewith ordained and enacted that said fine shall be increased to not more than $40, plus costs.

ARTICLE IV
Removal and Impounding of Certain Vehicles

§ 190-26. Applicability and scope.

This article is enacted under authority of Section 6109(a)(22) of the Vehicle Code and gives authority to the Borough to remove and impound vehicles that are parked overtime on any street in the Borough, or in metered and unmetered parking lots in the Borough, in violation of any provision of this chapter.

§ 190-27. Authority to remove and impound.

The Borough shall have authority to remove and impound or to order the removal and impounding of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in § 190-26 of this article and provided that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this article.

§ 190-28. Designation of approved storage garages; bonding; towing and storage.

Removal and impounding of vehicles under this article shall be done only by approved storage garages that shall be designated from time to time by the Borough Council. Every such garage shall submit evidence to the Borough Council that it is bonded or has acquired liability insurance in an amount satisfactory to the 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 the Borough Council its schedule of charges for towing and storage of vehicles under this article, and when the schedule is approved by the Borough Council, those charges shall be adhered to by the approved storage garage. No different schedule of charges shall be adopted without approval of the Borough Council, and no different charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this article by any approved storage garage. The 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 article.

§ 190-29. Notification of removal and impounding.

Within 12 hours from the time of removal of any vehicle under authority granted by this article, notice of the fact that the vehicle was removed shall be sent by the Borough to the owner of record of the vehicle. The notice shall designate the place from which the vehicle was removed, the reason for its removal and impounding and the garage in which it was impounded.

§ 190-30. Effect of payment of towing and storage charges.

The payment of any towing and storage charges authorized by this article 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.

§ 190-31. Records of vehicles removed and impounded.

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

§ 190-32. Restrictions upon removal of vehicles.

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

ARTICLE V
Snow and Ice Emergencies

§ 190-33. Declaration of snow and ice emergency.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named pursuant to this article, the Mayor, in his discretion, may declare a snow and ice emergency (designated in this article as a "snow emergency"). Information on the existence of a snow emergency may be given by the Borough through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

§ 190-34. Parking and driving restrictions.

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated pursuant to this article; or

B. To drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with snow tires or chains.

§ 190-35. Snow emergency routes.

The streets or parts of streets described in Schedule XVIII (§ 190-69), attached to and made a part of this chapter, are hereby designated as snow emergency routes.

§ 190-36. Penalty for violation.

A. If, at any time during a period of snow emergency declared under this article, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this article and, upon conviction, shall be punishable as provided in § 190-25 of this chapter.

B. If, at any time during a period of snow emergency declared under this article, a person shall drive a motor vehicle upon a snow emergency route without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this article and, upon conviction, shall be punishable as provided in § 190-37 of this chapter.

ARTICLE VI
Miscellaneous Provisions

§ 190-37. Violations and penalties.

Unless another penalty is expressly provided by the Vehicle Code (75 Pa.C.S.A. § 101 et seq.) or except as herein specified, every person convicted of a violation of a provision of this chapter, or any supplement thereto, shall be liable to a penalty of $25 and costs of prosecution.

ARTICLE VII
Parking Meter Zones

§ 190-38. Parking restrictions.

It shall be unlawful for any owner or operator of any motor vehicle or other vehicle to park such vehicle as described in Schedule XIX (§ 190-70), attached to and made a part of this chapter.

§ 190-39. Installation of meters.

Parking meter installed in the parking meter zones, established as provided in § 190-38 hereof, shall be placed upon the sidewalk, and immediately adjacent to the individual parking places hereinafter described. Each parking meter shall be placed or set in such manner as to show the parking space adjacent to such meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the Borough and when operated shall indicate on and by its dial and pointer the duration of the period of legal parking and, on the expiration of such period, shall indicate illegal or overparking.

§ 190-40. Lines and markings.

There shall be lines or markings painted or placed upon the curb, sidewalk or upon the streets adjacent to each parking meter, for the purpose of designating the parking spaces for which said meter is to be used. Each vehicle parked adjacent or next to any parking meter shall be parked within the lines or markings of places; it shall be unlawful and a violation of this chapter to park any vehicle across such line or markings or to park such vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

§ 190-41. Method of parking parallel or diagonal to curb.

When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be nearest to the parking meter; when a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle nearest to such meter.

§ 190-42. Depositing of coins; time limits.

When any vehicle shall be parked in any space adjacent to which a parking meter is located, during the time of limited parking the owner or operator of said vehicle shall, upon entering the said parking space, immediately deposit or cause to be deposited an amount as set by resolution and operate the meter in accordance with the instructions thereon and failure to do so shall constitute a violation of this article. Upon the deposit of said moneys and placing the meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the particular amount deposited. The parking meters, when installed and property operated, shall be adjusted so that coins may be deposited at any time throughout the two-hour range of the meters, each coin permitting the vehicle to be parked for a period as established. If such vehicle shall remain parked in any such parking space for such a length of time that the meter shall indicate by a proper signal that the lawful parking period has expired, such vehicle shall be considered as parking overtime, and parking of a vehicle overtime shall be a violation of this article.

§ 190-43. Increasing or extending time period.

It shall be unlawful, and a violation of this article, for any person to deposit or cause to be deposited in a parking meter any coin for the purpose of increasing or extending the parking time of any vehicle beyond the total legal parking time of three hours.

§ 190-44. Expiration of time period.

It shall be unlawful, and a violation of the provisions of this article, for any person to permit a vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking spaces.

§ 190-45. Slugs and similar devices.

It shall be unlawful, and a violation of the provisions of this article, to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for either a one-cent or a five-cent coin of the United States.

§ 190-46. Tampering with meters prohibited.

It shall be unlawful, and a violation of the provisions of this article, for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

§ 190-47. Duties of police officers; fines.

A. It shall be the duty of the police officers of the Borough, acting in accordance with the instructions issued by the Chief of Police, to report:

(1) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is, or has been, parked in violation of any of the provisions of this article.

(2) The date and hour of such violation.

(3) The state license number of such vehicle.

(4) Any other facts and knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

B. Each such police officer shall also place on such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this article and instructing such owner or operator to report at the police headquarters of the Borough of Reynoldsville in regard to such violation. Each such owner or operator may, within 24 hours of the time when such notice was attached to such vehicle, pay at police headquarters as a penalty for and in full satisfaction of such violation the sum of $5. The failure of such owner or operator to make such payment at police headquarters within said 24 hours shall render such owner or operator subject to the penalties hereinafter provided for violation of the provisions of this article. Should payment be made after 24 hours, the fine shall be $10, plus costs. **[Amended 5-26-2004 by Ord. No. 508]**

§ 190-48. Fees as assessment of costs.

The amount of the coins required to be deposited in parking meters as provided in this article are hereby levied and assessed as fees to cover the costs of the supervision, inspection, installation, operation, maintenance, control and use of the parking spaces, regulation of the parking of vehicles, street cleaning and maintenance in the parking meter zones created hereby, and for the maintenance of and traffic regulation on the streets in the said Borough.

§ 190-49. Violations and penalties.

Where parking is controlled by meter boxes, the penalty for overtime shall be $2 for each and every offense, or in lieu of payment thereof, the violator may be imprisoned for a period of 24 hours; provided, however, that all violators who pay their penalty within 24 hours of the violation may have each penalty compromised for the sum of $1, if the sum is deposited, with the violation ticket, in penalty boxes erected to receive such deposits.

§ 190-50. Contracts for leasing and installation of meters.

The proper officers of the Borough are hereby authorized and directed to enter into a contract for the leasing and installation of parking meters, said contract to be made subject to the conditions and in the manner provided by law, the payment of such meters and the installation thereof, to be provided for solely from the receipts, funds and revenues obtained by the Borough from the operation of said parking meters, without in any manner obligating the Borough to pay for same from any other sources, and to enter into a contract or contracts for such parts and maintenance of such parking meters as may be necessary to maintain the

same in good operating condition, and to pay for such parts and maintenance exclusively from the receipts, funds and revenues received from the operation of said parking meters.

§ 190-51. Construal of provisions.

Nothing contained in this article, or in any ordinance hereafter establishing parking meter zones, shall be construed to permit parking of vehicles in those spaces within any zone in which, by other ordinances of the Borough, parking is prohibited. Until meters are actually installed in the parking zones hereinbefore described, the parking of cars in said zones or that part of the zone in which parking meters are not installed shall be limited to such parking time as has been fixed by other ordinance of the Borough.

ARTICLE VIII
Schedules

§ 190-52. Schedule I: Speed Limits.

In accordance with the provisions of § 190-7, speed limits are hereby established upon the following described streets or parts thereof:

Name of Street	Speed limit (mph)	Location
All other Borough streets	25	—
Dietz Avenue	15	From Fourth Street to Seventh Street
Warner Street	10	From Broadway Street to Lewis Street
Warner Street	10	From Lewis Street South to Arms Street
Worth Street	10	From Seventh Street to Eleventh Street

§ 190-53. Schedule II: Traffic Control Signals.

In accordance with the provisions of § 190-8, traffic control signals shall be installed and operated at the following described intersections:

Intersection
4th Street and Main Street
5th Street and Main Street
10th Street and Main Street

§ 190-54. Schedule III: Prohibited Right Turns on Red Signal.

In accordance with the provisions of § 190-9, no person shall make a right turn (or a left turn from a one-way street onto another one-way street) when facing a steady red signal at any of the locations described below:

Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal Onto
10th Street	North	Main Street

§ 190-55. Schedule IV: Prohibited Turns at Intersections.

In accordance with the provisions of § 190-10, no driver of any vehicle shall make a turn of the kind designated below at any of the following intersections:

Name of Street	Direction of Travel	Prohibited Turn	Hours	At Intersection of
(Reserved)				

§ 190-56. Schedule V: U-Turns.

In accordance with the provisions of § 190-11, no driver of any vehicle shall make a U-turn on any of the streets or parts thereof described below:

Name of Street
All streets in Borough

§ 190-57. Schedule VI: One-Way Streets.

In accordance with the provisions of § 190-12, the following described streets or parts thereof are hereby designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits
7th Street	South	From Main Street to Jackson Street
Grant Street	East	From 3rd Street to 10th Street
Swamp Alley	North	From Main Street to Willow Alley
Swamp Alley	South	From Main Street to Gordon Alley

§ 190-58. Schedule VII: No-Passing Zones.

In accordance with the provisions of § 190-13, no-passing zones are hereby established upon the following described streets or parts thereof:

Name of Street
All streets in Borough

§ 190-59. Schedule VIII: Through Streets.

In accordance with the provisions of § 190-14, the following described streets or parts thereof are hereby established as through streets:

Name of Street
All streets in Borough

§ 190-60. Schedule IX: Stop Intersections.

A. In accordance with the provisions of § 190-15A, the following described intersections are hereby established as stop intersections, and stop signs shall be installed as provided therein:

Stop Sign on	Direction of Travel	At Intersection of
1st Avenue	North	West Main Street
2nd Avenue	North	West Main Street
Ann Street	South	Mabel Street
Beech Street	South	East Main Street
Broadway Street	South	West Main Street
Brown Street	North/ South	Warner Street
Brown Street	North/ South/ East	Central
Brown Street	South	West Main Street
Central Street	East	Broadway Street
Deitz Alley	East	Bradford Street
Deitz Alley	West/ East	South 5th Street
Deitz Alley	West/ East	South 6th Street
Deitz Alley	West/ East	South 7th Street
Deitz Alley	West/ East	South 8th Street

Stop Sign on	Direction of Travel	At Intersection of
Deitz Alley	West	South 4th Street
Erie Street	North	Ohio Street
Erie Street	South	West Main Street
Gordon Alley	West	South 1st Street
Gordon Alley	West/ East	Alley
Gordon Alley	West/ East	Coal Alley
Gordon Alley	West/ East	South 2nd Street
Gordon Alley	West/ East	South 3rd Street
Gordon Alley	West/ East	South 4th Street
Gordon Alley	West/ East	South 5th Street
Gordon Alley	West/ East	South 6th Street
Gordon Alley	West/ East	South 7th Street
Gordon Alley	West/ East	South 8th Street
Gordon Alley	West/ East	South 10th Street
Gordon Alley	West/ East	South 11th Street
Gordon Alley	West/ East/ South	Swamp Alley
Grant Street	East	North 10th Street
Grant Street	West	North 3rd Street
Grant Street	West	North 4th Street
Grant Street	West/ North/ South	North 5th Street
Grant Street Extension	West	North 10th Street
Hill Street	North	Coal Alley
Hill Street	West/ East	North 3rd Street
Hill Street	West/ East	North 4th Street
Hill Street	West/ East	North 6th Street
Jackson Street	West/ East	Bradford Street
Jackson Street	West/ East	South 6th Street
Jackson Street	West/ East	South 10th Street

Stop Sign on	Direction of Travel	At Intersection of
Lewis Street	North	Warner Street
Lewis Street	North/ South	Central Street
Lewis Street	South	Powers Street
Mabel Street	West/ East	North 4th Street
Main Street Extension	South	West Main Street
North 1st Street	South	East Street
North 2nd Street	South	East Main Street
North 3rd Street	North	Mabel Street
North 3rd Street	South	East Main Street
North 5th Street	North/ South	Hill Street
North 5th Street	North/ South	Mabel Street
North 6th Street	North/ South	Grant Street
North 7th Street	North/ South	Grant Street
North 7th Street	South	East Main Street
North 8th Street	North	Grant Street
North 8th Street	South	Willow Drive
Ohio Street	East	Powers Street
Ohio Street	West	West Main Street
Pancoast Street	East	South 10th Street
Pancoast Street	West	Bradford Street
Phillips Street	East	Bradford Street
Pleasant Street	West/ East	Bradford Street
Pleasant Street	West/ East	South 10th Street
Point View Avenue	East	South 5th Street
Powers Street	East	Broadway Street
Snyder Way	West/ East	North 2nd Street
South 2nd Street	South	Jackson Street
South 3rd Street	South	Jackson Street
South 5th Street	West/ North/ South	Jackson Street

Stop Sign on	Direction of Travel	At Intersection of
South 6th Street	North/ South	Jackson Street
South 7th Street	North	Worth Street
South 7th Street	North/ South	Jackson Street
South 8th Street	North/ South	Jackson Street
South 8th Street	North/ South	Worth Street
South 11th Street	North	East Main Street
South 11th Street	North	Worth Street
South 11th Street	South/ West	Jackson Street
South 12th Street	North	Worth Street
South 13th Street	North	Worth Street
South 14th Street	North	East Main Street
South 14th Street	North/ South/ East	Worth Street
Thompson Street	East	South 10th Street
Thompson Street	West/ East	Bradford Street
Warner Street	East	Broadway Street
Warner Street Extension	East	Lewis Street
Water Street	South	East Main Street
Willow Alley	East	North 7th Street
Willow Alley	South/ West	North 6th Street
Willow Alley	West/ East	North 4th Street
Willow Alley	West/ East	North 5th Street
Willow Alley	West/ East	Swamp Alley
Willow Alley	West/ North/ South	Coal Alley
Willow Alley	West	North 3rd Street
Willow Drive	East	North 10th Street
Worth Street	West/ East	Bradford Street
Worth Street	West/ East	South 10th Street

B. In accordance with the provisions of § 190-15B, the following described intersections are hereby established as stop intersections: **[Added 11-15-2000 by Ord. No. 493]**

(1) First Ward.

Intersection
Bradford Street and Cherry Alley
Bradford Street and Hickory Alley
Bradford Street and Smith Alley
Burton Alley and South 11th Street
Burton Alley and South 12th Street
Burton Alley and South 13th Street
Burton Alley and South 14th Street
Church Street and Saxon Road
South 10th Street and Hickory Alley
South 10th Street and Smith Alley
South 11th Street and Pleasant Street Extension
South 12th Street and Pleasant Street Extension
Worth Street and Church Street
Worth Street and Millers Alley

(2) Second Ward.

Intersection
Ann Street and unknown named alley
Coal Alley and Milliren Alley
Grant Street and Pine Alley
Hill Street and Coal Alley
Mabel Street and Muir Alley
Mabel Street and Neff Lane
Main Street and Coal Alley
Main Street and Pine Alley
Mill Alley and Pine Alley
Neff Lane and Paradise Alley
Muir Alley and unknown named alley

Intersection
Neff Lane and Ross Alley
Neff Lane and Spring Alley
Neff Lane and unknown named alley
North 1st Street and Main Street
North 1st Street and Snyder Way
North 3rd Street and Mill Alley
North 4th Street and Mill Alley
North 4th Street and Milliren Alley
North 4th Street and Paradise Alley
North 4th Street and Ross Alley
North 4th Street and Spring Alley
North 4th Street and unknown named alley
North 5th Street and Milliren Alley
North 6th Street and Mill Alley
North 7th Street and Mill Alley
Pine Alley and Milliren Alley
Spring Alley and Muir Alley

(3) Third Ward.

Intersection
2nd Avenue and Hassan Alley
Broadway Street and Rutter Alley
Brown Street and Crosby Alley
Brown Street and Jewell Alley
Crosby Alley and Kline Alley
Drayer Alley and Central Street
Drayer Alley and Crosby Alley
Drayer Alley and Gibson Alley
Erie Street and Jewell Alley
Gibson Alley and Broadway Street

Intersection
Gibson Alley and Brown Street
Horner Alley and Jewell Alley
Horner Alley and Ohio Street
Kline Alley and Central Street
Kline Alley and Gibson Alley
Lewis Street and Gibson Alley
Power Street and Bell Street
Power Street and Drayer Alley
Power Street and Rutter Alley
Warner Street and Drayer Alley
West Main Street and Hassan Alley
West Main Street and Horner Alley

(4) Fourth Ward.

South 2nd Street and Gordon Alley

§ 190-61. Schedule X: Yield Intersections.

In accordance with the provisions of § 190-16, the following described intersections are hereby established as yield intersections, and yield signs shall be installed as follows:

Yield Sign on	Direction of Travel	At Intersection of
(Reserved)		

§ 190-62. Schedule XI: Closing of Certain Streets to Certain vehicles.

In accordance with the provisions of § 190-17, it shall be unlawful for any person to drive any vehicle, except a passenger vehicle (but not including any passenger vehicle drawing any trailer or mobile home or towing any other vehicle), upon any of the streets or parts thereof described below:

Name of Street	Limits
(Reserved)	

§ 190-63. Schedule XII: Vehicle Weight Limits.

A. In accordance with the provisions of § 190-18A, gross weight limits are hereby established as indicated for commercial vehicles or other tractor, trailer or mobile home or tractor-trailer combinations, upon the streets, bridges or portions thereof described below, except for the purpose of making local deliveries on said streets, bridges or portions thereof:

Name of Street or Bridge	Max. Gross Weight (pounds)	Location
14th Street	3 tons	From a point on Main Street to Worth Street
14th Street Bridge	33 tons	—
First Avenue	14,000	—
Jackson Street	14,000	From Third Street to Fourth Street
Third Street	14,000	From Main Street to Jackson Street
Upper 10th Street	—	—

B. Five-ton vehicle weight limit; exceptions. In accordance with § 190-18B, the following locations contain a five-ton weight limit; exceptions are also set forth: **[Added 11-15-2000 by Ord. No. 494]**

(1) Exceptions to the suggested five-ton limit.

Name of Street	Location
Bradford Street (part of Rte 310)	From Jackson Street to Borough line
Broadway Street (Rte 950)	From West Main Street to Borough line
East Main Street (Rte 322)	From West Main Street to Borough line
First Avenue	From West Main Street to Point View Avenue (access road to all the industries)
Jackson Street (part of Rte 310)	From South 5th Street to Bradford Street
Myrtle Street	From South 5th Street to the Industrial Park (access road to all the industries)
North 4th Street	From East Main Street to Borough line
Point View Avenue	From First Avenue to South 5th Street (access road to all the industries)
South 10th Street	From East Main Street to Borough line

Name of Street	Location
South 5th Street (part of Rte 310)	From East Main Street to Myrtle Street
West Main Street (Rte 322)	From East Main Street to Borough line

(2) Suggested five-ton limit to streets and alleys; exception for local deliveries.

(a) First Ward streets.

Location
Beech Street
Beech Street
Church Street (questionable if this is an actual street name)
Grant Street
Grant Street Ext.
Jackson Street, from Bradford Street to the end
North 10th Street
North 7th Street
North 8th Street
Pancoast Street
Phillips Street
Pleasant Street
Pleasant Street Extension (Saxon Road)
South 11th Street
South 12th Street
South 13th Street
South 14th Street
South 7th Street
South 8th Street
Thompson Street
Willow Drive
Worth Street

(b) First Ward alleys.

Location
Beck Alley
Burton Alley
Cherry Alley
Deitz Alley
Gordon Alley
Hickory Alley
London Alley
Millers Alley
Smith Alley

(c) Second Ward streets.

Location
Ann Street
Grant Street
Hill Street
Mabel Street
Neff Lane
North 1st Street
North 2nd Street
North 3rd Street
North 5th Street
North 6th Street
Snyder Way

(d) Second Ward alleys.

Location
Coal Alley
Main Alley
Mill Alley
Milliren Alley
Paradise Alley

Location
Pine Alley
Ross Alley
Spring Alley
Swamp Alley
Willow Alley

(e) Third Ward streets.

Location
2nd Avenue
Arms Street
Baxter Street
Bell Street
Brown Street
Central Street
Erie Street
Lewis Street
Lewis Street Extension
Ohio Street
Old Pike Road (Yellow Brick Road)
Power Street
Warner Street
Warner Street Extension
Water Street
Water Street Extension

(f) Third Ward alleys.

Location
Crosby Alley
Drayer Alley
Gibson Alley
Hassen Alley

Location
Horner Alley
Jewell Alley
Kline Alley
Kougher Alley
Rutter Alley
Shobert Alley
Stitt Alley

(g) Fourth Ward streets.

Location
Jackson Street
South 1st Street
South 2nd Street
South 3rd Street
South 4th Street
South 6th Street

(h) Fourth Ward alleys.

Location
Coal Alley
Deitz Alley
Gordon Alley
Pine Alley
Swamp Alley

§ 190-64. Schedule XIII: Angle Parking.

In accordance with the provisions of § 190-20, no person shall park a vehicle upon any of the streets or parts thereof described below, except at the angle designated:

Name of Street	Side	Angle (degrees)	Location
Main Street	South	—	Between Pine Alley and 5th Street

§ 190-65. Schedule XIV: Parking Prohibited at All Times.

In accordance with the provisions of § 190-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

Name of Street	Side	Location
First Avenue	South	From West Main Street to the Borough line
Main Street	North	From an area west of the Free Methodist Church to the railroad tracks of the property owned by the Mountain Laurel Railroad Company

§ 190-66. Schedule XV: Parking Prohibited Certain Hours.

In accordance with the provisions of § 190-22, no person shall park a vehicle between the hours specified below of any day, upon any of the streets or parts thereof described below:

Name of Street	Side	Hours/ Days	Location
Jackson Street	Both	3:00 a.m. to 7:00 a.m/All	From 4th Street to Bradford Street
Main Street	Both	3:00 a.m. to 7:00 a.m./All	From Borough line to Borough line

§ 190-67. Schedule XVI: Time Limit Parking.

In accordance with the provisions of § 190-23, no person shall park a vehicle or allow the same to remain parked upon any of the streets or parts thereof described below, between the hours specified, for longer than the time indicated below:

Name of Street	Side	Time Limit; Hours/ Days	Location
(Reserved)			

§ 190-68. Schedule XVII: Special Purpose Parking Zones.

In accordance with the provisions of § 190-24, the following are hereby established as special purpose parking zones:

Name of Street	Side	Authorized Purpose or Vehicle	Location
(Reserved)			

§ 190-69. Schedule XVIII: Snow Emergency Routes.

In accordance with the provisions of § 190-35, the following streets or parts thereof are hereby designated as snow emergency routes:

Name of Street	Limits
Grant Street	Entire length
Jackson Street	Entire length
Main Street	Entire length

§ 190-70. Schedule XIX: Meter Time Limit Parking.

In accordance with the provisions of § 190-38, no person shall park a vehicle or allow the same to remain parked upon any of the streets or parts thereof described below, between the hours specified, for longer than the time indicated below:

Name of Street	Side	Time Limit; Hours/Days	Location
5th Street	Both	2 hours; 9:00 a.m. 5:00 p.m.	From Willow Alley to Main Street
5th Street	Both	3 hours; 9:00 a.m. to 6:00 p.m.	From Main Street to Willow Alley
Main Street	Both	3 hours; 9:00 a.m. to 6:00 p.m.	From Third Street to Coal Alley
Main Street	Both	2 hours; 9:00 a.m. to 5:00 p.m.	From Third Street to Sixth Street

190 Attachment 1

Borough of Reynoldsville

Exhibit A
Special Designated Signs
[Added 12–20–2000]

1. No outlet sign – near Back Street Distributor (south side of Snyder Way)
2. Watch children sign – 3rd and Hill Street intersection (south side of Hill Street)
3. Slow children at play sign – intersection of Neff Alley and Mabel Street (east side of Neff Lane)
4. No outlet sign – intersection of Ann Street and Spring Alley (east side of Ann Street)
5. No outlet sign – intersection of North 5th Street and Mabel Street (east side of 5th Street)
6. Watch children sign – intersection of North 5th Street and Mabel Street (east side of 5th Street)
7. No outlet sign – intersection of North 6th Street and Hill Street (east side of 6th Street)
8. Stop sign ahead – south on Broadway Street (Rte 950) at Powers Street
9. Watch children sign – intersection of Broadway Street and Crosby Alley (west side of Broadway Street)
10. No outlet sign – intersection of Brown Street and Warner Street (east side of Brown Street)
11. Left hand turn arrow sign – Lewis Street approaching Arms Street
12. No outlet sign – intersection of Central Street and Lewis Street (north side of Central Street)
13. No outlet sign – intersection of Power Street and Lewis Street (north side of Power Street)
14. Winding road sign – near Sandy Lick Bridge (south side of West Main Street)
15. Two yield to pedestrian signs – South 5th Street bridge
16. Playground sign – South 5th Street (just south of maintenance building)
17. Pedestrian crossing sign – South 5th Street (near Niagara Cutter)

18. Two RR crossing signs –West Main Street railroad crossing

19. Curve arrow sign – West Main Street (near railroad tracks – north side of Main Street)

20. Two bridge may be icy signs – Sandy Lick Bridge on West Main Street (one on each side of the bridge)

21. Slow children at play sign – Ohio Street (north side of street in front of 236 Ohio Street)

22. Slow children at play sign – intersection of West Main Street and Ohio Street (south side of Ohio Street)

23. One half mile hill sign – West Main Street (south side of West Main Street)

24. Yellow curve arrow sign – West Main Street (south side of West Main Street)

25. Do not pass sign – intersection of West Main Street and 1st Avenue (south side of West Main Street)

26. Do not block intersection sign –West Main Street and 1st Avenue (south side of West Main Street)

27. Slow children at play sign – intersection of Grant Street and North 8th Street (south side of (Grant Street)

28. Pedestrian crossing sign – intersection of Main Street and 10th Street (west side of 10th Street)

29. Winding road sign – east of the intersection of Main Street and 10th Street (one on the north side of Main Street and one on the south side of Main Street)

30. Traffic light picture sign – East Main Street going west near the intersection of 10th Street intersection

31. No U–turn sign – East Main Street (going east, near 11th Street)

32. Curve arrow sign – East Main Street' (near 12th Street going east)

33. Winding road sign – East Main Street (near 12th Street going east)

34. Deaf child area sign – Beech Street (east side)

35. Library sign – north side of East Main Street (near Beech Street)

36. Library sign – south side of West Main Street (intersection with 1st Avenue)

37. Bridge sign – South 14th Street bridge (one on the east side and one on the west side of bridge)

38. No outlet sign – intersection of South 14th Street and Worth Street (north side of Worth Street)

39. Pedestrian crossing sign – Worth Street (between South 10th Street and Bradford Street, one on the north side and one on the south side)

40. School sign –Worth Street (between South 10th Street and Bradford Street, one on the north side and one on the south side)

41. No outlet sign – Pleasant Street (going west off from Bradford Street)

42. Watch children sign – Pleasant Street (going west off from Bradford Street)

43. Trucks prohibited except local deliveries sign – Pleasant Street between Bradford Street and South 10th Street (one sign on the north side and one sign on the south side)

44. Yellow directional sign – Bradford Street near Thompson Street (west side of Bradford Street)

45. Pedestrian crossing sign – South 10th bridge area (east side traveling north)

46. Pedestrian crossing sign with school sign – intersection of South 10th Street and Jackson Street (east side of South I 0th Street)

47. Double arrow sign (traffic turns left or right) – intersection of Jackson Street and Bradford Street

48. No trucks except local deliveries – intersection of South 8th Street and Jackson Street (east side of south 8th Street)

49. Two no trucks signs – intersection of South 5th Street and Jackson Street (traveling west on Jackson Street)

50. No trucks sign – intersection of South 4th Street and Gordon Alley (north side of Gordon Alley)

51. No trucks sign – intersection of South 10th Street and Jackson Street (north side of Jackson Street)

52. No trucks sign – intersection of Jackson Street and Bradford Street (east on Jackson Street, south side)

53. No outlet sign – North 1st Street (east side traveling north)

54. No tum on red – intersection of Main Street and North 10th Street

55. No Tum on red–intersection of Main Street and South 10th Street

56. Stop here on red–intersection of Main Street and South 10th Street

Chapter 193

WASTEWATER AND STORMWATER SYSTEMS

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§ 193-23. Fines, penalties and reimbursement.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville 4-19-2000 by Ord. No. 492. Amendments noted where applicable.]

GENERAL REFERENCES

Sewage Authority — See Ch. 44.
Sewers — See Ch. 158.
Stormwater management — See Ch. 175.
Water — See Ch. 195.

ARTICLE I
General

§ 193-1. Intent; applicability.

A. This chapter provides for the regulation of the installation and use of public and private sanitary wastewater and stormwater transmission lines, drains and disposal systems within the Borough of Reynoldsville. The chapter is intended to prevent damage to the public wastewater collection system within the borough, to reduce maintenance costs and to enhance and maintain adequate flow capacity within the system.

B. The chapter and all the rules, regulations and requirements established therein shall apply to all residents of the Borough of Reynoldsville, both private and commercial.

§ 193-2. Definitions.

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

AUTHORITY — The Reynoldsville Sewage Authority.

BOROUGH — The Borough of Reynoldsville.

BUILDING INSPECTOR — The Building Inspector of the Borough of Reynoldsville or his designee.

COMMUNITY SANITARY WASTEWATER DISPOSAL SYSTEM — All or part of a privately owned device or devices intended to treat and/or dispose of sanitary wastewater discharged from structures located on two or more parcels of land.

DEP — The Pennsylvania Department of Environmental Protection.

DOCUMENT OF CERTIFICATION — An official statement from the Manager of the Reynoldsville Sewage Authority or his designee stating that there are no known illegal storm- or surface water connections to the Authority's sanitary wastewater collection system on the specific property which is being sold.

GREASE INTERCEPTOR — A tank mechanism with a flow rate greater than 35 gallons per minute which is installed underground outside the structure being served and which extracts grease content from sanitary wastewater prior to the discharge of said wastewater into the sanitary wastewater collection system owned and/or operated by the Reynoldsville Sewage Authority.

GREASE TRAP — A tank mechanism with a flow rate of 35 gallons per minute or less which is installed in the sanitary wastewater drainage system of an individual premises, which mechanism extracts grease content from sanitary wastewater prior to the discharge of said wastewater into the sanitary wastewater collection system owned and/or operated by the Reynoldsville Sewage Authority. Grease traps shall be rated at a minimum of 22.6 gallons per minute.

INDUSTRIAL DISCHARGER — Those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category "Division D – Manufacturing" and such other classes of significant waste

producers as deemed appropriate under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.

INDUSTRIAL WASTEWATER — Liquid and water-carried industrial wastes from commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated.

MANAGER — The Wastewater Manager of the Reynoldsville Sewage Authority or his designee.

MUNICIPAL LIEN LETTER — A writing from the proper official of the Reynoldsville Sewage Authority concerning outstanding liens.

NONDOMESTIC DISCHARGER — Any owner and/or occupier of the premises used for purposes other than residential and who discharges wastewater to the sanitary wastewater collection system owned and/or operated by the Authority. This term shall include, but not be limited to, any and all commercial and/or manufacturing operations, commercial buildings and nursing and/or group homes with more than 10 residents.

NONDOMESTIC PREPARATION OF FOOD — Any food preparation conducted for consumption by a person or persons other than those residing on the subject premises and/or their household guests. This includes all restaurants, whether eat-in or take-out, cafeterias, snack bars, church kitchens and halls, grocery store kitchens, banquet halls, nursing and/or group homes with more than 10 residents and food processing businesses.

PASS-THROUGH — A discharge which exits the Authority's wastewater treatment facility into the waters of the Commonwealth of Pennsylvania in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's National Pollutant Discharge Elimination System (NPDES) permit, including an increase in the magnitude or duration of a violation.

PERSON — Any person, syndicate, association, partnership, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties.

PRIVATE SANITARY WASTEWATER DISPOSAL SYSTEM — All or part of any privately owned device or devices located on an individual parcel of land and intended to treat and/or dispose of the sanitary wastewater discharged from any structure or structures located on that parcel of land.

RESIDENTIAL USER — Owner and/or occupier of premises used only for human residency and who discharges sanitary wastewater to the sanitary wastewater collection system owned and/or operated by the Authority.

SANITARY WASTEWATER — Wastewater discharged from the sanitary convenience of dwellings, commercial and/or industrial and/or institutional building or structures.

SANITARY WASTEWATER SERVICE LINE — A pipe extension from a structure's sanitary wastewater plumbing system to the sanitary wastewater collection system owned and/or operated by the Authority.

SHALL — Is mandatory, "may" is permissible.

STORM SEWER — A sewer for conveying storm- , surface and other waters not intended to be transported to a sanitary wastewater facility.

STORM SEWER SERVICE LINE — A pipe extension from a premises to the storm sewer collection system owned and/or operated by the Borough of Reynoldsville.

SURFACE WATER — Water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

TEMPORARY DOCUMENT OF CERTIFICATION — A temporary statement of certification from the proper officer of the Reynoldsville Sewage Authority, issued pursuant to the terms of this chapter.

WASTEWATER — A combination of liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with any groundwater, surface water or stormwater that may be present.

§ 193-3. Repealer.

This chapter is intended to and does hereby supersede and replace any conflicting provisions in ordinances of the Borough of Reynoldsville.

ARTICLE II
Connection Required

§ 193-4. Required sanitary wastewater connection.

A. Every owner of property in the borough of which exists a principal building or structure, any part of which is located within 150 feet of and is accessible to a sanitary wastewater collection line owned and/or operated by the Authority, shall connect, at his own cost, said principal building or structure to said sanitary wastewater collection line at the service line connection point for the purpose of disposing of all sanitary wastewater discharge.

B. It shall be unlawful and in violation of this chapter for any owner, lessee or occupier of any property on which exists a principal structure, any part of which is located within 150 feet of and is accessible to a sanitary wastewater collection line owned and/or operated by the Authority, to employ any means, either by septic tank, mine hole or otherwise, for the disposal of wastewater, other than into and through the sanitary wastewater collection system owned and/or operated by the Authority.

§ 193-5. Connection notice.

For any property not in compliance with the requirements of § 193-4 of this article, the Authority Manager or his designee may notify the owner, lessee or occupier of such premises in writing to make proper connection for the discharge of sanitary wastewater to the sanitary wastewater collection system owned and/or operated by the Authority, as provided in this article, within 60 days after receipt of such notice.

§ 193-6. Failure to comply.

A. Should any owner of property required to connect to the Authority's sanitary wastewater collection system pursuant to § 193-4 of this article neglect or refuse to so connect within a period of 60 days after service of the notice as set forth in § 193-5, the Authority or its agency may enter upon such property and construct such connection.

B. Should the Authority or its agency construct said connection pursuant to this section, the Authority Manager or his designee shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith.

C. In the event of nonpayment of said itemized bill, a municipal lien in the amount set forth in the itemized bill, plus costs associated with the filing of the lien, shall be filed within six months of the date of completion of construction of the subject connection.

§ 193-7. Service application and inspection.

Any person required to or desiring to connect to the sanitary wastewater collection system owned and/or operated by the Authority shall submit a service application to the Authority on a form furnished by the Authority and shall set forth in such application the character of the structure to be connected, its use, the lot number and location and the name of the person who is to construct said connection. After connection has been made in accordance with the rules, regulations, plans and specifications established by the Authority and before the service line and connection point are covered, the Authority shall be notified of said connection and shall conduct an inspection of same as required by Article V, § 193-22 of this chapter.

§ 193-8. Rules and regulations for service connection.

A. The Authority is hereby authorized, empowered and directed to make reasonable rules and regulations for service line installation and connection to the public collection system as it deems necessary, which shall include, but not be limited to:

(1) Establishing the appropriate materials, procedures, plans and specifications for service line installation and connection.

(2) Establishing the form of service application.

(3) Establishing appropriate inspection and/or testing methods.

(4) Establishing the appropriate fee for inspection of service line installation and connection.

B. All rules and regulations issued pursuant to this section shall be in writing and shall be approved by the Board of Directions of the Reynoldsville Sewage Authority prior to such rules and regulations becoming effective.

§ 193-9. Septic tank remediation.

A. No privy vault, cesspool, septic tank, mine hole or other similar receptacle for sanitary wastewater solids shall at any time be connected with the sanitary wastewater collection system owned and/or operated by the Reynoldsville Sewage Authority.

B. After connection has been made to the sanitary wastewater collection system owned and/or operated by the Authority from any premises pursuant to this article, no privy vault, cesspool, septic tank, mine hole or similar receptacle for sanitary wastewater solids shall continue to be maintained on said premises, and any privy vault, cesspool, septic tank, mine hole or similar receptacle for sanitary wastewater solids shall be abandoned, cleansed and filled with clean sand or other inert materials.

ARTICLE III
Sanitary Wastewater Discharge Requirements and Prohibitions

§ 193-10. Unlawful discharges.

A. It shall be unlawful for any person whose premises are connected to the sanitary wastewater collection system owned and/or operated by the Authority to permit, allow or cause to enter into such system any wastewater from any property other than that for which the tapping permit was issued.

B. It shall be unlawful for any person whose premises are connected to the sanitary wastewater collection system owned and/or operated by the Authority to permit, allow or cause to enter into such system any of the following pollutants, substances or wastewater.

(1) Pollutants which create a fire or explosive hazard in the sanitary wastewater collection system or the Authority's wastewater treatment facility, including, but not limited to, wastestreams with a close-up flashpoint of less than 140° F.

(2) Wastewater having a pH less than 5.0, or otherwise causing corrosive structural damage to the sanitary wastewater collection system or the Authority's wastewater treatment facility or other equipment, or endangering Authority personnel.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the Authority's sanitary wastewater collection system.

(4) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts exceeding 100 mg/l as oil and grease in discharge or in amounts that will cause obstruction of the flow in the sanitary wastewater collection system or the Authority's wastewater treatment facilities or which will cause pass through at the treatment facility.

(5) Pollutants which result in the presence of toxic gases, vapors or fumes within the Authority's sanitary wastewater collection system or its wastewater treatment facilities in a quantity that may cause worker health and/or safety problems.

(6) Stormwater, surface water, groundwater, artesian well water, roof runoff or subsurface drainage.

§ 193-11. Industrial discharges.

All industrial dischargers of wastewater which are wastewater within the Borough of Reynoldsville and which discharge industrial wastewater into the Authority's sanitary wastewater collection system must comply with the provisions of the Reynoldsville Municipal Authority's Industrial Waste Pretreatment Regulations.

§ 193-12. Grease trap or interceptor requirement.

A. It shall be unlawful for any person to engage in the nondomestic preparation of food or the washing of dishes to serve food for nondomestic consumption without a properly installed, operational and regularly maintained grease inceptor or grease trap system to separate, remove, collect and contain grease content from wastewater prior to the discharge of said wastewater into the collection system owned and/or operated by the Reynoldsville Sewage Authority. The grease interceptor or grease trap system shall be installed and maintained in accordance with the requirements of the Reynoldsville Sewage Authority.

B. The type of installation (either grease trap interceptor or grease trap system) shall be determined by the total fixture flow through rate of potential grease-laden fixtures discharging through the building sanitary wastewater lines as determined in accordance with the BOCA National Plumbing code, latest edition.

   (1) For flow-through of 35 gallons per minute or less, an internal grease trap system is required.

   (2) For flow-through rates in excess of 35 gallons per minute, an external, underground grease interceptor is required.

C. A grease interceptor or grease trap system shall be installed at an appropriate location along the building sanitary wastewater discharge system before the point of connection between the sanitary wastewater service line and public collection system. Said grease interceptor or grease trap system and its installation shall be in compliance with the rules, regulations, plans and specifications as established by the Authority.

D. The grease interceptor or grease trap shall limit the amount of grease discharged into the public collection system to a level not to exceed 100 mg/l as oil and grease downstream of the interceptor or trap.

E. Where a grease interceptor is required, an inspection site tee shall be installed between the interceptor discharge point and the sanitary wastewater service line connection to the public collection system.

F. Grease interceptors and grease traps shall be maintained and kept in proper working order at all times in accordance with the rules, regulations and requirements as established by the Authority. Records of all grease interceptors or grease trap system cleaning and/or maintenance shall be kept on the subject premises at all times and shall be available for review by the Manager or his designee.

G. No solid waste devices, such as waste grinders, disposals, potato peelers, etc., shall discharge through a grease trap or grease interceptor. Only potential grease-laden fixtures may discharge through the trap or interceptor.

§ 193-13. Inspection.

A. The Manager or his designee, bearing proper identification, shall be permitted to enter any premises subject to § 193-12 this article at any reasonable time for the purpose of inspection of facilities and/or records to ensure compliance with the provisions of this article.

B. All grease interceptors and/or grease trap systems located on premises subject to § 193-14 of this article shall be inspected at least annually by the Manager or his designee. All such interceptors and/or trap systems located on premises which maintain a dining seating capacity of 50 or more shall be inspected semiannually. A written record of all inspections shall be maintained by the Authority.

C. All owners or occupiers of premises subject to § 193-12 of this article shall be required to pay the Authority a fee for each annual or semiannual inspection conducted pursuant to Article III, § 193-4B. The fee shall be established by the Authority as reimbursement for costs incurred in conducting the required inspection. The fee shall be included in the Authority's next regular billing invoice following the subject inspection.

§ 193-14. Rules and regulations for grease trap and interceptor inspection.

A. The Authority is hereby authorized, empowered and directed to make reasonable rules and regulations regarding the grease trap or interceptor requirement and inspection as set forth in §§ 193-13 and 193-14 of this article as it deems necessary, which shall include, but not be limited to:

(1) Establishing the appropriate materials, plans and specifications for the type of grease interceptor and/or grease trap system to be installed.

(2) Establishing the appropriate materials, plans and specifications for the installation of a grease interceptor and/or grease trap system.

(3) Establishing the appropriate inspection and/or testing methods.

(4) Establishing the appropriate maintenance activities and schedule required for grease interceptors and/or grease trap systems.

(5) Establishing the appropriate fee for inspection of grease trap interceptors and/or grease trap systems.

B. All rules and regulations issued pursuant to this section shall be in writing and shall be approved by the Board of Directors of the Reynoldsville Sewage Authority prior to such rules and Regulations becoming effective.

ARTICLE IV
Storm- and Surface Water Discharge/Certification Requirement

§ 193-15. Storm- and surface water discharge prohibited.

A. It shall be unlawful for any property owner within the borough whose premises are connected to the sanitary wastewater collection system owned and/or operated by the

Authority to discharge or permit to be discharged any storm- or surface water from the premises into the Authority's sanitary wastewater collection system.

B. It shall be unlawful for any property owner within the Borough of Reynoldsville to construct or maintain any connection of a roof drain, downspout, french drains or other surface water drain system in the Authority's sanitary wastewater collection system.

§ 193-16. Inspection.

The Authority Manager or his designee, bearing proper identification, shall be permitted to enter any premises at any reasonable time for the purpose of inspecting and/or testing to ensure compliance with § 193-15 of this article.

§ 193-17. Requirement of certification.

It shall be unlawful for any person to sell property located within the borough on which a building or improvement exists without first delivering unto the purchaser a document of certification or temporary document of certification issued by the Reynoldsville Sewage Authority. The Authority shall not issue a municipal lien letter for the subject property transaction unless and until a document of certification or temporary document of certification has been issued.

§ 193-18. Document of certification application.

A. Any person selling property located within the borough upon which exists any structure or improvement shall make application for a document of certification to the Reynoldsville Sewage Authority at least 14 days prior to the date of sale of the subject property.

B. The application shall be submitted on a form furnished by the Reynoldsville Sewage Authority and shall be accompanied by payment of an established fee, which fee represents the costs incurred by the Authority in performing the required test(s) and in processing the application.

C. The information set forth on the application form shall include, but not be limited to, the name and address of the seller, the location of the property being sold, the name and address of the buyer and a description of the structure and/or improvement on the property.

D. The Reynoldsville Sewage Authority shall then have an inspector proceed to the subject property and perform a dye test or smoke test of the stormwater and waste drainage systems on the subject property. The purpose of such test(s) is to determine whether any surface and/or storm water is being discharged into the Authority's sanitary wastewater collection system in violation of this article.

E. The Authority's inspector shall have the right to conduct as many of the above-referenced tests as he deems necessary. The Authority shall also have the right to rely on the results of any internal televising of the main sewer completed by the Authority or its contractor.

§ 193-19. Document of certification issuance.

A. In the event that there are no illegal storm- or surface water discharges and the existing drainage system is sound, the Reynoldsville Sewage Authority shall issue a document of certification.

B. When an illegal storm- or surface water discharge or malfunctioning drainage system is discovered by means of the above-referenced testing, no document of certification will be issued until the illegal discharge and/or malfunctioning drainage system is removed and/or repaired and the system retested and certified by the Authority. The established fee described in § 193-18B of this article must be paid to the Authority prior to each retesting required.

C. In the event of discovery by the Authority of an illegal discharge and/or a malfunctioning drainage system, a notice describing said violations and the required remediation will be sent by the Authority to the applicant.

§ 193-20. Temporary document of certification.

A temporary document of certification may be issued at the sole discretion of the Reynoldsville Sewage Authority when either:

A. Testing.

(1) The Authority determines that the required testing cannot be performed because of weather conditions, and when such is the case, the applicant shall provide the Authority with a signed written acknowledgment from the purchaser of the subject property agreeing to correct, at the said purchaser's sole expense, any unlawful discharges that may be discovered as a result of subsequent testing.

(2) The applicant shall also provide the Authority with full payment of the Authority's established fee for the testing and processing costs.

(3) Within 30 days of the date of issuance of a temporary document of certification, the Authority will perform adequate testing of the subject property and will issue a document of certification if the testing reveals no unlawful discharges. If unlawful discharges are found during this testing, the purchaser of the property will be held responsible for immediate remediation.

(4) A failure to remediate within a reasonable time specified by the Authority may result in the imposition of a fine for violation of this chapter.

B. When an unlawful discharge or malfunctioning drainage system has been discovered and the necessary remedial activities to correct such violations(s) would require a length of time such as to create a practical hardship for the applicant, the applicant may apply to the Authority for a temporary document of certification which may only be issued when the applicant provides the Authority with all of the following:

(1) A bona fide executed contract between the applicant and a registered licensed plumber to complete the necessary remedial work.

(2) A deposit equal to the amount of said plumbing contract is posted with the Authority as surety for work completion.

(3) An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Authority to enter upon the property to complete work in case of default by the contractor. The Authority Manager or his designee shall determine when such temporary document of certification shall expire. At the expiration of such time period, if the remedial work has been completed on the subject property, the deposit shall be returned to the applicant.

(4) If the time period set forth on the temporary document of certification should expire prior to the completion of the required remediation work, the deposit will be forfeited in the amount required by the Authority to complete the necessary remedial work.

§ 193-21. Rules and regulations for certification requirement.

A. The Reynoldsville Sewage Authority is hereby authorized, empowered and directed to make reasonable rules and regulations for the application and/or issuance of the required document of certification as it deems necessary, which shall include, but not be limited to:

(1) Establishing acceptable forms of security or guaranties.

(2) Establishing the appropriate fee for the required testing and processing.

(3) Establishing acceptable testing methods.

(4) Establishing the forms of application, purchaser acknowledgment, document of certification and temporary document of certification.

(5) Limiting the times of year in which temporary documents of certification are available for weather-related reasons.

B. All rules and regulations issued pursuant to this section shall be in writing and shall be approved by the Board of Directors of the Reynoldsville Sewage Authority prior to such rules and regulations becoming effective.

ARTICLE V
Service Lines

§ 193-22. Sanitary wastewater service lines.

A. Sanitary wastewater service lines shall convey only sanitary wastewater and a nominal amount of infiltration and shall not be connected to any source of surface or storm water of any nature.

B. All sanitary wastewater service lines carrying wastewater from any structure within the borough into the sanitary wastewater collection system owned and/or operated by the Authority shall be constructed in accordance with the current construction standards and specifications of the Reynoldsville Sewage Authority.

C. No sanitary wastewater service line shall be installed in a common trench with any other utility line.

D. Prior to the construction and/or installation of a sanitary wastewater service line, the person to construct and/or install said service line must be either the individual property owner or a professional plumber licensed to do business in the Commonwealth of Pennsylvania.

E. The erection, construction and/or installation of all sanitary wastewater service lines, when connected with the sanitary wastewater collection system owned and/or operated by the Authority, shall be so connected in accordance with the provisions of this chapter and the rules, regulations, plans and specifications established by the Authority pursuant to Article II, § 193-8 of this chapter, as the same may be from time to time amended.

F. Every sanitary wastewater service line shall be inspected by the Authority after connection to the Authority's service line connection point has been made and before said line and/or connection point has been covered. The purpose of said inspection is to ensure compliance with the provisions of both this article and Article II of this chapter, as well as the rules, regulations, plans and specifications established by the Authority pursuant to Article II, § 193-8. An established fee shall be paid to the Authority as reimbursement for costs incurred in conducting said inspection

G. No water service will be permitted by the Authority unless and until the sanitary wastewater service line has passed the required inspection.

ARTICLE VI
Enforcement

§ 193-23. Fines, penalties and reimbursement.

Any person who shall fail, neglect or refuse to comply with any of the terms or provisions of this chapter, or with any rule, regulation or requirement established pursuant thereto and authorized thereby shall, upon conviction before any District Justice, be sentenced to pay a fine not to exceed $1,000 per day plus costs of prosecution to the Borough of Reynoldsville and $300 reimbursement to the Reynoldsville Sewage Authority for costs incurred by it in enforcing this chapter and for damage sustained by its facilities as a result of the violation.

Chapter 195

WATER

ARTICLE I
Public Water System

§ 195-1. Connection to public system required.
§ 195-2. Compliance required; fees.
§ 195-3. Notice to connect; extension.
§ 195-4. Cross-connection prohibited; alternate water sources.
§ 195-5. Conditions for connection.
§ 195-6. Water System Rules and Regulations.
§ 195-7. Failure to comply; collection of costs.
§ 195-8. Applicability to mobile home parks.
§ 195-9. Payment of water bill.
§ 195-10. Violations and penalties.

ARTICLE II
Water Rationing Plan

§ 195-11. Adoption of plan by reference.
§ 195-12. Definitions.
§ 195-13. Purpose.
§ 195-14. Scope.
§ 195-15. Objective of the plan.
§ 195-16. Prohibited nonessential water uses.
§ 195-17. General requirements for water use reductions.
§ 195-18. Water use restrictions for residential users.
§ 195-19. Water use restrictions for nonresidential water customers.
§ 195-20. Water use restrictions for hospitals and health care facilities.
§ 195-21. Enforcement.
§ 195-22. Violations and penalties.
§ 195-23. Severability.
§ 195-24. Amendment of the plan.
§ 195-25. Effective period.
§ 195-26. Effective date.

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Municipal Authority — See Ch. 5.
Building construction — See Ch. 70.
Fire prevention — See Ch. 99.
Plumbing standards — See Ch. 144.
Trailers and mobile homes — See Ch. 187.

ARTICLE I
Public Water System
[Adopted 3-18-1992 by Ord. No. 467]

§ 195-1. Connection to public system required.

Every owner of property in the Borough of Reynoldsville (herein called "borough"), which property has now or hereafter shall have a house, building or other structure located thereon, which house, building or other structure presently uses or in the future will use water for human consumption or use or for any commercial use or purpose and which property abuts upon any street, alley or other roadway in the borough in which there is a water main of the public water supply and distribution system of the Municipal Authority of the Borough of Reynoldsville (hereafter called the "Authority") now in existence or to be constructed hereafter or which house, building or other structure is within 200 feet of any street, alley or other roadway in the borough in which there is a water main of the public water supply and distribution system of the Authority shall provide a connection at the owner's cost to the house, building or other structure located on the property with the aforementioned public water system.

§ 195-2. Compliance required; fees.

It shall be unlawful for any owner of property to which the provisions of § 195-1 of this article apply to fail to provide the means of connection to the public water system by way of a service line and a tap to the Authority's distribution system and/or to fail to comply with the provisions of this article, including the payment of the tap fee and the monthly service fee to the Authority.[1]

§ 195-3. Notice to connect; extension.

It shall be the duty of the authorized representative of the Authority to notify the owner and any lessee or occupier of each structure covered hereunder, in writing, either by personal service, certified mail or registered mail, to connect the same to said public water system, as herein provided, within 90 days after receipt of such notice. Any owner, lessee or occupier of a structure who cannot comply with the provisions of this section as to connection within the ninety-day period stipulated above due to causes beyond his control shall apply to the Authority within said ninety-day period for a time extension of up to six months in duration. Said application shall be made on a form to be furnished by the Authority and shall contain a voluntary agreement on the part of the applicant under which the applicant shall agree to commence paying the regular minimum water bill as determined by the Water System Rules and Regulations[2] immediately even though actual connection to the public water system will not be accomplished until some later date within said six-month extension period.

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1 **Editor's Note: Said fees are on file in the borough offices.**

2 **Editor's Note: The Water System Rules and Regulations are on file in the borough offices.**

§ 195-4. Cross-connection prohibited; alternate water sources.

A. It shall be unlawful for any person, firm or corporation connected to the public water system to connect to or permit the connection by any other person, firm or corporation of any other source of water supply for human consumption or any human use, whether commercial or otherwise, to the public water system, unless a proper system to prohibit any such other water supply from entering into the public water system is first installed and approved by the Borough of Reynoldsville.

B. Should any person elect to use an alternate source of water, in addition to the public water system, payment of a minimum of water usage shall still be made, regardless of consumption, and any such alternate water source must be fit for human consumption before usage can occur.

C. Proper water analysis by a duly certified water laboratory shall be forwarded to the borough as proof of the potability of the said water and shall be subsequently provided to the said borough upon request.

D. The portion of the water system on each owner's property shall be open for inspection at all reasonable times to the Authority to determine whether a cross-connection in violation of this section exists. Each owner, as a condition of continued delivery of water service, consents to the entry at reasonable time upon the owner's premises by the Authority for the purposes stated herein. The existence of such a cross-connection or failure to permit the entry of the Authority to inspect for the same shall be considered grounds for legal action by the Authority without further notice to the owner.

§ 195-5. Conditions for connection.

No person, firm or corporation not presently connected to the public water system shall make or cause to be made any connection with the public water system until he has fulfilled all of the following conditions:

A. He shall make application to the Authority, upon a permanent form to be formulated and supplied by the Authority, for permission to connect to the aforementioned public water system. Among other things, the applicant must state the character and use of each structure located on his property.

B. He shall pay the required tap connection fee as provided under the rules and regulations of the Authority.[3]

C. No work shall commence before the payment of the aforesaid tap connection fee and issuance of the aforementioned connection permit.

D. He shall give the Authority at least 24 hours' notice of the time when such connection shall be made in order that an authorized representative of the Authority can be present to inspect and approve the work and connection. The representative shall signify his approval of the connection by endorsing his name and date of approval on the aforementioned connection permit in the possession of the permittee(s).

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3 **Editor's Note: Said fees are on file in the borough offices.**

E. At the time of inspection of the connection, the owner of the property shall permit the Authority full and complete access to all water system facilities in each building and in and about all parts of the property. No water connection shall be covered over, or in any way concealed, until after it has been inspected and approved by the Authority.

§ 195-6. Water System Rules and Regulations.

The construction of all connections between any house, building or other structure and the public water system shall be done in accordance with the specifications, plans and procedures established by the Authority in its Water System Rules and Regulations, as the same may be from time to time amended, copies of which will, upon adoption of the Authority, be maintained on file at the Authority's offices.

§ 195-7. Failure to comply; collection of costs.

If the owner of any house, building or other structure in the borough shall neglect or refuse to comply with the provisions of this article or the written notice as prescribed in § 195-3 hereof, the borough or the Authority may perform or cause to be performed such work and labor and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this article at the cost and expense of such owner or owners; said cost and expense shall be equal to the cost and expense of the labor and materials and miscellaneous to the party who performs the work, plus 33⅓% additional amount thereof on all of the cost and expense of the party performing the work, which sum shall be collected from said owner for the use of the borough or the Authority as debts are by law collectible, or the borough or the Authority may, by its proper officer, file a municipal claim or lien therefor against said premises as provided by law. These remedies shall be cumulative and the exercise of one remedy shall not eliminate the right to enforce any other such remedies.

§ 195-8. Applicability to mobile home parks.[4]

If one or more mobile homes, located in a mobile home park, are subject to the provisions of this article by reason of being located on property which abuts upon any street, alley or other roadway in the borough in which there is a water main of the public water supply and distribution system of the Authority or being within 200 feet of any street, alley or other roadway in the borough in which there is a water main of the public water supply and distribution system of the Authority, then all mobile homes in such mobile home park shall be subject to the provisions of this article.

§ 195-9. Payment of water bill.

In the event that any owner of property in the borough, which property has now or hereafter shall have a house, building or other structure located thereon, which house, building or other structure presently uses or in the future will use water for human consumption or use or for any

[4] **Editor's Note: See Ch. 187, Trailers and Mobile Homes.**

commercial use or purpose and which property abuts upon any street, alley or other roadway in the borough in which there is a water main of the public water supply and distribution system of the Authority now in existence or to be constructed hereafter or which house, building or other structure is within 200 feet of any street, alley or other roadway in the borough in which there is a water main of the public water supply and distribution system of the Authority, shall be obligated for the elapse of the ninety-day period set forth in § 195-3 of this article to pay a regular water bill until such time as the connection required in this article is made or accomplished, said regular water bill shall be the minimum bill applicable under the Water System Rules and Regulations of the Authority. After said connection the owner shall be obligated to pay a regular water bill pursuant to the Water System Rules and Regulations of the Authority and which regular water bill shall be at least the minimum bill applicable under the Water Systems Rules and Regulations.

§ 195-10. Violations and penalties.[5]

In addition to any penalty hereinabove prescribed, any person, firm or corporation failing to make the proper connection within the time specified, after receipt of proper notice as provided in § 195-3 hereof, shall, upon conviction hereof before a District Justice, pay a fine or penalty of not more than $600, plus costs of prosecution, and, upon default of payment thereof, shall be sentenced to undergo an imprisonment of not more than 30 days in the county jail. Furthermore, any person, firm or corporation maintaining any cross-connection in violation of § 195-4 herein or failing to permit inspection for the same by the Authority shall, upon conviction hereof before a District Justice, pay a fine or penalty of not more than $600, plus costs of prosecution, and, upon default of payment thereof, shall be sentenced to undergo an imprisonment of not more than 30 days in the county jail.

ARTICLE II
Water Rationing Plan
[Adopted 1-27-1999 by Ord. No. 487]

§ 195-11. Adoption of plan by reference.

The Borough of Reynoldsville does hereby ordain and adopt in its entirety the Reynoldsville Water Authority Drought Contingency Plan, as well as the Local Water Rationing Plan for the service area of the Reynoldsville Water Authority, now in effect or as may hereinafter be put into effect by said Reynoldsville Water Authority, including all of the terms and conditions contained therein not inconsistent herewith. In that regard, the following shall apply.

§ 195-12. Definitions.

See the Reynoldsville Water Authority Local Water Rationing Plan.[6]

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5 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

6 **Editor's Note: The Reynoldsville Water Authority Local Water Rationing Plan is on file in the borough offices.**

§ 195-13. Purpose.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-14. Scope.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-15. Objective of the plan.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-16. Prohibited nonessential water uses.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-17. General requirements for water use reductions.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-18. Water use restrictions for residential users.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-19. Water use restrictions for nonresidential water customers.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-20. Water use restrictions for hospitals and health care facilities.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-21. Enforcement.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-22. Violations and penalties.

Any person who violates the provisions of this plan, who fails to carry out duties and responsibilities imposed by this plan or who impedes or interferes with any action undertaken or ordered pursuant to this plan, shall, upon conviction, pay a fine not to exceed $1,000 and, in default of payment, shall undergo imprisonment for a term not to exceed 30 days, and shall be subject to the penalties provided by law under 35 Pa. C.S.A. 7707, whichever penalties are higher.

§ 195-23. Severability.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-24. Amendment of the plan.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-25. Effective period.

See the Reynoldsville Water Authority Local Water Rationing Plan.

§ 195-26. Effective date.

See the Reynoldsville Water Authority Local Water Rationing Plan.

APPENDIX

Chapter A203
STREET ACCEPTANCES

ARTICLE I
Alleys

§ A203-1. Designation of alley names.
§ A203-2. Maintenance and acceptance of alleys.
Street Acceptances, Exhibit A

[HISTORY: Adopted by the Borough Council of the Borough of Reynoldsville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 179.

ARTICLE I
Alleys
[Adopted 3-19-1997 by Ord. No. 479]

§ A203-1. Designation of alley names.

Following a review by personnel of the Borough of Reynoldsville, it is herewith ordained that the 14 alleys named and set forth in Exhibit A to this ordinance[1] are herewith designated with the names as set forth therein and for the distances as indicated on each of the particular alleys.

§ A203-2. Maintenance and acceptance of alleys.

In acknowledging the existence of said alleys and recognizing that some of the alleys may have different widths and have different needs, the Borough of Reynoldsville agrees to cooperate in maintaining the same and does hereby accept the same into their network of roadways within the Borough of Reynoldsville.

(Cont'd on page A20303)

1 **Editor's Note: Exhibit A is included at the end of this chapter.**

Street Acceptances
Exhibit A

1. OLD PIKE ALLEY – From the Borough of Reynoldsville line in a generally Eastern direction, a distance of approximately 486 feet, more or less, to a point intersecting with West Main Street.

2. JEWELL ALLEY – Commencing at a point on Brown Street, and proceeding in a generally Western direction parallel to and between Ohio Street and West Main Street, a distance of 896 feet, more or less, and ending.

3. HORNER ALLEY – Beginning at a point on West Main Street, between Erie Street and Brown Street, and proceeding parallel to Erie Street in a generally Northern direction, a distance of 300 feet, more or less, to Ohio Street.

4. HASSEN ALLEY – Beginning at a point on West Main Street, and proceeding a distance of 150 feet, more or less, in a generally Southern direction, and thence turning to a general Eastern direction, and proceeding a distance of 787 feet, more or less, to a point of intersection with Second Avenue.

5. DRAYER ALLEY – Beginning at an intersecting point with Power Street, between Lewis Street and Brown Street, and proceeding in a generally Northeastern direction parallel to Lewis Street and Brown Street, a distance of 1,887.4 feet, more or less, ending at a point abutting Lot No. 5 in an approved subdivision located on Lewis Extension.

6. GIBSON ALLEY – Beginning at a point on Lewis Street, between Power Street and Central Street, and proceeding in a generally Southeastern direction parallel to Power Street and Central Street, a distance of 600 feet, more or less, ending at an intersecting point with Broadway Street.

7. CROSBY ALLEY – Beginning at an intersecting point with Drayer Alley, between Central Street and Warner Street, and proceeding in a generally Southeastern direction, a distance of 450 feet, more or less, and ending at an intersecting point with Broadway Street.

8. KLINE ALLEY – Beginning at a point intersecting with Warner Street, between Brown Street and Broadway Street, and proceeding in a generally Southwestern direction parallel to Brown Street and Broadway Street, a distance of 1,460 feet, more or less, ending at an intersecting point with Rutter Alley.

9. RUTTER ALLEY – Beginning at point of intersection with Kline Alley, between Power Street and Main Street, and proceeding in a generally Eastern direction parallel to Power Street, a distance of 550 feet, more or less, to the point of intersection with the right-of-way of Pennsylvania Railroad, and continuing on the Eastern side of Pennsylvania Railroad right-of-way, an addition distance of 376 feet, more or less, to an intersecting point with Water Street. (The alley on the Eastern side of the Pennsylvania Railroad right-of-way has been named and in existence; the stretch of alley named herein as Rutter Street exists totally on the Western side of Pennsylvania Railroad.)

10. LEWIS EXTENSION – Beginning at a point of intersection with Arms Street and Lewis Street, and proceeding in a direction that continues Lewis Street in a generally Northeastern direction, a distance of 155 feet, more or less, ending in a cul-de-sac.

11. KOUGHER ALLEY – Beginning at an intersecting point on Lewis Street, between Arms Street and Central Street, Northwestern direction parallel to Arms Street and Central Street, a distance of 300 feet, more or less, to the Borough of Reynoldsville line with Winslow Township.

12. MILLERS ALLEY – Beginning at a point of intersection on Worth Street, East of 14th Street, and proceeding in a generally Southern direction parallel to 14th Street, a distance of 310 feet, more or less.

13. BECK ALLEY – Beginning at an intersecting point on Main Street, between 12th Street and 14th Street, and proceeding in a generally Southern direction, a distance of 150 feet, more or less, thence proceeding in a generally Eastern direction, a distance of 95 feet, more or less, to an intersecting point with 14th Street.

14. STITT ALLEY – Beginning at a point of intersection at the Northwesterly end of Baxter Street, at the point of intersection of Baxter Street and the Pennsylvania Railroad right-of-way, and proceeding in a Northeasterly direction parallel to the Pennsylvania Railroad right-of-way, a distance of 226 feet, more or less.

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Borough of Reynoldsville adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Borough Clerk. The last legislation reviewed for the original publication of the Code was Ordinance No. 477, adopted 3-19-1997. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the Borough Clerk.

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§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
Res. No. 6-5-97-1	6-5-1997	Approval to secure general obligation note	NCM
Res. No. 7-16-97-1	7-16-1997	Emergency Operations Plan	NCM
Ord. No. 480	8-20-1997	Adoption of Code	Ch.1, Art. I
Ord. No. 481	10-15-1997	Processions and assemblages	Ch. 147
Res. No. 12-15-97-1	12-15-1997	Appropriation	NCM
Ord. No. 482	12-15-1997	Tax millage	NCM
Res. No. 12-15-97-2	12-15-1997	Per capita tax levy	NCM
Res. No. 12-15-97-3	12-15-1997	Earned income tax levy	NCM
Res. No. 12-15-97-4	12-15-1997	Occupational privilege tax levy	NCM
Res. No. 12-15-97-5	12-15-1997	Real estate transfer tax levy	NCM
Res. No. 12-15-97-6	12-15-1997	Occupational assess- ment tax levy	NCM
Res. No. 12-15-97-7	12-15-1997	Police Pension Fund levy	NCM
Res. No. 12-15-97-8	12-15-1997	Liquid fuels tax	NCM
Res. No. 2-15-1998-1	2-15-1998	Tax anticipation note	NCM
Res. No. 3-18-98-1	3-18-1998	State Treasurer's INVEST Program	NCM
Res. No. 3-18-98-2	3-18-1998	Harassment	Ch. 19
Res. No. 4-15-98-1	4-15-1998	Police Pension Fund levy	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 483	4-27-1998	Municipal Drug Task Force agreement	NCM
Res. No. 6-17-98-1	6-17-1998	Cable franchise fees	NCM
Ord. No. 484	6-17-1998	Police Pension Fund amendment	Ch. 31, Art. I (FN only)
Ord. No. 485	7-15-1998	Parks and recreational facilities	Ch. 137
Ord. No. 486	7-15-1998	Activities requiring permits	Ch. 142
Res. No. 7-15-98-1	7-15-1998	Fee schedule	NCM
Res. No. 8-24-98-1	8-24-1998	Agreement	NCM
Res. No. 12-16-98-1	12-16-1998	Adoption of budget	NCM
Res. No. 12-16-98-2	12-16-1998	Per capita tax levy	NCM
Res. No. 12-16-98-3	12-16-1998	Earned income tax levy	NCM
Res. No. 12-16-98-4	12-16-1998	Occupational privilege tax levy	NCM
Res. No. 12-16-98-5	12-16-1998	Real estate transfer tax levy	NCM
Res. No. 12-16-98-6	12-16-1998	Real estate millage	NCM
Res. No. 12-16-98-7	12-16-1998	Occupational assessment tax levy	NCM
Res. No. 12-16-98-8	12-16-1999	Liquid fuels tax	NCM
Ord. No. 487	1-27-1999	Water Rationing Plan	Ch. 195, Art. II
Res. No. 1-27-99-1	1-27-1999	Tax anticipation note	NCM
Res. No. 2-17-99-1	2-17-1999	Reenactment of certain Police Department policies	NCM
Res. No. 2-17-99-2	2-17-1999	Emergency Operations Plan	NCM
Ord. No. 488	4-21-1999	Insurance: fire insurance claims	Ch. 115, Art. I
Ord. No. 489	5-19-1999	Parks and recreational facilities amendment	Ch. 137
Res. No. 7-21-99-1	7-21-1999	Records	Ch. 155
Ord. No. 490	8-9-1999	Hazardous wastes	Ch. 113
Res. No. 10-20-99-1	10-20-1999	Collection of delin- quent taxes amendment	Ch. 184, Art. VI
Res. No. 10-20-99-2	10-20-1999	Collection of delin- quent taxes amendment	Ch. 184, Art. VI
Ord. No. 491	12-20-1999	Tax millage	NCM
Res. No. 12-20-99-1	12-20-1999	Appropriation	NCM
Res. No. 12-20-99-2	12-20-1999	Per capita tax levy	NCM
Res. No. 12-20-99-3	12-20-1999	Earned income tax levy	NCM
Res. No. 12-20-99-4	12-20-1999	Occupational privilege tax levy	NCM
Res. No. 12-20-99-5	12-20-1999	Real estate transfer tax levy	NCM

Enactment	Adoption Date	Subject	Disposition
Res. No. 12-20-99-6	12-20-1999	Occupational assessment tax levy	NCM
Res. No. 12-20-99-7	12-20-1999	Liquid fuels tax	NCM
Res. No. 12-20-99-8	12-20-1999	Fee for Borough Code	NCM
Ord. No. 492	4-19-2000	Wastewater and storm- water systems	Ch. 193
Res. No. 7-19-00-1	7-19-2000	Street restoration	Ch. 179, Art. VIII
Res. No. 10-18-00-1	10-18-2000	Emergency Operations Plan	NCM
Ord. No. 493	11-15-2000	Vehicles and traffic amendment	Ch. 190
Ord. No. 494	11-15-2000	Vehicles and traffic amendment	Ch. 190
Ord. No. 495	12-20-2000	Tax millage	NCM
Ord. No. 496	12-20-2000	Vehicles and traffic amendment	Ch. 190
Ord. No. 497	12-20-2000	Police Pension Fund amendment	Ch. 31, Art. I
Res. No. 12-20-00-01	12-20-2000	Appropriation	NCM
Res. No. 12-20-00-02	12-20-2000	Per capita tax levy	NCM
Res. No. 12-20-00-03	12-20-2000	Earned income tax levy	NCM
Res. No. 12-20-00-04	12-20-2000	Occupational privilege tax levy	NCM
Res. No. 12-20-00-05	12-20-2000	Real estate transfer tax levy	NCM
Res. No. 12-20-00-06	12-20-2000	Occupational assessment tax levy	NCM
Res. No. 12-20-00-07	12-20-2000	Liquid fuels tax levy	NCM
Res. No. 12-20-00-08	12-20-2000	Garbage pickup agreement amendment	NCM
Res. No. 2-21-01-1	2-21-2001	Exemption for property in proposed Keystone Opportunity Expansion Zone	Ch. 184, Art. IX
Ord. No. 498	3-21-2001	Nonuniformed employees pension plan amendment	See Ch. 31, Art. II
Ord. No. 499	3-21-2001	Street acceptances	NCM
Res. No. 5-16-01-1	5-16-2001	Emergency Operations Plan	NCM
Res. No. 5-16-01-2	5-16-2002	Fee schedule amendment	NCM
Ord. No. 500	9-19-2001	Street acceptances amendment	NCM
Ord. No. 501	9-19-2001	Tax millage	NCM

Enactment	Adoption Date	Subject	Disposition
Res. No. 12-19-01-1	12-19-2001	Appropriation	NCM
Res. No. 12-19-01-2	12-19-2001	Per capita tax levy	NCM
Res. No. 12-19-01-3	12-19-2001	Earned income tax levy	NCM
Res. No. 12-19-01-4	12-19-2001	Occupational privilege tax levy	NCM
Res. No. 12-19-01-5	12-19-2001	Real estate transfer tax levy	NCM
Res. No. 12-19-01-6	12-19-2001	Occupational assessment tax levy	NCM
Res. No. 12-19-01-7	12-19-2001	Liquid fuels tax levy	NCM
Res. No. 3-20-02-1	3-20-2002	Tax certifications	Ch. 184, Art. X
Res. No. 3-20-02-2	3-20-2002	Act 537 special study	NCM
Res. No. 11-20-2002-1	11-20-2002	Appointment	NCM
Res. No. 11-20-2002-2	11-20-2002	Transfer of assets	NCM
Ord. No. 502	12-18-2002	2003 tax rate	NCM
Res. No. 12-18-02-1	12-18-2002	2003 budget	NCM
Res. No. 12-18-02-2	12-18-2002	2003 per capita tax	NCM
Res. No. 12-18-02-3	12-18-2002	2003 earned income tax	NCM
Res. No. 12-18-02-4	12-18-2002	2003 occupational privilege tax	NCM
Res. No. 12-18-02-5	12-18-2002	2003 real estate transfer tax	NCM
Res. No. 12-18-02-6	12-18-2002	2003 occupational assessment tax	NCM
Res. No. 12-18-02-7	12-18-2002	2003 liquid fuels tax	NCM
Res. No. 12-18-02-8	12-18-2002	Fee schedule amendment	NCM
Ord. No. 503	1-15-2003	Nonuniformed employees pension plan	NCM
Ord. No. 504	1-15-2003	Police pension plan and fund	Ch. 31, Art. I
Res. No. 6-10-03-1	6-10-2003	Emergency operations plan	NCM
Ord. No. 505	11-19-2003	Earned income tax	Ch. 184, Art. II
Ord. No. 506	12-17-2003	Tax millage	NCM
Ord. No. 507	5-26-2004	Outdoor furnaces	Ch. 79, Art. II
Ord. No. 508	5-26-2004	Vehicles and traffic amendment	Ch. 190
Ord. No. 509	5-26-2004	Adult-oriented businesses and material	Ch. 58
Ord. No. 510			Rescinded by Council
Ord. No. 511	7-14-2004	Street vacation	NCM
Ord. No. 512	9-29-2004	Explosives: blasting for mining	Ch. 95, Art. II

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Ord. No. 513	9-29-2004	Dangerous buildings amendment	Ch. 73
Ord. No. 514	12-15-2004	2005 tax rate	NCM
Ord. No. 515	12-15-2004	Per capita tax amendment	Ch. 184, Art. I
Ord. No. 516	12-15-2004	Occupation assessment tax amendment	Ch. 184, Art. IV
Ord. No. 517	12-15-2004	Amusement tax amendment	Ch. 184, Art. VII
Ord. No. 518	12-29-2004	Emergency management and municipal services tax	Superseded by Ord. No. 527
Ord. No. 519	2-16-2005	Setback requirements amendment	Ch. 70, Art. I, Editor's note only
Ord. No. 520	5-4-2005	Occupation assessment tax amendment	Ch. 184, Art. IV
Ord. No. 521	12-21-2005	2006 tax rate	NCM
Ord. No. 522	5-17-2006	Police Pension Plan and Fund amendment	Ch. 31, Art. I
Ord. No. 523	12-20-2006	2007 tax rate	NCM
Ord. No. 524	1-17-2007	Uniform construction codes	Ch. 82
Ord. No. 525	2-21-2007	Open burning	Ch. 79, Art. I
Ord. No. 526	3-21-2007	Police Pension Plan and Fund amendment	Ch. 31, Art. I
Ord. No. 527	11-7-2007	Local services tax	Ch. 184, Art. III
Ord. No. 528	12-19-2007	Occupation assessment tax amendment	Ch. 184, Art. IV
Ord. No. 529	12-27-2007	2008 tax rate	NCM
Ord. No. 530	12-27-2007	Police Pension Plan and Fund amendment	Ch. 31, Art. I
Ord. No. 531	11-19-2008	Sex offenders: residency restrictions	Ch. 159, Art. I
Ord. No. 532	11-19-2008	Collection of delinquent taxes amendment	Ch. 184, Art. VI
Ord. No. 533	12-17-2008	2009 tax rate	NCM
Ord. No. 534	5-20-2009	Collection of delinquent taxes amendment	Ch. 184, Art. VI
Ord. No. 535	12-16-2009	2010 tax rate	NCM
Ord. No. 534	5-20-2009	Collection of Delinquent Taxes	Ch. 184
Ord. No. 535	12-16-2009	Tax Rate	NCM
Ord. No. 536	8-11-2010	Housing, Transitional	Ch. 114
Ord. No. 537	12-15-2010	Tax Rate	NCM
Ord. No. 538	2-16-2011	Stormwater Management	Ch. 175
Ord. No. 539	7-20-2011	Police Pension Plan	Ch. 31

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Ord. No. 540	8-10-2011	Parking Violations	Ch. 190
Ord. No. 541	12-21-2011	Tax Rate	NCM
Ord. No. 542	12-21-2011	Tax Levy	NCM
Ord. No. 543	1-18-2012	Floodplain Management	Ch. 104
Ord. No. 543A	2-15-2012	Intergovernmental Agreement	NCM
Ord. No. 544	12-19-2012	Tax Rate	NCM
Ord. No. 545	12-18-2013	Tax Rate	NCM
Ord. No. 546	3-19-2014	Disorderly Conduct Amendment; Firing Ranges	Ch. 88; Ch. 100
Ord. No. 547	3-19-2014	Amusement Tax Repealer	Ch. 184, Art. VII, reference only
Ord. No. 548	11-19-2014	Police Pension Plan and Fund Amendment	Ch. 31, Art. I
Ord. No. 549	12-17-2014	Real Estate Tax Rate	NCM
Ord. No. 550	4-15-2015	Vehicles, All-Terrain	Ch. 189
Ord. No. 551			Not yet codified
Ord. No. 552	8-19-2015	Street Vacation	NCM
Ord. No. 553	12-23-2015	Real Estate Tax Rate	NCM
Ord. No. 554	12-21-2016	Real Estate Tax Rate	NCM
Ord. No. 555	3-29-2017	Non Uniformed Pension Plan	See Ch. 31
Ord. No. 556	4-19-2017	International Property Maintenance Code	Ch. 149

DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

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