CODE
OF THE
BOROUGH OF
NORTHUMBERLAND

COUNTY OF
NORTHUMBERLAND

COMMONWEALTH OF
PENNSYLVANIA

August 2007

1	General Provisions		
	1-1. Adoption Code. 1-2 When effective. 1-3 Repeal of ordinances not contained in Code. 1-4 Ordinances saved from repeal; matters not affected by repeal. 1-5 Inclusion of new legislation prior to adoption of Code. 1-6 Changes in previously adopted ordinances. 1-7 Copy of Code on file. 1-8 Amendments to Code. 1-9 Code book to be kept up-to-date. 1-10 Sale of Code book; supplements provided. 1-11 Publication; filing. 1-12 Severability of Code provisions. 1-13 Severability of ordinance provisions. 1-14 Altering or tampering with Code; penalties for violation.		
2	Borough Manager		
	2-1. Creation of the office. 2-2. Appointment and removal. 2-3. Qualifications. 2-4. Bond. 2-5. Manager’s compensation. 2-6. Powers and duties. 2-7. Procedural limitations on Council. 2-8. Disability or absence of the Manager. 2-9. Gender. 2-10. Repeal of ordinance. 2-11. Authorization for contract.		
3	(Reserved)		
4	(Reserved)		
5	Fire Department		
	5-1. Composition. 5-2. Fire Board. 5-3. Fire Chief and Assistant Fire Chief. 5-4. Chain of Command. 5-5. Out-of town alarms; parades. 5-6. Communications. 5-7. Apparatus. 5-8. Fire Police. 5-9. Fire Police duties. 5-10. Fire Police officers. 5-11. Donation from Council. 5-12. Rules and regulations. 5-13. Violations.		

6	(Reserved)		
7	(Reserved)		
8	Personnel		
	Municipal Retirement System 8-1. Election to change benefits. 8-2. Membership. 8-3. Credit for prior service 8-4. Municipal obligation. 8-5. Authorization of agreement. 8-6. Repeal of previous ordinance. 8-7. Filing with Retirement Board; effective date.		
9	Planning Commission		
	9-1. Commission created; name. 9-2. Powers and duties. 9-3. Membership of Commission; compensation. 9-4. Terms of office. 9-5. Filling of vacancies. 9-6. Residency requirements. 9-7. Records; annual report. 9-8. Preparation and maintenance of comprehensive plan. 9-9. Duties relative to zoning. 9-10. Compliance with statutory provisions. 9-11. Provisions adopted. 9-12. Purpose; enactment.		
10	(Reserved)		
11	Police Department		
	11-1. Establishment; membership; appointment. 11-2. Special policemen. 11-3. Probation. 11-4. Acting Department constituted as permanent Department.		
12	Police Pension Fund		
	12-1. Election to change benefits. 12-2. Membership. 12-3. Credit for prior service. 12-4. Municipal obligation. 12-5. Authorization of agreement. 12-6. Repeal of previous ordinance. 12-7. Filing with Retirement Board; effective date.		
13	(Reserved)		
14	(Reserved)		
15	(Reserved)		

16 **Shade Tree Commission**
16-1. Commission established.
16-2. Duties and powers.
17 (Reserved)
18 (Reserved)
19 (Reserved)
20 (Reserved)
21 **Alcoholic Beverages**
21-1. Public Places.
21-2. Violations and penalties.
22 (Reserved)
23 **Building Construction**
23-1. Adoption of standards by reference.
23-2. Amendments, additions and deletions.
23-3. Inconsistent ordinances repealed.
23-4. Saving clause.
23-5. Date of effect.
24 **Dogs**
24-1. Control of dogs on public property.
24.2. Dogs prohibited on private property without owner's consent.
24-3. Nuisances.
24-4. Curbing of dogs required.
24-5. Disturbing the peace prohibited.
24-6. Definitions.
24-7. Violations and penalties.
25 **Electrical Standards**
25-1. Adoption of standards by reference
25-2. Electrical Official.
5-3. Permit for electrical work.
25-4. Requirements for issuance of permit.
25-5. Rules and regulations.
25-6. Violations and penalties.
25-7. Appeals.
25-8. Definitions.
26 **Fair Housing**
26-1. Title.
26-2. Restrictions.
26-3. Creation of committees.
26-4. Powers and duties of Committee.
26-5. Violations and penalties.
27 **Fire Prevention**
27-1. Adoption of standards by reference.
27-2. Amendments, additions and deletions.
27-3. Inconsistent ordinances repealed.
27-4. Saving clause.

27-5. Date of effect.

28 **Flood Hazard Areas**

28-1. Legislative intent.
28-2. Applicability.
28-3. Effect on other ordinances.
28-4. Municipal liability.
28-5. Permit required.
28-6. Issuance of permit.
28-7. Application procedures.
28-8. Review by Permit Officer.
28-9. Changes in applications, permits and plans.
28-10. Display of placard on premised.
28-11. Start of construction or improvement.
28-12. Inspection; revocation of permit.
28-13. Fees; appeals or estimate of cost.
28-14. Record maintenance and duties of Permit Officer.
28-18. Establishment and identification of district.
28-19. Boundary disputes.
28-20. Applications of provisions.
28-21. Floodway regulations.
28-22. Floodway fringe regulations.
28-23. Words and terms defined.

29 **Food Establishments**

29-1. Adoption of rules and regulations by reference.
29-2. Enforcement officer; grant of authority.
29-3. Inspections.
29-4. Right of entry.
29-5. Revocation or suspension of license.
29-6. Contents of notice.
29-7. Service of notice.
29-8. Posting of placard; penalty for removal.
29-9. Administrative liability.
29-10. Violation and penalties.

30 **Housing - Property Maintenance**

30-1. Adoption of BOCA National Property Maintenance Code.
30-2. Additions, insertions and changes.
30-3. Inconsistent ordinances repealed.
30-4. Saving clause.
0-5. Date of effect.

31 **Residential Rental Unit Regulation**

31-1. Purpose and Scope
31-2. Definitions and Word Usage
31-3. Duties of Owners and Managers of Residential Rental Units
31-4. Exemption from Licensing Requirements

31-5. Duties of Occupants of Residential Rental Units
31-6. Disruptive Conduct
31-7. Residential Rental Unit Licensing
31-8. Inspection of Residential Rental Units
31-9. Sale or Transfer of Residential Rental Units
31-10. Appeals
31-11. Violations and Penalties
31-12. Exhibit A: Addendum to Residential Rental Agreement

32 **Insurance - Fire Damage**

32-1. Ordinance enacted per act of legislature
32-2. Designated officer.
32-3. Fire insurer shall not pay name insured without certificate.
32-4. Tax collector shall issue certificate to insurer.
32-5. Procedure if taxes, etc. are due.
32-6. Procedure if loss is 60% or more of aggregate limits of liability.
32-7. Violation and penalties.
32-8. Effect of partial invalidity.
32-9. Inconsistent ordinances repealed.
32-10. Effective date of ordinance.

33 **Telecommunications**

[Adopted 6-5-01 as Ordinance No. 2001-4; Amended 2-6-02 as Ordinance No. 2002-3.]

34 **Licensed Occupations**

34-1. License required.
34-2. Definitions.
34-3. Exemptions.
34-4. Applications.
34-5. Investigation and issuance of license.
34-6. Review of certain applications after investigation.
34-7. Religious and charitable organizations: exemption.
34-8. Fees.
34-9. Bond.
34-10. Loud noises and speaking devices.
34-11. Use of streets; time restrictions.
34-12. Exhibition of license.
34-13. Fees required.
34-14. Conformity to regulations.
34-15. Violations and penalties.

35 (Reserved)

36 (Reserved)

37 **Noise**

37-1. Legislative findings and determination; purpose.
37-2. Making loud and unreasonable sounds.
37-3. Enumeration of unreasonable noise.
37-4. Violations and penalties.

38 (Reserved)

39 (Reserved)

40 **Peace and Good Order**

40-1. Offenses against public peace.
40-2. Offenses involving children.
40-3. Penalties for offenses against public peace.
40-4. Penalties for offenses involving children.

41 **Plumbing Standards**

41-1. Adoption of standards by reference.
41-2. Plumbing Official.
41-3. Amendments, additions and deletions.

42 **Property Maintenance**

42-1. Duty to cut grass and weeds
42-2. Nuisance.
42-3. Violations and penalties.
42-4. Borough may cut and bill owner.
42-5. Lien.
42-6. Proceedings to force compliance.
42-7. Declaration of nuisance.
42-8. Notice to remove; penalties.
42-9. Removal by borough; costs.
42-10. Additional remedy.
42-11. Definitions.
42-12. Prohibited acts; exceptions.
42-13. Violations and penalties.

43 Store Water Management

44 Sanitary Sewers

44-1. Definitions.
44.2. Connection To Sewer System; Disconnection; Repair/ Replacement.
44-3. Other Prohibited Discharges Into Sewer System.
44-4. Holding Tanks.
44-5. Privys, Cesspools Prohibited.
44-6. Authority To Act As Agent Of Borough.
44-7. Violations And Penalties.
44-8. Repealer.

45 Sewers

[History: Adopted by the Council of the Borough of Northumberland:
Article I, 4-17-74 as Ord. No. 281; Article II, 4-16-74 as Ord. No. 280;
Article III, 6-7-26 as Ord. No. 61; Article IV, 5-5-53 as Ord. No. 156;
Article V, 6-7-83 as Ord. No. 385, Sections 45-9, 45-10, 45-18, 45-21
and 45-25, amended 6-3-97 as Ord. No. 451.]

46 Sewer Dye Test Ordinance

47 (Reserved)

48 (Reserved)

49 (Reserved)

50 Streets and Sidewalks

51 Subdivision

Section I General Provisions and Administration 1
Section II Procedures 8
Section III Plan Requirements 20
Section IV Subdivision Design Standards 24
Section V Standards for Specialized Subdivisions 33
Section VI Required Improvements 39
Section VII Definitions 42
Appendix I Soil and Water Conservation Requirements 47

52 (Reserved)

53 Taxation

Article I. Per Capita
53-1. Tax levied.
53•2. Collection by Tax Collector.
53-3. Bonding of Tax Collector.
53-4. Warrant for collection.
53-5. Compensation of Tax Collector.
53-6. Notice to taxpayers.
53-7. Reporting and recording new taxpayers.
53-8. Collection by distress.
53-9. Collection from employer.
53-10. Records.
53-11. Discount; penalty for late payment.
53-12. Duties and powers of Tax Collector.
Article II. Earned Income
53-13. Title; effective date of tax.
53-14. Definitions and usage.
53-15. Imposition of tax.
53-16. Declaration and payment.
53-17. Collection and payment.
53-18. Powers and duties of Income Tax Administrator.

53-19. Suit for collection.
53-20. Interest and penalties.
53-21. Payment and refunds.
53-22. Applicability.
53-23. Violations and penalties.
Article III. Emergency and Municipal Services Tax
53-24. Tax levied.
53-25. Collection; bonding of collector.
53-26. Deduction by employers.
53-27. Self-employed persons.
53-28. Discount; penalty for late payment.
53-29. Collection from employer.
Article IV. Real Property
53-30. Current ordinance on file.
Article V. Realty Transfer Tax
53-31. Definitions.
53-32. Rate.
53-33. Transfer by real estate brokers.
53-34. Value of document to be set forth.
53-35. Adoption of regulations.
53-36. Collection agent.
53-37. Violations and penalties.
53-38. Collection of unpaid taxes.
54 (Reserved)
55 (Reserved)
56 (Reserved)
57 (Reserved)
58 Vehicle and Traffic
58-1. Streets designated.
58-2. Placement of meters.
58-3. Parking spaces.
58-4. Placement of vehicles in parking space.
58-5. Deposit of coins.
58-6. Unlawful deposit of coins.
58-7. Parking overtime.
58-8. Unlawful substitute coins.
58-9. Tampering with meters.
58-10. Reporting violations; notifying violators.
58-11. Use of moneys collected.
58-12. Violations and penalties.
58-13. Authorization for payment of meters.
58-14. Collection of coins from meters.
58-15. Definitions and interpretation.
58-16. Manner of adopting permanent regulations
58-17. Temporary and emergency regulations.
58-18. Experimental regulations.
58-19. Authority of peace officers.

	58-20. Driving on sidewalks. 58-21. Speed limits established. 58-22. Stop intersections established. 58-23. Operation on closed highways. 58-24. Accident reports required. 58-25. Parking without lights authorized. 58-26. Vehicles parked within marked spaces. 58-27. Prohibited parking. 58-28. Parking prohibited between certain hours. 58-29. Violations and penalties. 58-30. Declaration of emergency. 58-31. Parking prohibition. Snow and Ice Emergency 58-32. Placement of signs. 58-33. Highways affected. Removal and Impounding of Illegally Parked Vehicles 58-34. Authority to remove and impound. 58-35. Designation of storage garages; bonding. 58-36. Towing, storage charges. 58-37. Notification of removal and impounding. 58-38. Effect of payment without protest. 58-39. Effect of payment under protest. 58-40. Records. 58-41. Liability. 58-42. Restrictions.		
59	Waste Management	Online	1/8/02
	59-1. Title. 59-2. Definitions. 59-3. Deposit upon ground or underground restricted. 59-4. Deposit in streams or bodies of water prohibited. 59-5. Transport of waste by noncollectors. 59-6. Farm activities. 59-7. Unauthorized collection prohibited. 59-8. Authorization to collect own municipal waste. 59-9. Municipal waste collection license. 59-11. Storage in containers required. 59-12. Preparation for collection. 59-13. Bulk containers. 59-14. Disposal at licensed facility required. 59-15. Bulky waste. 59-l6. Prevention and cleanup. 59-17. Collection by collector. 59-18. Disposal by noncollector. 59-19. Agreements and charges. 59-20. Title. 59-21. Public Policy. 59-22. Definitions. 59-23. General.		

59-24 Recycling of Material.
59-25. Establishment of Program.
59-26. Grass Clippings.
59-27. Unauthorized Removal, collection, Etc., of Recycling Materials
Prohibited.
59-28. Agreements and/or Licenses.
59-29. Fee.
59-30. Violations, Penalties, Enforcement.
59-31. Violations and Penalties.
59-32. Severability.
59-33. Additional standards.
59-34. Regulations.
59-35. Repealer.

60 (Reserved)

61 Zoning

Section 1.01 - Short Title
Section 1.02 - Purpose
Section 1.03 - Community Development Objectives
Section 3.01 - List of Districts
Section 3.02 - Zoning Map
Section 3.03 - Interpretation of District Boundaries
Section 3.04 - District Application to Newly
Section 4.01 - Application of District Regulations
Section 5.01 - Intended Purpose
Section 5.02 - Permitted Uses
Section 5.03 - Lot Area, Building Height and Yard
Section 5.04 - Minimum Off-Street Parking Requirements
Section 6.01- Intended Purpose
Section 6.02- Permitted Uses
Section 6.03- Lot Area, Building Height and Yard
Section 6.04 - Minimum 0ff-Street Parking Requirements
Section 6.05- Habitable Floor Area
Section 7.01 - Intended Purpose
Section 7.02 - Permitted Uses
Section 7.03 - Lot Area, Building Height and Yard
Section 7.04 - Minimum Off-Street Parking Requirements
Section 7.05 - Habitable Floor Area
Section 8.01 - Intended Purpose
Section 8.02 - Permitted Uses
Section 8.03 - Lot Area, Building Height and Yard
Section 8.04 - Minimum Off-Street Parking, Loading and
Section 8.05 - Limitations of Signs
Section 8.06 - General Requirements
Section 9.01 - Intended Purpose
Section 9.02 - Permitted Uses
Section 9.03 - Lot Area, Building Height and Yard

Chapter 61 - Zoning

[History: Adopted by the Council of the Borough of Northumberland on 3-13-71. Amended 5-7-91, other amendments noted where applicable.]

Article I - Short Title, Purpose and Community Development Objectives

Section 1.01 - Short Title

Section 1.02 - Purpose

Section 1.03 - Community Development Objectives

Article II - Definitions

Article III - Establishment of Zoning Districts and Map

Section 3.01 - List of Districts

Section 3.02 - Zoning Map

Section 3.03 - Interpretation of District Boundaries

Section 3.04 - District Application to Newly Annexed Territory to the Borough

Article IV - Conformance Required

Section 4.01 - Application of District Regulations

Article V - R-1 - Residential Districts

Section 5.01 - Intended Purpose

Section 5.02 - Permitted Uses

Section 5.03 - Lot Area, Building Height and Yard Requirements

Section 5.04 - Minimum Off-Street Parking Requirements

Section 5.05 - Habitable Floor Area

Article VI - R-2 - Residential Districts [Amended 11-5-03 by Ord. No. 2003-5]

Section 6.01 - Intended Purpose

Section 6.02 - Permitted Uses

Section 6.03 - Lot Area, Building Height and Yard Requirements

Section 6.04 - Minimum 0ff-Street Parking Requirements

Section 6.05 - Habitable Floor Area

Article VII - R-3 - Residential Districts [Amended 11-5-03 by Ord. No. 2003-5]

Section 7.01 - Intended Purpose

Section 7.02 - Permitted Uses

Section 7.03 - Lot Area, Building Height and Yard Requirements

Section 7.04 - Minimum Off-Street Parking Requirements

Section 7.05 - Habitable Floor Area

Article VIII - HC - Highway/Commercial Districts [Amended 11-5-03 by Ord. No. 2003-5]

Section 8.01 - Intended Purpose
Section 8.02 - Permitted Uses
Section 8.03 - Lot Area, Building Height and Yard Requirements
Section 8.04 - Minimum Off-Street Parking, Loading and Unloading Requirements
Section 8.05 - Limitations of Signs
Section 8.06 - General Requirements

Article IX - CBD - Commercial Business Districts

Section 9.01 - Intended Purpose
Section 9.02 - Permitted Uses
Section 9.03 - Lot Area, Building Height and Yard Requirements
Section 9.04 - Limitations of Signs
Section 9.05 - General Requirements

Article X - I - Industrial Districts

Section 10.01 - Intended Purpose
Section 10.02 - Permitted Uses
Section 10.03 - Lot Area, Building Height and Yard Requirements
Section 10.04 - Minimum Off-Street Parking and Loading Requirements
Section 10.05 - Limitations on Signs
Section 10.06 - General Requirements

Article XA – R&D & Li – Research & Development and Light Industrial District

[Amended 9-1-92 by Ord. No. 92-4.]

Section 10A.01 – Intended Purpose
Section 10A.02 – Permitted Uses
Section 10A.03 – Building Height
Section 10A.04 – Off-Street Parking
Section 10A.05 – Limitations on Signs
Section 10A.06 – Noise and Sound Limitations
Section 10A.07 – Hazardous Substances
Section 10A.08 – Tract No. 2
Section 10A.09 – Zoning Map

Article XI - OS - Open Space/Recreation

Section 11.01 - Intended Purpose
Section 11.02 - Permitted Uses
Section 11.03 - Lot Area, Building Height and Yard Requirements
Section 11.04 - Minimum Off-Street Parking Requirements

Article XII - HD - Historic Districts

Section 12.01 - Intended Purpose
Section 12.02 - Conversions Permitted
Section 12.03 - Accessory Uses
Section 12.04 - Siding
Section 12.05 - Window and Door Replacement

Article XIII - Supplementary Regulations

Section 13.01 - Accessory Buildings
Section 13.02 - Temporary Structures for Dwelling Purposes
Section 13.03 - Water Supply and Sewerage Facilities Required
Section 13.04 - Exceptions
Section 13.05 - Required Street Access
Section 13.06 - Visibility at Intersections
Section 13.07 - 0ff-Street Parking
Section 13.08 - Signs and Advertising Structures
Section 13.09 - Conversion Apartments
Section 13.10 - Additions
Section 13.11 - Yard Sales
Section 13.12 - Additional Requirements for 100 -Year Floodplain Area

Article XIV - Planned Residential Development

Section 14.01 - Statement of Intent
Section 14.02 - Procedure
Section 14.03 - Planned Development Standards

Article XV - Non-Conforming Buildings and Uses

Section 15.01 - Continuance
Section 15.02 - Cessation of Use
Section 15.03 - Restoration
Section 15.04 - Reversion
Section 15.05 - Alterations
Section 15.06 - Construction Approved Prior to Ordinance
Section 15.07 - District Changes
Section 15.08 - Discontinued Non-Conforming Use of Open Land

Article XVI - Administration and Enforcement

Section 16.01 - Zoning Officer
Section 16.02 - Permits
Section 16.03 - Appeals from Zoning Officer
Section 16.04 - Enforcement Notices

Section 16.05 - Enforcement Remedies
Section 16.06 - Preventive Causes of Action
Section 16.07 - Records
Section 16.08 – Zoning Hearing Board (“Board”)
Section 16.09 - Zoning Ordinance Amendments

Article XVII - Interpretation, Validity, Repeal and Effective Date

Section 17.01 - Conflicting Regulations
Section 17.02 - Repealer
Section 17.03 - Validity
Section 17.04 - Effective Date

Article XVIII – Wireless Communications Towers & Antennas

Section 18.01 - Purpose
Section 18.02 - Definitions
Section 18.03 - Applicability
Section 18.04 - General Requirements
Section 18.05 - Administrative Review
Section 18.06 - Permitted Uses
Section 18.07 - Special Exception
Section 18.08 - Equipment Storage
Section 18.09 - Removal of Abandoned Antennas and Towers
Section 18.10 - Nonconforming Uses
Section 18.11 - Severability

ARTICLE I
Adopted of Code

~1-1. Adoption Code.

~1-2 When effective.

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

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

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

~1-6 Changes in previously adopted ordinances.

~1-7 Copy of Code on file.

~1-8 Amendments to Code.

~1-9 Code book to be kept up-to-date.

~1-10 Sale of Code book; supplements provided.

~1-11 Publication; filing.

~1-12 Severability of Code provisions.

~1-13 Severability of ordinance provisions.

~1-14 Altering or tampering with Code; penalties for violation.

[HISTORY: Adopted by the Council of the Borough of Northumberland: Article I, 2-6-73 as Ord No. 273A. Amendment noted where applicable.]

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

ARTICLE I
Adoption of Code
[Adopted 2-6-73 as Ord. No. 273A]

~1-1. Adoption of Code.

The codification of a complete body of ordinances for the Borough of Northumberland, County Northumberland, Commonwealth of Pennsylvania, revised, codified and consolidated into titles, chapters and sections by the Borough of Northumberland and consisting of Chapters 1 through 61, together with a Index is hereby approved, adopted, ordained and enacted as the "Code of the Borough of Northumberland," hereinafter known and referred to as the "Code," pursuant to ~ 1008(b) of the Borough Code.

~1-2. When effective.

All provisions of the Code shall be in full force and effect on and after February 6, 1973.

~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 Northumberland and in force on the date of the adoption of this ordinance, and not contain in the Code, are hereby repealed as of the effective date of this ordinance, 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:

A. Any ordinance adopted subsequent to September 5, 1972.

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.

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.

F. Any ordinance providing for the laying out, opening, altering, widening, relocation, straightening, establishing, grade, changing name, improvement, acceptance or vacation of any right-or-way, easement, street, road, highway, park or other public place.

G. Any ordinance or resolution 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.

H. Any ordinance authorizing the purchase, sale, lease or transfer of property, or any lawful contact or obligation.

I. Any ordinance annexing land to the borough.

J. Any ordinance designating the boundaries of water districts.

K. The levy or imposition of special assessments or charges, or of annual real property taxes.

L. The dedication of property.

M. A Zoning ordinance.

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

All ordinances 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 legislation shall be temporarily placed in the code until printed supplement are included.

~1-6. **Changes in previously adopted ordinance.**

A. In compiling and preparing the ordinances of the borough for adoption and revision as part of the Code certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention the Borough Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. Certain changes of a substantive nature were made to various ordinances found within the Code. These changes were made to bring the 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 so changed had been previously formally amended to read as such. Such changes are cited within the historical statements by the term "amended upon adoption of Code."[1]

~1-7. **Copy of code on File.**

A copy of the Code in a post-bound volume has been filed in the office of the Borough Secretary and shall remain there for use and examination by the public until final action is taken on this ordinance; and if

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[1] **Editor's Note: Pursuant to ~ 1-6B, the following changes were made. A complete description of each change is on file in the office of the Borough of North'd.**

(a) Penalty provisions amended: ~~21-3, 22-2, 40-2, 42,3A, 42-5, 45-9, 45-18, 45-21, 45-25, 50-8 and 50-17.

(b) Sections added or amended: ~~ 11-1, 34-13, 45-10, 50-13, 50-19, 53-23A, and B and 58-1.

(c) Chapters or Articles adopted: Ch. 9; Ch. 34; Articles I and III, and Ch. 58, Articles II through VI.

this ordinance shall be adopted, such copy shall be certified to by the Borough Secretary, as provided by law, and such certified copy shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while the said Code is in effect.

~1-8. **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. 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 the said Code, as amendments and supplements thereto.

~1-9. **Codebook to be kept up-to-date.**

It shall be the duty of the Borough Secretary, or someone authorized and directed by the Borough Secretary, to keep up-to-date the certified copy 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 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 are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

~1-10. **Sale of Code book; supplements provided.**

Copies of the book containing the Code may be purchased from the Borough Secretary upon the payment of a fee to be set by resolution of the Borough Council, which may also arrange, by resolution, for procedures for the periodic supplementation thereof.

~1-11. **Publication; filing.**

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the adoption of this ordinance adopting the Code in a newspaper of general circulation in the borough. Sufficient copies of the Code shall be maintained in the office of the Borough Secretary for inspection by the public at all times during regular office hours. The enactment and the publication of notice of adoption of this ordinance adopting the Code, coupled with 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 provision of the Code for all purposes.

~1-12. **Severability of the Code provisions.**

Each section of the Code, and every part of each section, is an independent section, or part of a section, and the holding of any section, or a part thereof, to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or parts thereof.

~1-13. **Severability of ordinance provisions.**

Each section of this ordinance is an independent section and the holding of any section, or part thereof, to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

~1-14. **Altering or tampering with Code; penalties for violation.**

[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 2-1. Creation of the office.

~ 2-2. Appointment and removal.

~ 2-3. Qualifications.

~ 2-4. Bond.

~ 2-5. Manager's compensation.

~ 2-6. Powers and duties.

~ 2-7. Procedural limitations on Council.

~ 2-8. Disability or absence of the Manager.

~ 2-9. Gender.

~ 2-10. Repeal of ordinance.

~2-11. Authorization for contract.

[History: Adopted by the Council of the Borough of Northumberland 4-7-98 as Ord. No. 455; Amended 9-19-00 by Ord. No. 2000-3]

~ 2-1. **Creation of the office.**

The Borough of Northumberland hereby creates the office of Borough Manager.

~ 2-2. **Appointment and removal.**

The Manager shall be appointed for an indefinite term by a majority of all members of Council. The Manager shall serve at the pleasure of the Council and he may be removed at any time by a majority vote of all its members. At least thirty days before such removal is to become effective, the Council shall furnish the Manager with a written statement setting forth its intention to remove him.

~ 2-3. **Qualifications.**

The Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to the duties of the office as herein outlined. The Manager need not be a resident of the Borough.

~ 2-4. **Bond.**

Before entering upon his duties the Manager shall give a bond to the Borough with a bonding company as surety, to be approved by the Council, in an amount to be determined from time to time by Council, conditioned upon the faithful performance of his duties, the premium for said bond to be paid by the Borough.

~ 2-5. **Manager's compensation. [Amended 9-19-00 by Ord. No. 2000-3]**

The Council shall fix the salary of the Borough Manager from time to time.

Council and the Borough Manager may agree that the compensation of the Borough Manager shall be in a matter other than, or in addition to, cash salary, including, but not limited to, deferred compensation, deferred medical benefits for himself and his family, and the right to collect a percentage fee from grants awarded to, or for the benefit of, the Borough of Northumberland.

~ 2-6. **Powers and duties. [Amended 9-19-00 by Ord. No. 2000-3]**

The Manager shall be the Chief Administrative Officer of the Borough and shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough placed in his charge. The powers and duties of administration of all Borough business shall be vested in the Manager, unless expressly imposed or conferred by statute or ordinance upon other Borough Officers.

Subject to recall by ordinance of Council, the powers and duties of the Borough Manager <u>may</u> include the following:

1. To supervise and to be responsible for the activities of all municipal departments. Nothing in this provision is intended, however, to apply to the office of Borough Solicitor, or to supervision of the police department, in the absence of a delegation of authority from the Mayor.

2. To recommend wages and salary for all personnel under his supervision to Council annually. Prior to presentation of these recommendations to Council, the Manager shall conduct performance reviews with each employee under his supervision.

3. To prepare and submit to Council before the close of each fiscal year, a budget for the next fiscal year and an explanatory budget message. In preparing the budget, the Manager shall obtain from the head of each department, agency or and such other supporting data as is required. The Manager shall review such estimates and may revise them before submitting the budget to the Council.

4. To be responsible for the administration of the budget after its adoption by the Council.

5. To develop, in conjunction with the preparation of the yearly budget, long-range fiscal plans to be presented annually to the Council for its review and adoption.

6. To hold such other municipal office and to head such municipal departments as the Council may from time to time direct, in accordance with law.

7. To attend all meetings of Council and of committees as required, and to take part in the discussions. The Manager shall receive notice of special meetings of Council and Committees.

8. To prepare the agenda for each meeting of Council and Planning Commission and supply facts pertinent thereto.

9. To keep Council informed on a monthly basis as to the conduct of Borough affairs; to submit periodic reports on the condition of the Borough finances and such other reports as the Council request; and to make such recommendations to the Council, as he deems advisable.

10. To submit to Council, as soon as possible after the close of the fiscal year, a complete report on the finances of the Borough for the preceding year.

11. To see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.

12. To employ, by and with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough.

13. To supervise the performance and faithful execution of all contracts entered into by the Council except insofar as such duties are expressly imposed by statute upon some other Borough Officer.

14. To see that all money owned the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.

15. To serve as purchasing Officer of the Borough and to purchase in accordance with the provisions of the Borough code, all supplies and equipment for the agencies, boards, departments, and other offices of the Borough. The Manager shall keep an account of all purchases and shall, from time to time as directed by Council, make a full written report thereof. He shall also issue rules and regulations subject to the approval of Council, governing the procurement of all municipal supplies and equipment.

16. To investigate and dispose of, or to designate an officer to investigate and dispose of, all complaints regarding Borough services, and to report to the Council thereon. Complaints regarding Borough services shall be referred to the Office of the Manager. Responses to and/or resolutions of all written complaints shall be given in a reasonable time.

17. To ensure that all ordinances and regulations of the Borough are enforced in cooperation with the Mayor.

18. To perform such other duties as may be from time to time conferred upon him by Council.

The Borough reserves the right at any time by ordinance to amend or otherwise modify or repeal this ordinance in any particular.

~ 2-7. **Procedural limitations on Council.**

Other than for the purpose of inquiry, the Council or any of its members or any of Council's board or committees or its members should deal with the administrative actions solely through the Borough Manager and neither the Council nor any of its members, nor any of Council's boards or committees or its members should give orders - publicly or privately - to any subordinate of the Manager.

~ 2-8. **Disability or absence of the Manager.**

If the Manager becomes ill or needs to be absent from the Borough, he shall designate one qualified member of his staff to perform the duties of the Manager during his absence or disability. The person so designated shall not perform these duties for a period longer than two weeks without approval of the Council.

~ 2-9. **Gender.**

Wherever in this ordinance a masculine pronoun is used, it includes the feminine.

~ 2-10. **Repeal of ordinance.**

The Borough reserves the right at any time by ordinance to amend or otherwise modify or repeal this ordinance in any particular. All ordinances or resolutions, or parts
of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

~2-11. **Authorization for Contract.**

The Northumberland Borough Council is authorized to enter into a contract or other written agreement with the Borough Manager which sets forth the terms,
conditions, and limits of his responsibilities. This written agreement may include all, some, or none of the responsibilities described in Section 2-6 of the Code. The written agreement shall be a public document and shall be available for public inspection.

FIRE DEPARTMENT

~5-1. Composition.

~5-2. Emergency Services Board.

~5-3. Fire Chief and Deputy Chief.

~5-4. Chain of Command.

~5-5. Out-of town alarms; parades.

~5-6. Communications.

~5-7. Apparatus.

~5-8. Fire Police.

~5-9. Fire Police duties.

~5-10. Fire Police officers.

~5-11. Donation from Council.

~5-12. Rules and regulations.

~5-13. Violations.

[History: Adopted by the Council of the Borough of Northumberland 2-7-39 as Ord. No. 126. Amendments noted where applicable.]

GENRAL REFERENCES

Personnel - see Ch. 8

~5-1. **Composition.**

A. The Northumberland Fire Company No. 1 and Northumberland Hook and Ladder shall together form and constitute the Fire Department of the Borough of Northumberland, Pennsylvania. [Amended 4-6-82 by Ord. No. 370; 8-7-84 by Ord. No. 388]

B. Each company recognized by the borough shall, in evidence of that fact, be furnished with a certificate from the Council, signed by the President and Secretary of the Council and sealed with the Borough Seal and approved by the Mayor.

~5-2. **Emergency Services Board.** [Amended 10-4-05 by Ord. 2005-5]

A. The Fire Department so organized shall be under the administrative superintendent and direction of a Board known hereafter as the "Emergency Services Board." [Amended 12-4-73 by Ord. No. 277; 4-6-82 by Ord. No. 370; 10/4/05 by Ord. 2005-5]

B. The Board shall consist of the following five (5) persons: One (1) member elected from and by the general membership of the Northumberland Fire Company No. 1; One (1) member elected from and by the general membership of the Northumberland Hook and Ladder Company; and three (3) at-large residents of the Borough of Northumberland, appointed by the Borough Council. [Added 4-2-68 by Ord. N o. 246, amended 12-4-73 by Ord. No. 277; 4-6-82 by Ord. No. 370; 8-7-84 by Ord. No. 388; 10-4-05 by Ord. 2005-5]

C. Members of the Emergency Services Board shall reside in the Borough of Northumberland, and shall not be members of the Northumberland Borough Council, nor be Northumberland's fire chief or deputy fire chief. [Amended 10-4-05 by Ord. 2005-5]

D. The Board shall have the duty of interpreting the rules and regulations pertaining to the Fire Department and of formulating policies for the harmonious operation of the Department. [Amended 4-6-82 by Ord. No. 370]

E. The officers of the Board shall consist of a Chairperson and Secretary to be elected amongst the five members at the start of each calendar year.

F. Each member shall be appointed for a term of five years. At the beginning of the Board's formation, the following tenures shall exist:

- 1-year seat, at-large, appointment – December 31, 2006. (thereafter, January 1, 2007 – December 31, 2011, and thereafter, 5-year terms)
- 2-year seat, Northumberland No. 1 Company seat, appointment – December 31, 2007. (thereafter, January 1, 2008 – December 31, 2012, and thereafter, 5-year terms)
- 3-year seat, Northumberland Hook and Ladder Company seat, appointment – December 31, 2008. (thereafter, January 1, 2009 – December 31, 2013, and thereafter, 5-year terms)
- 4-year seat, at-large, appointment – December 31, 2009. (thereafter, January 1, 2010 – December 31, 2014, and thereafter, 5-year terms)
- 5-year seat, at-large, appointment – December 31, 2010. (thereafter, January 1, 2011 – December 31, 2015, and thereafter, 5-year terms)

Members can succeed themselves after a successful reappointment vote by either one of the respective Companies, or by Council.

Copies of the Board procedures, qualifications and policies shall be made available to the public in the Borough Office. [Added 3-5-02 by Ord. No. 2002-4]

G. Meetings of the Board shall be duly advertised and open to the public. Minutes from these meetings shall be available to the

public in the Borough Office. [Added 3-5-02 by Ord. No. 2002-4]

H. The Board shall submit to the Borough Finance Committee by August 1 of each preceding year, a budget plan for the Fire Department. A member of Board shall be present at each Borough Finance Committee meeting to discuss Board budget policies and goals. It is the responsibility of Board to assist Council in the dispersing of approved Board funds, per the budget plan submitted by Board, and approved by Council. [Added 10-4-05 by Ord. 2005-5]

I. The Board will seek out all appropriate means to fund the fire department, including but not limited to, any or all outside revenues.

J. The Board shall meet on a monthly basis at a time and place that is duly advertised.

~5-3. **Fire Chief and Deputy Fire Chief. [Amended 4-6-82 by Ord. No. 370; 3-5-02 by Ord. No. 2002-4; 10-4-05 by Ord. 2005-5]**

A. The Board, who shall appoint a Fire Chief, and a Deputy Fire Chief, shall oversee day-to-day operations of the Fire Department.

B. In times of emergency, the Fire Chief shall have the sole and absolute control and command over all persons and equipment related to all-hazard emergency response operations in preparation for and while responding to incidents. The Fire Chief shall delegate this command to subordinates and coordinate with all responding agencies in an appropriate manner with current incident management practices and the National Incident Management System (NIMS).

C. In times of non-emergency, the fire chief will work closely with each company Captain to help maintain Department equipment, and personnel.

D. A Fire Chief and a Deputy Fire Chief are appointed and serve at the pleasure of the Board, for a period of two-years, following a

majority vote by the Board. Each is appointed at the first meeting of each odd-numbered year, and serves until the following first meeting of the next odd-numbered year. At the formation of the Board, a Fire Chief and a Deputy Fire Chief shall be appointed to serve until the next odd numbered year.

The Fire Chief and the Deputy Chief may succeed themselves with a four out of five approval vote by the Board.

All five members of the Board must be present and vote for a Fire Chief and Deputy Fire Chief.

E. The Fire Chief and Deputy Fire Chief shall not hold the chief driver's position, Captain or any other line officer in their respective fire companies.

F. Any person appointed as Fire Chief or Deputy Fire Chief shall have the following qualifications:

He shall be at least twenty-one (21) years of age.

He shall have been an active member of the Northumberland Fire Department for the two (2) years immediately preceding his nomination.

He shall be a resident of either the Borough of Northumberland or the Township of Point.

He shall have completed the fundamentals of a fire-fighting course.

The Board shall establish minimum qualifications for all Fire Department office holders.

G. Upon appointing a Fire Chief, the Board will hereby appoint a Deputy Fire Chief, who will be a member of the other Company as the Fire Chief, if said Company recommends a qualified candidate for the Deputy Chief position. If no qualified candidate is recommended, the Board may appoint a Deputy Fire Chief from the same Company as the Fire Chief.

H. The Fire Chief and Deputy Fire Chief may be relieved of their duties by a four out of five vote by the Board, using discipline criteria determined by the Board.

~5-4.[1] **Chain of Command and Discipline. [Amended 3-5-02 by Ord. No. 2002-4; 10-4-05 by Ord. 2005-5]**

The Deputy Fire Chief shall, in the absence of the Chief, perform all his duties and have the same powers according to rank. In the absence of the Chief and Deputy, the fireman in command of the company first on the ground with its apparatus shall take command of the Department and have the same authority as the Chief or his Deputy would have, until the arrival of the Chief or Deputy, or senior ranking officer.

Problems amongst members of the Board shall be dealt with within the Board, except those of a possible criminal, interdepartmental, or dismissal nature, which shall be addressed by Borough Council. [Added 3-5-02 by Ord. No. 2002-4]

~5-5. Out-of-town alarms; parades. [Amended 4-6-82 by Ord. No. 370**;** 10-4-05 by Ord. 2005-5]

A. No company shall take its apparatus beyond the boroughs limits without the permission of the Fire chief or Deputy Fire Chief.

B. In the event of an out-of -town alarm, the Fire Chief or Deputy Fire Chief shall specify and dispatch the particular pieces of apparatus that are to respond to the alarm.

C. The Fire Chief or the Deputy Fire Chief shall designate and approve the particular pieces of apparatus that shall be taken from the borough for parade purposes.

D. In responding to calls for assistance in accident cases, the apparatus need not be dispatched by the Fire Chief or the Deputy Fire Chief, the Fire Chief or the Deputy Fire Chief shall respond to

[1] **Editor's Note: Former ~5-4, Secretary of Fire Board, was repealed 4-6-82 by Ord. No. 370.**

a such calls and shall assume command of all apparatus that has responded, except that the Senior Emergency Medical Technician shall assume command of freeing any trapped or injured victims.

(1) When the police request the assistance, the apparatus requested by the police will respond.

(2) When someone other than the police requests the assistance, the rescue truck will respond.

~5-6.[2] **Communications. [Added 4-6-82 by Ord. No. 370]**

A. All fire apparatus radio communications numbers shall be assigned by the County of Northumberland. [Amended 3-5-02 by Ord. No. 2002-4]

B. All fire apparatus shall be dispatched by the communication center designed by the County of Northumberland. [Amended 3-5-02 by Ord. No. 2002-4]

~5-7. **Apparatus.**

Each company shall take care of its own apparatus and shall choose out of its members such officers as may be necessary for the control of same, as prescribed by the constitution and bylaws of said company or the rules and regulations promulgated by Borough Council.

~5-8. **Fire Police. [Amended 3-5-02 by Ord. No. 2002-4]**

Each company in the Department shall nominate and elect six (6) members of the company as Fire Police, subject to a background investigation. Final appointment to the Fire Police is to be confirmed by Borough Council. Once appointed as a member of the Fire Police, your appointment remains in effect until the January of the odd numbered year following your appointment, except in the instance of resignation or removal. If one Company cannot nominate and have confirmed six members of its Company for the Fire Police, the other Company may fill the vacant positions of the other Company. After their confirmation they shall

[2] **Editor's Note: Former ~5-6, Chain of Command, was renumbered as ~5-4 pursuant to Ord. No. 370, adopted 4-6-82.**

have, while on duty, all the powers of a police officer, and shall be respected accordingly. The time of their duty shall commence at the time or when an alarm is sounded or upon the call of the Mayor, President of Borough Council, or Police and shall not cease until their commanding officer shall so order. The Borough Council shall furnish each fireman appointed as a Fire Police a certificate of his appointment and a badge emblematic of his authority.

The next term for members of the Fire Police shall begin in January 2003 and expire at the appointment of new members in January of the following odd numbered year. Terms continue accordingly thereafter for a period of two (2) years. All vacancies created by resignation or removal shall be filled following a nomination by the Company, successful background investigation, and final appointment to the Fire Police by Borough Council.

Copies of Fire Police procedures, qualifications and policies shall be made available to the public in the Borough Office.

~5-9. **Fire Police duties. [Amended 3-5-02 by Ord. No. 2002-4]**

It shall be the duty of the Fire Police to take charge of all property at a fire and use all means in their power to protect the same from fire and theft; also; establish fire limits within which no one shall be allowed except by permission of said Fire Police. Nothing in this section shall be construed as to prevent the regular town police and firemen from having access to these fire lines.

The squad will go to out-of-town events with the permission of the Mayor, or Borough Council, or of the Fire Chief.

~5-10. **Fire Police officers and discipline. [Amended 3-5-02 by Ord. No. 2002-4]**

The officers of the Fire Police shall consist of a Captain, Lieutenant, and Sergeant who shall be elected by the Fire Police and shall hold office for two (2) years, a term with expires in January of the odd year following your appointment. The Captain and Lieutenant shall have Red Lights and Siren. All other members of the Fire Police shall run with Blue Lights.

Problems amongst members of the Fire Police shall be dealt with within the Fire Police, except those of a possible criminal, interdepartmental or dismissal nature, which shall be addressed by Borough Council.

~5-11. **Donation from Council.**

The Borough Council shall donate annually to the Board and the Fire Police twenty-five dollars ($25.00) each, total of fifty dollars ($50.00) in all. Such donations are not to be donated from any of the companies' appropriations.

~5-12. **Rules and regulations.**

To further better regulations and operations of the Department, the Borough Council shall from time to time promulgate and cause to be printed and distributed to the companies comprising the Department, rules and regulations governing the conduct of the said Department, which said rules and regulations shall have the same force and effect as if set out in full and in detail in this chapter.

~5-13. **Violations.**

If any of the companies comprising the Fire Department shall at any time hereafter violate any of the conditions of this chapter of the rules and regulations provided hereunder, such companies so violating the same shall, at the option of the Borough Council, lose their certificate of recognition and all rights under this chapter.

EMERGENCY MANAGEMENT AGENCY

~6-1. Authority.

~6-2. General Duties and Responsibilities.

~6-3. Borough Coordinator of Emergency Management.

~6-4. Assistants to the Borough Coordinator.

[History: Adopted by the Council of the Borough of Northumberland 11-1-05 as Ord. No. 2006-6.]

GENRAL REFERENCES

Section 6-1. Authority.

The Emergency Management Agency, "EMA", is established pursuant to the provisions of the Emergency Management Services Code.

Section 6-2. General Duties and Responsibilities.

The EMA shall have the responsibility to provide for emergency management and disaster response and recovery within the Borough and outside the Borough as required by the terms and conditions of this Ordinance.

Section 6-3. Borough Coordinator of Emergency Management.

a) In accordance with Title 35 of the Pennsylvania Code, a Borough Coordinator is appointed by the Governor upon the recommendation of the Mayor and Borough Council.

b) The Coordinator shall be professionally competent and capable of planning, effecting coordination among operating agencies of government and controlling coordinated operations.

c) The duties and responsibilities of the Borough Coordinator are outlined in Chapter 75 of Title 35 of the Pennsylvania Code.

d) Title 35 of the Pennsylvania Code Section 7502 establishes that the training of the Borough Emergency Coordinator is the responsibility of the County Emergency Management Office. The Borough Coordinator can attend classes through the Pennsylvania Emergency Management Agency.

e) When responding to an emergency, the Borough EMA Coordinator may siren and, to the extent permitted by state law, run red lights.

f) The Borough EMA Coordinator shall live within the Borough of Northumberland or Point Township.

g) The Borough Council shall review the Borough EMA Coordinator every 4 years and determine whether the Coordinator should continue in his position or to recommend to the Governor a new appointee.

h) The Borough Council shall have the power to replace the Coordinator and recommend to the Governor a new appointee at any time.

Section 6-4. Assistants to the Borough Coordinator.

a) The Borough Coordinator may have two assistants to assist the Borough Coordinator in the administration of their functions, powers and duties.

b) The assistants must be approved by the Borough Council per the recommendation of the Borough EMA Coordinator.

c) The terms of the assistants shall be 4 years, with approval needed every 4 years by the Borough Council for each assistant.

d) Should an assistant resign, another assistant should be approved to fill the remainder of the term.

e) An assistant should be a resident of the Borough or Point Township.

PERSONNEL

ARTICLE I
Municipal Retirement System

~8-1. Election to change benefits.

~8-2. Membership.

~8-3. Credit for prior service

~8-4. Municipal obligation.

~8-5. Authorization of agreement.

~8-6. Repeal of previous ordinance.

~8-7. Filing with Retirement Board; effective date.

[History: Adopted by the Council of the Borough of Northumberland 3-2-77 as Ord. No. 270. Amended 2-1-77 as Ord. No. 326, 1-89 as Ord. No. 0-1-89, 12-3-91 as Ord. No. 431, 1-18-00 as Ord. No. 464 [1].]

GENERAL REFERENCES

Police Pension Fund - See Ch. 12.

[1] Editor's Note: This ordinance supersedes former Ch. 8, Municipal Employees' Retirement System, adopted 3-7-72 as Ord. No. 270, 2-1-77 as Ord. No. 326, 1-89 as Ord. No. 0-1-89, 12-3-91 as Ord. No. 431.

ARTICLE I
Municipal Retirement System

~8-1. **Election to change benefits.**

Northumberland Borough, being a member municipality or the Pennsylvania Municipal Retirement System, hereby elects to change its Members benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree to be bound by all the requirements and provisions of said Article and the Law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the board and the municipality under the provision of ~8-4.

~8-2. Membership.

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basic.

~8-3. **Credit for prior service.**

Credit for prior service for original members is granted for each year or partial year thereof that the Borough from original date of hire employs the member. Benefits provided to members in the agreement dated January 18, 2000, shall accrue based on all credited service granted and earned in accordance with this section.

~8-4. Municipal obligation.

Payment for any obligation established by the adoption of this ordinance and the agreement between the System and Northumberland Borough shall be made by the Borough in accordance with the Pennsylvania Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

~8-5. Authorization of agreement.

As part of this ordinance, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Northumberland Borough, dated January 18 2000. The passage and adoption of this ordinance by Northumberland Borough is an official obligation resulting from the administration of said benefit package. Northumberland Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-reference agreement.

~8-6. Repeal of previous ordinance.

Northumberland Borough intends Ordinance No. 464 to be the complete authorization of the Borough plan and therefor specifically repeals all previous Agreements and Ordinances.

~8-7. Filing with Retirement Board; effective date.

A duly certified copy of this ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Northumberland Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of April 1972; with the revised plan structure reflected in the agreement dated January 18, 2000, effective the first day of January 2000.

Chapter 9

PLANNING COMMISSION

~9-1. Commission created; name.

~9-2. Powers and duties.

~9-3. Membership of Commission; compensation.

~9-4. Terms of office.

~9-5. Filling of vacancies.

~9-6. Residency requirements.

~9-7. Records; annual report.

~9-8. Preparation and maintenance of comprehensive plan.

~9-9. Duties relative to zoning.

~9-10. Compliance with statutory provisions.

~9-11. Provisions adopted.

~9-12. Purpose; enactment.

[History: Adopted by the Council of the Borough of Northumberland upon adoption of Code; see Ch. 1, General Provisions. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning - See Ch. 61.

~9-1. **Commission created; name.**

Pursuant to the provisions of the Act of July 31, 1968, No. 247 (53 PS 10101, et seq., Supp.), and in order to carry out the said provisions, there is here created in the Borough of Northumberland a Planning Commission, which shall be thereafter called "The Planning Commission of the Borough of Northumberland, PA."

~9-2. **Power and duties.**

The said Planning Commission shall have all the powers and duties conferred upon it by the Act of July 31, 1968, No. 247, and any amendments thereof.

~9-3. **Membership of Commission; compensation.**

The Planning Commission shall consist of five (5) members, who shall be appointed by the Borough Council and shall serve without commission, except that they shall be reimbursed for expenses incurred in carrying out their Commission duties.

~9-4. **Terms of office.**

The terms of the members of the Planning Commission shall be as follows: two (2) members shall have a one (1) year term; one (1) member shall have a two (2) year term; one (1) member shall have a three (3) year term; and one (1) member shall have a four (4) year term. The terms of office of the members shall commence on the date of the adoption of this chapter, and annually thereafter when the term of any member expires, a new member shall be appointed by the Council of the Borough of

Northumberland for a term of four (4) years, and members may succeed themselves.

~9-5. **Filling of vacancies.**

In case a vacancy is created by resignation, disability, death, removal of residence from the borough or in any other way, said vacancy shall be filled by the Borough Council for the unexpired portion of the term of the member being replaced.

~9-6. **Residency requirements.**

All members of the Planning Commission shall be residents of the Borough of Northumberland, PA.

~9-7. **Records; annual report.**

The Planning Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the governing body.

~9-8. **Preparation and maintenance of comprehensive plan.**

The Planning Commission shall prepare and maintain a comprehensive plan for the development of the Borough of Northumberland.

~9-9. **Duties relative to zoning.**

The Planning Commission shall perform all the duties set forth in the above Act of Assembly, including, but not limited to, the preparation of the text and map or maps of any and all zoning ordinances.[1]

~9-10. **Compliance with statutory provision.**

The Planning Commission shall comply with all the obligations and duties imposed by the above Act of Assembly.

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[1] Editor's Note: A Zoning Ordinance, adopted 12-1-59 as Ord. No. 192, amended 3-13-71 as Ord. No., amended 5-7-91 ___ is on file in the office of the Borough Secretary.

~9-11. **Provisions adopted.**

All matters saved by the Act of July 31, 1968, No. 247, are herewith adopted.

~9-12. **Purpose; enactment.**

Enacted, ordained and passed by the Council of the Borough of Northumberland, County of Northumberland and Commonwealth of Pennsylvania, to carry out the purposed of the Act of July 31, 1968, No. 247.

Chapter 11

POLICE DEPARTMENT

~11-1. Establishment; membership; appointment.

~11-2. Special policemen.

~11-3. Probation.

~11-4. Acting Department constituted as permanent Department.

[History: Adopted by the Council of the Borough of Northumberland 1-3-61 as Ord. No. 197. Section 11-1 amended upon adoption of Code; see Ch. 1, General Provisions. Other amendments noted where applicable.]

GENERAL REFERENCES

Personnel - See Ch. 8

~11-1. **Establishment, membership; appointment.**

A Police Department for the Borough of Northumberland is hereby established, consisting of a Chief and the regular policemen. The Council shall appoint all regular policemen.

~11-2. **Special policemen.**

The Mayor shall appoint special policemen during an emergency when the safety and welfare of the borough shall require their services.

~11-3. **Probation.**

All policemen hired in the future shall be considered temporary employees of the borough for the first year of their employment.

~11-4. **Acting Department constituted as permanent Department.**

The present acting Police Department of the borough is hereby constituted as the Police Department.

Chapter 12

POLICE PENSION FUND

~12-1. Election to change benefits.

~12-2. Membership.

~12-3. Credit for prior service.

~12-4. Municipal obligation.

~12-5. Authorization of agreement.

~12-6. Repeal of previous ordinance.

~12-7. Filing with Retirement Board; effective date.

[History: Adopted by the Council of the Borough of Northumberland 8-7-79 as Ord. No. 351. Amended 5-30-89 as Ord. No. 0-1-89, 12-2-81 as Ord. No. 431, and 1-18-00 as Ord. No. 465.]

GENERAL REFERENCES

Personnel - See Ch. 8

~12-1. Election to change benefits.

The Borough of Northumberland, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change the police benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974,as amended, and does hereby agree to be bound by all the requirements and provisions of said Law, and to assume all obligation, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

~12-2. Membership.

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time police officers of the Borough. Membership for elected officials and employees hired on a temporary of seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

~12-3. Credit for prior year service.

Credit for prior year service for original members is granted for each year or partial year thereof that the member was employed by the Borough form original date of hire or the expiration of the member's probationary period if on so existed. Benefits provided to members in the agreement dated January 18, 2000, shall accrue based on all credited service granted and earned in accordance with this section.

~12-4. Municipal obligation.

Payment for any obligation established by the adoption of this ordinance and the agreement between the System and Northumberland Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding standard and Recovery Act.

~ 12-5. **Authorization of agreement.**

As part of this ordinance, the borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Northumberland Borough, dated January 18, 2000. The passage and adoption of this ordinance by Northumberland Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefits package. Northumberland Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

~12-6. Repeal of previous ordinance.

Northumberland Borough intends this ordinance to be the complete authorization of the Borough's police pension plan and therefore specifically repeals any and all previous agreements and ordinances.

~12-7. Effective date.

A duly certified copy of this ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the police pension plan of Northumberland Borough in the Pennsylvania Municipal Retirement System shall be effective the seventh day of December 1976, with the revised plan structure reflected in the agreement dated January 18, 2000, effective the first day of January, 2000.

Chapter 16

SHADE TREE COMMISSION

~16-1. Commission established.

~16-2. Duties and powers.

[History: Adopted by the Council of the Borough of Northumberland 7-2-68 as Ord. No. 251. Amendments noted where applicable.]

~16-1. **Commission established.**

A Shade Tree Commission for the Borough of Northumberland is established, which Commission shall have three (3) members, one (1) ot be elected for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years. On the expiration of the term of any Commissioner, a successor shall be appointed to serve a term of five (5) years.

~16-2. **Duties and powers.**

The Commission shall have exclusive custody and control of the shade trees in the borough and is authorized to plant, remove, maintain and protect shade trees on the streets and highways in the borough and is further granted all other powers as set forth in the Act of the Commonwealth of Pennsylvania, Act No. 581 of February 1, 1966, PL 1965.

Chapter 21

ALOCOHLIC BEVERAGES

~21-1. Public Places.

~21-2. Violations and penalties.

[History: Adopted by the Council of Northumberland 8-7-62 as Ord. No. 214, approved 8-10-62. Section 21-3 amended upon adoption of Code; see Ch. 1, General Provisions. Sections 21-1 and 21-2 repealed 9-4-01 by Ord. No. 2001-6. New provision, Section 21-1, adopted 9-4-01 by Ord. No. 2001-6. Other amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order - See Ch. 40.

~21-1. Public Places

It shall be a summary offense to possess, use, or to facilitate the possession and consumption by another of any wine, beer, whiskey, or other alcoholic beverages in or on any public property of the Borough of Northumberland including but not limited to the public parks, pool, fields, or Borough Offices. Provided however: the Borough Council may by resolution, and consistent with the Liquor Code and PLCB regulations, permit the sale or use of alcohol at special events on Borough Property. [Adopted 9-4-01 by Ord. No. 2001-6.]

~21-2. Violation and penalties.

[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

Chapter 22

AMUSEMENTS

~22-1. Certain minors prohibited; responsibility of owner.

~22.2. Violations and penalties.

[History: Adopted by the Council of the Borough of Northumberland 8-7-67 as Ord. No. 215. Section 22-2 amended upon adoption of Code; see Ch. 1, General Provisions. Other amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages - See Ch. 21.
Peace and good order - See Ch. 40.

~22-1. Certain minors prohibited; responsibility of owner.

It shall be unlawful for any owner, employee or servant of the owner, or operator of a coin-operated or remote coin-operated pinball machine to allow any person or persons eighteen (18) years of age or under to operate or play said machine in his or her place of business in the Borough of Northumberland, regardless of whether said machine has been declare to be gambling device or whether it might be considered a machine in which scores or points might be obtained by the use of some skill or skills.

~22-2. Violation and penalties.

Any person who shall be convicted of a violation of any of the provisions of this chapter before a District Magistrate having jurisdiction shall be sentenced to pay a fine of not more than three hundred dollars ($300.00), together with costs of prosecution, or to imprisonment in the county jail for a term not to exceed thirty (30) days, or both.

BUILDING CONSTRUCTION

~23-1. Adoption of standards by reference.

~23-1A. Habitual Violation.

~23-2. Amendments, additions and deletions.

~ 23-3. Inconsistent ordinances repealed.

~ 23-4. Saving clause.

~ 23-5. Date of effect.

~ 23-6. Contractor Licensing and Proof of Insurance

[History: Adopted by the Council of the Borough of Northumberland 3-10-77 as Ord. No. 328. Amended 12-5-95 by Ord. No. 439, 12-18-97 by Ord. No. 453, 9-30-99 by Ord. No. 462, 4-15-03 by Ord. No. 2003-2, 11-1-05 by Ord. 2005-7; 1-17-06 by Ord. 2006-4.]

GENERAL REFERENCES

Housing - Property Maintenance Code - See Ch. 30.
Property maintenance - See Ch. 42.
Zoning - See Ch. 61.

~23-1. Adoption of standards by reference.

That a certain document, on file in the office of the Secretary of the Borough of Northumberland being marked as the latest edition of the current nationally applicable Building Code (presently the International Building Code) is hereby adopted as the "Northumberland Borough Building Code" for the Borough of Northumberland of the Commonwealth of Pennsylvania, for the control of buildings and structures as herein provided; and each and all regulations, provisions, penalties, conditions and terms of said nationally applicable building code are hereby referred to, adopted and made a part thereof as if fully set out in this Ordinance, subject to any Amendments, additions or deletions thereto incorporated herein. [Amended 4-15-03 by Ord. 2003-2; 11-1-05 by Ord. 2005-7.]

~23-1A. Habitual Violation.

The Borough may adopt policies and procedures regarding habitual violation of the Property Maintenance Code. Such policies and procedures may include, but not be limited to, provisions for the Borough to abate violations, bill the habitual violator for the abatement costs incurred by the Borough, and enter municipal liens against the property where the violation occurs. [Added 11-1-05 by Ord. 2005-7.]

~23-2. Amendments, additions and deletions.

That Ordinance of the Borough of Northumberland adopting The BOCA National Building Code and all other ordinances or parts of ordinances in conflict therewith are hereby repealed. [Amended 4-15-03 by Ord. 2003-2.]

~ 23.3. Inconsistent ordinances repealed.

That Ordinance of the Borough of Northumberland adopting an earlier edition of The BOCA National Building Code and all other ordinances or parts of ordinances in conflict therewith are hereby repealed.

Section 302.1 Delete in its entirety, and replace with the following: "All owner(s) of all premises and property in the Borough of Northumberland are responsible to keep, and shall keep, the exterior property and premises maintained in a clean, safe and sanitary condition."

Upon failure of the owner(s) of a property to keep the exterior property and premises maintained in a clean, safe and sanitary condition and after service of notice of violation(s) they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction.

Section 307.1 Delete in its entirety and replace with the following: "All owner(s) of all properties and premises in the Borough of Northumberland shall keep the exterior property and premises and the interior of all structures free from accumulation of rubbish or garbage."

Upon failure of the owner(s) to remove the rubbish and garbage from the exterior and interior property and after service of a notice of violation(s), they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction.

Section 307.3 Delete in its entirety and replace with the following: "All owner(s) of all properties in the Borough of Northumberland shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers."

~ 23-4. Saving clause.

That nothing in this Ordinance in the applicable national building code in effect, currently The International Building Code, latest edition, hereby adopted shall be construed to affect any suit or proceeding impending in any Court, or any rights acquired, or liabilities incurred, or any cause or causes of action acquire or existing, under any act or Ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character by lost, impaired or affected by this Ordinance. [Amended 4-15-03 by Ord. 2003-2.]

~ 23-5. Date of effect.

That the Borough Secretary shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect and be in force from and after its approval as required by law. [Amended 11-1-05 by Ord. 2005-7.]

~ 23-6. Contractor Licensing and Proof of Insurance.

A. All business entities or individuals performing services as building contractors, remodelers, excavators or erectors, shall have a valid license

issued by the Code Office which will have proof of insurance as a requirement. The insurance policy maintained by the applicant for the license shall provide for a minimum of $300,000.00 payable for each claim or occurrence under the policy.

B. The license shall be effective until January 1st of the year following the year of issuance of the license, and it shall be renewed on an annual basis each January. The license shall become null and void if the insurance policy expires during the one-year term.

C. The cost of license shall be an annual fee set by resolution.

D. The license must be presented at the time of requesting a building permit. Further, the Code Office reserves the right to request a visual inspection of the license at the time of an inspection of the building site. Individuals performing services at their own home shall be exempted from the licensing requirement. If a proposed project has estimated costs of less than $100,000.00 then the license, along with a minimum insurance policy of $300,000.00, shall be sufficient to meet the insurance requirements for a building permit. Any project with a cost in excess of $100,000.00 shall require a review of the insurance requirements on a case-by-case basis by the Code Officer to determine the required amount of insurance beyond the minimum insurance policy amount of $300,000.00.

E. The falsification of a license or the failure to have a valid license shall result in the imposition of a fine which shall be set by resolution and not exceed the maximum limit required by law. Violations shall be considered ongoing from the date of notification of a violation, and a violator will be fined for each day that the violation remains unresolved after notification thereof. A stop-work order will be issued to each contractor and/or owner with respect to any ongoing project until such time as the required license is obtained.

DOGS

~24-1. Control of dogs on public property.

~24.2. Dogs prohibited on private property without owner's consent.

~24-3. Nuisances.

~24-4. Curbing of dogs required.

~24-5. Disturbing the peace prohibited.

~24-6. Definitions.

~24-7. Violations and penalties.

[History: Adopted by the Council of the Borough of Northumberland 10-3-78 as Ord. No. 344. Amendments noted where applicable.]

GENERAL REFERENCES

Noise - See Ch. 37.

~24.1. Control of dogs on public property.

No person shall cause, suffer or allow any dog to be upon the highways, streets, alleys, walkway or any public property within the Borough of Northumberland without being attended and without being restrained by a leash or other appropriate restraining device. Moreover, no person shall permit any dog to enter onto any public property which is posted **No Dogs Permitted**. [Amended 9-4-01 by Ord. No. 2001-8.]

~24-2. Dogs prohibited on private property without owner's consent.

No person shall cause, suffer or allow any dog to be upon the private property of another within the Borough of Northumberland without the express authority or permission of the owner of the property.

~24-3. Nuisances.

No person shall cause, suffer or allow any dog to defecate upon any property within the Borough of Northumberland without the express authority or permission of the owner of the property, except as set fourth in ~23-4 of this chapter.

~24-4. Curbing of dogs required.

No person shall cause, suffer and allow a dog to defecate in that area of any street or alley lying between the curbline or, where there are no curbs, in the paved area and the berm of any street or alley and in that area between the curbline or the berm and the sidewalk, provided that said person shall, immediately after the dog has deposited his feces upon said area, remove or cause to the removed in a sanitary manner all such feces so deposited, and provided that said feces shall be wrapped or enclosed and deposited in said person's garbage or in some other place approved by the Health Officer of the Borough of Northumberland in such a manner so as not to cause an odor or a hazard to the health of any resident of the borough.

~24-5. Disturbing the peace prohibited. [Added 3-3-81 by Ord. No. 360[1]]

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[1] **Editor's Note: This ordinance also provided for the renumbering of former ~~23A-5 and ~23A-6 as ~~23A-6 and ~23A-7, respectively.**

It shall be unlawful to own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Borough of Northumberland. The barking, howling or making of other loud noises by any dog for one-half (1/2) hour or more shall be deemed to be a disturbance of the peace and a cause of annoyance and discomfort to persons in the Borough of Northumberland.

~24-6. Definitions.

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

PERSON - An individual, partnership, corporation, agency or institution owning, harboring, keeping or in charge of any dog.

~24-7. Violations and penalties.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

ELECTRICAL STANDARDS

~ 25-1. Adoption of standards by reference

~ 25-2. Electrical Official.

~ 25-3. Permit for electrical work.

~ 25-4. Requirements for issuance of permit.

~ 25-5. Rules and regulations.

~ 25-6. Violations and penalties.

~ 25-7. Appeals.

~ 25-8. Definitions.

[History: Adopted by the Council of the Borough of Northumberland 3-10-77 as Ord. No. 330. Amendments noted where applicable.]

~ 25-1. Adoption of standards by reference. [Revised 4-15-03 by Ord. No. 2003-2.]

The International Code Council (ICC) Electrical Code, latest edition, as published by Building Officials Code Administrators International and any subsequent amendments, revisions or recodifications thereof or thereto are herby adopted as the Electrical Code of the Borough of Northumberland, Pennsylvania, and each and all of the provisions of said code and any subsequent amendments, revisions or recodifications thereof, except such provisions as are by this chapter deleted, modified or amended, are hereby referred to, adopted and made a party hereof as if fully set out by this chapter.

~25.1(a). Sections 602.3 and 602.4 of the Electrical Code shall include the dates "September 1st to May 15th" in the first sentence of each of said paragraphs. [Added 4-15-03 by Ord. No. 2003-2.]

~ 25-2. Electrical Official.

A. The office of Electrical Official is hereby created, and the executive official in charge shall be known as the "Electrical Official."

B. It shall be the duty of the Electrical Official to enforce the provisions of said Electrical Code and to make the inspections and tests required there under.

C. The Electrical Official shall, after proper identification, have the right to enter any premises for the purpose of inspecting any electrical wiring at such times as may be reasonably necessary to protect the public health and safety.

D. The Electrical Official shall be appointed by the council of the Borough on Northumberland.

~ 25-3. Permit for electrical work.

A. No electrical work, except for minor household repairs involving the changing of switches or fuses or the repairs of electrical fixtures, shall be undertaken prior to the issuance of a permit therefore by the Electrical Official.

B. Application for permit shall be made on suitable forms provided by the Borough of Northumberland. The application shall not be issued until the fees prescribed have been paid, nor shall an amendment to a permit necessitating an additional fee because of the additional work involved be approved until the additional fee shall have been paid.

~ 25-4. Requirements for issuance of permit.

No permit shall be issued until plans and specifications showing the proposed work in necessary detail have been submitted to the Electrical Official and he has determined from examination of such plans and specifications that they give assurance that the work will conform to the provisions of said Electrical Code. If a permit is denied, the applicant may submit revised plans and specifications without payment of an additional fee. If, in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and a supplementary permit, subject to the same conditions applicable to the original application for permit, shall be issued to cover the change.

~ 25-5. Rules and regulations.

The Electrical Official shall make such rules and regulations in furtherance of the purposes of said Electrical Code and not inconsistent with the specific provisions thereof for the installation, repair and alteration of electrical wiring and other matters regulated by this code.

~ 25-6. Violations and penalties.

[As passed 12-18-2001 as part of Ord. No.2001-13, all fees for this and subsequent parts of the borough code are determined by council resolution.]

~ 25-7. Appeals

A. General. Any person who is aggrieved with the ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of this code may take an appeal to the Board of Appeals.

B. Board of Appeals. The Board of Appeals shall consist of at least three (3) members appointed by the Council of the Borough of Northumberland.

C. Time of appeal. The appeal must be filed in the Borough Office, in writing, within ten (10) days of the date of the rendition of the decision or interpretation of the enforcing officer, except that, where circumstances exist which in the opinion of the enforcing officer are hazardous or dangerous to human life or the public welfare, the enforcing officer may in his notice or order to the violator limit the time for such appeal to a shorter period.

D. Hearing. The Board of Appeals shall meet upon notice of the Chairman within fifteen (15) days of the filing of an appeal. The meeting shall be public and the appellant, his representatives, the enforcing officer and

other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.

~ 25-8. Definitions.

For purposes of this chapter, the following terms have the meanings indicated:

PERSON -- Includes an individual, firm, partnership, corporation and any other entity.

FAIR HOUSING

~26-1. Title.

~26-2. Restrictions.

~26-3. Creation of committees.

~26-4. Powers and duties of Committee.

~26-5. Violations and penalties.

Addendum: Fair Housing Enforcement Administrative Plan

[History: Adopted by Council of the Borough of Northumberland 12-29-82 as Ord. No 380. Amendments noted where applicable.]

~26-1. Title.

This chapter shall be known as the "Fair Housing Ordinance of Northumberland Borough."

~26-2. Restrictions.

No person, firm, corporation, partnership or other entity which receives or expects to receive pecuniary gain from the advertising, rental or sale of real property within Northumberland shall:

A. Influence or attempt to influence any other person who purports or represents himself to be a prospective purchaser, occupant or tenant of real property to refrain from purchasing or renting property by referring to race, sex, color, religion or nation origin of occupants or prospective occupants of other real property in the neighborhood.

B. Influence or attempt to influence by any words, acts or failure to act any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of real property, in connection with the sale or rental of real property, so as to promote or tend to promote the continuance or maintenance of racially segregated housing or so as to retard, obstruct or discourage tenancy of racially segregated housing or so to retard, obstruct or discourage racially integrated housing on or in any street, block or neighborhood.

C. Discriminate against any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of real property by any influence, suggestion, act or failure to act or accord any differential treatment among such persons, in connection with the sale or rental of real property or in the furnishing of information, services or facilities relative thereto, because of race, sex, color, religion or national origin of any person.

~26-3. Creation of Committee.

A. There is hereby created a Northumberland Equal Housing Opportunity Committee consisting of the following:

(1) One (1) member of the governing body of Northumberland. The governing body will select the representative to the Committee.

(2) One (1) member of the Northumberland Planning Commission. The Planning Commission will select the representative to the Committee.

(3) One (1) resident of Northumberland not employed or serving in any office, elected or appointed, of the borough. The Kiwanis Club will select this representative.

B. All members of the committee shall serve for the balance of the calendar year and shall be appointed thereafter for one-year terms on a calendar-year basic.

~26-4. Powers and duties of Committee.

The Northumberland Equal Housing Opportunity Committee shall:

A. Provide a means of communication and exchange of information between real estate brokers and salesman doing business in Northumberland, officials of the borough and community organizations.

B. Confer and cooperate with real estate brokers, salesman, pubic officials and such associations designed to eliminate any unfair, discriminatory or differential practices in connection with the advertising, sale or leasing of real estate.

C. If deemed necessary, periodically make studies, prepare and disseminate educational materials and make recommendations to the local realtors, the governing body and other groups to the methods of eliminating discriminating practices in connection with the advertising, sale or leasing of real estate in the borough.

D. Receive, investigate and seek to adjust all complaints of discriminatory practices in connection with the advertising, sale or leasing of real estate, and make recommendations to and assist the Northumberland County District Attorney in connection with any such violation.

E. Furnish the governing body with an annual report of the Committee's activities, due no later than the thirty-first (31st) day of January of each year.

~26-5. Violation and penalties.

Persons who violate the provisions of this chapter shall be guilty of a misdemeanor of the third degree and be subject to penalties as provided for under the Pennsylvania Crime Code.

Addendum: Fair Housing Enforcement Administrative Plan

A. The Northumberland Borough Council, pursuant to enforcement of Ordinance No. 380 prohibiting discrimination on the basis of race, color, religion, ancestry, national origin, sex or place of birth in regard to housing accommodations within the borough, has prepared this enforcement administrative plan in order to actively promote fair housing and equal housing opportunity within the borough.

B. Actions to enforce the ordinance will include setting up a Fair Housing Board, ensuring publicity and information distribution, establishment of a working relationship with the state and federal agencies responsible for promoting Pennsylvania and United States fair housing laws and regulations and establishing an internal mechanism for enforcement of the ordinance.

C. Fair Housing Board. The borough hereby establishes a Fair Housing Board as a mechanism of the municipality for dealing with the administration of the Fair Housing Ordinance. The Fair Housing Board shall be comprised of three (3) members, including the Chairman of the Borough Council and two (2) full-time residents of Northumberland. The Board shall meet when circumstances deem it necessary to deal with citizen grievances under Ordinance No. 380. Any person aggrieved under the contents of Ordinance No. 380 may request and shall be granted a hearing before the Fair Housing Board. The person desiring a hearing shall file with the Northumberland Borough Council a petition requesting a hearing. A hearing thereon shall be held within thirty (30) days from presentation of the request at a time and place set by the Board. Written notice thereof shall be given to the petitioner.

D. Publicity and information distribution. In the interest of promoting fair housing and equal opportunity with the borough limits, Northumberland Borough Council shall, in writing, inform all real estate agents in Northumberland Borough and all recipients of housing assistance from Northumberland Borough of the existence of Fair Housing Ordinance No. 380 and the procedures for filing a grievance under same.

E. Relationship to state and federal housing agencies. The Northumberland Borough Council and the Fair Housing Board will make every effort to aid in processing any grievances under Fair Housing Ordinance No. 380 which may be received by any state and federal housing agency.

FIRE PREVENTION

~27-1. Adoption of standards by reference.

~27-2. Amendments, additions and deletions.

~27-3. Inconsistent ordinances repealed.

~27-4. Saving clause.

~27-5. Date of effect.

[HIOSTORY: Adopted by the Council of the Borough of Northumberland 3-10-77 as Ord. No. 332. Amended 9-30-99 by Ord. No. 462.]

General References

Fire Departments—See Ch. 3.
Open Burning—See Ch. 42. Article III.

~27-1. Adoption of standards by reference.

That a certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of Northumberland being marked and designed as the latest edition of The BOCA Building Code as published by Building Officials and Code Administrators International, Inc. is hereby adopted as the "Northumberland Borough Fire Code" for the Borough of Northumberland of the Commonwealth of Pennsylvania; for the control of building and structures as herein provided; and each and all regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made a part thereof as if fully set out in this Ordinance.

~27-2. Amendment, additions and deletions.

The Borough Code of the Borough of Northumberland, Chapter 27, is amended to replace as references to the BOCA National Fire Prevention Code, Fifth Edition 1975 to **the BOCA National Fire Prevention Code**, latest edition.

~27-3. Inconsistent ordinances repealed.

That Ordinance of the Borough of Northumberland adopting an earlier edition of The BOCA National Fire Prevention Code and all other ordinances or parts of ordinances in conflict therewith is hereby repealed.

~27-4. Saving Clause.

That nothing in this Ordinance or in The BOCA National Fire Prevention Code, latest edition, 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 acquire or existing, under any act or Ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right of remedy of any character be lost, impaired or affected by this Ordinance.

~27-5. Date of effect.

That the Borough Secretary shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect and be in force from and after its approval as required by law.

FLOOD HAZARD AREAS

ARTICLE I
General Provisions

~28-1. Legislative intent.

~28-2. Applicability.

~28-3. Effect on other ordinances.

~28-4. Municipal liability.

ARTICLE II
Administration

~28-5. Permit required.

~28-6. Issuance of permit.

~28-7. Application procedures.

~28-8. Review by Permit Officer.

~28-9. Changes in applications, permits and plans.

~28-10. Display of placard on premised.

~28-11. Start of construction or improvement.

~28-12. Inspection; revocation of permit.

~28-13. Fees; appeals or estimate of cost.

~28-14. Record maintenance and duties of Permit Officer.

~28-15. Notices; hearing; order; appeals.

~28-16. Violation and penalties.

~28-17. Variances.

ARTICLE III
Designation of Floodplain District.

~28-18. Establishment and identification of district.

~28-19. Boundary disputes.

ARTICLE IV
Technical Provisions

~28-20. Applications of provisions.

~28-21. Floodway regulations.

~28-22. Floodway fringe regulations.

ARTICLE V
Definitions

~28-23. Words and terms defined.

[History: Adopted by the Council of the Borough of Northumberland 2-1-77 as Ord. No 325. Amendments noted where applicable.]

GENERAL REFERENCE

Building construction - See Ch. 23
Zoning - See Ch. 61.

~28-1. Legislative intent.

The intent of this chapter is to:

A. Promote the general health, welfare, and safety of the community with regard to construction in flood-prone areas.

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 and its residents by preventing excessive development in areas subject to flooding.

~28-2. Applicability.

A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken the construction, reconstruction, substantial improvement, enlargement, alteration or relocation of any building or structure and any development, including placement of mobile homes, within the Floodplain District established by this chapter, unless an approves permit has been obtained from the Permit Officer.

B. A permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

~28-3. Effect on other ordinances.

This chapter supersedes any provision currently in effect in flood-prone areas. However, any underlying ordinance or section thereof shall remain in full force and effect to the extent that those provisions are more restrictive.

~28-4. Municipal liability.

The granting of a permit or approval of a subdivision or land development plan in an identified flood-prone area shall not constitute a representations, guaranty or warranty of any kind by the Borough of Northumberland or by any official or employee thereof of

the practicability or safety of the proposed use and shall create no liability upon the Borough of Northumberland or its officials or employees.

ARTICLE II
Administration

~28-5. Permits required.

Permits shall be required before any new construction, substantial improvement, reconstruction, enlargement, alteration or relocation of any building or structure or any development, including the placement or mobile homes, is undertaken.

~28-6. Issuance of permit.

The Permit Officer 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.

~28-7. Application procedures.

A. Application for such a permit shall be made in writing, to the Permit Officer, on forms supplied by the Borough of Northumberland. Such application shall contain at least the following:

(1) The name and address of the applicant.

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

(3) The name and address of the contractor.

(4) The location of the site.

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

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

B. For any proposed construction or other development including the placement of mobile homes within the Floodplain District established by this chapter. Applicants for permit shall also provide the following specific information:

(1) A plan which:

(a) Accurately locates the proposal with respect to the flood-prone area boundaries, stream channel and existing flood-prone developments.

Included shall be plans for proposed subdivision and/or land development.

(b) Includes existing and propose contours and elevation of the ground, storage elevations, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and floodproofing measures.

(2) All subdivision proposals and other proposed new developments greater than fifty (50) acres, whichever is the lesser, shall include within such proposals one-hundred-year flood elevation data.

~28-8. Review by Permit Officer.

A. The permit Officer shall review all permit applications to assure that all necessary permits have been received from those government agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

B. The Permit Officer shall review subdivision proposals and other proposed new development to determine whether such proposed building sites will be reasonably safe from flooding.

C. The Permit Officer shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that:

(1) All such proposals are consistent with the need to minimize flood damage within the flood-prone area.

(2) All public 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 to reduce exposure to flood hazards.

D. A copy of all plans, applications and proposals for new construction or other development, including the placement of mobile homes, within the Floodplain District established by this chapter may be submitted by the Permit Officer to any other appropriate agencies and or individuals (e.g. Planning Commission, Municipal Engineer, etc.) for review and comment.

~28-9. Changes in applications, permits and plans.

After the issuance of a permit by the Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Permit Officer.

~28-10. Display of placard on premises.

In addition to the permit, the Permit Officer shall issue a placard which shall be displayed on the premises during the same construction is in progress. This placard shall show the number of the permit and the date of its issuance and shall be signed by the Permit Officer.

~28-11. Start of construction or improvement.

If work on the proposed construction or improvement does not begin within six (6) months after the date of issuance of the permit, the permit shall expire unless a time extension is granted, in writing, by the Permit Officer. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. See definition of "start of construction" in Article V.

~28-12. Inspection; revocation of permit.

During the period of construction or improvement, the Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough of Northumberland laws and ordinances. In the event that the Permit Officer of other authorized official 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 Permit Officer shall revoke the permit and report such fact to the Borough of Northumberland for whatever action it considers necessary.

~28-13. Fees; appeals or estimate of cost.

A. Applications for a building permit shall be accompanied by a fee, payable to the Borough of Northumberland, based upon the estimated cost of the proposed construction as determined by the Building Permit officer at the following rates:

Estimated Cost of Construction	Fee
$0 to $999.00	$25.00
$1,000.00 to $1,999.00	$50.00

Each additional $1,000.00 over $2,000.00 is $6.00 per every $1,000.00

Plus a base rate of $50.00

B. Any person aggrieved by the Building Permit Officer's estimate to the cost of the proposed construction may appeal to the Council of the Borough of Northumberland. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Council of the Borough of Northumberland shall set a time and place not less than ten (10) days or more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination of the estimated cost by the Council of the Borough of Northumberland shall be final in all cases.

~28-14. Record maintenance and duties of Permit Officer.

A. The Permit Officer shall:

(1) Obtain the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures and whether or not such structures contain a basement.

(2) Obtain, if the structure has been floodproofed, the elevation, in relation to main sea level, which the structure was floodproofed.

(3) Maintain a record of all such information in the Borough Office.

B. The Permit Officer shall, in riverine situations, notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Administrator.

C. The Permit Officer shall assure that the flood-carrying capacity of the altered or relocated portion of any watercourse is maintained.

~28-15. Notices; hearings; orders; appeals.

A. Notices. Whenever the Permit Officer or other authorized official determines that there are reasonable grounds to believe that there has been violation of any provision of this chapter or any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation as hereinafter provided. Such notice shall:

(1) Be in writing.

(2) Includes a statement of the reason for its issuance.

(3) Allow a reasonable time 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 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 chapter or any part thereof and with the regulations adopted pursuant thereto.

B. Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Council of the Borough of Northumberland, provided that such person shall file with the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of the petition, the Borough Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof to show why such notice shall be modified or see code. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided that, upon application of the petitioner, the Borough Secretary may postpone the date of hearing for reasonable time beyond such ten-day period when, in his judgement, the petitioner has submitted good and sufficient reasons for such postponement.

C. Findings and order. After such hearing, the Borough Council of the Borough of Northumberland shall make findings as to compliance with the provisions of this chapter and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying or withdrawing the notice, which order shall be served in the same manner as the notice. The Borough Council shall not, by affirmative decision or otherwise, permit or allow in the Floodplain District any of the activities prohibited in Article IV of this chapter. [Amended 12-29-82 by Ord. No. 381]

D. Record and appeals. The proceedings at such a hearing, including the findings and decision of the Borough Council of the Borough of Northumberland, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the Borough of Northumberland, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by a decision of the Borough of Northumberland may seek relief therefrom in any

court of competent jurisdiction, as provided by the laws of this commonwealth.

~28-16. Violations and penalties.

Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order or direction of the Permit Officer or any other authorized official of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of Northumberland of not less than twenty-five dollars nor more than three hundred dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in the county prison for a period not to exceed thirty (30) days. Each day during which any violation of this chapter continues shall constitute separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity, for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of noncompliance or 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 with this chapter may be declared by the Borough Council of the Borough of Northumberland to be a public nuisance and abatable as such.

~28-17. Variances.

A. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances may be issued for new construction and substantial improvements to
be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Subsections C, D, E and F below.

C. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant and a determination that the granting of a variance will not result increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. The Permit Officer shall notify the applicant, in writing, that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage and that such

construction below the base flood level increase risks to life and property. Such notification shall be maintained with a record of all variance actions as required in Subsection F below.

F. The Permit Officer shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the annual report submitted to the Federal Insurance Administrator.

G. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth above.

H. Variances may not be issued and shall not vary or alter in any way the prohibitions contained in ~28-21B of this chapter and ~28-22A of this chapter. [Added12-29-82 by Ord. No. 381]

ARTICLE III
Designation of Floodplain District

~28-18. Establishment and identification of district.

A. The Borough of Northumberland hereby establishes a Floodplain District to include all areas subject to inundation by waters of the one-hundred year flood. The source of this delineation shall be the Type 15 Flood Insurance Study for the Borough of Northumberland, Northumberland County, Pennsylvania, by the United States Department of Housing and Urban Development, Federal Insurance Administration.

B. the Flood plain District shall be comprised of two (2) areas described as follows:

(1) Regulatory floodway: the area designated “floodway” on the Flood Boundary and Floodway Map of the Borough of Northumberland. That portion of the Floodplain District required to carry and discharge the waters of the one-hundred-year flood without increasing the water surface elevation at any point more than one foot above existing conditions as demonstrated in the Flood Insurance Study as referenced above.

(2) Floodway fringe: the area between the regulatory floodway and the boundary of the one-hundred-year flood.

~28-19. Boundary disputes.

A. Should a dispute arise concerning the boundary of the floodway or the regulatory floodway, an initial determination shall be made by the Permit Officer. Any party aggrieved by his decision may appeal to the Borough

Council of the Borough of Northumberland. The burden of proof shall be on the appeal.

B. Changes in the boundaries of the regulatory floodway and floodway fringe based upon modified data reflecting natural or man-made physical changes shall not be made without prior approval of the Federal Insurance Administrator.

ARTICLE IV
Technical Provisions

~28-20. Application of provisions.

In order to prevent damage to buildings and structures due to conditions of flooding, the following regulations shall apply to all new construction, substantial improvements and other development within the Floodplain District.

~28-21. Floodway regulations.

A. No encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway shall be permitted that would result in any increase in flood levels within the community during the occurrence of the one-hundred-year flood discharge. Floodway fringe regulations shall apply to permitted encroachments, fill, new construction, substantial improvements and other development.

B. [Amended 12-29-82 by Ord. No. 381] In the floodway, the following uses are specifically prohibited:

(1) Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substance or which will be used for any activity requiring the maintenance of a supply [more than five hundred fifty (550) gallons or other comparable volume, or any amount of radioactive substances] or any of the following materials or substances on the premises: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.) phosphorus, potassium, sodium, sulfur and sulfur products, pesticides (including insecticides, fungicides and rodenticides) and radioactive substances insofar as such substances are not otherwise regulated.

(2) Public or private hospitals.

(3) Public or private nursing homes.

(4) Jails.

(5) Mobile homes, new mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks and mobile home subdivisions.

~28-22. Floodway fringe regulations.

A. In the floodway fringe, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable codes and ordinances and regulations, except the uses which are specifically prohibited in ~28-21B. These uses are also specifically prohibited in the floodway fringe. [Added 12-29-82 by Ord. No. 381]

B. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the one-hundred-year-flood level.

C. All new construction and substantial improvements of nonresidential structures
shall have the lowest floor, including basement, elevated to or above the one-hundred-year-flood level or, together with attendant utility and sanitary facilities, be designed so that below the one-hundred-year-flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

D. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage, and adequate drainage shall be provided to reduce exposure to flood hazards.

E. Fill. If fill is used, it shall:

(1) Extend laterally at least fifteen (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 (1) vertical to two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Permit Officer.

F. 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.

G. Anchoring. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent lateral movement, collapse or flotation, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse. All air ducts, large pipes and storage tanks located at or below the first floor level shall be firmly anchored to prevent flotation.

H. Floors, walls and ceilings.

(1) Wood flooring used at or below the first level shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(2) Plywood used at or below the first floor level shall be of an exterior or marine grade and of a water-resistant or waterproof variety.

(3) Basement ceilings in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.

(4) Window frames, door frames and door jambs used at or below the first level shall be made of metal.

I. Electrical systems.

(1) All electrical water heaters, electric furnaces, electric air-conditioning and ventilating systems and other critical electrical installations shall be permitted only at elevations above the one-hundred-year-flood elevation.

(2) No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the level of the one-hundred-year-flood elevation.

(3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

J. Plumbing.

(1) Water heaters, furnaces and other critical mechanical installations shall be permitted only at elevations above the one-hundred-year-flood elevation.

(2) On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(3) Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of floodwaters into the systems and discharges from the system into floodwaters.

(4) All gas and oil supply systems shall be designed to preclude the infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

K. Paints and adhesives.

(1) Adhesive used at or below the first floor level shall have a bonding strength that is unaffected by inundation.

(2) Doors and all wood trim at or below the first floor level shall be sealed with a waterproof paint or similar product.

(3) Paints or other finishes used at or below the first floor level shall be capable of surviving inundation

L. Storage. No materials that are buoyant, flammable, and explosive or, in times of flooding, could be injurious to human, animal or plant life shall be stored below the elevation of the one-hundred-year-flood elevation.

M. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage.

N. In all subdivision proposals and other proposed new development, adequate drainage shall be provided to reduce exposure to flood hazards.

O. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(1) Over-the-top ties are provided at each of the four (4) corners of the mobile home; with two (2) additional ties per side at intermediate locations and those mobile homes less than fifty (50) feet long require one (1) additional tie per side.

(2) Frame ties are provided at each corner of the home and five (5) additional ties per side at intermediate points and those mobile homes less than fifty (50) feet long require four (4) additional ties per side.

(3) All components of the anchoring system are capable of carrying a force of four thousand eight hundred (4,800) pounds.

(4) Any additions to the mobile home are similarly anchored.

P. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with appropriate Disaster Preparedness Authorities for mobile home parks and mobile home subdivisions.

Q. For new mobile home parks and mobile home subdivisions, for expansion to existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvements of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before repair, reconstruction or improvement has commenced:

(1) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the one-hundred-year-flood level.

(2) Adequate surface drainage and access for a hauler shall be provided.

(3) In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart and reinforcement shall be provided for piers more than six (6) feet above ground level.

R. For all mobile homes that are not placed into a mobile home park or mobile home subdivision.

(1) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the one-hundred-year-flood level.

(2) Adequate surface drainage and access for a hauler shall be provided.

(3) In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart and reinforcement shall be provided for piers more than six (6) feet above ground level.

S. Where flood proofing is utilized for a particular structure in accordance with these regulations, a registered professional engineer or architect shall certify

that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year-flood, and a record of such certificates indicating the specific elevation, in relation to mean sea level, to which such structures are flood proofed shall be maintained with the Permit Officer.

ARTICLE V
Definitions

~28-23. Words and terms defined.

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

BUILDING-- See “structure”

DEVELOPMENT-- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

MINOR REPAIR-- The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

NEW CONSTRUCTION-- The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building, structure and/or improvements, such as streets, utilities, etc. Also, for the purposes of this chapter, all proposed subdivision and/or land development shall be considered to be “new construction.”

NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION-- A parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of street) is completed on or after the effective date of floodplain management regulations is adopted by a community.

ONE-HUNDRED-YEAR FLOOD or BASE FLOOD-- The flood having a one-percent chance of being equaled or exceeded in any given year.

PRINCIPALLY ABOVE GROUND-- When at least fifty-one percent chance of the actual cash value of structure, less land value, is above ground.

START OF CONSTRUCTION-- The first placement of permanent construction of a structure, other than a mobile home, on a site, such as the pouring of slabs or

footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; 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 as part of the main structure. For a structure, other than a mobile home, without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivision, “start of construction” is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities) is completed.

STRUCTURE—a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

SUBDIVISION—The division or re-division of a lot, tract or parcel of land by any means into two (2) 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 division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

SUBSTANTIAL IMPROVEMENT—Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the value of the structure either before the improvements or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

FOOD ESTABLISHMENTS

~ 29-1. Adoption of rules and regulations by reference.

~ 29-2. Enforcement officer; grant of authority.

~ 29-3. Inspections.

~ 29-4. Right of entry.

~ 29-5. Revocation or suspension of license.

~ 29-6. Contents of notice.

~ 29-7. Service of notice.

~ 29-8. Posting of placard; penalty for removal.

~ 29-9. Administrative liability.

~ 29-10. Violation and penalties.

[HISTORY: Adopted by the Council of the Borough of Northumberland 6-7-77 as Ord. No. 335.[1] Amendments noted where applicable.]

~ 29-1. Adoption of rules and regulations by regulations by reference.

The Rules and Regulations set forth in Chapter 151 of Title 25 of the Pennsylvania Code, adopted by the Department of Environmental Resources of September 8, 1971, are hereby referred to, adopted and made a part of this chapter as if fully set herein, as regulations for the sanitary treatment and serving of food and drink in the various food establishments of the Borough of Northumberland.

~ 29-2. Enforcement officer; grant of authority.

It shall be the duty and responsibility of the Health Officer of the Borough of Northumberland to enforce the provisions of this chapter and of the Act of May 23, 1945, P.L. 926, as amended (35 P.S. ~ 655.1 et seq.), and he is hereby granted all the power and authority contained therein.

~ 29-3. Inspections.

The Health Officer shall make or cause to be made inspections to determine the conditions of all public eating or drinking places in order to safeguard the safety, health and welfare of the public under the provisions of this chapter. The Health Officer is authorized to enter any structure or premises at any reasonable time for the purpose of performing his duties under this chapter. The owner, occupant or operator of every public eating or drinking place or the person in charge thereof shall give the Health Officer free access thereto and to all parts thereof for the purpose of such inspection and examination.

~ 29-4. Right of entry.

A. It shall be unlawful for any person to refuse entrance to or to impeded an inspector or officer authorized under this chapter in the performance of his duties, and every such inspector or officer shall have the right to enter, examine and inspect all premises, grounds and structures and every part thereof at all reasonable times upon display of proper identification.

B. If any owner, occupant or other person in charge of a structure subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this chapter is sought, the Health Officer may commence

[1] **Editor's Note: this ordinance repealed former Ch. 27, Food Establishments, adopted 9-5-72 as Ord. No. 272.**

an action against such owner, occupant or other person in charge for violation of this chapter and may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge and desist with such interference.

~ 29-5. Revocation or suspension of license.

Any person, partnership, association or corporation conducting or operating in the Borough of Northumberland a public eating or drinking place who, after investigation made by the Health Officer, has failed or refused after a reasonable interval to correct conditions found to constitute a violation of this chapter shall have his, her or its license to operate such public eating or drinking place revoked or suspended by the Health Officer. Revocation or suspension of license shall be terminated when the violation for which is imposed has been found, upon inspection by the Health Officer, to have been corrected.

~ 29-6. Contents of notice.

Notice of a violation of this chapter or of revocation or suspension of license shall be in writing, state the reason or reasons why it is being given, state the time within which conditions must be corrected and cite the provisions of the law pursuant to which it is given.

~ 29-7. Service of notice.

Service of said notice of violation or suspension may be served in any of the following ways:

A. By delivery personally to the owner or operator.

B. By delivery personally to any agent, servant or employee of the owner or operator in the public eating or drinking place.

C. By certified mail addressed to the owner or operator at his, her or its last known residential or business address or at the address of the public eating or drinking place.

~ 29-8. Posting of placard; penalty for removal.

When a license has been suspended, the premises of the eating or drinking place shall be paste with a placard or placards by the Health Officer. The placard shall state the name of the licenser, cite the law pursuant to which the suspension is ordered, state that the license is suspended until such time as the Health Officer shall certify that the violation for which the suspension was imposed have been corrected, contain the date the placard was posted, contain the signature of the Health Officer and state the penalty for defacing or removing the placard.

[As passed 12/18/2001 as part of Ordinance 2001-13, all

penalties for this and subsequent parts of borough code are determined by council resolution]

~ 29-9. Administrative liability.

Except as may otherwise be provided by the stature or local law or ordinance, an officer, agent or employee of the Borough of Northumberland charged with the enforcement of this chapter shall not render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. A person who institutes or assists in the prosecution of a criminal proceeding under this chapter shall not be liable to damages hereunder unbelieving that the person accused or prosecuted was guilty of any unlawful act or omission. Any suit brought against any officer, agent or employee of the Borough of Northumberland as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative on the proceedings therein.

~ 29-10. Violations and penalties.

[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

Chapter 30

Housing - Property Maintenance Code

~ 30-1. Adoption of the International Property Maintenance Code.

~ 30-2. Additions, insertions and changes.

~ 30-3. Inconsistent ordinances repealed.

~ 30-4. Saving clause.

~30-5. Date of effect.

[HISTORY: Adopted by the Council of the Borough of Northumberland 3-10-77 as Ord. No 331. Amended 12-16-97 by Ord. No. 452; Amended 4-15-03 by Ord. No. 2003-2.]

~30-1. Adoption of the International Property Maintenance Code.

The International Property Maintenance Code, latest edition, as published by the Building Officials Code Administrators International, and any subsequent amendments, revisions or recodifications thereof or thereto, are hereby adopted as the Property Maintenance Code of the Borough of Northumberland, Pennsylvania, and each and all of the provisions of said code and any subsequent amendments, revisions or recodifications thereof, except such provisions as are by this chapter deleted, modified or amended, are hereby referred to, adopted and made a party hereof as if fully set out by this chapter.

~ 30-2. Additions, insertions and changes.

The sections of "The International Property Maintenance Code" latest edition, set forth below are revised as follows:

Section PM-101.1. The words "…Property Maintenance Code of [NAME OF JURISDICTION]…" are delete and the following is substituted therefore:

"Northumberland Borough Property Maintenance Code"

Section PM-106.4. Violation Penalties.
[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of Borough Code are determined by council resolution]

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section PM-111.2. Membership of the board.
The board of appeals shall consist of three (3) members. Appointed by Borough Council as follows: one (1) for three (3) years, one (1) for two (2) years, one (1) for one (1) year. Thereafter, each new member shall serve for three (3) years or until a successor has been appointed."

S**ection PM-111.5.** The word "five" is deleted, and the word "three" is substituted therefore.

Section PM-111.6. The word "three" is deleted, and the word "two" is substituted therefore.

Section PM-304.15. The words "During the period from [DATE] to [DATE]…" are deleted and the following is substituted therefore.

"During the period from June 1 to October 15…"

Section PM-602.2.1. The words "…during the period from [DATE] to [DATE]…" are deleted and the following is substituted therefore:

"…during the period from September 1 to May 15…"

Section PM-602.3. The words "…during the period from [DATE] to [DATE]…" are deleted and the following is substituted therefore:

"…during the period from September 1 to May 15…"

~ 30.3. Inconsistent ordinances repealed.

Those ordinances of the Borough of Northumberland adopting an earlier edition of The International Property Maintenance Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

~ 30.4. Saving clause.

Nothing in this Ordinance or in The International Property Maintenance Code, latest edition, 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 this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

~ 30-5. Date of effect.

That the Borough Secretary shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force from and after its approval as required by law.

CHAPTER 31

RESIDENTIAL RENTAL UNIT REGULATION
[Adopted 8-7-07 as Ord. No.2007-2]

§31-1. PURPOSE AND SCOPE

§31-2. DEFINITIONS AND WORD USAGE

§31-3. DUTIES OF OWNERS AND MANAGERS OF RESIDENTIAL RENTAL UNITS

§31-4. EXEMPTION FROM LICENSING REQUIREMENTS

§31-5. DUTIES OF OCCUPANTS OF RESIDENTIAL RENTAL UNITS

§31-6. DISRUPTIVE CONDUCT

§31-7. RESIDENTIAL RENTAL UNIT LICENSING

§31-8. INSPECTION OF RESIDENTIAL RENTAL UNITS

§31-9. SALE OR TRANSFER OF RESIDENTIAL RENTAL UNITS

§31-10. APPEALS

§31-11. VIOLATIONS AND PENALTIES

§31-12. EXHIBIT A: ADDENDUM TO RESIDENTIAL RENTAL AGREEMENT

§31-1. PURPOSE AND SCOPE.

The purpose of this Part and the policy of the Borough of Northumberland shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential rental units in the Borough and to encourage owners and occupants to maintain and improve the quality of rental housing within the Borough. As a means to these ends, this Part provides for a systematic inspection program, registration and licensing of residential rental units, and penalties. In considering the adoption of this Part, the Borough makes the following findings:

1. There is a growing concern in the Borough with the failure of some landowners to properly maintain residential rental units.

2. Borough records and experience indicate there is a greater incidence of problems with the maintenance and upkeep of residential properties which are not owner-occupied as compared to those that are owner-occupied.

3. Borough records and experience indicate there are a greater number of disturbances at residential rental units than all other properties combined.

4. Borough records and experience indicate that violations of the Codes are generally less severe at owner-occupied units as compared to residential rental units.

§31-2. DEFINITIONS AND WORD USAGE.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Part, have the meanings indicated as follows:

BOROUGH - the Borough of Northumberland, Northumberland County, Pennsylvania.

CODE ENFORCEMENT OFFICER - a person designated by Borough Council to enforce this Part, including performance of inspections, issuance of Residential Rental Licenses and issuance of citations.

CODES - any state or local code or ordinance adopted, enacted or in effect in and for the Borough including, but not limited to, the Building Construction Code, codified as Chapter 23, the Housing Property Maintenance Code, codified as Chapter 30, the Property Maintenance Code codified as Chapter 42; the Zoning Ordinance, codified as Chapter 61; the Waste Management Ordinance, codified as Chapter 59, and general nuisance ordinances.

COUNTY - the County of Northumberland

DISRUPTIVE CONDUCT - Any act by an occupant of a residential rental unit or by a person present at a residential rental unit involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property , damage to or destruction of public or private

property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, unreasonable noise as defined by the Borough Noise Ordinance, codified as Chapter 37, of the Code of Ordinances, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as Disorderly Conduct in the Pennsylvania Crimes Code or any act prohibited in Chapter 40, Peace and Good Order, of the Borough's Code of Ordinances or which otherwise injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the conduct. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein, Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Code Enforcement Officer or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrences. The occupant and the owner and, if applicable, the manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct to be completed by a Police Officer or a Code Enforcement Officer who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.

HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than thirty (30) days.

MANAGER - A person retained by an owner to be responsible for one or more residential rental units within the Borough.

OCCUPANT - any person over one year of age living and sleeping in a residential rental unit or having actual possession of said residential rental unit.

OWNER - The person who holds record title and/or the equitable owner under an agreement of sale of a property upon which a residential rental unit is erected or maintained. If more than one person owns the residential rental unit as joint tenants, tenants in common, tenants by the entireties, or tenants in co-partnership, each such person shall be considered an owner and shall have all of the duties of an owner under this Part,

PERSON - A natural individual, unincorporated association, partnership, corporation, estate, trust or any other legally recognized entity, and the members of such partnership and the officers of such corporation.

PERSONAL CARE HOME – a premises in which food, shelter, and personal assistance or supervision are continually provided for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication

prescribed for self-administration and which meets regulations of any applicable government licensing agency.

PREMISES - Any parcel of real estate within the Borough, including the land and all buildings and appurtenant structures, on which one or more residential rental units are located.

PROPERTY MAINTENANCE CODE - the Borough Property Maintenance Code enacted as Chapter 42, of the Code of Ordinances, as it may be amended in the future.

RESIDENTIAL RENTAL LICENSE - a document issued by the Code Enforcement Officer to the owner of a residential rental unit.

RESIDENTIAL RENTAL UNIT – (i) a Rooming Unit or (ii) a dwelling unit let for rent or (iii) residential unit occupied by any persons other than one occupied solely by the owner and members of the owner's family. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, and each rooming unit shall be considered a separate Residential Rental Unit, If a structure contains a Rooming Unit or if any portion of the structure is let for rent, it shall be considered a Residential Rental Unit whether or not the Owner or a relative of the Owner also resides in the structure. A Residential Rental Unit shall not include a Hotel Unit or a Personal Care Home. A Residential Rental Unit includes dwelling units under lease-purchase agreements, or long-term [greater than six (6) months] agreements of sale.

ROOMING UNIT - a portion of a dwelling unit including any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit.

§31-3. DUTIES OF OWNERS AND MANAGERS OF RESIDENTIAL RENTAL UNITS.

1. It shall be the duty of every owner to:

   A. Keep and maintain all residential rental units in compliance with all applicable Codes and provisions of all applicable state laws and regulations, including but not limited to the Zoning Ordinance.

   B. Keep and maintain all premises in good and safe condition.

   C. Be aware of, and to act to eliminate disruptive conduct in all residential rental units.

   D. Employ policies and to manage the residential rental units under his/her control in compliance with the provisions of this Part, Borough codes and applicable State laws.

   E. Pay or insure payment of all real estate taxes, sewer rates, and trash collection fees

to insure that such vital utilities are provided.

F. Obtain and maintain a Residential Rental License for each residential rental unit.

G. Provide the Borough within 30 days of the names of all tenants of the residential rental unit and notify the Borough of changes in the occupancy of the residential rental unit.

H. Provide trash and recyclable collection and disposal services and instruct tenants of the method of trash and recyclable collection (e.g. curbside or dumpster) and, if applicable, the day of week of trash and recyclable pickup.

I. Provide each tenant with a disclosure statement containing the requirements of this Part, including the provisions relating to disruptive conduct. Provision of a copy of this Part to each tenant will satisfy this requirement,

J. Take all actions necessary to insure that each residential rental unit is occupied by only one family. For the purposes of this Paragraph, a "family" shall be considered to be a group of no more than three persons unrelated to all the others by blood, marriage, adoption or legal foster relationship.

K. Require a written rental agreement for each residential rental unit.

L. Retain a manager when this Part requires that a manager be designated.

2. If the owner has appointed a manager, the manager shall be jointly responsible to fulfill all of the obligations in §31-3.1. No owner may relieve himself of the responsibility to perform the duties set forth in §31-3.1 by appointing a manager.

3. It shall be unlawful for any person to conduct or operate or cause to be rented either as owner or manager any residential rental unit within the Borough without having a Residential Rental License as required by this Part.

4. The owner and, if applicable, the manager shall include the amendment attached hereto as Exhibit "A", identified as "Addendum to Residential Rental Agreement" in each lease of a residential rental unit taking effect on or after January 1, 2008.

5. It shall be the responsibility of every owner and every manager to display the Residential Rental License in the residential rental unit. The Residential Rental License shall include the following information:

A. The name, mailing address and telephone number of the owner or manager.

B. The evenings on which garbage and recycling are to be placed curbside for collection and the name and telephone number of the garbage hauler.

C. The telephone number to call to register complaints regarding the physical

condition of the residential rental unit.

D. The telephone number for emergency police, fire and medical services.

E. The date of expiration of the Residential Rental License.

F. A summary of the owner's and occupant's duties under this Part,

6. No Residential Rental License shall be issued to any owner residing more than twenty (20) miles from the municipal limits of the Borough unless the owner provides the Code Enforcement Officer with the name, mailing address and telephone number of a manager residing or working within twenty (20) miles of the Borough limits, authorized to accept service of process on behalf of the owner. For the purpose of this Subsection, a post office box is not acceptable for the manager's address. This designation shall not be valid unless signed by the owner and the manager designated to act on behalf of the owner. The owner shall notify the Code Enforcement Officer within thirty (30) days of any change in manager.

§31-4. EXEMPTION FROM LICENSING REQUIREMENTS.

1. All property owned by the County or any housing authority created by the County which is inspected annually by those agencies to assess conformance with federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of Housing and Urban Development or the Pennsylvania Housing Finance Agency, regardless of the occupants, shall be exempt from the licensing provisions of this Part.

2. The licensing provisions of this Part shall not apply to (i) hospitals, or (ii) hotel units

3. If, in response to a complaint, an exempt unit is found to be in violation of a Code, the owner and, if applicable, the manager shall correct the violation(s) within the time frame cited by the Code Enforcement Officer. If the violation(s) is/are not corrected, the unit shall lose its exemption until the violation(s) is/are corrected. If three (3) verified complaints are received in any twelve (12) month period, the unit shall lose its exemption from the requirement to obtain a license for a period of five *(5)* years.

4. All occupants of residential rental units, whether or not the residential rental unit is exempt from the licensing requirements of this Part, shall be subject to the provisions of §31-5 and 31-6 of this Part.

§31-5. DUTIES OF OCCUPANTS OF RESIDENTIAL RENTAL UNITS.

Each occupant of a residential rental unit shall have the following duties:

1. Comply with all obligations of this Part and all applicable Codes and Borough ordinances, as well as all state laws and regulations.

2. Conduct himself/herself and require other persons, including, but not limited to, guests on the premises and within their residential rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

3. Not engage in, nor tolerate, nor permit others on the premises to cause damage to the residential rental unit or engage in disruptive conduct, or other violations of this Part, Codes, Borough Ordinances, or applicable state laws.

4. Use the trash and recyclable collection services provided by the owner.

5. Use the residential rental unit for no purpose other than as a residence.

6. Maintain the residential rental unit in a manner meeting all requirements for occupants of structures set forth in the Property Maintenance Code.

7. Allow the Code Enforcement Officer to inspect the residential rental unit in accordance with this Part at reasonable times.

8. Not allow persons other than those identified on the lease to reside in the residential rental unit.

9. Not allow the residential rental unit to be occupied by more than one family. For the purposes of this Paragraph, a "family" shall be considered to be a group of no more than three persons unrelated to all the others by blood, marriage, adoption or legal foster relationship.

10. Not permit the possession of, serving to or consumption of alcohol by underage persons.

§31-6. DISRUPTIVE CONDUCT.

1. Police officers or Code Enforcement Officers shall investigate alleged incidents of disruptive conduct. The police officer or Code Enforcement Officer conducting the investigation shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct. The information filed in the Disruptive Conduct Report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and the factual basis for the disruptive conduct described in the Disruptive Conduct Report. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner and, if applicable, the manager within ten (10) working days of the occurrence of the alleged disruptive conducts.

2. The occupant or the owner and, if applicable, the manager shall have ten (10) working days from the date of a Disruptive Conduct Report to appeal the Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Code Enforcement Officer.

3. After three (3) disruptive conduct incidents in any twelve (12) month period by an

occupant documented by Disruptive Conduct Reports, the owner and, if applicable, the manager shall have ten (10) working days from the date of the third Disruptive Conduct Report to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the Residential Rental License. The residential rental unit involved shall not have its Residential Rental License reinstated until the reinstatement fee (as set by Borough resolution) is paid and the disruptive occupants have been evicted, the district justice has ruled in the occupant's favor, the district justice has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not re-occupy any residential rental unit on the same premises involved for a period of at least one (1) year from date of eviction. This paragraph is not intended to limit or inhibit the owner and, if applicable, the manager's right to initiate eviction actions prior to the issuance of the third Disruptive Conduct Report in a twelve month period.

4. The Disruptive Conduct Report shall count against all occupants of the residential rental unit. More than one (1) Disruptive Conduct Report filed against the occupants of a residential rental unit in a twenty-four (24) hour period shall count as a single Disruptive Conduct Report for the purpose of §31-6.3. The Code Enforcement Officer shall maintain a list of the names of all occupants evicted as a result of 31-6.3. The names shall remain on the list for a period of three (3) years.

§31-7. RESIDENTIAL RENTAL UNIT LICENSING.

1. The manager of each residential rental unit shall apply for and obtain an annual Residential Rental License for each residential rental unit. A residential rental unit license shall be valid for a period of one calendar year from the date of issuance. The Borough as a courtesy may forward a notice that a residential rental license will expire and must be renewed, but the failure of the Borough to send such notice or the failure of the manager to receive such notice shall not excuse the manager of a residential rental unit from making an application to obtain and/or renew a residential rental unit license.

2. The Code Enforcement Officer shall issue a Residential Rental License if the owner provides the name, address and phone number of a manager (if applicable), pays the registration fee, submits a complete and accurate occupant listing for the residential rental unit and is current on real estate taxes, sewer rates and trash collection fees for the residential rental unit.

3. The Code Enforcement Officer shall deny and may revoke a Residential Rental License if the owner does not provide the name, address and phone number of a manager (if applicable), does not pay the annual registration fee, is not current on real estate taxes, sewer rates or trash collection fees for the residential rental unit, does not submit a complete and accurate occupant listing for residential rental unit with the application for renewal of the residential rental unit license or within one month after a change in the identity of the occupants of the residential unit, does not correct a code violation within the time frame cited by the Code Enforcement Officer, and/or has not complied with the disruptive conduct provisions of this Part.

4. The Code Enforcement Officer shall deny and may revoke a Residential Rental License if the following occur within the licensed residential rental unit or on the premises:

   A. Failure to abate any violation of the Property Maintenance Code within the time specified in the notice of violation unless an appeal is pending.

   B. Failure to take action to evict occupants of a residential rental unit when the disruptive conduct provisions of this Part require such action.

   C. Occurrence of three violations of this Part and/or of any other Borough codes or ordinances that apply to the residential rental unit or premises during the term of the license. Before an occurrence may be considered a violation there must be either (i) a summary conviction or (ii) the Code Enforcement Officer must send the owner a written notice of the violation within thirty (30) days of the incident and the period for the owner to file an appeal from the determination of the Code Enforcement Officer must have expired.

5. The Code Enforcement Officer shall forward written notice to the owner if the Code Enforcement Officer will deny, refuse to renew or revoke a Residential Rental License. The notification shall (i) identify the residential rental unit; (ii) the grounds for the denial, non-renewal or revocation, including the factual circumstances and the Section of this Part supporting such determination; and (iii) informing the owner of the right to appeal the denial, non-renewal or revocation of the Residential Rental License to Borough Council under this Part.

6. The Code Enforcement Officer may reinstate a Residential Rental License if the owner or manager corrects the reason for the revocation of the Residential Rental License and has paid the Residential Rental License reinstatement fee.

§31-8. INSPECTION OF RESIDENTIAL RENTAL UNITS.

1. Initial inspections will occur in accordance with a phased-in systematic inspection program to be prepared and made available upon request by the Code Enforcement Officer. A minimum thirty (30) days written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the Residential Rental License.

2. The Code Enforcement Officer shall inspect residential rental units after completion of the initial inspections under this Part in accordance with a systematic program. The Code Enforcement Officer may also inspect residential rental units upon a change in occupancy of the residential rental unit, upon receipt of complaints, upon the occurrence of disruptive conduct at such residential rental unit, or for any other reasonable cause.

3. If the Code Enforcement Officer, upon completion of the inspection, finds that the applicable Codes have not been met, the Code Enforcement Officer shall issue notices and, if appropriate, commence enforcement actions under the procedure set forth in the Code which has been violated. The following notices shall be issued to the owner of the residential rental unit or

the manager. Notice provided to a manger shall be deemed notice provided to the owner.

A. If the Code Enforcement Officer finds violations warranting condemnation of the residential rental unit under the Property Maintenance Code, in addition to the remedies under the Property Maintenance Code, the Code Enforcement Officer shall:

(1) Issue a Ten (10) Day Notice of Violation; and

(2) If after ten (10) days from the date of the Ten (10) Day Notice of Violation, a reinspection reveals that the violations are not corrected and arrangements satisfactory to the Code Enforcement Officer have not been made, the Residential Rental License for the residential rental unit shall be-revoked, and if the residential rental unit is vacant, it shall remain vacant.

B. If the Code Enforcement Officer finds violations not warranting condemnation of the residential rental unit under the Property Maintenance Code, the Code Enforcement Officer shall issue a Thirty (30) Day Notice of Violation,

(1) If after thirty (30) days from the date of the Thirty (30) Day Notice of Violation, the first reinspection reveals that all violations have not been corrected, a Thirty (30) Day Legal Action Warning shall be issued.

(2) If after thirty (30) days from the date of the Thirty (30) Day Legal Action Warning, the second reinspection reveals that all violations have not been corrected, the Code Enforcement Officer shall revoke the Residential Rental License for the residential rental unit, and if the residential rental unit is vacant, it shall remain vacant.

(3) A fee will be charged for the initial inspection and for each reinspection. The Code Enforcement Officer shall maintain a list of all residential rental units and their ownership that have been the subject of prosecution during the preceding five *(5)* years,

§31-9. SALE OR TRANSFER OF RESIDENTIAL RENTAL UNITS.

A Residential Rental License shall not be transferred. In the case of licensed residential rental units that are sold or transferred, the new owner shall seek a Residential Rental License for each residential rental unit and have each residential unit inspected. Failure to seek a Residential Rental License for each residential rental unit within sixty (60) days of the date of sale or transfer of ownership shall result in the revocation of the existing Residential Rental License applicable to each said unit.

§31-10. APPEALS.

I. An appeal from any decision of the Code Enforcement Officer shall be taken to Borough Council. Such appeal shall be made in writing within ten (10) working days after such

decision has been made. The appeal shall be verified by an affidavit, shall state the grounds therefore and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee which shall be established by ordinance or resolution of Borough Council. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council shall make a prompt decision on such appeal. Borough Council shall render a written decision, copies of which shall be provided to the Code Official and the appellant.

2. Any person aggrieved by any decision of a Police Officer or Code Enforcement Officer in regard to a Disruptive Conduct Report or the revocation of a Residential Rental License may appeal to Borough Council in accordance with the provisions of §10.2 above. Such appeal must be filed, in writing, within ten (10) working days from the date of the Disruptive Conduct Report or notice of revocation.

§31-11. VIOLATIONS AND PENALTIES.

1. Violations. It shall be a violation of this Part to commit or to permit any other person to commit any of the following acts;

A. To lease, let, or allow the occupancy of a residential rental unit without obtaining a Residential Rental License where required by this Part.

B. To refuse to permit inspections required under this Part for a residential rental unit.

C. To fail to perform the duties established by §31-3 of this Part if such person is an owner or a manager of a residential rental unit,

D. To fail to perform the duties established by §31-5 of this Part if such person is an occupant of a residential rental unit.

E. To place false information on or to omit relevant information from an application for a Residential Rental License.

F. To fail to comply with any other provision of this Part.

2. Penalties and remedies:

A. Allowing occupancy of a residential rental unit after the Residential Rental License has been revoked: A fine will be assessed in accordance with the Schedule of Fees and Penalties then in effect pursuant to a Resolution of the Borough Council per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

B. Failure to Seek a Residential Rental License:

(1) The owner or manager shall be sent a Thirty (30) Day Notice of Violation, warning them of their failure to comply with the terms of this Part. If they do not comply at the end of thirty (30) days, there shall be a fine determined in accordance with the Schedule of Fees and Penalties then in effect pursuant to a Resolution of the Borough Council per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

C. Whoever violates any other provision of this Part shall upon a first offense be fined and/or imprisoned in accordance with the Schedule of Fees and Penalties then in effect pursuant to Resolution of the Borough Council.

D. In addition to prosecution of persons violating this Part, the Code Enforcement Officer, or any duly authorized agent of the Borough may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to effect the provisions of this Part.

E. The provisions of this Section and the provisions of this Part governing revocation, suspension or non-renewal of Residential Rental Licenses shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate. The remedies and procedures in this Part are not intended to supplant or replace, to any degree, the remedies provided to the Borough in the Property Maintenance Code, Zoning Ordinance or any other Code or regulations.

Section 2. Chapter 31, Rental Property Regulation, shall be repealed in its entirety.

Section 3.All other sections, parts and provisions of the Code of Ordinances of the Borough of Northumberland shall remain in full force and effect as previously enacted and amended.

Section 4. In the event any provision, section, sentence, clause, or part of this Ordinance **shall** be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 5. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

§31-12. EXHIBIT A: ADDENDUM TO RESIDENTIAL RENTAL AGREEMENT

This Addendum to Residential Rental Agreement is made this _____ day of_____ and is incorporated into and shall be deemed to amend and supplement the Residential Rental Agreement made by the undersigned Tenant and Landlord, their heirs, successors and assigns, dated _____.

The Residential Rental Agreement and this Addendum pertain to the premises described in said agreement and located at _____**.** This Addendum is required by Section 31-3.4 of Chapter 31, of the Code of Ordinances of the Borough of Northumberland.

Additional Covenants and Obligations

In addition to the covenants and obligations set forth in the aforementioned Residential Rental Agreement, Tenant and Landlord hereby covenant and agree as follows;

A. Landlord's Covenants and Obligations:

1. Landlord shall keep and maintain the leased premises in compliance with all applicable Codes and Ordinances of the Borough of Northumberland and all applicable state laws and shall keep the leased Premises in good and save condition.

2. The manager for the leased premises shall be as follows:

_____
Name
_____
Address
_____
Telephone Number

3. The Landlord shall be responsible for regularly performing all routine

maintenance, including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific tasks which the parties hereby agree shall be delegated to the Tenant and which are identified as follows:

_____

_____

4. The Landlord shall promptly respond to reasonable complaints and inquiries from the Tenant.

5. The Landlord shall comply with all applicable provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.

B. Tenant's Covenants and Obligations.

1. Tenant shall comply with all applicable Codes and Ordinances of the Borough of Northumberland and all applicable state laws.

2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time shall be _____and the maximum number of persons permitted within the common areas of the leased premises at any time shall be _____.

3. Tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean, safe and timely manner and shall separate and place for collection all recyclable materials in compliance with the Borough of Northumberland's Ordinances.

4. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.

5. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others,

6. Tenant shall not cause, nor permit nor tolerate to be caused, damage to the leased premises, except for ordinary wear and tear,

7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in "disruptive conduct" which is defined as follows:

> Any act by an occupant of a residential rental unit or by a person present at a residential rental unit involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, unreasonable noise as defined by the Borough Noise Control Ordinance, codified as Chapter 37, of the Code of Ordinances, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as Disorderly Conduct in the Pennsylvania Crimes Code or any act prohibited by Chapter 40 of the Borough's Code of Ordinances or which otherwise injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the gathering. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Code Enforcement Officer or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrences. The occupant and the owner and, if applicable, the manager shall be notified of any such occurrences, in writing.

8. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Code of Ordinances of the Borough of Northumberland and that the issuance by Code Enforcement Officer or Police Officer of the Borough of Northumberland of three (3) disruptive conduct reports in any twelve (12) month period relating to the leased premises shall constitute a breach of the rental agreement of which this addendum is a part. Upon such breach, Landlord shall have the right and option to pursue any and all of the following remedies:

a. termination of the rental agreement without prior notice; and

b. bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney's fees and costs; and

c. bring an action to recover the whole balance of the tent and charges due for the unexpired lease term, including reasonable attorney's fees and costs; and

d. bring an action for damages caused by Tenant's breach, including reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Witness:

_____	_____ Landlord
_____	_____ Tenant
_____	_____ Tenant
_____	_____ Tenant

Chapter 32

INSURANCE - FIRE DAMAGE

~ 32-1. Ordinance enacted per act of legislature

~ 32-2. Designated officer.

~ 32-3. Fire insurer shall not pay name insured without certificate.

~ 32-4. Tax collector shall issue certificate to insurer.

~ 32-5. Procedure if taxes, etc. are due.

~ 32-6. Procedure if loss is 60% or more of aggregate limits of liability.

~ 32-7. Violation and penalties.

~ 32-8. Effect of partial invalidity.

~ 32-9. Inconsistent ordinances repealed.

~ 32-10. Effective date of ordinance.

[History: Adopted by the Council of the Borough of Northumberland 7-2-96 as Ord. No. 441]

~ 32-1. Ordinance enacted per act of legislature.

This ordinance is enacted pursuant to the Act of May 17, 1921, P. L. 682, No. 284, ~ 508, as amended (40 P. S. ~ 638), hereinafter referred to as "The Act".

~ 32-2. Designated Officer.

The Code Officer, or such other person as may be approved by Borough Council, is appointed as the Designated Officer who shall be authorized to carry out certain responsibilities set forth in this Ordinance.

~ 32-3. Fire insurer shall not pay name insured without certificate.

No insurance company, association or exchange (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 where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars ($7,500.00) unless the insurer is furnished by the Borough Tax Collector with a municipal certificate pursuant to Section 3 of this Ordinance, and unless there is compliance with Section 5 of this Ordinance.

~ 32-4. Tax collector shall issue certificate to insurer.

The Borough Tax Collector shall, upon the written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date agreed upon by the insurer and named insured as the date of the receipt of a loss report of the claim, furnish the insurer either of the following certificate within fourteen (14) working days of the said request:

A. A certificate or, at the discretion of the borough, a verbal notification which shall be confirmed in writing by the insurer to the effect that, as of the date specified in the said request there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the certificate or verbal

notification, the borough has not certified any amount as total cost incurred by the borough for the removal, repair, or securing of a building or other structure on the property; or

B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the said request that have not been paid as of the date of the certificate and also showing, as the date of the certificate, the amount of the total costs, if any, certified to the Borough Tax Collector that have been incurred by the borough for the removal, repair, or securing of a building or other structure on the property. For the purposes of this Ordinance the borough shall certify to the Borough Tax Collector the total amount, if any, of such costs. A tax assessment, penalty or user charge becomes delinquent at the time and on the date of lien could otherwise have been filed against the property by the borough under applicable law.

~ 32-5. Procedure if taxes, etc. are due.

Upon receipt of a certificate and bill pursuant to ~ 32-4B above the insurer shall return the bill to the Borough Tax Collector an amount from the insurance proceeds necessary to pay the taxes, assessment, penalties, charges and costs as shown on the bill. The borough shall receive the amount and apply or credit it to payment of the item shown in the bill.

~ 32-6. Procedure if loss is 60% or more of aggregate limits of liability.

Upon receipt of a certificate pursuant to ~ 32-4A above the insurer shall pay the claim of the named insured in accordance with the policy terms; provided, however, that if the loss agreed to between the named insured and the insurer equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or other structure, the following procedure shall be followed:

A. The insurer shall transfer from the insurance proceeds to the Designated Officer in the aggregate two thousand dollars ($2,000.00) for each fifteen thousand dollars ($15,000.00) and for each fraction of that amount of a claim (this subsection to be applied such that if the claim is fifteen thousand dollars

($15,000.00) or less, the amount transferred to the Borough shall be two thousand dollars ($2,000.00)), or if at the time of a loss report the named insured has submitted a contractors 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 from the insurance proceeds to the Designated Officer the amount specified in the estimate.

B. The transfer of the proceeds shall be on a pro-rata basis by all companies, associations or exchanges insuring the building or other structure.

C. After the aforesaid transfer, the named insured may submit a estimate of the cost of removing, repairing, or securing of the building or other structure, in which event the Designed Officer shall return the amount of the funds transferred to the borough in excess of the estimate to the named insured of the borough has not commenced to remove, repair or secure the building or other structure.

D. Upon receipt of the proceeds under this Section, the Designated Officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing the building or other structure which are incurred by the borough. Such cost shall include, without limitation, any engineering, legal or administrative costs incurred by the borough in connection with such removal, repair, or securing of the building or other structure or any proceedings related thereto;

E. It is the obligation of the insurer when transferring the proceeds to provide the borough with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the Designated Officer shall contact the named insured, certify that the proceeds have been received by the borough and notify the named insured that the procedures under this ordinance shall be followed;

F. When repairs, removal, or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the borough and the required proof of

such completion received by the Designated Officer, the fund shall be returned to the named insured if the borough has not incurred any costs for repairs, removal, or securing, but if the borough has incurred costs for repairs, removal, or securing of the building or other structure, the excess funds to the named insured; and

G. To the extent that interest is earned on proceeds held by the borough pursuant to this Section and no proceeds are to be returned to the named insured, such interests shall belong to the borough, but to the extent that proceeds are returned to the named insured at the time that the proceeds are returned.

H. Nothing in this ordinance shall be construed to limit the ability of the borough to recover any deficiency. Furthermore, nothing in the ordinance shall be construed to prohibit the borough and the named insured from entering into an agreement that permits the transfer of funds to the named insured of some other reasonable disposition of the damaged property has been negotiated.

I. Borough Council may from time to time by resolution adopt the procedures and regulations to implement The Act and this Ordinance and may from time to time by resolution fix reasonable fees to be charges for municipal activities or services provided pursuant to The Act and this Ordinance, including but not limited to issuance of certificates and bills, performance of inspections, and opening separate fund account.

~ 32-7. Violation and penalties.

[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 32-8. Effect of partial invalidity.

If any section, subsection, paragraph, provision or cause of this ordinance shall be judged to be invalid, void or unenforceable, such adjudication shall not affect the remaining sections, subsection, paragraphs

provisions and clauses of this ordinance which shall remain in full force and effect.

~ 32-9. Inconsistent ordinance repealed.

All ordinances or parts of ordinances inconsistent herewith are and the same are hereby repealed.

~ 32-10. Effective date of ordinance.

This ordinance shall become effective at the earliest date allowed by law.

Chapter 33

Telecommunications

[Adopted 6-5-01 as Ordinance No. 2001-4; Amended 2-6-02 as Ordinance No. 2002-3.]

~33.1. Purpose.

~33.2. Definitions.

~33.3. Franchise.

~33.4 Effective Date.

~33-1. Purpose.

To authorize the Borough to regulate the sale and furnishing of cable television service consistent with federal and state law.

~33-2. Definitions.

BASIC BROADCAST SERVICE -- That service tier which shall include at least the retransmission of local broadcast television signals and public, educational and governmental ("PEG") access channels.

BROADCAST-- Over-the-air transmission by a radio or television station.

CABLE ACT -- Cable Communications Policy Act of 1984, Public Law No. 98-549, 98 Stat. 2779 (1984), 47 U.S.C. 521 et. seq., amending the Communications Act of 1934, as further amended by the 1992 Cable Consumer Protection and Competition Act, Public Law No. 102-385 and the Telecommunications Act of 1996, Public Law No. 104- 104, § , 110 Stat. (1996).

CABLE COMMUNICATIONS SYSTEM OR CABLE SYSTEM -- A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (;B) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part. to the provisions of Title II of this Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c) to the extent such facility is used the transmission of video programming directly to subscribers; or (D) any facilities of any electric Utility used solely for operating its electric utility systems. In addition, a cable communications system or cable system means a fully addressable system providing telecommunications services, which include, but which are not limited to, retransmitting radio and broadcast television signals, distributing video programming, transposing voice, video or digital electronic signals through TOWN to other locations, telephony services, internet access or use, process control, and other technologies to or from Subscribers or other cable system users, and/or producing**,** receiving, amplifying, storing, processing or distributing audio, video, digital or other forms of electronic, light or other similar types of signals to or from Subscribers.

CABLE PROGRAMMING SERVICES -- Any video programming provided over a cable system; regardless of service tier, including installation or rental of equipment used for the receipt of such video programming, other than I) radio and broadcast television video programming carried on the Basic Broadcast Service tier; 2) programming on any PEG channel; 3) video programming offered on a pay-per-channel or pay-per-program basis including interactive services; or 4) a combination of multiple channels of pay-per-channel

or pay-per-program video programming offered on a multiplexed or time-shifted basis so long as the combined service: (i) consists of commonly-identified video programming, and (ii) is not bundled with any regulated tier of service.

CABLE SERVICE -- The one-way or two-way transmission to or from Subscribers of video programming or other Cable Communications System Services (including music), and Subscriber interaction, if any, which is required for the selection of such video programming or other programming service, and the installation and rental of equipment necessary for the receipt to transmission thereof.

COMMUNITY PROGRAMMING - Programming produced locally or otherwise for distribution on any Public, Education or Government Access Channel.

COMPETING DISTRIBUTORS - Cable System Operators or other telecommunications service providers whose actual or proposed service areas overlap.

DROP -- The coaxial or fiber-optic or other cable that connects a home or building to the Subscriber network.

FCC -- Federal Communications Commission.

FRANCHISING AUTHORITY-- The Borough of Northumberland, PA.

FRANCHISEE -- a corporation which enters into a nonexclusive franchise to provide cable programming services and operate a cable communications system within the Borough of Northumberland.

FRANCHISE FEE -- The charge paid by the Franchisee to the Borough for the right to occupy the public rights-of-way.

RESERVED

OUTLET-- An interior receptacle that connects a television set to the Cable Communications System.

OPEN VIDEO SYSTEM -- Channel capacity available for hire for a fee.

PROGRAMMING -- Any video, audio, text or data coded signal carried over the Cable Communications System

FRANCHISE -- The right to occupy the Public Rights-of-Way within the corporate limits of the Borough of Northumberland.

STANDARD SERVICE PACKAGE -- A combination of cable service tiers, consisting of the Basic Broadcast tier and Cable Programming Service tiers, as provided by the Franchise as of the Effective Date and including any individual broadcast channels or cable networks added to these tiers as a result of the reconstruction of the Cable Communications System.

SUBSCRIBER -- A person or entity who contracts with the Franchise for. and lawfully receives, the video audio, text, and cable services distributed by the Cable Communications System.

SUBSCRIBER NETWORK-- The Trunk and feeder signal distribution network over which video, audio, text, digital and data signals are transmitted to or from Subscriber.

SUBSIDIARY CORPORATION OR AFFILIATED CORPORATION -- Any corporations, other than Franchisee, in an unbroken horizontal or vertical chain of corporations connected to Franchisee, if, at the time of the execution of the franchise agreement, each of the corporations other than the last corporation in the unbroken chain or any parent or subsidiary corporation or affiliated corporation owns stock comprising fifty percent (50%) or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

TOTAL LOCAL GROSS REVENUES -- All cash, credits, property of any kind or nature, or other consideration whatsoever in any form arising from or attributable to the sale or exchange of cable communications services or in any way derived from the operation of the cable communications system in the municipality, whether received by franchisee or any subsidiary or affiliated corporation.

USER -- A person or entity who contracts with the Franchisee for and lawfully distributes or receives video signals and cable communications system services distributed by the Franchisee

~33.3. Franchise.

Consistent with all applicable Federal and State Laws, the Borough of Northumberland may grant a non-exclusive franchise to the operator of a cable communications system to provide cable programming services within the Borough of Northumberland. The annual franchise fee shall be set by resolution or separate ordinance of counsel after public discussion. The Borough Council or its representative may negotiate the amount of the fee and the term of the franchise agreement. [Amended 2-6-02 by Ordinance 2002-3.]

~ 33.4. Effective Date.

This Ordinance shall be effective June 5, 2001.

Chapter 34

LICENSED OCUPATIONS

ARTICLE I
Peddling, Canvassing, Transient Merchants

~ 34-1. License required.

~ 34-2. Definitions.

~ 34-3. Exemptions.

~ 34-4. Applications.

~ 34-5. Investigation and issuance of license.

~ 34-6. Review of certain applications after investigation.

~ 34-7. Religious and charitable organizations: exemption.

~ 34-8. Fees.

~ 34-9. Bond.

~ 34-10. Loud noises and speaking devices.

~ 34-11. Use of streets; time restrictions.

~ 34-12. Exhibition of license.

ARTICLE II
Shows, Exhibitions, Dances, Stands

~ 34-13. Fees required.

~ 34-14. Conformity to regulations.

~ 34-15. Violations and penalties.

[HISTORY: Adopted by the Council of the Borough of Northumberland: Article II, 5-3-26 as Ord. No. 60; Article I and III upon adoption of Code, and ~ 34-13 amended upon adoption of Code; see Ch. 1 General Provisions. Other amendments noted where applicable.]

GENERAL REFERENCES

Amusements - See Ch. 22
Peace and good order - See Ch. 40.
Zoning - See Ch. 61.

ARTICLE I
Peddling, Canvassing, Transient Merchants

~ 34-1. License required.

It shall be unlawful for any peddler, canvasser or transient merchant, as defined in ~ 34-2 of this Article, to engage in any such business within the Borough of Northumberland without first obtaining a license therefor in compliance with the provisions of this Article.

~ 34-2. Definitions.

When used in this Article, the following terms shall have the following meanings:

CANVASSER - Any person, whether a resident of the Borough of Northumberland or not, who goes from house to house, from place to place or from street to street, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books periodicals or personal property of any nature whatsoever, for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

PEDDLER - Any person, whether a resident of the Borough of Northumberland or not, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or

merchandise, or offering or exposing the same for sale or making sales or delivering articles, goods, wares or merchandise to purchasers.

TRANSIENT MERCHANT - Any person, whether a resident of the Borough of Northumberland or not, who temporarily and for a short time hires, rents or obtains a definite place of business, whether a storeroom or a stand, at or near the highway or streets of the borough, for sale of goods, wares, merchandise or to offer or expose the same for sale or for future delivery and sale. [Temporarily and short time shall be construed as three (3) months or less.]

~ 34-3. Exemptions.

The terms of this Article shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, nor newsboys, nor the acts of merchants or their employees in delivering goods in the regular course of business; nor shall the terms of this Article be held to include or apply to any farmer or truck gardener who shall vend, sell or dispose of, or offer to vend, sell or dispose of, the products of the farm or garden occupied and cultivated by him; nor shall it apply to any manufacturer or producer selling bread and bakery products, meat and meat products, or milk or milk products; nor shall it apply to the sale of the Holy Bible or any religious or holy objects, medal, crucifix or cross used in the worship of God; nor shall this Article apply to a veteran of the armed forces of the United States who shall have participated in any war of the United States, who has first previously been authorized by the proper authorities of Northumberland County, Pennsylvania, as a vendor or peddler; provided, however, that the peddlers or vendors of Bibles and other religious articles and said veterans of the armed forces must first register and make application for a license as required in ~ 34-4 of this Article, without fee. Nothing contained in this Article shall be held to prohibit any sale required by statute or by order of any court or to prevent any person from conducting a bona fide auction sale pursuant to law.

~ 34-4. Application.

A. Applicants for a license under this Article must file with the Borough Secretary a sworn application in writing on a form to be furnished by the borough, which will give the following information:

(1) Name and physical description of applicant.

(2) Complete, permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The source of supply of the goods or property proposed to be sold, or for which orders are to be taken for the sale thereof, and the proposed method of delivery.

(6) A recent photograph of the applicant, which picture shall be approximately two by two (2 x 2) inches, showing the head and shoulders of the applicant in a clear and distinguishable manner.

(7) Submit his or her fingerprints upon a noncriminal file card.

(8) A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor or any violation of any municipal ordinance other than traffic violations, and the nature of the offense and punishment or penalty assessed therefor.

B. This application shall be accompanied by an initial fee as set by council resolution to cover the expense of investigation, which fee shall be payable to the Borough of Northumberland.

C. The application, containing information as to all matters inquired of, shall be turned over by the Borough Secretary to the Police Department of the borough for investigation of the applicant.

~ 34-5. Investigation and issuance of license.

A. Upon receipt by the Police Department of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public safety.

B. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the application to the Borough Secretary, who shall, upon payment of the prescribed license fee, deliver to the applicant his or her license within seventy-two (72) hours after the application has been filed by the applicant with the Secretary, except as provided in ~ 34-6.

C. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the expiration date, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant must secure an individual license. No license shall be used at any time by any person other than the one to whom it is issued. The Borough Secretary shall keep a permanent record of all licenses issued and applications rejected, and shall also issue a monthly report to the Borough Council of said applicants and moneys received.

~ 34-6. Review of certain applications after investigation.

A. After investigation of an applicant and approval by the Chief of Police of the application as set forth in ~ 34-5 hereof, but before the issuance of a license, the Borough secretary and the Chief of Police shall determine; in the case of an applicant purporting to be engaged in interstate commerce or claiming a statutory exemption:

(1) Whether or not the applicant is of good personal and moral character, and

(2) Whether the product to be sold by said peddler or canvasser is a nationally known and advertised brand of household article or articles, and

(3) Whether applicant has proved that he is the lawfully appointed representative of said nationally advertised brand of household goods and wares, and

(4) Whether the applicant serves a regular route or clientele of not less than fifty (50) customers in the Borough of Northumberland.

B. The Chief of Police and the Borough Secretary shall, upon such proof, certify said application to the Borough Council at the next regular meeting of said Council for determination as to whether the applicant must pay the fees as set forth in ~ 34-8 hereof and file a bond as set forth in ~ 34-9 hereof.

C. If Council at said regular meeting, by a majority vote, approves a resolution to that effect, and the Mayor approves said resolution, then the Secretary may issue said applicant a license without paying the fees as set forth in ~ 34-8 of this Article or filing a bond as set forth in ~ 34-9.

~ 34-7. Religious and charitable organizations: exemption.

A. The provisions of ~34-4, ~34-8, and ~34-9 shall not apply to any person, organization, society, corporation, or other entity which is purely religious, political, charitable, or otherwise not for profit in character and which executes the sworn application furnished by the Borough Office: [Amended 9-4-01 by Ord. 2001-9.]

(1) Name and purpose of the cause for which permit is sought.

(2) Name and address of the officers and directors of the organization.

(3) Period during which solicitation is to be conducted.

(4) Whether or not any commissions, fees or wages are to be expended in connection with such solicitation, and the amount thereof.

B. This ordinance does not require the issuance of a permit to any person, organization, society, corporation or other entity who is entitled by the United States Constitution to engage in canvassing without a permit. [Added 9-4-01 by Ord. 2001-9.]

~ 34-8. Fees.

A. Fees hereunder shall be set by resolution of council. [As passed 12/18/2001 as part of Ordinance 2001-13, all fees for this and subsequent parts of the borough code are determined by council resolution.]

B. None of the license fees provided for under this section shall be so applied as to occasion an undue burden neither upon interstate commerce nor upon the manufactures within this commonwealth and their agents who are within Section 2905 of the Borough Code.

C. Every applicant for a license as a transient merchant as defined in this Article, whether a resident of the borough or not, who hires, leases or occupies a room, apartment, store, shop, building or other structure for the exhibition and sale of goods, wares or merchandise, shall, before commencing such business, comply with this Article, and in addition to the initial fee provided for in ~ 34-4 hereof, shall pay for such license a set fee as determined by council resolution; and said license fee or fees shall be paid monthly in advance to the Borough Secretary.

~ 34-9. Bond.

Every applicant, whether a resident of the borough or not, who does not have real or personal assets, or both, to the clear value of at least one thousand dollars ($1,000.00), within the Borough of Northumberland, or who represents a corporation whose principal place of business is located outside the County of Northumberland, shall file with the Borough Secretary a surety bond payable to the Borough of Northumberland in the amount of two hundred fifty dollars ($250.00) if the license is issued for less than six

(6) months, with surety acceptable to and approved by the Borough Secretary, conditioned that the said applicant shall comply fully with all the provisions of the ordinances of the Borough of Northumberland, Northumberland County, and the statutes of the State of Pennsylvania regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants or itinerant vendors, as the case may be, and guaranteeing to any citizen of the Borough of Northumberland that all moneys paid as down payment will be accounted for and applied according to representations of the licensee, and further guaranteeing to any citizen of the Borough of Northumberland doing business with a solicitor that the property or object purchased will be delivered according to the representations of the solicitor. Action on such bond may be brought by the person or persons aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying pursuant to order of the court the face amount of the bond to the clerk of court in which suit is commenced, be relieved without costs of all further liability.

~ 34-10. Loud noises and speaking devices.

No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device upon any of the streets, alleys, parks or other public places of the Borough of Northumberland or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

~ 34-11. Use of streets; time restrictions.

A. No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or sidewalks.

B. No licensee shall be permitted to solicit before 9:00 a.m. or after 12:00 noon neither on Saturdays nor before 9:00 a.m. or after 4:00 p.m., weekdays, Eastern Standard Time. [Amended 9-4-01 by Ord. 2001-9.]

C. A Farmers Market is permitted from 7:00 a.m. to Noon on Saturdays at such places as the council may designate by resolution. [Added 9-4-01 by Ord. 2001-9.}]

~ 34-12. Exhibition of license.

Licensees are required to exhibit their certificate of license at the request of any citizen.

ARTICLE II
Shows, Exhibitions, Dances, Stands
[Adopted 5-3-26 as Ord. No. 60]

~ 34-13. Fees required. [As passed 12/18/2001 as part of Ordinance 2001-13, all fees for this and subsequent parts of the borough code are determined by council resolution.]

Any person, firm or corporation, whether as principal or agent, wishing to conduct any business or operation listed below shall first pay the Borough Secretary the fee specified and receive a permit therefor, subject to the provisions of ~ 34-14:

A. To show, exhibit or conduct a circus or other form of public amusement, entertainment, exhibition, demonstration or advertisement in which any part of a public highway is used for any purpose connected therewith, a license fee per performance, as set by council resolution, except for such noncommercial affairs as the Council shall issue a permit.

B. To parade, show or demonstrate, a license fee as set by council resolution, except no fee shall be charged for noncommercial affairs, but a permit is required as in other cases.

C. To permit any building or land or part there of to be used for any show, exhibition, demonstration, theatrical performance, motion picture or other like use to which the public is admitted either free or upon payment of a fee, a license fee fixed and determined by council resolution and according to the following time frames:

(1) Daily, less than one (1) week.

(2) Weekly, not to exceed one (1) month.

(3) Monthly, not to exceed six (6) months.

(4) Over six (6) months to one (1) year.

D. To permit any building or land or any part thereof to be used to conduct dances to which the public is admitted, a daily license fee as set by council resolution, except for the benefit of a purely charitable cause.

E. To sell from any permanent or temporarily standing position in any public highway or on private property where the goods, wares or merchandise is purchases by persons while using the public highway, a daily license fee as set by council resolution.

~ 34-14. Conformity to regulations.

This Article does not authorize the use of highways for the purposes mentioned in ~ 34-13 hereof in any cases where such uses are prohibited or restricted by any other ordinance of the borough, the intention hereof being to charge a license fee for a use which is permitted and not restricted or prohibited. The payment of a license fee does not permit the holder to create a nuisance and shall be abated as such, in addition to the fine imposed. Nothing may be licensed under this Article which is prohibited by state law or other borough ordinances. Licenses granted to individuals are not transferable. All licenses are personal and do not permit the employment of unlicensed agents. Any fractional part of any unit to time or space or number required the same license fee as the whole unit. No license shall extend beyond December 31 of the year issued.

ARTICLE III
Penalties

~ 34-15 Violations and penalties.

A. [As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.]

B. The Council may require a deposit in advance of a public gathering to offset costs associated with crowd control, traffic control, and other expenses of a large public gathering. Provided, however: nothing herein shall be deemed to limit the right of the public to peaceably assemble for purposed protected by the First Amendment of the U.S. Constitution.

Chapter 37

NOISE

~ 37-1. Legislative findings and determination; purpose.

~ 37-2. Making loud and unreasonable sounds.

~ 37-3. Enumeration of unreasonable noise.

~ 37-4. Violations and penalties.

[HISTORY: Adopted by the Council of the Borough of Northumberland 10-6-81 as Ord. No. 363. Amendments noted where applicable.]

GENERAL REFERENCES

Dogs - See Ch. 23A.

~ 37-1. Legislative findings and determination; purpose.

A. The making and creation of loud, unnecessary or unusual noises within the limits of the Borough of Northumberland is a condition which has existed for some time, and the extent and volume of such noises are increasing.

B. The making, creation or maintenance of loud, unnecessary noises or unusual noises which are prolonged and unnatural in their time, place and use, affect and are a detriment to the health, comfort, convenience, safety and welfare of the residents of the Borough of Northumberland.

C. It is declared as a matter of legislative determination and public policy that it is necessary in the public interest for the enactment of the provisions and prohibitions hereinafter contained, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the health, comfort, convenience, safety and welfare of the residents of the Borough of Northumberland.

~ 37-2. Making loud and unreasonable sounds.

It shall be unlawful for any person to make or continue, or to cause to be made or continued, any loud and unreasonable sound of such character, intensity, volume, carrying power or duration as to disturb the comfort, repose, health or safety of any individual unless the sound is made in an activity conducted for a community or public purpose or for the protection or preservation of the health, safety or life of some person.

~ 37-3. Enumeration of unreasonable noise.

The following acts, among others, are declared to be unreasonable noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

A. Horns, signaling devices, etc.: the creation by means of any horn or signaling device of any unreasonably loud or harsh sound; the sounding of a horn or signaling device for an unnecessary and unreasonable period of time; the sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the borough except as a danger warning.

B. Radios, phonographs, etc.: the using, operating or permitting to be placed, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound or at any time with louder volume than is necessary for convenient hearing for the person or persons by or for whom such machine or device is operated. The operating of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from said set, instrument, phonograph, machine or device, if not located in a building, structure or vehicle, or fifty (50) feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this chapter. [Amended 9-4-01 by Ord. No. 2001-10.]

C. Yelling, shouting, etc.: yelling, shouting, hooting, whistling or singing outdoors between the hours of 10:00 p.m. and 7:00 a.m. [Amended 9-4-01 by Ord. No. 2001-10.]

D. Squealing tires: causing the tires of any automobile or other vehicle to make a squealing noise or other harsh or loud sound, except in the event of an emergency.

E. Exhaust noises: the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

F. Defect in vehicle or load: the use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create a loud grating, grinding or rattling noise.

G. Construction or repairing of buildings: the erection (including excavating), demolition, alteration or repair of any building or structure other than between the hours of 7:00 a.m. and 10:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. [Amended 9-4-01 by Ord. No. 2001-10]

H. Schools, courts, churches and hospitals: the creation of any loud noise on any street adjacent to any school, institution of learning, hospital, church or court while the same are in use, which annoys persons therein, provided that conspicuous signs are displayed along such streets indicating that the same is a court, school, church or hospital street.

I. Pile drivers and hammers: the operation between the hours of 6:00 a.m. and 10:00 p.m. of any pile driver, steam shovel, pneumatic hammer, pneumatic drill, derrick, steam or electric hoist or other similar appliance, the use of which is attended by loud or unusual noise shall be permitted. The operation of any such device at any other time shall not be permitted, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector or the Commissioner of Streets, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. [Amended 2-18-03 by Ord. No. 2003-1]

~ 37-4. Violations and penalties.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.]

Chapter 40
PEACE AND GOOD ORDER

~ 40-1. Offenses against public peace.

~ 40-2. Offenses involving children.

~ 40-3. Penalties for offenses against public peace.

~ 40-4. Penalties for offenses involving children.

[HISTORY: Adopted by the Council of the Borough of Northumberland 3-4-69 as Ord. No. 254. Section 40·2 amended upon adoption of Code; see Ch. 1, General Provisions. Other amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance -- see Ch. 42.
Streets and sidewalks -- see Ch. 50.

~ 40-1. Offenses against public peace. [Amended 8-2-77 by Ord. No. 337]

It shall be unlawful for any person or persons, organizations or corporations to engage in, commit or be guilty of disorderly conduct, fights, affrays, drunkenness, public indecencies; using loud or profane language; operating motor vehicles or motorcycles without mufflers or with defective mufflers; operating motor vehicles in such a manner as to cause the tires to squeal; breaking bottles on the streets or sidewalks; throwing beer or soft drink bottles or cans on streets and sidewalks; littering street and sidewalk areas with paper; placing or disposing of accumulated garbage, cans or bottles in public trash cans within the limits of the Borough of Northumberland, to the disturbance of the public peace and against the order and welfare of the inhabitants of the Borough of Northumberland.

~ 40-2. Offenses involving children. [Added 8-2-77 by Ord. No. 337[1]]

A. It shall be unlawful for any minor under the age of seventeen (17) years to be in or upon the streets, walkways, roads, alleys, parks or playgrounds, public buildings, vacant lots or other unsupervised places within the Borough of Northumberland between the hours of 11:00 p.m. and 6:00 a.m. of the following day; provided, however, that the provisions of this subsection do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or to a minor who is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

B. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to be in or upon the public streets, walkways, roads, alleys, parks or playgrounds, public buildings, vacant lots or other unsupervised places within the Borough of Northumberland

between 11:00 p.m. and 6:00 a.m. of the following day; provided, however, that the provisions of this subsection do not apply when the parent, guardian or other adult person having the care and custody of the minor is accompanying said minor or when the minor is upon an emergency errand or legitimate business directed by the parent, guardian or other adult person having the care and custody of the minor.

~40-3. It shall be unlawful for any individual to use a skateboard, roller skates, roller blades, scooters and bicycles on the sidewalks, parking lots or curbs in the King Street Park and downtown business district of the Borough of Northumberland. The downtown business district shall be defined to include Front Street from King to Duke Street and Queen Street from Water to Second Street. [Added 7-15-03 by Ord. 2003-4]

~ 40-4. Penalties for offenses against public peace. [Added 8-2-77 by Ord. No. 337]

[As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.]

~ 40-5. Penalties for offenses involving children. [Added 8-2-77 by Ord. No. 337]

[As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.]

~40-6. Penalties for offenses with the use of a skateboard, roller skates, roller blades, scooters and bicycles are as follows: [Added 7-15-03 by Ord. 2003-4]

A. A first offense shall result in the confiscation of the skateboards, roller skates, roller blades, scooters and bicycles for a period of thirty (30) days.

B. A second and any subsequent offense shall result in the imposition of fine to be set forth in the Borough Code Section regarding fines and penalties.

   [As passed 12/18/2003 as part of Ordinance 2001-13, all penalties and fines for this and subsequent parts of the borough code are determined by council resolution.]

C. In the event a minor is involved with any of the offenses enumerated above, the parent(s) or guardian(s) shall be served with written notice of

the infraction and person who shall be responsible for the payment of same.

D. No skateboards, roller skates, roller blades, scooters and bicycles shall be returned to a minor without a parent or guardian present.

PLUMBING STANDARDS

~ 41-1. Adoption of standards by reference.

~ 41-2. Plumbing Official.

~ 41-3. Amendments, additions and deletions.

[HISTORY: Adopted by the Council of the Borough of Northumberland 3-10-77 as Ord. No. 329. Amendments noted where applicable.]

~ 41-1. Adoption of standards by reference.

The BOCA Basic Plumbing Code, latest edition, as published by Building Officials and Code Administrators International, Inc., is hereby adopted as the Plumbing Code of the Borough of Northumberland, Pennsylvania, for the control of the installation, repair and alteration of plumbing as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said code, save and except such portions as are hereinafter deleted, modified or amended, are hereby referred to, adopted and made a part hereof, as is fully set out in this chapter.

~ 41-2. Plumbing Official.

A. The administrative authority of this Plumbing Code shall be the a designed borough official.
B. It shall be the duty of the designed borough official to enforce the provisions of said Plumbing Code and to make the inspections and tests required there under.
C. The designated borough official shall, after proper identification, have the right to enter any premises for the purpose of inspecting any plumbing system at such times as may be reasonably necessary to protect the public health.
D. The designated borough official shall be appointed by the Council of the Borough of Northumberland.
E. The designated borough official shall make such rules and regulations in furtherance of the purposes of this Plumbing Code and not inconsistent with the specific provisions thereof as may be deemed necessary to properly protect the water supply system and to carry out the purposes of this Plumbing Code, including rules and regulations for the installation, repair or alteration of air-conditioning systems, water-treatment equipment, and water-operated devices.

Deleted:

~ 41-3. Amendments, additions and deletions.

The following changes shall be made in the BOCA Basic Plumbing Code, Third Edition, 1975:

A. Section P-112.1 of said ROCA Code is amended by deleting the word “may" in the first line thereof and substituting therefor the word "shall."

B. Section P-117.0 is deleted and the following substituted therefor:
SECTION P-117.0 VIOLATIONS

P-117.1 General: Written notice of any violation of this code shall be given any violator thereof, and upon his failure to remove the violation within a reasonable time, but not more than seven (7) days, prosecution for violation of this code may be commenced against him.

P-117.2 Penalties: [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

C. Section P-118.0 is added to read as follows:

SECTION P-118.0 APPEALS

P-118.1 General: Any person who is aggrieved with the ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of this code may take an appeal to the Board of Appeals.

P-119.2 Board of Appeals: The Board of Appeals shall consist of at least three (3) members appointed by the Council of the Borough of Northumberland.

P-118.3 Time of appeal: The appeal must be filed in the Borough Office, in writing, within ten (10) days of the date of the rendition of the decision or interpretation of the enforcing officer, except that, where circumstances exist which in the opinion of the enforcing officer are hazardous or dangerous to human life or the public welfare, the en forcing officer may in his notice or order to the violator limit the time for such appeal to a shorter period.

P-118.4 Hearing: The Board of Appeals shall meet upon notice of the Chairman within fifteen (15) days of the filing of an appeal. The meeting shall be public, and the appellant, his representative, the enforcing officer and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard.

D. The words "one hundred fifty (150)" shall be inserted in the third line of Section P-308.2 of said BOCA Code in place of the word [number]."

E. The words "three (3) feet six (6) inches" shall be inserted in the third line of Section P-313.3 of said BOCA Code in place of the words "[number] feet [number] inches."

PROPERTY MAINTENANCE

ARTICLE I
Unlawful Growth of Grass and Weeds
[Amended 10-29-86 as Ord. No. 392.]

~ 42-1. Duty to cut grass and weeds

~ 42-2. Nuisance.

~ 42-3. Violations and penalties.

~ 42-4. Borough may cut and bill owner.

~ 42-5. Lien.

~42-6. Proceedings to force compliance.

ARTICLE II
Abandoned Materials and Structures

~42-7. Declaration of nuisance.

~42-8. Notice to remove; penalties.

~42-9. Removal by borough; costs.

~42-10. Additional remedy.

ARTICLE III
Fires and Air Pollution

~42-11. Definitions.

~42-12. Prohibited acts; exceptions.

~42-13. Violations and penalties.

[HISTORY: Adopted by the Council of the Borough of Northumberland: Article I, 9-3-57 as Ord. No. 180; Article II, 5-2-67 as Ord. No. 238; Article III, 10-6-81 as Ord. No. 364. Section 42-3A and 42-5 amended upon adoption of Code; see Ch. 1, General Provisions. Other amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order - See Ch. 90.
Streets and sidewalks - See Ch. 50.

ARTICLE I
Unlawful Growth of Grass and Weeds

[Adopted 9-3-57 as Ord. No. 180. Amended 10-29-86 as Ord. No. 392]

~42-1. Duty to cut grass and weeds.

It shall be the duty of the owners of real estate within the Borough to cut and mow, or to cause to be cut and mow the grass and weeds on their respective properties and in the space between the property line and the curb (or if there is no curb, the paved or traveled portion) of any street or alley, so that neither grass nor weeds shall rise above the height of six inches.

~ 42-2. Nuisance.

The growth of grass or weeds above the height of six inches within the Borough is declared to be a nuisance.

~42-3. Violations and penalties.

[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 42-4. Borough may cut and bill owner.

Should the owner of real estate within the Borough fail to comply with this Article within five (5) days after being notified to do so, the Borough may cut and mow the grass and weeds and bill the owner for the costs hereof. Such action by the Borough shall not preclude it from pursuing other remedies available to it under the Article or otherwise.

~ 42-5. Lien.

The Borough's cost of cutting and mowing grass and weeds and the amount of all fines and penalties may be entered by the Borough against the property upon which the grass and weeds were growing in violation of this Article.

~ 42-6. Proceeding to force compliance.

In addition to any other remedies available to the Borough under this Article or otherwise, the Borough may institute proceedings in the courts to require owners of real estate within the Borough to comply with the provisions of this Article.

ARTICLE II
Abandoned Materials and Structures
[Adopted 5-2-67 as Ord. No. 238; Amended 9-6-05 by Ord. No. 2005-1]

~ 42-7. Declaration of nuisance. [Amended 9-6-05 by Ord. No. 2005-1]

It is declared as a nuisance to accumulate garbage, junk and rubbish and to store abandoned or junked automobiles in the Borough of Northumberland, except on public dumping grounds; and it is directed that all dangerous structures on public or private grounds shall be prohibited in the Borough of Northumberland, Pennsylvania.

All porches, carports, sheds and yards, open and visible to the public eye or adjacent to sidewalks utilized by the public shall remain free of discarded or broken household furnishings, dumpsters, appliances, junk, etc. and similar items, excluding the type designed for use in such structures. Such structures and areas shall be kept in a sanitary and orderly manner, free of litter, rubbish and garbage not stored in approved covered containers as required by law. All such discarded items and their containers shall be removed from such structures or areas within 24 hours.

For purposes of this Section, an abandoned or junked automobile shall be deemed to include any automobile, trailer or other titled vehicle whose state of disrepair is such that it poses a risk of harm to children or other members of the public, or poses a risk of attracting and/or serving as shelter for snakes, vermin, insects or other wild animals.

For purposes of this Article, the term "RUBBISH" shall have the same meaning as that term is defined in Article III, Section 42-11 of this Code, as amended from time to time. [Added 9-5-06 by Ord. No. 2006-8]

~ 42-8. Notice to remove; penalties. [Amended 2-6-73 by Ord. No. 273A3]

Upon complaint, the owner or occupier shall first be given a ten-day written notice to remove said garbage, junk, rubbish or abandoned or junked automobiles or to remove any dangerous structure from private or public grounds. Upon his or her conviction before a district Magistrate having jurisdiction of a failure to remove said items from his or her premises, he or she shall be sentenced to pay a fine, together with costs of prosecution, or to imprisonment in the county jail, or both.

[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~42-9. Removal by the borough; costs.

After written notice has been given to the owners or occupiers of the real estate, requesting the removal of garbage, junk and rubbish or abandoned or junked automobiles, or removal of any dangerous structures, and if, after the expiration of ten (10) day from date of the notice, the notice has not been complied with, the Borough of Northumberland, by its duly elected officers or employees, may cause to be removed said items and shall be entitled to collect the costs of said removal, plus a penalty of ten (10%), from the owners or occupiers of the real estate, in the manner provided by law for the collection of municipal claims or by action of assumpsit.

~42·10. Additional remedy.

The borough may also institute in the Superior Court a proceeding to prohibit any of said nuisances and to cause to be removed said objectionable items from private or public property.

ARTICLE III
Fires and Air Pollution
[Adopted 10-6-81 as Ord. No. 364[1]]

~42-11. Definitions.

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

FURNACE - Any enclosed device specifically designed for the burning of any material for the production of heat.

GARBAGE - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR -Any device specifically designed for the destruction of refuse, sewage, sludge or any other combustible material by burning.

OPEN FIRE - Any fire in which any material is burned outside a building.

PERSON - Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

REFUSE - Garbage, rubbish and trade waste.

RUBBISH - Solids not considered to be highly flammable or explosive, including, but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, metal cans or barrels (including, but not limited to, barrels and other receptacles, the primary purpose for which is the open burning of rubbish), glass crockery, masonry and other similar materials. [Amended 9-5-06 by Ord. No. 2006-8]

SALVAGE OPERATION - Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

SPACE HEATER - Same as "furnace."

STOVE - Any enclosed device specifically designed for the burning of any material for the production of heat or for cooking purposes, and any outdoor “patio stove” or chimnea designed primarily for the production of heat or for cooking purposes in connection with recreational use. [Amended 9-5-06 by Ord. No. 2006-8]

TRADE WASTE - All solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry, including but not limited to plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.

~ 42-12. Prohibited acts; exceptions. [Amended 9-5-06 by Ord. 2006-8]

A) No person shall do any of the following:

(1) Ignite or feed an open fire for the destruction of refuse, or in the conduct of a salvage operation in any public or private place in the Borough of Northumberland.

(2) Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control in the Borough of Northumberland.

(3) Attempt to burn, or cause, suffer, allow or permit any attempt to burn or any burning of any refuse with the exception of stove wood, and the minimum amount of dry paper necessary to serve as kindling therefore, in any stove, space heater or furnace.

B) Exceptions.

(1) Open fires may be set in the performance of any official duty of any public officer if the fire is necessary for the prevention of a fire hazard which cannot be abated by other means or the protection of public health.

(2) Open fires may be set with the approval of the authorized enforcement agent of this Article, provided that:

(a) Rubbish only is burned.

(b) There is no practical available alternative method for the disposal of the material to be burned.

(c) No hazardous or other objectionable condition will be created by such burning.

~ 42-13. Violations and penalties.

[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

STORMWATER MANAGEMENT

Chapter 43

[History: Adopted by the Council of the Borough of Northumberland on April 16, 2002 as Ordinance Number 2002-5.]

TABLE OF CONTENTS

ARTICLE I GENERAL PROVISIONS

~43-1. Statement of Findings

~43-2. Purpose

~43-3. Statutory Authority

~43-4. Applicability

~43-5. Repealer

~43-6. Severability

~43-7. Compatibility with Other Ordinance Requirements

~43-8. Landowner Responsibility

ARTICLE II DEFINITIONS

~43-9. Definitions

ARTICLE III STORMWATER MANAGEMENT

~43-10. Stormwater Management Exemption Criteria

~43-11. General Requirements

~43-12. Stormwater Management Requirements

~43-13. Water Quality Requirements

~43-14. Ground Water Recharge Requirements

~43-15. Stormwater Rate and Volume Controls

~43-16. General Criteria

~43-17. Calculation Methodology

~43-18. Erosion and Sedimentation Requirements

ARTICLE IV DRAINAGE PLAN REQUIREMENTS

~43-19. General Requirements

~43-20. Drainage Plan Contents

~43-21. Plan Submission

~43-22. Drainage Plan Review

~43-23. Modification of Plans

~43-24. Resubmission of Disapproved Drainage Plans

ARTICLE V INSPECTIONS

~43-25. Schedule of Inspections

ARTICLE VI FEES AND EXPENSES

~43-26. General

~43-27. Municipality Drainage Plan Review Fee

~43-28. Expenses Covered by Fees

ARTICLE VII MAINTENANCE AND RESPONSIBILITIES

~43-29. Performance Guarantee

~43-30. Maintenance Responsibilities

~43-31. Maintenance Agreement for Privately Owned Stormwater Facilities

~43-32. Municipal Stormwater Maintenance Fund

~43-33. Post-Construction Maintenance Inspections

ARTICLE VIII ENFORCEMENT AND PENALTIES

~43-34. Right-of-Entry

~43-35. Notification

~43-36. Enforcement

~43-37. Public Nuisance

~43-38. Penalties

~43-39. Appeals

APPENDIX A - STORMWATER MANAGEMENT CRITERIA

APPENDIX B - DRAINAGE PLAN APPLICATION

APPENDIX C - STANDARD BEST MANAGEMENT PRACTICES MAINTENANCE AND MONITORING AGREEMENT

APPENDIX D - “P” VALUES FOR WATER QUALITY REQUIREMENTS

APPENDIX E - LOW IMPACT DEVELOPMENT PRACTICES – ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

ARTICLE I- GENERAL PROVISIONS

~43-1. Statement of Findings

The governing body of the Municipality 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, and threatens public health and safety.

B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all the people of the Commonwealth, their resources, and the environment.

~43.2 Section 102. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within the Municipality by minimizing the damages described in Section 101.A of this Ordinance through provisions designed to:

A. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.

B. Utilize and preserve the existing natural drainage systems.

C. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.

D. Maintain existing flows and quality of streams and watercourses in the municipality and the Commonwealth.

E. Preserve and restore the flood-carrying capacity of streams.

F. Provide proper maintenance of all permanent stormwater management facilities that are constructed in the Municipality.

G. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

~43-3. Section 103. Statutory Authority

The Municipality 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 by Act 170 of December 21, 1988 and Act 131 of December 14, 1992, [and the applicable Municipal Code].

~43-4. Section 104. Applicability

This Ordinance shall apply to those areas of the Municipality that are located within the Municipality.

This Ordinance shall only apply to permanent stormwater management facilities constructed as part of any of the Regulated Activities listed in this Section. Stormwater management and erosion and sedimentation control during construction activities are specifically not regulated by this Ordinance, but shall continue to be regulated under existing laws and ordinances.

Local stormwater management design criteria (e.g. inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable Municipal Ordinances or at the municipal engineer's discretion.

The following activities are defined as "Regulated Activities" and shall be regulated by this Ordinance:

A. Land development.
B. Subdivision.
C. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.).
D. Construction of new buildings or additions to existing buildings.
E. Diversion or piping of any natural or man-made stream channel.
F. Installation of stormwater management facilities or appurtenances thereto.

~43-5. Section 105. Repealer

Any ordinance or ordinance provision of the Municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

~43-6. Section 106. Severability

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

~43-7. Section 107. Compatibility with Other Ordinance Requirements

Approvals issued pursuant to this Ordinance 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 code, rule, statutes, or ordinance.

~43-8. Section 108. Landowner Responsibility

The granting of an exemption, permit, or approval by the municipality, does not relieve the applicant from assuring that stormwater runoff from the development site will not cause injury to other persons or property.

ARTICLE II-DEFINITIONS

~43-9. Definitions

For the purposes 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".

Accelerated Erosion - The removal of the surface of the land through the combined action of man's activity and the natural processes of a rate greater than would occur because of the natural process alone.

Agricultural Activities - The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing 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; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

Applicant - A landowner or developer who has filed an application for approval to engage in any Regulated Activities as defined in Section 104 of this Ordinance.

BMP (Best Management Practice) - Stormwater structures, facilities and techniques to maintain or improve the water quality of surface runoff.

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 for storing rainwater.

Conservation District - The Northumberland County Conservation District.

Culvert - A structure with appurtenant works which carries a stream 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 5-year storm) and duration (e.g. 24-hours), used in the design and evaluation of stormwater management systems.

Designee - The agent of the Municipality involved with the administration, review or enforcement of any provisions of this ordinance 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.

Developer - A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity of this Ordinance.

Development Site - The specific tract of land for which a Regulated Activity is proposed.

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 towards it.

Drainage Conveyance Facility - A Stormwater Management Facility designed to transmit 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 purposes.

Drainage Permit - A permit issued by the municipality after the drainage plan has been approved. Said permit is issued prior to or with the final municipal approval.

Drainage Plan - The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in Section 403.

Earth Disturbance - Any activity including, but not limited to, construction, mining, timber harvesting and grubbing which alters, disturbs, and exposes the existing land surface.

Emergency Spillway - A depression in the embankment of a pond or basin which is used to pass peak discharges greater than the maximum design storm controlled by the Principal Spillway.

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 pursuant to 25 Pa. Code, Chapter 102.

Existing Conditions - The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate lower curve numbers or Rational "C" value, such as forested lands. The lower curve number shall then be utilized.

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 this Commonwealth.

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. 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 forest land. 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.

Grassed Waterway - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from cropland.

Groundwater Recharge - Replenishment of existing natural underground water supplies.

Impervious Surface - A surface that prevents the infiltration of water into the ground.

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).

Inlet - A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Land Development - (i) 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; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1)of the PA Municipalities Planning Code.

Land/Earth Disturbance - Any activity involving removing, grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

Main Stem (Main Channel) - Any stream segment or other runoff conveyance facility used as a reach in the stream.
Manning Equation or (Manning formula) – An empirical formula for calculation of velocity of flow (e.g. feet per second) and flow rate (e.g. cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

Municipality - Borough of Northumberland, Northumberland County, Pennsylvania.

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 or origin.

NRCS - Natural Resource Conservation Service (previously 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 flowing partly full (for computational purposes).

Outfall - Point where water flows from a conduit, stream, or drain into a lake, stream or river.

Outlet - Points of water disposal from a pipe, swale, stream, river, lake, tidewater or artificial drain.

Parking Lot Storage - The use of impervious parking areas for temporary impoundment of stormwater with controlled release rates during rainstorms.

Peak Discharge - The maximum rate of stormwater runoff from a specific storm event whether real or synthetic.

Penn State Runoff Model - A computer-based hydrologic modeling technique.

Pipe - A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

Planning Commission - The planning commission of Northumberland Borough.

PMF - Probable Maximum Flood - 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).

Point of Interest (POI) – A downstream point within a watershed that is used for comparing existing condition versus after development condition discharges. A point of interest may be, but is not limited to, a property line, stormwater conveyance obstruction, drainageway junction, pond, lake, stream or river.

Principal Spillway – A pipe, weir or other appurtenant works designed to control the required detention storm.

Rational Formula - A rainfall-runoff relation used to estimate peak flow.

Regulated Activities - Actions or proposed actions that have an impact on stormwater runoff and that are specified in Section 104 of this Ordinance.

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.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every twenty-five (25) years.

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 list of one or more design storms.

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.

Sediment Basin - A barrier, dam, retention or detention basin designed to retain rock, sand, gravel, silt, or other material transported by water.

Sediment Pollution - The placement, discharge or introduction of sediment into the waters of the Commonwealth.

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.

Sheet Flow - Runoff that flows over the ground surface as a relatively thin, and even layer of water, that is not concentrated in a rill, gully or 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).

Soil Group, Hydrologic - A classification of soils by the NRCS, formerly the Soil Conservation Service, into four runoff categories. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

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 "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 a land surface that occurs when the rainfall rate exceeds the infiltration rate.

Stormwater Management Facility - 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 structures.

Stormwater Management Site Plan - The plan prepared by the Developer or his representative indicating how stormwater runoff will be managed at the particular site of interest in accordance with this Ordinance.

Stream Enclosure - A bridge, culvert or other structure which encloses a regulated water of this Commonwealth and has an upstream to downstream length greater than 100-feet.

Subdivision - The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwellings, shall be exempt.

Swale - A low lying stretch of land which gathers or carries surface water runoff.

Timber Operations - See Forest Management.

Time of Concentration (Tc) - 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.

Watercourse - A stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

Waters of the Commonwealth - Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Wetland - Those areas that are inundated or saturated by surface or ground water 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, fens, and similar areas.

ARTICLE III-STORMWATER MANAGEMENT

~43-10. Section 301. Stormwater Management Exemption Criteria

Any Regulated Activity that meets the following exemption criteria is exempt from the provisions of this Ordinance requiring submission of a Stormwater Management Plan for Municipal review. Exemption shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, and property. This exemption shall not relieve the applicant from meeting the requirements for water quality and groundwater recharge special requirements for high quality (HQ) and exceptional value (EV) watersheds, and of Sections 303E, 304 and 305 respectively.

A. Impervious Area Exemption - Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of comparison to the waiver criteria. These criteria shall apply to the total development even if development is to take place in phases. The date of the Municipal Ordinance adoption shall be the starting point from which to consider tracts as “parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered. The date of the Municipal Ordinance adoption shall be the starting point from which to consider tracts as “parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered.

Impervious Area Exemption

Total Parcel size	Exemption (sq. ft.)
<.25 acre	1,000
0.25 -<0.5 acre	2,500
0.5 – 1 acre	5,000
> 1 -2 acres	10,000
> 2 – 5 acres	15,000
> 5 acres	20,000

B. Use of land for gardening for home consumption.

C. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate by the Conservation District. The agricultural activities such as growing crops, rotating crops, tilling of soil, grazing animals and other such activities are specifically exempt from complying with the requirements of this Ordinance. Installation of new or expansion of existing farmsteads and production areas having impervious surfaces shall be subject to the provisions of this ordinance.

D. Forest Management operations which are following the Department of Environmental Protections’ management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.

No exemption shall be provided for Regulated Activities as defined in Section 104.E and 104.F of this Ordinance.

~43-11. Section 302. General Requirements

A. All regulated activities in the, Municipality which do not fall under the exemption criteria shown in Section 301 shall submit a drainage plan consistent with this ordinance to the municipality for review. These criteria shall apply to the total proposed development even if development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of comparison to the waiver criteria.

B. 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 Ordinance.

C. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.

D. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Developer 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.

E. Where a development site is traversed by watercourses, drainage easements 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 shall be required, except as approved by the appropriate governing authority.

F. 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 through the Joint Permit Application process, or, where deemed appropriate by PADEP, through the General Permit process.

G. Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Developer 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 PA DEP.

H. Any stormwater management facilities regulated by this Ordinance that would be located on or drain toward State highway rights-of-way are subject to regulation under 67 PA Code §441 and require a Highway Occupancy Permit from Pennsylvania Department of Transportation (PENNDOT).

I. Roof drains must not be connected to streets, sanitary or storm sewers or roadside ditches. Roof drains shall be discharged to vegetated areas to promote overload 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 it shall be allowed on a case-by-case basis by the municipality.

J. "Downstream Hydraulic Capacity Analysis" - Any downstream capacity hydraulic analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:

1. Natural stream channels with undeveloped flood plains must be able to convey the increased runoff associated with a 2-year return period event within their lowest natural stream bank at velocities consistent with protection of the channels from erosion. Computations for the channels

ability to withstand the erosive forces shall be based upon accepted procedures for determining channel stability equivalent to the U.S.D.A. Natural Resource Conservation Service (formerly the Soil Conservation Service) “Technical Release No. 25, Design of Open Channels” or an appropriate procedure cited in the Federal Interagency document “Stream Corridor Restoration, Principles, Processes, and Practices”. The downstream flood depth elevation shall not be increased for the 2, 5, 10, 25, 50 or 100-year frequency storms. Proposed condition discharge flow elevations shall be compared to the existing condition discharge flow elevation using accepted engineering computation procedures.

2. Man-made channels or swales must be able to convey their design storm frequency without an increase in channel bed or bank erosion. As a minimum they shall have capacity for the increased 25-year return period runoff without increasing any hazard to persons or property. Stability and capacity computations for man made channels or swales shall be from sources equivalent to either those contained in the above paragraph, the DEP “Erosion and Sediment Pollution Control Program Manual**”** or the Federal Highway Administration “Circular No. 15, Design of Stable Channels With Flexible Linings”.

3. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP, Chapter 105 regulations (if applicable) and, at a minimum, pass the increased 25-year return period runoff.

~43-12. Section 303. Stormwater Management Requirements

The following general standards shall be applied to all development within the Borough of Northumberland to control stormwater runoff.

A. All site development in the municipality that does not meet the exemption criteria shall submit a drainage plan consistent with the provisions of this ordinance to the municipality for review and approval. This requirement shall apply to the total proposed development even if the development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway area and any new street or sidewalk. Any area initially designated to be gravel or crushed stone shall be assumed to be impervious.

B. To the maximum extent practical, techniques described in Appendix E of this Ordinance for the minimization of generating stormwater runoff, avoiding detrimental effects of stormwater runoff and the protection of environment (Low Impact Development Techniques) should be used.

C. Runoff from the site shall not be concentrated or increased runoff discharged onto adjacent property without the written consent of the adjacent landowners in the form of a drainage easement.

D. All developments which create impervious surface or change the existing topography shall provide capacity for and treatment of the “Water Quality Volume” and “Groundwater Recharge Volume”, as described under sections 304, 305.

E. Special requirements for areas falling within defined Exceptional Value and High Quality Sub-watersheds: The temperature and quality of water and streams that have been declared as exceptional value and high quality are to be maintained as defined in Chapter 93, Water Quality Standards, Title 25 of Pennsylvania Department of Environmental Protection Rules and Regulations. Temperature sensitive BMPs and stormwater conveyance systems are to be used and designed with storage pool areas, outflow channels and should be shaded with trees. This will require modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control are maintained. At a minimum, the southern half of pond shorelines shall be planted with shade or canopy trees within ten (10) feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth. A long term maintenance schedule and management plan for the thermal control BMPs is to be established and recorded for all development sites in HQ/EV watersheds.

~43-13. Section 304. Water Quality Requirements

Developed areas will provide adequate storage and treatment facilities necessary to capture and treat stormwater runoff. The Recharge Volume computed under Section 305 may be a component of the Water

Quality Volume. If the Recharge Volume is less than the Water Quality Volume, the remaining Water Quality Volume may be captured and treated by methods other than recharge/infiltration BMPs.

The Water Quality Volume (WQv) is the storage capacity needed to treat stormwater runoff produced by "P" inches of rainfall (90% Rule) from the developed areas of the site (For "P" Values, see Appendix D). The following calculation formula is used to determine the storage volume, WQv, in acre-feet of storage:

WQv=[(P)(Rv)(A)]/12
WQv = Water Quality Volume
P=Rainfall Amount (90% of events producing this rainfall (Appendix D)
A = Area in acres
Rv = 0.05 + 0.009(I) where "I" is the percent impervious surface ratio (i.e. if a 10-acre site will have 5 acres of impervious surface, then I=50)

WQv shall be designed as part of a stormwater management facility, which incorporates water quality BMPs as a primary benefit of using that facility, in accordance with design specifications contained in "Pennsylvania Handbook of Best Management Practices for Developing Areas". The following factors SHOULD be considered when evaluating the suitability of BMPs used to control water quality at a given development site:

Peak discharge and required volume control.
Stream bank erosion
Efficiency of the BMPs to mitigate water quality problems
The volume of runoff that will be effectively treated.
The nature of the pollutant being removed.
Maintenance requirements.
Creation/protection of aquatic and wildlife habitat.
Recreational value.
Enhancement of aesthetic and property value.

~43-14. Section 305. Ground Water Recharge Requirements.

a. The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged. Design of the infiltration/recharge stormwater management facilities shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. These measures are encouraged, particularly in hydrologic soil groups A and B and should be utilized wherever feasible. Soils used for the construction of basins shall have low-erodibility factors ("K" factors).

b. Infiltration BMPs shall meet the following minimum requirements:

Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

• A minimum depth of 48 inches between the bottom of the facility and the seasonal high water table and/or bedrock (limiting zones)
.
• An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the Owner's qualified professional, where the professional will be either an Engineer, Geologist, Surveyor, Landscape Architect or Soil Scientist.

• Infiltration BMPs receiving only roof runoff may be placed in soils having a minimum depth of 24 inches between the bottom of the facility and the limiting zone.

• Infiltration BMPs shall be located a minimum of 10 feet away from the foundation wall of any building.

c. The size of the recharge facility shall be based upon the following equation:

R_{ev} = [(S)(Rv)(A)(43,560)]/12

Where:

R_{ev} = Recharge Volume (cubic feet)
S = Soil specific recharge factor (inches)
R_v = Volumetric runoff coefficient
A = Site area contributing to the recharge facility (acres)
R_v = 0.05 + 0.009 (I)

Where:

I = percent impervious area

And:

S shall be obtained based upon hydrologic soil group based upon the table below:

Hydrologic Soil Group	Soil Specific Recharge Factor (S)
A	0.38
B	0.25
C	0.13
D	0.06

If more than one hydrologic soil group (HSG) is present at a site, a composite recharge volume shall be computed based upon the proportion of total site area within each HSG.

d. The recharge volume provided at the site shall be directed to the most permeable HSG available.

e. The recharge facility shall be capable of completely infiltrating the impounded water within 48 hours.

f. A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified professional, and at a minimum, address soil permeability, depth to bedrock, depth to seasonal high water table, susceptibility to sinkhole formation, and subgrade stability. The general process for designing the infiltration BMP shall be:

- Analyze hydrologic soil groups as well as natural and man-made features within watershed to determine general areas of suitability for infiltration practices.
- Provide field test to determine appropriate percolation rate and/or hydraulic Conductivity.
- Determine seasonal high water table for infiltration site.
- Design infiltration structure for required storm volume based on field determined capacity at the level of the proposed infiltration surface.

g. Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas. Extreme caution shall also be exercised where salt or chloride would be a pollutant since soils do little to filter this pollutant and it may contaminate the groundwater. It is also extremely important that the design professional evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and recommend a hydrogeologic justification study be performed if necessary. Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. The municipality may require the installation of an impermeable liner in detention basins. A detailed hydrogeologic investigation may be required by the municipality.

h. The municipality may require the developer to provide safeguards against groundwater contamination for uses, which may cause groundwater contamination, should there be a mishap or spill. It shall be the developer's responsibility to verify if the site is underlain by limestone. The following note shall be attached to all drainage plans and signed and sealed by the developer's licensed or certified Engineer/Surveyor/Landscape Architect/Geologist/Soil Scientist:

i. I, _____ certify that the proposed detention basin (circle one) is/is not underlain by limestone.

j. Where pervious pavement is permitted for parking lots, recreational facilities, non-dedicated streets, or other areas, pavement construction specifications shall be noted on the plan.

k. Recharge/infiltration facilities may be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives. In selecting the appropriate BMPs or combinations thereof, the land developer SHALL consider the following:

a) Permeability and infiltration rate of the site soils.
b) Slope and depth to bedrock.
c) Seasonal high water table.
d) Proximity to building foundations and well heads.
e) Erodibility of soils.
f) Land availability and topography.
g) Stormwater pollutant contamination.

The land developer shall submit original and innovative designs to the Municipal Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMP (Best Management Practices).

~43-15. Section 306. Stormwater Rate and Volume Controls:

If it is shown, by applications of water quality and ground water recharge requirements pursuant to sections 304 and, 305, that the post-development hydrographs are equal to the pre-development hydrographs to assure the rate and volume of runoff leaving the site is unchanged for 2-, 5-, 10-, 25-, 50-, and 100-year frequency storms, then the requirements of this section will be considered met. Otherwise, the developer shall control the rate and volume for the balance of uncontrolled runoff subsequent to the credits obtained by satisfying sections 304, 305. If an extended detention or a permanent pool type facility is selected for the treatment of water quality volume, the outlet shall be designed such that the one year 24-hour post-development runoff volume is released over a 24-hour period. This will also help channel protection. The release of water begins at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall consider and minimize the chances of clogging and sedimentation potential. Orifices smaller than 3 inches diameter are not recommended. However, if the Design Engineer can provide proof that the smaller orifices are protected from clogging by use of trash racks, etc., smaller orifices may be permitted. The developer may, subject to approval of the municipal engineer, use the stormwater credits, described in the following table, in computing post-development hydrograph:

Stormwater Credit	Description
Natural Area Conservation	Conservation of natural areas such as forest, wetlands, or other sensitive areas in a protected easement thereby retaining their pre-development hydrologic and water quality characteristics. Using this credit, a designer may subtract conservation areas from total site area when computing the required water quality volume. Additionally, the post-development curve number (CN) for these areas may be assumed to be forest in good condition.
Disconnection of Rooftop Runoff	Credit is given when rooftop runoff is disconnected and then directed over a pervious area where it may either infiltrate into the soil or filter over it. Credit is typically obtained by grading

	the site to promote overland flow or by providing bioretention on single-family residential lots. If a rooftop area is adequately disconnected, the impervious area may be deducted from the total impervious cover. Additionally, the post-development CNs for disconnected rooftop areas may be assumed to be forest in good condition.
Disconnection of Non-Rooftop Runoff	Credit is given for practices that disconnect surface impervious cover by directing it to pervious areas where it is either infiltrated or filtered though the soil. As with rooftop runoff, the impervious area may be deducted from the total impervious cover thereby reducing the required water quality volume.
Stream Buffer Credit	Credit is given when a stream buffer effectively treats stormwater runoff. Effective treatment constitutes capturing runoff from pervious and impervious areas adjacent to the buffer and treating the runoff through overland flow across a grass or forested area. Areas treated in this manner may contribute to meeting requirements for groundwater recharge.
Grass Channel (Open Section Roads)	Credit may be given when open grass channels are used to reduce the volume of runoff and pollutants during smaller storms. Use of grass channels will automatically meet the minimum groundwater recharge requirement. If designed according to appropriate criteria, these channels may meet water quality criteria for certain types of residential development.
Environmentally Sensitive	Rural Development Credit is given when a group of environmental site design techniques are applied to low density or rural residential development. This credit eliminates the need for structural practices to treat both the required recharge volume R_{ev} and water quality volume. The designer must still address the channel protection volume, the overbank protection and overbank /extreme flood event requirements for all roadway and connected impervious surfaces.

~43-16. Section 307. Design Criteria for Stormwater Management Facilities

A. General Criteria

1. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls shall be subject to approval of the municipal engineer. The municipal engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this Section.

a. The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the municipal engineer may require in-depth studies by a licensed Geotechnical Engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.

(a) In developing stormwater management plans for a particular site; stormwater controls shall be selected according to the following order of preference:

(i) Infiltration of runoff on-site
(ii) Flow attenuation by use of open vegetated swales and natural depressions
(iii) Stormwater detention/retention structures

(b) Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.
(c) Open detention/retention facilities shall not be permitted within residential areas as part of an in-fill project.

(i) The applicant may request a waiver from this requirement. All such requests for waiver shall be submitted in writing.
(ii) It shall be the responsibility of the applicant for a waiver of this part to show that the modification will not create a safety risk and that the modification is consistent with the Best Management Practices and current engineering design standards

B. Any stormwater management facility (i.e. detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year post- development conditions. The height of embankment must be set as to provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year post-development inflow. 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 which may be required to pass storms larger than 100-year event.

C. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands as directed in PADEP Chapter 105 regulations (as amended or replaced from time to time by PADEP), shall be designed in accordance with Chapter 105 and will require a permit from PADEP. Any other drainage conveyance facility that doesn't fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility that constitutes a dam as defined in PADEP Chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PENNDOT right of way must meet PENNDOT minimum design standards and permit submission requirements.

D. Any drainage conveyance facility and/or channel that doesn't fall under Chapter 105 Regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the 10-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e. detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a PENNDOT right-of-way must meet the requirements of 67 PA Code § 441.

E. Storm sewers must be able to convey post-development runoff from a 10-year design storm without surcharging inlets, where appropriate higher frequency design storms may be required.

F. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.

G. 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 occurrence or continuation of an adverse hydrologic or hydraulic condition within the watershed.

H. "No Harm" Option - For any proposed development site the developer has the option of using a less restrictive runoff control (including no detention) if the developer can prove that "no harm" would be caused by discharging at a higher runoff rate than that specified by the Plan. The "no harm" Option is used when a developer can prove that the post-development hydrographs can match pre-development hydrographs, or if it can be proved that the post-development conditions will not cause increases in peaks at all downstream points of interest.

I. Downstream. Proof of "no harm" would have to be shown based upon the following "Downstream Impact Evaluation" which shall include a "downstream hydraulic capacity analysis" consistent with Section 307.H to determine if adequate hydraulic capacity exists. The land developer shall submit to the

municipality this evaluation of the impacts due to increased downstream stormwater flows in the watershed.

1. The "Downstream Impact Evaluation" shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications due to the proposed development upon a dam, highway, structure, natural point of restricted stream flow or any stream channel section, established with the concurrence of the municipality.

2. The evaluation shall continue downstream until the increase in flow diminishes due to additional flow from tributaries and/or stream attenuation.

3. Developer-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove "no-harm", except in conjunction with proposed capacity improvements for the problem areas consistent with Section 307.H.

4. A financial distress shall not constitute grounds for granting a no-harm exemption.

5. Downstream capacity improvements may be proposed, as necessary to implement the "no harm" option. Proposed downstream improvements by the Developer would have to be approved by the Municipality and be concurred on by the property owner where improvements would occur.

6. Any "no harm" justifications shall be submitted by the developer as part of the Drainage Plan submission per Article IV.

~43-17. Section 308. Calculation Methodology

Stormwater runoff from all development sites shall be calculated using either the rational method or a soil-cover-complex methodology.

A. Any stormwater runoff calculations involving stormwater detention or retention shall use generally accepted calculation technique that is based on the NRCS soil cover complex method. Table VIII-1 summarizes acceptable computation methods. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site.

The Municipal Engineer may approve the use of the Rational Method to estimate peak discharges where detention or retention is not required, from drainage areas that contain less than 200 acres.

B. All calculations consistent with this Ordinance using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms presented in Table A-1 in Appendix A of this Ordinance. The duration of rainfall shall be 24 hours. The NRCS

Type II 'S' curve shown in Figure A-1, Appendix A of this Ordinance shall be used for the rainfall distribution.

C. For the purposes of predevelopment flow rate determination, undeveloped land shall be considered as "meadow" good condition, unless the natural ground cover generates a lower curve number or Rational 'C' value (i.e. forest).

D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the Design Storm Curves from PA Department of Transportation Design Rainfall Curves (1986) (Appendix A, Figure A-2). Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's equation. For undeveloped existing condition watershed analysis, the time of concentration may be computed using the NRCS Lag procedure.

E. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from Table A-2 in Appendix A of this Ordinance.

F. Runoff coefficient (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table A-3 in Appendix A of this Ordinance.

G. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table A-4 in Appendix A of the Ordinance.

H. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using any generally accepted hydraulic analysis technique or method.

I. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 20 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Municipality may approve the use of any generally accepted full hydrograph approximation technique, which shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

J. The Municipality has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. 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 recommendations of the Municipal Engineer. Calibration shall require detailed gauge and rainfall data for the particular site in question.

TABLE VIII-1

ACCEPTABLE COMPUTATION METHODOLOGIES FOR STORMWATER MANAGEMENT PLANS

METHOD	METHOD DEVELOPED BY	APPLICABILITY
TR-20 or commercial Package Based on TR-20	USDA – NRCS	When use of full model is desirable or necessary
Tr-55 OR Commercial	USDA – NRCS	Applicable for plans within models limitations
HEC - 1	U.S. Army Corps of Engineers	When full model is desirable or necessary
PSRM	Penn State University	When full model is Desirable or necessary
VT/PSUHM	Virginia Tech	When full model is Desirable or necessary
Rational Method or commercial package based on Rational Method	Emil Kuiching (1889)	For sites less than 200 acres
Other Methods	Various	As approved by the Municipal Engineer

~43-18. Section 309. Erosion and Sedimentation Requirements

A. Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, protection of Natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control," and in accordance with the Northumberland County Conservation District and the standards and specifications of the appropriate municipal government.

B. Additional erosion and sedimentation control design standards and criteria that must be or are recommended to be applied where infiltration BMPs are proposed and include the following:

1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.

2. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

ARTICLE IV-DRAINAGE PLAN REQUIREMENTS

~43-19. Section 401. General Requirements

For any of the activities regulated by this Ordinance, 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 Property Owner or Developer or his/her agent has received written approval of a Drainage Plan from the Municipality.

The Property Owner is encouraged to schedule and conduct a pre-application meeting with the Codes Enforcement Officer and/or Municipal Engineer.

The following items shall be included in the Drainage Plan:

A. General

1. General description of project.

2. General description of permanent stormwater management techniques, including construction specifications for the materials to be used for stormwater management facilities.

3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.

B. Plan Drawing(s) of the project area shall be submitted on sheets consistent with the Borough of Northumberland Land Development Ordinance and shall be prepared in a form that meets the requirements for recording the offices of the Recorder of Deeds of Northumberland County. The contents of the map(s) shall include, but not be limited to:

1. The location of the project relative to highways, municipalities or other identifiable landmarks.

2. Existing contours at intervals adequate to define the site topography and drainage pattern but not less than two feet. In areas of steep slopes (greater than 15 percent), five-feet contour intervals may be used.

3. Existing streams, lakes, ponds, or other bodies of water within the project area.

4. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.

5. The locations of all existing and proposed utilities, sanitary sewers, and water lines within the site and within 50 feet of the site’s property lines.

6. An overlay showing soil names and boundaries.

7. Proposed changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.

8. Proposed structures, roads, paved areas, and buildings.

9. Final contours at intervals adequate to define the site grading but not less than two feet. In areas of steep slopes (greater than 15 percent), five-feet contour intervals may be used.

10. The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.

11. The date of submission.

12. A graphic and written scale of one (1) inch equals no more than fifty (50) feet; for tracts of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one hundred (100) feet.

13. A North arrow.

14. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.

15. Existing and proposed land use(s).

16. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.

17. Horizontal and vertical profiles of all open channels, including hydraulic capacity.

18. Typical cross-sections for existing and proposed channels for each channel reach.

19. Overland drainage paths for time of concentration and travel time computations.

20. A fifteen-foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way.

21. A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this Ordinance.

22. A construction detail of any improvements made to sinkholes and the location of all notes to be posted, as specified in this Ordinance.

23. A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the municipality.

24. The following signature block for the developer’s Professional Engineer or Professional Land Surveyor:

I, _____, on this date _____, hereby certify that the Stormwater Management Plan meets all design standards and criteria of the Northumberland Borough Stormwater Management Ordinance."

25. The location of all erosion and sedimentation control facilities.

C. Supplemental Information

1. A written description of the following information shall be submitted.
   a) The overall stormwater management concept for the project.
   b) Stormwater runoff computations as specified in this Ordinance.
   c) Stormwater management techniques to be applied both during and after development.

d) Expected project time schedule.
e) Hydrologic and Hydraulic summary that compares “pre” and “post” development.

2. A soil erosion and sedimentation control plan, where applicable, including all reviews and approvals, as required by PADEP.

3. A geologic assessment of the effects of runoff on sinkholes as specified in this Ordinance.

4. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.

5. A Highway Occupancy Permit from the PENNDOT District Office when utilization of a PENNDOT storm drainage system is proposed.

D. Stormwater Management Facilities

1. All stormwater management facilities must be located on a plan and described in detail.

2. When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.

3. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown within 200-feet of the infiltration system.

~43-20. Section 402. Drainage Plan Contents

The Drainage Plan shall consist of all applicable calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sedimentation control plan by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and date. All Drainage Plan materials shall be submitted to the municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the Drainage Plan shall be disapproved and returned to the Applicant.

~43-21. Section 403. Plan Submission

For all activities regulated by this Ordinance, the steps below shall be followed for submission. For any activities that require a PADEP Joint Permit Application and regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PADEP's Rules and Regulations, require a PENNDOT Highway Occupancy Permit, or require any other permit under applicable state or federal regulations, the permit(s) shall be part of the plan.

A. The Drainage Plan shall be submitted by the Developer as part of the Preliminary Plan submission for the Regulated Activity.

B. Four (4) copies of the Drainage Plan shall be submitted.

C. Distribution of the Drainage Plan will be as follows:

1. Two (2) copies to the Municipality accompanied by the requisite Municipal Review Fee, as specified in this Ordinance. [**As passed 12/18/2001 as part of Ordinance 2001-13, all fees for this and subsequent parts of the Borough Code are determined by council resolution.]**

2. One (1) copy to the Municipal Engineer.

3. One (1) copy to the County Planning Commission/Department.

~43-22. Section 404. Drainage Plan Review

A. The Municipal Engineer shall review the Drainage Plan for consistency with this Ordinance. The Municipality shall require receipt of a complete plan, as specified in this Ordinance.

B. The Municipal Engineer shall review the Drainage Plan for any submission or land development against the municipal subdivision and land development ordinance provisions not superseded by this Ordinance.

C. For activities regulated by this Ordinance, the Municipal Engineer shall notify the Municipality in writing, within 30 calendar days, whether the Drainage Plan is consistent with this Ordinance. Should the Drainage Plan be determined to be consistent with this Ordinance, the Municipal Engineer will forward an approval letter to the Developer with a copy to the Municipal Secretary.

D. Should the Drainage Plan be determined to be inconsistent with this Ordinance, the Municipal Engineer will forward a disapproval letter to the Developer with a copy to the Municipal Secretary citing the reason(s) for the disapproval. Any disapproved Drainage Plans may be revised by the Developer and resubmitted consistent with this Ordinance.

E. For Regulated Activities specified in Sections 104.A through 104.D of this Ordinance, the Municipal Engineer shall notify the Municipal Building Permit Officer in writing, within a time frame consistent with the Municipal Building Code and/or Municipal Subdivision Ordinance, whether the Drainage Plan is consistent with this Ordinance and forward a copy of the approval/disapproval letter to the Developer. Any disapproved drainage plan may be revised by the Developer and resubmitted consistent with this Ordinance.

F. For Regulated Activities requiring a PADEP Joint Permit Application, the Municipal Engineer shall notify PADEP whether the Drainage Plan is consistent with this Ordinance and forward a copy of the review letter to the Municipality and the Developer. PADEP may consider the Municipal Engineer's review comments in determining whether to issue a permit.

G. The Municipality shall not approve any subdivision or land development for Regulated Activities specified in Sections 104.A and 104.B of this Ordinance if the Drainage Plan has been found to be inconsistent with this Ordinance, as determined by the Municipal Engineer. All required permits from PADEP must be obtained prior to approval.

H. The Municipal Building Permit Office shall not issue a building permit for any Regulated Activity specified in Section 104 of this Ordinance if the Drainage Plan has been found to be inconsistent with this Ordinance, as determined by the Municipal Engineer, or without considering the comments of the Municipal Engineer. All required permits from PADEP must be obtained prior to issuance of a building permit.

I. The Developer shall be responsible for completing an "As-Built Survey" of all stormwater management facilities included in the approved Drainage Plan. The As-Built Survey and an explanation of any discrepancies with the design plans shall be submitted to the Municipal Engineer for final approval. In no case shall the Municipality approve the As-Built Survey until the Municipality receives a copy of an approved Highway Occupancy Permit from the PENNDOT District Office, and any applicable permits from PADEP.

J. The Municipality's approval of a Drainage Plan shall be valid for a period not to exceed 5 years. This 5-year time period shall commence on the date that the Municipality signs the approved Drainage Plan. If stormwater management facilities included in the approved Drainage plan have not been constructed, or if an As-Built Survey of these facilities has not been approved within this 5-year time period, then the Municipality may consider the Drainage plan disapproved and may revoke any and all permits. Drainage Plans that are considered disapproved by the Municipality shall be resubmitted in accordance with Section 407 of this Ordinance.

~43-23. Section 405. Modification of Plans

A modification to a submitted Drainage Plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the Drainage Plan as determined by the Municipal Engineer, shall require a resubmission of the modified Drainage Plan consistent with Section 404 of this Ordinance and be subject to review as specified in Section 405 of this Ordinance.

A modification to an already approved or disapproved Drainage Plan shall be submitted to the Municipality, accompanied by the applicable review fee, as indicated in the Borough’s Current Schedule of Fees Resolution. A modification to a Drainage Plan for which the Municipality has not taken a formal action shall also be submitted to the Municipality, accompanied by the applicable Municipality Review Fee, as indicated in the Borough’s Current Schedule of Fees Resolution.

~43-24. Section 406. Resubmission of Disapproved Drainage Plans

A disapproved Drainage Plan may be resubmitted, with the revisions addressing the Municipal Engineer's concerns documented in writing, to the Municipal Engineer in accordance with Section 404 of this Ordinance and be subject to review as specified in Section 405 of this Ordinance. The applicable Municipality Review Fee, as indicated in the Borough's Current Schedule of Fees Resolution, must accompany a resubmission of a disapproved Drainage Plan.

ARTICLE V-INSPECTIONS

~43-25. Section 501. Schedule of Inspections

A. The Municipal Engineer or the municipal assignee shall inspect all critical phases of the installation of the permanent stormwater management facilities. The critical phases for inspection shall be determined by the reviewing engineer at the time the stormwater plan is reviewed. They shall be listed in the Municipal Engineer's approval letter.

B. During any stage of the work, if the Municipal Engineer determines that the permanent stormwater management facilities are not being installed in accordance with this Ordinance, the Municipality shall suspend or revoke, at the Engineer's direction, any existing permits until a revised Drainage Plan is submitted and approved, as specified in this Ordinance.

ARTICLE VI-FEES AND EXPENSES

~43-26. Section 601. General

The fees required by this Ordinance are shown in the Borough's Current Schedule of Fees Resolution. 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.

~43-27. Section 602. Municipality Drainage Plan Review Fee

The Municipality shall establish a Review Fee Schedule by resolution of the municipal governing body based on the Municipality's costs for reviewing Drainage Plans. The Municipality shall periodically update the Review Fee Schedule to ensure that review costs are adequately reimbursed.

~43-28. Section 603. Expenses Covered by Fees

The fees required by this Ordinance shall, at a minimum, cover:

A. Administrative/clerical Costs.

B. The review of the Drainage Plan by the Municipality and the Municipal Engineer. This includes all subsequent reviews required until the plan is conformance.

C. The site inspections including, but not limited to, pre-construction meetings, inspections during construction of stormwater facilities and appurtenances, and final inspection upon completion of the stormwater facilities and drainage improvements.

D. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

ARTICLE VII-MAINTENANCE RESPONSIBILITIES

~43.29. Section 701. Performance Guarantee

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 this Ordinance equal to the full construction cost of the required controls.

~43-30. Section 702. Maintenance Responsibilities

A. The Drainage Plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by the municipal engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the acility(ies).

B. The Drainage Plan for the development 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 which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the municipality, stormwater control facilities may also be dedicated to and maintained by the municipality. The acceptance of maintenance responsibility for stormwater ponds infiltration areas and water quality BMPs will be at the discretion of the Borough officials.

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 shall be the responsibility of the owner or private management entity.

C. The governing body, upon recommendation of the municipal engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the Drainage Plan. The governing body reserves the right to accept or reject the ownership and operating responsibility for any or all of the stormwater management controls.

~43-31. Section 703. Maintenance Agreement for Privately Owned Stormwater Facilities

A. Prior to final approval of the site's stormwater management plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities that are to be privately owned. Said agreement, designated as Appendix C, is attached and made part hereto.

B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the municipal solicitor and governing body.

~43-32. Section 704. Municipal Stormwater Maintenance Fund

If stormwater facilities are accepted by the municipality for dedication, persons installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

1. If the storage facility is to be owned and maintained by the municipality, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The municipal engineer, using independent engineering judgment, will establish the estimated costs utilizing information submitted by the applicant.

2. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The municipal engineer shall determine the present worth equivalents, which shall be subject to the approval of the municipal governing body.

B. If a storage facility is proposed that also serves as a recreation facility (e.g. ballfield, lake, etc.), the municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose. This decision shall be made by the municipality after consultation with the Municipal Engineer and other appropriate municipal staff.

C. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility.

Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

~43-33. Section 705. Post-Construction Maintenance Inspections

A. Basins should be inspected by the land owner/developer or responsible entity (including the municipal engineer for dedicated facilities) on the following basis:

1. Annually for the first 5 years.
2. Once every 3 years thereafter,
3. During or immediately after the cessation of a 2.9-inches per 24-hour or greater storm event.

B. The entity conducting the inspection should be required to submit a written report to the municipality regarding the condition of the facility and recommending necessary repairs, if needed.

ARTICLE VIII-ENFORCEMENT AND PENALTIES

~43-34. Section 801. Right-of-Entry

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 condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

~43-35. Section 802. Notification

In the event that a person fails to comply with the requirements of this Ordinance, or fails to conform to the requirements of any permit 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). Failure to comply within the time specified shall subject such person to the penalty provision of this Ordinance. 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 Ordinance.

~43-36. Section 803. Enforcement

The municipal governing body is hereby authorized and directed to enforce all of the provisions of this ordinance. All inspections regarding compliance with the drainage plan shall be the responsibility of the municipal engineer or other qualified persons designated by the municipality.

A. A set of design plans approved by the municipality shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the municipality or designee during construction.

B. Adherence to Approved Plan
It shall be unlawful for any person, firm or corporation to undertake any regulated activity under Section 104 on any property except as provided for in the approved drainage plan and pursuant to the requirements of this ordinance. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this ordinance or to allow the property to remain in a condition, which does not conform to the approved drainage plan.

C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the owner or his representatives shall:

1. Provide a certification of completion from an engineer or other person qualified by law verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.

2. Provide a set of as built drawings.

D. After receipt of the certification by the municipality, a final inspection shall be conducted by the governing body or its designee to certify compliance with this ordinance.

E. Prior to revocation or suspension of a permit, the governing body will schedule a hearing to discuss the non-compliance if there is no immediate danger to life, public health or property.

F. Suspension and revocation of Permits

1. Any permit issued under this ordinance may be suspended or revoked by the governing body for:

   a) Non-compliance with or failure to implement any provision of the permit.

   b) A violation of any provision of this ordinance or any other applicable law, ordinance, rule or regulation relating to the project.

   c) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

2. A suspended permit shall be reinstated by the governing body when:

   a) The municipal engineer or his designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance, and/or;

   b) The governing body is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.

   c) A permit, which has been revoked by the governing body, cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

G. Occupancy Permit

An occupancy permit shall not be issued unless the certification of compliance has been secured. An occupancy permit shall be required for each lot owner and/or developer for all subdivisions and land development in the municipality.

~43-37. Section 804. Public Nuisance

A. The violation of any provision of this ordinance is hereby deemed a Public Nuisance.
B. Each day that a violation continues shall constitute a separate violation.

~43-38. Section 805. Penalties

A. Anyone violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine and/or punishment as indicated in the Borough's Current Schedule of Fees Resolution, for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense.

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 Ordinance. 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.

~43-39. Section 806. Appeals

A. Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this ordinance may appeal to the Municipal Zoning Hearing Board within thirty (30) days of that action.

B. Any person aggrieved by any decision of the Zoning Hearing Board, relevant to the provisions of this ordinance, may appeal to the County Court of Common Pleas in the county where the activity has taken place within thirty (30) days of the Zoning Hearing Board's decision.

APPENDIX A

STORMWATER MANAGEMENT DESIGN CRITERIA

TABLE A-1

DESIGN STORM RAINFALL AMOUNT (INCHES)

FIGURE A-1
NRCS (SCS) TYPE II RAINFALL DISTRIBUTION

FIGURE A-2
PENNDOT STORM INTENSITY-DURATION-FREQUENCY CURVE
REGION 3

TABLE A-2
RUNOFF CURVE NUMBERS
(FROM NRCS (SCS) TR-55)

TABLE A-3
RATIONAL RUNOFF COEFFICIENTS

TABLE A-4
MANNING ROUGHNESS COEFFICIENTS

TABLE A-1

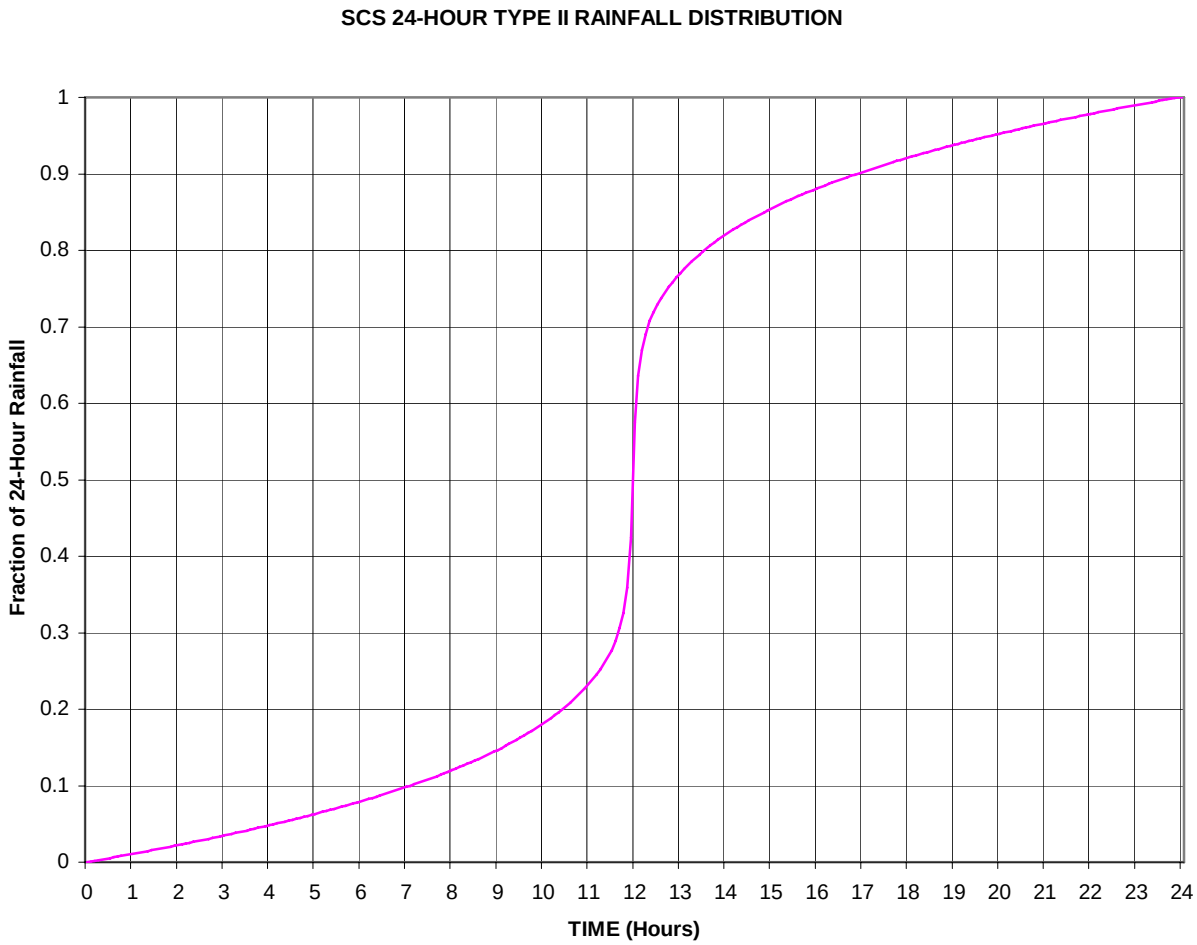
DESIGN STORM RAINFALL AMOUNT (INCHES)

RETURN PERIOD	PRECIPITATION AMOUNT 24-HOUR STORM
1	2.4
2	2.9
5	3.8
10	4.6
25	5.0
50	5.7
100	6.3

Source: Commonwealth of Pennsylvania Department of Environmental Protection Office of Water Management "Erosion and Sediment Pollution Control Program Manual" March 2000.

FIGURE A-1

Natural Resource Conservation Service
Precipitation Distribution



HOURS	MIN	FRACT.	HOURS	MIN	FRACT.	HOURS	MIN	FRACT.
1	00	0.0107	9	40	0.1659	15	00	0.852
2	00	0.0222	10	00	0.1781	15	20	0.8616
3	00	0.0345	10	20	0.1918	15	40	0.8705
4	00	0.0479	10	40	0.2077	16	00	0.8788
5	00	0.0626	11	00	0.2266	16	20	0.8866
6	00	0.079	11	20	0.2506	16	40	0.894
6	20	0.0849	11	40	0.2843	17	00	0.9009
6	40	0.091	12	00	0.3773	17	20	0.9075
7	00	0.0975	12	20	0.6925	17	40	0.9138
7	20	0.1043	12	40	0.7361	18	00	0.9199
7	40	0.1114	13	00	0.7639	19	00	0.9365
8	00	0.119	13	20	0.785	20	00	0.9515
8	20	0.127	13	40	0.8023	21	00	0.9651
8	40	0.1356	14	00	0.817	22	00	0.9776
9	00	0.1449	14	20	0.8299	23	00	0.9892
9	20	0.1549	14	40	0.8415	24	00	1

TABLE A-2

RUNOFF CURVE NUMBERS
(FROM NRCS (SCS) TR-55

LAND USE DESCRIPTION		HYDROLOGIC SOIL GROUP			
Meadow ***		30	58	71	77
Low Density Residential	(>1 Acre)	46	65	77	82
Medium Density Residential	(1/2 - 1 Acre)	58	73	82	86
High Density Residential	(1/8 - 1/2 Acre)*	77	85	90	92
Mobile Home Park		77	85	90	92
Commercial		89	92	94	95
Industrial		81	88	91	93
Mixed Urban		81	88	91	93
Transportation**		98	98	98	98
Campgrounds		77	85	90	92
Fairgrounds		77	85	90	92
Private Parks***		39	61	74	80
Public Parks		39	61	74	80
Cemetery***		39	61	74	80
Cropland		65	75	82	86
Pasture		49	69	79	84
Permanent Hay		55	69	78	83
Orchards, Groves, Vineyards, Nurseries, Scrub brush		43	65	76	82
Other Agricultural Land & Open Space***		35	56	70	77
Mixed Forest Land***		36	60	73	77
Lakes/Ponds		98	98	98	98
Rivers/Streams		98	98	98	98
Wetlands		98	98	98	98
Strip Mines, Quarries, & Gravel Pits		66	68	72	77
Gravel Driveways & Parking Areas		84	91	92	93

*Includes Multi-Family Housing unless justified lower density can be provided.
**Transportation includes paved area only.
***Caution – CN values under 40 may produce erroneous modeling results.
Note: Existing site conditions of bare earth or fallow shall be considered as meadow when choosing a CN value.

FIGURE A-2

PENNDOT STORM INTENSITY – DURATION – FREQUENCY CURVE
REGION 3

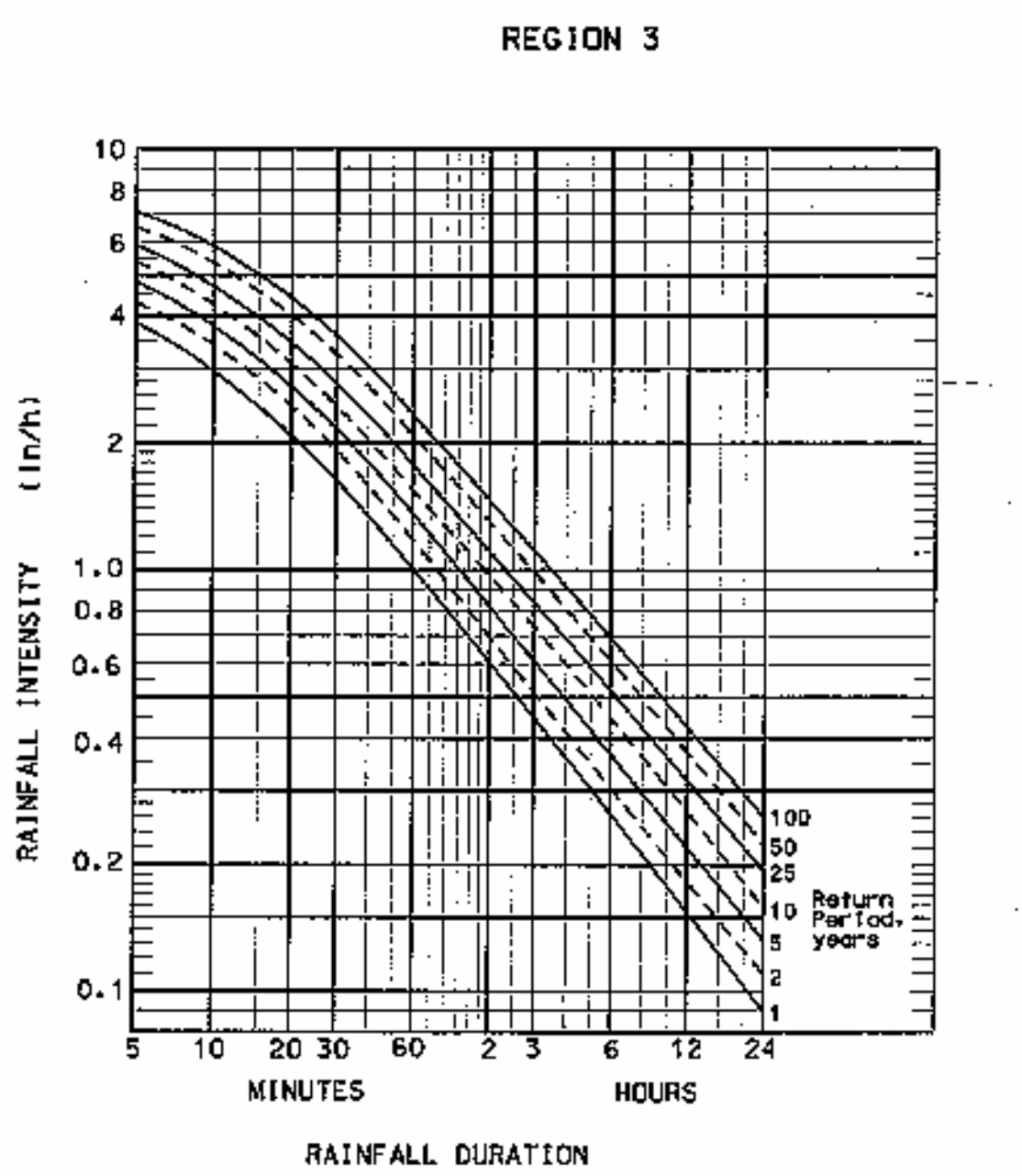


TABLE A-3
Runoff Coefficients
Rational Method "C" Values

LAND USE DESCRIPTION		HYDROLOGIC SOIL GROUP			
		A	B	C	D
Meadow		0.04 (a) 0.07 (b)	0.17 0.23	0.26 0.33	0.31 0.38
Low Density Residential	(>1 Acre)	0.11 0.16	0.23 0.30	0.33 0.40	0.37 0.45
Medium density residential	(1/2 – 1 Acre)	0.19 0.25	0.30 0.38	0.38 0.46	0.42 0.51
High Density Residential	(< ½ Acre)*	0.41 0.50	0.50 0.60	0.57 0.67	0.59 0.69
Mobile Home Park		0.41 0.50	0.50 0.60	0.57 0.67	0.59 0.69
Commercial		0.60 0.71	0.64 0.75	0.67 0.78	0.69 0.80
Industrial		0.47 0.57	0.56 0.66	0.60 0.70	0.62 0.73
Mixed Urban and Transportation**		0.90 0.95	0.90 0.95	0.90 0.95	0.90 0.95
Campgrounds and Fairgrounds		0.41 0.50	0.50 0.60	0.57 0.67	0.59 0.69
Private Parks , Public Parks and Cemetery		0.07 0.11	0.18 0.24	0.27 0.34	0.32 0.39
Cropland		0.20 0.26	0.27 0.34	0.33 0.40	0.36 0.43
Pasture		0.14 0.19	0.23 0.29	0.30 0.36	0.34 0.41
Permanent Hay		0.11 0.16	0.23 0.29	0.30 0.37	0.34 0.42
Orchards, Groves Vineyards, Nurseries		0.08 0.12	0.20 0.26	0.28 0.35	0.33 0.40
Scrub Brush, Other Agricultural Land & Open Space		0.06 0.09	0.15 0.20	0.24 0.30	0.29 0.36
Mixed Forest Land		0.06 0.09	0.17 0.23	0.26 0.32	0.29 0.36
Lakes/Ponds Rivers / Streams / Wetlands		0.95 0.98	0.95 0.98	0.95 0.98	0.95 0.98
Strip Mines, Quarries, & Gravel Pits		0.22 0.29	0.24 0.30	0.27 0.34	0.31 0.38
Gravel Driveways & Parking Areas		0.52 0.62	0.62 0.73	0.62 0.73	0.62 0.73

*Includes Multi-Family Housing unless justified lower density can be provided.
**Transportation includes paved area only.
Note: Existing site conditions of bare earth or fallow shall be considered as meadow when choosing a Rational "C" value.
(a) Runoff Co-efficient for storm recurrence intervals less than 25 years.
(b) Runoff Co-efficient for storm recurrence intervals up to 25 years or more.

TABLE A-4

Recommended "n" Values to be used with Manning's Equation

Surface	Min.	Design	Max.
Asphalt Lining		0.015	
Brick in cement mortar, brick sewers	0.012	0.015	0.017
Concrete-lined channel	0.012	0.015	0.018
Cement-rubble surface	0.017		0.030
Neat cement surface	0.010	0.012	0.013
Plastic-lined channel	0.012		0.014
Shotcrete	0.016		0.017
Asbestos Cement Pipe		0.009	
Concrete Pipe	0.012	0.015	0.016
Vitrified Clay Pipe	0.010	0.013	0.017
Common-clay drainage tile	0.011	0.012	0.017
Semi-circular metal flumes, smooth	0.011		0.015
Corrugated	0.023	0.025	0.030
Channels and ditches			
Earth, straight and uniform	0.017	0.023	0.025
Rock cuts, smooth and uniform	0.025	0.030	0.035
jagged and irregular	0.035	0.040	
Dredged earth channels	0.025	0.028	0.033
Earth bottom, rubble sides	0.028	0.030	0.035
Natural Streams			
1. Clean, straight bank, full stage no rifts or deep pools	0.025		0.033
2. Same as 1, but some weeds and stones	0.030		0.040
3. Winding, some pools and shoals, clean	0.033		0.045
4. Same as 3, lower stages, more ineffective slope and sections	0.040		0.055
5. Same as 3, same weeds and stone	0.035		0.050
6. Same as 4, stony sections	0.045		0.060
7. Sluggish river reaches, rather weedy or with very deep pools	0.050		0.080
8. Very weedy reaches	0.075		0.150

APPENDIX B

DRAINAGE PLAN APPLICATION

DRAINAGE PLAN APPLICATION

Application is hereby made for review of the stormwater management and erosion and Sedimentation control plan and related data as submitted herewith in accordance with The Borough of Northumberland stormwater management and earth disturbance Ordinance.

Check type of Plan submittal:

_____Final plan _____ Preliminary plan _____ Sketch plan

Date of submission _____ Submission No._____

1. Name of subdivision or development_____

2. Name of applicant _____ Telephone no._____

_____
(If corporation, list the corporation's name and the names of two officers of the corporation)

Address_____

_____ Zip_____

Applicants interest in subdivision or development_____
(If other than property owner give owners name and address)

3. Name of property owner _____ Telephone no. _____

Address_____

_____ Zip_____

4. Name of engineer or surveyor _____ Telephone no. _____

Address _____

_____ Zip _____

5. Type of subdivision or development proposed:

_____Single-family lots	_____ Townhouses	_____ Commercial (multi-lot)
_____Two family lots	_____ Garden apartments	_____ Commercial (one-lot)
_____Multi-family	_____ Mobile-home park	_____ Industrial (multi-lot)
_____ Cluster type lots	_____ Campground	_____ Industrial (one-lot)
_____ Planned residential	_____ Other development (_____)	

6. Lineal feet of new road proposed? _____ l.f.

7. Area of proposed and existing impervious area on entire tract.

a. Existing (to remain)_____ s.f. _____% of property

b. Proposed _____ s.f. _____% of property

8. Stormwater

a. Does the peak rate of runoff from proposed conditions exceed that flow which occurred for predevelopment conditions for the designated design storm? _____

_____

b. Design storm utilized (on-site conveyance systems) (24 hr.) (Check one)

- No. Of subarea_____

- Watershed name_____

- Other (Explain)_____

_____

_____

c. Type of proposed runoff control _____

d. Does the proposed stormwater control criteria meet the requirement/guidelines of the stormwater ordinances? _____

- If not, what variances/waivers are requested? _____

_____

- Reasons _____

_____

e. Does the plan meet the requirements of Article III of the stormwater ordinance?_____

- If not, what variances/waivers are requested_____

_____

- Reasons why _____

_____

f. Was TR-55, June 1986 utilized in determining the time of concentration? _____

g. What hydrologic method was used in the stormwater computations? _____

h. Is a hydraulic routing through the stormwater control structure submitted? _____

i. Is a construction schedule or staging attached? _____

j. Is a recommended maintenance program attached? _____

9. Erosion and sediment pollution control (E&S)

a. Has the Stormwater Management and E&S Plan, supporting documentation and narrative been submitted to the Northumberland County Conservation District?_____

b. Total area of earth disturbance _____ s.f.

10. Wetlands

a. Have the wetlands been delineated by someone trained in wetland delineation? _____

b. Have the wetland lines been verified by a state or federal permitting authority? _____

c. Have the wetland lines been surveyed? _____

d. Total acreage of wetland within the property _____

e. Total acreage of wetland disturbed _____

f. Is supporting documentation attached? _____

11. Filing

a. The applicant understands and accepts responsibility for all fees as indicated in the Borough's Current Schedule of Fees Resolution_____

b. Has the proposed schedule of construction inspection to be performed by the applicant's engineer been submitted?_____

c. Name of individual whom will be making the inspections_____

_____

d. General comments about stormwater management at development

_____

_____

CERTIFICATE OF OWNERSHIP

AND ACKNOWLEDGMENT OF APPLICATION

COUNTY OF NORTHUMBERLAND, COMMONWEALTH

OF PENNSYLVANIA

On this the _____ day of _____, 20_____, before me, the undersigned officer, personally appeared _____

Who being duly sworn, according to law, deposes and says that _____, owners of the property described in this application and that the application was made with PRIOR knowledge and/or direction and does hereby agree with the said application and to the submission of the same.

_____
Property Owner(s)

My Commission Expires _____, 20_____

_____
Notary Public or Officer

THE UNDERSIGNED HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF THE INFORMATION AND STATEMENTS GIVEN ABOVE ARE TRUE AND CORRECT.

SIGNATURE OF APPLICANT_____

////////////

Appendix C

STANDARD BEST MANAGEMENT PRACTICES MAINTENANCE AND

MONITORING AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by

and between _____, (hereinafter the "Landowner"), and

Borough of Northumberland, Northumberland County; Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Northumberland County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Subdivision/Land Management Plan (hereinafter "Plan") for the property identified herein, which is expressly made a part hereof, as approved or to be approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (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 require that on-site stormwater Best Management Practices be constructed and maintained on the Property: and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

- BMP – Best Management Practice.
- Infiltration Trench – A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Seepage Pit – An underground BMP structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Rain Garden – A BMP overlain with appropriate mulch and suitable vegetation designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer, and
- Stormwater Structures and Facilities shall include, but not be limited to, detention and retention basins, and BMPs.

WHEREAS, the Municipality requires, through the implementation of the _____ Subdivision and Land Development Plan, that stormwater management BMPs as required by said Plan and the Municipal Ordinance be constructed and adequately maintained by the Landowner, his successors and assigns. The Plan shall include, but not be limited to, the BMP site location, plan view and cross sectional drawings as appropriate, design calculations, material specifications, and any maintenance requirements imposed by the Municipality or its Designated Representatives, and

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The onsite BMP facility shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.

2. The Landowner shall maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality and in accordance with the specific maintenance requirements noted on the Plan which is attached hereto as Appendix A and made part hereof.

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 identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.

4. In the event the Landowner fails to maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality, the Municipality may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Municipality to erect any permanent structure on the land of the Landowner. 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 incurred within 10 days of receipt of invoice from the Municipality.

6. The intent and purpose of this Agreement is to insure the proper maintenance of the onsite BMP(s) 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 nonpoint source pollution runoff.

7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall indemnify the Municipality's employees and designated representatives against 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 BMP(s) by the Landowner or Municipality. In the event that a claim is asserted against the Municipality, its designated representatives or employees, the Municipality shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Municipality's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.

8. The Municipality shall inspect the BMP(s) at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded among the land records of Northumberland 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:

(SEAL) For the Landowner:

ATTEST:

Northumberland Borough, County of Northumberland, Pennsylvania

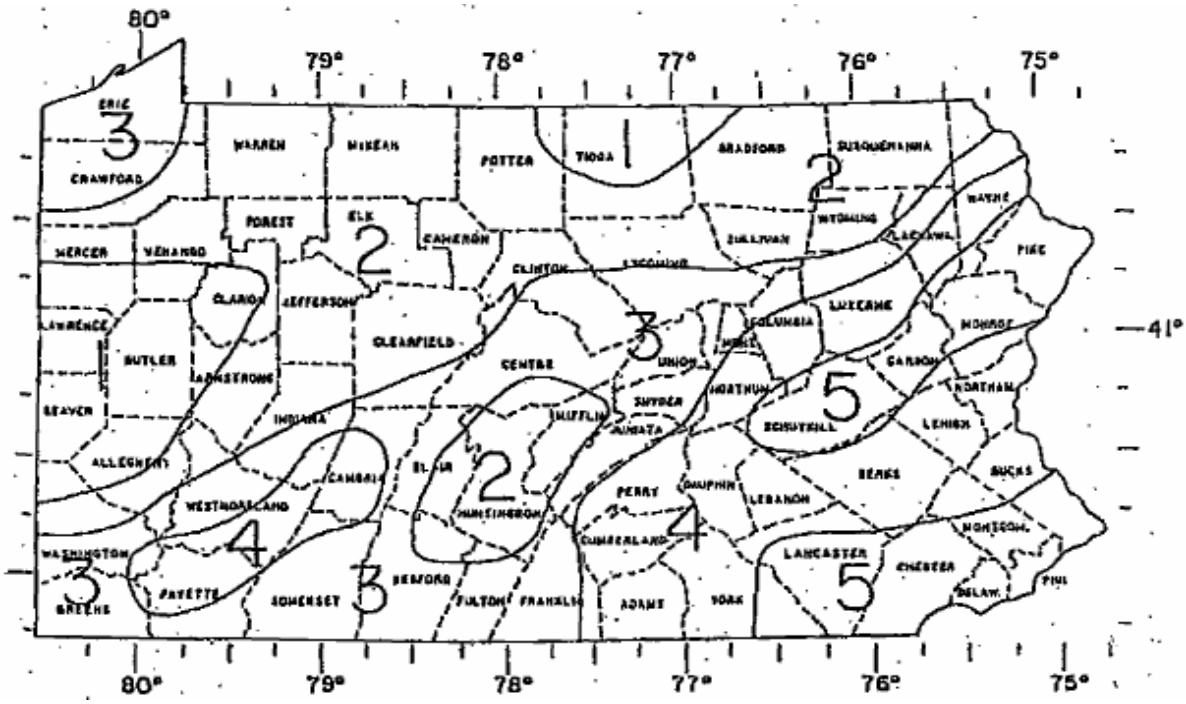
I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20__, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20____, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 20____.

_____

NOTARY PUBLIC

(SEAL)



Appendix D

Hydrologic Regions With Uniform Rainfall (PENNDOT Field Manual, May 1986)

"P" Values for Water Quality Requirements
24-Hour Storm Values Representing 90 % of Annual Rainfall

Rainfall Region	Inches
1	1.13
2	1.48
3	1.60
4	1.95
5	2.04

APPENDIX E

LOW IMPACT DEVELOPMENT PRACTICES

ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

Natural hydrologic conditions may be altered radically by poorly planned development practices. Deleterious activities include 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 in a detention basin in accordance with the local regulations. This approach leads ultimately to the 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 depend 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 for the alternative approach:

• **Preserving Natural Drainage Feature**s. 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 modern developments. 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. 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 minimizes the amount of grading on site.

• **Protecting Natural Depressional Storage Area**s. 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 Area**s. A 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 Surface**s. 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 Lawn**s. 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. By routing roof drains and crowning the driveway to run off to the lawn, the lawn is essentially used as a filter strip.

• **Reducing the Use of Storm Sewers.** By reducing use of storm sewers for draining streets, parking lots, and back yard, 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 Width**s. Street widths can be reduced by either eliminating on street parking or by reducing roadway widths, Municipal planners and traffic designers should encourage narrower neighborhood streets which ultimately could lower maintenance,

• **Limiting Sidewalks to One Side of the Stree**t. A sidewalk on one side of the street may suffice a low-traffic neighborhood. 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 Material**s. 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 Setback**s. 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, a careful consideration of the existing topography and implementation of combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include reduced potential of downstream flooding, water quality degradation of receiving streams/water bodies and 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,

Note: *This information has been developed from various sections presented in “Pennsylvania Handbook of BMPs for Developing Areas” prepared by CH2M HILL under a contract with P*ACD.

Chapter 44

Sanitary Sewers

~44-1. Definitions.

~44.2. Connection To Sewer System; Disconnection; Repair/ Replacement.

~44-3. Other Prohibited Discharges Into Sewer System.

~44-4. Holding Tanks.

~44-5. Privys, Cesspools Prohibited.

~44-6. Authority To Act As Agent Of Borough.

~44-7. Violations And Penalties.

~44-8. Repealer.

[History: Adopted 12-04-01 by the Council of the Northumberland Borough as Ord. No. 2001-11.]

Chapter 44

SANITARY SEWERS

~1-0. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

AUTHORITY - The Northumberland Sewer Authority.

AUTHORITY'S SEWER SYSTEM - The system of Sanitary Sewer pipes, lines, mains, facilities and appurtenances of every kind and nature, as of any particular time, operated or caused to be operated by the Authority for the collection, transportation, pumping, treating and/or disposing of Sanitary Sewage and acceptable Industrial Wastes in the rendering of sewage service in the Borough, extending to the clean-out if one has been installed, and if not then to the curb line, or if there be no curb line, to the property line of Improved Properties.

BUILDING - A structure built, erected, framed of component structural parts, designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

BUILDING SEWER - That portion of the Sewer System extending from the end of the inside plumbing system of a Building to the Lateral.

BOROUGH - The Borough of Northumberland

HOLDING TANK - A watertight receptacle which receives and retains Sewage and is designed and constructed to facilitate ultimate disposal of the Sewage at another site, including but not limited to the following:

A. CHEMICAL TOILET - A toilet using chemicals that discharge to a holding tank.

B. RETENTION TANK - A holding tank where Sewage is conveyed to it by a water-carrying system.

C. VAULT PIT PRIVY - A holding tank designed to receive Sewage where water under pressure is not available.

IMPROVED PROPERTY - Any property upon which there is erected any Building(s) intended for continuous or periodic habitation, occupancy or use by human beings and animals from which Sanitary Sewage or industrial waste is, shall be, or may be discharged, which Building(s) consist(s) of or contain(s) a Dwelling Unit, Commercial Establishment, Institutional Establishment or Industrial Establishment, or other such place in which such Sewage and wastes are produced.

LATERAL - That portion of the Sewer System extending from the clean-out if one has been installed, and if not then the curb line, or if there be no curb line, from the property line to the Authority's Sewer System.

MAY - The term "may" is permissive.

OWNER - Any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property located in the Borough.

PERSON - Any individual, firm, company, association, society, corporation, or any other group or entity.

SANITARY SEWAGE - Domestic waste, normal wastewater, and substances that contain any of the waste products or excrementitious or other discharge from the bodies of human beings or animals, that are carried from dwellings, Buildings, Commercial and Institutional and Industrial Establishments and any other such places in which such wastes and substances are produced, together with the water carrying the same.

SANITARY SEWER - A sewer which is part of the Sewer System and which carries Sanitary Sewage and acceptable Industrial Wastes and into which storm, surface and ground waters are not permitted or intentionally admitted.

SEWAGE - Any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation. Any combination of water-carried wastes from Buildings, Commercial Establishments, Institutional Establishments, Industrial Establishments or other places in which wastes are produced, together with such ground, surface, storm or other water as may be present.

SEWER SYSTEM - The entire system of Sanitary Sewer pipes, lines, mains, facilities and appurtenances of every kind and nature, as of any particular time, operated or caused to be operated by the Authority for the collection, transportation, pumping, treating and/or disposing of Sanitary Sewage and acceptable Industrial Wastes in the rendering of sewage service in the Borough, including the Authority's Sewer System and all pipes, lines, facilities and appurtenances extending from the Authority's Sewer System to the end of the inside plumbing system of any Building on an Improved Property, whether or not interconnected.

SHALL - The term "shall" is mandatory.

TAPPING FEE - A fee charged to the Owner of Improved Property to connect to the Sewer System, authorized by the Municipality Authorities Act, charged and payable at the time the application for a sewer tap-on permit is submitted to the Authority, and based upon some or all of the following components: capacity, distribution or collection, special

purpose, reimbursement.

USER CHARGE - An amount charged to the Owner of Improved Property for each Dwelling Unit or each nonresidential unit in a Building containing multiple units, charged and payable at the time the application for a sewer tap-on permit is submitted to the Authority or at the time that the Building is subdivided to produce additional units.

~2-0. Connection To Sewer System; Disconnection; Repair/Replacement.

~2-1. Connection Required; Notice To Connect; Authority May Connect.

The Owner of any Improved Property in the Borough abutting on any street, alley or right-of-way in which any Sanitary Sewer of the Authority's Sewer System is located, and the Owner of any Improved Property whose Building is located within one hundred fifty (150) feet of any Sanitary Sewer of the Authority's Sewer System shall, at said Owner's expense, install suitable sanitary sewer facilities and connect such facilities directly with such Sanitary Sewer in accordance with the provisions of this Chapter and the Rules and Regulations of the Authority within sixty (60) days after the date of official notice to do so, given in the manner provided by law. In the event any such Owner shall refuse or neglect to so connect within said sixty (60) day period, said Owner shall be deemed to be in violation of this Chapter and the Rules and Regulations of the Authority, and the Authority or its agents may enter upon such property and construct such connection. The Authority shall send an itemized bill of the costs of the construction to the Owner, which bill shall be payable within thirty (30) days. If the Owner does not pay said bill within the thirty (30) day period, the Authority shall file a municipal lien against the Improved Property and shall collect said costs in any manner allowed by law. Should the Authority determine that the connection of a Building to a Sanitary Sewer of the Authority's Sewer System would result in an overload of the Authority's sewage treatment facilities, the Authority may excuse the Owner of the Improved Property from making such connection until the overload problem is corrected.

~2-2. Separate Connection Required.

Each Improved Property and each Building. whether constructed as a detached unit or as one of a pair or a row, shall be connected separately and independently with the Authority's Sewer System through a Building Sewer unless special permission shall have been granted in writing by the Authority upon a finding of special circumstances and for good sanitary reasons or other good causes.

~2-3. Permit Required For Connection, Disconnection, Repair/Replacement.

No Improved Property shall be connected to or disconnected from the Authority's Sewer System and no Sanitary Sewer, Building Sewer, Lateral or any other sewer pipe, main or facility shall be repaired or replaced until the Owner of said property shall have first obtained a permit from the Authority. The application for such permit shall be submitted

to the Authority in the form prescribed by the Authority and shall be accompanied by the appropriate Tapping Fee, User Charge and permit fees and a description and diagram of the site, the character and use of each building located or to be located thereon, and the Building Sewer, Lateral and any other sewer pipe, main or facility.

~2-4. Compliance With Rules And Regulations.

All connections to and disconnections from the Authority's Sewer System and all repairs or replacements of any Sanitary Sewer, Building Sewer, Lateral or any other sewer pipe, main or facility shall be made in compliance with this Chapter and the Rules and Regulations, resolutions and specifications of the Authority.

~3-0. Certain Discharges Into Sewer System Prohibited.

~3-1. Discharges From Rain Spouts, Cellar Drains, Etc., Into Sewer System Prohibited.

No Person shall discharge, cause to be discharged, or allow to be discharged into the Sewer System any storm water, surface water, groundwater, roof runoff or sub-surface drainage, building foundation drainage, cellar or basement drainage from rain spouts, drain tile systems, yard drains, foundation drains, cellar drains or sump pumps or other similar facilities.

~3-2. Other Prohibited Discharges Into Sewer System.

No Person shall discharge, cause to be discharged, or allow to be discharged into the Sewer System anything that is prohibited by state and federal clean streams laws, or any of the following: Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, fur, plastics, wood, paunch manure, butchers offal, hair or any other solids or viscous substances capable of causing obstruction to the flow in Sanitary Sewers or the interference with the proper operation of the Sewer System; Any inert insoluble solids such as asphalt, clay, slag and mill scale, or sludges and slurries; Any waters or waste containing any quantities of formaldehyde, carbide waste and phenols; Any waters or waste containing radioactive isotopes; Any noxious or malodorous substances not mentioned in the foregoing list that will pass through the Sewage System and exceed the state, federal and/or interstate requirements for the receiving stream.

~4-0. Holding Tanks

~4-1. Holding Tank Permit Required.

No collection and disposal of Sewage from any Improved Property utilizing a Holding Tank shall be done unless and until a permit is granted by the Authority, and then only under the direction and control of the Authority.

~4-2. Permit Requirements.

The Owner of an Improved Property intending to utilize a Holding Tank shall do the following:

~4-2.1. Written Contract.

Said Owner shall present to the Authority a written contract for the pumping of Sewage from the Holding Tank and the hauling of said Sewage to a disposal site approved by the Pennsylvania Department of Environmental Protection (PADEP). Said contract shall be between the Owner and a pumper-hauler approved by PADEP.

~4-2.2. PADEP Approval.

Said Owner shall present to the Authority a writing from a PADEP approved disposal site granting the pumper-hauler permission to dispose of the Sewage from the Owner's Holding Tank at said disposal site.

~4-2.3. Notice: Inspection.

Said Owner shall inform the Authority at least forty-eight (48) hours in advance of the date and time for the installation of the Holding Tank so that an employee or agent of the Authority may inspect its installation.

~4-2.4. Warning Devices.

Said Owner shall, at the time of the installation of the Holding Tank, install on said Tank visible and audible devices that will give warning when the contents have reached seventy-five percent (75%) of the capacity of said Tank.

~4-3. Maintenance.

The Owner of an Improved Property permitted to utilize a Holding Tank shall maintain the Holding Tank as follows:

~4-3.1. Maintain Per All Laws, Rules And Regulations.

The Holding Tank shall be maintained in conformance with all ordinances, resolutions, rules and regulations of the Borough, all applicable state and federal laws, and all applicable Rules and Regulations, resolutions and specifications of the Authority, laws and rules and regulations of state and federal governments, and any departments, agencies or other arms thereof.

~4-3.2. Maintain So Contents Do Not Escape.

The Holding Tank shall be maintained so that the contents thereof do not escape, seep or overflow.

~4-3.3. Contents To Be Pumped Out To Prevent Overflow.

The Holding Tank shall be maintained by having the contents thereof pumped out as frequently as is necessary to prevent the contents from escaping, seeping or overflowing.

~4-3.4. Only Approved Persons May Pump, Haul And Dispose Of Contents.

The Holding Tank shall be maintained by permitting only those Persons approved by and acting under the supervision and direction of the Authority to pump, haul and dispose of the contents of the Tank.

~4-3.5. Provide Written Evidence To Authority Of Pumping And Disposal.

The Holding Tank shall be maintained by presenting to the Authority within five days after the contents of the Holding Tank have been pumped and disposed of, the receipts and other suitable evidence in writing from the pumper-hauler and the disposal site indicating the quantity of Sewage pumped and disposed of and the date or dates.

~4-4. Holding Tank Without Permit A Nuisance.

The utilization of a Holding Tank in violation of any of the provisions of these Rules and Regulations shall constitute a nuisance and the Authority may abate the same in any manner allowed by law.

~5-0. Privys, Cesspools Prohibited.

It is hereby declared to be unlawful and a nuisance for any Person, whether principal or agent, to construct, maintain or use, or being the Owner of the property to permit to be used or remain in use, any privy, privy vault, cesspool, septic tank or similar receptacle
intended or used for the disposal of Sewage and human excrement on any property in the Borough abutting on any street, alley or right-of-way in which any Sanitary Sewer of the Authority's Sewer System is located, or on any property in the Borough where the Building located thereon is within one hundred fifty (150) feet of any Sanitary Sewer of the Authority's Sewer System. The property Owner shall abate said nuisance upon notice from the Authority to do so. If the Owner fails to abate said nuisance within forty-five days after notice from the Authority, the Authority shall abate the same; connect the property to the Sewer System; and

collect from the Owner the cost thereof, including the established tapping fees and user charges.

~6-0. Authority To Act As Agent Of Borough.

The Authority is hereby authorized to act as the agent of the Borough in the enforcement of this Chapter and to pursue all remedies and penalties available under this Chapter and all state and federal laws

~7-0. Violations And Penalties.

~7-1. Fines and Penalties Per Resolution.

The fines and penalties for violation of this Chapter shall be established by a resolution adopted by Borough Council.

~7-2. Violators Liable For Expense, Loss Or Damage Suffered By The Borough and the Authority.

Any Person who violates any of the provisions of this Chapter and the Rules and Regulations, resolutions and specifications of the Authority, in addition to being liable for a fine and penalty, shall be liable to the Borough and the Authority for any expense, loss or damage suffered by the Borough and the Authority by reason of such violation.

~8-0. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith shall be and the same expressly are repealed.

CHAPTER 45

SEWER USE

[History: Adopted by the Council of the Borough of Northumberland: Article I, 4-17-74 as Ord. No. 281; Article II, 4-16-74 as Ord. No. 280; Article III, 6-7-26 as Ord. No. 61; Article IV, 5-5-53 as Ord. No. 156; Article V, 6-7-83 as Ord. No. 385, Sections 45-9, 45-10, 45-18, 45-21 and 45-25, amended 6-3-97 as Ord. No. 451.]

1.0 GENERAL PROVISIONS

1.1 PURPOSE AND POLICY

The objectives of this Sewer Use Ordinance are:

a. To prevent the introduction of pollutants into the Northumberland Sewer Authority (Authority) wastewater collection and treatment system which will interfere with its operation, contaminate the biosolids generated at the wastewater treatment plant, or will otherwise be incompatible with the system;

b. To prevent the introduction of pollutants into the Authority's wastewater collection and treatment system which will be inadequately treated and thus will pass-through the system into the receiving waters or the atmosphere;

c. To protect the environment, the general public, as well as, Borough, and Authority personnel against the hazards associated with discharges of toxic or otherwise incompatible pollutants into the sewer system;

d. To improve the opportunity to recycle and reclaim industrial wastewaters and biosolids from the wastewater treatment system;

e. To provide for equitable distribution of the cost for the development and implementation of the Authority's Industrial Pretreatment Program, and other improvements to the wastewater collection and treatment system;

f. To help assure Authority compliance with its National Pollutant Discharge Elimination System (NPDES) permit, biosolids use and disposal requirements, the Clean Water Act, the General Pretreatment Regulations, and any other state or federal laws with which the Authority must comply.

This Sewer Use Ordinance will be implemented by the Authority through issuance of permits to those Industrial/Commercial Users deemed a Significant Industrial User, through monitoring, reporting, and enforcement of the Ordinance with these Significant Industrial Users; and through enforcement of general requirements for all other Users. This Sewer Use Ordinance also assumes that the capacity of the sewer system allocated to existing customers will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
This Sewer Use Ordinance shall apply to persons located both within and outside the Borough's political jurisdiction, who are Users or Significant Industrial Users of the collection system serviced by the Authority. Except as otherwise provided herein, the provisions of this Sewer Use Ordinance shall be administered, and enforced by the Authority.

Nothing contained in this Sewer Use Ordinance shall be construed as preventing any special agreement or arrangement between the Borough, the Authority, and any Significant Industrial Users within the Borough, allowing a waste of unusual strength or character to be accepted by the Authority through special agreements in writing, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the Authority. Any such agreement or arrangement shall not allow a discharge that exceeds Categorical Standards.

1.2 DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases as used in this Sewer Use Ordinance shall have the meanings hereinafter designated:

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

2. Approval Authority. The United States Environmental Protection Agency (EPA).

3. Authority. The Northumberland Sewer Authority which owns and operates the wastewater collection and treatment system for which this sewer use ordinance governs.

4. Authorized Representative of a Significant Industrial User.

   (1) If the User is a corporation a responsible corporate officer is: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the

corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a local, state, or federal governmental agency: a director or highest appointed official designated to oversee the operation and performance activities of the facility, or their designee.

(4) A duly-authorized representative of the individual designated in (1) through (3) above if: (i) the authorization is made in writing by the individual described in (1) or (2); (ii) the authorization specifies either an individual or a position having overall responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (iii) the written authorization is submitted to the Borough.

5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees Celsius, expressed in terms of weight and concentration, [milligrams per liter (mg/l)].

6. Building Sewer. A sewer conveying wastewater from the premises of a User to the sewer system.

7. Borough. The Borough of Northumberland.

8. Categorical Pretreatment Standard or Categorical Standards. Any regulation containing pollutant discharge limitations promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act and which appear in 40 CFR Chapter I, Subchapter N, or 40 CFR Parts 401-471.

9. Compatible Pollutant. A pollutant for which the Authority's Wastewater Treatment Plant was specifically designed to treat and remove such as Biochemical Oxygen Demand (BOD_5), Total Suspended Solids (TSS),

Ammonia Nitrogen (NH3-N), Total Phosphorus (P), and to a lesser degree Oil and Grease.

10. Contributing Municipality. A municipal body which owns and/or operates central collection sewers which discharge into the Authority's wastewater collection and treatment system.

11. Control Authority. The term "Control Authority" shall refer to Wastewater Treatment Plant Superintendent, since the Authority has an approved pretreatment program under the provisions of 40 CFR 403.11.

12. Cooling Water. The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

13. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

14. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

15. Equivalent Dwelling Unit (EDU). Any source of wastewater into the Authority sewer system which has the following typical wastewater characteristics:

Flow	150 gpd
Ammonia - Nitrogen	25 mg/l as N
BOD	250 mg/l
Phosphate	10 mg/l as P
Suspended Solids	250 mg/l
TKN	40 mg/l as N

16. Existing Source. Any User of the Authority's wastewater collection and treatment system which commenced operation prior to the publication by the EPA of proposed Categorical Pretreatment Standards, which will be applicable to that User after final EPA promulgation of such standards in accordance with Section 307 of the Act.

17. Grab Sample. A sample which is taken from a waste stream on a one-time basis over a period of time not to exceed fifteen minutes, with no regard to the flow in the waste stream.

18. Holding Tank Waste. Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

19. Indirect Discharge. The discharge or the introduction of pollutants into the collection system, including holding tank waste discharged into the system as outlined in 40 CFR 403.31(g) and Sections 307(b), (c), and (d) of the Act.

20. Industrial User. Any non-domestic source of indirect discharge to the Authority's sewer system.

21. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater collection and treatment system treatment processes, operations, or its biosolids processes, use or disposal; and therefore is a cause of a violation of any requirement of the Authority's treatment plant NPDES permit, including an increase or duration of the violation. The term includes prevention of biosolids use, biosolids processes, or disposal by the receiving treatment facility in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria, including those contained in any State biosolids management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the receiving treatment facility.

22. National Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347), and which applies to a specific category of Industrial Users.

23. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

24. New Source.

    a. Any User of the Authority’s wastewater collection and treatment system which commenced operation after the publication by the EPA of proposed Categorical Pretreatment Standards, which will be applicable

to that User after final EPA promulgation of such standards in accordance with Section 307 of the Act, provided that:

(i) The building, structure, facility, or installation from which the discharge originates is constructed at a site at which no other source is located; or

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.

b. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of this Section (a) above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a New Source as defined under this section has commenced if the owner or operator has:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

(iii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable period of time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

25. Pass-Through. A discharge which exits the Authority's treatment plant into waters of the United States in quantities or concentrations 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 NPDES permit (including an increase in the magnitude or duration of a violation).

26. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, any other legal entity, or any of their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

27. pH. A measure of the acidity or alkalinity of a solution expressed in standard units.

28. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, biosolids, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

29. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the Authority's wastewater collection and treatment system. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

30. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on a User by the Authority.

31. Pretreatment Standards. Pretreatment standards shall mean any prohibited discharge standards, categorical pretreatment standards, or local limits.

32. Significant Industrial User. Any Industrial/Commercial User of the Authority's wastewater collection system who:

    a. is subject to Categorical Pretreatment Standards;

b. discharges an average of 25,000 gallons per day process wastewater to the Authority's collection and treatment system;

c. contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Authority treatment plant;

d. is designated as such by the Authority on the basis that the User has a reasonable potential for adversely affecting the operation of the treatment plant, the quality of the biosolids generated at the Authority's WWTP, or for violating any pretreatment standard or requirement.

33. Significant Noncompliance: An Industrial User is in significant noncompliance if his violations meet one or more of the following criteria:

- Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

- Technical Review Criteria (TRC) violations, defined as those violations in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

- Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Authority determines has caused, alone or in combination with other discharges, an interference, pass through, or upset at the treatment plant (including endangering the health of Borough personnel or the general public);

- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the Authority exercising its emergency authority under 40 CFR 403 paragraph (f)(1)(vi)(B) to halt or prevent such a discharge;

- Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule date, or a compliance schedule milestone contained in a local control mechanism or enforcement action for

starting construction, completing construction, or attaining final compliance;

- Failure to accurately report incidents of noncompliance; or

- Any other violation or group of violations that the Authority determines will adversely affect the overall implementation of its industrial pretreatment program.

34. Slug Discharge or Slug Load. Any intentional or accidental discharge at a flow rate or concentration which could cause a violation of any Pretreatment Standard set forth in accordance with section 2.1 of this Sewer Use Ordinance, or in Section 403.5 of the General Pretreatment Regulations.

35. Slug Control Plan. All Significant Industrial Users are required to submit to the Authority a Slug Control Plan which meets the criteria set forth in Section 2.7 of this Sewer Use Ordinance.

36. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget 1972.

37. State. Commonwealth of Pennsylvania.

38. Storm water. Any flow occurring during or following any form of natural precipitation and resulting exclusively there from.

39. Superintendent The person designated by the Authority to supervise the operation of the treatment system and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.

40. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.

41. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the Clean Water Act, or other acts promulgated by the federal or state governments.

42. User. Any person who contributes, causes, or permits the contribution of wastewater into the Authority collection and treatment system, including those person(s) who distribute drinking water in the Borough's service area.

43. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated which is contributed into or permitted to enter the collection system.

44. Wastewater Contribution Permit. A permit issued by the Authority to an industrial/commercial user in accordance with Section 4.4 of this Sewer Use Ordinance.

45. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

1.3 ABBREVIATIONS

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
mg/l	Milligrams per liter
O&M	Operation & Maintenance
NPDES	National Pollutant Discharge Elimination System
Borough	Borough of Northumberland
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	United States Code
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids

2.0 REGULATIONS

2.1 GENERAL

The User shall not contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will interfere with the operations or performance of the System and/or Facility. These general prohibitions apply to all Users whether or not the Users are subject to National Categorical Pretreatment Standards or Requirements. The following substances, among others, are prohibited and shall not be discharged into the System and/or Facility:

a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the System and/or Facility. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the System (or at any point in the System) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. In addition, waste streams with a closed-up flashpoint of less than 140 degrees Fahrenheit or 60 degree C are prohibited. Prohibited explosive/flammable materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides, sulfides.

b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the System and/or Facility such as, but not limited to grease, garbage with particles greater than one-half-inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, petroleum oil, no-biodegradable cutting oil or mineral oil origin, mud, glass, grindings, or polishing wastes.

c. Any wastewater having a pH less than 5.0, or greater than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the System and/or Facility.

d. Any toxic pollutants, either singly or interaction with other pollutants, sufficient to injure or interfere with any wastewater treatment process or that constitute a hazard to humans or animals, or create a toxic effect in the receiving waters or the System and/or Facility, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but nor be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act.

e. Any noxious or malodorous liquids, gases, or solids, either singly or in interaction with other wastes, are sufficient (a) to create a public nuisance or hazard to life or, (b) to prevent entry into the System and/or Facility for maintenance and repair.

f. Any substance such as residues, sludge, or scums that may cause the Facility's effluent or any other product of the Facility; to be unsuitable for reclamation and reuse, or that interfere with the reclamation process. In no case shall a substance discharged to the System and/or Facility cause the Facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under or pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, Section 405 of the Clean Air Act; or any State Criteria applicable to the sludge management method being used.

g. Any substance that alone, or in combination with discharges from to other sources, will cause a pass-through or interference at the Facility resulting in violation of the Authority's National Pollutant Discharge Elimination System permit or the receiving stream water quality standards.

h. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

i. Any wastewater having a temperature in excess of 40 degrees C or 104 degrees F, and no wastewater of any temperature which will inhibit biological activity in the treatment facility causing interference.

j. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentrations which cause interference to the Facility. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period

longer than 15 minutes more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation.

k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable State or Federal regulations.

l. Any wastewater which causes a hazard to human life or creates a public nuisance.

m. No connections shall be made which bring or allow storm water, groundwater, roof runoff, subsurface drainage, cooling water or other similar water into the System.

n. Pollutants which result in the presence of toxic gases, vapors, or fumes within the System and/or Facility is a quantity that may cause acute worker health and safety problems.

o. Trucked or hauled wastes unless specifically permitted by the Authority.

p. (Containing substances which may solidify or become viscous at temperatures between 32 degrees F and 14 degree F.)

q. (Containing fats, wax, grease or oils of petroleum origin whether emulsified or not in excess of 100mg/L.)

When the Authority determines that a User or Significant Industrial User is contributing to the wastewater collection and treatment system any of the above enumerated substances in such amounts as to interfere with the operation or cause pass-through of the system, the Authority shall advise the User of the impact of such contribution on the wastewater collection and treatment system, and develop effluent limitations for such User to correct the violation.

The Authority may also take enforcement action(s) against the non-complying User or Significant Industrial User, whether or not the Use or Significant Industrial User was given prior notification of the violation by the Authority.

2.2 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under this Sewer Use Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this Sewer Use Ordinance. Each User or Significant Industrial User

shall be responsible to notify the Authority of changes to his status under the Federal, State, or local regulations. The National Categorical Pretreatment Standards found in 40 CFR Part 405-471 are hereby incorporated into this Sewer Use Ordinance.

a. Where a categorical pretreatment standard is expressed only in terms of the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR part 403.6(c).

b. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR Part 403.6(e).

c. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR Part 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

d. A user may obtain a net gross adjustment to a categorical standard from the EPA in accordance with 40 CFR Part 403.15.

2.3 MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Where the Authority's wastewater treatment plant achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Authority may apply to the Approval Authority for modifications of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater collection system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Borough may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled, and prior approval from the Approval Authority is obtained.

2.4 SPECIFIC POLLUTANT LIMITATIONS

The User shall not contribute or cause to be contributed, directly or indirectly, wastewater containing pollutant levels in excess of the following maximum discharge limitations:

Parameter	Maximum Concentration (mg/l)
BOD	250
TSS	250
Phosphorus (Total as P)	10 *
Ammonia Nitrogen (NH3-N)	25 as N
Total Kjedahl (TKN)	40 as N
Oil and Grease	100
pH (Standard Units)	5.0 - 10.0

*This limit has been waived at the present time, but may be imposed in the future.

Parameter	Maximum Concentration (mg/l)
Arsenic	0.01
Cadmium	0.01
Chromium (total)	2.00
Copper	0.5
Lead	0.05
Mercury	0.001
Molybdenum	0.01
Nickel	2.50
Silver	0.05
Zinc	3.00
Cyanide (total)	1.00

2.5 BOROUGH'S RIGHT OF REVISION

The Borough reserves the right to require any contributing municipalities to establish by Ordinance, limitations or requirements as least as stringent as the Borough's for Users whose wastewater is ultimately treated at the Authority's wastewater treatment plant, in order to comply with the objectives presented in Section 1.1 of this Sewer Use Ordinance.

2.6 DILUTION

No User or Significant Industrial User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the Borough, Authority, State, or Federal agencies.

2.7 ACCIDENTAL OR SLUG DISCHARGE

Each Significant Industrial User shall provide protection from accidental or slug discharge of prohibited materials or other substances regulated by this Sewer Use Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the User's or Significant Industrial User's own cost and expense. In the case of an "accidental discharge", it is the responsibility of the User to immediately telephone and notify the Authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken to minimize and eliminate the violation.

In addition, the Authority will evaluate at least once every two years whether a Significant Industrial User needs to develop or update a Slug Control Plan. Detailed Slug Control Plans showing facilities and operating procedures to provide slug control protection shall be submitted to the Authority, as required, for review and approval prior to implementation. A Slug Control Plan shall contain, at a minimum, the following information:

(1) a description of discharge practices, including routine or non-routine batch discharges;

(2) a description of new and spent chemical storage procedures;

(3) procedures for immediately notifying the Wastewater Treatment Plant Superintendent of any accidental or slug discharge, including personnel responsible for such notifications;

(4) procedures to prevent adverse impact from an accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of chemical storage areas, handling and transferring of raw and finished products and chemicals, control of site runoff, worker training, building of containment structures, available containment equipment, and contacted environmental services which assist the User fulfill these plans.

A Significant Industrial User who commences contribution to the wastewater collection and treatment system after the effective date of this Sewer Use Ordinance shall not be permitted to introduce pollutants into the system until a Slug Control Plan, if required, has been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the Significant Industrial User from the responsibility to modify his facility, as necessary, to meet the requirements of this Sewer Use Ordinance.

2.8 WRITTEN REPORT

Within five (5) days following an accidental discharge, the Significant Industrial User shall submit to the Authority a detailed written report which shall contain the following information:

(1) the cause of the non-compliance;

(2) the anticipated time that this condition had occurred and which it has been corrected;

(3) the steps taken by the User to reduce an minimize the impact of the non-compliance;

(4) the steps taken by the User to prevent a re-occurrence of the conditions which caused or led to the accidental or slug loading.

Such report shall not relieve the Significant Industrial User of any fines, civil penalties, or other liability which may be imposed as described in this article, the Borough's Enforcement Response Plan, or any other applicable law.

2.9 NOTICE TO EMPLOYEES

A notice shall be permanently posted on the Significant Industrial User's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who may be involved with hazardous materials are aware of such emergency notification procedures.

3.0 FEES

3.1 PURPOSE

It is the purpose of this section to provide for the recovery of costs from Users and Significant Industrial Users of the Borough's treatment system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Authority's Schedule of Charges and Fees.

3.2 CHARGES AND FEES

The Authority may adopt charges and fees (after a reasonable public notification period) which may include:

a. fees for reimbursement of the costs of setting up and operating the Authority's Industrial Pretreatment Program;

b. fees for monitoring, inspections, and sampling associated with the Industrial Pretreatment Program;

c. fees for reviewing accidental discharge procedures and construction plans;

d. fees for review of permit applications;

e. fees associated with the review of permit appeals;

f. fees for consistent removal by the Borough of pollutants otherwise subject to federal pretreatment standards;

g. other fees the Authority may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Sewer Use Ordinance and are separate from all other fees chargeable by the Authority and the Borough.

4.0 ADMINISTRATION

4.1 WASTEWATER DISCHARGERS

It shall be unlawful to discharge any wastewater to any sanitary sewer in any area under the jurisdiction of, or within the service area of, the Borough of Northumberland, except as authorized in writing by the Authority in accordance with the provisions of this Sewer Use Ordinance. The Authority may require any unpermitted or permitted Users of the sewer system to provide any information needed to determine compliance with this Sewer Use Ordinance or other applicable local, state, or federal laws, rules, or regulations. These requirements include, but are not limited to:

a. wastewater discharge peak rate and volume records over a specified time period;

b. information on raw materials, processes, and products affecting wastewater volume and quality;

c. quantity and disposition of specific liquid, biosolids, oil, solvent, or other materials which may impact the operation of the Authority's sewer system;

d. a plot plan of all sewer facilities on the User's property including the number and location of all sewer lateral connections to the Authority's sewer system;

e. details of control measures taken by the User to prevent and control storm water, drainage, roof runoff, from entering the Authority’s sewer system;

f. details of any significant changes to the nature or quantity of their discharge, including increased flows of 25 percent or more, or the promulgation of a categorical pretreatment standard which applies to their discharge;

All users must notify the Authority, EPA, and the PADER of discharges to the sewer system which, if disposed of in any other manner, would be considered a hazardous waste under Federal regulations 40 CFR Part 261.

Costs incurred for developing the information described above shall be paid by the User, and are in addition to all other sewer use, permit, and surcharge fees charged by the Authority.

The User shall be responsible for obtaining and submitting all applicable Authority, Borough, County, Regional, State, or Federal permits or planning documents required for approval of a sewer connection.

4.2 WASTEWATER CONTRIBUTION PERMITS

All Users proposing to, or already connected into the Authority's sewer system, which are deemed a Significant Industrial User through Authority review of the waste questionnaire or permit application, must obtain a Wastewater Contribution Permit from the Authority prior to commencing discharge.

In addition, whenever an existing insignificant industrial User becomes subject to a new National Categorical Pretreatment Standard, the User must notify the Authority a within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

4.2.1 Permit Application

Any User required to obtain a Significant Industrial User permit shall complete and file with the Authority, an application in the form prescribed by the Authority, accompanied by the required permit filing fee. In support of the application, the Significant Industrial User shall submit in units and terms appropriate for evaluation, the following information:

a. name, address, and location of the facility (if it is different from the address);

b. SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended;

c. wastewater constituents and characteristics, including but not limited to those parameters listed in Section 2.0 of this Ordinance, as determined by an approved analytical laboratory. This sampling and analysis shall be performed

in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act, and contained in 40 CFR, Part 136, as amended;

d. time and duration of wastewater contribution;

e. average daily and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variation, if any;

f. site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;

g. description of activities, facilities, and plant processes on the premises, including all materials which have a potential for entering the sewer system either accidentally or by purpose;

h. the nature and concentration of any pollutants in the discharge which are limited by any Authority, Borough, State, or Federal pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M), source reduction efforts and/or additional pretreatment required for the Significant Industrial User to meet applicable pretreatment standards.

i. if additional pretreatment and/or O&M will be required to meet the pretreatment standards, the schedule by which the Significant Industrial User will provide such additional pretreatment. For Significant Industrial; Users subject to Federal Categorical Standards, the completion date in this schedule can be no later than the compliance date established by the EPA for the applicable pretreatment standard. The following shall also apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the Significant Industrial User to meet the applicable pretreatment standards. This may include dates for installing a sampling manhole, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.;

(ii) No increment referred to in paragraph (1) shall exceed nine (9) months;

(iii) No later than 14 days following each date in the schedule and the final date for compliance, the Significant User shall submit a progress report to the Authority, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the Significant Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority;

(iv) Each product produced by type, amount, process or processes, and rate of production;

(v) Type and amount of raw materials processed (average and maximum per day);

(vi) Number and type of employees, the hours of plant operation, and the proposed or actual hours of pretreatment system operation.

(vii) Any other information as may be deemed by the Authority necessary to in evaluating the permit application.

j. a list of all other environmental control permits held by or for the facility;

The Authority will evaluate the data furnished by the Significant Industrial User, and will notify the User of any additional information necessary to complete the application review process. After evaluation and acceptance of the data supplied, the Authority may approve the issuance of a Significant Industrial User permit subject to terms and conditions provided herein.

4.2.2 Permit Conditions

Wastewater Contribution permits shall be expressly subject to all provisions of this Sewer Use Ordinance and all other applicable regulations, User charges, and fees established by the Authority by way of separate ordinances. The permit may contain, but is not limited to the following requirements:

a. statement of duration;

b. statement on non-transferability;

c. all applicable pretreatment standards for their discharge;

d. limits on average and maximum flow rate and time of discharge, or requirements for flow regulations and equalization;

e. requirements for installation and maintenance of inspection and sampling facilities;

f. specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

g. compliance schedules;

h. requirements for submission of technical reports or discharge reports (see Section 4.2.3);

i. requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Authority; and affording the Borough access thereto;

j. requirements for prior notification of the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater collection system;

k. requirements for notification of slug discharges as per Section 2.7;

l. specification of type and amount of raw materials processed (average and maximum per day);

m. statement of all applicable civil or criminal penalties for non-compliance;

n. other conditions as deemed necessary by the Authority to ensure compliance with this Sewer Use Ordinance.

4.2.3 Reporting Requirements in Permits

4.2.3.1 Compliance Data Report

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source, following commencement of the introduction of wastewater into the sewer system, any Significant Industrial User subject to federal Categorical Pretreatment Standards shall submit to the Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment are necessary to bring the Significant Industrial User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Significant Industrial User and certified by a qualified professional engineer.

Based on the review of this data, the Authority may re-issue the Wastewater Contribution Permit for this Significant Industrial User as soon as possible after incorporating the applicable standards.

4.2.3.2 Periodic Compliance Reports

1. Every Significant Industrial User shall have their wastewater sampled and analyzed at a frequency specified in the Wastewater Contribution Permit. The frequency and number of pollutants analyzed for, will be specific for each industry. The Authority may at any time require the Significant Industrial User to perform additional sampling if it believes the conditions of this Sewer Use Ordinance are not being met. The Significant Industrial User must submit to the Authority during the months of June and December, unless required more frequently by the Authority, an update report indicating any process, production or flow rate changes which occurred during the previous six month period. This report will also include a record of all daily flow which, during the reporting period, exceeded the average daily flow allowed in the contract. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted.

   In the event the results of the analysis exceed the pretreatment standards given in the Wastewater Contribution Permit, the Permit tee shall provide immediate

verbal notification to the Authority WWTP Superintendent. The Permit tee shall also repeat sampling and analyses and submit the results of the analyses to the Authority WWTP Superintendent within thirty (30) days after becoming aware of the violation(s).

2. The Authority may impose mass limitations on Significant Industrial Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the impositions of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the Significant Industrial User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed by the Authority in the Wastewater Contribution Permit. All analyses shall be performed in accordance with procedures established pursuant to Section 304(g) of the Act, and contained in 40 CFR Part 136 and amendments thereto, or with any other EPA-approved test procedures. Sampling shall also be performed in accordance with approved techniques.

4.2.3.3 Spill Notification Reporting

Shall take place in accordance with Section 2.7 and 2.8

4.2.4 Permit Duration

Permits shall be issued by the Authority for a specified time period, not to exceed five years. All Significant Industrial Users shall apply for a re-issuance of their Wastewater Contribution Permit a minimum of 90 days prior to the expiration of their existing permit. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit, as limitations or requirements as identified in Section 2 are modified or other just cause exists. A Significant Industrial User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Where necessary, a schedule for complying with these changes or new conditions may also be issued by the authority.

4.2.5 Permit Modifications

Upon the promulgation of a National Categorical Pretreatment Standard, a Significant Industrial User subject to such standards shall have their Wastewater Contribution Permit revised to require compliance with such standards.

4.2.6 Permit Transfer

Wastewater Contribution Permits are issued to a specific Significant Industrial User for a specific operation. These Permits shall not be reassigned, transferred, or sold to a new owner, or Significant Industrial User, different premises, or used for a new or changed operation.

4.2.7 Signatory Requirement

All reports, applications, or other information required to be submitted under this Ordinance shall be signed by an authorized representative of the industrial user and shall contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

4.3 SAMPLING REQUIREMENTS

All measurements, tests, and analyses required for determining the characteristics of waters and wastewaters to which reference is made in this Sewer Use Ordinance shall be performed in accordance with 40 CFR Part 136. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis, and will be specified in the individual Wastewater Contribution Permits issued to the Significant Industrial Users. SIUs which sample more frequently than the requirements given in their Wastewater Contribution Permit, must submit copies of all such results to the Authority.

4.4 MONITORING FACILITIES

The Wastewater Treatment Plant Superintendent shall inspect the facilities of any Significant User to ascertain whether the purpose of this Sewer Use Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority's representative ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination and/or copying, or in the performance of any of his duties. The Authority has the right to set upon a Significant Industrial User's property such devices as are necessary to conduct sampling,

inspection, compliance monitoring, and/or metering operations. Where a Significant Industrial User has security measures in force which require proper identification and clearance before entry into his premises, the Significant Industrial User shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the Authority, PADER, or the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

4.5 PRETREATMENT

Users and Significant Industrial Users shall provide necessary wastewater treatment as required to comply with this Sewer Use Ordinance and any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Authority or in the Federal Pretreatment Regulations. Any equipment or facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. The Authority may require that detailed plans showing the pretreatment facilities and operating procedures to be submitted to the Authority for review and shall be deemed acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve a User from the responsibility of modifying his facility as necessary to produce an effluent acceptable to the Authority under the provisions of this Sewer Use Ordinance. Any subsequent changes in the pretreatment facilities or method of operation, or any change which may result in a new or increased discharge of pollutants, shall be reported to and be accepted by the Authority prior to the User's or Significant Industrial User's initiation of the changes.

4.6 RECORDKEEPING REQUIREMENTS

Users subject to the recordkeeping requirements of this section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring or reporting requirements required in this Sewer Use Ordinance, including any monitoring activities undertaken by the User independent of these requirements. Records shall include the exact date and time of sampling, the date and time of analysis, the name of the person(s) collecting and analyzing all samples, the methodology used in analyzing the samples, and the results of these analyses. These records should be made available for a minimum of three years. In the

matters of litigation between the User and the Authority, or where specifically requested by the EPA, the retention period is extended.

All records relating to compliance with pretreatment standards shall be made available to the Authority, PADER, or EPA upon request.

4.7 CONFIDENTIAL INFORMATION

Information and data on a User or Significant Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or governmental agencies without restriction unless the User or Significant Industrial User specifically requests and is able to demonstrate to the satisfaction of the Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User or Significant Industrial User.

When requested by the person furnishing a report, those portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for uses related to this Sewer Use Ordinance, the NPDES Permit, biosolids disposal/re-use forms, and/or the General Pretreatment regulations. Any such portions of a report shall also be available for use by any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Authority as confidential shall not be transmitted to the general public by the Authority until after a 10-day notification is given to the User or Significant Industrial User.

4.8 FALSIFYING INFORMATION

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Sewer Use Ordinance or User or Significant Industrial User permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Sewer Use Ordinance shall be punished as provided by law and shall be subject to the fines set forth in Paragraph 6.0.

5.0 ENFORCEMENT

5.1 NOTIFICATION OF VIOLATION

5.1.1 Emergencies

The Authority shall serve an Enforcement Order upon any User who has violated or is violating this Sewer Use Ordinance, the User's Wastewater contribution Permit, or the Pretreatment Regulations, when said violation results in conditions which could cause the Authority to violate its NPDES permit or the biosolids quality requirements, or results in a hazardous situation within the Authority's sewer system, or other such emergency situation.

5.1.2 Non-Emergencies

The Authority shall serve upon any User who has violated or is violating this Sewer Use Ordinance, the User's Wastewater Contribution Permit, or the General Pretreatment Regulations, a written Notice of Violation. Service by mail is complete upon mailing. Within 15 days after service of said Notice, the User shall submit to the Authority written response which contains the following information:

- cause of non-compliance;
- anticipated duration of the non con-compliance and the time by which the violation will be corrected;
- steps taken by the User to reduce and eliminate the non-complying discharge;
- steps taken by the User to prevent re-occurrence of the condition(s) leading to the non-compliance;
- the signature of an authorized representative of the User that certifies to the validity of the report.

5.2 SHOW-CAUSE MEETING

When the Authority's Wastewater Treatment Plant Supervisor determines that a User's response given to a Notice of Violation is inadequate, the Authority shall serve upon the User a written notice directing the User to attend a Show-Cause Meeting. At the Show-Cause Meeting, an official meeting between the Authority and a User, the User shall show cause why the Authority should not take further action to resolve conditions of continued violations. The Meeting may result in the Authority revoking the permit.

6.0 CIVIL PENALTY ASSESSMENT/INJUNCTIVE RELIEF POLICY

6.1 CIVIL PENALTY ASSESSMENT

In addition to the other enforcement actions described herein, the Authority may also assess civil penalties and/or obtain injunctive relief against industrial/commercial users who fail to comply with the requirements of the Authority's Sewer Use Ordinance or their Wastewater Contribution Permit.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

In civil penalty assessment, the Authority will consider all of the following factors:

- Damage to the Authority's treatment plant or collection system, or collection system personnel, resulting from the violation;
- Damage to air, water, land or other natural resources of the Commonwealth and their uses;
- The cost of restoration and abatement;
- The industrial/commercial user's history of past violations;
- Deterrence of future violations;
- The level of cooperation obtained from the industrial/commercial user;
- The economic benefit gained by, or the savings resulting to, the industrial/commercial user as a result of the non-compliance;

- Other relevant factors.

All civil penalties shall be developed in accordance with the Publicly Owned Treatment Works Penalty Law, 35 P.S. 752.1 et seq., and will be assessed on a per day, per violation basis. The Authority reserves the right to reduce or waive civil penalties depending upon the circumstances in each case.

All civil penalties collected pursuant to the Borough's Civil Penalty Assessment Policy will be placed in a restricted account, and shall only be used by the Authority for the repair of damage and any additional maintenance or other costs resulting from the violation(s) on which the penalty was imposed, to pay any penalties imposed on the Authority by a state or federal agency as a result of violating any pretreatment standards, for the costs incurred by the Authority to investigate and initiate enforcement actions against the non-complying discharge (including legal and engineering fees), for additional monitoring costs associated with the non-complying industrial/commercial user, and for capital improvements to the treatment plant or collection system required by the Pretreatment Program. Any remaining funds may be used for capital improvements to the treatment plant or collections system not required by the Pretreatment Program.

The Authority's ability to seek civil penalties against non-complying users shall apply to all industrial/commercial users of the Authority's wastewater collection and treatment system regardless of political boundary. The civil penalties may be sought in the Court of Common Pleas where the Authority's treatment plant is located, where the activity took place, where the condition exists or the public was affected, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

6.2 INJUNCTIVE RELIEF

Where necessary, the Authority shall also have the power to obtain injunctive relief against any industrial/commercial users who are in violation of a Pretreatment Standard or Requirement. Injunctive relief will be granted pursuant to Pennsylvania Law, if any of the following conditions can be determined to be true:

- A discharge from an industrial/commercial user presents an imminent or substantial danger to the environment;

- A discharge from an industrial/commercial user causes the Authority to violate any condition of its NPDES permit, biosolids application standards, or other state or federal requirement;

- A discharge from an industrial/commercial user presents an imminent or substantial danger to the Authority's treatment plant or collection system, Authority personnel, or the general public;

- The industrial/commercial user has shown a lack of ability or intention to comply with a Pretreatment Standard or Pretreatment Requirement;

Injunctive relief affecting an industrial operation not directly related to the condition or violation may also be issued against a non-complying industrial/commercial user if the court determines that other enforcement actions available to the Authority would not be adequate to affect prompt correction of the condition or violation. In addition to injunctive relief, the court may levy civil penalties in accordance with 35 P.S. 752.4.

The Authority's ability to seek injunctive relief against non-complying industrial/commercial user shall apply to all industrial/commercial users regardless of political boundary. The injunctive relief may be sought in the Court of Common Pleas where the Authority's treatment plant is located, where the activity took place, where the condition exists or the public was affected, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

6.3 RIGHT TO APPEAL

The industrial/commercial user charged with any penalty previously described shall have 30 days to pay the proposed penalty in full, or, if the industrial/commercial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial/commercial user must file an appeal of the action pursuant to the municipal law or home rule charter, or in the absence of these, within 30 days pursuant to 2 Pa.C.S.A.

Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

7.0 SEVERABILITY

If any provision, paragraph, word, section, or article of this Sewer Use Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

8.0 CONFLICT

All other Sewer Use Ordinances and parts of other Sewer Use Ordinances inconsistent or conflicting with any part of this Sewer Use Ordinance are hereby repealed to the extent of such inconsistency or conflict.

9.0 EFFECTIVE DATE

This Sewer Use Ordinance shall become effective on the 5th day following enactment.

NORTHUMBERLAND BOROUGH ORDINANCE NO. 2007-3

An Ordinance supplementing the Northumberland Borough Code, by adding "Chapter 46: Illegal Storm/Surface/Ground Water Connections", requiring disconnection of illegal storm/surface/ ground water connections to the sanitary sewer system; establishing provisions for inspections to determine if storm/surface/ ground water is entering the sanitary sewer system; requiring evidence of compliance upon the sale of real property; establishing penalties and enforcement remedies; providing provisions for appeal; granting authority to the Northumberland Sewer Authority to enforce this Ordinance:

WHEREAS, illegal storm/surface/ground water connections to sanitary sewer systems are a leading contributor to sewage basement backups and sanitary sewer overflows, and create a public health nuisance; and

WHEREAS, the Borough has determined it is reasonable and necessary to reduce the inflow of storm/surface ground water into the Borough's sanitary sewer system (hereinafter "Sanitary Sewer System'); and

WHEREAS, the Borough has determined that it is reasonable and necessary to establish a compliance program effective upon the sale or purchase of any real property (as defined in this Ordinance) located within the Borough; and

WHEREAS, the Borough has determined that such regulations as adopted herein are reasonable and necessary for the health, safety, and welfare of the Borough's residents; and

WHEREAS, the Borough has determined that enforcement of this Ordinance by the Northumberland Sewer Authority is in accordance with the purposes of the Northumberland Sewer Authority in constructing, improving, maintaining and operating the Sanitary Sewer System:

NOW, THEREFORE, Be it resolved, and it is hereby resolved, by the Northumberland Borough Council as follows:

The Borough Code is hereby supplemented by adding the following Chapter:

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CHAPTER 46: ILLEGAL STORM/SURFACE/GROUND WATER CONNECTIONS

§46.01 Definitions
§46.02 Prohibitions
§46.03 Disconnection of Illegal Connections
§46.04 Sale of Real Property/Evidence of Compliance Certificate
§46.05 Purchase of Real Property/Evidence of Compliance Certificate
§46.06 Temporary Evidence of Compliance Certificate
§46.07 Rejection of Application
§46.08 NSA Resolutions
§46.09 Access and Inspection
§46.10 Penalties
§46.11 Notice of Non-Compliance/Violation
§46.12 Appeal of Notice of Non-Compliance/Violation
§46.13 Enforcement Measures
§46.14 Danger to Public Health and Safety
§46.15 Nuisance/Injunctive and Other Relief
§46.16 Cumulative Remedies/Recovery of Fees and Costs
§46.17 Repealer
§46.18 Effective Date

§46.01 DEFINITIONS.

When used herein, the following words shall have the following meanings:

a. Applicant: Any Person (defined below) Selling Real Property (defined below) or Purchasing Real Property (defined below) located within the Borough.

b. Borough: The Borough of Northumberland, Northumberland County, Pennsylvania.

c. Evidence of Compliance Certificate: A certificate from the NSA confirming that it has on file a written report or statement from an Inspector (defined below) certifying there is not located on a property any Illegal Connections (defined below) into the Sanitary Sewer System (defined below).

d. Illegal Connections: Connections to the Sanitary Sewer System that allow storm/surface /ground water to be discharged into the Borough's Sanitary Sewer System from sources including, but not limited to, floor drainage, sump pumps, down spout drainage, roof drainage, and areaway drainage.

e. Inspection: The term "Inspection" shall include physical inspection, dye testing (a commonly accepted plumbing test whereby a nontoxic, non-staining dye is introduced into the storm/surface/ground water collection system of real property to determine if any storm/surface/ground water is entering the Sanitary Sewer System), smoke testing to detect roof leaders, and any other reasonable and appropriate testing methodology(ies) acceptable to the NSA to determine if any storm/surface/ground water is entering the Sanitary Sewer System.

f. Inspector: A representative of the Northumberland Sewer Authority.

g. NSA: The Northumberland Sewer Authority, its agents, consultants, contractors, or other designated representatives authorized to act on its behalf.

h. Person: Any natural person, partnership, association, authority, syndicate, firm, corporation, developer, contractor, government, or other entity recognized by law as the subject of rights and duties.

i. Purchase Real Property, Purchasing Real Property. The terms "Purchase Real Property", "Purchasing Real Property" include any and all acquisitions of title to real property with or without consideration.

j. Purchaser: A Person acquiring title to real property with or without consideration.

k. Sale of Real Property, Sell Real Property/Selling Real Property: The terms "Sale of Real Property", "Sell Real Property" and "Selling Real Property" include any and all transfers or changes in ownership of real property, with or without consideration.

l. Sanitary Sewers: Sewers designed and built to carry sanitary sewage and/or industrial waste separately from water discharge.

m. Sanitary Sewer System: The entire Sewer System of the Borough operated by the NSA.

n. Seller. A Person transferring or conveying title to real property to another Person.

o. Storm Sewer System: A sewer system designed to accept and transport flows of storm/surface/ground water, as distinct from sewage.

p. Temporary Evidence of Compliance Certificate: A certificate from the NSA issued pursuant to §46.06 of this Ordinance.

§46.02 PROHIBITIONS.

a. From and after the effective date of this Ordinance, it shall be unlawful for any Person to construct, install, maintain, repair, operate, use, or allow an Illegal Connection to the Sanitary Sewer System on real property owned by that Person. This prohibition expressly includes, without limitation, Illegal Connections made prior to the effective date of this Ordinance, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

b. From and after the effective date of this Ordinance it shall be unlawful for any Person whose real property is connected to the Sanitary Sewer System to Sell Real Property located within the Borough on which a building or improvement exists without first obtaining and delivering to the Purchaser (defined above) an Evidence of Compliance Certificate or a Temporary Evidence of Compliance Certificate from the NSA as required under this Ordinance.

c. From and after the effective date of this Ordinance it shall be unlawful for any Person (Purchaser) to Purchase Real Property located within the Borough connected to the Sanitary Sewer System on which a building or improvement exists without first obtaining from a Seller a valid Evidence of Compliance Certificate or a Temporary Evidence of Compliance Certificate.

§46.03 DISCONNECTION OF ILLEGAL CONNECTIONS.

Illegal Connections must be disconnected from the Sanitary Sewer System and redirected, as appropriate, to either a separate Storm Sewer System, or another appropriate legal place. Connection of the Illegal Connection to the Borough's separate Storm Sewer System is subject to the prior approval of the Borough and the NSA. In no event is water to be discharged from the Illegal Connection upon or across public or private sidewalks, or discharged onto adjacent property. Prior to the commencement of any work on the disconnection of an Illegal Connection, all necessary and required building permits, street opening permits, sidewalk opening permits, tap-in permits, and other approvals and permits that may be necessary to accomplish the disconnection shall be acquired, and all fees paid, and a plan of corrective action shall be presented to the NSA, for NSA's approval, on a NSA Corrective Action Plan form (Plan Form). Disconnection shall mean

that the Illegal Connection is disconnected and removed from the Sanitary Sewer System, and that the Illegal Connection access to the Sanitary Sewer System at that location is permanently capped and sealed. The disconnection of the Illegal Connection shall be certified by an Inspector on the NSA Plan Form.

§46.04 SALES OF REAL PROPERTY/EVIDENCE OF COMPLIANCE CERTIFICATE.

a. Any Person Selling Real Property (Applicant) located within the Borough, whose real property is connected to the Sanitary Sewer System, shall have said real property inspected by a NSA Inspector. Said Person shall arrange for an Inspection by obtaining an Application for Evidence of Compliance Certificate (Application) from the NSA, submitting the completed Application to the NSA, and paying such fee(s) and cost(s) as required by the NSA. Upon completion of the Inspection, the Inspector shall complete the appropriate section of the Inspection Results form (Results Form) confirming that the property has been inspected and certifying the results of such Inspection.

(1) If the Inspector determines that there are no Illegal Connections on the real property he shall so note on the Results Form and the Application, and the NSA shall issue the Evidence of Compliance Certificate promptly after the NSA's receipt of the properly completed Application and Results Form.

(2) If the Inspector determines that there is/are Illegal Connection(s) on the real property he shall so note on the Results Form, and the Applicant shall present a plan of corrective action, for NSA's approval, on a NSA Plan Form. The time period for the completion of the remedial work (based upon the extent of the work required and the existing conditions) shall be such as the NSA will approve. After the corrective action has been taken, the Applicant shall submit a report thereof to the NSA on the NSA's Corrective Action Report form (Report Form) and pay any additional fee(s) and cost(s) required by the NSA. The real property will be re-inspected, and if the Inspector determines that there are then no Illegal Connections on the real property he shall so certify on the Report Form, and the NSA shall issue the Evidence of Compliance Certificate promptly after the NSA's receipt of the completed Application and the Report Form

(3) If the re-inspection reveals the existence of any Illegal Connections, the Inspector shall so certify on the Results Form, and the NSA shall reject the Application as per §46.07 of this Ordinance.

b. An Evidence of Compliance Certificate shall expire three (3) years following the date of its issuance. If any additions are made to the property within the three (3) year period, a certification shall be obtained from an Inspector that the addition has no Illegal Connections.

§46.05 PURCHASE OF REAL PROPERTY/EVIDENCE OF COMPLIANCE CERTIFICATE.

a. Any Person Purchasing Real Property (Purchaser) located within the Borough connected to the Sanitary Sewer System on which a building or improvement exists without first obtaining from a Seller a valid Evidence of Compliance Certificate or a Temporary Evidence of Compliance Certificate shall have said real property inspected by a NSA Inspector. Said Person shall arrange for an Inspection by obtaining an Application for Evidence of Compliance Certificate, (Application) from the NSA, submitting the completed Application to the NSA and paying such fee(s) and cost(s) as required by the NSA. Upon completion of the inspection, the Inspector shall complete the appropriate section of the Inspection Results form (Results Form) confirming that the property has been inspected

and certifying the results of such Inspection.

(1) If the Inspector determines that there are no Illegal Connections on the real property he shall so note on the Results Form and the Application, and the NSA shall issue the Evidence of Compliance Certificate promptly after the NSA's receipt of the properly completed Application and Results Form.

(2) If the Inspector determines that there is/are Illegal Connection(s) on the real property he shall so note on the Results Form, and the Applicant shall present a plan of corrective action, for NSA's approval, on a NSA Plan Form. The time period for the completion of the remedial work (based upon the extent of the work required and the existing conditions) shall be such as the NSA will approve. After the corrective action has been taken, the Applicant shall submit a report thereof to the NSA on the NSA's Corrective Action Report form. (Report Form) and pay any additional fee(s) and cost(s) required by the NSA. The real property will be re-inspected, and if the Inspector determines that there are then no Illegal Connections on the real property he shall so certify on the Application and the Report Form, and the NSA shall issue the Evidence of Compliance Certificate promptly after the NSA's receipt of the properly completed Application and Report Form.

(3) If the re-inspection reveals the existence of any Illegal Connections, the Inspector shall so certify on the Results Form, and the NSA shall reject the Application as per §46.07 of this Ordinance.

c. An Evidence of Compliance Certificate shall expire three (3) years following the date of its issuance. If any additions are made to the property within the three (3) year period, a certification shall be obtained from an Inspector that the addition has no Illegal Connections.

§46.06 TEMPORARY EVIDENCE OF COMPLIANCE CERTIFICATE.

a. In the event that an Illegal Connection is discovered pursuant to §46.04 of this Ordinance, and the Applicant believes that it would create an undue hardship to perform the necessary corrective action prior to the date of closing on the sale of the property, the Applicant may apply to the NSA for a Temporary Evidence of Compliance Certificate on a NSA-approved form. The NSA may issue a Temporary Evidence of Compliance Certificate upon the payment of such fee(s) and cost(s) as the NSA may from time to time establish, and provided there is strict compliance with all the following conditions:

(1) The NSA is provided with a bona fide, executed contract (hereinafter "Contract") between the Applicant and a contractor requiring the contractor to complete the necessary remedial work to correct and/or disconnect and remove the Illegal Connection, and granting the NSA the right and power to enforce the Contract as a third-party beneficiary. The time period set forth in the Contract for the completion of the remedial work (based upon the extent of the work required and the existing conditions) shall be such as the NSA will approve;

(2) Cash security (hereinafter "Security") in the amount of 120% of the price of the Contract is deposited with the NSA or provision is made that, at closing, a Security in the amount of 120% of the price of the Contract shall be collected by the closing agent for the NSA and immediately deposited with the NSA. The Security shall be held by the NSA in a non-interest bearing account. Security shall be limited to cash, certified checks and treasurer's checks.

(3) A written agreement between the Purchaser or transferee and the NSA under which the Purchaser or transferee agrees to be responsible for all cost overruns related to the remedial work together with a grant to the NSA of a license to enter upon the property

to complete the work at the expense and cost of the Purchaser or transferee should the contractor or the Applicant default on the Contract. Any cost overrun exceeding the Security posted with the NSA shall remain the sole and exclusive liability of the Purchaser or transferee and constitute a recordable lien against the real property.

b. The Temporary Evidence of Compliance Certificate shall be effective for no more than sixty (60) days, and the expiration date shall be noted thereon. In the event the required remedial work necessitated by the Sale of Real Property is not practical due to the absence of available remedies, and where the NSA has adopted a plan of corrective action applicable to the Sanitary Sewers serving such real property, then the Temporary Evidence of Compliance Certificate shall be extended until the planned corrective action is completed. In such event, the NSA shall set security in the amount of 120% of the price of the Applicant's anticipated pro-rata cost of the anticipated remedial work.

c. If, upon expiration of the Temporary Evidence of Compliance Certificate, all remedial work has not been completed and Evidence of Compliance Certificate has not been issued, the Security deposited with the NSA shall be forfeited and the NSA may use said Security to have the required remedial work completed.

§46.07 REJECTION OF APPLICATION.

The NSA may reject an Application for an Evidence of Compliance Certificate or for a Temporary Evidence of Compliance Certificate whenever the requirements of this Ordinance have not been met. In the event of such a rejection, the Applicant may, within fifteen (15) days of the rejection, file an appeal with an appropriate appellate body.

§46.08 NSA RESOLUTIONS.

The NSA may, by Resolution, adopt any or all of the following in order to accomplish the purposes of this Ordinance:

a. Establish and promulgate any and all forms, fees, procedures, regulations and/or guidelines necessary to implement and effectuate the objectives and purposes of this Ordinance.

b. Establish the procedures and guidelines for the retention, release, and/or payment of any Security held by the NSA under and pursuant to §46. 06 above.

§46.09 ACCESS AND INSPECTION.

a. The NSA is authorized to enter real properties at reasonable times to perform Inspections to determine compliance with this Ordinance unless the owner and/or possessor specifically refuses access.

b. If a property has security measures in force which require proper identification and clearance before entry into its premises, the owner and/or possessor shall, upon reasonable notice by the NSA, make the necessary arrangements to allow access by representatives of the NSA.

c. The owner and/or possessor of the property shall allow the NSA reasonable access to all parts of a property necessary to the Inspections of the property. The NSA shall have the right to set up on any property such devices as are necessary in the opinion of the NSA to conduct Inspections of the property.

d. Any temporary or permanent obstruction to safe and easy access to the property to be Inspected shall be promptly removed by the owner and/or possessor of the property at the oral or written request of the NSA and shall not be replaced until such Inspection is completed and/or any violations of this Ordinance are corrected and such corrections are

certified by an Inspector.

e. The NSA may provide notice of the Inspections of a property or properties orally or by written notice or publication. Notice is required if the owner and/or possessor specifically refuses access.

f. If the NSA has been refused access to any part of a property on which an Illegal Connection is suspected, and the NSA is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to Inspect and/or sample as part of a routine program of Inspection and sampling designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the NSA may seek issuance of a search warrant from any court of competent jurisdiction.

§46.10 PENALTIES.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the Borough Code are determined by Council resolution]

§46.11 NOTICE OF NON-COMPLIANCE/VIOLATION.

Whenever the NSA finds that a non-compliance or violation of this Ordinance has occurred, the NSA may order compliance by written Notice of Non-Compliance/Violation. Said Notice may be served personally on the owner and/or possessor of the property, or by leaving the same at the principal building on the property, or by posting the same conspicuously on the property, or by mail sent to the address of the property or at such other address for the owner and/or possessor as maintained in the Borough or County of Northumberland records.

a. The Notice of Non-Compliance/Violation shall contain:

(1) The name and address of the alleged non-complier/violator;

(2) The address when available or a description of the building, structure or land upon which the non-compliance/violation is occurring, or has occurred;

(3) A statement specifying the nature of the non-compliance/violation;

(4) A description of the remedial measures necessary to restore compliance with this Ordinance and a time schedule for the completion of such remedial action;

(5) A statement of the penalty or penalties that shall or may be assessed against the Person to whom the Notice of Non-Compliance/Violation is directed; and

(6) A statement that the determination of violation may be appealed by filing a written notice of appeal with an appropriate appellate body within fifteen (15) days of the service of Notice of Non-Compliance/Violation.

b. Such Notice of Non-Compliance/Violation may require without limitation:

(1) The performance of Inspections, monitoring, analyses, and reporting;

(2) The elimination, disconnection, and removal of the Illegal Connection(s) in accordance with §46.03, of this Ordinance; and

(3) That the Person whose discharges, practices, or operations are in non-compliance/violation of this Chapter shall cease and desist from such non-compliance/violations.

§46.12 APPEAL OF NOTICE OF NON-COMPLIANCE/VIOLATION.

Any Person receiving a Notice of Non-Compliance/Violation may appeal the determination of violation by filing a written notice of appeal with an appropriate appellate

body within fifteen (15) days of the service of the Notice of Non-Compliance/Violation.

§46.13 ENFORCEMENT MEASURES.

a. If the non-compliance/violation(s) has/have not been corrected in accordance with the provisions and/or times established pursuant to this Ordinance, the NSA is authorized to take any and all measures necessary to abate the non-compliance/violation, disconnect and remove the Illegal Connection(s), and/or restore the property. The costs of the enforcement measures taken by the NSA shall constitute a recordable lien against the property.

b. Where correction of the non-compliance/violation cannot be made in accordance with the provisions and/or times established pursuant to this Ordinance, upon proof to the NSA of a Contract for performance of the correction work, or other document satisfactory to the NSA showing good faith commencement of correction of the non-compliance/violation, abatement by the NSA may be delayed up to a maximum of sixty (60) days after the Notice of Non-Compliance/Violation or, in the case of appeal, for a maximum of sixty (60) days after the decision of the appellate body upholding the determination of non-compliance/violation made by the NSA.

§46.14 DANGER TO PUBLIC HEALTH OR SAFETY.

In the event a non-compliance/violation of this Ordinance constitutes an immediate danger to public health or public safety, the NSA is authorized to take any and all measures necessary to abate the non-compliance/violations, disconnect and remove the Illegal Connection(s), and/or restore the property. The costs of the measures taken by the NSA shall constitute a recordable lien against the property.

§46.15 NUISANCE/INJUNCTIVE AND OTHER RELIEF.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of the provisions of this Ordinance is a threat to public health, safety, welfare, and the environment and is declared and deemed to be a nuisance, and the NSA may seek abatement thereof by injunctive or other equitable relief as provided by law.

§46.16 CUMULATIVE REMEDIES/RECOVERY OF FEES AND COSTS.

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, State or local law, and the NSA may seek cumulative remedies. The NSA may recover attorney's fees, court costs, and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

§46.17 REPEALER.

Any Ordinance or Resolution or part thereof conflicting with the provisions of this Ordinance, is hereby repealed so far as the same affects this Ordinance.

§46.18 EFFECTIVE DATE.

This Ordinance shall take effect immediately as of the date of enactment, and shall apply to the closing or settlement of any Sale of Real Property, on or after that date, without regard to the date of any agreement or contract under which the sale occurred.

DULY ORDAINED AND ENACTED this 5th day of November, 2007 by Borough Council

of the Borough of Northumberland, Northumberland County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF NORTHUMBERLAND
Northumberland County, Pennsylvania

Attest:_____ By:_____
Secretary President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this _5_ day of November, 2007.

_____
Mayor

BOROUGH OF NORTHUMBERLAND

RESOLUTION NO._____

WHEREAS, the Borough of Northumberland is a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania; and,

WHEREAS, pursuant to said laws of the Commonwealth the Borough is authorized to fix, alter, and charge penalties for violations of its ordinances;

NOW THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED by the Council of the Borough that the following penalties be, and hereby are, assessed for violations of Chapter 46: Illegal Storm/Surface/Ground Water Connections

. a. Any Person upon conviction of any of the following violations shall be subject to a penalty of not less than One Hundred Dollars ($100.00) up to the maximum amount of Three Hundred Dollars ($300.00), and a penalty of Twenty-Five Dollars ($25.00) for every calendar day on which the violation continues after the date for compliance set forth in the written Notice of Non-compliance/Violation of this Ordinance:

(1) A Person found to be in violation of sub-section a. of §46.02 of this Ordinance who fails to comply with the remediation procedures set forth in this Ordinance

(2) A Person found to be in non-compliance with the provisions of sub-section b. of §46.02 of this Ordinance and who fails to comply with the remediation procedures set forth in this Ordinance

(3) A Person found to be in non-compliance with the provisions of sub-section c. of §46.02 of this Ordinance and who fails to comply with the remediation procedures set forth in this Ordinance

(4) A Person found to be in violation of §46.09 of this Ordinance

(5) A Person found to be in violation of §46.13 of this Ordinance

b. Any Person violating sub-section a. of §46.02 of this Ordinance having been previously found to have Illegal Connections to the Sanity Sewer System shall upon conviction be subject to a penalty of not less than Three Hundred Dollars ($300.00), and a penalty of Twenty-Five Dollars ($25.00) for every calendar day on which the violation continues after the date for compliance set forth in the written Notice of Non-Compliance/Violation of this Ordinance.

Adopted this _____ day of _____, 2007

_____ _____

Borough Secretary President

Chapter 50

STREETS AND SIDEWALKS

ARTICLE I
Excavations

~ 50-1. Permit required.

~50-2. Fees; duration of permit; application information; emergencies.

~ 50-3. Safety requirements and liability.

~ 50-4. Surface restoration.

~ 50-5. Work completed by borough; costs.

~ 50-6. Resurfacing; function of Engineer.

~ 50-7. Permit exemptions.

~ 50-8. Violations and penalties.

~ 50-9. Enforcing agent.

ARTICLE II
Grades and Construction Specifications

~ 50-10. Authority for establishment.

~ 50-11. Specifications.

~ 50-12. Construction to meet standards; supervision.

~ 50-13. Petition for sidewalk paving or repaving.

~ 50-14. Petition to repair sidewalks.

~ 50-15. Posting of danger signals.

ARTICLE III
Snow and Ice Removal

~50- 16. “Grade Book”

~50-17. Violations and penalties.

~ 50-18. Removal required.

~ 50-19. Violations and penalties.

~ 50-20. Removal by borough; lien for costs.

~ 50-20.1.Shoveling snow onto street prohibited; penalty.

ARTICLE IV
Curb Removal and Replacement for Depressed Curbs and Driveway Construction

~ 50-21. Definitions.

~ 50-22. Legislative Intent

~ 50-23. Requirements for Curb Removal and Replacement for Depressed Curbs and Drives

~ 50-24. Application; issuance of permit.

~ 50-25. Cost; payment.

~ 50-26. Standards of construction for portion of driveway.

~ 50-27. Violations and penalties.

ARTICLE V
Refuse Upon Streets

~ 50-28. Definitions.

~ 50-29. Prohibition.

~ 50-30. Notice.

[History: Adopted by the council of the Borough of Northumberland: Article I, 7-5-27 as Ord. No. 69; Article II, 9-17-06 as Ord. No. 37; Article III, 2-16-14 as Ord. No. 17; Article IV, 7-21-81 as Ord. No. 361; Article V, 5-4-82 as part of Ord. No. 373. Sections 50-8, 50-13, 50-17 and 50-19 amended upon adoption of Code; see Ch 1, General Provisions. Other Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance - Ch. 42.
Sewers - See Ch. 45.
Vehicles and traffic - See Ch. 68.
Exhibits at end of Chapter 50 for Article I Exhibit A; Article IV Exhibit A & Article IV Exhibit B

ARTICLE I
Excavations
[Adopted 7-5-27 as Ord. No. 69]

~ 50-1. Permit required.

A. It shall be unlawful for any person or persons, firm or corporation To make any opening or excavation in or under any street, alley or other thoroughfare within the limits of the Borough of Northumberland unless and until a permit therefor is secured from the Chairman of the Street Committee or, in his absence, from a designated officer, for each separate undertaking. The permit and the application therefor shall be in the form prepared by the Borough Solicitor. The police officers of the borough shall promptly prohibit any work being done without a permit.

B. No permit shall be issued to any person or persons, firms or corporations that are in default in the payment of any costs or penalties under this Article until said costs and penalties are paid, and no further permit shall be granted to any person or persons, firms or corporations unless and until the holes or trenches opened by them have, in the opinion of the designated officer, been properly filled and the surface permanently maintained in a safe condition at the present grade of the street, alley or other thoroughfare as is required by this Article. [Added 6-7-78 by Ord. No. 341]

C. The Borough Office shall develop a form for application for

excavation of the Borough Streets, which clearly sets for the fees charged under this Chapter and the responsibilities of the applicant. [Added 9-5-00 by Ord. No. 2000-1]

D. All public utilities shall be charged the same rates and held to the same standards for bonding, inspection, and restoration as individual applicants. This section shall not apply to the Northumberland - Point Township Sewer Authority. [Added 9-5-00 by Ord. 2000-1]

~ 50-2. Fees; duration of permit; application information; emergencies, [Amended 5-13-69 by Ord. No, 255; 10-5-76 by Ord. No. 309; 6-7-78 by Ord, No. 341; 7-1-86 by Ord. No. 390, 5-5-98 by Ord. No. 456; 9-5-00 by Ord. No. 2000-1; 12-18-01 by Ord. 2001-13]

The charge for said permit shall, for each separate opening, be set by resolution for the application fee. The maximum fee assessed for a street opening under this section shall be set by resolution. Each permit so granted shall be terminated at the expiration of thirty (30) days following the permit issue date. Each street opening must be closed according to Borough specifications within seventy-two (72) hours of the time of the street cut. Failure to comply with the seventy-two (72) hour deadline shall result in the imposition of a fine as set by resolution with further liability by collection against the performance bond in the amount set by resolution. Bond in acceptable amount must be posted simultaneously with the payment of the application fee at the time the permit application is submitted. Bond in the form of cash or by reputable insurance company shall be held for the benefit of the borough for five (5) years (60 months) following the date of closing the hole to be certain that the hole was repaired and usable in safety condition as though the same had not been disturbed.

~ 50-3. Safety requirements and liability.

It shall be the duty of any person or persons, firms or corporations to whom a permit is issued or by whom any opening or excavation is made to provide and maintain proper and adequate guards, barriers and lights to prevent accidents, and they shall assume all risks and be liable for all damages by reason of the openings and excavations and by reasons of any failure to properly fill the hole or trench and maintain the disturbed surface in a safe condition.

~ 50-4. Surface restoration. [Amended 6-7-78 by Ord. No. 341; 12-6-85 by Ord. No. 395; 5-5-98 by Ord. No. 456; 9-5-00 by Ord. No. 2000-1; 8-1-00 by Resolutions B and C]

A. Any person or persons, firms or corporations to whom a permit is issued to open and excavate in or under any street, alley or other thoroughfare of the borough shall, at his, her, their or its expense, completely fill such opening or excavation and replace the surface thereof as it was before the opening and at the proper grade and with the same surface covering as the part thereof adjoining the opening, place a two-foot seal coat around all abutting edges of the excavation to seal the old and new surfaces together and thereafter, for a period of five (5) years, maintain the surface in a safe and useable condition as though the same had not been disturbed. No filling shall be performed unless an inspector appointed by the borough is present to observe the filling. The fees charged to pay the inspector shall be at the rate set by resolution. If the excavation is filled without an inspector being present, the borough maintains the right to have the excavation dug up and refilled in the presence of an inspector. All fill must be compacted according to Pennsylvania Department of Transportation specifications and according to the posted requirements in the Borough office as amended by the Engineer.

B. All street cuts that are not completely backfilled, but are up to within 1.0” from finish grade, must be brought up to finish grade with 1.0” of cold patch the next day. In case of an emergency, the street cut may be plated and completed the following day as per above. Weather permitting, it will be finished with BC.BC (base course bituminous concrete) or binder of a minimum depth of four and one-half (4.5”) inches

C. To a maximum depth that shall be determined in the field by the supervising street inspector. All street cuts must be backfilled in four-inch or eight-inch lifts, depending upon compaction equipment used, compacted to 98% to 100% compaction, or no movement under compaction equipment as approved by the supervising street inspector. One and one-half (1½”) inches of a top wearing course (top course) is to be placed and compacted to 98% to 100% compaction, or no movement under compaction equipment as approved by the supervising street inspector.

D. The top ID2 wearing course will not be placed over BC.BC. or binder until this material is compacted and cooled down. Then the top one and one-half (1½”) inches of ID2 wearing course is

to be placed and compacted to no movement under compaction equipment. All street cut joints must be sealed with (AC).

E. After this is done, a ten (10.0') foot inspecting straight edge is to be straight edged throughout the project, repeating within one half the distance of the length of the straight edge, longitudinally and transverse. The deviation should not exceed one-fourth (¼") inch of the deviation according to Penn DOT specifications form 408. (Latest edition)

F. All backfilling or replacement of material over a pipe trench shall substantially conform to the specifications contained within Exhibit "A". [Adopted 10-3-00 by Resolution H]

G. All street cuts must be signed by the SUPERVISING STREET INSPECTOR or other authorized Borough representative.

~ 50-5. Work completed by borough; costs. [Amended 6-7-78 by Ord, No, 341]

If the work in opening or excavating or in the filling or maintaining of the surface shall be unskillfully or improperly or incompletely done, the designated officer may cause the same to be done in the manner he deems proper, and the expense of doing the same shall be charged to and paid by the person or persons, firms or corporations by whom the holes or excavations were made, together with twenty-five percent (25%) additional as a penalty.

~ 50-6. Resurfacing function of the Borough's designated officer. [Amended 10-3-00 by Resolution H]

In cases where the surface disturbed is in the driveway of a paved thoroughfare, the person, firm or corporation making an opening or excavation shall resurface the excavation, when properly filled, with new material of the kind and composition approved by the designated officer as suitable and sufficient, or may arrange with the designated officer for the resurfacing of the paving so as to conform with the other paving on the thoroughfare, in which case an additional twenty-four (24) inches on each side in order to assure a neat and complete job; provided, however, that in the doing of this work the borough does not, and the designated officer is not authorized to, in any way assume liability for the opening or its proper filling or resurfacing or the proper maintenance of the opening or excavation after the surface has been re-laid, but in doing the work the designated officer shall act as a agent for, and for the convenience of, the party opening the thoroughfare, and the work shall be in the designated

officer's charge only during the actual time of its performance and while the workmen are under his charge as such agent.

~ 50-7. Permit Exemptions. [Amended 9-5-00 by Ord. No. 2000-1]

A. It shall not be necessary for the designated officer for the Borough of Northumberland, or their employees acting under their direction, to secure the permit herein required for the borough purposes only.

B. No person, firm or corporation, however, shall be exempted from the provisions of this Article by the securing of a sewer tap permit or a building permit, but such person, firm or corporation must secure the permit required by this Article under the terms and conditions herein set out before any excavation can be made in, upon or under any of the said streets, alleys or thoroughfares in said borough.

C. All construction, excavation, or other work which occurs within the Borough of Northumberland and which disturbs the surface or subsurface of any Borough or State roads, alleys, streets, or improved rights of way shall be performed according to the construction standards of the Pennsylvania Department of Transportation (PennDOT). These standards address, but are not limited to, the material used for backfilling, the depth of excavations and the method of inspection. A copy of the relevant PennDOT standards shall be available for inspection at the Borough Office.

~50-8. Violation and penalties.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

~ 50-9. Enforcing agent.

If for any reason the duties prescribed cannot be promptly performed by the Borough Engineer, they may be performed by or under the direction of the designated officer for the Borough of Northumberland.

ARTICLE II
Grades and Construction Specifications
[Adopted 9-17-06 as Ord. No. 37; Other amendments noted where applicable.]

~ 50-10. Authority for establishment.

The grade of the streets of the Borough of Northumberland shall be as laid down in the plat and in the “Grade Book” made by O. H. Ostrander, surveyor and engineer, during the months of August and September 1893, and adopted by Council on January 7, 1901, and supplemented and amended by Council since that date, and the grades so fixed are hereby established as the grades of the streets and alleys of the Borough.

~ 50-11. Specifications.

All persons owning or occupying property in the borough along streets on which the grades have been established or may hereafter be established and accepted shall have their curbs set, pavements made and gutters cobbled or paved in accordance with the following regulations and requirements, which are hereby declared to be general:

A. The outside of the curbstones shall be placed on the line established for the width of the pavement on the several streets and shall be at least two (2) feet long, two (2) feet, six (6) inches wide or in depth and not less than two (2) inches thick at the top. The front and end of said stones shall be dressed smooth for a breadth of nine (9) inches from the top. The top of the curb must also be dressed straight and smooth and shall be beveled so as to have the same rise as the pavement, and the stones set so that the

   front shall lean back one and one-half (1½) inches to the foot rise, provided that this Article shall not prevent anyone from using iron or cement instead of stone curbing.

B. The sidewalks and footways between the curbstone and building line shall be cut down or filled up so as to correspond with the rise and fall thereof and shall be paved with well-burned brick, cement or flagstone, squared and dressed and containing in each tone not less than four (4) square feet. Said pavements shall be as follows: on Water Street between Westway and Orange Streets, to be paved full width: on Front Street between Westway and Orange Streets, to be paved full width: on Queen Street between Water and Second Streets, and Market Square and King Street between Water and Second Streets, to be paved full width. The pavement on all other streets shall be at least five (5) feet wide and be laid two (2) feet from the curbline; the rise in the pavement shall be one-third (1/3) inch to the foot from the curbline to the building line.

C. No person shall set or cause to be set any curbstones or make or cause to be made any pavement in any streets on which the grades have been established by the Council until the grade and place thereof shall be given by the Borough Engineer or a person appointed by the Council for that purpose the expense thereof shall be borne by the property owner in front of whose lot the same shall be given or by the person requesting the work to be done.

D. All water stops and plugs must be placed immediately inside of all curbstone or curbline, and all awning posts must be placed on or just inside of the curbstone. The top of the water stops must be on a level with the pavement.

E. In all of the streets of the borough, the sidewalks from the house line to the curbline shall be twelve (12) feet, and not more than five (5) feet shall be allowed for porches and steps from the building line, leaving seven (7) feet of pavement. Pavement in alleys shall be not more than three (3) feet in width.

F. All areas and steps leading below the level of the pavement shall be protected by railings, and all grating and vaults shall be securely fixed and covered in such a manner as to render the passage of the streets safe at all times.

G. No drains shall be made from cesspools or privy vaults into any of the culverts, ditches, drains or highways of the borough, and no person shall be allowed to deposit any refuse in any of the watercourses or public drains of the borough.

H. All property owners shall be and hereby are required to cobble or pave all gutters in front of their several properties, where the same may be necessary or required, to a width of four (4) feet.

~ 50-12. Construction to meet standards; supervision.

A. All streets of the borough shall be curbed, sidewalks paved and streets guttered by the owners of lots of ground respectively fronting on said streets in conformity with these regulations and the grades so established, and all such curbing and paving is required to be done in a good and workmanlike manner under the supervision of the Borough’s designated officer.

B. Technical requirements for sidewalk construction. [Added on December 4, 2001 by Ordinance 2001-12. Amended 8-2-05 by Ord. No. 2005-5.]

1. All sidewalks shall be at least five (5) feet or the width of any abutting sidewalk and at least four (4) inches thick. The thickness where a sidewalk crosses a driveway shall be at least six (6) inches thick.

2. Except as provided in Section 3, all sidewalks shall be constructed of concrete, 3500# type. No design shall be etched into the concrete and all sections shall have a light broomed finish. No sidewalks shall be constructed or replaced with slate or blacktop or other asphalt mixture.

3. Concrete sidewalks must extend through a driveway area at the established grade of the adjoining sidewalks.

4. The surface of the sidewalk shall have the transverse slope of one-quarter inch per foot, with a low side adjacent to the roadway, and shall not exceed a grade slope of one-half inch to the foot and shall contain to steps.

5. All sidewalks shall be placed in an excavation made to the required depth and to a width to permit the installation of bracing of forms. The subgrade shall be shaped and compacted to a firm surface conforming to the established grade. The subgrade shall be filled with four (4) inches of clean ¾ inch stone. All forms shall be of wood or metal and extend for the full depth of the concrete and of sufficient strength to resist the pressure of the concrete without springing.

6. Sidewalks shall have expansion joint fillers ½ inch thick at a maximum of every twenty (20) feet and between the walk and any fixed structures.

C. Sidewalk replacement standards. [Added on December 4, 2001 by Ordinance 2001-12.]

1. Any sidewalk section has more than one significant crack.

2. Any sidewalk which has one significant crack and one of the pieces on either side of the crack has risen or fallen one (1) inch or more than any of the adjoining sidewalk sections. Said

sidewalk may also be repaired provided the sections in question are within one (1) inch of finished grade of the adjoining sidewalk sections.

3. Any section of sidewalk, which has risen or fallen one (1) inch or more above or below an adjoining sidewalk section or curb. Said sidewalk may also be repaired provided the sections in question are within one (1) inch of finished grade of the adjoining sections.

4. Any section of sidewalk which has spider-webbed cracks such that the crack pieces can be removed.

5. Any section which has surface deterioration enabling pieces to be removed.

6. Any sidewalks made of slate, subject to the right to request an exception under Section F.

7. Any sidewalks made of brick, subject to the right to require an exception under Section F.

8. Any sidewalk which has flush edges but have risen or fallen by one (1) inch or more over a twelve (12) inch span.

D. Sidewalks required. [Added on December 4, 2001 by Ordinance 2001-12.]

1. The Borough Council may, after public hearing, designate by resolution a list of locations and addresses in the Borough of Northumberland where sidewalks are required to be installed. This resolution shall be made available to the public. The Borough Council may require that property owners located within the designated area install sidewalks within ninety (90) days. If any property owner refuses to install sidewalks after receipt of written notice from the Borough, then the Borough may enter into the property in question and install a sidewalk at its expense. The Borough may then charge the property owner for the cost of installation. The Borough’s costs may also be imposed as a municipal lien in accordance with the laws of the Commonwealth of Pennsylvania.

2. Streets on which sidewalks are required. [Added on January 22, 2002 by Resolution B-2002.]

a. Water Street from Barry King Memorial Bridge to C Street. Both sides.

b. Front Street from Duke Street to C Street. Both sides.

c. Second Street from Duke Street to Prince Street. Both sides.

d. Third Street from Duke Street to Prince Street. Both sides.

e. Fourth Street from Duke Street to Hanover Street. Both sides.

f. Fifth Street from Duke Street to Strawbridge Road. Both sides. Exception: Prince Street to Strawbridge Road even numbered side.

g. Sixth Street from Duke Street to Prince Street. Both sides.

h. Seventh Street from Duke Street to Prince Street. Both sides.

i. Eighth Street from Duke Street to Orange Street. Exception: Along the curve going from the stop sign at Eighth Street and Orange Street to Jolly Hollow.

j. Duke Street from Seventh Street to Water Street. Both sides.

k. Queen Street from Eighth Street to Priestley Avenue. Both sides.

l. King Street from Eighth Street to Priestley Avenue. Both sides.

m. Orange Street from Seventh Street to Priestley Avenue. Both sides.

n. Hanover Street from Seventh Street to Priestley Avenue. Both sides.

o. Prince Street from Seventh Street to Front Street. Both sides. Exception: Washington Avenue to Front Street (east side). Second Street to Front Street (west side).

p. Wheatley Avenue from Seventh Street to Sixth Street. Both sides.

q. Wallace Street from Seventh Street to Pond Avenue.

r. North Avenue from Seventh Street to Pond Avenue.

s. Priestley Avenue from Queen Street to Hanover Street.

t. Property owners may obtain exclusions by petitioning Borough Council on the basis of impracticality due to building placement or where the contour of the land so inhibits the installation of a sidewalk.

u. This code applies to all existing sidewalks in the Borough. No existing sidewalk may be removed even if not included in the required sidewalks list.

E. Enforcement. [Added on December 4, 2001 by Ordinance 2001-12.]

This Code shall be enforced by the Code Enforcement Officer or other agent designated by the Borough Council. The Borough may commence a civil action in any court of competent jurisdiction to enforce compliance with this Ordinance.

F. Exceptions for unique property conditions, unique design requirements and hardship. [Added on December 4, 2001 by Ordinance 2001-12.]

The Council recognizes that some properties may not be appropriate for the application of the uniform sidewalk specifications set forth due to unique topographic conditions, drainage problems, special design and architectural conditions, including but not limited to the desire to install historically correct sidewalks (brick, cobblestone, or slate) or other conditions which would render the application of Section B a severe hardship upon the property owner. If a property owner believes that he or she should be granted an exception from the application of this Code, then he or she shall submit a written application to council with supporting evidence and Council shall upon voice vote grant or deny the request for exception. A negative vote shall be

considered a final action of the local government agency and may be appealed to the Court of Common Pleas with thirty (30) days.

~ 50-13. Petition for sidewalk paving or repaving.

Where there are no paved sidewalks, or the sidewalks already laid so differ from the established grade and the other adjacent pavements as to render them dangerous to life and limb or inconvenient for public travel, a verified petition may be filed with the Borough Council by five (5) or more residents of the borough stating these facts and stating that the petitioners labor under great inconvenience by reason thereof, and, thereupon, the Council shall have the Borough Secretary cause precepts to be issued and served upon the owners and occupiers of lots fronting on the streets named in the petition, which precepts shall direct and require that sidewalk pavements be laid or re-laid, as the case may be, within thirty (30) days after said notice in accordance with the specifications herein provided. Upon the failure of any owner or occupier of any lot of ground so notified to have the curbing and paving of the sidewalks made and done as required within the time prescribed in said notice, the Secretary of the Council shall certify said failure to the Borough Council, which is hereby authorized, directed, and empowered and required to have the pavement, sidewalk or footwalk paving and curbing to be made and done in accordance with the Act of Assembly in such case made and provided and under the direction and control of the Borough Engineer, and the Borough Council is hereby directed and required to collect the cost of the work and material required, with ten percent (10%) advance thereon, from the owner or owners, by filing a lien after the completion of said work in the manner directed by the provisions of the Act of Assembly in such case made and provided.

~ 50-14. Petition to repair sidewalks.

Whenever it shall be made to appear to the satisfaction of the Council by petition or affidavit of one (1) or more persons that any sidewalk of the borough is out of repaid, it shall be the duty of the Secretary to issue his precepts to the owners and occupiers of the premises in front of which the pavement or sidewalk to be repaired within the time prescribed in said notice, then the Secretary shall immediately certify such failure to the Borough Council, which is hereby authorized, directed, empowered and required to cause the pavement or sidewalk to be repaired in accordance with the Act of Assembly in such case and provided.

~ 50-15. Posting of danger signals.

It shall be the duty of the Council upon being notified of the dangerous condition of any sidewalk of the borough to cause a danger signal to be placed in a conspicuous position in close proximity thereto.

~ 50-16. "Grade Book."

The "Grade Book' shall be placed in the hands of the Borough Secretary and shall be open to the public, but under no circumstances shall the "Grade Book" be taken out of the possession of the Borough Secretary except by an order of majority of the Borough Council.

~ 50-17. Violations and penalties.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

ARTICLE III
Snow and Ice Removal
[Adopted 2-15-14 as Ord. No. 17]

~ 50-18. Removal required.

It shall be unlawful for the owner or occupant of any property in the Borough of Northumberland to allow snow and ice to remain on the sidewalks abutting or pavements abutting their several premises and a property for a longer period than twenty-four (24) hours after snow has fallen or ice has accumulated.

~ 50-19. Violations and penalties.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

~ 50-20. Removal by borough; lien for costs.

If the said owners or occupants of the several premises shall fail to remove the said snow or ice as aforesaid, it shall be lawful for the borough to remove the said snow and ice or to have removed the snow and ice, and the cost shall be charged against the owner of the premises and the same shall be collected as debts are now by law collected.

~50-20.1. Shoveling snow onto street prohibited; penalty.

[Added 5-4-82 by Ord. No. 373]

A. For purposes of this section, a "street" shall be any public way or public thoroughfare having a right-of-way in excess of twenty (20) feet.

B. It shall be unlawful for any person to shovel or place any snow or cause any snow to be shoveled or placed onto or upon any portion of any street in the Borough of Northumberland except that portion of the street extending four (4) feet centerward from the curb or from the edge of the paved portion of the street if there is no curb.

C. It shall be unlawful for any person in shoveling, moving or removing snow or causing any snow to be shoveled, moved or removed from any portion of any street in the Borough of Northumberland to place said snow or to cause said snow to be placed upon any portion of any street in the borough except that portion of the street extending four (4) feet center ward from the curb or from the edge of the paved portion of the street if there is no curb.

D. [As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

ARTICLE IV
Rules and Regulations for the Removal and Replacement for Depressed Curbs for Drives Adjacent to the Streets and Roadways of the Borough
[Adopted 12-5-00 as Ord. No. 2000-4 to replace Ord. No. 361]

~50-21. Definitions.

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

CURB - For purposes of this Article only, a concrete curb and an amesite watercourse retaining mound.

PERSON - Any individual(s), firm(s), association(s), partnership(s), corporation(s), or any other entity or entities.

~ 50-22. The curbs, which are adjacent to the public streets, roads, and thoroughfares of the Borough of Northumberland, are a valuable resource to the community. The Borough has a vital interest in the maintenance of the curbs in safe, working order. The improper making of cuts into the curbs

causes the degradation of existing curbing, increases traffic hazards, and creates visual pollution. Therefore, the Borough shall establish rules and regulations for removal and replacement of the Borough's curbs.

~ 50-23. Conditions for removal and replacement for depressed curbs for drives adjacent to the streets and roadways of the Borough

A. A permit must be approved by the street inspection supervisor.

B. There is to be proof that all fees and charges established by this Article are paid.

~ 50-24. Application; issuance of permit.

The form of application may be obtained from the Borough Office. The fees charged under this Chapter are set by resolution.

~50-25. Cost; payment; inspection fee. (Adopted 11-21-00 by Resolution K; amended 12-18-01 by Ord. 2001-13.)

[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 50-26. Standards of Construction for portion of Driveway and Curb Removal and Replacement for Depressed Curbs and Drives.

A. The portion of any driveway located between the property line and the curb line shall be constructed of concrete six (6") inches in depth with expansion joints at the curb line and the sidewalk. All construction, excavation, or other replacement of depressed curbs for drives which are adjacent to the public streets and roadways of the Borough of Northumberland shall be performed according to the construction standards of the Pennsylvania Department of Transportation (PennDOT) as set forth in the most recent edition of PennDOT Standards for Roadway Construction RC-64 (exhibit A). These standards require that all depressed curbs for single driveways be a minimum of ten (10') feet in width in the main to a maximum of fifteen (15') feet in the main. All depressed curbs for a double driveway are to be a minimum of fifteen and one-hundredth (15.01') feet in the main. The rise shall be within eighteen (18") inches on each side of the depressed curb which shall rise from one and one-half (1 ½") inches to the height of the existing curb as per standard drawings in RC-64, section A-

A (exhibit B). A copy of the relevant PennDOT standards shall be available for inspection by the public at the Borough Office.

~ 50-27. Violations and penalties.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

ARTICLE V
Refuse Upon Streets
[Adopted 5-4-82 as part of Ord. No, 373]

~50-28. Definitions.

The following words, when used in this Article, shall have the meanings indicated:

GARBAGE - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

PERSON - Any individual, partnership, association, corporation or any other entity.

REFUSE - Garbage, rubbish, waste and trade waste.

RUBBISH - Solids, including but not limited to rags, old clothes, leather, rubber, carpets, wood excelsior, paper, plastics, ashes, tree branches, leaves, grass, yard trimmings, furniture, cans, glass, crockery, masonry and any other similar materials.

TRADE WASTE - All solid or liquid material, rubbish and waste resulting from construction, building operations or the prosecution of any business trade or industry.

WASTE - Paint, chemicals and petroleum products, including but not limited to grease, oil, diesel fuel, gasoline, kerosene and all other similar materials.

~50-29. Prohibition. [Amended 10-29-86 as Ord. No. 392]

It shall he unlawful for any person throw, dump or place in any manner whatsoever any refuse upon any streets or alleys in the Borough of

Northumberland, or for any person to permit or allow his agent or anyone under his control or supervision to do the same.

~ 50-30. Notice. [Amended 10-29-86 as Ord. No. 392]

A. Except in the circumstances set out in B below, any person violating this ordinance for the first time shall be given twenty-four (24) hours to remove the refuse.

B. In those instances where the refuse creates an emergency situation or hazardous condition, the person in violation shall be directed to remove the refuse immediately.

C. Should any person fail to remove the refuse after being notified to do so, the Borough may remove the same and bill the violator for the cost thereof.

~ 50-31. Violations and penalties. [Amended 10-29-86 as Ord. No. 392]

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

EXHIBITS STREETS AND SIDEWALKS EXHIBITS

Article I Exhibit A
Detail of Base Replacement over Pipe Trench

EXHIBITS STREETS AND SIDEWALKS EXHIBITS

Article IV Exhibit A
RC-64 Curbs and Gutters

Article IV Exhibit B
Detail Diagram of Depressed Curb for Drives

TABLE OF CONTENTS

		Pages
Section I	**General Provisions and Administration**	1
Section II	**Procedures**	8
Section III	**Plan Requirements**	20
Section IV	**Subdivision Design Standards**	24
Section V	**Standards for Specialized Subdivisions**	33
Section VI	**Required Improvements**	39
Section VII	**Definitions**	42
Appendix I	**Soil and Water Conservation Requirements**	47

THE COUNCIL OF THE BOROUGH OF NORTHUMBERLAND, NORTHUMBERLAND COUNTY, PENNSYLVANIA, HEREBY ORDAINS AND ENACTS:

That the Northumberland County Subdivision and Land Development Ordinance enacted by said County on January 19,1977 which has been adopted by the Borough of Northumberland be, and is hereby amended as follows:

A. SECTION I, II, III and VII SHALL BE DELETED IN THEIR ENTIRETY AND THE FOLLOWING SUBSTITUTED THEREFOR:

SECTION I
General Provisions and Administration

1.01 Authority of Northumberland Borough (hereinafter called Borough)

The Council of the Borough is vested by law with the control of the subdivision of land within the Borough by Act 247 of 1968, the Pennsylvania Municipalities Planning Code, as amended (hereinafter called Planning

1.02 Authority of the Northumberland Borough Planning Commission

The Northumberland Borough Planning Commission (hereinafter called Planning Commission) shall have the power to review and approve or disapprove all land subdivision and development plans within the Borough. All applications for approval of subdivision and land development plans within the Borough shall be filed in the Borough Office and submitted to the Planning Commission for review and approval or disapproval.

1.03 Purposes of Ordinance

This Ordinance is adopted for the following purposes:

a. To protect and provide for the public health, safety, and general welfare of the Borough.

b. To guide the future growth and development of the Borough in accordance with the Comprehensive Plan of the Borough.

c. To provide for adequate light, air, and privacy; secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population in the Borough.

d. To protect the character and the social and economic stability of all parts of the Borough and to encourage

the orderly and beneficial development of all parts of the Borough.

e. To protect and conserve the value of land throughout the Borough, and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

f. To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, schools, parks, playgrounds, recreation, and other public requirements facilities in the Borough.

g. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Borough, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

i. To insure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.

j. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Borough in order to preserve the community and value of the land.

k. To preserve the natural beauty and topography Borough and to insure appropriate development with regard to these natural features.

l. To provide for open spaces through the most efficient design and layout of the land.

m. And finally, to ensure that documents prepared as of a land ownership transfer fully and accurately describe the parcel of land being subdivided, and new parcels thus created.

1.04 Interpretation of Ordinance

1.041 In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

1.042 Conflict with Public and Private Provisions

a. Public Provisions: This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, or other provision of law. Where any provision of this Ordinance imposes restriction different from those imposed by any other provision of this Ordinance or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are whichever provisions more restrictive or impose higher standards shall control.

b. Private Provisions: This Ordinance is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreements or restrictions the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Borough Planning Commission or the Borough in enforcing this Ordinance, and such private provisions are not inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative this Ordinance or determinations made thereunder.

1.043 Separability

If any part or provision of this Ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance or the application thereof to other persons or circumstances. The Borough Council hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, or application.

1.044 Saving Provision

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Borough under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any

person, firm, or corporation, by lawful action of the Borough except as shall be expressly provided for in this Ordinance.

1.045 Repealer

Upon the adoption of this Ordinance according to law, all subdivision, ordinances or regulations of the Borough inconsistent herewith are hereby repealed.

1.05 Amendment of Ordinance

1.051 For the purpose of providing the public health, safety and general welfare, the Borough Council reserves the right from to time to amend this Ordinance in accordance with the applicable provisions of the Planning Code.

1.052 Before voting on the enactment of a proposed subdivision ordinance amendment, the, Borough Council shall hold a public hearing thereon. Notice of said hearing shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. The first publication shall not be more than 30 days and the second shall not be less than seven days from the date of the hearing. The notice shall state the time and place of the hearing, the particular nature of the matter to be considered at the hearing, a brief summary setting forth the principal provisions of the proposed amendment, and a reference to the place within the Borough where copies of the proposed amendment may be secured or examined.

1.053 Unless the proposed amendment shall have been prepared by the Planning Commission, the Borough Council shall submit the ordinance to the Planning Commission at an least 45 days prior to the hearing to provide an opportunity to submit recommendations.

1.054 At least 45 days prior to the public hearing, the Borough shall submit the proposed amendment to the Northumberland County Planning Commission for recommendations.

1.055 Proposed subdivision amendments shall not be enacted unless notice of proposed enactment is given as follows. This notice shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. Pub1ication of the proposed

amendment shall include either the full text thereof or the title and a brief summary, prepared by the solicitor and setting forth all the provisions reasonable detail. If the full text is not included:

a. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

b. An attested copy of the proposed ordinance shall be filed in the Northumberland County Law Library.

1.056 In the event substantial amendment are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least ten days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

1.057 Within 30 days after adoption, the Borough Council shall forward a certified copy of the amendment to the Northumberland County Planning Commission.

1.06 Appeal of Decisions Under This Ordinance

1.061 All appeals from decisions or deemed decisions under this Ordinance shall be taken to the amendment to the Pleas of Northumberland County Planning Commissions.

1.062 The procedures set forth in the Planning Court shall constitute the exclusive mode for the review, by appeal, of any decision rendered or deemed to have been made under this Ordinance and the planning Code. Said procedures provide, among other things, (a) that all appeals to the Court shall be filed within 30 days after entry of the decision or, in case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given, (b) that an appeal to the Court shall not automatically stay the action appealed from, but the appellant may petition the Court for a stay.

1.07 Remedies

1.071 Preventive Remedies

a. In addition to other remedies, the Borough may institute and maintain approximate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in

the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

b. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. However, should the Borough decide to issue a permit or to grant an approval, as an additional condition for issuance of a permit or the granting of an approval to owner, current owner, vendee or lessee for development of any real property, it may require compliance with the conditions would have applicable to the property at time the applicant acquired an interest in the real property.

The Authority to deny such a permit or approval shall apply to any of the following applicants.

1. The owner of record at the time of such violation.

2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

1.072 Enforcement Remedies

a. District justices shall have initial jurisdiction in proceedings brought under this Section.

b. **[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

c. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final judgment of the violation and judgment.

d. Nothing contained in this section shall be

construed or interpreted to grant to any person or entity other than the Borough the right to commence action for enforcement pursuant to this section.

1.073 Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan the Borough Council shall enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all tile improvements covered by said security Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvement. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

SECTION II

Procedures

2.01 General Matters

No subdivision or land development of any lot, tract or parcel land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

2.011 Classification of Subdivisions

For purposes of this Ordinance there shall be two classes of subdivisions, namely: Minor Major. A Minor Subdivision is a subdivision that contains 5 or fewer lots, all fronting on a public street, that does not involve the creation of any new street. A Major Subdivision is any subdivision other than a Minor Subdivision.

2.012 Filing and Official Filing Date of Plans

All subdivision plans shall be filed in the Borough

office. The official filing date shall be the date of the regular meeting of the Planning Commission next following the date that there is received in the Borough Office the application and the requisite fees plus 6 copies of the map or plan and three 3 copies of material to be submitted with the plan, all of which must be in strict compliance with the provisions of this Ordinance.

2.013 Plan Submission to County

The Borough shall upon receipt of a plan of a proposed subdivision or land development forward to the Northumberland County Planning Commission 2 copies of each plot or plan received and 1 copy of all supporting documents required for review.

2.02 Planning Commission

2.021 Membership

The Planning Commission shall consist of five (5) residents of the Borough appointed by resolution of Borough Council at least two of which shall be citizen members. Citizen members shall not be officers or employees of the Borough. The term of each of the members of the Commission shall be for four years, or until his until his successor is appointed and qualified. All members of the Commission shall serve without compensation, but may be reimbursed for necessary and reasonable expense. However, elected or appointed officers or employees of the municipality shall not, by reason of membership thereon, forfeit the right to exercise the powers, perform the duties or receive the compensations of the municipal offices held by them during such membership.

2.022 Removal

Any member of the Commission may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

2.023 Conduct of Business

The Commission shall elect it chairman and vice chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter laws and rules and regulations to govern its procedures consistent with the ordinances of the municipality and the laws of the

Commonwealth. The commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the governing body. Interim reports may be made as often as may be necessary, or as requested by Borough Council.

2.024 Power and Duties

a. The Commission shall, at the request of Borough Council, have the power and shall be required to:

1. Prepare the comprehensive plan for the development of the Borough and present it for the consideration of Borough Council.

2. Maintain and keep on file records of its action. All records and files shall be in the possession of Borough Council.

3. Make recommendations to Borough Council concerning the adoption or amendment of an official map. Make recommendations to Borough Council on proposed amendments to the zoning ordinance.

4. Prepare, recommend and administer subdivision and land development and planned residential development.

5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Planning Code.

6. Hold public bearings and meetings.

7. Require from other departments and agencies of the Borough such available information as relates to the work of the Commission.

8. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

2.03 Fees

The applicant shall pay to the Borough the fees established by resolution or Borough Council, including review fees and fees for inspection of improvements

2.031 Review fees shall include reasonable and necessary charges by the Borough's consultants and engineers for reviewing and reporting on the plats, plans and specifications.

2.032 Inspection of improvement fees shall include all reasonable and necessary expenses of the Borough's consultants and engineers for the inspection of improvements.

2.033 If the applicant disputes the amount of such review and/or inspection fees the following procedure shall be utilized:

a. The applicant shall give notice of the dispute to the Borough within ten (10) working days of the billing date.

b. If the applicant and the Borough cannot, within twenty (20) days from the date of billing agree upon the amount of the review fees, they shall jointly, by mutual agreement, appoint a licensed professional engineer to review the same and make a determination.

c. If the Borough and the applicant cannot agree to the appointment of such engineer, then upon the application of either party the President Judge of the Court of Common Pleas of Northumberland County shall appoint such engineer.

d. The appointed engineer shall hear such evidence and review such documentation as he or she deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall pay the decided amount immediately.

e. The appointed engineers fee shall be paid

(1) by the applicant if the decided amount is equal to or greater than the original bill

(2) by the Borough if the decided amount is less than the original bill by $1,000.00 or more

(3) otherwise, by the Borough and the applicant in equal shares.

2.04 Approval of Subdivision Plans

2.041 General Provisions

All applications for approval of a subdivision plan whether preliminary or final, shall be acted upon by the Planning Commission which shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said

next regular meeting occur more than 30 days following the filing of the application, the said 90 day period shall be measured from the 30th day following the day the application has been filed.

a. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision

b. When an application is approved subject to conditions, the approval shall be rescinded automatically upon the applicants failure to accept or reject such conditions within 90 days after notice of the conditional approval has been mailed to the applicant.

c. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.

d. Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

e. Before acting on any subdivision plat the Planning Commission may hold a public hearing thereon after public notice.

f. No plan which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.

g. The effect that a change of ordinance shall have upon a subdivision plan after the plan has been filed and/or approved shall be such as is set forth in the Planning Code.

2.042 Plan of Minor Subdivisions

Approval will be based upon the following

a. Compliance with the plan requirements of this Ordinance.

b. Compliance with Department of environmental Resources requirements for sewage disposal.

c. Whether the future street pattern of the area will be adversely affected by the proposed plan.

d. Whether the plan creates problems in the design of future utilities.

e. Other factors such as geology, terrain, location in a flood plain, etc.

2.043 Preliminary Plan of Major Subdivisions

a. Prospective subdividers are strongly urged to discuss possible development with the Commission prior to submission of a preliminary plan. A sketch plan may be prepared and presented for review and discussion. Submission of a sketch plan will not constitute a formal filing of a subdivision plan with the Planning Commission Sketch plans should include those items listed in Section III, Plan Requirements, 3.02

b. A preliminary plan will be reviewed to determine if it is in compliance with the plan requirements and the design standards set forth in this Ordinance.

c. In the case of a preliminary plan calling for the installation of improvements beyond a five year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of Borough Council in its discretion.

d. Approval of a preliminary plan shall be rescinded automatically upon the applicants failure to file a final plan within two (2) years after notice of

the approval was mailed to the applicant.

2.044 Final Plan of Major Subdivisions

a. The applicant shall file a final plan after notice of the approval of his preliminary plan has been mailed to him. Said plan shall comply with the provisions of this Ordinance and conform with the approved preliminary plan and all required revisions and conditions thereto, otherwise it shall be considered as a revised preliminary plan.

b. In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development. Each section, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted in the preliminary plan unless a lesser percentage is approved by the Planning Commission in its discretion.

c. No plan shall be finally approved unless the streets shown on such plan have been improved as required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been installed in accordance with the Ordinance. In lieu or the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to this Ordinance there shall be deposited with the Borough financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but no limited to roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

1. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending

institutions shall be deemed acceptable financial security for the purposes of this Ordinance.

2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

3. Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements

4. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post addition security in order to assure that the financia1 security equals said 110%. Any additional security shall be posted by the developer in accordance with this Ordinance.

5. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and

recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chose, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

6. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one year period by using the above bidding procedure.

7. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council and the Borough Council shall have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said 45 day period the Borough Council shall be deemed to have approved the release of funds as required. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

8. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

9. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Ordinance.

10. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this Ordinance the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in

question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

2.05 Release from Improvement Bond

2.051 When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The Borough Council shall within ten days after receipt of such notice, direct: and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the municipal engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

2.052 The Borough Council shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Borough Council with relation thereto.

2.053 If the Borough Council or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

2.054 If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

2.055 Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the municipal engineer.

2.056 Where herein reference is made to the municipal engineer, he shall be as a consultant thereto.

2.06 Modifications

2.061 The Borough Council may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.

2.062 All requests for a modification shall be in writing and shall accompany and be a part of the application for subdivision. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.

2.063 The request for modification shall be referred to the Planning Commission for advisory comments. The Borough Council shall keep a written record of all action on all requests for modifications.

2.07 Recording of Plans

Upon the approval of a final plan, the developer shall within 90 days of such final approval record such plan in the Office of the Recorder of Deeds of Northumberland County. Said Recorder of Deeds shall not accept any plan for recording, unless such plan officially notes the approval of the governing body, and review by the Northumberland County Planning Commission.

2.08 Effect of Plan Approval and Recording

2.081 After a plan has been approved and recorded as provided in this Ordinance all streets and public grounds on such plan shall be, and become a part of the official map of the Borough without pubic hearing.

2.082 Recording the final plan shall be an irrevocable offer to dedicate all streets to public use, and to dedicate or reserve all public grounds to public use unless reserved by the subdivider as authorized hereinafter.

2.083 Neither the approval of the final plan nor the fact that ally street or public grounds has become part of the official map of the Borough shall obligate the Borough to improve or maintain any such street or land or constitute or be deemed to constitute a taking or acceptance of any land by the Borough.

2.084 The applicant, if authorized by the Planning Commission, may place a notation on the final plan to the effect that there is no offer of dedication to the public of streets and certain designated public grounds, in which event the title to such areas shall remain with the owner, and the Borough shall assume no responsibility for improvement or maintenance thereof; which fact shall also be noted on the final plan.

2.085 Change of Plan-Resubdivision

For any change in an approved or recorded subdivision plan, if such change affects any street layout shown on such plan, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any ordinance or regulation controlling subdivisions, such change shall be approved by the Planning Commission by the same procedures, rules, and regulations as for a subdivision.

SECTION III
Plan Requirements

3.00 General Requirements

a. All subdivision plans shall meet the requirements outlined in the following sections.

b. All plats, maps and/or surveys submitted as part of the subdivision plan shall be prepared in accordance with the Pennsylvania Act of May 23, 1945, P.L. 913, No. 367, as amended, known as the Professional Engineers Registration Law.

3.01 Sketch Plan

A sketch plan should show the following information, legibly drawn, but not necessarily to scale or showing precise dimensions

a. Tract boundaries and location.

b. Name of municipality in which the subdivision is located.

c. North point and date of plan.

d. Significant topographic and physical features of the area.

e. Proposed general street and lot layout.

f. Location sketch of the surrounding area showing roads and significant community facilities within 1/2 mile of the proposed subdivision.

3.02 Minor Subdivision Plan

All minor subdivision plans shall conform to the following:

a. Title Block: The title block shall show the name of the subdivision, the name of the Borough, the name and address of the owner, the name and address of the engineer or surveyor, the date of preparation, and a line for the signature of the Planning Commission.

b. Location Sketch: A rough location sketch shall be shown, north oriented to the top, which shall include the roads and community facilities which Lire located within 1/2 mile of the proposed subdivision

c. Lotting Design Scheme: The layout of the lots in the subdivision shall be shown at a scale of l"=50' 1=100', or l"=200'. All lots must include dimensions and bearings on each lot line. The right-of-way widths of all existing street and easements shall be shown. If the lots included in the plan do not comprise the entire parcel of the owner, the boundaries of the entire parcel shall be shown. All adjoining properties shall have their intersections shown as dashed lines and the name of the owner(s) of record shall be shown.

d. Topography and Soils: The applicant should submit a U.S.G.S. topographical map having his property outlined so that the topography will be known. The applicant should also submit a soil map showing the type and aerial extent of the soils on his property. All of this information is available from the Northumberland County Conservation District by using an approved form.

e. On-lot Sewage: If on-lot sewage disposal is to be utilized, the subdivider or developer must show evidence of compliance with Department of Environmental Resources requirements on sewage disposal.

3.03 Preliminary Plan of Major Subdivisions

3.031 Scale, Color and Size

The preliminary plan shall be drawn at a scale of 1=50' or l"=l00'. Copies of the plan shall be either black and white or blue and white prints, and the sheet size shall be no smaller than 18" x 24" and no larger than 24" x 36".

3.032 Information to be Shown on Preliminary Plan

a. Title block containing the name of the subdivision, the name of the Borough, the name, address of the owner or subdivider, name of and address of the individual preparing the plan,

b. North arrow.

c. Location map showing relation of proposed subdivision to adjoining properties, related road and highway system, municipal boundaries, and community facilities within at least 1/2 mile of the proposed subdivision.

d. Tract boundaries showing bearings and distance.

e. Names of owners of all adjoining property and names of all submitting subdivisions.

f. Topographic contours at vertical intervals of two (2) feet or five (5) feet and datum and benchmarks to which contour elevations refer; type and aerial extent of soils.

g. Existing water courses and drainage ways, wooded areas, and other significant natural features.

h. Existing buildings, sewers, water mains, culverts power transmission lines, oil and gas pipelines, fire hydrants, and other significant man-made features.

i. All existing or recorded streets on adjacent to the tract, including name or number, right-of-way width and width of pavement.

j. Soil percolation test sites.

k. Total acreage, number of lots, average lot size, and existing zoning classification.

1. If only part of a tract is being subdivided, a sketch plan of the entire parcel should be included showing the relationship of the subdivided area to the unsubdivided area.

m. Location and width of proposed streets, rights-of-way, and easements; proposed lot lines; and areas to be dedicated to public use.

n. Block for signatures of chairman and secretary of the Planning Commission and date of approval of the plan.

o. Preliminary plans shall include the full plan of the development, showing the location of all proposed streets, right-of-way, easements, public areas including parks and playgrounds, proposed sewer and water facilities, proposed lot lines with approximate dimensions, lot numbers and/or block numbers in consecutive order, and proposed building setback lines for each street.

p. Multi-family, commercial, and industrial land developments shall show building locations and parking areas in addition to the above information.

q. All areas, streets, facilities, etc. proposed to be dedicated for future public use, together with the conditions of such dedications or reservations shall be shown.

r. The soil and water conservation information required by Section II of Appendix I.

3.033 Material to be Submitted with Preliminary Plan

The following information, data, and documents shall be submitted with the preliminary plan:

a. Planning Commission application form.

b. Copies of proposed deed restrictions if any.

c. Tentative cross-sections and center-line profiles for each proposed street

d. Preliminary designs of proposed bridges or culverts.

e. Preliminary designs of proposed sewerage systems and water supply systems, where such systems are proposed to be installed.

f. Drawing of present and proposed grades and facilities for storm water drainage.

g. Percolation test data and other on-site sewage disposal data where on-site disposal is proposed to be used.

h. Estimated costs of required improvements.

i. Sketch of proposed street layout for remainder of tract if preliminary plan covers only part of subdivider’s land.

j. When the land included in the proposed subdivision has a natural gas pipeline, a petroleum or petroleum products pipeline, or a power transmission line located thereon, the application shall be accompanied by a letter from the owner of such pipeline or transmission line stating the minimum setback distance requirement from such pipeline or transmission line.

k. If on-lot sewage disposal is to be utilized, the subdivider or developer must show evidence of compliance with Department of Environmental Resources requirements on sewage disposal.

l. The soil and water conservation requirements set forth in Section IV of Appendix I.

3.04 Final Plan of Major Subdivisions

3.041 Scale, Color and Size

The final plan shall be drawn at a scale of 1=50' or 1=100. Copies of the final plan shall be either black and white or blue and white prints with 3 sheet size which is no smaller than 18" x 24" and no larger than 24" x 36". If the final plan is drawn in two or more sections, a key map showing the location of the sections shall be placed on each sheet.

3.042 Information to be Shown on Final Plan

a. Title block containing the name of the subdivision, the name of the Borough, the name and address of the subdivider, the date and the scale.

b. Name, address, certification and seal of the registered professional engineer or surveyor preparing the final plan survey and map.

c. North arrow.

d. Location map showing relation of tract to adjoining properties, related road and highway system, municipal boundaries, and community facilities within a minimum of 1/2 mile from the proposed subdivision.

e. Accurate tract boundaries showing bearings and distances which provide a survey of the tract, closing with an error of not more than one (1) foot in 5,000 feet.

f. Existing significant natural or man-made features.

g. Block and lot numbers and lot lines with distances and bearings of all straight lines and radio, arcs, and central angles of all curves.

h. Width and bearings of proposed streets, rights-of-way and easements; and building setback lines.

i. Street names.

j. Location and material of all permanent monuments and lot markers.

k. Location and size of all existing and proposed sewer and water lines on or adjacent to the proposed subdivision site.

l. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public, or community use along with exact extent of street construction and dedication; all areas to which title is reserved by the owner.

m. Source of title to the land of the subdivision or development as shown by the books of the Northumberland County Recorder of Deeds; names of owners of all adjoining land.

n. Block for signatures of the chairman and secretary of the Planning Commission indicating approval of plan.

3.043 Material to be Submitted with Final Plan

a. Planning Commission application form if different from application previously submitted.

b. Any material from preliminary plan for which Planning Commission had requested correction or updating.

c. Final profiles and cross-sections for street improvements, sanitary and storm sewerage, water distribution systems, and surface water drainage systems; and a final grading plan shall be shown on one (1) or more separate sheets.

d. An erosion and sedimentation control plan for the proposed subdivision to be prepared in accordance with the Rules and Regulations of the Pennsylvania Clean Streams Law, and all items as set forth in Appendix I.

e. Restrictions of all types which will run with the land and become covenants in the deeds of lots within the subdivision.

f. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.

g. Certification from utilities that proper water, power, and other facilities also can be installed.

h. Certification from the Pennsylvania Department of Environmental Resources approving the Subdivision's water supply and sewerage systems in all areas when public water and/or sewerage is nor available.

i. Certification from the Borough indicating approval of the proposed street layout, sewerage and water supply systems and storm drainage plan

j. Certification from the applicant, subdivider or developer that all required improvements have been installed and completed, or that the financial security provisions of this Ordinance have been fully met.

k. The soil and water conservation information and material required by Sections III and IV of Appendix I.

SECTION IV

Subdivision Design Standards

4.01 Minimum Standards

4.011 The standards outlined in this section shall be applied by the Northumberland Planning Commission in evaluating plans for proposed subdivisions. The standards outlined herein shall be considered to be minimum standards, and the Planning Commission may require more restrictive standards. Whenever municipal or other applicable regulations impose more restrictive standards, such other regulations shall control.

4.012 The location of the subdivision shall conform to any applicable comprehensive plan, and the use of land in the subdivision shall conform to any applicable zoning ordinance.

4.02 General Standards

The following requirements and guiding principles for subdivision and land development shall be observed by all developers.

4.021 Land Suitability: Land subject to flooding and all land deemed by the Planning Commission to be uninhabitable because of other hazards to life, health, or property, (such as improper drainage, steep slopes, rock formations or topography, or utility easements or rights-of-way) shall not be plotted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard; but such land within an area for which a subdivision plan is developed shall be set aside for such uses as will not be endangered by periods of occasional flooding or will not result in unsatisfactory living conditions.

4.022 Municipal Boundaries: Lot lines shall, where possible, follow municipal and county boundary lines rather than cross them.

4.03 Streets

4.031 Systems and Arrangement

a. Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

b. Where a proposed subdivision or land development abuts or contains an existing or proposed major collector or arterial street, the Planning Commission may require marginal access streets, reverse frontage lots, or seek other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.

c. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

d. All cul-de-sac streets, whether permanently or temporarily designed as such, shall not exceed eight hundred (800) feet in length or serve more than sixteen (16) lots or dwelling units, whichever is the lesser. Permanent cul-de-sac streets must be provided with a paved turn-around with a minimum radius of fifty (50) feet in right-of-way and forty (40) feet in paved cartway.

e. Any street dead-ended for access to adjoining property or because of authorized stage development shall be provided with a temporary all-weather turn-around within the development, the use of which shall be guaranteed to the public until such time as the street is extended.

f. Alleys will not be permitted in residential subdivisions.

g. Private streets are to be discouraged, and will be permitted only if they are designed to meet the requirements of this ordinance for public streets.

4.032 Street Intersections

a. To the fullest extent possible, local streets shall not intersect with collector or arterial streets on the same side at intervals of less than eight hundred (800) feet as measured from centerline to centerline.

b. The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than one hundred and fifty (150) feet unless the streets are directly opposite each other.

c. Multiple intersections involving the junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

d. Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than seventy-five (75) degrees. The intersection of two local streets shall not be at an angle of less than sixty (60) degrees.

e. Minimum curb radius at the intersection of two local streets shall be at least twenty (20) feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least twenty-five (25) feet.

[Amended 10-5-95 by Ord. No. 438.]

f. There shall be provided and maintained at all intersections clear sight triang1es formed by the curb lines and a straight line joining points which, measured along said curbline, are twenty-five (25) feet distant from the intersection of the curbline. If there are no curbs, the clear sight triangle shall be measured along the paved portion of the street, avenue or alley. No fence, wall, hedge or other structure or planting more than two (2) feet in height shall be erected, placed maintained or allowed to remain within the clear sight triangle.

g. Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having a grade of not greater than four (4) percent for a distance of twenty-five feet measured from the nearest right-of-way line of the intersecting street.

4.033 Alignment

a. Whenever street lines are deflected by more than five (5) degrees, connection shall be made by horizontal curves.

b. The minimum radius at the center line for horizontal curves on collector streets shall be three hundred (300) feet, and for local streets the minimum radius shall be one hundred (100) feet.

c. On local streets, the minimum tangent between reverse curves shall be at least one hundred (100) feet; on collector and arterial streets the minimum tangent shall be at least two hundred fifty (250) feet.

d. Minimum vertical sight distance measured four (4’) feet above grade shall be three hundred (300) feet for collector and arterial streets

and one hundred (100) feet for local streets.

4.034 Grades

a. The minimum grade on all streets shall be one-half (0.5) percent.

b. The maximum grade on collector or arterial streets shall be seven (7) percent and on local streets ten (10) percent.

c. Vertical curves shall be used in changes of grade exceeding one (1) percent. To provide proper sight distances, the minimum length of vertical curves shall be five hundred (500) feet for collector and arterial streets and three hundred (300) feet for local streets.

d. Where the development is located in an area having slopes generally in excess of 15%, local streets may be built with gradients of up to (15) percent where it is impractical or impossible to achieve a grade of ten (10) percent or less.

4.035 Widths

a. Minimum street right-of-way and cartway widths for streets shall be as follows:

Street Type	Predominant lot width at building setback line		
	60' or less	61' to 80'	over 80'
Local			
Right-of-way	50'	50'	50'
Cartway	36' (with curbs)	28' (with curbs)	20' (with 8' graded shoulders)
Cul-de-sac			
Right-of-way radius	50'	50'	50'
Cartway radius	40' (with curbs)	40' (with curbs)	40'

Street Type Predominant lot width at building setback line

	60' or less	61' to 80'	over 80'
Collector			
Right-of-way	60'	60'	60'
Cartway	38' (with curbs)	38' (with curbs)	(with 10' graded shoulders)
Arterial Street			
Right-of-way	80'	80'	80'
Cartway	40' (with curbs)	40' (with curbs)	(with 10' graded shoulders

b. Provision for additional street right-of-way may be required by the Planning Commission in specific cases for:
   1) Public Safety and convenience;
   2) Access to off-street parking in commercial and industrial areas and in areas of high density residential development.

c. Where a subdivision or development abuts or contains an existing municipal street or road of inadequate right-of-way width, additional right-of-way in conformance Section 4.035a above shall be required.

d. Where a subdivision or development abuts or contains an existing street or road on the state highway system, the Pennsylvania Department of Tansportation shall make a recommendation concerning necessary additional right-of-way width of the state road and minimum building setback from the state road. Any additional right-of-way width required to correct existing problems or to allow necessary improvements shall be reserved on the plan but dedication of this additional right-of-way will not be required for plan approval. Building setback lines shall be measured from this required ultimate street right-of-way line.

4.036 Street Verge

a. Sidewalks shall be installed in subdivisions where semi-detatched or attached structures are planned, or where lot widths are less than eighty (80) feet or where the subdivision abuts areas which have existing sidewalks. Sidewalks may also be required to provide access to community facilities such as schools, shopping centers, or recreation areas if the Planning Commission deems that a hazard would

exist without them.

b. Sidewalks shall commence one (1) foot inside the right-of-way line and extend toward the curb line. They shall be a minimum of four (4) feet in width.

c. Street trees shall be permitted between the sidewalk and building line. Trees shall also be permitted between the sidewalk and the street if the area is more than four (4) feet in width.

d. Street signs shall be provided at every intersection. They shall be of a design approved by the local municipality.

4.04 Blocks and Lots

4.041 Blocks

a. Blocks shall have sufficient widths to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.

b. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but in no cases shall blocks in residential subdivisions exceed one thousand six hundred (1600) feet in length unless conditions do not permit longer blocks.

c. In large blocks with interior parks or playgrounds, in exceptionally long blocks where access to a school, shopping center, or to any other facility is necessary, or where cross streets are impractical or unnecessary, a crosswalk with a minimum right-of-way of twelve (12) feet with a minimum surfaced width of five (5) feet may be required by the Planning Commission.

d. In long blocks the Planning Commission may also require the reservation of an easement through the block to accomodate utilities or drainage facilities. Such easement shall not be less than twenty (20) feet in width.

4.042 Lots

a. All lots shall conform to any applicable zoning ordinance.

4.05 Building or Setback Lines, Easement

4.051 Building or Setback Lines

"The building or setback distance shall be that which is set out in the Zoning Ordinance. Said distance shall be measured from the required minimum or actual right-of-way line whichever is greatest."

4.052 Easements

a. When easements are required for utilities, the minimum width shall be as required by the utility company, but in any case shall not be less than twenty (20) feet. Easements shall, to the fullest extent possible, be centered on or adjacent to rear or side lot lines. Local utility companies shall be consulted by the developer when locating easements.

b. Where a subdivision or land development is traversed by a water course or drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel, or stream. Such easement; shall be of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening;, relocating, improving, or protecting; such drainage facilities or for the purpose of installing a storm water sewer. In 110 case shall the width of such easement be less than fifty (50) feet.

c. There shall be a minimum distance of twenty (20) feet from the right-of-way line, measured at the shortest distance, between any dwelling unit and any petroleum product or natural gas transmission line which traverses the subdivision or development.

4.06 Community Facilities

In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units to be developed, and may request the reservation or dedication of land for such facilities.

4.07 Recreation and Open Space

The Northumberland Planning Commission may require the reservation of open or recreation space in subdivisions containing twenty-five (25) or more lots. This area shall consist of a minimum of five (5) percent of the total area of all lots and shall be suitable for various outdoor recreational uses. It shall be easily and safely accessible from all parts of the subdivision and shall be free of safety and health hazards and shall also have suitable physical characteristics for varied recreational use including well-drained soils, gentle topography, and suitable shape and size.

4.08 Sewers

4.081 General Requirements

a. Adequate sewage disposal must be provided to every lot in the proposed subdivision. The method of sewage disposal shall be determined by the Northumberland Planning Commission giving consideration to the following order of preference:
   1) Connection to a public sanitary sewer system.
   2) Provision by the developer of a complete private sanitary sewer system using a treatment plant, in accordance with the requirements of the Pennsylvania Department of Environmental Resources.
   3) Individual on-lot sewage disposal.

b. The Northumberland Planning Commission shall be guided by the Northumberland County Sewage Disposal and Water Supply Plan and the Pennsylvania Department of Environmental Resources in determining what type of sewage disposal facilities should be provided.

c. The Planning Commission may require the installation of capped sewers if the proposed subdivision is located in an area which will be served by public sewers within five (5) years.

d. If the proposed subdivision lies within one thousand (1000) feet of an existing; public sewer, the sewer must be extended to serve the subdivision at the expense of the developer.

4.082 On-lot Sewage Disposal

a. Approval of on-lot sewage disposal in any subdivision or development shall be based on a survey of the physical features of the land to be subdivided or developed. The physical features of the tract shall meet the criteria,

as specified by the Pennsylvania Department of Environmental Resources.

4.09 Water

Where an existing water line is within one thousand (1000) feet of the proposed subdivision, the subdivision shall be connected to such line at the expense of the developer. Where the number of dwelling units in the subdivision exceeds twenty-five (25), the Planning Commission may require installation of a community water system if it is not feasible to connect to an existing public system. For other developments, on-site individual wells will be permitted if the water meets all standards. No individual well shall be located closer than one hundred (100) feet from an on-site sewage disposal system.

4.10 Drainage

4.101 Storm Sewers

Storm sewer culverts and related facilities shall be required, as necessary, to permit the unimpeded flow of natural water courses and insure the drainage of low points in the subdivision. Facilities shall be designed to handle the runoff from the entire upstream drainage basin. When adequate existing storm sewers are readily accessible, the subdivider shall connect his storm water facilities to these existing sewers.

4.102 Abutting Properties

Storm sewers or drainage channels opening onto adjacent land shall empty into natural water courses. Should the outlet abut another property, and not empty into the natural water course, the Northumberland Planning Commission may require the submittal by the developer in writing of the approval of adjoining affected owners.

4.l03 Erosion Control

Paved gutters, curbing, construction of drainageways, and other improvements may be required by the Planning Commission to eliminate or reduce serious surface water erosion hazards.

4.104 Disturbance of Existing Water Courses

Other than construction of bridges or erosion control measures approved by the Northumberland Planning Commission and Northumberland Conservation District, no disturbance of waterways shall be permitted, including diversions of waterways, filling of waterways, construction of roads or structures in water-ways, or unnecessary operation of equipment therein.

4.105 Areas of Poor Drainage

Whenever a subdivision plan is submitted for an area which is subject to localized flooding due to trapped or ponded surface water and existing poor drainage, the Planning Commission may approve such subdivision provided that the subdivider fills the affected area to an elevation sufficient to plan the streets and lots at a minimum of twelve (12) inches above the elevation of the maximum flood. The plan of such subdivision shall provide for an overflow zone along the bank of any stream or water course, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed thereon.

4.106 Flood Plain Areas

The Planning Commission, may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area, prohibit tile subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. The determination of a flood plain will be made from the lO0 year official flood plain maps developed by HUD as part of the Flood Insurance Program.

SECTI0N V

Standards for Specialized Subdivisions

5.01 General Exceptions

The standards in this section shall be applied by the Northumberland Planning Commission in evaluating plans for specialized types of subdivision and land development projects. The standards in this section shall be considered minimum standards and the Planning Commission may require more restrictive standards. Plans for these specialized subdivisions and land development projects shall comply with the following standards as well as all other applicable provisions of this ordinance not in conflict herewith.

5.021 Purpose and Intent: "The purpose of the following standards and requirements is to provide an added degree of flexibility in the placement, bulk and inter-relationship of the buildings and uses within planned residential developments and the implementation of new design concepts while at the same time maintaining the overall intensity of use, density of population and amounts of light, air, access and open space specified by the Zoning 0rdinance for the

district in which a proposed development is to be located"

5.022 Site Standards

a. The development shall be served by an approved public or central water supply system and an approved public or central sanitary sewer system.

c. The site must have sufficient frontage of an existing street to construct the necessary interior roads to service the development.

5.023 Density

"The development shall comply with the density requirements of the Zoning Ordinance."

5.024 Common Open Space

Common open space, for the use of residents within the development, shall be provided on the plans submitted. This open space may consist of areas of land and/or water. A minimum of forty (40) percent of the tract shall be allocated to and shall remain common open space, exclusive of roads, parking areas, structures, and service lawns.

5.025 Streets

All interval streets in planned residential developments shall have a minimum right-of-way of fifty (50) feet and a minimum paved cartway of twenty-eight (28) feet.

5.026 Setbacks

a. No detatched or semi-detatched dwelling structure shall be located within fifteen (15) feet of any other structure.

b. No structure shall be located within twenty-five (25) feet of the right-of-way line of any street.

5.027 Off Street Parking

"Off-street parking spaces shall be provided according to the requirements of the Zoning Ordinance." Such off-street parking spaces may be provided as an individual garage, carport, or driveway located behind the building setback line or in a parking area located within two hundred (200) feet of the dwelling unit it serves.

5.03 Mobile Home Parks

5.031 Minimum Park Area

A mobile home park shall have a minimum gross area of five (5) contiguous acres of land suitable for development.

5.032 Grading and Ground Cover Requirements

The ground surface in all parts of each mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner. Exposed ground surfaces in all parts of each of the mobile home park shall be treated in a manner approved by the Northumberland Planning Commission and the Northumberland County Conservation District to effectively prevent soil erosion and blowing dirt and dust.

5.033 Lot Requirements

a. The maximum number of mobile home lots or spaces within a mobile home park shall not exceed seven (7) lots per acre of the total area of the mobile home park.

b. The minimum lot size for mobile homes in a mobile home park shall be not less than five thousand (5,000) square feet. The minimum width of a mobile home lot shall be not less than fifty (50) feet, and the minimum length of a mobile home lot shall be not less than one hundred (100) feet or thirty (30) feet greater than the overall length of the mobile home to be located on such lot, whichever is greater.

c. All mobile home lots shall abut a street of the mobile home park internal street system. Lots may be laid out at an angle to the street line, but in no case shall the frontage on each lot be less than forty-five (45) feet.

5.034 Setbacks, Buffer Strips, and Screening

a. All mobile homes, auxiliary park buildings, and other structures shall be located at least forty (40) feet from the mobile home park boundary lines and public street right-of-ways. A suitable perimeter screening of plantings or fencings may be approved by the Northumberland Planning Commission, in which case the minimum buffer strip may be reduced to twenty-five (25) feet.

b. Repair, maintenance, and storage areas and buildings shall be screened from the mobile home lots, park streets, and public roads by suitable plantings or fencing approved by the Northumberland Planning Commission.

c. Mobile homes shall be located at least fifty (50) feet

from any auxiliary park buildings and any repair, maintenance, or storage areas or buildings.

5.035 Recreation and Open Space

A minimum of five (5) percent of the gross area of the mobile home park or ten thousand (l0,000) square feet of space, whichever is greater, shall be reserved for recreational space. This space shall be suitable for various outdoor recreational uses as specified in Section 4.07 of this ordinance

5.036 Parking Space

A minimum of two (2) auto parking spaces shall be provided for each mobile home lot within the mobile home park. These spaces shall be located within two hundred (200) feet of the mobile home lot that they are intended, to serve.

5.037 Streets

All streets within a mobile home park shall be designed and constructed according to the required design standards of this ordinance.

5.038 Lot Improvements

a. All mobile home lots within a mobile home park shall be provided with connections to sewer and water systems, and all necessary utilities.

b. A cement concrete patio of a minimum area of two hundred (200) feet shall be provided on each mobile home lot.

5.039 Utilities and Facilities

a. Mobile home parks shall be served by an approved public or central water supply system and an approved public or central sanitary sewer system. The systems shall be designed and installed according to the standards of the Pennsylvania Department of Environmental Resources and shall be approved by said department.

b. Other utilities shall be provided in accordance with plans approved by the Northumberland Planning Commission and the utility companies. Underground installation of the utility distribution and service lines is required for approval of the final plan.

c. Each mobile home park shall have at least one service building providing sanitation and laundry facilities. There shall be provided at least one (1) flush toilet, and one (1) shower for men, one (1) lavatory and one (l) flush toilet, one (1) lavatory, and one (l) shower for

women, within an easily accessible service building.

5.04 Travel Trailer Parks and Campgrounds

5.041 General Standards

Travel trailer parks and campgrounds shall be subject to all standards set forth for mobile home parks above with the following changes:

5.042 Space Requirements

a. The maximum number of lots or camping spaces within each park or campground shall be no more than fifteen (15) per acre of the total area of the park or campground.

b. The minimum size of each lot or camping space shall be thirty (30) feet in width and fifty (50) feet in depth and shall be not less than one thousand five hundred (1500) square feet in area.

c. All lots or camping spaces shall abut on a street of the park or campground internal street system and shall have no less than thirty (30) feet in frontage on such street.

d. A minimum of one (1) vehicle parking space shall be provided for each park lot or campground space within the travel trailer park or campground.

5.043 Streets

An internal park or campground system of private or public streets or roads shall be provided and constructed according to the design standards set forth this ordinance.

5.044 Lot Improvements

Travel trailer park lots may be improved for use by independent travel trailers. Independent trailers used as permanent residences shall not be allowed in travel trailer parks or campgrounds.

5.05 Commercial Land Development

5.051 General Standards

Commercial development plans, including shopping centers, shall comply with the following standards and requirements as well as with all other applicable provisions of this ordinance not in conflict herewith.

5.052 Site Standards

a. The site shall be served by an approved public or

community water supply system and an approved public or community sanitary sewer system, or an approved Department of Environmental Resources system.

b. Adequate storm drainage facilities shall be provided.

5.053 General Design

The layout of commercial development areas shall be designed in accordance with any applicable zoning ordinance and with consideration of site conditions to insure:

a. Desirable land utilization,

b. convenient traffic circulation and parking,

c. adequate service, delivery, and pickup, and

d. design coordination with adjacent parcels of land.

5.054 Circulation

a. Access to public streets shall be limited to defined entrance and exit lanes.

b. Exit lanes shall be separated from entrance lanes by dividers or planting islands.

c. Painted lines, arrows, and dividers shall be provided to control parking and circulation.

d. To the greatest extent possible, customer parking and circulation shall be separated from delivery service drives and unloading areas.

5.055 Parking Area Requirements

a. Five and one-half (5 1/2) parking spaces per one thousand (1000) square feet of gross leasable commercial area shall be provided.

b. To the greatest extent possible, parking aisles shall be designated at right angles to the stores.

c. Parking area shall be set back from street right-of-way lines and property boundaries a minimum distance of fifteen (15) feet.

d. The setback areas between the parking area and street right-of-way or property lines shall be maintained as a planting area.

e. All parking areas, service drives, and exit and entrance lanes shall be graded and paved according to the

specifications in Section 6 below.

5.056 Landscaping

Screen plantings shall be provided where a commercial development abuts residential property. A screen planting shall consist of trees or shrubs at least six (6) feet in height and planted in such a manner as to visually separate the two areas as much as possible.

5.06 Industrial Land Development

5.061 General Standards

Industrial development plans, including industrial parks, shall comply with the following standards and requirements as well as with every other applicable provision of this ordinance not in conflict herewith.

5.062 Loading Areas

All loading and unloading areas and service areas of the development shall be provided as off-street parking and shall be designed to cause no obstructions to adjacent street traffic.

5.063 Off-Street Parking

Off-street parking shall be provided for all employees plus extra spaces for visitors. At least one (1) parking space for each 1.2 employees shall be provided.

5.064 General Design Standards

The layout of the industrial area shall be designed according to any applicable zoning ordinance to provide: 1) the most efficient arrangement for present use and future expansion, and 2) the provision of adequate and safe space for employee and customer access and parking.

5.065 Screening

Industrial developments shall be adequately screened from adjacent residential or other incompatible use areas. All storage, service, or unsightly areas within the industrial development shall be adequately screened from any adjacent developments and streets.

5.066 Utilities

All proposed industrial development shall provide written approval from the Pennsylvania Department of Environmental Resources of plans for adequate treatment of any industrial wastes generated within the development. Adequate air and

water pollution controls shall be required within these developments. Performance bonds for provision of these controls may be required for approval.

SECTION VI

Required Improvements

6.01 General Requirements

The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements are approved and the improvements are installed or a suitable guarantee is provided.

6.02 Streets

6.021 General

Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Northumberland Planning Commission. The subdivider must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The pavement shall be constructed to the specifications in Sections 6.022 and 6.023 unless a specific substitute is requested and approved by the Planning Commission.

6.022 Collector Streets

"The pavement of collector streets shall consist of a uniform ten (10) inch layer of compacted stone, a uniform four (4) inch layer of compacted bituminous concrete base course, course, and a uniform one (1) inch layer of compacted bituminous wearing course I-D2, all placed, in accordance with the latest specifications of PENNDOT."

6.023 Local Streets

"The pavement of local streets shall consist of a uniform eight (8) inch layer of compacted stone, a uniform four (4) inch layer of compacted bituminous concrete base course, and a uniform one (1) inch layer of compacted bituminous wearing course I-D2, all placed in accordance with the latest specifications of PENNDOT."

6.03 Curbs and Gutters

6.031 Curbs

a. Curbs shall be provided on all streets and parking compounds located within multi-family and apartment building developments.

b. Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.

c. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet, or bituminous curbs placed by curbing machines.

6.032 Gutters

In areas where curbs are not used, gutters shall be provided and stabilized to avoid erosion.

6.04 Sewers

6.041 Public Sewer Systems

When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Planning Commission.

6.042 Private Sewer Systems

When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Planning Commission from the Pennsylvania Department of Environmental Resources certifying that a permit has been issued by the Sanitary Water Board approving the proposed facilities. Adequate provision for the maintenance of such plant shall be furnished to the municipality in which the subdivision is located.

6.043 On-Lot Sewage Disposal

In subdivisions when neither connection to a public sewerage system nor a complete sanitary sewer system is required, sewage disposal shall be provided on individual lots, consisting of septic tanks and tile absorption fields. The physical features of the tract on which on-lot disposal provided shall meet the criteria specified by D.E.R. Provision of on-lot sewage disposal systems in the standard residential subdivision shall not; be the responsibility of the subdivider unless tile subdivider is also constructing and selling the homes.

6.05 Water

6.051 Provision of System

a. The subdivision or land development shall be provided

with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the Pennsylvania Department Environmental Resources with satisfactory provision for the maintenance thereof; except that such municipal or community water supply water is not available each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Resources.

b. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the governing body or planning agency, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

6.052 Plans

The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision or land development will be connected, shall be submitted to the Planning Commission. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the Planning Commission and the municipality.

6.053 Fire Hydrants

Fire hydrants shall be provided as an integral part of any public water supply system.

6.06 Storm Drainage

Storm sewers, culverts, and related installations shall be provided to permit the unimpeded flow of natural water courses, to ensure the drainage of all low points along the line of streets, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained.

6.07 Utilities

Telephone, electric, TV cable and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated of such utilities, and in accordance with plans approved by the Northumberland Planning Commission and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

6.08 Monuments and Markers

Monuments and markers shall be iron pipes or bars thirty (30) inches by three-fourths (3/4) inch diameter and set at all points where lines or lines and curves intersect.

SECTI0N VII

Definitions

7.01 General Interpretation

Unless otherwise expressly stated, the following terms shall be for the purpose of this Ordinance, have the meaning indicated:

a. Words in the singular include the plural and words in the plural include the singular.

b. The word “person" includes a corporation unincorporated association, and a partnership as well as an individual.

c. The word "building" shall be so construed as if follows by the words "or part thereof".

d. The word "watercourse" includes "drain", "ditch", and “steam”.

e. The words “shall" and “will" are mandatory.

f. The word “may” is permissive.

7.01 Specific Terms and Phrases

Agent. Any person who represents, or acts for or on behalf of an applicant, a subdivider or developer in selling, leasing, or developing, or offering to sell lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Alley. A minor right-of-way, privately or publicly owned primarily

for service access to the back or sides of properties.

Apartment. A dwelling unit separated horizontally and/or vertically from one or more other units in a structure.

Apartment, Garden. An apartment house not exceeding three stories in height.

Apartment House or Multiple Dwelling Unit. A residential structure containing three or more apartments.

Applicant. A landowner or developer, as hereinafter defined, who has filed an application including his heirs, successors and assigns.

Application. Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for the approval of a subdivision plan.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building, Accessory. A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, Mobilehome Park Service or Auxiliary. A structure within a mobile home park containing or used for office, operational, recreational, maintenance, or other facilities.

Building, Principal. The main structure or building located on a given lot.

Cartway. The portion of a street intended for vehicular use.

Clear Sight Triangle. An area of unobstructed vision at street intersections defined by the Borough Zoning Code.

Cul-de-Sac. A street intersecting another street at one end only and terminating at the other end in a vehicular turn around.

Decision. Final Adjudication of any board or other body granted jurisdiction under this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of Northumberland County.

Developer. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Duplex. A residential unit divided horizontally into two dwelling units (i.e. having one above the other.)

Dwelling or Dwelling Unit. Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement. Authorization by a property owner for use by another of any designated part of his property for a specified purpose

Engineer. A licensed engineer registered in the Commonwealth of Pennsylvania.

House, Detached. A dwelling unit occupying the whole of a Free-standing residential structure.

House, Row or Town. A dwelling unit with one or two common walls located in a residential structure containing three or more dwelling units and not having any horizontal division between units.

House, Semi-Detached, or Twin. A residential structure consisting of two dwelling units separated by a common wall.

Improvement, Lot. Those physical additions and changes to the land which may be necessary to produce usable and desirable lots.

Improvement, Public. Any drainage ditch, roadway, recreation area, lot improvement or other facility for which the Borough may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which Borough responsibility is established.

Land Development. Any of the following activities:

a. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving.

   1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

   2. The division or allocation of land or space, whether initially or cumulatively, 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. A subdivision of land.

c. Development in accordance with section 503(1.1) of the Planning Code

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area. The area contained within the property lines of a lot

as shown on a subdivision plan, excluding space within any street, but including the area of any easement.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Double-Frontage. A lot with street frontage at both the front and the rear.

Lot, Reverse Frontage. A Lot extending between, and having frontage in, an arterial street and a local street:, with vehicular access only from the local street.

Lot Width. The width of a lot measured at the building set back line.

Mobilehome. 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.

Mobilehome, Dependent. A mobile home which is not equipped with a toilet and bathtub or shower.

Mobilehome, Independent. A mobile home which is equipped with a toilet and bathtub or shower.

Mobilehome Lot. A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

Mobilehome Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Municipal Engineer. A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough or Planning Commission.

Municipality. Any city of the second class or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

Plan. The provisions for development including, but not limited to, a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking

facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Plan, Final. A complete plan containing the information required by this Ordinance and approved by the Planning Commission.

Plan, Preliminary. The plan, preliminary in nature, containing the information required by this Ordinance, submitted to the Planning Commission for approval prior to the final plan.

Plan Sketch. A plan containing the information required by this Ordinance submitted prior to the minor subdivision plan or the preliminary plan to save time and expense in reaching general agreement with the Planning Commission as to the layout of the subdivision and the objectives of this Ordinance

Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Planning Commission. The Northumberland Borough Planning Commission.

Plat. A map or drawing of the subdivision or land development, whether preliminary or final.

Public meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, power transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other similar uses.

Setback. The distance between a building and the street line nearest thereto.

Sewage Disposal System, Individual or On-Lot. A septic tank, seepage tile disposal system, or any other sewage treatment device designed to serve one building or lot and approved by the Pennsylvania Department of Environmental Resources.

Sewerage System, Community or Central. A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street, Arterial. A road intended to move through traffic to and from major traffic generators and/or as a route for traffic between communities or large areas.

Street, Collector. A road intended to move traffic from local streets to arterial streets.

Street Line. The property line or limit of a right-of-way.

Street, Local. A road or street intended to provide access to the other roads from individual properties and to provide a right-of-way for utilities such as sewer, water, and storm drainage lines

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 ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, Minor. A subdivision that contains five or fewer lots, fronting on a public street, that does not involve the creation of any new street.

Substantially Completed. Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to this Ordinance of those improvements required as a condition for final approval) have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surface Drainage Plan. A plan showing all present and proposed grades and facilities for storm-water drainage.

Surveyor. A licensed surveyor registered in the Commonwealth of Pennsylvania.

Water System, Community or Central. A private water company formed by a developer to serve a new community development in an outlying area.

Zoning Ordinance. The Northumberland Borough Zoning Ordinance.

APPENDIX I

ITEMS RELEVANT TO SOIL AND WATER CONSERVATION THAT SHALL BE INCLUDED IN A SUBDIVISION AND/OR LAND DEVELOPMENT ORDINANCE

I. Definition of Terms:

"Erosion, Accelerated Water" - Erosion of the soil or rock over and above normal erosion brought about by changes in the natural cover or ground conditions, including changes caused by human activity. There are several kinds of accelerated erosion. They are: Sheet, Rill and Gully erosion.

"Erosion And Sedimentation Control Plan I"- A plan setting forth the methods to prevent accelerated erosion and sedimentation resulting from earthmoving activities including, but not limited to, excavations, embankments, land development, subdivision development, and the moving, depositing or storing of soil, rock or earth.

"Flood Plain" - A nearly level area bordering streams that is subject to overflow.

"Runoff" - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow, or snow melt, that does not enter the soil but runs off the surface of the land.

"Sedimentation" - The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water, it is usually referred to as "sediment".

"Slope" - The rise or fall of the land usually measured in percent slope. The percent slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

	Description	Percent Slope	Slope Class
(a)	Nearly level	0 – 3 percent	A
(b)	Gently sloping	3 – 8 percent	B
(c)	Sloping	8 - 15 percent	C
(d)	Moderately steep	15-25 percent	D
(e)	Steep	25-35 percent	E
(f)	Very steep	35 percent plus	F

"Soil Percolation Test" - A method of determining the ability of soil to absorb moisture under certain conditions. It is used to measure the amount of water assimilated by the soil in inches of drop per time interval, and indicates the problems that will occur in utilization of on-lot sewage disposal.

"Soil Stabilization" - The chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise insure its resistance to erosion, sliding or other movement.

"Swale" - A low-lying stretch of land which gathers or carries surface water runoff.

"Topsoil" - Surface soil and sub-surface soil which presumably is fertile soil and soil material ordinarily rich in organic matter or humus debris.

"Watercourse" - A permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water whether natural or man-made

II. Information Required on Preliminary Plans

1. The proposed plan for storm drainage Systems including location of storm sewers, culverts, inlets, easements, diversion terraces, sedimentation basins, etc., and a determination of the amount of runoff from the project area and the upstream watershed area

2. The location of prominent topographic features such as streams, drainage channels, floodplains, wooded areas and other pertinent features that may influence the design.

3. Soil survey information in the form of a soil map or a sketch showing kinds and extent of soils for the subdivision. This information may be available upon request from the Northumberland County Conservation District.

III. Documents Required for Final Plan Approval

Certificate from either the Pennsylvania Department of Environmental Resources or the Northumberland County Conservation District stating that the erosion and sedimentation control plan has been approved and that a land disturbance permit has been issued for an earthmoving activity by said Department of District if such a permit is required by the Rules and Regulations of said Department.

IV. General and Specific Requirements for Subdivision and Land Development

A. Easements For Drainage Ways - Where a subdivision or development is traversed by a drainage way, water course, channel or stream, there shall be provided a drainage easement conforming substantially with the water line of such drainage way, water course, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage

facilities or for the purpose of installing a storm sewer.

B. Lot And Block Requirements - The Northumberland Borough Planning Commission may require that the size of lots be increased according to the results of soil percolation tests. In all areas of the Borough where on-site sewage disposal is planned, the subdivider or developer is urged to consult the Soil Survey for Northumberland County and/or the Soil Conservation Service before establishing lot sizes and designing a subdivision or land development

C. Erosion And Sediment Control - Land proposed for subdivision and land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover until an Erosion and Sedimentation Control Plan is prepared as required by Chapter 102, Erosion Control, of the Rules and Regulations of the Pennsylvania Department of Environmental Resources. A land disturbance permit shall be obtained from the Department when required by said Rules and Regulations after review of the permit application by the Northumberland Borough Planning Commission and the Northumberland County Conservation District.

In order to ensure that all earthmoving activities within Northumberland Borough are conducted in such a way as to prevent accelerated erosion and the resulting sedimentation of waters of the Commonwealth, thereby preventing pollution of such waters from sediment, and from fertilizer, pesticides and other polluting substances carried by sediment, the following standards shall apply

1. <u>Erosion And Sedimentation Control Plan</u>

The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following;

a. The topographic features of the project area;
b. The types, depth, slope, and a real extent of the soils;
c. The proposed alteration of the area;
d. The amount of runoff from the project area and the upstream watershed area;
e. The staging or timetable of earthmoving activities;
f. Temporary control measures and facilities for use during earthmoving;
g. Permanent control measures and facilities for long term protection;
h. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area; and

i. Stream relocation or channelization.

The Erosion and Sedimentation Control Plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.

2. Erosion and Sedimentation Control Measures and Facilities

Erosion and sedimentation control measures and facilities shall as a minimum meet the standards and specifications of the Northumberland County Conservation District, as contained in the "Erosion and Sediment Control Handbook" of Northumberland County, and the standards and specifications of the Pennsylvania Department of Environmental Resources Rules and Regulations for Erosion Control.

3. Restoration

Upon completion of the earthmoving project, all areas which were disturbed by the project including off-site borrow areas shall be stabilized so that accelerated erosion will be prevented. Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed. Upon completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils shall be stabilized.

4. Responsibility of the Developer

It shall be the responsibility of the developer:

a. To submit the application for a land disturbance permit, accompanied by an erosion and sedimentation control plan and such other documents as may be required;

b. To remove sedimentation from all adjoining surfaces, drainage systems and watercourses and to repair any damage at developers expense as quickly as possible whenever sedimentation is caused by stripping vegetation, regrading or other development.

c. To maintain all drainage facilities and watercourses within any subdivision or land development until they are accepted by the municipality or some other official agency.

d. To maintain as nearly as possible in its present

state the stream, watercourse, swale, flood plain or right-of-way during the pendency of any activity of the developer on or across the same, and to return it to its original or equal condition after such activity is completed:

e. Not to block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the Department of Environmental Resources, and/or Pennsylvania Fish Commission.

f. To provide a drainage easement or right-of-way conforming substantially with the line of the water course, and of such width as will be adequate to preserve natural drainage where a subdivision or land development is traversed by a watercourse;

g. To collect on-site surface runoff and dispose it at a stabilized point of discharge into the common natural watercourse of the drainage area when any surface changes are made.

h. To handle existing and potential off-sire runoff through his development by designing to adequately handle storm water runoff from a fully developed area upstream when any surface changes are made.

i. To provide and install at developers expense, in accordance with the approved Erosion and Sedimentation Control Plan, all erosion and sedimentation control measures and facilities when any surface changes are made.

j. Not to conduct any grading within five (5) feet of any subdivision or land development boundary except as is needed for the entrance of streets.

D. Storm Drainage

1. In designing the drainage system, the developer shall pay special attention in the sizing of facilities to serve the entire drainage basin, and the advice of the U.S. Soil Conservation Service and/or an Engineer shall be sought in such matters

2. Where storm drainage must cross a property adjoining the developer's plan, he shall secure approval in writing from the adjoining owner or owners of the affected property for passage of storm water.

3. The minimum diameter of any storm drainpipe shall be fifteen (15) inches.

4. Stabilized outlets shall be provided for footer drains, floor drains, downspouts and private driveways.

ORDAINED AND ENACTED as an ORDINANCE of the Borough of Northumberland, Northumberland County Pennsylvania, this _____ day of _____, 1991.

_____
President of Council

Attest:

_____
Secretary

Approved this _____ day of _____, 1991

_____
Mayor

TAXATION

ARTICLE I
Per Capita

~ 53-1. Tax levied.

~ 53·2. Collection by Tax Collector.

~ 53-3. Bonding of Tax Collector.

~ 53-4. Warrant for collection.

~ 53-5. Compensation of Tax Collector.

~ 53-6. Notice to taxpayers.

~ 53-7. Reporting and recording new taxpayers.

~ 53-8. Collection by distress.

~ 53-9. Collection from employer.

~ 53-10. Records.

~ 53-11. Discount; penalty for late payment.

~ 53-12. Duties and powers of Tax Collector.

ARTICLE II
Earned Income

~ 53-13. Title; effective date of tax.

~ 53-14. Definitions and usage.

~ 53-15. Imposition of tax.

~ 53-16. Declaration and payment.

~ 53-17. Collection and payment.

~ 53-18. Powers and duties of Income Tax Administrator.

~ 53-19. Suit for collection.

~ 53-20. Interest and penalties.

~ 53-21. Payment and refunds.

~ 53-22. Applicability.

~ 53-23. Violations and penalties.

ARTICLE III
Northumberland Borough Emergency and Municipal Services Tax

~53-24. Tax levied.

~ 53-25. Collection; bonding of collector.

~ 53-26. Deduction by employers.

~ 53-27. Self-employed persons.

~ 53-28. Discount; penalty for late payment.

~ 53-29. Collection from employer.

ARTICLE IV
Real Property

~ 53-30. Current ordinance on file.

ARTICLE V
Realty Transfer Tax

~ 53-31. Definitions.

~ 53-32. Rate.

~ 53-33. Transfer by real estate brokers.

~ 53-34. Value of document to be set forth.

~ 53-35. Adoption of regulations.

~ 53-36. Collection agent.

~ 53-37. Violations and penalties.

~ 53-38. Collection of unpaid taxes.

[HISTORY: Adopted by the Council of the Borough of Northumberland: Article I, 12-29-71 as Ord. No. 269; Article II, 12-9-71 as Ord. No. 269; Article III, 12-29-71 as Ord. No. 267; Article V, 12-4-79 as Ord. No. 357. Section 53-23A and B amended upon adoption of Code; see Ch. 1, General Provisions. Article III amended 12-19-05 by Ord. 2005-9; Article III amended 2-6-07 by Ord. 2007-1. Other amendments noted where applicable.]

GENERAL REFERENCES

Amusements - See Ch. 22.
Licensed occupations - See Ch. 94.

ARTICLE I
Per Capita
(Adopted 12-29-71 as Ord. No. 269[1]]

~ 53-1. Tax levied.

A per capita tax in the amount set by Resolution per annum is hereby levied and assessed upon each resident or inhabitant of the Borough of Northumberland over twenty-one (21) years of age, which tax shall be in addition to all other taxes levied and assessed by the Borough of Northumberland pursuant to any laws of the Commonwealth of Pennsylvania.

[As passed 12-18-2001 as part of Ord. No.2001-13, all fees for this and subsequent parts of the borough code are determined by council resolution.]

~ 53-2. Collection by Tax Collector.

Said tax shall be collected by the duly elected or appointed Tax Collector of Borough Taxes for the Borough of Northumberland in the same manner and at the same time or times as other borough taxes are collected, as provided by the Local Tax Collection Law of 1Y45, as amended and supplemented.

[1] Editor's Note: Adopted initially 3-3-64 as Ord. No. 220 and continued as provided by Ord. No. 269, adopted 12-29-71.

~ 53-3. Bonding of Tax Collector.

The Tax Collector shall give bond secured and conditioned for the collection and payment of such taxes, as provided by the Local Tax Collection Law of 1945, as amended and supplemented.

~ 53-4. Warrant for collection.

The entry of said per capita tax in the tax duplicate and issuance of said duplicate to the Tax Collector shall constitute his warrant for the collection of said per capita tax hereby levied and assessed.

~ 53-5. Compensation of Tax Collector.

The expenses of collection and the compensation of the Tax Collector shall be paid and allowed as provided in the Local Tax Collection Law of 1945, as amended and supplemented, which compensation shall be the same as fixed from time to time by the Borough of Northumberland for the collection of other borough taxes.

~53-6. Notice to taxpayers.

The Tax Collector shall give notice to the taxpayers at the same time and in the same manner as for other borough taxes as provided by the Local Tax Collection Law of 1945, as amended and supplemented.

~ 53-7. Reporting and recording new taxpayers.

In case the Tax Collector or a Deputy Tax Collector shall at any time find within the Borough of Northumberland any resident or inhabitant above the age of twenty-one (21) years whose name does not appear upon the tax duplicate, he shall report the name of the person forthwith to the Assessor, who shall thereupon certify the same unto the Borough of Northumberland, which shall promptly certify the same to the Tax Collector reporting the name, whereupon the Tax Collector shall add the name and the assessment of this per capita tax against such person to the duplicate of the Borough of Northumberland and proceed to collect the same.

~ 53-8. Collection by distress.

The Tax Collector shall be and is hereby empowered with the authority to collect said tax by distress and sell all goods and chattels of the taxpayer, as provided therefor by the Local Tax Collection Law of 1945, as amended and supplemented.

~ 53-9. Collection from employer.

There is hereby conferred upon the Tax Collector the power and authority to demand, receive and collect from all corporations, political subdivisions, associations, companies, firms, or individuals employing persons owing per capita taxes, or whose wife owes per capita taxes, or if in possession of unpaid commissions or earnings belonging to any person owing per capita taxes, upon presentation of written notice and demand containing the name of the taxable person or husband thereof, the amount of tax due. Upon presentation of such written notice and demand, it shall be the duty of such corporation, political subdivision, association, company, firm or individual to deduct from the wages. commissions or earnings of such individual employees then owing or that shall within sixty (60) days thereafter become due, or from any unpaid commissions or earnings of any taxable in its or his possession or that shall within sixty (60) days thereafter come into its or his possession, a sum sufficient to pay the respective amount of the per capita taxes due and costs shown upon the written notice and demand, and to pay the same to the Tax Collector of the Borough of Northumberland within sixty (60) days after such notice shall have been given. The employer shall be entitled to deduct not more than two percent (2%) for his expenses for such moneys paid over to the Tax Collector. Upon the failure of such employer to make such deduction when properly notified as herein provided, such employer shall forfeit and pay the amount of such tax for each such taxable whose taxes are not withheld and paid over to the Tax Collector as herein provided, which amount may be recovered by an action of assumpsit in a suit to be instituted by the Tax Collector on behalf of the Borough of Northumberland.

~ 53-10. Records.

The Tax Collector shall keep a correct account of all per capita taxes collected under this Article. He shall mark the same paid on each duplicate at the name of each taxable and the date on which payment was made. The Tax Collector shall remit said taxes to the Treasurer of the Borough of

Northumberland by a separate statement at the same time as other taxes are remitted to the Borough of Northumberland.

~53-ll. Discount; penalty for late payment.

All taxpayers subject to the payment of the per capita taxes herein levied and assessed shall be entitled to a discount of the amount to be determined by resolution of such tax upon making payment of the whole amount thereof within two (2) months after the date of the tax notice. All taxpayers who fail to make payment of any such taxes charged against them for a period of four (4) months after date of the tax notice shall he charged a penalty of the amount to be determined by resolution, which penalty shall be added to the taxes by the Tax Collector and be collected by him.

[**As passed 12/18/2001 as part of Ordinance 2001-13, all fees and penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 53-12. Duties and powers of Tax Collector.

It is the intent of this Article to confer, and there is hereby conferred, upon the Tax Collector all the powers, together with all the duties and obligations, to the same extent and as fully as provided for in the Local Tax Collection Law of 1945, as amended and supplemented.

ARTICLE II
Earned Income
(Adopted 12-29-71 as Ord. No. 269[2]]

~ 53-13. Title; effective date of tax.

This Article shall be known as the "Earned Income Tax Ordinance." The lax hereby levied shall become effective on July 1.

~ 53-14. Definitions and usage.

A. Definitions. The following words and phrases, when used in this article, including the various portions of this section thereof, shall

[2] Editor's Note: Adopted initially 3-3-64 as Ord. No. 221 and continued as provided by Ord. No. 269, adopted 12-29-71.

have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

ASSOCIATION - A partnership, limited partnership or any other unincorporated group of two (2) or more persons.

BUSINESS - An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, fiduciary, association, corporation or other entity alone or in association with some other person or persons.

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.

EARNINGS - Salaries, wages, commissions and other compensation, as defined in this Article.

EMPLOYER - An individual, fiduciary, association or corporation, as defined in this Article, or a governmental body or unit or agency, or any other entity employing one (l) or more persons on a salary, wages, commission or other compensation basis.

INCOME TAX ADMINISTRATOR - The Secretary of the Borough of Northumberland or such other person as may be empowered by Borough Council to administer the provisions of this Article.

NET PROFITS - The net income from the operation of a business or other activity after provisions for all costs and expenses incurred in the conduct thereof, either paid or accrued in accordance with the accounting system used in such business or other activity, but without deduction of taxes, federal or state or local, based on income.

PERSON - An individual, fiduciary, association, corporation or other entity. Whenever used in any section prescribing and imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

RESIDENT - An individual domiciled in the Borough of Northumberland.

SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION - Salaries, wages, commissions, bonuses, incentive payments, fees and tips that may be paid to or received by an individual for services rendered, or that may accrue to such individual in accordance with the established accounting procedure, whether directly or through an agent, and whether in cash or in property or by entry of cash benefit, and regardless of the place where services are performed: but excluding periodic payments for sick or disability benefits and those commonly recognized as old-age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment, and public assistance or unemployment compensation benefits, and any wages or compensation paid by the United States to any person for active service in or recognized reserve duty under the provisions of programs of the Army, the Navy or Air Force of the United States or the Commonwealth of Pennsylvania or of any other state for such service.

TAXABLE PERIOD - The period beginning on July 1, 1964 and ending December 31, 1964, provided that for additional calendar years the "taxable period' shall be January 1 to December 31 of the same year.

TAXPAYER - A person required hereunder to file a return of earnings or net profits or to pay a tax thereon.

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

~ 53-15. Imposition of tax.

A tax for general revenue purposes of one-half of one percent (.5 of 1%) is hereby imposed on the following:

A. Net profits earned by the residents of the Borough of Northumberland during the taxable period.

B. Salaries, wages, commissions and other compensation earned by residents of the Borough of Northumberland during the taxable period.

~ 53-16. Declaration and payment.

A. Every taxpayer who can reasonably be expected to earn net profits or earnings not subject to provisions of ~ 53-17 relating to collection at source shall make and file with the Income Tax Administrator, on a form prescribed by the Income Tax Administrator, a declaration of the estimated tax imposed thereon by this Article and such other relevant information as the Income Tax Administrator may require.

B. The declaration of estimated tax shall be filed and the tax shall be paid at the following times:

(1) If said net earnings or profits cannot reasonably be expected on or before the 15th day of October of the taxable period, the taxpayer shall file a declaration on or before said date and shall pay the estimated tax shown thereof in equal quarterly installations on or before the said 15th day of October and on or before the 15th day of the following January, April and July.

(2) If said net earnings or profits cannot reasonably be expected on or before October 15th of the taxable period, but can reasonably be expected subsequent to said date, the taxpayer shall file his declaration on or before the first of said remaining quarterly installment dates on which the taxpayer can first reasonably be expected to earn such net profits or earning and shall pay the estimated tax shown thereof in equal installments on or before said remaining quarterly installment dates.

(3) If, during the immediately preceding taxable period, the taxpayer filed a declaration on a calendar year basis setting for his estimated net profits or earnings for the current calendar year, then, in lieu of filing his declaration and making payments thereon at the times set forth in Subsections (1) or (2) immediately hereinabove, he may, on or before the 15th day of October and January of the taxable period, pay the quarterly installments of the estimated tax according to the declaration period filed, and, on or before

the 15th day of April of the taxable period, file a declaration of the estimated tax for the portion of the taxable period included in the calendar year, and pay said tax in equal installments on or before said 15th day of April and the 15th day of the following July.

(4) If, during the immediately preceding taxable period, the taxpayer filed a declaration on a fiscal year basis different from the preceding taxable period, setting forth his estimated net profits or earnings for a period included in the taxable period, then, in lieu of filing his declaration and making payments thereon at the times set forth in Subsections (1) or (2) immediately hereinabove, he may pay the quarterly installments of the estimated tax according to declaration filed for the position of the taxable period included in said fiscal year, and, on or before the 15th day after the close of the fiscal year, file a declaration of the estimated tax for the portion of the taxable period in the said succeeding year and pay said tax in equal quarterly installments beginning with the due date of the filing and ending with the first installment hue date after the close of the taxable period.

(5) If the taxpayer, not having done so during the immediately preceding taxable period, elects to file a declaration during the taxable period on a calendar year basis or on a fiscal year basis different from the taxable period, he may do so by complying with the applicable provisions of Subsection (1) and (2) immediately hereinabove for such portion of the taxable period as shall be included in such calendar or fiscal year.

C. Where a taxpayer who has filed a declaration required hereinabove shall thereafter reasonably expect to earn during the taxable period additional net profits or earnings not subject to collection at source, or finds that he has overestimated his net profits or earnings, he may file an amended declaration with the Income Tax Administrator, setting forth such relevant information as the Income Tax Administrator may require.

D. Every taxpayer who is required to file a declaration of estimated tax under the provisions of this section shall make and file with the Income Tax Administrator, on a form prescribed by the Income Tax Administrator, a final return showing all net profits and earnings during the taxable period, the total amount of the tax due thereon, the amount of the estimated tax paid under the provisions of this section, the amount of the tax that has been withheld pursuant to the provisions of 53-17 and the balance of the tax due.

E. The final return shall be filed at the following times:

(1) If the taxpayer's declaration is filed on a calendar year basis, he shall file his final return on or before the 15th day of April after the close of such calendar year.

(2) If the taxpayer's declaration is filed on a fiscal year basis different from the taxable period, he shall file his final return on or before the 15th day of October after the close of the taxable period.

F. The percentage of the total net profits of any calendar or fiscal year of a taxpayer beginning or ending within the taxable period to which the tax imposed by this Article shall be applicable shall be equal to the same percentage of such total net profits as the number of days in any such year within the taxable period bears to the equal number of the days in any such year.

G. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for a refund or credit for overpayment.

H. In the event of the death of the taxpayer during the taxable period, his personal representative or, in absence of a personal preventative, his heirs as designated by the Pennsylvania Intestate Act of 1947, as amended, or as hereafter amended or supplemented, shall file his final return within sixty (60) days after the taxpayer’s death and pay the tax due or demand a refund in case of overpayment.

I. In the event the taxpayer's taxable net earned income consists solely of salary, wage, commission or other compensation, the tax on which is withheld by his employer and returned to the Income Tax Administrator, such taxpayer shall be relieved of the necessity of filing a return.

J. The final return shall include net profits and earnings taxable under any other ordinance of the said Borough of Northumberland for the calendar year or fiscal year, so that but one (1) inclusive return shall be filed by every taxpayer for any one (1) calendar or fiscal year.

~ 53-17. Collection at source.

A. Every employer doing business within the Borough of Northumberland who employs one (1) or more residents on a salary, wage, commission or other compensation basis shall deduct at the time of payment thereof the tax imposed by this Article on the earnings due to his employee or employees, and, within thirty (30) days after the 30th day of September of the taxable period and within thirty (30) days after each quarter of year thereafter, shall make and file a return with the Income Tax Administrator, setting forth the taxes so deducted and such other relevant information as the Income Tax Administrator may require, and shall pay to the Borough of Northumberland the amount of taxes so deducted.

B. On or before the 15th day of February of the taxable period and the next succeeding taxable period, every employer shall make and file with the Income Tax Administrator, on a form prescribed by the Income Tax Administrator.

(1) A return similar to Form W-3 of the Internal Revenue Service of the United States Treasury Department, showing the total amount of the earnings of his employee or employees during the portion of the preceding calendar year embraced within the taxable period, the amount of tax deducted and the total amount of tax paid to the Borough of Northumberland.

(2) A return for each employee similar to Form W-2 of the Internal Revenue Service of the United States Treasury Department, showing the total amount of the employee's earnings during the portion of the preceding calendar year embraced within the taxable period and such other relevant information as the Income Tax Administrator may require. Such employer, on or before February 15 of each of said years, shall furnish a copy of such return to the employee named in the return.

The said return shall include the earnings taxable under any other ordinance of the Northumberland Borough for the same calendar year, so that one (1) W-2 or W-3 return shall be filed by an employer for any one (1) calendar year.

C. Every employer who discontinues business prior to the Close of the taxable year shall, within thirty (30) days after the discontinuance of business, file the returns hereinabove required and pay the tax due. Where discontinuance of business is due to the death of the employer, his personal representative or, in the absence of a personal representative, his heirs as designated by the Pennsylvania Intestate Law of 1947, as amended, or hereafter amended or supplemented, shall, within sixty (60) days after the death of the employer, file his return and pay the tax due or demand refund in case of overpayment.

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

E. If an employer makes a deduction of tax as require by the section, the amount deducted shall constitute in the hands of such employer shall not be required in respect to earnings of domestic servants or farm labor nor casual labor not in the course of the employer's business. This subsection shall not be construed to exempt such employees from the requirements of filing a declaration and a return of such earnings and the payment of the tax thereon under the provisions of ~ 53-16.

~ 53-18. Powers and duties of Income Tax Administrator.

A. It shall be the duty of the Income Tax Administrator to collect and receive the taxes, fines and penalties imposed by this Article and it shall also be his duty to keep a record showing the amount received by him from each person paying the tax and, if paid by such person in respect of another person, the name of such other person and the date of such receipt.

B. The Income Tax Administrator is hereby charged with the administration and enforcement of the provisions of this Article and is hereby empowered, subject to approval by the Council of the Borough of Northumberland, 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 the declarations and returns and of payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this Article.

C. The Income Tax Administrator, and the agent designated in writing by him, are hereby authorized to examine the books, papers and records of any person in order to verify the accuracy of any declaration or return, if no declaration or return was filed, to ascertain the tax due. Every person is hereby directed and required to give to the Income Tax Administrator or to any agent so designated by him the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

D. Any information gained by the Income Tax Administrator, his agents or by any other official, agent or employee of the Borough of Northumberland as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this Article shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this Article or as otherwise provided by law.

E. Any person aggrieved by any action of the Income Tax Administrator shall have the right of appeal as provided by law.

~ 53-19. Suit for collection.

A. The Income Tax Administrator may sue in the name of the Borough of Northumberland 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 six (6) years after such tax is due or within six (6) 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 case:

(1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under the provisions of this Article.

(2) Where false or fraudulent declaration or return was filed with intent to evade tax.

(3) Where any person has deducted taxes under the provisions of this Article and has to pay the amounts so deducted to the Borough of Northumberland.

~ 53-20. Interest and penalties.

If any tax is not paid when due, interest at the rate of six percent (6%) per annum on the amount of the said tax, and an additional penalty of one-half percent (.5%) of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

~ 53-21. Payment and refunds.

The Income Tax Administrator is hereby authorized to accept payment of the amount claimed by the Borough of Northumberland in any case where any person disputes the validity of the amount of the borough's claim for the tax. If it is thereafter judicially determined by a court of

competent jurisdiction that there has been an overpayment to the Income Tax Administrator, the amount of the overpayment shall be refunded to the person who paid.

~53-22. Applicability.

The tax imposed by this Article shall not apply:

A. To any person as to whom it is beyond the legal power of the Borough of Northumberland to impose the tax herein provided for under the Constitution of the United States or the Constitution or Laws of the Commonwealth of Pennsylvania.

B. To any institution or organization operated for public, religious, educational or charitable purposes, to any institution or organization nor organized or operated for private profit or to a trust or foundation established for any of the said purposes.

C. To the net profits of any corporation which is subject to the Pennsylvania Corporate Net Income Tax or exempt from the Pennsylvania Corporate Net Income Tax, and any foreign corporation which is subject to the Pennsylvania Franchise Tax or exempt from the Pennsylvania Franchise Tax.

~ 53-23. 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 pay any tax deducted from his employees: any person who refuses to permit the Income Tax Administrator or any agent properly designated by him to examine his books, records and paper: and any person who makes an incomplete, false or fraudulent return to avoid the payment of the whole or any part of the tax imposed by this Article, shall upon conviction thereof before a District Magistrate having jurisdiction, be sentenced to pay a fine of not more than five hundred dollars ($500.00) for each offense, together with costs of prosecution.

B. Any person who, except as permitted by the provisions of ~ 53-18D of this Article, divulges any information which is confidential

under the provisions of 53-18I), shall, upon conviction thereof before a District Magistrate having jurisdiction, be sentenced to pay a fine of not more than three hundred dollars ($300.00) for each offense, and costs, or be committed to the Northumberland County Jail for a period not exceeding thirty (30) days, or both.

C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Article.

D. The failure of any person to receive or procure the forms required for making any declaration or return required by this Article shall not excuse him from making such declaration or return.

ARTICLE III
Emergency and Municipal Services Tax
[This tax replaces the Occupational Privilege Tax Adopted 12-29-71 as Ord. No. 267; Amended 12-19-05 by Ord. 2005-9; Amended 2-06-07 by Ord. 2007-1]

~ 53-24. Tax levied.

For purposes of (1) Road Construction and/or Maintenance; (2) Police, Fire, and/or Emergency services; and/or (3) Reduction of Property Taxes, the Borough of Northumberland here by levies a tax upon the privilege of engaging in an occupation during the fiscal year. Each individual who exercises such privilege shall pay the tax in the amount of Forty ($40.00) Dollars in accordance with this Ordinance. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Borough of Northumberland; provided, however, that there is hereby exempted from this tax any person whose total income from all sources is less than Twelve Thousand ($12,000) Dollars per annum.

~ 53-25. Collection; bonding of collector.

Said tax shall he collected by the duly elected Secretary of the Borough of Northumberland, and the said Secretary shall give bond secured and conditioned for the collection and payment of such taxes, as provided by law for other borough taxes.

~ 53-26. Deduction by employers.

Each employer within the Borough of Northumberland, as well as each employer outside the Borough of Northumberland, but engaging in business within the Borough of Northumberland, is hereby charged with the duty of collecting the said tax of Forty ($40.00) Dollars per year, in accordance with the terms of this ordinance, from each employee who engaged in an occupation, as herein defined, for the benefit of said employer or in the service of said employer within the Borough of Northumberland during the fiscal year. Such employer shall make a return and payment of said tax to the Tax Receiver, and each such employer is hereby authorized to deduct said tax from each such employee, whether or not such employee is paid by salary, wages, commission, and whether or not part or all of such services are performed within the Borough of Northumberland.

~ 53-27. Self-employed persons.

Any person who is self-employed or conducts a profession in the Borough of Northumberland is subject to the payment of said tax and shall pay to the Borough Secretary the sum of forty dollars ($40.00) per year for the privilege of conducting his business or profession in the Borough of Northumberland. Said sum shall be payable on or before the first day of March of each and every year.

~ 53-28. Discount; penalty for late payment. [Removed]

~ 53-29. Collection from employer.

There is hereby conferred upon the Secretary of the Borough of Northumberland the power and authority to demand, receive and collect from all corporations, political subdivisions, associations, companies, firms or individuals employing persons owing emergency and municipal services taxes, or whose wife owes emergency and municipal services taxes, or if in possession of unpaid commissions or earnings belonging to any person owing emergency and municipal services taxes or whose wife owes emergency and municipal services taxes, upon the presentation of written notice and demand containing the name of the taxable or husband thereof, the amount of tax due. Upon the presentation of such written notice and demand, it shall be the duty of such corporation, political subdivision, association, company, firm or individual to deduct from the wages, commissions or earnings of such individual employees then owing or that

shall within sixty (60) days thereafter become due, or from any unpaid commission or earnings of any taxable in its or his possession or that shall within sixty (60) days thereafter come into its or his possession, a sum sufficient to pay the respective amount of the emergency and municipal services taxes and costs shown upon the written notice or demand, and to pay the same to the Secretary of the Borough of Northumberland within sixth (60) days after such notice shall have been given. Upon the failure of such employer to make such deduction when properly notified as herein provided, such employer shall forfeit and pay the amount of such tax for each taxable whose taxes are not withheld and paid over to the Borough Secretary as herein provided, which amount may be recovered by an action of assumpsit in a suit to be instituted by the Secretary on behalf of the Borough of Northumberland.

ARTICLE IV
Real Property

~ 53-30. Current ordinance on file.

A copy of the ordinance or resolution establishing the current rate of the tax levied annually on the assessed valuation of real property within the borough is kept on file in the office of the Borough Secretary for examination and inspection by the public.

ARTICLE V
Realty Transfer Tax
[Adopted 12-4-79 as Ord. No. 357]

~53-31. Definitions.

The following words when used in this Article shall have meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

ASSOCIATION - A partnership, limited partnership, or any other form of unincorporated enterprise, owned or conducted by two (2) or more persons.

CORPORATION - A corporation or joint-stock association organized under the laws of this commonwealth, the United States, or any other state, territory or foreign country dependency, including but not limited premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises or any transfer from purchase money mortgagor to the vendor holding the purchase money mortgage whether pursuant to a foreclosure or in lieu thereof, or conveyances to municipalities, townships, school districts and counties pursuant to acquisition by municipalities, townships, school districts and counties of tax delinquent properties at sheriff sale or tax claim bureau, or any transfer between religious organizations or other bodies or persons holding title to real estate for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale.

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

VALUE - In the case of any document granting, bargaining, selling or otherwise conveying any land, tenement or hereditament, or interest therein, the amount of the actual consideration therefor, including liens or other encumbrances thereon, and ground rents, or a commensurate part of the liens or other encumbrances thereon, and ground rents, where such liens or other encumbrances and ground rents, also encumber or are charged against other

lands, tenements or hereditaments, provided that, where such documents shall set forth a small or nominal consideration, the "value" thereof shall be determined from the price set forth in, or actual consideration for, the contract of sale or, in the case of a gift, or any other document without consideration, from the actual monetary worth of the property granted, bargained, sold, or otherwise conveyed, this in either event shall not be less than the amount of the highest assessment of such lands, tenements or hereditaments for local tax purposes.

~53-32. Rate.

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 resented for recording shall be subject to pay for and in respect to the transaction or any part thereof, or for or in respect of the vellum, parchment or paper upon which such document is written or printed, a tax at the rate of one per centum (1%) of the value of the property represented by such document, which tax shall be payable at the time of making, execution, delivery, acceptance or presenting for recording, such document.

~ 53-33. Transfers by real estate brokers.

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 part of the consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer. If the tax due upon the transfer from the licensed real estate broker is greater than the credit given for the prior transfer, the difference shall be paid, and, if the credit allowed is greater than the amount of the tax due, no refund shall be allowed.

~ 53-34. Value of document to be set forth.

Every document, when lodged with or presented to any recorder of deeds in this commonwealth 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 an affidavit 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.

~ 53-35. Adoption of regulations.

The regulations of the Department of Revenue of the Commonwealth of Pennsylvania relating to the state realty transfer tax, as they may from time to time be amended, are hereby adopted as the regulations of the Borough of Northumberland relating to the borough realty transfer tax.

~ 53-36. Collection agent.

The Recorder of Deeds of Northumberland County, Pennsylvania, is hereby appointed the borough's agent for collection of the realty transfer tax. A commission shall be allowed to said Recorder's one percent (1%) of the collected.

~ 53-37. Violations and penalties.

It shall be unlawful for any person to make, execute, deliver, accept, or present for recording, or cause to be made, executed, delivered, accepted, or presented for recording, any document without the full amount of the tax thereon being duly paid. Any person violating the provisions of this Article shall, upon conviction therefor, be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and costs and, upon default of the payment of said fine and costs, to undergo imprisonment for not more than thirty (30) days.

~ 53-38. Collection of unpaid taxes.

Unpaid taxes may be collected by suit in assumpsit or other appropriate remedy. Upon each such judgment, execution may be issued without any stay or benefit of any exemption law.

ARTICLE I
Parking Meters

~ 58-1. Streets designated.

~ 58-2. Placement of meters.

~ 58-3. Parking spaces.

~ 58-4. Placement of vehicles in parking space.

~ 58-5. Deposit of coins.

~ 58-6. Unlawful deposit of coins.

~ 58-7. Parking overtime.

~ 58-8. Unlawful substitute coins.

~ 58-9. Tampering with meters.

~ 58-10. Reporting violations; notifying violators.

~ 58-11. Use of moneys collected.

~ 58-12. Violations and penalties.

~ 58-13. Authorization for payment of meters.

~ 58-14. Collection of coins from meters.

~ 58-15. Definitions and interpretation.

~ 58-16. Manner of adopting permanent regulations

ARTICLE II
General Regulations

~ 58-17. Temporary and emergency regulations.

~ 58-18. Experimental regulations.

~ 58-19. Authority of peace officers.

ARTICLE III
Traffic Regulations

~ 58-20. Driving on sidewalks.

~ 58-21. Speed limits established.

~ 58-22. Stop intersections established.

~ 58-23. One-way street established.

~ 58-24. Operation on closed highways.

~ 58-25. Accident reports required.

~ 58-26. Use of Engine Retarders/ “Jake Brakes” Prohibited.

ARTICLE IV
Parking Regulations

~ 58-27. Parking without lights authorized.

~ 58-28. Vehicles parked within marked spaces.

~ 58-29. Prohibited parking.

~ 58-30. Parking prohibited between certain hours.

~ 58-31. Violations and penalties.

ARTICLE V
Snow and Ice Emergency

~ 58-32. Declaration of emergency.

~ 58-33. Parking prohibition.

~ 58-34. Placement of signs.

~ 58-35. Highways affected.

ARTICLE VI
Removal and Impounding of Illegally Parked Vehicles

~ 58-36. Authority to remove and impound.

~ 58-37. Designation of storage garages; bonding.

~ 58-38. Towing, storage charges.

~ 58-39. Notification of removal and impounding.

~ 58-40. Effect of payment without protest.

~ 58-41. Effect of payment under protest.

~ 58-42. Records.

~ 58-43. Liability.

~ 58-44. Restrictions.

ARTICLE VII
RULES & REGULATIONS FOR ROADWAYS UNDER CONSTRUCTION

~58-45. Legislative Intent

~58-46. Declaration of Construction Zone

~58-47. Rules and Regulations

~58-48. Penalties

ARTICLE VIII
Rules & Regulations Limiting the Use of Certain Commercial Vehicles in Designated Areas

~58-49. Definitions

~58-50. Rules and Regulations.

~58-51. Exclusions.

~58-52. Penalties.

[HISTORY: Adopted by the Council of the Borough of Northumberland: Article I, 1-6-48 as Ord. No. 146; Articles II through VI, upon adoption of Code; see Ch. 1, General Provisions. Amendments noted where applicable.]

ARTICLE I
Parking Meters
[Adopted 1-6-48 as Ord. No. 146]

~ 58-1. Street designated. [Amended 10-5-54 by Ord. No. 163; 6-5-73 by Ord. No. 275; 9-10-91 by Ord. No. 430; 12-21-24 by Ord. No. 2004-6]

It shall be unlawful for any owner or operator of any motor vehicle or any other vehicle to park said vehicle between the hours of 9:00 a.m. and 5:00 p.m. on Monday through Friday, inclusive, in violation of the provisions of this Article, upon the portions of the streets herein described in Borough of Northumberland, which portions of the streets are hereby established and designated as parking meter zones, to wit:

A. Front Street, between Duke Street and King Street;

B. Queen Street, between Second Street and Water Street; except spaces as are or shall hereafter be designated as bus and taxi spaces, unloading and loading spaces, entrances to hotels, theaters, fireplugs and other places where parking is now or may hereafter be prohibited or allowed.

~ 58-2. Placement of meters.

Parking meters installed in the parking meter zones established as provided in ~ 58-1 hereof shall be placed upon the sidewalk and immediately adjacent to the individual parking spaces hereinafter described. Each parking meter shall be placed or set in such manner as to show that the parking space adjacent to such meter is or is not 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 its dial the duration of the period of legal parking, and on expiration of such period shall indicate illegal parking or overparking.

~ 58-3. Parking spaces.

There shall be lines or markings painted or placed on the curb, sidewalk or upon the streets adjacent to each parking meter, for the purpose of designating the parking space for which said meter is to be used. Parking shall be parallel with the curb, and meters shall be placed approximately

twenty-two (22) feet apart. Each vehicle parked adjacent to or next to any parking meter shall be parked within the lines or markings so placed. It shall be unlawful and a violation of this Article to park any vehicle across such line or marking 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.

~ 58-4. Placement of vehicles in parking space.

Any vehicle parked in a parking space in any parking meter zone shall be parked so that the foremost or front of such vehicle shall be nearest to the parking meter.

~ 58-5. Deposit of coins.

When any vehicle shall be parked during the time of limited parking in any space adjacent to which a parking meter is located, the owner or operator of said vehicle shall, upon entering the said parking space, immediately deposit or cause to be deposited “U.S. legal tender” in such parking meter 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 “U.S. legal tender” 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, to wit: thirty (30) minutes of parking for one nickel, one (1) hour of parking for one dime, and two (2) hours of parking per quarter. 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 time has expired, such vehicle shall be considered as parking overtime, and the parking of a vehicle overtime shall be considered a violation of this Article.

~ 58-6. Unlawful deposit of coins.

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 coins for the purpose of increasing or extending the parking time to be specified on the meter.

~ 58-7. Parking overtime.

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 space.

~ 58-8. Unlawful substitute coins.

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 or any object except “U.S. legal tender”.

~ 58-9. Tampering with meters.

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 any parking meter installed under this Article.

~ 58-10. Reporting violations; notifying violators.

A. It shall be the duty of the police officers of the Borough of Northumberland, acting in accordance with the instructions issued by the Chief of Police, to report to the proper designated officials:

(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, the knowledge of which is necessary to a thorough understanding of the circumstances of such violation.

B. Each such police officer shall also attach to or 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 to the place therein designated in regard to such violation. Each such owner or operator may, within twenty-four (24) hours of the time when such notice was attached to or placed on such vehicle, pay to the person therein designated, as a penalty for and in full satisfaction of such

violation, the sum of [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

C. The failure of such owner or operator to make such payment at the place designated within said twenty-four (24) hours of said violation shall render such owner or operator subject; to the penalties hereinafter provided for violation of the provisions of this Article.

~ 58-11. Use of moneys collected.

The amount of the coins required to be deposited in the parking meters as provided in this Article are hereby levied and assessed as fees to cover a portion of the costs of installation, operation, maintenance, inspection, supervision, control and use of the parking meters and parking spaces, regulation of the parking of vehicles, street cleaning and maintenance in the parking zones created hereby, police supervision, and protection against potential Liability for negligence, for the maintenance of any traffic upon the streets in said borough and for general purposes in relief of taxes on real estate.

~ 58-12. Violation and penalties. [Amended 9-2-80 by Ord. No. 359; 7-1-86 by Ord. No. 391; 11-5-96 by Ord. No. 446]

A. Any person violating any of the provisions of this Article, except for ~ 58-9 thereof, shall, be subject to penalties determined by resolution. [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

B. A notice of any violation of the provision of this Article except ~ 58-9, shall be placed upon the vehicle parked, stopped or standing in violation thereof. Such notice shall provide that the violator can save himself from payment of the maximum fine and costs of prosecution if:

(1) Within twenty-four (24) hours after the time of said notice he shall:

(a) Pay to the desk clerk of the Police Department of the Borough of Northumberland the sum designated on the notice;

(b) Place such sum in any of the special boxes installed in various places in the Borough of Northumberland within twenty-four (24) hours after the time of such notice; or

(c) Mail such sum to the Police Department of the Borough of Northumberland so that said Department within twenty-four (24) hours after the time of such notice receives it.

~ 58-13. Authorization for payment of meters.

The proper officers of the borough are hereby authorized and directed to enter into a contract for the purchase and installation of parking meters, the payment of such meters and the installation of parking meters, the payment of such meters and the installation of same to be provided for solely from the receipts, funds and revenue 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 from time to time to enter into a contract or contracts for parts and maintenance exclusively from the receipts, funds and revenues received from the operation of said parking meters.

~ 58-14. Collection of coins from meters.

Council shall designate some person or persons who shall collect the coins deposited in such parking meters. In collecting such coins, the person or persons designated shall remove the sealed coin chamber or compartment from each parking meter and deliver the same with seals unbroken to such person who shall be designated by the Council of the Borough of Northumberland. The said person so designated shall open the sealed coin chambers or compartments, count the coins so delivered and deposit it to the credit of the Northumberland Borough in an account designated "Parking Meter Fund."

ARTICLE II
General Regulations

~ 58-15. Definitions and interpretation.

A. Words and phrases, when used in Articles II through VI, shall have the meanings ascribed to them in The Vehicle Code of Pennsylvania, as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

B. The term “legal Holidays” as used in Article II through VI mean and include: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

C. In Article II through VI, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

~ 58-16. Manner of adopting permanent regulations.

All traffic and parking regulation of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Borough of Northumberland.

~ 58-17. Temporary and emergency regulations.

A. The Mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

(1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations

(2) In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than seventy-two (72) hours.

B. The Mayor and the Police Department shall enforce such temporary and emergency regulations in the same manner as permanent regulations. Any person who shall operate or park a

vehicle or tractor in violation of any such regulation, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in Articles II through VI for a violation of such nature, or, in case of a violation for which no specific penalty is set forth in the law or elsewhere in Articles II through VI to a penalty as determined by Resolution. [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 58-18. Experimental regulations.

The Borough Council may, from time to time, designate places upon and along the highway in the borough where, for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective just as if they had been specified in Articles II through VI. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in Articles II through VI for a violation of such nature, or in case of a violation for which no specific penalty is set forth in the law or elsewhere in Articles II through VI, to a fine of [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]** provided, the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the borough relative to traffic and parking.

~ 58-19. Authority of peace officers.

The peace officers of the borough are hereby given authority to direct traffic on the highways of the borough and at intersections thereof.

ARTICLE III
Traffic Regulations

~ 58-20. Driving on sidewalks.

No person shall operate a motor vehicle or tractor upon any sidewalk in the borough, nor shall any person operate a motor vehicle upon or across any sidewalk except in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been properly cut down for the purpose. Any person who shall violate any provision of this section shall,[**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 58-21. Speed limits established.

A. The following speed limits are hereby established:

Name of Street	Location	Speed Limit (mph)
	(Reserved)	

B. Any person who shall operate a vehicle or tractor at a speed in excess of that established therefor upon any highway or portion thereof specified in this section shall, upon conviction thereof, be sentenced to [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 58-22. Stop intersections established.

A. The following intersections are hereby established as stop intersections, and official stop signs shall be erected (or are hereby confirmed if heretofore erected) in such a position as to face traffic approaching the second-named highway upon the first-named highway. All vehicles and tractors approaching any such intersection upon the first-named highway shall come to a full stop, within a reasonable distance, before entering any such intersection.

Name of Street	Intersection

Brickyard Alley [Added 6-7-83 by Ord. No. 383]	Duke Street
Brickyard Alley [Added 6-7-83 by Ord. No. 383]	Sheetz Avenue
Buchanan Avenue [Added 1-7-97 by Ord. No. 449]	Susquehanna Road
Church Avenue [Added 6-7-83 by Ord. No. 383]	Duke Street
Church Avenue [Added 6-7-83 by Ord. No. 383]	Hanover Street
Church Avenue [Added 6-7-83 by Ord. No. 383]	Sheetz Avenue
Church Avenue [Added 8-20-02 by Ord. No. 2002-9]	Wheatley Avenue
Depot Avenue [Added 6-7-83 by Ord. No. 383]	Duke Street
Duke Street [Added 6-7-83 by Ord. No. 383]	Eighth Street
Duke Street [Added 6-7-83 by Ord. No. 383]	Route 147
Elliott Drive [Added 6-7-83 by Ord. No. 383]	Fifth Street
Fifth Street [Added 6-7-83 by Ord. No. 383]	Duke Street
Fifth Street [Added 6-7-83 by Ord. No. 383]	Hanover Street
Fifth Street	King Street
Fifth Street	Orange Street
Fifth Street	Queen Street
Fifth Street [Added 6-7-83 by Ord. No. 383]	Strawbridge Road
Fourth Street [Added 6-7-83 by Ord. No. 383]	Duke Street
Fourth Street [Added 6-7-83 by Ord. No. 383]	Hanover Street
Name of Street	Intersection
Fourth Street [Added 6-7-83 by Ord. No. 383]	King Street

Fourth Street	Orange Street
Fourth Street	Queen Street
Front Street [Added 6-7-83 by Ord. No. 383]	Duke Street
Hanover Street [Added 6-7-83 by Ord. No. 383]	Fifth Street
Hanover Street [Added 6-7-83 by Ord. No. 383[	Front Street
Hanover Street [Added 6-7-83 by Ord. No. 383]	Priestley Avenue
Hanover Street [Added 9-19-00 by Ord. No. 2000-2]	Second Street
Hanover Street [Added 6-7-83 by Ord. No. 383]	Seventh Street
Hanover Street [Added 6-7-83 by Ord. No. 383]	Sixth Street
Hanover Street	Third Street
Hanover Street [Added 6-7-83 by Ord. No. 383]	Water Street
Honey Locust Lane [Added 6-7-83 by Ord. No. 383]	Susquehanna Road
Horizon Avenue [Added 6-7-83 by Ord. No. 383]	Strawbridge Road
Jefferson Street [Added 6-7-83 by Ord. No. 383]	Strawbridge Road
Jefferson Street [Added 1-7-97 by Ord. No. 449]	Buchanan Avenue
Jefferson Street [Added 8-2-05 by Ord. No. 2005-3]	Madison Avenue
King Street [Added 6-7-83 by Ord. No. 383]	Eighth Street
King Street [Added 12-19-96 by Ord. No. 448]	Fifth Street
Name of Street	Intersection
King Street [Amended 6-7-83 by Ord. No. 383]	Fourth Street

King Street [Added 6-7-83 by Ord. No. 383]	Front Street
King Street	Second Street
King Street [Amended 6-7-83 by Ord. So. 383]	Sixth Street
King Street [Added 12-19-96 by Ord. No. 448]	Seventh Street
Leighow Avenue [Added 6-7-83 by Ord. No. 383]	Strawbridge Road
Madison Avenue [Added 6-7-83 by Ord. No. 383]	Woodrow Avenue
North Street [Added 6-7-83 by Ord. No. 383]	Pond Avenue
North Street [Added 6-7-83 by Ord. No. 383]	Seventh Street
North Street [Added 6-7-83 by Ord. No. 383]	Sixth Street
Old Danville Highway [Added 6-7-83 by Ord. No. 383]	Front Street
Orange Street [Added 6-7-83 by Ord. No. 383]	Eighth Street
Orange Street [Added 6-7-83 by Ord.No.383]	Front Street
Orange Street [Added 6-7-83 by Ord. No. 383]	Priestley Avenue
Orange Street	Second Street
Orange Street [Added 6-7-83 by Ord. No. 383]	Seventh Street
Orange Street [Amended 6-7-88 by Ord. No. 383]	Sixth Street
Orange Street	Water Street
Park Avenue [Added 6-7-83 by Ord. No. 383]	Duke Street
Name of Street	Intersection
Park Avenue [Added 6-7-83 by Ord. No. 383]	Hanover Street
Park Avenue [Added 6-7-83 by Ord. No. 383]	King Street

Park Avenue [Added 6-7-83 by Ord. No. 383]	Orange Street
Park Avenue [Added 6-7-83 by Ord. No. 383]	Prince Street
Park Avenue [Added 6-7-83 by Ord. No. 383]	Sheetz Avenue
Park Avenue [Added 6-7-83 by Ord. No. 383]	Wallace Street
Park Avenue [Added 6-7-83 by Ord. No. 383]	Wheatley Avenue
Permastone Drive [Added 6-7-83 by Ord. No. 383]	Hanover Street
Permastone Drive [Added 6-7-83 by Ord. No. 383]	Prince Street
Pond Alley [Added 6-7-83 by Ord. No. 383]	Duke Street
Pond Alley [Added 6-7-83 by Ord. No. 383]	Prince Street
Pond Alley [Added 6-7-83 by Ord. No. 383]	Wallace Street
Priestley Avenue [Added 6-7-83 by Ord. No. 383]	Hanover Street
Priestley Avenue [Added 6-7-83 by Ord. No. 383]	King Street
Priestley Avenue [Added 5-22-02 by Ord. No. 2002-7]	Orange Street
Priestley Avenue [Added 6-7-83 by Ord. No. 383]	Queen Street
Prince Street [Added 6-7-83 by Ord. No. 383]	Sixth Street
Prince Street [Added 6-7-83 by Ord. No. 383]	Third Street
Prince Street [Added 8-20-02 by Ord. No. 2002-9]	Strawbridge Road

(Right turn onto Strawbridge Road from Prince Street is still permitted.)

Name of Street	Intersection
Prince Street [Added 8-2-05 by Ord. No. 2005-3]	Seventh Street
Queen Street [Added 6-7-83 by Ord. No. 383]	Eighth Street

Queen Street [Added 6-7-83 by Ord. No. 383]	Front Street
Queen Street [Amended 6-7-83 by Ord. No. 383]	Seventh Street
Queen Street [Amended 6-7-83 by Ord. No. 383]	Sixth Street
Queen Street [Amended 6-7-83 by Ord. No. 383]	Third Street
Queen Street [Added 6-7-83 by Ord. No. 383]	Water Street

(Right turn ONLY at stop sign on east and west sides of Queen Street at Water Street. (East bound traffic on Queen Street may only turn right to travel south on Route 11 and westbound traffic on Queen Street may only turn right to travel north on Route 11.) [Added 6-17-03 by Ord. No. 2003-3]

Riverview Drive [Added 6-7-83 by Ord. No. 383]	Prince Street
Ropewalk Avenue [Added 6-7-83 by Ord. No. 383]	Duke Street
Ropewalk Avenue [Added 5-22-02 by Ord. No. 2002-7]	Wheatley Avenue
Second Street [Added 6-7-83 by Ord. No. 383]	Duke Street
Second Street [Added 6-7-83 by Ord. No. 383]	Hanover Street
Second Street	King Street
Second Street	Orange Street
Second Street [Added 6-7-83 by Ord. No. 383]	Prince Street
Second Street	Queen Street
Seventh Street [Added 6-7-83 by Ord. No. 383]	Duke Street

Name of Street	Intersection
Seventh Street [Added 6-7-83 by Ord. No. 383]	King Street
Seventh Street [Added 6-7-83 by Ord. No. 383]	Queen Street
Sheetz Avenue [Added 6-7-83 by Ord. No. 383]	Church Avenue

Sheetz Avenue [Added 6-7-83 by Ord. No. 383]	Front Street
Sheetz Avenue [Added 5-22-02 by Ord. No. 2002-7]	Park Avenue
Sheetz Avenue [Added 6-7-83 by Ord. No. 383]	Ropewalk Avenue
Sheetz Avenue [Added 6-7-83 by Ord. No. 383]	Second Street
Sheetz Avenue [Added 6-7-83 by Ord. No. 383]	Sixth Street
Sheetz Avenue [Added 6-7-83 by Ord. No. 383]	Water Street
Sixth Street [Added 6-7-83 by Ord. No. 383]	Duke Street
Sixth Street [Added 5-22-02 by Ord. No. 2002-7]	Hanover Street
Sixth Street [Added 6-7-83 by Ord. No. 383]	King Street
Sixth Street [Added 6-7-83 by Ord. No. 383]	Orange Street
Sixth Street [Added 6-7-83 by Ord. No. 383]	Queen Street
Strawbridge Road [Added 6-7-83 by Ord. No. 383]	Prince Street
Susquehanna Road [Added 6-7-83 by Ord. No. 383]	Strawbridge Road
Third Street [Added 6-7-83 by Ord. No. 383]	Duke Street
Third Street	King Street
Third Street	Orange Street

Names of Street	Intersection
Third Street [Added 6-7-83 by Ord. No. 383]	Queen Street
Third Street [Added 9-19-00 by Ord. No. 2000-2]	Prince Street
Wallace Street [Added 6-7-83 by Ord. No. 383]	Front Street

Wallace Street [Added 6-7-83 by Ord. No. 383]	Second Street
Wallace Street [Added 6-7-83 by Ord. No. 383]	Seventh Street
Wallace Street [Added 6-7-83 by Ord. No. 383]	Sixth Street
Wallace Street [Added 6-7-83 by Ord. No. 383]	Water Street
Washington Avenue [Added 6-7-83 by Ord. No. 383]	Prince Street
Water Street	Hanover Street
Westway [Added 8-2-05 by Ord. No. 2005-3]	Fourth Street
Wheatley Avenue [Added 6-7-83 by Ord. No. 383]	Church Avenue
Wheatley Avenue	Depot Avenue
Wheatley Avenue [Added 6-7-83 by Ord. No. 383]	Front Street
Wheatley Avenue [Added 5-22-02 by Ord. No. 2002-7]	Park Avenue
Wheatley Avenue [Added 5-22-02 by Ord. No. 2002-7]	Ropewalk Avenue
Wheatley Avenue [Added 6-7-83 by Ord. No. 383]	Second Street
Wheatley Avenue [Added 6-7-83 by Ord. No. 383]	Seventh Street
Wheatley Avenue [Added 6-7-83 by Ord. No. 383]	Sixth Street
Wheatley Avenue [Added 6-7-83 by Ord. No. 383]	Water Street
Names of Street	Intersection
Wild Cherry Lane [Added 6-7-83 by Ord. No. 383]	Honey Locust Lane
Woodrow Avenue [Added 6-7-83 by Ord. No. 383]	Jefferson Street

Any operator of a vehicle or tractor who shall fail to come to a full stop, within a reasonable distance, before entering any stop intersection, as hereinabove required, commits a summary offense under Pennsylvania

Vehicle Code and shall, upon conviction, pay a fine and any other costs as set forth in said Vehicle Code.

~ 58-23. One-way street established. [Added 12-21-04 by Ord. No. 2004-5]

Due to dangerous situations regarding traffic flow, it has been determined that the most effective way to ameliorate the dangerous situation is to create a one-way street. The following street(s) have been designated as one-way:

A. Seventh Street from the intersection of Duke Street to the intersection of Westway shall be a one-way street for all traffic proceeding in a southerly direction. No traffic shall be permitted to proceed in a northerly direction on said section of Seventh Street.

~ 58-24. Operation on closed highways.

It shall be unlawful for any person to operate any vehicle or tractor upon any highway in the borough that is under construction, resurfacing or repair, in disregard of any official sign, barricade or notice that the same is closed to vehicular traffic. Any person who shall violate any provision of this section shall, [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 58-25. Accident reports required.

A. The operator of any motor vehicle involved in an accident in the borough and required by law to report such accident to any department or agency of the Commonwealth of Pennsylvania, or any other person required to make such report, shall at the time of making such report to the commonwealth, make a written report to the Chief of Police of the borough, containing the same information. Any person failing to make the report to the Chief of Police hereby required shall, upon conviction thereof, be sentenced to pay and costs of prosecution or to undergo imprisonment. [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 58-26. Use of engine retarders/ “Jake Brakes” [Added 12-7-04 by Ord. No. 2004-4]

It shall be unlawful for any person to use brake retarders, “jake brakes” or similar devises within the Borough limits at all times.

A. Fire Protection Equipment or other emergency vehicles are exempt from this regulation.

B. All major routes and streets generally utilized by trucks equipped with brake retarders/ “jake brakes” or similar devices shall be posted with appropriate signs as required by the relevant PENNDOT rules and regulations.

C. Any person who shall violate any provision of this section shall be subject to a fine. [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

ARTICLE IV
Parking Regulations

~ 58-27. Parking without lights authorized.

The boundary limits of the Borough of Northumberland are hereby established as a zone in which motor vehicles may remain standing without lights, and all highways within such boundary limits are hereby designated as highways where motor vehicles may remain standing without lights.

~ 58-28. Vehicles parked within marked spaces.

Wherever a space shall be marked off on any highway for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

~ 58-29. Prohibited parking. [Amended 9-13-94 by Ord. No. 433]

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

Highway	Side	Location
Depot Avenue	Both	Between Duke Street and King Street
Duke Street	Both	Where posted "No Parking, This Side"
Front Street	Both	From the eastern curb lines of all intersecting side streets between King Street and the eastern Borough line to a point of 100 feet east of said curb lines.
Front Street	Both	From the eastern curb lines of all intersecting alleys/ avenues between King Street and the eastern Borough line to a point 50 feet east of said curb lines.
Duke Street	Both	Between Seventh Street and Eighth Street
Park Avenue	Both	Between Duke Street and Wheatley Avenue Between Hanover Street and North Avenue
Queen Street	Both	Where posted “No Parking, This Side”
Water Street	Both	Where posted “No Parking, This Side”

Water Street	Both	From the western lines of all intersecting side streets between King Street and the eastern Borough line to a point 100 feet west of said curb lines
Water Street	Both	From the western lines of all intersecting alleys/avenues between King Street and the eastern Borough line to a point 50 feet west of said curb lines.
Water Street	Both	Between Penn Central underpass and King Street
Wheatley Avenue	Both	Between Depot Avenue and Park avenue
Wheatley Avenue	Both	Between Ropewalk Avenue and Fourth Street
Medical doctors' offices		In front of where posted "No Parking"

B. The delivery of merchandise, the loading or unloading of vehicles or the reasonable use of highways for these purposes shall be permitted.

C. The Chief of Police may, with the assistance of borough police or other employees, for special, temporary purposes, restrict or prohibit all traffic and parking on particular highways or parts thereof where otherwise it would be permitted, or may permit traffic on particular highways where otherwise it would be prohibited. Such temporary, special occasions shall include time allowed for painting of lines, parades, exhibitions, demonstrations, celebrations and similar uses, and like permission or prohibition may be imposed or granted where temporary uses are being made of premises immediately adjoining the highway in connection with which unusual of the highway may be deemed necessary. No traffic shall interfere with the provisions of this section.

D. Parking of certain vehicles prohibited. [Added 7-6-82 by Ord. No. 375. Amended 8-8-96 by Ord. No. 442]

1.) Definitions. The following words and phrases as used in this Subsection D shall have the following meanings:

PARK or PARKING - The halting of a vehicle, whether occupied or not, expect monetarily for the purpose of and while actually engaged in loading or unloading property or passengers.

TRUCK TRACTOR - A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight by a towing tractor.

TRUCK TRACTOR SEMITRAILER - A trailer so constructed that some part of its weight rests upon or is carried by a towing tractor.

TRUCK TRACTOR TRAILER - A vehicle designed to be towed by a towing tractor.

CAMPING OR TRAVEL TRAILER - A vehicle designed to be towed by a motor vehicle and designed or adapted for use as a mobile dwelling or sleeping place.

MOTOR HOME - a motor vehicle designed or adapted for use as a mobile swelling or office, except a motor vehicle equipped with a truck camper.

MOTOR VEHICLE - a vehicle that is self-propelled except one, which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

RECREATIONAL VEHICLE - a vehicle designed or adapted and used exclusively for recreational purposes.

TRAILER - a vehicle designed to be towed by a motor vehicle.

TRUCK-CAMPER - a structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

SPECIAL MOBILE EQUIPMENT - vehicles not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifies, earth moving carryalls, carpers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term

does not include house trailers; dump trucks; truck mounted transit mixers, cranes or shovels; or other vehicles designed for the transportation or persons or property to which machinery has been attached.

VEHICLE - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

(1) No person shall park a truck tractor or a truck tractor trailer or a truck tractor semi trailer or a combination truck tractor and truck tractor trailer or a combination truck tractor and truck tractor semi trailer or a truck classified by the Pennsylvania Vehicle Code as Class 4 or higher on any public street, public alley or public way in any district in the Borough of Northumberland designated Residential-1, Residential-2, Residential-3 or OS-Conservation.

(2) Except as provided herein, it shall be unlawful for any person to park a vehicle of the class or type listed below, or the owner or any such class or type of vehicle to allow the vehicle to remain parked, on any highway, street, avenue, way or alley within the Borough of Northumberland:

(a) Any truck, truck tractor, truck tractor semi trailer, or any combination thereof, having a height greater than nine (9) feet, or a length greater than thirty (30) feet, or a weight in excess of twenty thousand (20,000) pounds.

(b) Any trailer.

(c) Any special mobile equipment.

(d) Any dumpster, collection bin, or other such non-motorized containers or equipment that does not have a permit from the borough and that does not have adequate reflectors or safety devices placed around or upon it to prevent a vehicle from colliding therewith.

(e) Exceptions:

Vehicles of the class or type described in (a) above may be parked between sunrise and sunset for the purposes of loading or unloading property for a period not to exceed one (1) hour if parking is not otherwise prohibited.

Vehicles of the class or type described in (c) above may be parked between sunrise and sunset when being used for their intended purpose if parking is not otherwise prohibited.

(4) It Shall be unlawful for any person to park a vehicle of the class or type listed below, or for the owner or any such class or type of vehicle to allow the vehicle to remain parked, on any highway, street, avenue, way or alley within the Borough of Northumberland for more than twenty-four (24) continuous hours:

(a) Any vehicle with a register gross weight in excess of ten thousand (10,000) pounds.

(b) Any motor home, truck-camper, recreational vehicle, or camping or travel trailer.

(c) Any trailer or special mobile equipment without being attached to a power unit or motor vehicle enabling said trailer or equipment to be readily removed.

(d) Exemptions: Borough Council, if appropriate, upon request, may grant special exemptions of a temporary nature.

(5) Any person violating any of the provisions of this Subsection D shall, [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 58-30. Parking prohibited between certain hours. [Amended 5-6-75 by Ord. No. 295, 9-6-94 by Ord. No. 432; 12-21-04 by Ord. No. 2004-6; 8-02-05 by Ord. No. 2005-2]

A. Parking is hereby prohibited during the entire year from January 1 to December 31 between the hours of 8:00 a.m. and 4:00 p.m. at the locations herein set forth. This parking prohibition is

unconditional, that is, parking is prohibited during the entire time between 8:00 a.m. and 4:00 p.m. no matter if said streets, alleys or highways are or are not being, or have or have not been, swept or cleared of leaves or snow:

(1) On Mondays:
- the odd numbered side (the southwestern side) of King Street, Hanover Street, Wallace Street, and North Avenue
- the even numbered side (the northeastern side) of Queen Street, Orange Street, and Prince Street
- the odd numbered side (the northwestern side) of Priestley Avenue, Water Street, Front Street, Second Street, Fourth Street, and Sixth Street
- the even numbered side (the southeastern side) of Third Street, Fifth Street, and Seventh Street
- the sides of King Street next to the King Street park except metered areas of said streets

(2) On Tuesdays:
- the even numbered side (the northeastern side) of King Street, Hanover Street, Wallace Street, and North Avenue
- the odd numbered side (the southwestern side) of Queen Street, Orange Street, and Prince Street
- the even numbered side (the southeastern side) of Priestley Avenue, Water Street, Front Street, Second Street, Fourth Street, and Sixth Street and Eighth Street
- the odd numbered side (the northwestern side) of Third Street, Fifth Street, and Seventh Street
- the sides of King Street across from the King Street park except metered areas of said streets

B. Parking is hereby prohibited on Wednesdays between the hours of 8:00 a.m. and 4:00 p.m. in the Sunnyhill, Villa Vista and Hilltop view sections of the Borough of Northumberland.

C. Parking is hereby prohibited on Wednesday mornings between the hours of 7:00 a.m. and 8:00 a.m. on all streets metered for parking areas in the Borough of Northumberland.

~ 58-31. Violations and penalties. [Amended 7-6-82 by Ord. No. 375, 7-1-86 by Ord. No. 391]

A. Any person who shall violate ~ 58-28 and Subsections A, B and C of ~ 58-29, shall… [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

B. Any person who shall violate ~ 58-30, shall, upon conviction thereof, [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]** A notice of said violation shall be placed upon the vehicle parked, stopped or standing in violation thereof. Such notice shall provide that the violator can save himself from payment of the maximum fine and the costs of prosecution if within twenty-four (24) hours after the time of said notice he shall:

(1) Pay to the desk clerk of the Police Department of the Borough of Northumberland the sum of. [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

(2) Place such sum in any of the special boxes installed in various places in the Borough of Northumberland within twenty-four (24) hours after the time of such notice; or

(3) Mail such sum to the Police Department of the Borough of Northumberland so that said Department within twenty-four (24) hours after the time of such notice receives it.

ARTICLE V
Snow and Ice Emergency

~ 58-32. Declaration of emergency. [Amended 9-6-94 by Ord. No. 432]

In order to facilitate the movement of traffic and to combat the hazards of excessive snow and ice on the streets, alleys and highways of the Borough, the Mayor or President of Council may declare a snow emergency. In conjunction with the snow emergency, the Mayor or President of Council may, among other things, direct that the parking prohibitions set forth in paragraphs B, C and D of ~ 58-30 shall be in effect on designated days other than Monday, Tuesday, or Wednesday.

~ 58-33. Parking prohibitions. [Amended 9-6-94 by Ord. No. 432]

A. When a snow emergency has been declared, it shall be unlawful during the period of the emergency for any person to:

(1) Park a motor vehicle or truck tractor with or within trailer, or to allow the same to be parked or remain parked upon any street, alley or highway named in paragraph A of ~ 58-34.

(2) Operate any motor vehicle, or truck tractor with or without trailer, upon or over any street, alley or highway named in paragraph A of ~ 58-34.

~ 58-34. Placement of signs.

A. In order to assist the operators of motor vehicles and tractor in determining the highways affects by this Article, the Mayor or the Chief of Police shall place around the utility poles on the highways or portions thereof designed in ~58-35A of this Article, signs reading as follows:

SNOW EMERGENCY ROUTE
SNOW TIRES OR CHAINS REQUIRED,
NO PARKING DURING EMERGENCY,
VEHICLES TOWED AWAY

B. The Mayor or the Chief of Police shall also, through radio, newspaper or other available media, disseminate information as to the existence of such an emergency.

~ 58-35. Highways affected. [Amended 9-6-94 by Ord. No. 432]

A. The highways or portions thereof to which the provisions of this Article shall be applicable during all periods of emergency declared as provided in ~58-32 of this Article are as follows:

(1) Queen Street;
(2) Hanover Street;
(3) Prince Street from Front Street to Strawbridge Road;
(4) Strawbridge Road;
(5) Second Street from Duke Street to Prince Street;
(6) Third Street from Hanover Street to Prince Street;
(7) Fifth Street from Duke Street to Strawbridge Road;
(8) Sixth Street from Duke Street to King Street.

B. At anytime during a period of emergency declared as provided in ~58-32 of this Article, any person who shall park a motor vehicle or tractor anywhere upon or along any of the highways or portions thereof listed in Subsection A of this section shall be guilty of a violation of this Article and, upon conviction thereof, shall be [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

C. Any person who shall operate a vehicle or tractor upon any highway or portion thereof listed in Subsection A of this section, if such vehicle or tractor shall become stalled upon any of such streets during a period of emergency declared as provided in ~ 58-32 of this Article and if such stalling shall have been by reason of the failure to have such vehicle or tractor equipped with the equipment hereinabove prescribed, shall be guilty of a violation of this Article, and upon conviction thereof such person shall be sentenced to pay a fine of . [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

ARTICLE VI
Removal and Impounding of Illegally Parked Vehicles

~ 58-36. Authority to remove and impound.

The Chief of Police of the borough is hereby authorized to remove and impound or to order the removal and impounding of any vehicle parked on any of the streets, highways or public property in the borough in violation of any provision of the law or of any ordinance of the borough; provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Article.

~ 58-37. Designation of storage garages; bonding.

A. A garage or garages located in the borough shall be designated from time to time by resolution of the Borough Council as approved storage garages or pounds for the storage of impounded vehicles,

B. Every such approved storage garage or pound shall be bonded in an adequate amount, to be determined by the Borough Council, for the indemnifying of the owner of every impounded vehicle against the loss thereof or injury or damage thereto while in the custody of the pound keeper.

~ 58-38. Towing, storage charges.

The towing charge to be collected by every pound keeper and the storage charge shall be set by council resolution. **[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

~ 58-39. Notification of removal and impounding.

Within twelve (12) hours from the time of removal of any vehicle under authority granted by this Article, the Chief of Police of the borough shall send notice of the fact that such vehicle has been impounded to the owner of record of such vehicle. Such notice shall designate the place from which such vehicle was removed, the reason for its removal and impounding and the pound in which it shall have been impounded.

~ 58-40. Effect of payment without protest.

The payment of any towing and impounding charges authorized by this Article shall, unless such payment shall have been made under protest, be final and conclusive, and shall constitute a waiver of any right to recover the money so paid.

~ 58-41. Effect of payment under protest.

In the event that any towing and impounding charges, yet imposed, shall be paid under protest, the offender shall be entitled to a hearing before a magistrate or court of record having jurisdiction, in which case such defendant shall be proceeded against and shall receive such notice as is provided in The Vehicle Code in other cases of summary offenses and shall have the same rights as to appeal and waiver of hearing.

~ 58-42. Records.

The Chief of Police shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owners or the agents of the owners thereof with information as to the place of storage of such vehicles.

~58-43. Liability.

The payment of towing and storage charges authorized by this Article shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for violation of any law or ordinance on account of which such vehicle was removed and impounded.

~58-44. Restrictions.

No vehicle shall be removed under the authority of this Article if, at the time of the intended removal thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

ARTICLE VII
RULES & REGULATIONS FOR ROADWAYS UNDER CONSTRUCTION
[Added 5-2-00 by Ord. No. 1-2000]

~58-45. Legislative Intent

The Borough Council finds that:

A. The construction and repair of roadways within the Borough of Northumberland cause a disruption of the normal flow of traffic and create the potential for traffic jams and increased risk of harm to persons and property; and

B. The orderly diversion of traffic from roadways under construction or repair promotes the public welfare and safety.

~58-46. Declaration of Construction Zone

The Borough Council of Northumberland may by resolution vote declare a “road construction area” within the Borough. The resolution shall state with particularity: (1) the physical description of the area; (2) the dates during which the area is in effect; and (3) the special rules and regulations applicable to the area. The resolution shall be advertised one (1) time in a newspaper of general circulation and posted at Borough Hall.

~58-47. Rules and Regulations

The Council may set reasonable rules and regulations applicable to a road construction area including but not limited to:

A. Closing A portion of roadway to all traffic;
B. Closing a portion of roadway to all traffic over a certain weight or number of axles;
C. Closing a portion of roadway for certain times during the day;
D. Establishing a detour path for through traffic through the Borough; and
E. Establishing a lower speed limit applicable to the road construction area.

ARTICLE VIII
Rules & Regulations Limiting the Use of Certain Commercial Vehicles in Designated Areas [Added 12-21-04 by Ord. No. 2004-7]

~58-48. Definitions.

A. Commercial Vehicle – Any vehicle licenses as a commercial vehicle.
B. Truck – Any vehicle with a gross weight equal to or exceeding ten thousand (10,000) pounds, including, but not limited to, twin axle or multiple axle trucks, vans, or tractor-trailers of any configuration.

~58-49. Rules and Regulations

A. It shall be unlawful for any person to operate a commercial vehicle or truck upon any street, alley or other public roadway or portion thereof in the Borough of Northumberland, except as follows:

Name of Street	Limits
Duke Street	From Water Street to west Borough line
Water Street	From the entrance on US Route 11 at the Bridge to the North Borough line on US Route 11
King Street	From the entrance on State Route 147 at the Bridge to Front Street
Front Street	From the North Borough line to King Street
Eighth Street	From Duke Street to Orange Street
Strawbridge Road	From Borough line south to Prince Street

Prince Street	From Strawbridge Road to Front Street

B. Commercial vehicles and trucks shall be permitted upon any street, avenue, alley or other public roadway not mentioned in this section for the purpose of making deliveries or picking up goods, wares, merchandise or other material from premises situate upon any such street, avenue, alley or other public roadway.

~58-50. Exclusions.

The provisions contained herein shall not apply to fire prevention apparatus, garbage removal equipment, snow removal equipment, emergency equipment, or other vehicles destined to make repairs of any type within the Borough.

~58-51. Penalties.

Any individual, business or legal entity which violates the terms and conditions of this Ordinance shall, upon conviction, be fined the sum of [All penalties for this section of the Borough Code shall be determined by Council Resolution.] [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**

WASTE MANAGEMENT

ARTICLE I
Title

~59-1. Title.

ARTICLE II
Definitions

~59-2. Definitions.

ARTICLE III
Dumping

~ 59-3. Deposit upon ground or underground restricted.

~ 59-4. Deposit in streams or bodies of water prohibited.

~ 59-5. Transport of waste by noncollectors.

~ 59-6. Farm activities.

ARTICLE IV
Collection Authorization

~ 59-7. Unauthorized collection prohibited.

~ 59-8. Authorization to collect own municipal waste.

~ 59-9. Municipal waste collection license.

ARTICLE V
Preparation and Storage

NORTHUMBERLAND CODE

~ 59-11. Storage in containers required.

~ 59-12. Preparation for collection.

~ 59-13. Bulk containers.

ARTICLE VI
Disposal

~ 59-14. Disposal at licensed facility required.

~ 59-15. Bulky waste.

ARTICLE VII
Spillage

~ 59-l6. Prevention and cleanup.

ARTICLE VIII
Time of Collection; Agreements and Charges

~ 59-17. Collection by collector.

~ 59-18. Disposal by noncollector.

~ 59-19. Agreements and charges.

ARTICLE IX
Recyclables

~ 59-20. Title.

~ 59-21. Public Policy.

~ 59-22. Definitions.

~ 59-23. General.

WASTE MANAGEMENT

~59-24 Recycling of Material.

~ 59-25. Establishment of Program.

~ 59-26. Grass Clippings.

~59-27. Unauthorized Removal, collection, Etc., of Recycling Materials Prohibited.

~ 59-28. Agreements and/or Licenses.

~ 59-29. Fee.

~ 59-30. Violations, Penalties, Enforcement.

ARTICLE X
Penalties

~ 59-31. Violations and Penalties.

ARTICLE XI
Severability; Additional Standards; Regulations

~ 59-32. Severability.

~59-33. Additional standards.

~ 59-34. Regulations.

~ 59-35. Repealer.

[HISTORY: Adopted by the Council of the Borough of Northumberland 6-7-83 as Ord, No. 384. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance - See Ch. 42.
Refuse upon streets -- See Ch. 50, Art. V.

ARTICLE I
Title

~ 59-1. Title.

This chapter shall be known as the "Northumberland Municipal Waste Management Ordinance.

ARTICLE II
Definitions

~59-2. Definitions.

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

APPLICANT - A person applying for a license as a collector.

BOROUGH - The Borough of Northumberland, Northumberland County, Pennsylvania.

COLLECTOR - A person licensed by the borough to collect,

DISPOSAL - Incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner that the municipal waste or a constituent of municipal waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

DISPOSBLE AREA - Any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

GARBAGE -All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GLASS CONTAINERS - All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as "glass.' excluding, however, blue and flat glass and glass commonly known as "window glass."

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

MUNICIPAI, WASTE - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, except farm-produced manure and other agricultural waste and food-processing waste used on land where such materials will improve the condition of the soil, the growth of crops or the restoration of the land for the same purposes, and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.

NEWSPAPER - Paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals as well as all other paper products of any nature are not considered "newspaper.

PERSON - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

RECYCLABLES - Material having an economic Value in the secondary materials market. The following materials have such

economic value: aluminum cans and articles, bimetal cans, glass containers, corrugated paper (cardboard and paper bags), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper and paper products not chemically coated.

REFUSE - Garbage, rubbish and trade waste.

STORAGE - The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one (1) year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION - The off-site removal of any municipal waste at any time after generation.

ARTICLE III
Dumping

~ 59-3. Deposit upon ground or underground restricted.

It shall be unlawful for any person to store, dump, discard or deposit, or permit the storage, dumping, discarding or depositing of, any municipal waste upon the surface of the ground or underground within the jurisdictional limits of this borough, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit its being placed in such containers.

~ 59-4. Deposit in streets or bodies of water prohibited.

It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdictional limits of this borough.

~ 59-5. Transport of waste by noncollectors.

Nothing contained herein shall be deemed to prohibit any person not regularly engaged in the business of transporting municipal waste in any stream or body of water within the jurisdictional limits regular and

unscheduled basis to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

~ 59-6. Farm activities.

Nothing contained in this chapter shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting and spreading of manure or other farm-produced agricultural wastes.

ARTICLE IV
Collection Authorization

~ 59-7. Unauthorized collection prohibited.

It shall be unlawful for any person, except those duly authorized by the borough, to collect, transport and dispose of municipal waste of any nature within or from the borough.

~ 59-8. Authorization to collect own municipal waste.

Persons who collect, transport and dispose of their own municipal waste are hereby authorized to do so: provided that they comply with all relevant provisions of this chapter.

~ 59-9. Municipal waste collection license.

Authorization to collect, transport and dispose of municipal waste for persons other than oneself may be given only by the borough through the issuance of a municipal waste collection license (hereinafter called "license"). All applications for licensing shall be reviewed by the borough and shall be approved in accordance with the following criteria:

A. Licenses may be issued to only those persons who can provide satisfactory evidence that they are capable of providing the necessary services and can comply with the provisions and intent of this chapter.

B. Applicants for a license shall furnish the following information:

(1) The number of vehicles, the make, model, Pennsylvania license plate number and size of each vehicle to be used for collection and hauling.

(2) The location, address, hours of business and telephone number of the business office to receive calls from persons in the borough who receive collection service.

(3) A schedule of the fees to be charged for the collection and disposal of municipal waste from places within the borough. Such schedule shall include the charges for the number of containers and frequency of collections for residential properties, charges for various sizes of special bulk containers used on commercial properties and charges for the collection and disposal of refuse materials which are not part of the normal household municipal waste.

(4) A certificate of the applicant's workmen's compensation insurance as required by law.

(5) A certificate of insurance coverage for the applicant providing complete third-party comprehensive, bodily injury and property damage, and liability insurance, the limits of which shall not be less than one hundred thousand/three hundred thousand dollars ($100,000./$300.000.) for bodily injury and fifty thousand dollars ($50,000.) for property damage.

(6) In addition to the above, the applicant shall furnish all other information which the borough may request and deem necessary prior to the issuance of a license.

C. Licenses shall be issued on a calendar-year basis, but may be revoked or rescinded by the borough in accordance with the following:

(1) The borough may revoke the license immediately in the event that the collector violates or fails to comply with any of the terms of this chapter.

(2) The borough may rescind the license should the borough decide to provide for the collection and disposal of municipal waste by some method other than the licensing procedure established by this chapter. Such rescission shall occur ninety (90) days after the borough sends written notice thereof to the collector.

D. Conditions relating to licenses.

(1) A license shall be issued for only one (1) year on a calendar-year basis. The annual fee for such license shall be twenty-five dollars ($25.) for each vehicle used within the borough in the collection, transportation and disposal of municipal waste. The license fee is not refundable and shall not be prorated. The fee shall be submitted with the application for such license. Payment shall be made by check or money order only, payable to the "Borough of Northumberland.

(2) The collector shall not use more vehicles for the collection, transportation and disposal of municipal waste within the borough than the number of vehicles listed on the application and approved on the license issued. Any increase in the number of listed vehicles as reported in the application shall be reported by the collector to the borough at least five (5) days prior to the date that such increased numbers of vehicles are to be used and the appropriate fee therefor paid to the borough as provided for herein. The use of a temporary replacement vehicle by reason of the withdrawal of a vehicle from service for scheduled or unscheduled maintenance shall be reported to the borough immediately by the collector.

(3) Signs shall be displayed on vehicles as described herein:

(a) The collector shall display the license number on each vehicle in a manner established by the borough in letters and numbers not less than two (2) inches in height, clearly legible, as follows:
"Northumberland License No. .....

(b) The collector shall display on each side of the body of each vehicle, preferably on the doors, the name of the firm and the telephone number of the firm's office or headquarters in letters and numbers no less than three (3) inches in height and clearly legible.

(c) Any vehicle used by the collector in the borough to collect, transport and dispose of municipal waste shall be marked in accordance with Subsection D (a) and (b) above within ten (10) days after a license is issued.

(4) The collector shall maintain each vehicle used to collect, transport and dispose of municipal waste in the borough in good operating condition so as to assure that the collector's schedule of collections can be maintained. The collector shall keep each vehicle clean and painted so as to present a favorable appearance.

(5) The borough shall have the right to inspect all vehicles prior to the issuance of a license and during the period that the license is in effect.

(6) The collector shall be responsible for the manner in which the collector's employees perform work in connection with the collection, transportation and disposal of municipal waste under the terms of this chapter.

(7) The collector shall pay all costs to be charged for the use of the disposal system and facilities.

(8) The collector shall not alter, change or revise the schedule of fees for collection submitted to the borough without giving the borough a copy thereof at least sixty (60) days prior to the date that such

proposed alterations, changes or revisions are to be made.

(9) The borough shall have the right to designate the disposal facilities that a collector shall use for the disposal of municipal waste collected within the borough.

(a) A collector shall use the disposal facilities designated by the borough no later than ninety (90) days after the borough sends written notice thereof to the collector.

(b) Should a collector revise the schedule of fees submitted to the borough by reason of the borough's designation of disposal facilities as noted above, the collector need only give the borough a copy thereof thirty (30) days prior to the date that the proposed revision is to be made.

(10) A license may not and shall not, in any manner whatsoever, be sold, assigned, leased, transferred, conveyed or otherwise disposed of by a collector,

ARTICLE V
Preparation and Storage

~ 59-10. Prevention of health and safety hazards required.

The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which create fire and other safety hazards, odors, unsightliness or public nuisance.

~ 59-11. Storage in containers required.

Any person accumulating or storing municipal waste on private or public property in the borough for any purpose whatsoever, including waste being stored temporarily for door-to-door collection, shall covered containers in accordance with the following standards, except as otherwise provided in ~ 59-12 of this Article V:

A. Containers used for the storage of municipal waste shall be of metal, plastic or fiberglass construction; rust- and corrosion resistant; equipped with lids; waterproof and leakproof; and, except in the case of bulk containers, shall not exceed twenty (20) gallons in capacity. Plastic trash bags, if not punctured, may be used to store municipal waste.

B. A sufficient number of containers shall be provided to contain all municipal waste materials generated during periods between regularly scheduled collections that are required to be placed in containers.

~ 59-12. Preparation for collection.

Municipal waste to be collected on a door-to-door basis shall be prepared for such collection in the following manner:

A. All garbage shall be drained of excess liquids and wrapped in paper or be placed in plastic bags before being placed in the waste storage containers previously described, and all ashes shall be free of any burning material before being deposited for collection. Placement of plastic bags, if not punctured, is acceptable.

B. Tree, brush, hedge and similar clippings, including Christmas trees, shall be cut in lengths not to exceed six (6) feet and shall be bound securely in bundles not to exceed forty (40) pounds in weight before being placed for collection.

C. Newspapers, magazines, cardboard and boxes not placed in the containers previously described shall be securely tied in bundles not to exceed six (6) feet in length and forty (40) pounds in weight before being deposited for collection.

D. No person, except the occupants of the property on which a waste container is placed and an authorized collector, shall remove the lids of the container and/or remove the contents thereof.

E. Municipal waste of a highly flammable or explosive nature or highly infectious or contagious refuse shall not be stored for ordinary collection, but shall be disposed of in accordance with the directions of the borough.

~ 59-13. Bulk containers.

To facilitate collection, bulk containers shall be placed, whenever possible, at ground level and at a point on the property being serviced by the collector that will enable clear and easy access to the container by the collector's vehicle.

ARTICLE: VI
Disposal

~ 59-14. Disposal at licensed facility required.

All municipal waste produced, collected and transported from within the jurisdictional limits of the borough shall be disposed of at a facility licensed and permitted by the Pennsylvania Department of Environmental Resources, and in accordance with the borough's solid waste management plan. It shall be unlawful for any person to otherwise dispose of such waste.

~ 59-15. Bulky waste.

In addition to other disposal procedures permitted by this chapter. bulky wastes. such as but not limited to refrigerators, stoves, other appliances, pieces of furniture, auto parts and other such household goods and equipment, may be disposed of in the manner designated by the borough at any cleanup or collection fixed or set by the borough.

ARTICLE VII

Spillage

~ 59-16. Prevention and cleanup.

Any person transporting municipal waste within the borough shall prevent and/or clean up and remove any spillage from vehicles or containers.

ARTICLE VILI
Time of Collection; Agreements and Charges.

~ 59-17. Collection by collector.

Municipal waste to be collected by a collector shall be collected at least once each week.

~ 59-18. Disposal by noncollector.

Any persons who dispose of their own municipal waste shall collect the same at intervals short enough to prevent accumulations of refuse that may be unsafe, unsightly or potentially harmful to the public health.

~ 59-19. Agreements and charges.

All agreements and charges for collection, transportation and disposition of municipal waste collected on a door-to-door basis shall be by private contract between the person and the collector.

ARTICLE IX
Recyclables
[Added 8-8-96 by Ord. No. 445]

~ 59-20. Title.

This Article IX shall be know as the Northumberland Borough Recycling Ordinance.

~ 59-21. Public Policy.

The Council of the Borough of Northumberland, recognizing that the reclamation of recycling materials has become an important method of addressing the growing solid waste disposal problem through conservation of landfill space, preservation of natural resources, and a reduction in energy consumption, does hereby authorize the storage, collection, and transportation of recyclable materials in accordance with the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, No. 101 (53 P.S. ~ 4000.101 et seq.), the Northumberland County Solid Waste Management Plan, this Article IX and Recycling Regulations relating thereto.

~ 59-22. Definitions.

ACT: Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, No. 101 (53 P.S. ~ 4000.101 et seq.)

ALUMINUM CANS: Empty food and beverage containers made entirely of aluminum.

BIMETALLIC CONTAINER: Empty food or beverage containers mad of steel and aluminum.

BOROUGH: Borough of Northumberland.

COLLECTOR: Borough of Northumberland and/or its authorized agent(s).

COMMERCIAL ESTABLISHMENT: Any premise engaged in retail trade of sales of goods. Expressly included are all restaurants and taverns, all industrials or manufacturing businesses, and all types of offices.

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

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

DWELLING UNIT: A single unit providing complete, independent living facilities for one of more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

ENFORCEMENT OFFICER: The official designated herein, or the official otherwise charged with the responsibilities of administering this Article IX and the Recycling Regulations, or the official's authorized representative(s).

FERROUS CONTAINERS: Empty food or beverage containers made of steel tin coated steel.

GARBAGE: Solid waste from the domestic and commercial handling, preparation, cooking, consumption and disposal of food and from the handling, storage and sale of produce.

GLASS: Empty bottles and jars made of clear, green or brown glass, but not plate glass, automotive glass, blue glass, porcelain, and ceramic products.

HIGH-GRADE OFFICE PAPER: Bond paper, computer paper, and other similar all-white paper commonly used in offices, but also used in residences and in commercial , institutional, and municipal establishments.

INSTITUTIONAL ESTABLISHMENT: Those establishments that house or serve groups of people, such as hospitals, schools, day care center, nursing homes, and the like.

LEAD ACID BATTERIES: All batteries that contain lead, including, but not limited to, automotive, truck, and industrial batteries.

LEAF WASTE: Leaves from trees, bushes and other plants, garden residue, shrubbery and tree trimmings, and similar material, but not including grass clipping.

MAGAZINES AND PERIODICALS: Publications containing miscellaneous written articles, stories, poems, pieces, etc., published at fixed or varying intervals.

MULTI-FAMILY HOUSING PROPERTY: A residential establishment containing four or more dwelling units.

MUNICIPAL ESTABLISHMENT: Public facilities operated by the Borough, and other governmental and quasi-governmental authorities, agencies or bodies.

MUNICIPAL WASTE: Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous materials, resulting form operation of residential, municipal commercial, or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waster Management Act (35 P.S. ~ 6018.010 et seq.) from a municipal, commercial, or institutional water supply treatment plant, waste water treatment, or air pollution control facility. The term does not include source-separated recycling materials.

NEWSPAPERS: Printed matter printed on paper of the type commonly referred to as newsprint, and distributed at fixed intervals, containing news, opinions, advertisements, and other matters of public interest, but not glossy advertising inserts often included with newspapers.

OCCUPANT: Any person living and/or sleeping in a dwelling unit.

ORDINANCE: Northumberland Borough Recycling Ordinance.

PERSON: Any individual, partnership, municipal waste hauler, scrap dealer, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency, or another other legal entity whatsoever which is recognized by law the subject of right and duties. The term “person’ shall include the masculine as well as the feminine, and plural as well as the singular. In any provision of this Article IX containing an obligation or a prohibition, or prescribing a fine, imprisonment, penalty, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLASTIC CONTAINERS: Empty food and beverage containers made of plastic. The plastic containers to be recycled shall be those specified in the Recycling Regulations.

RECYCLABLE MATERIALS: Materials such as clear glass, colored glass, aluminum, steel, and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics, and any other material identified by the Borough to be recycled.

RECYCLING REGULATIONS: Regulations related to recycling adopted from time to time by the Borough of Northumberland.

REFUSE: Garbage, rubbish and trade waste.

RESIDENTIAL ESTABLISHMENT: A building containing one or more dwelling units.

RUBBISH: Solids, including but not limited to, rags, old clothes, leather, rubber carpets, wood, excelsior, paper, ashes. furniture, can, glass, glass crockery, masonry, leaves, garden residue, shrubbery and tree trimmings, and other similar material.

SOURCE-SEPARATED RECYCLABLE MATERIALS: Materials separated from municipal waste at the point of origin for the purpose of recycling.

STEEL CANS: Empty food and beverage containers made entirely of steel.

TRADE WASTE: All solid or liquid materials or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry, including but limited to, plastic products, paint, grease, oil and other petroleum products, chemical, and other forms of solid or liquid waste materials.

WASTE: A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise to be disposed of. The term does not include source-separated recyclable

materials or material approved by the Borough of Northumberland for beneficial use. (See Municipal Waste)

~ 59-23. General.

Recyclable materials separated, stored, collected or delivered under the provisions of this Article IX and the Recycling Regulations shall not be considered municipal waste and shall not be subject to the provisions of those ordinances which require disposal of municipal waste at designated facilities.

This exemption applies to recyclable materials collected by the Borough or its designated agent and/or delivered to the Borough's drop-off sites by residents and/or collectors. Likewise, the Borough or its designated agents, shall be exempt from all provisions or those ordinances which require disposal of municipal waste by licensed haulers. Recyclable materials separated, stored, collected or delivered in any manner other than the approved methods listed in this Article IX and the Recycling Regulations shall be considered municipal waste and shall be subject to the provisions of the appropriate ordinance(s).

~ 59-24. Recycling of Materials.

No person in the Borough shall dispose of materials required to be recycled by this Article IX and the Recycling Regulation with the ordinary municipal waste, and no person shall burn such materials. No collectors of such materials shall dispose of collected recyclable in landfills or burn the same, but such materials shall be taken to a recycling facility and records must be kept by the collectors to verify same. Notwithstanding any provisions of this Article IX and the Recycling Regulations, any person having ownership of recycling materials may sell or donate the same to any person, whether operating for profit or not for profit, provided, however, that such materials may not be placed for collection at, nor collected from, curbside or at established drop-off sites.

~ 59-25. Establishment of Programs.

A. **Residential Establishment Program**. The Borough hereby establishes a mandatory residential program for occupants of

residential establishments in the Borough for the separation for recycling of no less than three of the following recyclable materials from other municipal waste generated at their dwelling: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics and leaf waste. Occupants shall separate recyclable materials from solid waste, prepare and store the same, and either place said materials at curbside on the designated collection day or deliver them to any established drop-off site during the times permitted, all according to this Article IX and the Recycling Regulations. However, the Borough shall allow an owner, landlord, or agent of an owner or landlord of a multi-family property to comply with its responsibilities under this section by establishing a collection system for recyclable materials at each property. This collection system must include suitable container for collecting and sorting materials, easily assessable locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords. and agents of owners and landlords who comply with this Article IX and the Recycling Regulations shall not be liable for the noncompliance of occupant of their buildings. Nothing herein shall require any person to gather leaf waste, or prevent any person from utilizing leaf waste, for compost, mulch, or other agricultural, horticultural, silvicultural, and gardening or landscape purpose.

B. **Commercial, Institutional, Municipal, and Community Activities Program.** The Borough hereby establishes a mandatory

program for commercial, institutional, and municipal establishment, and community activities, for the separation for recycling of no less than three (3) of the following recycling materials from other municipal waste generated at their dwelling: clear glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, plastics and leaf waste. The Borough will exempt persons occupying commercial, institutional, and municipal establishments from the requirements of this Article IX and the Recycling Regulations if those persons have otherwise provided for the recycling of materials they are required by this Article IX and the Recycling Regulations to recycle. To be eligible for an exemption a commercial, institutional or

municipal establishment must submit to the Borough, at the times and in the manner set forth in the Recycling Regulations, reports of its recycling program and written documentation of the total number of tons recycled. Nothing herein shall require any person to gather leaf waste, or prevent any person from utilizing leaf waste, for compost, mulch, or other agricultural, silvicultural, gardening or landscape purposes.

C. **Existing Programs**. All recycling operations in existence at the time that this Article IX was adopted may continue to operate within the Borough if the collector obtains a license, operates within the provisions of this Article IX and the Recycling Regulation, and submits to the Borough, at the times and in the manner set forth in the Recycling Regulations, report of its recycling program and written documentation of the total number of tons recycled.

D. **Public Information and Education Programs.** The Borough shall provide to all persons occupying residential, commercial, institutional and municipal premises within its boundaries information concerning recycling program features, requirements and changes as required by the Act.

E. **Specific Program Regulations.** Specific program regulations shall be promulgated under this Article IX, and the Borough is empowered to make changes to the program regulations as necessary. Subsequent changes in the program regulations may be made by the Borough Council after proper public notice and notification of all affected persons.

~ 59-26. Grass Clippings.

Section reserved.

~ 59-27. Unauthorized Removal, Collection, Etc., of Recycling Materials Prohibited.

Any recyclable materials placed at the curbside, in drop-off sites, in storage bins associated with residential, commercial, municipal, or institutional establishments, or multi-family housing properties, pursuant to

this Article IX and the Recycling Regulations, are property of the Borough, and may not be collected, picked up, removed, disturbed by, or disposed of, by a person other than one authorized by this Article IX and the Recycling Regulations.

~ 59-28. Agreements and/or Licenses.

The Borough shall provide for the collection of recycling program and/or materials from curbside, drop-off-sites, or other designated locations in accordance with this Article IX and the Recycling Regulations, and such provisions may include agreements with person(s) to collect such materials. In any case where a person is not serviced at curbside that person may contract with a private collector who has obtained a license in accordance with this Article IX and the Recycling Regulation.

~ 59-29. Fee.

The Borough may assess a monthly fee, either per bag, or per residential, commercial, institutional, and/or municipal unit, to offset the cost of the recycling program. Collection fees, market rates, and other variable costs associated with the program will be considered in determining the amount of the fee which will be established and set forth in the Recycling Regulations.

~ 59-30. Violations, Penalties, Enforcement.

A. Violations. Any person who violates this Article IX and the Recycling Regulations shall, upon conviction, be subject to the fine, penalty and costs set forth in ARTICLE X below.

B. Theft of Collection Containers. Any person who steals any collection container issued to a residence for use in the Borough recycling program, or who steals any collection container placed at designated drop-off-sites or issued to businesses, institutions, municipalities, and multi-family housing properties for use in the Borough recycling program, shall, upon conviction, be subject to the fine, penalty and costs set forth in ARTICLE X below.

C. Enforcement. The Borough Street Supervisor and/or such other person(s) designated by Borough Council shall be responsible for the enforcement of the Article IX and the Recycling Regulations.

ARTICLE X
Penalties

~ 59-31. Violation and penalties

Any person who violates the provisions of this Chapter shall, [**As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]**A new and separate violation shall be deemed to have been committed for each day that any violation continues beyond the first day and shall be subject to separate proceedings before a District Magistrate, and subject to the penalty imposed by this Article X each and every day such violations shall continue.

ARTICLE X
Severability; Additional Standards; Regulations; Repealer

~ 59-32. Severability.

Should any section, paragraph, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder of this Chapter shall not be affected thereby but shall remain in full force and effect.

~ 59.33. Additional standards.

This Chapter shall be subject to all applicable federal and state laws, rules and regulations, including the rules and regulations as set forth by the Pennsylvania Department of Environmental Resource and/or the Pennsylvania Depart of Environmental Protection.

~ 59-34. Establishment and revision or regulations.

The Borough Council may establish and revise rules and regulations governing any matters covered by this Chapter.

~ 59-35. Repealer.

All ordinances inconsistent herewith are hereby repealed.

Chapter 61 - Zoning

[History: Adopted by the Council of the Borough of Northumberland on 3-13-71. Amended 5-7-91, other amendments noted where applicable.]

Article I - Short Title, Purpose and Community Development Objectives

Section 1.01 - Short Title

Section 1.02 - Purpose

Section 1.03 - Community Development Objectives

Article II - Definitions

Article III - Establishment of Zoning Districts and Map

Section 3.01 - List of Districts

Section 3.02 - Zoning Map

Section 3.03 - Interpretation of District Boundaries

Section 3.04 - District Application to Newly Annexed Territory to the Borough

Article IV - Conformance Required

Section 4.01 - Application of District Regulations

Article V - R-1 - Residential Districts

Section 5.01 - Intended Purpose

Section 5.02 - Permitted Uses

Section 5.03 - Lot Area, Building Height and Yard Requirements

Section 5.04 - Minimum Off-Street Parking Requirements

Section 5.05 - Habitable Floor Area

Article VI - R-2 - Residential Districts [Amended 11-5-03 by Ord. No. 2003-5]

Section 6.01 - Intended Purpose

Section 6.02 - Permitted Uses

Section 6.03 - Lot Area, Building Height and Yard Requirements

Section 6.04 - Minimum 0ff-Street Parking Requirements

Section 6.05 - Habitable Floor Area

Article VII - R-3 - Residential Districts [Amended 11-5-03 by Ord. No. 2003-5]

Section 7.01 - Intended Purpose

Section 7.02 - Permitted Uses

Section 7.03 - Lot Area, Building Height and Yard Requirements

Section 7.04 - Minimum Off-Street Parking Requirements

Section 7.05 - Habitable Floor Area

Article VIII - HC - Highway/Commercial Districts [Amended 11-5-03 by Ord. No. 2003-5]

Section 8.01 - Intended Purpose
Section 8.02 - Permitted Uses
Section 8.03 - Lot Area, Building Height and Yard Requirements
Section 8.04 - Minimum Off-Street Parking, Loading and Unloading Requirements
Section 8.05 - Limitations of Signs
Section 8.06 - General Requirements

Article IX - CBD - Commercial Business Districts

Section 9.01 - Intended Purpose
Section 9.02 - Permitted Uses
Section 9.03 - Lot Area, Building Height and Yard Requirements
Section 9.04 - Limitations of Signs
Section 9.05 - General Requirements

Article X - I - Industrial Districts

Section 10.01 - Intended Purpose
Section 10.02 - Permitted Uses
Section 10.03 - Lot Area, Building Height and Yard Requirements
Section 10.04 - Minimum Off-Street Parking and Loading Requirements
Section 10.05 - Limitations on Signs
Section 10.06 - General Requirements

Article XA – R&D & Li – Research & Development and Light Industrial District

[Amended 9-1-92 by Ord. No. 92-4.]

Section 10A.01 – Intended Purpose
Section 10A.02 – Permitted Uses
Section 10A.03 – Building Height
Section 10A.04 – Off-Street Parking
Section 10A.05 – Limitations on Signs
Section 10A.06 – Noise and Sound Limitations
Section 10A.07 – Hazardous Substances
Section 10A.08 – Tract No. 2
Section 10A.09 – Zoning Map

Article XI - OS - Open Space/Recreation

Section 11.01 - Intended Purpose
Section 11.02 - Permitted Uses
Section 11.03 - Lot Area, Building Height and Yard Requirements
Section 11.04 - Minimum Off-Street Parking Requirements

Article XII - HD - Historic Districts

Section 12.01 - Intended Purpose
Section 12.02 - Conversions Permitted
Section 12.03 - Accessory Uses
Section 12.04 - Siding
Section 12.05 - Window and Door Replacement

Article XIII - Supplementary Regulations

Section 13.01 - Accessory Buildings
Section 13.02 - Temporary Structures for Dwelling Purposes
Section 13.03 - Water Supply and Sewerage Facilities Required
Section 13.04 - Exceptions
Section 13.05 - Required Street Access
Section 13.06 - Visibility at Intersections
Section 13.07 - 0ff-Street Parking
Section 13.08 - Signs and Advertising Structures
Section 13.09 - Conversion Apartments
Section 13.10 - Additions
Section 13.11 - Yard Sales
Section 13.12 - Additional Requirements for 100 -Year Floodplain Area

Article XIV - Planned Residential Development

Section 14.01 - Statement of Intent
Section 14.02 - Procedure
Section 14.03 - Planned Development Standards

Article XV - Non-Conforming Buildings and Uses

Section 15.01 - Continuance
Section 15.02 - Cessation of Use
Section 15.03 - Restoration
Section 15.04 - Reversion
Section 15.05 - Alterations
Section 15.06 - Construction Approved Prior to Ordinance
Section 15.07 - District Changes
Section 15.08 - Discontinued Non-Conforming Use of Open Land

Article XVI - Administration and Enforcement

Section 16.01 - Zoning Officer
Section 16.02 - Permits
Section 16.03 - Appeals from Zoning Officer
Section 16.04 - Enforcement Notices

Section 16.05 - Enforcement Remedies
Section 16.06 - Preventive Causes of Action
Section 16.07 - Records
Section 16.08 – Zoning Hearing Board (“Board”)
Section 16.09 - Zoning Ordinance Amendments

Article XVII - Interpretation, Validity, Repeal and Effective Date

Section 17.01 - Conflicting Regulations
Section 17.02 - Repealer
Section 17.03 - Validity
Section 17.04 - Effective Date

Article XVIII – Wireless Communications Towers & Antennas

Section 18.01 - Purpose
Section 18.02 - Definitions
Section 18.03 - Applicability
Section 18.04 - General Requirements
Section 18.05 - Administrative Review
Section 18.06 - Permitted Uses
Section 18.07 - Special Exception
Section 18.08 - Equipment Storage
Section 18.09 - Removal of Abandoned Antennas and Towers
Section 18.10 - Nonconforming Uses
Section 18.11 - Severability

ARTICLE I

SHORT TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

Section 1.01 - Short Title
This Ordinance shall be known as the "Northumberland Borough Zoning Ordinance".

Section 1.02 - Purpose
The fundamental purpose of this Ordinance is to promote the safety, health, morals and general welfare; to encourage the most appropriate use of land throughout the Borough; to conserve and stabilize the value of property; to prevent over-crowding of land and buildings; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate open space for light and air; and to facilitate the adequate provision of streets and highways, water, sewerage, drainage and other public facilities; to conserve life, property and natural resources and to conserve the expenditure of funds earmarked for public improvements.

Section 1.03 - Community Development Objectives
This Zoning Ordinance is to render a legal basis and framework to the future land use plan and development goals established in the planning studies undertaken by the Northumberland Borough Planning Commission. The objectives of guiding future growth and improvement of existing development within the Borough of Northumberland are to enable the most economical and efficient provision of municipal services; eliminate hazardous and detrimental land uses while encouraging beneficial and compatible land uses; maintain a desirable residential environment with adequate recreational, commercial and industrial supporting areas; protect and conserve open spaces, and in general, avoid the problems of random development inconsistent with Borough-wide goals and objectives.

ARTICLE II

DEFINITIONS

For the purpose of this Ordinance, certain words, phrases and terms are herewith defined as follows: Words used in the present tense include the future. The singular number includes the plural number, and words in the plural number include the singular number. The word “lot” includes the word “plot;” the word "building" includes the word “structure;” the word “zone” includes the word “district;” the word “occupied” includes the word “designed” and the phrase “intended to be occupied;” the word “use” includes the words “arranged,” designed,” and the phrase "intended to be used;" the word “shall” is always mandatory.

Accessory Use or Building
A subordinate use or building, the purpose of which is customarily incidental to that of the main use or building and oil the same lot.

Alterations
Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Alley
A minor right-of-way used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Borough Council
The council of the Borough of Northumberland.

Building
Any structure having a roof supported by columns, piers or walls, including tents, lunch wagons, trailers, dining cars, camp cars or other structures on wheels or having other supports and any unroofed platform, terrace or porch having a vertical face higher than three (3) feet above the level of the ground from which the height of the building is measured.

Building Area
The total areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

Building Height
The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck-line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

Building Line
A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of tie building on any side. In case of a cantilevered or projected section of a building, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

Certificate of Occupancy
A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building which certifies that all requirements and regulations as provided herein and within all other applicable requirements have been complied with.

Decision
Final adjudication of the Zoning hearing Board, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Northumberland County and the judicial district wherein the Borough lies.

Determination
Final action by an officer, body or agency charged with the administration of this Ordinance or applications thereunder, except Borough Council and the Zoning Hearing Board.

Development Plan
The provisions for the development of a planned residential development, including a plat subdivision; all covenants related to use, location and bulk of buildings and other structures; intensity of use or density of development; streets, ways and parking facilities; common open space; and public facilities.

Dwelling Unit
One or more rooms providing living and sanitary facilities for one (1) family, including equipment for cooking or provisions for same.

Dwelling, Apartment
A dwelling unit for rent or lease within multiple family buildings providing living and sanitary facilities for one (1) family, including provisions for cooking and sleeping. An apartment dwelling may be classified as an efficiency unit where no specific bedroom is provided or it may contain one or more bedrooms.

Dwelling, Single Family
A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two Family
A building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling, Multiple Family
A building designed for or occupied exclusively by three (3) or more families living independently of each other.

Family
A single individual, doing his own cooking and living upon the premises as a separate housekeeping unit or a collective body of persons, doing their own cooking and living together upon the premises as a separate housekeeping unit, in a domestic relationship based upon birth, marriage or other domestic bond.

Floor Area
A total enclosed area in the horizontal plane of a structure measured from the faces of the exterior walls.

Garage, Private
A building or space used as an accessory to the main building which provides for the storage of motor vehicles of the families residing upon the premises and in which no occupation, business or service for profit is carried on.

Habitable Floor Area
The sum of the gross horizontal interior areas of all room used for habitation, such as living room, dining room, kitchen or bedroom, but not including hallways, stairways, cellars1 attics, service rooms or utility rooms, bathrooms, closets or unheated areas such as enclosed porches or rooms without at least one window or skylight opening onto an outside yard or court. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered part of the habitable floor area.

Hearing
An administrative proceeding conducted by the Zoning Hearing Board pursuant to this Ordinance.

Home Occupation
An accessory use of a service nature customarily conducted within a dwelling by the residents thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change

the character thereof. Beauty shops, barber shops, hair dressing and manicuring establishments, tea rooms and tourist homes shall not be deemed to be home occupations.

Hotel
A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

Junk Yard
Any area and/or structure used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material and for the collecting, dismantling, storage and salvaging of machinery or vehicles primarily not in running condition and for the sale of parts thereof.

Lot
A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law, and to be used, developed or built upon as a unit.

Lot Area
An area of land, which is, determined by the hunts of the lot lines bounding that area.

Lot, Corner
A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

Lot Coverage
The percentage of the lot area covered by the total building area.

Lot Depth
A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

Lot Width
The mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width (See Schedule) shall be measured at the most forward allowable building hue or setback line; however, the mean lot width shall not be less than the required lot width.

Mobile Home
A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing. Which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot
A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of mobile home.

Mobile Home Park
A parcel of 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.

Motel
A building or group of buildings, whether detached or connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist centers, motor lodges, auto courts and other similar designations but shall not be construed to include mobile or immobile trailers or homes.

Nonconforming Lot
A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which is located by reasons of such adoption or amendment.

Nonconforming Structure
A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use
A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to tile enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Parking Space
An off-street space available for the parking of a motor vehicle and which, in this Ordinance, is held to be an area ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Planned Residential Development
An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk or type of dwelling, or use, density, or intensity, lot coverage and required open space to regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

Planning Code
The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Principal Building
A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

Professional Home Occupation
The office or Studio of a resident physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician teacher as herein restricted; provided that no more than two (2) persons employed who are not members of the family and that such office shall be in the main building and shall not occupy more than the equivalent of one-half (1/2) of the area of one (1) floor of said building. For the purposes of this section, a "teacher" shall be restricted to a person giving individual instruction on a musical instrument, in singing or in academic or scientific subjects to a single pupil at a time. A professional home occupation shall not include the office of any person

professionally engaged in the purchase or sale of economic goods. Tea rooms, tourist homes, beauty parlors, barber shops, hairdressing and manicuring establishments, convalescent homes, mortuary establishments and stores, trades or businesses of any kind not herein excepted shall not be deemed to be home professional offices. The home professional office of a physician shall not include a biological or other medical testing laboratory.

Professional Office
The office of a member of a recognized profession, as hereinafter indicated, when conducted on a residential property shall be conducted by a member or members of the residential family entirely within a residential building and shall include only the offices of doctors, ministers, architects, professional engineers, lawyers and such similar professional occupations which may be so designated by the Zoning hearing Board, upon finding by such Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein. The issuance of a State or local license or regulation of any gainful occupation need not be deemed indicative of professional standing.

Public Hearing
A formal meeting held pursuant to public notice by Borough Council or the Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting
A forum held pursuant to notice under the act on July 3, 1966 (P.L. 368, No. 84), known as the “Sunshine Act”.

Public Notice
Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

Setback
The setback of a building from a particular lot line is the horizontal distance from such lot line to the part of the building nearest to such lot line.

Sign
Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others but not including any flag, badge or insignia of any public quasi-public, civic, charitable or religious group.

Sign, Commercial
Any sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from tile rental of such signs or any sign advertising a commodity not sold or produced on the premises. This shall include “billboards” and off-premises signs indicating the directions to a particular place.

Sign Area
The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the said sign.

Site Plan
A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Zoning Hearing Board In unusual or special cases.

Story
A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above tile level of the line of tile finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two (2) feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than five (5) feet above grade.

Street
Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or other way, whether public or private, used or intended to be used by vehicular traffic or pedestrians.

Street Line
The street line is that line determining tile limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point twenty-five (25) feet from the centerline of the existing street.

Structure
Any man-made object having an ascertainable location on or in land or water, whether or not affixed to land.

Travel Trailer
A vehicular portable structure built on a chassis (pick-up camper, converted bus, tent-trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

Travel Trailer Camp or Park
Any site, lot or tract of land upon which provisions are made to accommodate any travel trailer and/or similar temporary dwelling for travel or recreational purposes for short term occupancy, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such travel trailer camp or park.

Use
The specific purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

Variance
Relief granted pursuant to the provisions of Article XVI of this Ordinance.

Vehicle Service Facilities
A building or lot or part thereof used for the service or maintenance of motor vehicles, including automobile filling stations, repair body shops and body shops.

Yard, Front
An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot. The depth of the front yard shall be measured at right angles to the street line.

Yard, Rear
A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear line of the lot or, if the lot is not rectangular, then in the general direction of its side lot lines.

Yard, Side
An open, unoccupied space between the side line of the lot and tie nearest line of the building and extending from the front yard to the rear yard or, in the absence of either such yards, to the street or rear lot lines, as the case may be. The width of a side yard shall be measured at right angles to the sideline of the lot.

Zoning Hearing Board
The board appointed by Northumberland Borough Council with jurisdiction under this Ordinance to render decisions.

Zoning Officer
The duly constituted municipal office designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may be the Building Inspector and serve both offices of the Borough.

Zoning Permit
A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirement under this Ordinance for the zone in which it is located or is to be located.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Section 3.01 - Zoning Districts
A. The following types of zoning districts are hereby established for the Borough of Northumberland:

1. R-l Residential Districts
2. R-2 Residential Districts
3. R-3 Residential Districts
4. HC highway Commercial Districts
5. CBD Commercial Business Districts
6. I Industrial Districts
7. OS Open Space/ Recreation Districts
8. H Historic Districts (overlying area).

B. The zoning districts of the Borough of Northumberland are as follows:

1. R-l Residential District
   Beginning at the intersection of the center line of Prince Street and the center line of Front Street; thence northeastwardly along the center line of Front Street to the point of intersection with Old Route 11; thence northeastwardly along the center line of Old Route 11 to the Borough line;

thence along said Borough line the following five courses and distances: (1) N. 44~ 53' 44" W. a distance of 2,473.31 feet; (2) S. 82 47' 33 W. 8 distance of 2,847.82 feet; (3) S. 45 06' 16" W. a distance of 341.?2 feet; (4) N. 44 53' 44" W. 8 distance of 264 feet; (5) 5. 45" 12' 08" W. to a point of intersection of the southwestern line of Vista Avenue if Vista Avenue were extended west; thence southeastwardly along the southwestern line of Vista Avenue if extended to a point in the center line of Seventh Street (unopened); thence southwestwardly along the center line of Seventh Street (unopened) to a point in the center line of Prince Street; thence southeastwardly along the center line of Prince Street to the center line of Front Street, the place of beginning.

2. R-2 Residential District
Beginning at a point in the intersection of the center line of Prince Street and the center line of Front Street; thence northeastwardly along the center line of Front Street to the center line of C Street; thence southeastwardly along the center line of C Street to the center line of Water Street; thence southwestwardly along the center line of Water Street to the center line of Lackawanna Avenue; thence southeastwardly as if center of Lackawanna Avenue were extended to the center line of the North Shore Railroad; thence southwestwardly along the center line of the railroad to the center line of Queen Street; thence northwestwardly along the center line of Queen Street to the center line of Depot Avenue; thence northeastwardly along the center line of Depot Avenue to the center line of King Street; thence northwestwardly along the center line of King Street to the center line of the private alley west of the Methodist Church; thence southwestwardly along the center line of said private alley to the center line of Wheatley Avenue; thence northwestwardly along the center line of Wheatley Avenue to the center line of Church Avenue; thence southwestwardly along the center line of Church Avenue to a point in the center line of Duke Street; thence northwestwardly along the center line of Duke Street to the center line of Fifth Street; thence southwestwardly along the center line of Fifth Street to the center line of West Way Avenue; thence along the center line of West Way Avenue to the northwest Borough boundary line; thence along the said Borough boundary line the following three courses and distances; (1) North forty-five degrees six minutes sixteen seconds East (N. 45" 06' 16" L'.) through Eighth Street a distance of one thousand five hundred fifty-one (1,551) feet, more or less, to a point in Orange Street, (2) North forty-four degrees fifty-three minutes forty-four seconds West (N. 44" 53' 44" W.) through Orange Street a distance of two hundred sixty-four (264) feet to a point, (3) North forty-five degrees twelve minutes eight seconds East (N. 45 12' 08.” E.) a distance of approximately 1990 feet to the point of intersection with the center line of Vista Avenue if Vista Avenue were extended northwestwardly; thence southeastwardly along the southwestern line of Vista Avenue, if extended, to a point in the center line of Seventh Street (unopened); thence southwestwardly along the center line of Seventh Street (unopened) to a point in the center line of Prince Street; thence southeastwardly along the center line of Prince Street to the center line of Front Street, the place of beginning.

3. R-3 Residential District
Beginning at a point in the intersection of the center line of Water Street and the center line of Lackawanna Avenue; thence northeastwardly along the center line of Water Street to a point opposite the southwestern line of land of Norry Welding Co.; thence southeastwardly along said line of Norry Welding Co. a distance of 300 feet, more or less, to the center line of the unopened extension of Priestley Avenue; thence northeastwardly on a curve to the left along the center line of unopened Priestley Avenue a distance of 300 feet, more or less, to the northeast line of Priestley Commons; thence southeastwardly along said line of Priestley Commons to the center line of the North Shore Railroad; thence southwestwardly along the center line of said North Shore Railroad to the center line of Lackawanna Avenue if it were extended southeastward; thence northwestwardly along the center line of Lackawanna Avenue, if extended, to a point in the center line of Water Street, the place of beginning.

4. Highway Commercial Districts
   a. District 1: Beginning at a point in the southeastern line of Front Street in the line of land now or formerly of Keystone Forge, said point being 135 feet, more or less, southwest of the center line of Duke Street; thence northwestwardly in a line parallel to Duke Street, to a point in the center line of Fourth Street; thence southwestwardly along the center line of Fourth Street to the center line of West Way Avenue a/k/a Penn Street; thence northwestwardly along the center line of West Way Avenue to a point in the center line of Fifth Street; thence northeastwardly along the center line of Fifth Street to the center line of Duke Street; thence southeastwardly along the center line of Duke Street to the southeastern line of Front Street; thence southwestwardly along the southeastern line of Front Street 135 feet, more or less to the place of beginning.
   b. District 2: Beginning at the intersection of the center line of Water Street and the center line of Queen Street; thence southwestwardly along the center line of Water Street to the center line of the North Shore Railroad line; thence northeastwardly along the center of said railroad on a curve to the left to the point of intersection of the center line of Queen Street: thence northwestwardly along the center line of Queen Street to the center line of Water Street, the place of beginning.
   c. District 3: The area bounded on the southwest by the center line of "C" Street; on the northwest by the center lines of Front Street and Old Route 11; on the northeast by the Borough boundary line; on the southeast by the center lines of US Route 11 and Water Street.
5. CBD Commercial Business District
   Beginning at the intersection of the center line of Depot Avenue and the center line of Queen Street; thence northeastwardly along the center line of Depot Avenue to the center line of King Street; thence northwestwardly along the center line of King Street to the center line of the private alley west of the Methodist Church; thence southwestwardly along the center line of said private alley to the center line of Wheatley Avenue; thence northwestwardly along the center line of Wheatley Avenue to the center line of Church Avenue; thence southwestwardly along the center line of Church Avenue to a point in the center line of Duke Street; thence southeastwardly along the center line of Duke Street to the southeastern line of Front Street; thence southwestwardly along the southeastern line of Front Street to the center line of the railroad leading to Danville; thence southeastwardly along the center of said railroad line to the center line of Water Street; thence northeastwardly along the center line of Water Street to the center line of Queen Street; thence northwestwardly along the center line of Queen Street to the center line of Depot Avenue, the place of beginning.
6. Industrial Districts
   a. District 1: Beginning at a point in the southeastern line of front Street, said point being 135 feet, more or less, southwest of the center line of Duke Street: thence northwestwardly in a line parallel to Duke Street, to a point in the center line of Fourth Street: thence southwestwardly along the center line of Fourth Street to the center line of West Way Avenue a/k/a Penn Street; thence northwestwardly along the center line of West Way Avenue to the northwest Borough boundary line: thence S. 45" 06' 16" W. approximately 1,150 feet to the center line of the railroad line nearest the Susquehanna River; thence southeastwardly along the center line of said railroad line to the point of intersection of the southeastern line of front Street if front Street were extended southwestward; thence northeastwardly along the southeastern line of Front Street, if extended, to the place of beginning.
   b. District 2: Beginning at a point in the centerline of Water Street opposite the southwestern line of land of Norry Welding Co.: thence northeastwardly along the center line of Water Street and U.S. Route 11 to the northeastern Borough boundary line; thence southeastwardly along said boundary line to the center line of the North Shore Railroad line; thence

southwestwardly along the center line of said railroad line to a point in the northeast line of Priestley Commons; thence northwestwardly along the northeast line of Priestley Commons to the center line of unopened Priestley Avenue; thence southwestwardly along the said center line of unopened Priestley Avenue to the southwestern line of Norry Welding Co.; thence northwestwardly along said line of Norry Welding Co. to the place of beginning.

7. Open Space Districts
   a. District 1: Beginning at the intersection of the center line of Water Street and the center line of the railroad leading to Danville; thence northwestwardly along center Of said railroad line to the southeastern line of Front Street; thence southwestwardly along the southeastern line of Front Street, if it were extended southwestwardly, to the center line of the rail road line nearest to the west branch of the Susquehanna River; thence northwestwardly along the center line of said railroad to the boundary line of the Borough; thence southwestwardly along said boundary line to the low water mark of the west branch of the Susquehanna River; thence southeastwardly along said low water mark of the River to the center line of Water Street; thence northeastwardly along the center line of Water Street to the center line of the railroad leading to Danville, the place of beginning.
   b. District 2: Beginning at the intersection of the center line of Water Street and the center line of the railroad leading to Danville, known as the North Shore Railroad line; thence northeastwardly along the center of said railroad line to the boundary line of the Borough; thence southeastwardly along said boundary line to the low water mark of the north branch of the Susquehanna River; thence southwestwardly along said low water mark of the River to the point of intersection with the west branch of the Susquehanna River; thence northwestwardly along the low water mark of the said west branch of the Susquehanna River to a point in the center line of Water Street; thence northeastwardly along the center line of Water Street to the place of beginning.
8. H Historic District (overlying area)
   Beginning at the center line of the North Shore Railroad at a point 200 feet, more or less, southwest of the southwestern line of Queen Street; thence northeastwardly along the center of the North Shore Railroad line to the center line of Hanover Street; thence northeastwardly along the center line of Hanover Street to the center line of Priestley Avenue; thence southwestwardly along the center line of Priestley Avenue to the center line of Orange Street; thence northwestwardly along the center line of Orange Street to the Center line of Toulman Avenue; thence northeastwardly along the center line of Toulman Avenue to the center line of A Street; thence northwestwardly along the center line of A Street to the center line of Front Street; thence southwestwardly along the center line of Front Street to the center line of North Avenue: thence northwestwardly along the center line of North Avenue to the center line of Perk Avenue; thence southwestwardly along the center line of Park Avenue to the center line of Sheetz Avenue; thence northwestwardly along the center line of Sheetz Avenue to the center line of Fourth Street; thence southwestwardly along the center line of Fourth Street to Wheatley Avenue; thence southeastwardly along the center line of Wheatley Avenue to the center line of Water Street; thence southwestwardly along the center line of Water Street to a point 200 feet, more or less, southwest of the southwesterly line of Queen Street; thence in a southeasterly direction to the place of beginning.

Section 3.02 - Zoning Map

The boundaries of the above districts as delineated on a map shall constitute the "Northumberland Borough Zoning Map".

Section 3.03 - Interpretation of District Boundaries
Where uncertainty exists as to the boundaries of the districts shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed as following such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following municipality limits shall be construed as following such municipality limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of a change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed as following such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in Sub-sections A through E above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in circumstances not covered by Sub-sections A through E above, the Zoning hearing Board shall interpret the district boundaries.

Section 3.04 - District Application to Newly Annexed Territory to the Borough
Newly annexed territory to the Borough shall automatically be construed to be located within the R-1 Residential District, subject to application for amendment and public hearing, unless otherwise indicated in the approved petition for annexation.

ARTICLE IV

CONFORMANCE REQUIRED

Section 4.01 - Application of District Regulations
The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter by erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located. No residential lot shall have erected upon it more than one (1) principal building.

B. No building or other structure shall hereafter be erected or altered:

    1. To exceed the height;
    2. To accommodate or house a greater number of families;
    3. To occupy a greater percentage of lot area; or

4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this Ordinance.

C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

ARTICLE V

R-1 - RESIDENTIAL DISTRICTS

Section 5.01 - Intended Purpose

The R-1 Residential Districts are composed of low density residential areas of the Borough, plus certain open areas where similar residential development appears likely to occur. The regulations for these districts are designed to stabilize and protect the essential characteristics of the area, protect the amenities of certain areas of the Borough where the pattern has already been established with single family development on relatively large lots and promote and encourage a suitable environment for family life. To these ends, development is restricted to conventional low density single-family detached dwellings and related land uses.

Section 5.02 - Permitted Uses

A. Single family dwellings.

B. Public nursery, kindergarten, elementary and high school

C. Churches and similar places of worship.

D. Public parks, playgrounds and open space.

E. General gardening and the growing of trees and nursery stock; not including roadside displays or commercial signs.

F. Public libraries, community activity and municipal buildings.

G. Customary accessory uses and buildings incidental to any of the above permitted uses, including:

1. Private garages.
2. Garden houses, tool houses, playhouses or greenhouses not used for commercial purposes.
3. Professional offices and home occupations, provided there is no external evidence of such uses except an announcement sign not over two (2) square feet in area, that not more than fifty (50) percent of the total floor area is used for such purposes and that not more than two (2) persons other than members of the immediate family are employed.
4. Signs, as provided in Section 13.08 of this Ordinance.

H. Planned Residential Development: subject to the provisions of Article XIV.

I. The following special exceptions, upon the issuance of a permit by the Zoning Hearing Board as provided for in Section 16.081 of this Ordinance.

1. Private nursery, elementary, high schools and institutions of higher education; providing, however, that the lot upon which located contains a minimum of one (1) acre plus five hundred (500) square feet of land per pupil.
2. Recreational areas and structures operated by membership clubs for the benefit of their members and not for gain, providing that the residential character of the neighborhood is preserved so as to in no way give the impression of a commercial use.
3. Cemeteries.
4. Multiple dwelling and apartments, subject to the controls set forth herein for planned residential developments (Article XIV).
5. Necessary public utility structures and buildings, providing that they do not include materials storage, storage for trucks, repair facilities or housing quarters for repair crews.

Section 5.03 - Lot Area, Building Height and Yard Requirements

A. Lot Regulations

A lot width, lot area and setbacks of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

Public Utilities	Lot Requirements			Yard Requirements			
	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width	Maximum Lot Cover (%)	Front	One Side	Total Sides	Rear
None	18,000	150'	20%	30'	30'	60'	30'
Either Public Water or Sewer	12,000	100'	25%	30'	15'	30'	25'
Both Public Water and Sewer	9,000	75'	25%	30'	10'	20'	25'

B. Building Height

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless authorized as a special exception.

Section 5.04 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with Section 13.07 of this Ordinance.

Section 5.05 - Habitable Floor Area

A. The minimum habitable floor area of any new dwelling hereafter utilized, with the exception of buildings containing four (4) or more dwelling units, shall be seven hundred (700) square feet.

B. Multiple family and apartment dwelling units in buildings containing four (4) or more dwelling units shall have a floor area of not less than that listed below and in no case shall the floor area ratio (total floor area divided by the lot area) exceed 2.0. Providing further that there shall be not less than six hundred twenty-five (625) square feet of land area per dwelling unit.

Floor Area	# of Bedrooms per Dwelling Unit
500 sq. ft.	0
600 sq. ft.	1
800 sq. ft.	2
1,000 sq. ft.	3

ARTICLE VI

R-2 - RESIDENTIAL DISTRICTS

Section 6.01 - Intended Purpose

The R-2 Residential Districts are composed of certain medium density residential areas of the Borough representing a compatible mingling of one (1) or two (2) family dwellings, plus certain open areas where similar residential development appears likely to occur. The regulations for these districts are designed to stabilize and protect the essential characteristics of the district and promote and encourage a suitable environment for family life. To these ends, development is limited to medium density concentration, permitting primarily single and two (2) family dwellings.

Section 6.02 - Permitted Uses

A. Uses permitted in the R-1 Residential Districts, subject to the regulations of the R-2 Residential Districts.

B. Two family attached or semi-detached dwellings.

C. Customary accessory uses and buildings incidental to any of the above permitted uses, including those specified in the R-1 Districts.

D. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided for in Section 16.08.I of this Ordinance.

   1. Special exceptions specified in R-1 Districts.
   2. ~~Conversion apartment dwellings, subject to the limitations of minimum lot and habitable floor requirements (Section 13.09).~~ Deleted Ordinance 2003-5.
   3. Clinics and nursing homes, providing that the care of drug addicts, chronic alcoholics or persons suffering from insanity or diseases requiring isolation are not included.
   4. Professional offices.
   5. Mobile home parks and subdivisions, provided that each mobile home park and extension thereof shall conform to the following requirements.
      a. The minimum mobile home park or subdivision tract shall be not less than five (5) acres, in area.
      b. A minimum of five thousand (5,000) square feet shall be provided for each mobile home unit stand.
      c. There shall not be more than seven (7) mobile home unit stands per net acres of land use.
      d. Side yard distances measured from outside of each mobile home unit-to-unit lot line shall not be less than thirty (30) feet in total and no one (1) side yard distance less than twelve (12) feet.

e. Front and rear yards shall not be less than ten (10) feet.

f. A minimum of thirty (30) feet shall be maintained between any two (2) mobile home units.

g. All applications for a mobile home park or subdivision shall be accompanied by a plot plan showing the location of the site, topography, drainage, number of units, access1 road layout, name and address of owner and names of abutting owners.

h. Provisions must be made to connect each mobile home unit to a municipal type water and sanitary sewer system, as approved by the Pennsylvania Department of Health.

i. Conformance is required to any applicable local and State regulations governing mobile home parks.

6. Funeral homes.

7. Rooming houses and tourist homes.

8. Group Homes, provided that such homes meet the following conditions:

a. No more than three (3) such homes shall be located in the R-2 District.

b. The homes shall be only for the mentally and physically handicapped; approval for all other types of group homes shall be required by the Planning Commission and Borough Council

c. Occupancy in the group home shall not exceed five (5) persons and shall provide proper supervision as defined by State and Public Agencies.

d. A permit shall be required for the operation of all such homes.

e. No two (2) group homes shall be located within the same block or within two (2) blocks of one another along the same street.

Section 6.03 - Lot Area, Building Height and Yard Requirements

A. Lot Regulations

A lot width, lot area and setback of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

Public Utilities	Lot Requirements			Yard Requirements			
	Minimum Area (Sq. Ft.)	Minimum Lot Width	Maximum Lot Cover. (%)	Front	One Side	Total Sides	Rear
None	10,000	100'	25%	25'	15'	30'	30'
Either Public Water or Sewer	8,000	80'	30%	25'	10'	25'	25'
Both Public Water and Sewer	6,000	60'	35%	25'	8'	20'	20'

* All setback requirements may be adjusted in built-up areas to coincide with the average setbacks of existing buildings in the general vicinity

B. Building Height

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless authorized as a special exception.

Section 6.04 - Minimum Off-Street Parking Requirements
Off-street parking shall be provided in accordance with Section 13.07 of this Ordinance.

Section 6.05 - Habitable Floor Area
A. The minimum habitable floor area of any new dwelling unit hereafter utilized, with the exception of apartment buildings containing four (4) or more dwelling units, shall be seven hundred (700) square feet.

B. Multiple family and apartment dwelling units in buildings containing four (4) or more dwelling units shall have a floor area of not less than that listed below and in no case shall the floor area ratio (total floor area divided by the lot area) exceed 2.0. Providing further that there shall be not less than six hundred twenty-five (625) square feet of land area per dwelling unit.

Floor Area	# of Bedrooms per Dwelling Unit
500 sq. ft.	0
600 sq. ft.	1
800 sq. ft.	2
1,000 sq. ft.	3

ARTICLE VII

R-3 - RESIDENTIAL DISTRICTS

Section 7.01 - Intended Purpose
The regulations for these districts are designed to accommodate high density development in areas conducive to this type of development in terms of location, accessibility, availability of sewer and water facilities, existing development patterns and anticipated growth trends.

Section 7.02 - Permitted Uses
A. Uses permitted in the R-2 Residential Districts, subject to the regulations of the R-3 Residential Districts.

B. Multiple family apartment dwellings, townhouses, and condominiums.

C. Customary accessory uses and buildings incidental to the above permitted uses, including those specified in the R-2 Districts.

D. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided for in this Ordinance (Section 16.08 I).

    1. Special exceptions as specified in the R-2 Districts.
    2. The provision of incidental service stores (such as news, cigar or candy counter sales, delicatessens; restaurants; personal service shops; and similar uses).
    3. Conversion apartment dwellings, subject to the limitations of minimum lot and habitable floor (Section 13.09) and parking (Section 6.04) requirements. [Added 11-5-03 by Ord. 2003-5]

Section 7.03 - Lot Area, Building Height and Yard Requirements
A. Lot Regulations

1. A lot width, lot area and setback of not less than the dimensions shown on the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in the district.

Type Of Dwelling	Lot Requirements			Yard Requirements			
	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width	Max. Lot Cover. (%)	Front	One Side	Total Sides	Rear
Single and Two Family	3,000 **	30'	45%	25'	8'	20'	20'
Multiple Family	5,000 *	50'	60%	25'	20'	40'	25'

* All setback requirements may be adjusted in built-up areas to coincide with the average setbacks of existing buildings in the general vicinity.

** Per dwelling unit.

2. The minimum lot area per dwelling unit shall be not less than indicated below:

# of Dwelling Units Permitted	Lot Area Per Dwelling Unit (Sq. Ft.)
1	3,000
2	2,000
3 or more	1,600

B. Building Height

1. No principal building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height; and no accessory building shall exceed one (1) story or fifteen (15) feet in height, unless authorized as a special exception.
2. Multiple family dwellings and apartment dwelling structures may exceed thirty-five (35) feet in height when authorized as a special exception, providing that for every ten (10) feet in excess of thirty-five (35) feet or portion thereof there shall be added to each side setback an additional five (5) feet and providing the height does not exceed the fire fighting capacity of the Borough fire department.

Section 7.04 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with this Ordinance (Section 13.07)

Section 7.05 - Habitable Floor Area

A. The minimum habitable floor area of any new dwelling unit hereafter utilized, with the exception of buildings containing four (4) or more dwelling units, shall be seven hundred (700) square feet.

B. Multiple family and apartment dwelling units in buildings containing four (4) or more dwelling units shall have a floor area of not less than that listed below and in no case shall the floor area ratio (total floor area divided by the lot area) exceed 2.0. Providing further that there shall be not less than six hundred twenty-five (625) square feet of land area per dwelling unit.

Floor Area	# of Bedrooms per Dwelling Unit
500 sq. ft.	0
600 sq. ft.	1
800 sq. ft.	2
1,000 sq. ft.	3

ARTICLE VIII

HC - HIGHWAY/COMMERCIAL DISTRICTS

Section 8.01 - Intended Purpose
These districts are designed solely to serve the needs of the vehicular shopper, providing goods that meet the needs generally classified as convenience goods and services. Business activities are to be concentrated with a cluster or linear pattern with adequate parking and vehicular access.

Section 8.02 - Permitted Uses
A. Retail sales and services in a fully enclosed building.
    1. Food market
    2. Drug store
    3. Bakery
    4. Clothing
    5. Shoe store
    6. Restaurant, but not to include the drive-in type
    7. Jewelry store
    8. Gift shop, florist shop
    9. Book store, stationery store
    10. Radio, TV and music store
    11. Variety store
    12. Dry goods and notions store
    13. Hardware store, sporting goods
    14. Banking facilities.

B. Personal service shops which deal directly with consumers, offices and establishments, provided that each such use occupies a total floor area of not more than four thousand (4,000) square feet.
    1. Barber and beauty shops
    2. Dry cleaning and laundry pick-up shops
    3. Tailors and dressmaker shops
    4. Self-service laundry
    5. Real estate office and similar professional offices

6. Finance and loan agencies
7. Medical and dental offices

C. Adult entertainment or adult-oriented business providing the adult entertainment or adult-oriented business is not within one thousand (1000) feet measured in a straight line without regard to intervening structures or objects, of any existing adult business or public park, church, public or private elementary, middle, junior high, high school, or daycare center. It shall further be unlawful to locate or relocate any adult entertainment or adult-oriented business within five hundred (500) feet of any public or private elementary, middle, junior high, high school or residential zone. The location of a newly established public park, church or school within one thousand (100) feet, or the establishment of a residential zone within five hundred (500) feet of an existing adult entertainment or adult-oriented business shall not thereby cause the existing adult entertainment or adult-oriented business to be deemed a non-conforming use. Subject to the above conditions, an adult entertainment or adult oriented establishment will only be permitted in the Highway Commercial District of the Borough.

1. Definitions

a. Adult Entertainment and Adult-Oriented Businesses include any store, establishment, tavern, club, or theater having as more than fifty percent (50%) of its stock in trade, books, magazines, or other periodicals or video movies, films, photographs, live appearances, or performances which are distinguished or characterized by their emphasis on matters depicting, describing, or related to “specified anatomical areas” or “specified sexual activities”, as defined below. Any establishment or premises having as substantial or significant portion of its trade, the display, barter, rental or sale of printed matter, pictures, graphics, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specific sexual activities” or “specified anatomical areas” as defined hereinafter, or any “sexually oriented adult entertainment premises”, as defined hereafter, including but not limited to adult bookstores, adult entertainment shows, adult motion picture theaters, and adult arcades, as well as tattoo parlors and body piercing establishments as defined hereafter.

b. SPECIFIED ANATOMICAL AREAS shall mean:

i. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.

ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

c. SPECIFIED SEXUAL ACTIVITIES shall mean:

i. Human genitals in a state of sexual stimulation or arousal

ii. Acts of human masturbation, sexual intercourse, or sodomy

iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

d. “ENTERTAINMENT” means any exhibition or dance of any type, pantomime, modeling, or any other performance.

e. “SEXUALLY ORIENTED ADULT ENTERTAINMENT” means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.

f. “PUBLIC PLACE OF AMUSEMENT,” “PUBLIC AMUSEMENT/ENTERTAINMENT,” AND “PUBLIC ENTERTAINMENT” mean an amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member or

members of the public, or advertised for the use or benefit of a member of the public, held, conducted, operated or maintained for a profit, either direct or indirect.

g. "SEXUALLY ORIENTED ADULT ENTERTAINMENT PREMISES" means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.

h. "ENTERTAINER" means any person who provides sexually oriented adult entertainment within a public place of amusement as defined in this section whether or not a fee is charge or accepted for such entertainment.

i. "MEMBER OF THE PUBLIC" is defined as any customer, patron or person, other than an employee, who is invited or admitted to a sexually oriented adult entertainment premises.

j. "NUDITY" is defined as: The showing of the human male or female genitals or pubic area, the showing of the female breast, with less than a fully opaque covering of any part of the areola, or the showing of the covered male genitals in a discernibly turgid state.

k. "SEXUALLY ORIENTED ADULT ARCADE" AND "SEXUALLY ORIENTED ADULT ARCADE PREMISE" shall mean any premise on which any sexually oriented adult arcade device is located and to which patrons, customers and/or members of the public are admitted.

l. "SEXUALLY ORIENTED ADULT ARCADE DEVICE," sometimes also known as "panorama," "preview," "picture arcade," or "peep show," means any device which, for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, film, videotape, or videodisc, live show or other graphic display of "specified anatomical areas." All such devices are denominated under this ordinance by the term "sexually oriented adult arcade device."

m. "ADULT BOOKSTORE" is defined as any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas is conducted as a principal use of the premise; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

n. "ADULT ENTERTAINMENT SHOWS" means any premises from which minors are excluded and in which live entertainment is provided, or any device is provided in which the subject matter is distinguished or characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or displaying specified anatomical areas as the principal use of the premises or is shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged.

o. "ADULT MOTION PICTURE THEATER" means any establishment from which minors are excluded in which motion pictures, slides, or similar photographic reproductions are shown depicting adult entertainment as the principal use of the premises, or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged; and wherein such movies are shown on a regular basis; and not to include a theater showing adult-movies less than 5% of the total showing time of the theater.

p. "TATOO PARLOR" means any establishment that uses any method of placing ink or pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

q. "BODY PIERCING" means puncturing or penetration of the skin of a person with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system shall not be included in this definition.

D. Other uses which are similar to the above and subject to the following regulations.

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All businesses, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.

E. Customary accessory uses and buildings incidental to any of the above permitted uses, including the following:

Advertising signs customarily incidental to any of the permitted uses pertaining only to the products or services offered for sale on the premises and subject to the provisions of Section 13.08 of this Ordinance

F. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided for in Section 16.02 of this Ordinance.

1. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations and gas regulator stations with service yards, but without storage facilities.
2. Mortuary and funeral establishments.
3. Residential uses either as the exclusive occupant of a lot or as a mixed use with a permitted non-residential use are permissible only when, in the opinion of the Board, adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this Ordinance.
4. Sales offices and sales lots for the retail sales of new and/ or used automobiles, trucks, boats, farm equipment and mobile homes.
5. Conversion apartment dwellings, subject to the limitations of minimum lot and habitable floor (Section 13.09) and parking (Section 6.04) requirements. [Added 11-3-05 by Ord. 2003-5]

Section 8.03 - Lot Area, Building Height and Yard Requirements

A. Lot Requirements

Lot widths, area and yard setback requirements of not less than the dimensions shown as follows shall be provided for any use permitted in this district.

1. Minimum Lot Area

None required for individual permitted uses.

2. Minimum Lot Width

None required for individual permitted uses.

3. Maximum Lot Coverage

Not more than fifty (50) percent of the total building coverage for any single district area.

B. Yard Requirements

1. Front Yard

Twenty (20) feet

2. Side Yard

   None required for individual permitted uses, except that side yards of not less than twenty-five (25) feet shall be required when abutting any other districts specified in this Ordinance.

3. Rear Yard

   Twenty (20) feet.

C. Building Height

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height; and no accessory structure shall exceed one (1) story or fifteen (15) feet in height; except as provided for in Section 16.04 as a special exception.

Section 8.04 - Minimum Off-Street Parking, Loading and Unloading Requirements

A. Off-street parking shall be provided in accordance with Section 13.07 in this Ordinance.

B. Each business use shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area or fraction thereof in each building. Such space or spaces shall be not less than four hundred (400) square feet in area, with a dimension of ten by forty (10 x 40) feet per space, which shall be located exclusive of any public right-of-way.

Section 8.05 - Limitations of Signs

Only those signs referring or relating to the uses conducted on the premises or the materials or products made, sold or displayed on the premises shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Section 13.08 of this Ordinance.

Section 8.06 - General Requirements

Where Highway Commercial Districts abut any residential district, a landscaped strip of not less than ten (10) feet in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens or fences shall be planted and maintained at not less than five (5) feet in height, except on corner lots where a clear sight area defined in Section 13.06 shall be maintained.

ARTICLE IX

CBD COMMERCIAL BUSINESS DISTRICTS

Section 9.01 - Intended Purpose

The CBD Districts are intended to serve the central retail marketing function of the entire Borough and surrounding trade are and are designed to encourage development of an intensive self-contained shopping center catering to the free circulation of pedestrian activity having arrived by automobile. These districts are intended for a wide-range of shopping and service functions which can provide adequate comparison shopping activities.

Section 9.02- Permitted Uses

A. Any retail business whose principal activity is the sale of new merchandise in an enclosed building.

B. Retail sales in which both a workshop and a retail outlet or showroom are required (such as plumbing, electrician, interior decorating, dress- making, tailoring, upholstering, photographic reproducing, radio and home appliance and similar establishments of more objectionable character), subject to the following provision:

Not more than forty (40) percent of the total usable floor area of the establishment shall be used for servicing, repairing, manufacturing or processing activities.

C. Restaurants, tea rooms, cafes, and other establishments serving food and beverages.

D. Enclosed theaters, assembly halls, concert halls and similar places of assembly or entertainment.

E. Customary accessory uses and building incidental to any principal permitted use, including advertising signs, subject to the provisions of Section 13.08-signs of this Ordinance; providing, however, that such signs shall not detract from the general intended purpose of this district.

F. Office buildings, Elderly Housing and Handicap Housing.

Addendum: Motion was made at the June 5, 1990 Regular Stated Council Meeting to amend the Zoning Ordinance to read as stated in Section 9.02F permitted uses.

G. The following special exceptional uses, upon the issuance of a permit by the Zoning Hearing Board as provided for in this Ordinance (Section 16.04).

1. Uses which, in the opinion of the Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district.
2. Motels and Hotels.
3. Automobile service stations as specified by the regulations below
   a. A set of plans, specifications and plat plans are submitted to the Zoning Hearing Board showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.
   b. All pumps shall be located outside of buildings and on private property and in no case within twenty (20) feet of any street line, and subject to such conditions and safeguards as the Board may impose with respect to, among other matters, the location and adequacy of entrances and exits.
   c. All automobile parts, dismantled vehicles and similar articles are stored within a building; all fuel, oil or similar substances are stored at least thirty-five (35) feet from any street or lot line.
   d. In no event shall a permit be granted for such a use located within five hundred (500) feet of a school hospital, church, museum, club or place of public assembly having a capacity of over one hundred (100) persons; a garage or filling station shall not be deemed non-conforming through the subsequent erection of the above uses.
4. Roadside stands and outdoor sales of garden supplies, nursery stock, farm produce and similar merchandise sold at retail.

Section 9.03 - Lot Area, Building Height and Yard Requirements

A. Lot Area and Yard Setback Requirements

None specified except that front, side and rear yards abutting any residential district shall not be less than twenty (20) feet.

B. Maximum Lot Coverage

None specified.

C. Building Height

No principal structure shall exceed three (3) stories or forty (40) feet in height, except as permitted as a special exception under the provisions of Section 16.02 of this Ordinance.

Section 9.04 - Limitations of Signs
Only those signs referring or relating to the uses conducted on the premises or the materials or products made, sold or displayed on the premises shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Section 13.08 of this Ordinance.

Section 9.05 - General Requirements
Where CBD Districts about any residential district, a landscaped strip of not less than twenty (20) feet in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens, fences or masonry walls shall be planted and maintained at not less than five (5) feet in height, except on corner lots) where a clear sight area as defined in Section 13.06 shall be maintained.

ARTICLE X

INDUSTRIAL DISTRICTS

Section 10.01 - Intended Purpose
These districts are designed to provide for the installation of various types of manufacturing and industrial uses. Regulations to minimize their incompatibility with other districts are the minimum required for the mutual protection of the industrial areas; and, to that end, the district should be buffered from any adjacent residential or business district.

Section 10.02 - Permitted Uses
A. Special trade contractors and building material wholesalers, providing that all materials and storage are completely enclosed within a building or similar shelter.

B. Utilities and communications such as electrical receiving or transforming stations, radio or television broadcasting stations and gas service buildings and yards.

C. Warehousing, refrigerated and general storage.

D. Trucking transportation terminals, maintenance and service facilities.

E. Laundries, laundry services and cleaning and dyeing plants.

F. Industrial plants manufacturing, processing or assembling the following:

1. Agricultural products.
2. Food and kindred products.
3. Furniture and fixtures.
4. Printing, publishing and paperboard products.
5. Biological products, drugs, medicinal chemicals and pharmaceutical preparation.
6. Electrical machinery, equipment and supplies, electronic components and accessories.
7. Professional, scientific and controlling instruments, photographic and optical goods.
8. Any uses which are charged with the principal function of research (such as industrial, scientific and business research).

9. Any other manufacturing plant and uses having performance characteristics similar to those listed in this district in that they emit a minimum of noise, vibration, smoke, glare, electromagnetic or atomic radiation and odor. There shall be no emission of dust, dirt nor toxic or offensive odors or gases.

G. General construction contractors such as highway and street, heavy construction and general building, coal and coke dealers.

H. Railroad and railroad terminal facilities.

I. Transportation, communications, power and fuel right-of-way.

J. Industrial plants manufacturing, processing or assembling the following:

1. Prefabricated structures and structural members.
2. Chemical products such as plastic materials, medical chemicals, biological products and pharmaceutical preparation.
3. Leather and leather products such as footwear, gloves and luggage.
4. Stone, clay and glass products such as flat glass, glassware, brick and structural tile, pottery products, ceramic wall and floor tile and concrete products.
5. Wooden containers such as boxes and crates.
6. Aluminum, bronze, copper-base alloy and other non-ferrous castings.
7. Machinery such as engines and turbines.
8. Transportation equipment.

K. Customary accessory uses and buildings incidental to any of the above permitted uses.

Section 10.03 - Lot Area, Building Height and Yard Requirements

A. Lot Requirements

A lot width, lot area and setbacks of not less than the dimensions shown on the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

Lot Requirements			Yard Requirements			
Minimum Lot Area	Minimum Lot Width	Maximum Lot Cover. (%)	Front	One Side	Total Sides	Rear
1/2 Acre	100'	50%	30'	20'	45'	30'
				50' *		

*Side yard requirement when abutting residential districts.

B. Building Height

No building shall exceed three (3) stories or forty-five (45) feet in height unless authorized as a special exception.

Section 10.04 - Minimum Off-Street Parking and Loading Requirements

A. Off-street parking shall be provided in accordance with Section 13.07 of this Ordinance.

B. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for standing, loading and unloading. All

such spaces shall conform to a dimension of not less than ten by forty (10 X 40) feet or four hundred (400) square feet in area, with a clearance of not less than fourteen (14) feet in height. Spaces required shall be determined by the table below and located exclusive of any public right-of-way or required parking area.

Gross Floor Area (Sq. Ft.)	Spaces Required
Up to 2,000	None
2,001 to 10,000	One (1) Space
10,001 to 50,000	One (1) space plus one (1) additional space for each 20,000 sq. ft. or fraction thereof in excess of 10,000 sq. ft.
50,001 and Over	Three (3) spaces plus one (1) additional space for each 40,000 sq. ft. or fraction thereof in excess of 50,001 sq.ft.

Section 10.05 - Limitations on Signs
Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Section 13.08 of this Ordinance.

Section 10.06 - General Requirements
Where I Districts abut any other non-industrial district, a landscaped strip of not less than twenty (20) feet in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens or fences, shall be planted and maintained at not less than five (5) feet in height, except on corner lots where a clear sight area defined in Section 13.06 shall be maintained. [Amended 9-1-92 by Ord. No. 92-4.]

ARTICLE XA

R&D & LI – RESEARCH AND DEVELOPMENT AND LIGHT INDUSTRIAL DISTRICT

Section 10a.01 – Intended Purpose
The Research and Development and Light Industrial District is defined on the attached map. The purpose of this district is to provide sufficient space for limited research and development and light industrial activity within the Borough. It is further intended that research and development and light industrial operations will be compatible with surrounding residential areas.

Section 10a.02 – Permitted Uses
In the Research and Development and Light Industrial District, a lot or parcel may be used and a building or structure may be erected for any other following purposes:

A. Packing, assembly and crating activities and services.

B. Research, engineering or testing laboratories including associated offices which shall not include chemical, biological and pharmaceutical research or research concerning other hazardous substances.

C. Administrative activities and offices, including professional and government offices.

D. Architectural and engineering consultant offices.

E. Assembly from components, including the assembly of radios, televisions and similar electronic products.

F. Fabrication of models or test equipment used in research.

G. Plastics assembly.

H. Optical instrument systems development.

I. Dental laboratories.

J. Radio or television transmitter, including such as an accessory use, if it is of any type requiring licensing by the Federal Communications Commission.

K. Clothing assembly, sewing and related activities.

L. Warehouses, distribution centers and associated office space and showrooms, including furniture, appliances and electrical household items.

M. Wholesale facilities and related showrooms and storage facilities.

N. Schools for industrial or business training.

O. Storage, min-storage and moving company facilities.

P. Packing of candy or confectionery items, cigars, cigarettes, cosmetics, pharmaceuticals and toiletries.

Q. Packing or assembly of furniture, electrical and office machinery, equipment and supplies.

R. Printing, engraving and related reproduction processes.

S. Publishing and distribution of books, newspapers and other printed materials.

T. Customary and accessory uses and building incidental to any of the above permitted uses such as a restaurant, cafeteria or recreational facility. Also, customary and accessory uses and building incidental to any of the above permitted uses including operations required to maintain or support any use permitted above on the same lot as the permitted use such as truck repair and maintenance shops. Loading, unloading, servicing and parking of trucks shall be permitted in connection with permitted uses.

U. Accessory parking facilities for cars, trucks and trailers incidental to the above permitted uses.

Section 10A.03 – Building Height
No building shall exceed three (3) stories or forty-five feet (45’) in height from the lowest floor grade existing on September 1, 1992, unless authorized as a special exception.

Section 10A.04 – Off-Street Parking
Off-street parking shall be provided in accordance with Section 13.07 of this Ordinance in connection with B. Industrial Parking Requirements.

Section 10A.05 – Limitations on Signs
Business identification, directional signs and signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises, shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Section 13.08 of this Ordinance.

Section 10A.06 – Noise and Sound Limitations
Noise and sound requirements shall conform to all federal, state and local laws, statues, ordinances and regulations as they are enacted and amended from time to time.

Section 10A.07 – Hazardous Substances
Except on an incidental basis, the manufacture or use of chemicals, biological, pharmaceutical or hazardous materials in a productions process shall be prohibited in this district, including specifically their use in a production process in a school for industrial training.

Section 10A.08 – Tract No. 2
Tract No. 2 shall be limited to the parking of automobiles.

Section 10A.09 – Zoning Map
The zoning map of the Borough of Northumberland shall be changed to reflect the boundaries of the new district as set forth on the attached map.

ARTICLE XI

OS - OPEN SPACE/RECREATION

Section 11.01 - Intended Purpose
These district regulations are designed to protect areas in the Borough for the preservation and conservation of the natural environment and to permit and encourage the retention of open land; floodplain areas of streams; and open land uses located to constitute a harmonious and appropriate part of the physical development of the Borough.

Section 11.02 - Permitted Uses
A. Public conservation areas and structures for the conservation of open space, water, soil and wildlife resources.

B. Public park and recreation areas, game refuges and similar non-intensive public uses.

C. Agriculture, horticulture, truck gardening and nurseries.

D. Customary accessory uses and buildings incidental to any of the above permitted uses.

E. Single family residences, provided the lot on which located is not less than one (1) acre in area, subject further to the requirements of Section 11.03.

F. Structures specifically designed for seasonal and/or recreational use such as tents, cabins, travel trailers or similar structures, whether of a fixed or mobile nature, may be erected or established for a limited time period not to exceed six (6) months, subject to the issuance of a temporary use permit (and approval of the public health officer) by the Zoning Officer, provided that there shall be no renewal of said permits for successive periods, provided further that such temporary seasonal and/or recreational use structures are so spaced that the distance between any two (2) structures shall not be less than twenty-five (25) feet. Any temporary structure hereafter erected, moved or established shall be setback not less than thirty (30) feet from any river, stream or other body of water.

G. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided for in Section 16.04 of this Ordinance.

    1. Semi-public or private recreational areas, historical preservation areas.

2. Public utility and communications buildings and structures.

Section 11.03 - Lot Area, Building Height and Yard Requirements

A. Lot Requirements

A lot width, lot area and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every building or structure hereafter erected or altered for any use permitted in this district.

Public Services	Lot Requirements			Yard Requirements			
	Minimum Lot Area	Minimum Lot Width	Max. Lot Cover. (%)	Front	One Side	Total Sides	Rear
None Required	None	200'	20%	50'	20'	40'	50'

B. Building Height

No principal building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height; and no accessory building shall exceed one (1) story or fifteen (15) feet in height, unless authorized as a special exception in accordance with Section 16.04 of this Ordinance.

Section 11.04 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of this Ordinance (Section 13.07).

ARTICLE XII

HISTORIC DISTRICTS

Section 12.01 - Intended Purpose

The Historic District area is defined on the Zoning Map (See Zoning Map) and delineated in the Historic District designation as submitted to the Bureau for Historic Preservation.

The Historic District shall be considered an overlay to the existing underlying Zoning Districts as shown on the Zoning Map, and as such, the following provisions of the Historic District shall serve as a supplement to the underlying Districts' provisions.

Where any conflict occurs between the following provisions of the Historic District and those of any underlying Zoning District, the more restrictive provisions shall apply.

Section 12.02 - Conversions Permitted

Conversion of older dwellings in the Historic District shall meet the following requirements:

A. The maximum number of units permitted in residential properties without prior approval from the Planning Commission and/or Zoning Hearing Board, shall be two (2).

B. Approval for additional units within residential properties in the Historic District shall be based on the following requirements:

1. No more than four (4) residential units may be created in a residential structure, except in cases of congregate type living for the elderly which shall be considered as a separate living arrangement subject to the following requirements:
    a. such homes shall have an on-site supervisor
    b. such homes shall provide at least six hundred (600) square feet for each occupant and a minimum of one (1) bath per three (3) occupants
    c. the structure shall meet all applicable state requirements, including fire and building codes for such structures
2. The minimum size of a residential unit within such structures shall be at least six hundred (600) square feet and shall be provided with a separate exit.
3. Members of the building owner's immediate family shall be exempt from this requirement as long as a separate and non-accessible unit with its own entrance has been created.
4. No commercial uses shall be created within structures in the Historic District except as follows:
    a. Professional offices, including legal, medical, dental, accounting, architect, which shall be limited to three (3) employees, including the principal.
    b. Home occupations, which shall not employ more than three (3) persons, including the principal and shall be restricted to the following occupations:
        i. cottage industry
        ii. secretarial services
        iii. sales and service
5. Signage in the Historic District shall- be limited to the following:

    One (1) sign not to exceed five (5) square feet that shall be either fastened to front of the building at a height no greater than six (6) feet above the first floor or first floor porch area or supported by wooden posts on a front or rear lawn no less than fifteen (15) feet from the sidewalk at the front of the structure, or property line in the event there is no sidewalk.

Section 12.03 - Accessory Uses
The Historic District Accessory Uses shall be restricted to the following categories:

A. Cultural Institutions
B. Mortuaries
C. Churches
D. Schools
E. Parks and other open space uses

Section 12.04 – Siding
Installation of siding shall not violate the original integrity of the historical structures and shall adhere to the following conditions:

A. It shall resemble the clapboard and/or other facing of the original structure.
B. It shall be applied so that it does not obscure original architectural detailing.
C. It shall not result in the elimination of original details such as brackets, trim, window hood moldings, roof cornices, and other original features.

Section 12.05 - Window and Door Replacement
Windows and doors, when replaced, shall respect the original character of structures in the Historic District. Changes shall be made according to the following standards:

A. Original window openings shall not be altered as a result of replacement. In cases where windows of similar configuration are not available at comparable cost, replacement windows shall be surrounded with trim work that is compatible in texture and color and which fills the original opening. Original arched openings shall be retained.

B. Windows of multiple panes shall be replaced as nearly as possible to their original condition, replacement windows shall be the same dimensions as the original.

C. In no case may different sized windows, or windows with varying numbers of panes, be used randomly or intermittently to replace windows that were of consistent size and pane numbers. Doors shall use original openings and be of similar size and texture.

ARTICLE XIII

SUPPLEMENTARY REGULATIONS

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

Section 13.01 - Accessory Buildings
An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Ordinance for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building and, if located in a side yard area, shall conform to the side yard requirements with respect to the principal building. Accessory buildings shall not exceed one (1) story or fifteen (15) feet in height and may not occupy more than thirty (30) percent of a required rear yard.

Section 13.02 - Temporary Structures for Dwelling Purposes
No cabin, mobile home, basement or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected or established for any dwelling purpose for any length of time unless approval for temporary use is granted by the Zoning Hearing Board.

Section 13.03 - Water Supply and Sewerage Facilities Required
In the interest of protecting the public health, safety and welfare, every building or structure hereafter erected, altered or moved upon any premises and used in whole or part for dwelling, commercial or recreational business or industrial purposes shall be provided with both a safe and sanitary water supply and a safe and sanitary means of collection and disposal of human excreta and domestic, commercial and industrial waste. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Health.

Section 13.04 – Exceptions
A. Public Utility Corporations

The provisions of this Ordinance shall not apply to any existing or proposed building, structure, use or extension. Thereof used or to be used by public utility corporation if, upon petition of the corporation, the Public Utility Commission shall, after public hearing, decide that the present or proposed location in question is reasonably necessary for the convenience and welfare of the public.

B. Application to Lots of Record

1. Where two (2) or more non-conforming abutting lots of record are held in one (1) ownership, either legal or equitable, or subsequently come to be held in one ownership, they shall be considered to be a single lot of record for the purpose of this Ordinance; and the provisions of the Ordinance shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part or portion of any parcel or parcels.
2. Where the owner of a lot of record does not own and cannot reasonably acquire sufficient adjacent land to enable him to conform to the requirements herein prescribed, such lot may be used by said owner as a building site, provided that the required open space and other provisions conform as closely as possible, in the opinion of the Zoning Hearing Board, to the requirements of the district in which it is located.

C. Height Exceptions

The height limitations of this Ordinance shall not apply to church spires, silos, belfries, cupolas, penthouses, and domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads and similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as necessary to accomplish the purposes they are to serve and then only in accordance with any other governmental agencies.

Section 13.05 - Required Street Access

Each principal use hereafter established which involve buildings of structures for human occupancy shall be located and maintained upon a lot which abuts a street or road of at least fifty (50) feet in width for a distance of not less than thirty (30) feet, unless abutting on an existing street which is less than fifty (50) feet in width.

Section 13.06 - Visibility at Intersections [Amended 10-5-1995 as Ord. No. 437.]

On a corner lot in any district, no fence, wall, hedge or other structure or planting more than two (2) feet in height shall be erected, placed, maintained or allowed to remain within the triangular area (the clear sight triangle) formed by the curb lines and a straight line joining points which, as measured along said curb lines, are twenty-five (25) feet distant from the intersection of the curb lines. If there are no curbs, the clear sight triangle shall be measured along the paved portion of the street, avenue or alley.

Section 13.07 - Off-Street Parking

Adequate space for off-street parking of motor vehicles shall be provided and maintained for each building, structure or use hereafter erected, altered or established, exclusive of any public right-of-way. No part of any required front yard shall be used for parking purposes. A minimum of two hundred (200) square feet, exclusive of drives, entrances and exits, shall comprise one (1) vehicular parking space. The minimum number of off street parking spaces by type of use shall be determined in accordance with the following schedule:

Minimum Requirements For Parking Areas Or Accessory Garages		
Use	Minimum Spaces Required	For Each
A. Residential		
Single and Two family Dwellings	1	Dwelling Unit
Multiple Dwellings & Apartment Houses	1 1/2	Unit or Apartment
Hotels, Motels and Rooming-Tourist Homes	1	Guest room or unit

B. Industrial		
Industrial Plants and Related Activities	1	Two (2) employees in the largest working shift
Warehousing, Wholesale and Storage Establishments	1	Two (2) employees in the largest working shift
Visitor Parking	1	Parking spaces for each two hundred (200) square feet of company offices or four (4) spaces, whichever is larger

Section 13.08 - Signs and Advertising Structures [Amended 10-5-95 as Ord. No. 437.]

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

A. General Regulations

All signs and/or advertising structures where permitted in the Zoning Ordinance are subject to the following:

1. It shall not contain moving parts or use flashing or intermittent illumination; the source of light shall be steady and stationary.
2. It shall not cast objectionable light upon any dwelling or mixed use dwelling on a separate lot
3. It shall be no higher than thirty-five (35) feet from the ground to the highest part of the sign.
4. It shall not be so erected as to obstruct entrance to or exit from a required door, window, fire escape or other required exit way.

B. Signs In Residential Districts.

The following types of signs may be permitted in residential districts unless otherwise provided.

1. One (1) name plate and one (1) house sign for each dwelling unit, professional office or home occupation, provided it does not exceed two (2) square feet and identifies only the name and title of occupant. It shall not extend beyond a vertical plane two (2) feet inside the lot from the street line. If lighted, it will be illuminated without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling.
2. Real estate sign, provided it is unlighted, is not closer to a right-of-way than one-half (1/2) the depth of the existing front yard, does not exceed six (6) square feet in area and pertains either to the lease, rental or sale of the premises on which it is maintained.
3. One (1) institutional sign, provided it does not exceed sixteen (16) square feet in area and is not closer to a right-of-way than one-half (1/2) the depth of the existing front yard. If lighted, it will be illuminated without objectionable glare.
4. Signs up to two (2) feet square in area on each side which are necessary for the identification, protection and operation of public utility facilities.

C. Signs in All Districts

The following types of signs are permitted in all districts.

1. Temporary signs of painters, mechanics, contractors and the like, provided that such signs are only located on the premises upon which the work is being done, and provided that such signs are removed immediately after the work is completed on the premises.
2. Temporary signs and banners of a non-commercial nature across rights-of-way if first approved by Borough Council, and provided that and so long as
    a. The sign of banner is not erected in a location which would create or constitute a traffic hazard; and
    b. The sign or banner and the method and manner of its erection and suspension over the right-of-way meet reasonable engineering and safety standard; and
    c. The sign or banner is maintained in a safe condition by the permittee; and
    d. The sign or banner is removed by the permittee immediately upon the expiration date set by Borough Council.
3. An identification sign of permanent nature indication the location and/or entrance to a subdivision or development containing five (5) or more lots, provided that and so long as
    a. The sign is no larger than twenty (20) square feet in area; and
    b. The sign contains no commercial or advertising message; and
    c. The sign is located on property of the subdivision or development, or property obtained for the purpose of erecting the sign; and
    d. The location of the sign does not have an adverse effect upon public safety.
4. An advertising sign of a temporary nature designed to show sales information and the location of lots in a subdivision or development, provided that and so long as
    a. The sign is not more than twenty-four (24) square feet in area; and
    b. The sign is located on the property of the subdivision or development; and
    c. The sign is located behind the front building line of the property upon which it is erected and faces the street upon which the property fronts; and
    d. The sign does not have an adverse effect upon the health, safety and welfare of the area in which it is located or is to be located; and
    e. The sign is removed upon expiration of six (6) months following the issuance of the permit, or upon the sale of seventy-five percent (75%) of the lots in the subdivision or development, whichever first occurs, provided, however, that upon request of the permittee the sign may be permitted to stand until the expiration of one additional six (6) month period or until seventy-five percent (75%) of the lots in the subdivision or development are sold, whichever first occurs.
5. Signs indicating direction to a location, double sided if requested, to which media advertising may be directed, provided that and so long as
    a. Such sign foes not exceed two (2) square feet in area; and
    b. Permission in writing is obtained from the owner of the property upon which the sign is to be erected; and
    c. No more than three (3) such signs ma be erected to indicate the direction to a particular location.

D. Definitions

For purposes of subparagraph 3 of paragraph B, an "institutional sign" is a sign indication the location of a building or buildings which house an organization for the promotion of a cause, such as an educational facility, a training facility, a hospital, an extended care facility, or other similar or like facility.

Section 13.09 - Conversion Apartments
In any residential district, excepting the Historic District, residential structures existing at the date of the adoption of this Ordinance may be converted into apartments, providing there shall be a minimum of two thousand (2,000) square feet of land area per apartment and a minimum of seven hundred (700) square feet of floor area per apartment without expansion of the existing residential structure.

Section 13.10 – Additions
Additions shall meet all of the standards established for height, setbacks and land area ratios in the appropriate district in which such addition is located. They shall utilize as much as possible materials used in the original construction and relate to the scale and dimensions of the original. In no case may the dimensions of the addition be greater than one-half (1/2) the size of the original structure, unless the owner shall have submitted to the Zoning Hearing Board for approval an architect's plan for the addition which adheres to these considerations.

Section 13.11 - Yard Sales [Repealed 10-1-99.]

Section 13.12 - Additional Requirements for 100 Year Floodplain Area
Any proposed new use or development or substantial changes to existing development located wholly or partially within the 100 Year Floodplain shall be subject to the standard requirements and Regulations of the Northumberland Borough Floodplain Ordinance in addition to all applicable regulations of this Zoning Ordinance.

ARTICLE XIV

PLANNED RESIDENTIAL DEVELOPMENT

Section 14.01 - Statement of Intent
A. The intent of this Article is to provide, in the case of planned projects, an added degree of flexibility in the placement, bulk and inter-relationship of the buildings and uses within the planned project and the implementation of new design concepts while at the same time maintaining the overall intensity of use, density of population and amounts of light, air, access and open space specified by this Ordinance for the district in which the proposed project is to be located.

B. The housing type, minimum lot area, yard, height and accessory uses shall be determined by the requirements and procedures set out hereafter which shall prevail over conflicting requirements of this Ordinance or the regulations governing the subdivision of land.

Section 14.02 – Procedure
A. An application for a permit authorizing a special exception use must be made with the Zoning Hearing Board in three (3) copies. This application shall contain at least the following:

1. A legal description of the property under consideration, which also shows that such property is at least ten (10) acres in area.

2. A fully dimensioned map of the land, including topographic information at a contour interval of not less than two (2) feet.
3. A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking lots, buffer strips, plantings, streets, public ways and curb cuts.
4. Proposed reservations for park, parkways, playgrounds, school sites and other open spaces, with an indication of the structure of the organization proposed to own and maintain the common open space.
5. A vicinity map showing the location of the site in relation to the surrounding neighborhood.
6. Architectural sketches, at an appropriate scale, showing building height, bulk interior layout and proposed use.
7. The feasibility of proposals for the disposition of sanitary waste and storm water.
8. The substance of covenants, grants of easement or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements of grants for public utilities.
9. The required modifications in the land use regulations otherwise applicable to the subject property.
10. A schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed if the development plans call for development over a period of years. This schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.
11. A written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and consistent with the Comprehensive Plan for the development of the Borough.

B. The Zoning Hearing Board shall refer the application to the Borough Planning Commission and the County planning agency for study and recommendation. The County and Borough planning agencies shall be required to report to the Borough Zoning Hearing Board within thirty (30) days or forfeit the right to review. The Borough Zoning Hearing Board shall hold a public hearing within sixty (60) days after the filing of the application for tentative approval in the manner prescribed in Article XV for the enactment of an amendment to the Zoning Ordinance. The Zoning Hearing Board may continue the hearing from time to time; provided, however, that, in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

C. After a study of the application and within thirty (30) days following the conclusion of the public hearings) the Zoning Hearing Board shall make a written report by certified mail to the applicant. Said report will grant tentative approval of the development plan as submitted, grant tentative approval subject to specified conditions not included in the development plan as submitted or deny tentative approval to the development plan. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify the Zoning Hearing Board of his refusal to accept all said conditions; in which case, the Zoning Hearing Board shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period, notify the Zoning Hearing Board of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

The granting or denial of tentative approval by official written communication shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the communication shall be a statement of the respects in which the development plan is or is not in the public interest, including conclusions on the following:

1. Those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Borough.
2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
3. The purpose, location and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance and conservation of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public service; provide adequate control over vehicular traffic; and further the amenities of light and air, recreation and visual enjoyment.
5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.
6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the planned residential development in the integrity of the development plan.
7. The time period within which an application for final approval shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established shall not be less than three (3) months and, in the case of the phased development, not less than twelve (12) months for applications for each part of a plan.

D. The official written communication shall be certified by the Secretary of the Zoning Hearing Board and filed in his office. Where tentative approval has been granted, the same shall be noted on the Zoning Map.

Tentative approval shall not qualify a plat of the planned residential development for recording, development or the issuance of any building permits. A plan which has received tentative approval shall not be modified, revoked nor otherwise impaired by action of the Borough if the time periods for submission of the final application specified in said written communication are being fulfilled without the consent of the applicant.

In the event tentative approval was granted, but prior to final approval, and the applicant elects to abandon said plan and notifies the Zoning Hearing Board in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked; and all the area in the development plan which has not received final approval shall be subject to the Zoning Ordinance as otherwise applicable thereto, and the same shall be noted on the Zoning Map and in the records of the Secretary of the Zoning Hearing Board.

E. The application for final approval may be for all the land included in the plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Hearing Board within the time or times specified by the tentative approval. The application for final approval shall meet all requirements and contain all enclosures specified for the final plan of a subdivision within the Northumberland Borough Subdivision and Land Development Ordinance. A public hearing on an application for final approval of the development plan or part thereof shall not be required, provided the development or part thereof submitted for final approval is in compliance with the development plan thereto for a given tentative approval and with any specified conditions attached thereto.

1. When the final application has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written

communication of tentative approval, the Zoning Hearing Board shall, within thirty (30) days of such filing, grant final approval to said plan.

2. When the final application contains variations from the plan given tentative approval, the Zoning Hearing Board may refuse to grant final approval and shall, within thirty (30) days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the event of such refusal, the applicant may either re-file his application without the objected variations or request a public hearing on his application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the said time already passed when the applicant was advised of the denial. If no action is taken by the applicant, the plan is deemed to have been abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval; but the written communication shall either grant or deny final approval while in the form and contain the findings required for an application for tentative approval.

F. A development plan or any part thereof which has received final approval shall be certified by the Zoning Hearing Board and filed within ninety (90) days with the Northumberland County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Zoning Hearing Board shall become null and void. No development plan shall take place until the plan has been recorded; and from that time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

G. In the event a plan or section thereof has been given final approval and the landowner decides to abandon said plan or section and shall so notify the Zoning Hearing Board or fail to develop the plan according to the annually up-dated schedule, no development or further development shall take place on the property included in the plan until the said property is re-subdivided and reclassified by enactment of an amendment to the Northumberland Borough Zoning Ordinance.

H. Any decision of the Zoning Hearing Board under this Article granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same manner and within the same time limitation provided for zoning appeals.

Section 14.03 - Planned Development Standards

A. Dwelling Units Permitted

The maximum number of dwelling units permitted as an average per acre shall be four (4) in the case of single-family units and eight (8) in the case of attached multiple-unit development. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. In no case may more than twenty (20) percent of the net developable land area, as defined by zone, be developed into multiple dwellings. Net development area shall be determined by subtracting the area set aside for churches and school use from the gross development area and deducting fifteen (15) percent of the remainder for streets, regardless of the amount of land actually required for streets.

The minimum number of dwelling units permitted as an average per acre shall be two (2) in the case of single-family units and four (4) in the case of attached multiple-unit development.

B. Lot Area and Frontage

The minimum lot area and minimum lot frontage of single family dwelling lots established within the development shall not be less than three-fourths (3/4) of the normal- minimum lot area or minimum lot frontage of the single family district in which the lot is located. In no case shall a single family lot be created with an area of less than five thousand (5,000) square feet or a frontage of less than fifty (50) feet at the building line and thirty (30) feet at the right-of-way property) line.

C. Other Requirements

Off-street parking shall be provided according to the minimum requirements set forth in Section 13.07 of this Ordinance. The layout and improvement of parking lots and garages shall also conform with this section and other applicable ordinances. The design, arrangement and improvement of streets and driveways shall conform with the ordinance regulating the subdivision of land.

ARTICLE XV

NON-CONFORMING BUILDINGS AND USES

Section 15.01 – Continuance
Except as otherwise provided in this Section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, although such use or building does not conform to the regulations specified by this Ordinance for the zone in which such land or building is located; provided, however, that no non-conforming lot shall be further reduced in size.

Section 15.02 - Cessation of Use
A non-conforming use shall be adjudged as terminated when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to re-instate such use with a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be re-instated, and the structure shall not be re-occupied except in conformance with this Ordinance.

Section 15.03 – Restoration
If any non-conforming building shall be destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to an extent of more than fifty (50) percent of the building, then such destruction shall be deemed complete destruction; and the structure may not be rebuilt, restored or repaired except in conformity with the regulations of this Ordinance. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Building Inspector.

Section 15.04 - Reversion
No non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.

Section 15.05 – Alterations
A non-conforming building may be altered or improved, provided the alteration or improvement does not amount to a substantial increase of a non-conforming use; but if such alterations or improvements involve any increase in lands so used or in the cubic content of the buildings so used, the permit for the alteration or improvement shall be issued only upon special exception granted in accordance with law. In addition, the following criteria shall apply.

A. The proposed alteration shall be within the lot limits which existed for the property in question at the time of the adoption of this Ordinance.

B. The proposed alteration shall not exceed twenty-five (25) percent of the gross floor area occupied by the non-conforming use at the time of the enactment of this Ordinance, subject to the approval of the Zoning Hearing Board.

C. The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.

Section 15.06 - Construction Approved Prior To Ordinance
Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit and which entire building shall be completed according to such plans as filed within one (1) year from the date of this ordinance.

Section 15.07 - District Changes
Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing thereon or created thereby.

Section 15.08 - Discontinued Non-Conforming Use of Open Land
All non-conforming signs, billboards, junk storage areas, storage areas and similar non-conforming uses of open land involving a substantial investment in permanent buildings, when discontinued for a period of six (6) months or damaged to an extent of fifty (50) percent or more of replacement costs, shall not be continued, repaired or reconstructed.

ARTICLE XVI

ADMINISTRATION AND ENFORCEMENT

Section 16.01 - Zoning Officer
The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who is hereby granted all powers necessary to carry out his duties in connection with this Ordinance, including the power to make inspection of buildings or premises and to institute civil enforcement proceedings. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Ordinance.

Section 16.02 – Permits

A. Zoning Permits

   Zoning permits shall be issued by the Zoning Officer. The fee for said permit shall be such as Borough Council shall establish by Resolution.

B. Temporary Use Permits

   The Zoning Officer may issue a temporary use permit for a period not to exceed six (6) months for activities otherwise prohibited by other provisions of this Ordinance, under the following conditions:

   1. The Zoning Hearing Board must find that the activities are of such nature and so located that they will not have a detrimental effect upon the uses of land and activities normally permitted in the zone, or that the activities contribute materially to the welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved.
   2. The use shall be subject to any conditions imposed by the Zoning Hearing Board by applying such of the regulations governing the issuance of special exceptions as it deems appropriate under the circumstances.

C. Occupancy Permits

It shall be unlawful to use or permit the use of any part of any building or premises that is hereafter created, located, erected, changed, converted or enlarged, wholly or partly, until an occupancy permit has been issued certifying that the provisions of this Ordinance have been complied with. Occupancy permits shall be granted or denied by the Zoning Officer.

Section 16.03 - Appeals from Zoning Officer

All appeals from determinations of the Zoning Officer shall be taken before the Zoning Hearing Board.

Section 16.04 - Enforcement Notice

A. If it appears to the Zoning Officer that a violation of this Ordinance has occurred the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Borough intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable Provisions of this Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 16.05 - Enforcement Remedies

A. District Justices shall have initial jurisdiction over proceedings brought under this section.

B. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of **[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]** plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence, or be imposed, levied or payable, until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.

C. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

D. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Section 16.06 - Preventive Causes of Action by Borough or Aggrieved Person

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

Section 16.07 – Records

It shall be the duty of the Zoning Officer to keep a record of all applications for permits and of all permits issued together with all notations, correspondence, documents, plans, etc., relating thereto. He shall maintain files for the same in the Borough office.

The Zoning Officer shall prepare a monthly report for the Borough Council of all permits issued, and of all complaints of violations and the action taken by him on said complaints.

Section 16.08 - Zoning Hearing Board ("Board")

A. Membership Of The Board

1. The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution by Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.
2. The Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 16.08C21 an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member pursuant to Section 16.08C2.

B. Removal Of Members

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council, taken after the member has received fifty (15) days advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.

C. Organization Of Board

1. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a

quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Ordinance.

2. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially designated to set until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
3. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the governing body as requested by Borough Council.

D. Board's Jurisdiction

The Board shall have exclusive jurisdiction to hear and render final adjudication in all matters authorized by the Planning Code, which includes, among others, the following matters:

1. Substantive challenges to the validity of this Ordinance, except those brought before Borough Council under curative amendment provisions of the Planning Code.
2. Challenges to the validity of an ordinance amending the Borough's Zoning Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
3. Appeals from the determination of the zoning officer, including, but not limited, to the granting or denial of any permit, or failure to act on the application therefore, or the issuance of any cease and desist order.
4. Applications for variances from the terms of this Ordinance.
5. Applications for special exceptions under this Ordinance.
6. Nothing contained in this Ordinance shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 relating to actions in mandamus.

E. Actions Before The Board

1. Appeals under Section 16.08 D 1, 2, and 3 may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved.
2. Requests for a variance under Section 16.08 D4 and for special exception under Section 16.08 D5 may be filed with the Board by any landowner, or any tenant with the permission of such landowner.
3. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for a zoning permit has been approved by the Zoning Officer if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.
4. All appeals from determinations adverse to the landowner shall be filed by the landowner with thirty (30) days after notice of the determination is issued.

F. Board Hearings:

1. The Board shall conduct its hearings and make its decisions in accordance with Article IX of the Planning Code.
2. Notice of any hearing shall be published once each week for two successive weeks. The first publication shall rot be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. Written notice shall be given one time to the applicant, the zoning officer, and any person who has made timely request for the same. Written notices shall be given by regular mail and shall be mailed not more than thirty (30) days nor less than seven (7) days from the date of the hearing. In addition, written notice shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. All notices shall state the time and place of the hearing and the particular nature of the matter to be considered.
3. The applicant shall pay such fees as Borough Council prescribes by resolution, which fees may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing.
4. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer.
5. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and to cross examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate.
10. The Board or the hearing officer (if his decision or findings are to be final), as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than thirty (3O) days after the report of the hearing officer.
11. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, except in those cases where the validity of this Ordinance or the Zoning Map have been challenged on substantive grounds, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of

time. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

12. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date.

G. Board's "Validity Of Ordinance:" Function

1. The following challenges not involving a curative amendment, shall be submitted to the Board:

   a. A landowner who, on substantive grounds, desires to challenge the validity of this Ordinance or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest.

   b. Persons aggrieved by a use development permitted on the land of another by this Ordinance or the Zoning Map, or any provision thereof, who desires to challenge its validity on substantive grounds.

2. The challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge.

3. Based upon the testimony presented at the hearing or hearings, the Board shall determine whether the challenged ordinance or map is defective, as alleged. If a challenge is found to have merit, the decision of the Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

   a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

   b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

   c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains aquifers, natural resources and other natural features;

   d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

   e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

4. The challenge shall be deemed denied when the Board fails to commence the hearing within the time limits set forth in this Ordinance or fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and the Borough.

H. Board's “Variance” Function

1. The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following finds are made where relevant in a given case:

   a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is

due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

c. That such unnecessary hardship has not been created by the appellant.

d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Ordinance and Planning Code.

I. Board's "Special Exceptions" Function

1. Where, in this Ordinance, it is stated that special exceptions may be granted or denied by the Board, the Board shall hear and decide requests for such special exceptions in accordance with the following standards and criteria:

a. The requested use must be one allowed by special exception.

b. The Board must determine that requested use will preserve the public health, safety, morals and general welfare of the Borough, and in making that determination the Board shall

i. Consider whether the requested use will bring about an unwarranted or excessive increase in traffic.

ii. Consider whether the requested use will generate a type or volume of traffic that will be unwarranted or excessive in view of congestion.

iii. Consider the effect of the requested use upon the character of the immediate neighborhood, taking into consideration all relevant factors including, but not limited to, the conservation of the value of existing buildings and property, and the requested use's consistency with surrounding uses and surrounding zoning.

2. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance.

J. Stay Of Proceeding

Upon filing of any proceeding referred to in Section 16.06D before the Board, and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas of Northumberland County on petition after notice to the Zoning Officer or other appropriate agency or body.

K. Appeals To Court

1. All appeals from decisions of the Board shall be taken to the Court of Common Pleas of Northumberland County.

2. The procedures set forth in the Planning Code shall constitute the exclusive mode for the review, by appeal, of any decision rendered or deemed to have been made under this Ordinance and the Planning Code. Said procedures provide, among other things, that all appeals to the Court shall be filed within thirty (30) days after entry of the decision or, in case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given.

SECTION 16.09 - ZONING ORDINANCE AMENDNENTS

The Borough Council may, from time to time, on its own motion or on petition or recommendation of the Planning Commission, amend any provisions of this Ordinance in accordance with the following procedure:

A. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon. Notice of said hearing shall be published once a week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the place of the hearing and the matter to be considered. The first publication shall be not more than thirty (30) days and the second shall not be less than seven (7) days from the date of the hearing. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract at least one (1) week prior to the date of the hearing to notify potentially interested citizens.

B. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

D. At least thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations.

E. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the County Planning Commission.

F. Notice of the proposed enactment of zoning ordinance amendments shall be given in the following manner, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in one (1) newspaper of general circulation in the Borough not more than sixty (60) days nor less then seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

    1. A copy thereof shall be supplied to the newspaper in which the notice is published.
    2. An attested copy of the proposed ordinance shall be filed in the county law library.
    3. In the event substantial changes are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, re-advertise a brief summary setting forth all the provisions in reasonable detail together with a summary of the changes.

ARTICLE XVII

INTERPRETATION, VALIDITY, REPEALER & EFFECTIVE DATE

Section 17.01 - Conflicting Regulations
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

Section 17.02 - Repealer
All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 17.03 - Validity
Should any section, clause, provision or portion of this Ordinance be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in itself invalid or unconstitutional

Section 17.04 - Effective Date
This Ordinance shall take effect immediately upon adoption and advertisement - the public welfare demanding it.

ARTICLE XVIII

WIRELESS COMMUNICATIONS TOWERS & ANTENNAS

Section 18.01 - Purpose
The purpose of this ordinance is to establish general guidelines for the site of wireless communications towers and antennas. The goals of this ordinance are to:

A. encourage the location of towers in non-residential areas, where possible;

B. minimize the total number of towers throughout the community;

C. strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

D. encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

E. encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, site, landscape screening, and innovative camouflaging techniques;

F. enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently,

G. consider the public health and safety of communication towers;

H. avoid potential damage to adjacent properties from structural failure of the tower through engineering and careful siting of tower structures; and

I. permit and manage reasonable access to the public ways for telecommunications purposes on a competitively neutral basis. In furtherance of these goals, the Borough shall give due consideration to the Borough's zoning map, existing land uses, and environmentally sensitive areas in approving sites for the locations of towers and antennas.

Section 18.02: Definitions

As used in this ordinance, the following terms shall have the meanings set forth below:

Alternative tower structure
means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna
means any transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network
means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switches telephone network.

Council
means Council for the Borough.

FAA
means the Federal Aviation Administration.

FCC
means the Federal Communications Commission.

Height
means when referring to a towers or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting towers and preexisting antennas
means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower
means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Telecommunications Overlay District or TO
means all that property owned, leased, or otherwise controlled by the Borough including its rights of way, and including the rights of way of state highways located in the Borough with the permission of acquiescence of the State.

Section 18.03: Applicability

A. New Towers and Antennas: All new towers and antennas in the Borough shall be subject to these regulations, except as provided in Sections 3(b) through (d) inclusive.

B. Amateur Radio Station Operators/Receive Only Antennas: This ordinance shall not govern any tower, or the installation of any antenna, that complies with the pertinent height requirement of the Zoning Code, and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receiving only antennas.

C. Pre-existing Towers or Antennas: Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4(d) and 4(e).

D. AM Array: For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM Array. Additional tower units may be added within the perimeter of the AM array by right.

Section 18.04: General Requirements

A. Inventory of Existing Sites: Each applicant for an antenna and/or tower shall provide to Council an inventory of its existing towers, antennae, or sites approved for towers or antennae, that are either within the jurisdiction of the Borough or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Council may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Borough, provided, however, that the Council is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

B. Aesthetics: Towers and antennas shall meet the following requirements:

1. Towers shall be either blue, reinforced concrete or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
3. If an antenna is installed on a structure or a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

C. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative and design chosen must cause the least disturbance to the surrounding views.

D. State or Federal Requirements: All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

E. Building Codes: Safety Standards: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is designed, constructed and maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic industries Association, as amended from time to time. All towers shall be designed by a licensed professional Engineer registered in the State of Pennsylvania and all drawings submitted for

approvals shall be signed and sealed by the same Engineer responsible for the design. All construction shall be supervised by qualified personnel and a certification shall be prepared and presented to the Borough by a licensed professional Engineer registered in the State of Pennsylvania that the design and construction conform to the highest standards of engineering and construction. If, at any time, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days, shall constitute grounds for the removal of the tower or antenna at the owner's expense.

F. Not Essential Services: Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as public utilities, or private utilities.

G. Franchises: Owners and/or operators of towers or antennas shall certify that all licenses or franchises required by law for the construction and/or operation of a wireless communication system in the Borough have been obtained and shall file a copy of all required licenses or franchises with the Council.

H. Public Notice: For purposes of this ordinance, any special exception request or appeal of an administrative decision shall require public notice pursuant to the dictates of the Zoning Code.

I. Signs: No signs shall be allowed on an antenna or tower, except as required by law.

J. Support Equipment: The support equipment associated with antennas or towers shall comply with the requirements of Section 8.

K. Multiple Antenna/Tower Plan: The Borough encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

L. Co-location: In order to reduce the number of towers in the Borough in the future, the proposed tower, if required by the Council and/or Zoning Hearing Board, shall be designed to accommodate future other communication users, including commercial wireless communication companies, local police, fire and ambulance companies.

M. Service to the Borough: A provider of telecommunications service within the Borough shall make its telecommunications services available to the Borough at its most favorable rate for similarly situated users, unless otherwise provided for in a lease, license or franchise agreement.

Section 18.05 - Administrative Review

The following provisions shall govern the administrative review of towers and antennas

A. The Borough shall administratively review each request for the siting and/or erection of any tower or antenna.

B. Each applicant for administrative review shall in the first instance apply to the Council, providing the information set forth in Sections 7(b)(1) and 7(b)(3) or this ordinance and a non-refundable charge as established by resolution of the Council to reimburse the Borough for the costs associated with reviewing the application. This is in addition to any other applications or fees that may be required.

C. The Council shall review the application to determine if the proposed use complies with Sections 18.04 and 18.07 (c) of this ordinance. The Council shall also consider the factors set forth at Section 18.07(b)(2) through 18.07(b)(7) inclusive.

D. In connection with any such administrative review pursuant to Section 18.07, the Council may recommend to the Zoning Hearing Board reduction of the setback requirements in Section 18.07(b)(4) and the separation distances between towers in Section 18.07(b)(5).

E. In connection with any such administrative approval, the Council may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

Section 18.06 Permitted Uses

A. Telecommunications Overlay District.

A Telecommunications Overlay District is hereby created. This Telecommunications Overlay District applies to all Zoning Districts in the Borough. The Telecommunications Overlay District ("TO") shall consist of property owned, leased or otherwise controlled by the Borough, including its rights of way, and including the rights of way of state highways within the Borough with the permission or acquiescence of the State.

B. Locating antennas or towers within a Telecommunications Overlay District is a use specifically permitted provided that:

1. A license or lease authorizing such antenna or tower has been approved by the Borough, and (2) the Borough has administratively approved the application.
2. The requested use must comply in every way with the Zoning Code, except that there shall be a minimum setback of one hundred (100) feet from any residential property line.

C. All towers and antennae erected, installed or located as a permitted use shall be located so as to minimize the adverse visual impact of the tower and/or antenna.

1. A license or leave authorizing such antenna or tower has been approved by the Borough, acting through its Council;
2. the Council has administratively approved the application; and;
3. the use complies in every other way with the Zoning Code.

D. All towers and antennae erected, installed or located as permitted use shall be located so as to minimize the adverse visual impact of the tower and/or antenna.

Section 18.07 Special Exception

A. General. The following provisions shall govern the issuance of a special exception for towers or antennae:

1. If the tower or antenna is not permitted pursuant to Section 18.06 of this ordinance, a special exception shall be required for the construction of a tower or the placement of an antenna in all zoning districts other than Residence districts. Towers and antennae are only allowed in any Residential districts pursuant to Section 18.06.
2. Administrative approval pursuant to Section 18.05 of this ordinance shall be requested at the time an applicant files a request for a special exception.
3. Applications for special exceptions under this Section shall be subject to the procedures and requirements of the Zoning Ordinance, including the usual costs and fees.
4. In granting a special exception, the Zoning Hearing Board (AHB) may impose conditions to the extent the Zoning Hearing Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
5. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer registered in the State of Pennsylvania.
6. An applicant for a special exception shall submit, in duplicate, the information described in this Section with one (1) copy for the Council and the other copy for the Zoning Hearing Board.

A. Towers:

1. Information required. In addition to any information required for applications for a special exception, applicants for a special exception for a tower shall submit the following information:

a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Council to be necessary to assess compliance with this ordinance.

b. Legal description of the parent tract and leased parcel (if applicable)

c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(a) shall be shown on an updated site plan on map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

e. A landscape plan showing specific landscape materials.

f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

g. A description of compliance with Sections 4(a), (b), (c), (d), (e), (g), (i) and (j), 7(b)(5) and all applicable federal, state or local laws.

h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

j. A description of the feasible location(s) of future towers or antennas within the Borough based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

2. Factors Considered in Granting a Special Exception for Towers. In addition to any standards for consideration of special exception applications pursuant to the Zoning Ordinance, the Zoning Hearing Board shall consider the following factors in determining whether to issue a special exception, although the Zoning Hearing Board may waive or reduce the burden on the applicant of one or more of these criteria if the Zoning Hearing Board concludes that the goals of this ordinance are better served thereby:

a. Height of the proposed tower

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress, with particular reference to access via streets in non-residential districts; and

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b)(3) of this ordinance.

i. Administrative review and recommendation by the Council pursuant to Section 5.

3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Hearing Board that no existing tower, building, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Council related to the availability of suitable existing towers, buildings, other structures or alternative technology. Evidence to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

   a. No existing towers, buildings or structures are located within the geographic area which meet applicant's engineering requirements.

   b. Existing towers, buildings or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

   c. Existing towers, buildings or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

   d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers, buildings or structures, or the antenna on the existing towers, buildings or structures would cause interference with the applicant's proposed antenna.

   e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

   f. The applicant demonstrates that there are other limiting factors that render existing towers and structures suitable.

   g. The applicant demonstrates that an alternate technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

4. Setbacks. The following setback requirements shall apply to all towers and antennae for which a special exception is required; provided, however, that the Zoning Hearing Board may reduce the standard setback requirements if the goals of this ordinance would be better served thereby;

   a. Towers must be set back a distance equal to at least twice the applicable setback requirements, but in no case less than 50' from any adjoining lot line.

   b. Guys and accessory buildings must satisfy the minimum zoning setback requirements.

5. Separation. The following separation requirements shall apply to all towers and antennas for which a special exception is required; provided, however, that the Zoning Hearing Board may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

   Separation from off-site uses/designated areas.

   a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated area as specified in Table 1, except as otherwise provided in Table 1.

   b. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-site Use/Designated Area	Separation Distance
Single-family of duplex residential units(1)	500 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	500 feet or 300% height of tower (2) whichever is greater
Existing multi-family residential units greater than duplex units	250 feet or 150% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

1 - Includes modular homes and mobile homes used for living purposes.

2 - Separation measured from base of tower to closest building setback line.

Separation distances between towers.

a. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:

	Existing Towers - Types			
	Lattace	Guyed	Monopole 75 Ft. in Height or Greater	Monopole less than 75 Ft. in Height
Lattace	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less than 75 Ft. in Height	750	750	750	750

6. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Council or Zoning Hearing Board may waive such requirements, as it deems appropriate.

7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is required; provided, however, that the Council or Zoning Hearing Board may waive such requirements if the goals of this ordinance would be better served thereby.
    a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
    b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
    c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited o n large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
8. Antennae: The applicant shall demonstrate that the antenna(e) is the minimum height required to function satisfactorily to serve the technical requirements of the applicant.

Section 18.08: Equipment Storage

A. Antennas Mounted on Rooftops: The equipment cabinet or structure used in association with legally-placed antennas mounted on rooftops shall comply with the following:
    1. The cabinet or structure shall not contain more than ten (10) square feet of gross floor area or be more than eight (8) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over ten (10) square feet of gross floor area or eight (8) feet in height, shall be located on the ground and shall not be located on the roof of the structure.,
    2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than one percent (1 %) of the roof area.
    3. Equipment storage cabinets or cabinets shall comply with all applicable building Codes.

B. All Other Legally-Placed Antennas: For all other legally-placed antennas, the related unmanned equipment cabinet or structure shall comply with all applicable Building Codes and shall contain no more than sixteen (16) square feet of gross floor area nor be more than twelve (12) feet in height, and may be located:
    1. In front or side yard provided the cabinet or structure is no greater than six (6) feet in height or sixteen (16) square feet of gross floor area and the cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least sixty to sixty-six (60-66) inches and a planted height of at least thirty-six (36) inches.
    2. In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixteen (16) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate of eight (8) feet and a planted height of at least thirty-six (36) inches.

C. Modification of Size Requirements: The requirements of Section 8 may be modified by the Council in the case of administrative approvals or by the Zoning Hearing Board in the case of a special exception to encourage collocation.

Section 18.09: Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Council notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds for the Borough to cause the removal of the tower of antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 18.10: Nonconforming Uses

Not expansion of Nonconforming Use: Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

A. Pre-existing Towers: Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance.

B. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas: Notwithstanding Section 9, pre-existing nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special exception and without having to meet the separation requirements specified in Sections 7 (b) (4) and 7 (b) (5). The type, height, and location of the tower onside shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained with 180 days from the date the facility is first damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 9.

Section 18.11: Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstitutional, illegal or invalid provisions not been contained herein.